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.

IN THE SENATE OF THE UNITED STATES

MAY 18, 2016

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

A BILL

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

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

SECTION 1. SHORT TITLE.

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

Calendar No. 469

114TH CONGRESS 2D SESSION

S. 2943

[Report No. 114–255]
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.
4. Division D—Funding Tables.

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

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

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Sec. 101. Authorization of appropriations.

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Sec. 214. Manufacturing Universities Grant Program.
Sec. 215. Increased micro-purchase threshold for basic research programs and activities of the Department of Defense science and technology reinvention laboratories.
Sec. 216. Directed energy weapon system programs.
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Sec. 218. Pilot program on disclosure of certain sensitive information to contractors performing under contracts with Department of Defense federally funded research and development centers.

Sec. 219. Pilot program on enhanced interaction between the Defense Advanced Research Projects Agency and the service academies.

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Sec. 303. Report on efforts to reduce high energy costs at military installations.

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TITLE LXII—MILITARY JUSTICE REVIEW PANEL AND ANNUAL REPORTS

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Sec. 5441. Amendments to UCMJ subchapter tables of sections.
Sec. 5442. Effective dates.

1 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.

5 SEC. 4. BUDGETARY EFFECTS OF THIS ACT.

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

TITLE I—PROCUREMENT
Subtitle A—Authorization of Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle B—Army Programs

SEC. 111. DISTRIBUTED COMMON GROUND SYSTEM-ARMY.

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

(b) FIELDING OF CAPABILITY.—

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

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

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

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

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

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

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

(A) is awarded not later than 180 days after the date of the enactment of this Act;
(B) is awarded using procedures relating to the acquisition of commercial items pursuant to part 12 of the Federal Acquisition Regulation (48 CFR 12.000 et seq.);

(C) includes firm fixed-price procedures; and

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

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

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

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

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

(a) Authority for Multiyear Procurement.—Subject to section 2306b of title 10, United States Code, the Secretary of the Army may enter into one or more multiyear contracts, beginning with the fiscal year 2017 program year, for the procurement of UH–60M/HH–60M Black Hawk helicopters.
(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2017 is subject to the availability of appropriations for that purpose for such later fiscal year.

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

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

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

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

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

(b) Condition for Out-Year Contract Payments.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for any subsequent fiscal year is subject to the availability of appropriations for that purpose for such subsequent fiscal year.

SEC. 122. LITTORAL COMBAT SHIP.

(a) Report on Littoral Combat Ship Mission Packages.—

(1) In general.—The Secretary of the Navy shall include annually with the justification materials submitted with the budget of the President under
section 1105(a) of title 31, United States Code, a report on Littoral Combat Ship mission packages.

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

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

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

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

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

(iv) realized and potential cost, schedule, or performance problems with such development, production, or sustainment and mitigation plans to address such problems.
(B) A description, including dates, for each
developmental test, operational test, integrated
test, and follow-on test event completed in the
preceding fiscal year and forecast in the current
fiscal year and each of the next five fiscal years.

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

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

(E) The acquisition inventory objective listed
by system.

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

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

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

(1) IN GENERAL.—The Undersecretary of De-
fense for Acquisition, Technology, and Logistics
shall include with the justification materials submitted with the budget of the President under section 1105(a) of title 31, United States Code, for fiscal year 2018 a certification on Littoral Combat Ship mission packages.

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

(A) surface warfare (SUW) mission packages;

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

(C) mine countermeasures (MCM) mission packages.

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

(1) LIMITATION ON REVISIONS AND DEVIATIONS.—Except as provided under paragraph (2), none of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2017 may be used to revise or deviate from revision three of the Littoral Combat Ship acquisition strategy.
(2) WAIVER.—The Secretary of Defense may waive the limitation required under paragraph (1) if the Secretary submits to the congressional defense committees a notification of such waiver. The waiver shall include—

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

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

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

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

(E) Independent Cost Estimates prepared by the Assistant Secretary of the Navy for Financial Management and Comptroller, as well as the Office of the Secretary of Defense, that compare the cost of such revision or deviation
to revision three of the Littoral Combat Ship acquisition strategy.

(d) DEFINITIONS.—In this section:

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

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

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

SEC. 123. CERTIFICATION ON SHIP DELIVERIES.

(a) IN GENERAL.—The delivery of the USS JOHN F. KENNEDY (CVN–79), the USS ZUMWALT (DDG–1000), and any other new construction ship that employs
a multiple phase delivery scheme shall be deemed to occur
at the completion of the final phase of construction.

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

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

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

(b) Certification.—A certification described in this
subsection is a certification by the Secretary of the Navy
that a contract for one or more Joint High Speed Vessels (JHSV) or Expeditionary Fast Transports (EPF)—

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

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

(3) will use a fixed-price contract;

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

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

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

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

(2) A description of courses of action to achieve competitive ship or component-level contract awards in the future, should additional ships in the class be procured, including for each such course of action, a notional implementation schedule and associated cost savings, as compared to a sole source award.
SEC. 125. LIMITATION ON AVAILABILITY OF FUNDS FOR THE ADVANCED ARRESTING GEAR PROGRAM.

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

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

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

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for advance procurement or procurement of USS JOHN F. KENNEDY (CVN–79) or USS EN-
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TERPRISE (CVN–80), not more than 25 percent may be obligated or expended until the Secretary of the Navy and the Chief of Naval Operations submit to the congressional defense committees the report required under subsection (b).

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

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

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

(2) ELEMENTS.—The report under paragraph (1) shall include the following elements:
(A) A description of progress made toward achieving the procurement end costs specified in subsection (b), including realized cost savings.

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

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

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

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

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

(G) A description of incentives or rewards provided or planned to be provided for meeting the procurement end costs specified in subsection (b).
SEC. 127. LIMITATION ON AVAILABILITY OF FUNDS FOR TACTICAL COMBAT TRAINING SYSTEM INCREMENT II.

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

Subtitle D—Air Force Programs

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

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

(1) in subsection (a)—

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

(B) by inserting “until the Secretary of the Air Force and Chief of Staff of the Air Force submit to the congressional defense committees
the report described in subsection (f)(2)” before the period at the end;

(2) in subsection (b)(1)—

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

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

(3) in subsection (c)—

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

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

(4) in subsection (d)—

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

(B) by inserting “until the Secretary and Chief of Staff submit the report described in subsection (f)(2)” before the period at the end;
(5) by redesignating subsection (e) as subsection (g); and

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

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

“(f) REPORTS REQUIRED.—

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

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

“(B) The results and findings of the comparison test and evaluation required under subsection (e) that details the results of all see-
narios tested and the capabilities of the F–35A and the A–10C aircraft in conducting close air support, combat search and rescue, and forward air controller (airborne) missions in a tactically representative variety of combat conditions.

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

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

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

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

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

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

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

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

“(ii) CONTENTS.—The report submitted under clause (i) shall include the following:
“(I) An assessment of whether the conclusions and assertions included in the report submitted under subparagraph (A) are comprehensive, fully supported, and sufficiently detailed.

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

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

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

(a) LIMITATION.—None of the amounts authorized to be appropriated by this Act or otherwise made available for the Air Force may be obligated or expended to scrap, destroy, or otherwise dispose of any A–10 aircraft in any storage status in the Aerospace Maintenance and Regeneration Group (AMARG) that have serviceable wings or other components that could be used to prevent total ac-
ative inventory A–10 aircraft from being permanently re-
moved from flyable status due to unserviceable wings or
other components until the F–35 initial operational test
and evaluation is complete and the Secretary of the Air
Force and Chief of Staff of the Air Force submit the re-
port required under subsection (f)(2) of section 142 of the
(Public Law 114–92; 129 Stat. 755), as added by section
141 of this Act.

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

(c) Plan to Prevent Removal of Total Active
Inventory A–10 Aircraft From Flyable Status.—
The Secretary of the Air Force shall submit with the
budget for the Department of Defense for fiscal year
2018, as submitted to Congress pursuant to section 1105
of title 31, United States Code, and shall implement, a
plan to prevent any total active inventory A–10 aircraft
from being permanently removed from flyable status for
unserviceable wings or any other required component over
the course of the future years defense plan.

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

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

(1) by striking subsection (d); and

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

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

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

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

None of the funds authorized to be appropriated by
this Act or otherwise made available for fiscal year 2017
or any other fiscal year may be obligated or expended on
the Air Force EC–130H Compass Call recapitalization
program unless the Air Force conducts a full and open competition to acquire the replacement aircraft platform.

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

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

Subtitle E—Defense-wide, Joint and Multiservice Matters

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

(a) INDEPENDENT STUDY.—

(1) IN GENERAL.—The Secretary of Defense shall obtain a study, to be performed by an organization or entity independent of the Department of Defense selected by the Secretary for purposes of this section, that determines the following:
(A) An optimized future mix of shorter range fighter-class strike aircraft and long range strike aircraft platforms for the Armed Forces.

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

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

(b) REPORT.—

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

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

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

(C) An overarching plan for fielding complementary weapons systems to meet combatant
commander objectives and fulfilling warfighting capability and capacity requirements in the areas of an optimized force mix of—

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

(ii) manned versus unmanned platforms;

(iii) observability characteristics;

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

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

(vi) next generation air superiority capabilities; and

(vii) game-changing, advanced technology innovations.

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

(3) OTHER SUBMISSIONS.—The Secretary of Defense may refer to other reports or efforts of the Department of Defense for purposes of meeting the requirements of this subsection.
(4) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this subsection, the term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.

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

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

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

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2017, the Secretary of Defense shall submit to Congress a report that includes each of the following elements:
(A) A description of the policy of the Department of Defense regarding the use of cluster munitions, including methods for commanders to seek waivers to use such munitions.

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

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

(D) A 10-year projection for the cost to develop and produce new cluster munitions compliant with the 2008 Department of Defense Policy on Cluster Munitions and Unintended Harm to Civilians that the Secretary determines are necessary to meet the demands of current operational plans.
(E) An assessment, by the Chairman of the Joint Chiefs of Staff, of the effects of the projected cluster inventory on operational plans.

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

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

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

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

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

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

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

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

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

(4) A timeline for establishing a program of
record for next generation manned intelligence, sur-
veillance, and reconnaissance aircraft for the Command.

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

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle B—Program Requirements, Restrictions, and Limitations

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

(a) AMOUNT AUTHORIZED UNDER CURRENT MECHANISM.—Paragraph (1) of subsection (a) of section 219
of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 2358 note) is amended in the matter before subparagraph (A) by striking “three percent” and inserting “four percent”.

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

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

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

“(C) Section 2802 of such title, with respect to construction projects that exceed the cost specified in subsection (a)(2) of section 2805 of such title for certain unspecified minor military construction projects for laboratories.”.
(d) **Repeal of Sunset.**—Such section is amended by striking subsection (d).

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


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

(2) by striking subsection (f).

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

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

“(f) **Cooperative Research and Development Agreements.**—(1) In engaging in research and development projects pursuant to subsection (a) of section 2358 of this title by a contract, cooperative agreement, or grant pursuant to subsection (b)(1) of such section, the Sec-
retary may enter into such contract or cooperative agree-
ment or award such grant through the National Defense
University.

“(2) The National Defense University shall be consid-
ered a Government-operated Federal laboratory for pur-
poses of section 12 of the Stevenson-Wydler Technology

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

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

“(2) The Defense Acquisition University shall be con-
sidered a Government-operated Federal laboratory for
purposes of section 12 of the Stevenson-Wydler Tech-
SEC. 214. MANUFACTURING UNIVERSITIES GRANT PROGRAM.

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

“§2196. Manufacturing engineering education: grant program

“(a) Establishment of Manufacturing Universities Grant Program.—(1) The Secretary of Defense shall establish a program under which the Secretary makes grants to support—

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

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

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

“(3) The Secretary shall establish the program in consultation with the Secretary of Education, the Director of the National Science Foundation, the Director of the Office of Science and Technology Policy, and the secretaries of such other relevant Federal agencies as the Secretary considers appropriate.
“(4) The Secretary shall ensure that the program is coordinated with Department programs associated with advanced manufacturing.

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

“(b) New Programs in Manufacturing Engineering Education.—A program in manufacturing engineering education to be established at an institution of higher education may be considered to be a new program for the purpose of subsection (a)(1)(B) regardless of whether the program is to be conducted—

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

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

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

“(c) Geographical Distribution of Grants.—In awarding grants under this subsection, the Secretary shall, to the maximum extent practicable, avoid geographical concentration of grant awards.
“(d) COVERED PROGRAMS.—(1) A program of engineering education supported with a grant awarded pursuant to this section shall meet the requirements of this section.

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

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

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

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

“(B) faculty development programs;

“(C) recruitment of educators highly qualified in manufacturing engineering;
“(D) presentation of seminars, workshops, and training for the development of specific research or education skills;

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

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

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

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

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

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

“(3) Faculty and student research that is directly related to, and supportive of, the education of
undergraduate or graduate students in advanced
manufacturing science and technology because of—

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

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

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

“(g) Merit competition.—Applications for grants
shall be evaluated on the basis of merit pursuant to com-
petitive procedures prescribed by the Secretary.

“(h) Selection criteria.—The Secretary may se-
lect a proposal for the award of a grant pursuant to this
section if the proposal, at a minimum, does each of the
following:

“(1) Contains innovative approaches for im-
proving engineering education in manufacturing
technology.
“(2) Demonstrates a strong commitment by the proponents to apply the resources necessary to achieve the objectives for which the grant is to be made.

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

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

“(5) Is likely to attract superior students.

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 216. DIRECTED ENERGY WEAPON SYSTEM PROGRAMS.

(a) INCLUSION OF DIRECTED ENERGY WEAPON SYSTEM PROGRAMS IN THE RAPID ACQUISITION AUTHORITY PROGRAM.—
(1) IN GENERAL.—Section 806(c)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note) is amended by adding at the end the following new subparagraph:

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

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

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

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

“(III) The acquisition of commercial items using simplified acquisition procedures.
“(IV) The authority for procurement for experimental purposes provided under section 2373 of title 10, United States Code.

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

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

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

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

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

(b) JOINT DIRECTED ENERGY PROGRAM OFFICE.—

(1) REDESIGNATION.—The High Energy Laser Joint Technology Office of the Department of Defense is hereby redesignated as the “Joint Directed
(2) **Strategic plan for development and fielding of directed energy weapons capabilities.**—In addition to the functions and duties of the Office in effect on the day before the date of the enactment of this Act, the Office shall develop a strategic plan for development and fielding of directed energy weapons capabilities for the Department, in which the Office may define requirements for directed energy capabilities that address the highest priority warfighting capability gaps of the Department.

(3) **Acceleration of development and fielding of directed energy weapons capabilities.**—

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

(B) **Engagement.**—The Secretary shall ensure that use of policies and practices de-
scribed in subparagraph (A) include engagement with defense and private industries, research universities, and unaffiliated, nonprofit research institutions.

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

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

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

(a) IN GENERAL.—The Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of permitting officers and employees of the Department of Defense to disclose sensitive information to federally funded research and development centers of the Department for the sole purpose of the performance of
administrative, technical, or professional services under
and within the scope of the contracts with such federally
funded research and development centers.

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

(c) FFRDC Personnel.—Sensitive information
may be disclosed to personnel of a contractor of a federally
funded research and development center under the pilot
program only if such personnel agree to be subject to, and
comply with, such ethics standards and requirements as
the Secretary shall specify for purposes of the pilot pro-
gram, 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 infor-
information may be disclosed under the pilot program only if
the federally funded research and development center con-
cerned and any relevant contractors agree to and acknowl-
edge that—

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

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

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

(4) any personnel of a contractor of a federally funded research and development center participating in the pilot program may not have access to any trade secrets, or to any other nonpublic information which is of value to the research and technology development activities of the private-sector organization from which such employee is assigned, unless specifically authorized by this section or other law.
(e) **DURATION.**—The pilot program shall terminate on the date that is three years after the date of the commencement of the pilot program.

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

(g) **SENSITIVE INFORMATION DEFINED.**—In this section, the term “sensitive information” means confidential commercial, financial, or proprietary information, technical data, contract performance, contract performance evaluation, management, and administration data, or other privileged information owned by other contractors of the Department of Defense that is exempt from public disclosure under section 552(b)(4) of title 5, United States Code, or which would otherwise be prohibited from disclosure under section 1832 or 1905 of title 18, United States Code.
SEC. 219. PILOT PROGRAM ON ENHANCED INTERACTION BETWEEN THE DEFENSE ADVANCED RESEARCH PROJECTS AGENCY AND THE SERVICE ACADEMIES.

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

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

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

(2) Utilize technology transition insight from faculty-in-training who are enrolled at academic institutions conducting advanced research for the Department.
(3) Include the service academies’ faculty members, cadets, and midshipmen as participants in technology user evaluations.

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

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

(d) Definitions.—In this section:

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

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

(A) The United States Military Academy
(B) The United States Naval Academy.
(C) The United States Air Force Academy.
(D) The United States Coast Guard Academy
(E) The United States Merchant Marine Academy.
SEC. 220. MODIFICATION OF AUTHORITY FOR USE OF OPERATION AND MAINTENANCE FUNDS FOR UNSPECIFIED MINOR CONSTRUCTION PROJECTS CONSISTING OF LABORATORY REVITALIZATION.

(a) Increase in Amount Authorized.—Section 2805(d) of title 10, United States Code, is amended by striking “$4,000,000” each place it appears and inserting “$6,000,000”.

(b) Extension of Sunset.—Paragraph (5) of such section is amended by striking “2018” and inserting “2025”.

TITLE III—OPERATION AND MAINTENANCE
Subtitle A—Authorization of Appropriations

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

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

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

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

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

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

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

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

(a) Report.—

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

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

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

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

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

(D) An explanation on how military services are working collaboratively in order to leverage lessons learned on potential energy efficiency solutions.
(E) An assessment of extent of which activities administered under the Federal Energy Management Program could be used to assist with the implementation strategy.

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

(3) Coordination with State and Local and Other Entities.—In preparing the report required under paragraph (1), the Under Secretary may work in conjunction and coordinate with the States containing areas of high energy costs, local communities, and other Federal departments and agencies.

(b) Definitions.—In this section, the term “high energy costs” means costs for the provision of energy by kilowatt of electricity or British Thermal Unit of heat or steam for a military installation in the United States that is in the highest 20 percent of all military installations for a military department.
SEC. 304. UTILITY DATA MANAGEMENT FOR MILITARY FACILITIES.

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

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

SEC. 305. LINEAR LED LAMPS.

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

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

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

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

(a) DEPLOYMENT PRIORITIZATION AND READINESS.—

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

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

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

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

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

“(A) both the percentage of the overall personnel requirement of the unit that is
manned and deployable and the fill and 
deployability rate for critical occupational spe-
cialties necessary for the unit to carry out its 
back mission requirements; and 

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

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

“(A) documents all equipment required for 
deployment; 

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

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

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

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

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

(b) REPEAL OF SUPERSEDED PROVISIONS OF 
LAW.—Sections 1121 and 1135 of the Army National 
Guard Combat Readiness Reform Act of 1992 (title XI
of Public Law 102–484; 10 U.S.C. 10105 note) are re-
pealed.

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

Not later than 90 days after the date of the enact-
ment of this Act, the Under Secretary of Defense for Ac-
quision, Technology, and Logistics, in coordination with
the Director of Corrosion Policy and Oversight, shall re-
vise corrosion-related guidance to clearly define the role
of the corrosion control and prevention executives of the
military departments in assisting the Office of Corrosion
Policy and Oversight in holding the appropriate project
management office in each military department account-
able for submitting the report required under section
903(b)(5) of the Duncan Hunter National Defense Au-
thorization Act for Fiscal Year 2009 (Public Law 110–
417; 10 U.S.C. 2228 note) with an expanded emphasis
on infrastructure, as required in the long-term strategy
of the Department of Defense under section 2228(d) of
title 10, United States Code.
SEC. 313. REPAIR, RECAPITALIZATION, AND CERTIFICATION OF DRY DOCKS AT NAVAL SHIPYARDS.

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

Subtitle D—Reports

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

(a) Deadline for Report.—Subsection (a) of section 482 of title 10, United States Code, is amended by striking “Not later than 45 days after the end of each calendar-year quarter” and inserting “Not later than 30 days after the end of each calendar-year quarter”.

(b) Elimination of Reporting Requirements Related to Prepositioned Stocks and National Guard Civil Support Mission Readiness.—Such section is further amended—

(1) in subsection (a), by striking “subsections (b), (d), (e), (f), (g), (h), and (i)” and inserting “subsections (b), (d), (e), (f), and (g)”; and
(3) by redesignating subsections (f), (g), (h), (i), and (j) as subsections (d), (e), (f), (g), and (i) respectively.

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

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

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

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

(b) ELEMENTS.—The report required by subsection (a) shall include the following elements:
(1) A description of the Air Force’s modernization plan for legacy HH–60G combat rescue helicopters.

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

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

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

Subtitle E—Other Matters

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

(a) Army Transfers.—

(1) Required transfer.—Not later than 90 days after the date of the enactment of this Act, and subject to paragraphs (3) and (4), the Secretary of the Army shall transfer to Rock Island Arsenal all excess firearms, related spare parts and components, small arms ammunition, and ammunition components currently stored at Defense Distribution
Depot, Anniston, Alabama, that are no longer actively issued for military service.

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

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

(B) force protection barriers and security bollards.

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

(4) Items exempt from transfer.—M–1 Garand and caliber .22 rimfire rifles are not subject to the transfer requirement under paragraph (1).

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

“(i) Authorized Navy transfers.—

“(1) in general.—Notwithstanding subsections (a) and (b), the Secretary of the Navy may transfer to the corporation, in accordance with the
procedures prescribed in this subchapter, M-1 Garand and caliber .22 rimfire rifles held within the inventories of the United States Navy and the United States Marine Corps and stored at Defense Distribution Depot, Anniston, Alabama, or Naval Surface Warfare Center, Crane, Indiana, as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017.

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

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

No funds may be obligated or expended for the development or fielding of new camouflage or utility uniforms or families of uniforms until one year after the Secretary of Defense notifies the congressional defense committees of the proposed development or fielding.
SEC. 333. HAZARD ASSESSMENTS RELATED TO NEW CONSTRUCTION OF OBSTRUCTIONS ON MILITARY INSTALLATIONS.


(1) in subsection (e)—

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

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

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

“(A) an analysis of—

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

“(ii) any other adverse impacts of the proposed project on military operations, safety, and readiness, including adverse ef-
fects to instrument or visual flight operations; and

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

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

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

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

(2) in subsection (j), by adding at the end the following new paragraph:
“(4) The term ‘unacceptable risk to the national security of the United States’ includes any significant adverse aeronautical effects, such as electromagnetic interference with the affected military installation, military-owned or military-operated air traffic control radar site, navigation aid, and approach systems, as well as any other significant adverse impacts on military operations, safety, and readiness, such as adverse effects to instrument or visual flight operations.”.

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

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

(a) **Plan Required.**—The Chief of Staff of the Air Force shall develop a plan—
(1) to provide a modernized dedicated adversary air training enterprise for the Air Force in order to—

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

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

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

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

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

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

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

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

(b) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Sec-
Secretary of the Air Force shall submit to the congres-

sional defense committees a report on the review
conducted.

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

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

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

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

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

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

(F) the actions planned and taken, and the
estimated magnitude of resources required, to
incorporate the assessment recommendations;
(G) any other matters the Secretary determines are appropriate to ensure a comprehensive review and assessment.

(c) COMPTROLLER GENERAL REVIEW.—

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

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

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

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

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

(2) BRIEFING.—The Comptroller General shall brief the congressional defense committees on the preliminary results of the review conducted under paragraph (1) not later than 60 days after the date
on which the Secretary of the Air Force submits the report required under subsection (b).

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

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

(b) Requirement for Housing Contractors to Phase Out Window Coverings With Accessible Cords From Military Housing Units.—The Secretary of Defense shall require housing contractors to phase out window coverings with accessible cords exceeding 8 inches in length and window coverings with continuous loop/bead cords that do not contain a cord tension device that prohibits operation when not anchored to the wall from military housing units within one year of the date of the enactment of this Act.

SEC. 337. TACTICAL EXPLOSIVE DETECTION DOGS.

(a) Inclusion In Definition Of Military Animals.—Section 2583(h) of title 10, United States Code,
is amended by adding at the end the following new paragraph:

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

(b) REQUIRED CONTRACT CLAUSE.—

(1) CIVILIAN CONTRACTS.—

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

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

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

“(b) SERVICE LIFE.—For purposes of this section, an animal’s service life is over and the animal is available for transfer to the 341st Training Squadron only if—
“(1) the animal’s final United States Government-wide contractual obligation is with the Department of Defense, military service, or defense agency; and

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

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

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

(2) DEFENSE CONTACTS.—

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

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

“Each Department of Defense contract with a provider of tactical explosive detection dogs (TEDDs) shall include a provision requiring the contractor to transfer the dog to the 341st Training Squadron after the animal’s service life, including for purposes of reclassification as a
military animal and placement for adoption in accordance with section 2583 of this title.”.

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

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

SEC. 338. STARBASE PROGRAM.

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

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

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

(3) The STARBASE program currently operates at 76 locations in 40 States and the District of Columbia and Puerto Rico, primarily on military installations.
(4) To date, nearly 750,000 students have participated in the STARBASE program.

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

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

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

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

(a) Access To Be Permitted.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish policies, terms and conditions under which drivers of vehicles affiliated with online transportation network companies shall be permitted access to installations of the Department of Defense. In es-
establishing such policies, terms and conditions, the Secretary shall take into account force protection requirements and ensure the protection and safety of members of the Armed Forces, civilian employees of the Department, and their families.

(b) ELEMENTS.—

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

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

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

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

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

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

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

(2) Confidentiality of Information Provided.—The terms and conditions shall provide for the treatment of any information provided by a transportation network company in accordance with the requirements of paragraph (1)(E) as confidential and proprietary information of the transportation network company exempt from public disclosure pursuant to section 552 of title 5, United States Code (commonly referred to as the “Freedom of Informa-
tion Act”). The Department shall not disclose such information to any person or entity without the express written consent of the transportation network company unless required by a court order.

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

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

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

(b) OFFSET.—Of the funds authorized to be appropriated by section 301 for operation and maintenance, Army, and available for the National Museum of the United States Army, not more than $5,000,000 shall be
provided, at the discretion of the Secretary of Defense, to carry out activities under subsection (a).

**TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

**Subtitle A—Active Personnel**

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

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

(1) The Army, 460,000.

(2) The Navy, 322,900.

(3) The Marine Corps, 182,000.


**Subtitle B—Reserve Forces**

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

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

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

(2) The Army Reserve, 195,000.

(3) The Navy Reserve, 58,000.

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

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

(6) The Air Force Reserve, 69,000.
(7) The Coast Guard Reserve, 7,000.

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

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

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

(c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.
SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

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

(1) The Army National Guard of the United States, 30,155.
(2) The Army Reserve, 16,261.
(3) The Navy Reserve, 9,955.
(4) The Marine Corps Reserve, 2,261.
(5) The Air National Guard of the United States, 14,764.
(6) The Air Force Reserve, 2,955.

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

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

(1) For the Army National Guard of the United States, 25,507.
(2) For the Army Reserve, 7,570.

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

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

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

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

(a) Limitations.—

(1) National Guard.—Within the limitation provided in section 10217(e)(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)”;

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

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

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

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

(b) Construction of Authorization.—The authorization of appropriations in subsection (a) supersedes
any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2017.

TITLE V—MILITARY PERSONNEL

POLICY

Subtitle A—Officer Personnel

Policy

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

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

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

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

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

“(1) In the Army, if that appointment would result in more than—
“(A) 4 officers in the grade of general;

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

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

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

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

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

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

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

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

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

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

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

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

“(B) 9 officers in a grade above the grade of major general; or
“(C) 16 officers in the grade of major general.

“(b) Exclusions in Connection With Joint Duty Assignments.—The limitations of subsection (a) do not include the following:

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

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

“(c) Appointments in Connection WithOffsetting Reductions.—

“(1) In general.—Subject to paragraph (3), the President—

“(A) may make appointments in the Army, Air Force, and Marine Corps in the grades of lieutenant general and general in excess of the
applicable numbers determined under this section if each such appointment is made in conjunction with an offsetting reduction under paragraph (2); and

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

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

“(3) LIMITATIONS.—

“(A) GRADE OF GENERAL OR ADMIRAL.—

The number of officers that may be serving on active duty in the grades of general and admiral
by reason of appointment made under the au-
thority of paragraph (1) may not exceed 1.

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

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

“(d) EXCLUSION OFFICERS UPON RELIEF FROM
CHIEFS OF STAFF DUTY.—An officer continuing to hold
the grade of general or admiral under section 601(b)(5)
of this title after relief from the position of Chairman of
the Joint Chiefs of Staff, Chief of Staff of the Army, Chief
of Naval Operations, Chief of Staff of the Air Force, or
Commandant of the Marine Corps shall not be counted for purposes of this section.

“(e) Exclusion for Retirement, Separation, Release, or Relief.—The following officers shall not be counted for purposes of this section:

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

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

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

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

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

“(h) The provisions of this section shall not apply to appointments in general officer grades and flag officer grades made after December 31, 2017. For provisions ap-
applicable to the distribution of appointments in such grades after that date, see section 525a of this title.”.

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

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

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

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

“(1) For the Army, 173.
“(2) For the Navy, 121.
“(3) For the Air Force, 148.
“(4) For the Marine Corps, 47.

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

“(1) IN GENERAL.—The Secretary of Defense may designate up to 232 general officer and flag officer positions that are joint duty assignments for purposes of chapter 38 of this title for exclusion
from the limitations in subsection (a). The Secretary shall allocate those exclusions to the armed forces based on the number of general or flag officers required from each armed force for assignment to these designated positions.

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

“(A) For the Army, 63.
“(B) For the Navy, 45.
“(C) For the Air Force, 54.
“(D) For the Marine Corps, 15.

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

“(A) in the grade of general or admiral may not exceed the aggregate number of officers serving as Chairman of the Joint Chiefs of Staff, Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air
Force, Commandant of the Marine Corps, commander of any unified or specified combatant
commands, Commander, United States Forces Korea, two additional officers in the grade of
genral or admiral arising from the limitation
after the date of the enactment of the National
Defense Authorization Act for Fiscal Year 2017
on the number unified combatant commands
pursuant to section 161(b) of this title, and one
additional officer in the grade of general or ad-
miral designated by the President and ap-
pointed by and with the advice and consent of
the Senate;

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

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

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

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

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

“(C) PROCEDURES GENERALLY.—Whenever a vacancy occurs, or is anticipated to
occur, in a position designated under subpara-
graph (A)—

“(i) the Secretary of Defense shall re-
quire the Secretary of the Army to submit
the name of at least one Army reserve
component officer, the Secretary of the
Navy to submit the name of at least one
Navy Reserve officer and the name of at
least one Marine Corps Reserve officer,
and the Secretary of the Air Force to sub-
mit the name of at least one Air Force re-
serve component officer for consideration
by the Secretary for assignment to that po-
sition; and

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

“(D) PERFORMANCE EVALUATION OF RECO-
MMENDED OFFICERS.—Whenever the Secre-
taries of the military departments are required
to submit the names of officers under subpara-
graph (C)(i), the Chairman of the Joint Chiefs of Staff shall submit to the Secretary of De-
fense the Chairman’s evaluation of the perform-
ance of each officer whose name is submitted under that subparagraph (and of any officer whose name the Chairman submits to the Sec-
etary under subparagraph (C)(ii) for consider-
ration for the same vacancy).

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

“(c) EXCLUSION OF CERTAIN RESERVE OFFICERS.—
“(1) ACTIVE DUTY FOR TRAINING OR LESS
THAN 180 DAYS.—The limitations of this section do not apply to a reserve component general or flag of-
ficer who is on active duty for training or who is on
active duty under a call or order specifying a period of less than 180 days.

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

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

“(d) Exclusion of Certain Officers Pending
Separation or Retirement or Between Senior Po-
sitions.—The limitations of this section do not apply to
a general or flag officer who is covered by an exception
under section 525a(e) of this title.

“(e) Temporary Exclusion for Assignment to
Certain Temporary Billets.—

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

“(2) Duration of exclusion.—A general or
flag officer assigned to a temporary joint duty as-
ignment as described in paragraph (1) may not be
excluded under this subsection from the limitations
in subsection (a) for a period of longer than one
year.

“(f) Exclusion of Officers Departing From
Joint Duty Assignments.—The limitations in sub-
section (a) do not apply to an officer released from a joint
duty assignment, but only during the 60-day period begin-
ing on the date the officer departs the joint duty assign-
ment. The Secretary of Defense may authorize the Sec-
retary of a military department to extend the 60-day pe-
riod by an additional 120 days, except that not more than
three officers on active duty from each armed force may
be covered by an extension under this sentence at the same
time.

“(g) ACTIVE-DUTY BASELINE.—

“(1) NOTICE AND WAIT REQUIREMENTS.—If
the Secretary of a military department proposes an
action that would increase above the baseline the
number of general officers or flag officers of an
armed force under the jurisdiction of that Secretary
who would be on active duty and would count
against the statutory limit applicable to that armed
force under subsection (a), the action shall not take
effect until after the end of the 60-calendar day pe-
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 Rep-
resentatives.

“(2) BASELINE DEFINED.—In paragraph (1),
the term ‘baseline’ for an armed force means the
lower of—
“(A) the statutory limit of general officers or flag officers of that armed force under subsection (a); or

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

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

“(h) JOINT DUTY ASSIGNMENT BASELINE.—

“(1) NOTICE AND WAIT REQUIREMENT.—If the Secretary of Defense, the Secretary of a military department, or the Chairman of the Joint Chiefs of Staff proposes an action that would increase above the baseline the number of general officers and flag officers of the armed forces in joint duty assignments who count against the statutory limit under
subsection (b)(1), the action shall not take effect until after the end of the 60-calendar day period beginning on the date on which such Secretary or the Chairman, as the case may be, provides notice of the proposed action, including the rationale for the action, to the Committees on Armed Services of the Senate and the House of Representatives.

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

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

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

“(3) LIMITATION.—If, at any time, the actual number of general officers and flag officers in joint duty assignments counted toward the statutory limit under subsection (b)(1) exceeds such statutory limit, then no increase described in paragraph (1) may occur until the number of general officers and flag officers in joint duty assignments is reduced to or below such statutory limit.
“(i) ANNUAL REPORT.—Not later than March 1 each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report specifying the following:

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

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

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

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

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

(1) REFORM.—Chapter 1201 of title 10, United States Code, is amended by inserting after section 12004 the following new section:
§ 12004a. Strength in grade after December 31, 2017: reserve general and flag officers in an active status

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

“(1) In the Army, 155.
“(2) In the Air Force, 117.
“(3) In the Navy, 36.
“(4) In the Marine Corps, 7.

“(b) Aggregate number of certain National Guard officers.—

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

“(2) Covered general officers.—The general officers described in this paragraph are the following:

“(A) General officers of the National Guard of the States and territories.
“(B) General officers serving in the National Guard Bureau

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

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

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

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

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

“(d) EXCLUSION OF CERTAIN NAVY OFFICERS.—

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

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

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

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

“(e) Exclusion of certain Marine Corps Officers.—The following Marine Corps reserve officers shall
not be counted for purposes of this section:

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

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

“(f) Exclusion of Officers Departing From
Joint Duty Assignments.—The limitations in sub-
section (a) do not apply to an officer released from a joint
duty assignment or other non-joint active duty assign-
ment, but only during the 60-day period beginning on the
date the officer departs the joint duty or other active duty assignment. The Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, except that not more than three officers in an active status from each reserve component may be covered by an extension under this sentence at the same time.

“(g) Preservation of Grade.—

“(1) Army and Air Force Officers.—A reserve general officer of the Army or Air Force may not be reduced in grade because of a reduction in the number of general officers authorized under subsection (a).

“(2) Navy and Marine Corps Officers.—An officer of the Navy Reserve or the Marine Corps Reserve may not be reduced in permanent grade because of a reduction in the number authorized by this section for the officer’s grade.”.

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

“(g) The provisions of this section shall not apply to authorized strengths for reserve general and flag officers after December 31, 2017. For provisions applicable to the
authorized strengths of such officers after that date, see section 12004a of this title.”.

(d) Clerical Amendments.—

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

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

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

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

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

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

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

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

(a) Assistants to CJCS for NG Matters and Reserve Matters.—

(1) In general.—Section 155a of title 10, United States Code, is repealed.
(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 155a.

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

(1) by striking subsection (c); and

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

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

(d) **DIRECTOR OF MISSILE DEFENSE AGENCY.**—

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

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

(e) **JOINT 4-STAR POSITIONS.**—Section 604(b) of title 10, United States Code, is amended by striking paragraph (3).
(f) Senior Members of Military Staff Committee of UN.—Section 711 of title 10, United States Code, is amended by striking the second sentence.

(g) Chief of Staff to President.—

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

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

(h) Attending Physician to Congress.—

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

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

(i) Physician to White House.—

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

(2) Clerical amendment.—The table of sections at the beginning of chapter 43 of such title is amended by striking the item relating to section 744.
(j) **Chief of Legislative Liaison of the Army.**—Section 3023(a) of title 10, United States Code, is amended by striking the second sentence.

(k) **Chiefs of Branches of the Army.**—Section 3036(b) of title 10, United States Code, is amended in the flush matter following paragraph (2)—

(1) by striking the first sentence; and

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

(l) **Judge Advocate General of the Army.**—Section 3037(a) of title 10, United States Code, is amended by striking the last two sentences.

(m) **Chief of Army Reserve.**—Section 3038(c) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking “; Grade”;  
(2) by striking “(1)”; and  
(3) by striking paragraph (2).

(n) **Deputy and Assistant Chiefs of Branches of the Army.**—

(1) **In general.**—Section 3039 of title 10, United States Code, is repealed.

(2) **Clerical amendment.**—The table of sections at the beginning of chapter 305 of such title
is amended by striking the item relating to section 3039.

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

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

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

(A) in subsection (a), by striking “and assistant chiefs”;  
(B) by striking subsection (c); and  
(C) by redesignating subsection (d) as subsection (e).

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

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

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

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

(q) **JUDGE ADVOCATE GENERAL’S CORPS OF THE ARMY.**—Section 3072 of title 10, United States Code, is amended—
(1) by striking paragraph (3); and
(2) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

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

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

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

“§ 3084. Chief of Veterinary Corps”.

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

“3084. Chief of Veterinary Corps.”.

(s) ARMY AIDES.—

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

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

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

(u) Chief of Naval Research.—Section 5022 of title 10, United States Code, is amended—

(1) by striking “(1)”; and

(2) by striking paragraph (2).

(v) Chief of Legislative Affairs of the Navy.—Section 5027(a) of title 10, United States Code, is amended by striking the second sentence.

(w) Director for Expeditionary Warfare.— Section 5038 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

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

(x) SJA to Commandant of the Marine Corps.—Section 5046(a) of title 10, United States Code, is amended by striking the last sentence.

(y) Legislative Assistant to Commandant of the Marine Corps.—Section 5047 of title 10, United States Code, is amended by striking the second sentence.

(z) Bureau Chiefs of the Navy.—

(1) In general.—Section 5133 of title 10, United States Code, is repealed.
(2) **Clerical Amendment.**—The table of sections at the beginning of chapter 513 of such title is amended by striking the item relating to section 5133.

(aa) **Chief of Dental Corps of the Navy.**—Section 5138 of title 10, United States Code, is amended—

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

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

(bb) **Bureau of Naval Personnel.**—

(1) **In General.**—Section 5141 of title 10, United States Code, is amended—

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

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

(2) **Conforming Amendment.**—The heading of such section is amended to read as follows:

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

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

“5141. Chief of Naval Personnel; Deputy Chief of Naval Personnel.”.
(cc) **Chief of Chaplains of the Navy.**—Section 5142 of title 10, United States Code, is amended by striking subsection (e).

(dd) **Chief of Navy Reserve.**—Section 5143(e) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking “; Grade”;

(2) by striking “(1)”;

(3) by striking paragraph (2).

(ee) **Commander, Marine Forces Reserve.**—Section 5144(e) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking “; Grade”;

(2) by striking “(1)”;

(3) by striking paragraph (2).

(ff) **Judge Advocate General of the Navy.**—Section 5148(b) of title 10, United States Code, is amended by striking the last sentence.

(gg) **Deputy and Assistant Judge Advocates General of the Navy.**—Section 5149 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in the first sentence, by striking “, by and with the advice and consent of the Senate,”; and
(B) by striking the second sentence;
(2) by striking subsections (b) and (e); and
(3) by redesignating subsection (d) as subsection (b).

(hh) Chiefs of Staff Corps of the Navy.—Section 5150 of title 10, United States Code, is amended—
(1) in subsection (b)(2), by striking “Subject to subsection (c), the Secretary” and inserting “The Secretary”; and
(2) by striking subsection (c).

(ii) Principal Military Deputy to Assistant Secretary of the Air Force for Acquisition.—Section 8016(b)(4)(B) of title 10, United States Code, is amended by striking “a lieutenant general” and inserting “an officer”.

(jj) Chief of Legislative Liaison of the Air Force.—Section 8023(a) of title 10, United States Code, is amended by striking the second sentence.

(kk) Judge Advocate General and Deputy Judge Advocate General of the Air Force.—Section 8037 of title 10, United States Code, is amended—
(1) in subsection (a), by striking the last sentence; and
(2) in subsection (d)(1), by striking the last sentence.
Chief of the Air Force Reserve.—Section 8038(c) of title 10, United States Code, is amended—

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

(2) by striking "(1)";

(3) by striking paragraph (2).

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).

Chief of Air Force Nurses.—

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

(A) in subsection (a)—

(i) in the subsection heading, by striking "Positions of Chief and Assistant Chief" and inserting "Position of Chief"; and

(ii) by striking "and assistant chief";
(B) in subsection (b), by striking the second sentence; and

(C) by striking subsection (c).

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

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

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

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

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

(pp) AIR FORCE AIDES.—

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

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

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

Other Senior National Guard Bureau Officers.—Section 10506(a)(1) of title 10, United States Code, is amended in each of subparagraphs (A) and (B)—

(1) by striking “general”; and

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

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

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

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

(2) by adding at the end the following new paragraph:
“(4) The limitations in paragraphs (1) and (2) shall not apply with respect to fiscal years 2017 through 2021.”.

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

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

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

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

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

(a) Service Credit Sufficient for Appointment as Regular Colonel or Navy Captain.—Subsection (b)(2) of section 533 of title 10, United States Code, is amended—

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

and

(2) by striking “major” and inserting “colonel”;

and
(3) by striking “lieutenant commander” and inserting “captain”.

(b) Restatement and Modification of Service Credit for Cyberspace Experience or Advanced Education.—

(1) Restatement and modification.—Subsection (b)(1) of such section is amended by adding at the end the following new subparagraph:

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

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

“(II) Any period of advanced education in a cyberspace-related field beyond the baccalaureate degree level if such advanced education is directly related to the operational needs of the armed force concerned.
“(ii) Constructive service credited an officer under this subparagraph shall not exceed one year for each year of special experience, training, or advanced education.

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

(2) Repeal of superseded authority.—Such section is further amended by striking subsection (g).

(e) Technical Amendment.—Subsection (c) of such section is amended by inserting “, (e),” after “subsection (b)”. 

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

(a) Authority of Promotion Boards To Recommend Officers of Particular Merit Be Placed at Top of Promotion List.—Section 616 of title 10, United States Code, is amended by adding at the end the following new subsection:
“(g)(1) In selecting the officers to be recommended for promotion, a selection board may, when authorized by the Secretary of the military department concerned, recommend officers of particular merit, from among those officers selected for promotion, to be placed at the top of the promotion list promulgated by the Secretary under section 624(a)(1) of this title.

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

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

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

(b) Officers of particular merit appearing at top of promotion list.—Section 624(a)(1) of such title is amended by inserting “, except such officers of particular merit who were approved by the President and rec-
ommended by the board to be placed at the top of the promotion list under section 616(g) of this title as these officers shall be placed at the top of the promotion list in the order recommended by the board” after “officers on the active-duty list”.

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

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

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

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

“(3) Paragraph (1) does not apply when the Senate is not able to obtain information necessary to give its advice and consent to the appointment concerned because that information is under the control of a department or agency of the Federal Government other than the Department of Defense.”.
SEC. 507. LENGTH OF JOINT DUTY ASSIGNMENTS.

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

(b) Repeal of Authority for Shorter Length for Officers Initially Assigned to Critical Occupational Specialties.—Such section is further amended by striking subsection (c).

(e) 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)”.

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(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 (e), (d), (e), and (f), respectively;
(2) in paragraph (2) of subsection (e), as so redesignated and amended, by striking “subsection (f)(3)” and inserting “subsection (d)(2)”.

(3) paragraph (2) of subsection (d), as so redesignated and amended, by striking “subsection (g)” and inserting “subsection (e)”;

(4) in subsection (e), as so redesignated and amended, by striking “subsection (f)(3)” and inserting “subsection (d)(2)”; and

(5) in subsection (f), as so redesignated and amended, by striking “paragraphs (1), (2), and (4) of subsection (f)” and inserting “subsection (d)(1)”.

SEC. 508. MODIFICATION OF DEFINITIONS RELATING TO JOINT OFFICER MANAGEMENT.

(a) JOINT MATTERS.—Subsection (a) of section 668 of title 10, United States Code, is amended—

(1) by striking paragraph (1), by striking “matters related to” and all that follows and inserting “matters related to—

“(A) developing or achieving strategic objectives through the synchronization, coordination, and organization of integrated forces in operations conducted across domains such as land, sea, or air, in space, or in the information environment, including matters relating to—
“(i) national military strategy;
“(ii) strategic planning and contingency planning;
“(iii) command and control, intelligence, fires, movement and maneuver, protection, or sustainment of operations under unified command;
“(iv) national security planning with other departments and agencies of the United States; or
“(v) combined operations with military forces of allied nations; or
“(B) acquisition matters conducted by members of the armed forces and covered by chapter 87 of this title involved in developing, testing, contracting, producing, or fielding of multi-service programs or systems;
“(C) homeland security matters conducted in close coordination with Federal, State, or local agencies in support of natural disasters or emergencies; or
“(D) other matters designated in regulations by the Secretary of Defense in consultation with the Chairman of the Joint Chiefs of Staff.”; and
(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “‘integrated military forces’” and inserting “‘integrated forces’”; and

(ii) by striking “the planning or execution (or both) of operations involving” and inserting “participants from”; and

(B) in subparagraph (B), by adding at the end the following new clause:

“(iv) State and local governments, when in support of natural disasters or emergencies, including planning activities relating thereto.”.

(b) Joint Duty Assignment.—Subsection (b)(1)(A) of such section is amended by inserting “preponderance of the officer’s duties are involved in joint matters in which the” after “in which the”.

(e) Repeal of Definition of Critical Occupational Specialty.—Such section is further amended by striking subsection (d).
SEC. 509. CONTINUATION OF CERTAIN OFFICERS ON ACTIVE DUTY WITHOUT REGARD TO REQUIREMENT FOR RETIREMENT FOR YEARS OF SERVICE.

(a) Authority for continuation on active duty.—

(1) In general.—Subchapter IV of chapter 36 of title 10, United States Code, is amended by inserting after section 637 the following new section:

“§ 637a. Continuation on active duty: officers in certain military specialties and career tracks

“(a) In general.—The Secretary of the military department concerned may authorize an officer in a grade above grade O–4 to remain on active duty after the date otherwise provided for the retirement of the officer in section 633, 634, 635, or 636 of this title, as applicable, if the officer has a military occupational specialty, rating, or specialty code in a military specialty designated pursuant to subsection (b).

“(b) Military specialties.—Each Secretary of a military department shall designate the military specialties in which a military occupational specialty, rating, or specialty code, as applicable, assigned to members of the armed forces under the jurisdiction of such Secretary au-
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 such title is amended by inserting after 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. 510. EXTENSION OF FORCE MANAGEMENT AUTHORITY ALLOWING ENHANCED FLEXIBILITY FOR OFFICER PERSONNEL MANAGEMENT.

(a) Temporary Early Retirement Authority.—Section 4403(i) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1293 note) is amended by striking “December 31, 2018” and inserting “December 31, 2025”.

(b) Continuation on Active Duty.—Section 638a(a)(2) of title 10, United States Code, is amended by striking “December 31, 2018” and inserting “December 31, 2025”.

(c) Voluntary Separation Pay.—Section 1175a(k)(1) of such title is amended by striking “December 31, 2018” and inserting “December 31, 2025”.

(d) Service-in-Grade Waivers.—Section 1370(a)(2)(F) of such title is amended by striking “2018” and inserting “2025”.

Subtitle B—Reserve Component Management

SEC. 521. AUTHORITY FOR TEMPORARY WAIVER OF LIMITATION ON TERM OF SERVICE OF VICE CHIEF OF THE NATIONAL GUARD BUREAU.

Section 10505(a)(4) of title 10, United States Code, is amended by striking “paragraph (3)(B) for a limited
period of time’’ and inserting ‘‘paragraph (3) for not more
than 90 days’’.

SEC. 522. AUTHORITY TO DESIGNATE CERTAIN RESERVE
OFFICERS AS NOT TO BE CONSIDERED FOR
SELECTION FOR PROMOTION.

Section 14301 of title 10, United States Code, is
amended by adding at the end the following new sub-
section:

‘‘(j) CERTAIN OFFICERS NOT TO BE CONSIDERED
FOR SELECTION FOR PROMOTION.—The Secretary of the
military department concerned may provide that an officer
who is in an active status, but is in a duty status in which
the only points the officer accrues under section
12732(a)(2) of this title are pursuant to subparagraph
(C)(i) of that section (relating to membership in a reserve
component), shall not be considered for selection for pro-
motion at any time the officer otherwise would be so con-
sidered. Any such officer may remain on the reserve ac-
tive-status list.’’.

SEC. 523. RIGHTS AND PROTECTIONS AVAILABLE TO MILI-
TARY TECHNICIANS.

Section 709(f) of title 32, United States Code, is
amended—

(1) in paragraph (4), by striking ‘‘; and’’ and
inserting the following: ‘‘when the appeal concerns
activity occurring while the member is in a military status, or concerns fitness for duty in the reserve components;”;

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following new paragraph (5):

“(5) with respect to an appeal concerning any activity not covered by paragraph (4), the provisions of section 717 of the Civil Rights Act of 1991 (42 U.S.C. 2000e-16) shall apply; and”.

SEC. 524. EXTENSION OF SUICIDE PREVENTION AND RESILIENCE PROGRAMS FOR THE NATIONAL GUARD AND RESERVES.

Section 10219(g) of title 10, United States Code, is amended by striking “October 1, 2017” and inserting “October 1, 2022”.

SEC. 525. INAPPLICABILITY OF CERTAIN LAWS TO NATIONAL GUARD TECHNICIANS PERFORMING ACTIVE GUARD AND RESERVE DUTY.

Section 709(g) of title 32, United States Code, is amended—

(1) by inserting “(1)” after “(g)”; and

(2) by adding at the end the following new paragraph:
“(2) In addition to the sections referred to in paragraph (1), section 6323(a)(1) of title 5 also does not apply to a person employed under this section who is performing active Guard and Reserve duty (as that term is defined in section 101(d)(6) of title 10).”.

**Subtitle C—General Service Authorities**

**SEC. 531. RESPONSIBILITY OF CHIEFS OF STAFF OF THE ARMED FORCES FOR STANDARDS AND QUALIFICATIONS FOR MILITARY SPECIALTIES WITHIN THE ARMED FORCES.**

(a) In general.—Except as provided in subsection (d), responsibility within an Armed Force for establishing, approving, and modifying the criteria, standards, and qualifications for military specialty codes within that Armed Force shall be vested solely in the Chief of Staff of that Armed Force.

(b) Military Specialty Codes.—For purposes of this section, a military specialty code is as follows:

(1) A Military Occupational Speciality Code (MOS) and any other military specialty or military occupational specialty of the Army, in the case of the Army.

(2) A Naval Enlisted Code (NEC), Unrestricted Duty code, Restricted Duty code, Restricted Line
duty code, Staff Corps code, Limited Duty code, Warrant Officer code, and any other military specialty or military occupational specialty of the Navy, in the case of the Navy.

(3) An Air Force Specialty Code (AFSC) and any other military specialty or military occupational specialty of the Air Force, in the case of the Air Force.

(4) A Military Occupational Speciality Code (MOS) and any other military specialty or military occupational specialty of the Marine Corps, in the case of the Marine Corps.

(e) CHIEF OF STAFF FOR MARINE CORPS.—For purposes of this section, the Commandant of the Marine Corps shall be deemed to be the Chief of Staff of the Marine Corps.

(d) GENDER INTEGRATION.—Nothing in this section shall be construed to terminate, alter, or revise the authority of the Secretary of Defense to establish, approve, modify, or otherwise regulate gender-based criteria, standards, and qualifications for military specialties within the Armed Forces.

SEC. 532. LEAVE MATTERS.

(a) PRIMARY AND SECONDARY CAREGIVER LEAVE.—Section 701 of title 10, United States Code, is amended—
(1) by striking subsections (i) and (j); and

(2) by inserting after subsection (h) the following new subsections (i) and (j):

“(i)(1) Under regulations prescribed by the Secretary of Defense, a member of the armed forces described in paragraph (2) who is the primary caregiver in the case of the birth of a child or the adoption of a child is allowed up to 6 weeks of leave to be used in connection with such event.

“(2) A member described in this paragraph is a member as follows:

“(A) A member on active duty.

“(B) A member of a reserve component performing active Guard and Reserve duty.

“(C) A member of a reserve component subject to an active duty recall or mobilization order in excess of 12 months.

“(3) The Secretary shall prescribe in the regulations referred to in paragraph (1) a definition of the term ‘primary caregiver’ for purposes of this subsection.

“(4) The taking of leave by a member under this subsection in connection with the birth of a child shall be treated as commencing at the conclusion of any period of medical convalescent leave resulting from childbirth. Any such convalescent leave may be for more than six weeks
only if specifically recommended, in writing, by the member’s medical provider and approved by the member’s commander.

“(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 the event concerned.

“(6)(A) Any leave authorized by this subsection that is not taken within one year of the event concerned shall be forfeited.

“(B) Any leave authorized by this subsection for a member of a reserve component on active duty that is not taken at 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 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 event.

“(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 the event concerned.

“(4) Under the regulations 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 ex-
pressly authorized by an Act enacted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 40 of such title is amended by inserting after the item relating to section 704 the following new item:

“704a. Administration of leave: prohibition on authorizing, granting, or assigning leave not expressly authorized by law.”.

SEC. 533. TRANSFER OF PROVISION RELATING TO EXPENSES INCURRED IN CONNECTION WITH LEAVE CANCELED DUE TO CONTINGENCY OPERATIONS.

(a) ENACTMENT IN TITLE 10, UNITED STATES CODE, OF AUTHORITY FOR REIMBURSEMENT OF EXPENSES.—Chapter 40 of title 10, United States Code, is amended by inserting after section 709 the following new section:

“§ 709a. Expenses incurred in connection with leave canceled due to contingency operations:

reimbursement

“(a) AUTHORIZATION TO REIMBURSE.—The Secretary concerned may reimburse a member of the armed forces under the jurisdiction of the Secretary for travel and related expenses (to the extent not otherwise reim-
bursable under law) incurred by the member as a result of the cancellation of previously approved leave when—

“(1) the leave is canceled in connection with the 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.”.

(e) REPEAL OF SUPERSEDED AUTHORITY.—Section 453 of title 37, United States Code, is amended by striking subsection (g).
SEC. 534. REDUCTION OF TENURE ON THE TEMPORARY DISABILITY RETIRED LIST.

(a) Reduction of Tenure.—Section 1210 of title 10, United States Code, is amended—

(1) in subsection (b), by striking “five years” and inserting “three years”; and

(2) in subsection (h), by striking “five years” and inserting “three years”.

(b) Applicability.—The amendments made by subsection (a) shall take effect on January 1, 2017, and shall apply to members of the Armed Forces whose names are placed on the temporary disability retired list on or after that date.

SEC. 535. PROHIBITION ON ENFORCEMENT OF MILITARY COMMISSION RULINGS PREVENTING MEMBERS OF THE ARMED FORCES FROM CARRYING OUT OTHERWISE LAWFUL DUTIES BASED ON MEMBER GENDER.

(a) Prohibition.—No order, ruling, finding, or other determination of a military commission may be construed or implemented to prohibit or restrict a member of the Armed Forces from carrying out duties otherwise lawfully assigned to such member to the extent that the basis for such prohibition or restriction is the gender of such member.
(b) Applicability to Prior Orders, etc.—In the case of an order, ruling, finding, or other determination described in subsection (a) that was issued before the date of the enactment of this Act in a military commission and is still effective as of the date of the enactment of this Act, such order, ruling, finding, or determination shall be deemed to be vacated and null and void only to the extent of any prohibition or restriction on the duties of members of the Armed Forces that is based on the gender of members.

(c) Military Commission Defined.—In this section, the term “military commission” means a military commission established under chapter 47A of title 10, United States Code, and any military commission otherwise established or convened by law.

SEC. 536. BOARD FOR THE CORRECTION OF MILITARY RECORDS AND DISCHARGE REVIEW BOARD MATTERS.

(a) BCMR Matters.—

(1) Composition of boards in certain claims.—Subsection (a) of section 1552 of title 10, United States Code, is amended—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and
(B) by inserting after paragraph (2) the following new paragraph (3):

“(3)(A) In the case of a claim of a claimant described in section 1553(d)(1) of this title with respect to a discharge or dismissal described in such section, the board established under this subsection shall include a clinical psychologist or psychiatrist, or a physician described in such section.

“(B) In the case of a claim of a claimant described in section 1553(e) of this title with respect to a discharge or dismissal described in such section, the board established under this subsection shall include a clinical psychologist or psychiatrist, or physician described in such section.”.

(2) INFORMATION THROUGH THE INTERNET.—

Such section is further amended—

(A) by redesignating subsection (h) as subsection (i); and

(B) by inserting after subsection (g) the following new subsection (h):

“(h) Each board established under this section shall make available to the public each 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 factor or factors alleged to have contributed, whether in whole or part, to the original characterization of discharge or release of claimants, including, specifically, whether such factor or factors included conditions such as post-traumatic stress disorder, traumatic brain injury, or other conditions.

“(3) The periods of military service of claimants in the claims covered by paragraph (1).

“(4) The number of military records corrected pursuant to the consideration described in paragraph (1) to upgrade the characterization of discharge or release of claimants.”.

(b) INFORMATION ON DRBs THROUGH THE INTERNET.—Section 1553 of such title is amended by adding at the end the following new subsection:
“(f) Each board established under this section shall make available to the public each 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 factor or factors alleged to have contributed, whether in whole or part, to the original characterization of discharge or release of individuals covered by such motions or requests, including, specifically, whether such factor or factors included conditions such as post-traumatic stress disorder, traumatic brain injury, or other conditions.

“(3) The periods of military service of former members in the motions and requests for review covered by paragraph (1).
“(4) The number of discharges or dismissals corrected pursuant to the consideration described in paragraph (1) to upgrade the characterization of discharge or dismissal of former members.”.

SEC. 537. RECONCILIATION OF CONTRADICTORY PROVISIONS RELATING TO QUALIFICATIONS FOR ENLISTMENT IN THE RESERVE COMPONENTS OF THE ARMED FORCES.

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

“(1) that person has met the requirements established in section 504(b)(1) of this title; or

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

Subtitle D—Military Justice and Legal Assistance Matters

PART I—RETAIIATION

SEC. 541. REPORT TO COMPLAINANTS OF RESOLUTION OF INVESTIGATIONS INTO RETALIATION.

(a) Report Required.—

(1) In general.—Under regulations prescribed by the Secretary of Defense, the results of an investigation by an office, element, or personnel of the
Department of Defense or the Armed Forces of a complaint by a member of the Armed Forces of re- taliation shall be reported to the member, including whether the complaint was substantiated, unsubstan- tiated, or dismissed.

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

(b) RETALIATION DEFINED.—In this section, the term “retaliation” has the meaning given the term by the Secretary of Defense in the strategy required by section 539 of the National Defense Authorization Act of Fiscal Year 2016 (Public Law 114–92; 129 Stat. 818) or a sub- sequent meaning specified by the Secretary.
SEC. 542. TRAINING FOR DEPARTMENT OF DEFENSE PERSONNEL ON SEXUAL ASSAULT TRAUMA IN INDIVIDUALS CLAIMING RETALIATION IN CONNECTION WITH REPORTS OF SEXUAL ASSAULT IN THE ARMED FORCES.

(a) In General.—The Secretary of Defense shall ensure that the personnel of the Department of Defense specified in subsection (b) who investigate claims of retaliation in connection with reports of sexual assault in the Armed Forces receive training on the nature and consequences of sexual assault trauma. The training shall include such elements as the Secretary shall specify for purposes of this section.

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

(1) Personnel of military criminal investigation services.

(2) Personnel of Inspectors General offices.

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

(c) Retaliation Defined.—In this section, the term "retaliation" has the meaning given the term by the Secretary of Defense in the strategy required by section 539 of the National Defense Authorization Act of Fiscal
Year 2016 (Public Law 114–92; 129 Stat. 818) or a sub-
sequent meaning specified by the Secretary.

SEC. 543. INCLUSION IN ANNUAL REPORTS ON SEXUAL AS-
SAULT PREVENTION AND RESPONSE EF-
FORTS OF THE ARMED FORCES OF INFORMA-
TION ON COMPLAINTS OF RETALIATION IN
CONNECTION WITH REPORTS OF SEXUAL AS-
SAULT IN THE ARMED FORCES.

Section 1631(b) of the Ike Skelton National Defense
note) is amended by adding at the end the following new
paragraph:

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

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

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

“(C) The gender of the complainant.

“(D) The gender of the individual claimed
to have committed the retaliation.
“(E) The nature of the relationship between the complainant and the individual claimed to have committed the retaliation.

“(F) The nature of the relationship, if any, between the individual alleged to have committed the sexual assault concerned and the individual claimed to have committed the retaliation.

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

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

“(I) The current status of the investigation.

“(J) If the investigation is complete, a description of the results of the investigation, including whether the results of the investigation were provided to the complainant.

“(K) If the investigation determined that retaliation occurred, whether the retaliation was an offense under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).”
SEC. 544. METRICS FOR EVALUATING THE EFFORTS OF THE ARMED FORCES TO PREVENT AND RESPOND TO RETALIATION IN CONNECTION WITH REPORTS OF SEXUAL ASSAULT IN THE ARMED FORCES.

(a) METRICS REQUIRED.—The Sexual Assault Prevention and Response Office of the Department of Defense shall establish and issue to the military departments metrics to be used to evaluate the efforts of the Armed Forces to prevent and respond to retaliation in connection with reports of sexual assault in the Armed Forces.

(b) BEST PRACTICES.—For purposes of enhancing and achieving uniformity in the efforts of the Armed Forces to prevent and respond to retaliation in connection with reports of sexual assault in the Armed Forces, the Sexual Assault Prevention and Response Office shall identify and issue to the military departments best practices to be used in the prevention of and response to retaliation in connection with such reports.
SEC. 546. DISCRETIONARY AUTHORITY FOR MILITARY JUDGES TO DESIGNATE AN INDIVIDUAL TO ASSUME THE RIGHTS OF THE VICTIM OF AN OFFENSE UNDER THE UNIFORM CODE OF MILITARY JUSTICE WHEN THE VICTIM IS A MINOR, INCOMPETENT, INCAPACITATED, OR DECEASED.

Section 806b(c) of title 10, United States Code (article 6b(c) of the Uniform Code of Military Justice), is amended by striking “shall designate” and inserting “may designate”.

SEC. 547. APPELLATE STANDING OF VICTIMS IN ENFORCING RIGHTS OF VICTIMS UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) VICTIM AS REAL PARTY IN INTEREST DURING APPELLATE REVIEW.—Section 806b of title 10, United States Code (article 6b of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

“(f) VICTIM AS REAL PARTY IN INTEREST DURING APPELLATE REVIEW.—(1) If counsel for the accused or the Government files appellate pleadings under section 866 or 867 of this title (article 66 or 67), the victim of an offense under this chapter may file pleadings as a real party in interest when the victim’s rights under the rules
specified in paragraph (2) are implicated. The victim’s right to file pleadings as a real party in interest includes the right to do so through counsel, including through a Special Victims’ Counsel under section 1044e of this title.

“(2) Paragraph (1) applies with respect to the protections afforded by the following:

“(A) Military Rule of Evidence 412, relating to the admission of evidence regarding a victim’s sexual background.

“(B) Military Rule of Evidence 513, relating to the psychotherapist-patient privilege.

“(C) Military Rule of Evidence 514, relating to the victim advocate-victim privilege.

“(3) In this subsection, the term ‘victim of an offense under this chapter’ means an individual who has suffered direct physical, emotional, or pecuniary harm as a result of the commission of an offense under this chapter (the Uniform Code of Military Justice) and for which there was a guilty finding that is the subject of appeal under section 866 or 867 of this title (article 66 or 67).”.

(b) NOTICE OF APPELLATE AND POST-TRIAL MATTERS.—Subparagraph (C) of subsection (a)(2) of such section (article) is amended to read as follows:
“(C) A court-martial and any appellate matters, including post-trial review, relating to the offense.”.

SEC. 548. EFFECTIVE PROSECUTION AND DEFENSE IN COURTS-MARTIAL.

(a) Program for Effective Prosecution and Defense.—Each Secretary concerned shall carry out a program to ensure that—

(1) trial counsel and defense counsel detailed to prosecute or defend a court-martial have sufficient experience and knowledge to effectively prosecute or defend the case; or

(2) there is adequate supervision and oversight of the trial counsel and the defense counsel so detailed to ensure effective prosecution and defense in the court-martial.

(b) Skill Identifiers.—

(1) In General.—Each Secretary concerned shall establish and use a system of skill identifiers for purposes of identifying judge advocates with skill and experience in military justice proceedings in order to ensure that judge advocates with skills identified through such skill identifiers are assigned to supervise and oversee less experienced judge advocates in the prosecution and defense in courts-mar-
tial when required under a program carried out pur-
suant to subsection (a).

(2) USE OF CIVILIAN EMPLOYEES.—In addition
to judge advocates assignable pursuant to paragraph (1), a Secretary concerned may assign the function of supervising and overseeing prosecution or defense in courts-martial as described in that paragraph to civilian employees of the military department concerned or the Department of Homeland Security, as applicable, who have extensive litigation expertise.

(3) STATUS AS SUPERVISOR.—A judge advocate or civilian employee assigned to supervise and over-
see the prosecution or defense in a court-martial pursuant to this subsection is not required to be de-
tailed to the case, but must be reasonably available for consultation during court-martial proceedings.

(c) DEFINITIONS.—In this section

(1) The term “judge advocate” has the mean-
ing given that term in section 801(13) of title 10,
United States Code (article 1(13) of the Uniform Code of Military Justice).

(2) The term “Secretary concerned” means the following:
(A) The Secretary of the Army, with respect to judge advocates and courts-martial of the Army.

(B) The Secretary of the Navy, with respect to judge advocates and courts-martial of the Navy and the Marine Corps.

(C) The Secretary of the Air Force, with respect to judge advocates and courts-martial of the Air Force.

(D) The Secretary of Homeland Security with respect to judge advocates of the Coast Guard and courts-martial of the Coast Guard when it is not operating as a service in the Navy.

SEC. 549. PILOT PROGRAMS ON MILITARY JUSTICE CAREER TRACK FOR JUDGE ADVOCATES.

(a) PILOT PROGRAMS REQUIRED.—Each Secretary of each military department shall carry out a pilot program to assess the feasibility and advisability of a military justice career track for judge advocates in the Armed Forces under the jurisdiction of the Secretary.

(b) DURATION.—Each pilot program under this section shall be for a period of five years.

(c) ELEMENTS.—Each pilot program under this section shall include the following:
(1) A military justice career track for judge advocates that leads to judge advocates with military justice expertise in the grade of colonel, or in the grade of captain in the case of judge advocates of the Navy, to prosecute and defend complex cases in military courts-martial.

(2) The use of the suspension of limitations on the number of certain commissioned officers on active duty under section 523(a) of title 10, United States Code, by reason of paragraph (4) of that section (as added by section 503 of this Act), to increase the number of authorized commissioned officers in pay grades O–4 through O–6 in order to accommodate the increased numbers of judge advocates in such grades required in connection with the pilot program.

(3) The use of skill identifiers to identify judge advocates for participation in the pilot program from among judge advocates having appropriate skill and experience in military justice matters.

(4) Guidance for promotion boards considering the selection for promotion of officers participating in the pilot program in order to ensure that judge advocates who are participating in the pilot program have the same opportunity for promotion as all other
judge advocate officers being considered for promotion by such boards.

(5) Such other matters as the Secretary of the military department concerned considers appropriate.

(d) REPORT.—Not later than four years after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot programs under this section. The report shall include the following:

(1) A description and assessment of each pilot program.

(2) Such recommendations as the Secretary considers appropriate in light of the pilot programs, including whether any pilot program should be extended or made permanent.

SEC. 550. MODIFICATION OF DEFINITION OF SEXUAL HARASSMENT FOR PURPOSES OF INVESTIGATIONS OF COMPLAINTS OF HARASSMENT BY COMMANDING OFFICERS.

(a) In General.—Section 1561(i) of title 10, United States Code, is amended—

(1) in paragraph (1)—
(A) in the matter preceding subparagraph (A), by striking “(constituting a form of sex discrimination)”; and

(B) in subparagraph (B), by striking “the work environment” and inserting “the environment”; and

(2) in paragraph (3), by striking “in the workplace”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to complaints described in section 1561 of title 10, United States Code, that are first received by a commanding officer or officer in charge on or after that date.

SEC. 551. EXTENSION AND CLARIFICATION OF ANNUAL REPORTS REGARDING SEXUAL ASSAULT INVOLVING MEMBERS OF THE ARMED FORCES.

(a) EXTENSION.—Subsection (a) of section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note) is amended by striking “2017” and inserting “2025”.

(b) SCOPE OF REPORTING REQUIREMENT.—Such section is further amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and
(2) by inserting after subsection (b) the following new subsection (c):

“(c) SEXUAL ASSAULTS COVERED BY REPORTING REQUIREMENT.—The sexual assaults contained in a report under subsection (a) pursuant to paragraphs (1) and (2) of subsection (b) shall include all reported sexual assaults, regardless of the age of the offender or victim or the relationship status between the offender and victim, including, at a minimum, all sexual assault reports received by the Sexual Assault Prevention and Response Program, or equivalent, and the Family Advocacy Program, or equivalent, of each Armed Force.”.

(c) REPORTING DEADLINES.—

(1) MILITARY DEPARTMENT REPORTS TO SECRETARY OF DEFENSE.—Subsection (a) of such section, as amended by subsection (a) of this section, is further amended by striking “and each March 1, thereafter through March 1,” and inserting “each March 1 thereafter through March 1, 2016, and each February 1 thereafter though February 1,.”.

(2) SECRETARY OF DEFENSE REPORTS TO CONGRESS.—Subsection (e) of such section, as redesignated by subsection (b)(1) of this section, is amended by striking “April 30” and inserting “March 31”.
SEC. 552. EXPANSION OF AUTHORITY TO EXECUTE CERTAIN MILITARY INSTRUMENTS.

(a) Expansion of Authority to Execute Military Testamentary Instruments.—

(1) In general.—Paragraph (2) of section 1044d(c) of title 10, United States Code, is amended to read as follows:

“(2) the execution of the instrument is notarized by—

“(A) a military legal assistance counsel;

“(B) a person who is authorized to act as a notary under section 1044a of this title who—

“(i) is not an attorney; and

“(ii) is supervised by a military legal assistance counsel; or

“(C) a State-licensed notary employed by a military department or the Coast Guard who is supervised by a military legal assistance counsel;”.

(2) Clarification.—Paragraph (3) of such section is amended by striking “presiding attorney” and inserting “person notarizing the instrument in accordance with paragraph (2)”.

(b) Expansion of Authority to Notarize Documents to Civilians Serving in Military Legal As-
SISTANCE OFFICES.—Section 1044a(b) of such title is amended by adding at the end the following new paragraph:

“(6) All civilian paralegals serving at military legal assistance offices, supervised by a military legal assistance counsel (as defined in section 1044d(g) of this title).”.

SEC. 553. UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.

(a) Modification of Term of Two Judges of the Court To Restore Rotation of Judges.—

(1) Modification of Term of Office.—Notwithstanding section 942(b)(2) of title 10, United States Code (article 142(b)(2) of the Uniform Code of Military Justice)—

(A) the term of Judge Scott W. Stucky as a judge of the United States Court of Appeals for the Armed Forces shall expire on July 31, 2022; and

(B) the term of Judge Margaret A. Ryan as a judge of the United States Court of Appeals for the Armed Forces shall expire on July 31, 2020.

(2) Saving Provision.—No person mentioned in paragraph (1), and no survivor of any such per-
son, shall be deprived of any annuity provided by section 945 of title 10, United States Code (article 145 of the Uniform Code of Military Justice), or under the applicable provisions of title 5, United States Code, by reason of that paragraph.

(b) Modification of Daily Rate of Compensation for Senior Judges Performing Judicial Duties With the Court.—Section 942(e)(2) of such title (article 142(e)(2) of the Uniform Code of Military Justice) is amended by striking “equal to” and all that follows and inserting “equal to the difference between—

“(A) the daily equivalent of the annual rate of pay provided for a judge of the court; and

“(B) the daily equivalent of the annuity of the judge under section 945 of this title (article 145), the applicable provisions of title 5, or any other retirement system for employees of the Federal Government under which the senior judge receives an annuity.”.

(c) Clarification of Authority of Judges of the Court To Administer Oaths and Acknowledgments.—Subsection (c) of section 936 of such title (article 136 of the Uniform Code of Military Justice) is amended to read as follows:
“(c) Each judge and senior judge of the United States Court of Appeals for the Armed Forces shall have the powers relating to oaths, affirmations, and acknowledgments provided to justices and judges of the United States by section 459 of title 28.”.

(d) Repeal of Requirement Relating to Political Party Status of Judges of the Court.—Section 942(b)(3) of such title (article 142(b)(3) of the Uniform Code of Military Justice) is amended by striking “Not more than three of the judges of the court may be appointed from the same political party, and no” and by inserting “No”.

(e) Repeal of Dual Compensation Provision Relating to Judges of the Court.—Section 945 of such title (article 145 of the Uniform Code of Military Justice) is amended—

(1) in subsection (d), by striking “subsection (g)(1)(B)” and inserting “subsection (f)(1)(B)”;

(2) by striking subsection (f); and

(3) by redesignating subsections (g), (h), and (i) as subsections (f), (g), and (h), respectively.
Subtitle E—Member Education, Training, and Transition

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

Section 2007(a) of title 10, United States Code, is amended by inserting “, but only if the Secretary determines that such education or training is likely to contribute to the member’s professional development” after “during the member’s off-duty periods”.

SEC. 562. MODIFICATION OF PROGRAM TO ASSIST MEMBERS OF THE ARMED FORCES IN OBTAINING PROFESSIONAL CREDENTIALS.

(a) Scope of Program.—Subsection (a)(1) of section 2015 of title 10, United States Code, is amended by striking “incident to the performance of their military duties”.

(b) Quality Assurance of Certification Programs and Standards.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking “is accredited by an accreditation body that” and all that follows and inserting “meets one of the requirements specified in paragraph (2).”; and

(2) by striking paragraph (2) and inserting the following new paragraph (2):
“(2) The requirements for a credentialing program specified in this paragraph are that the credentialing program—

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

“(B)(i) is sought or accepted by employers within the industry or sector involved as a recognized, preferred, or required credential for recruitment, screening, hiring, retention, or advancement purposes; and

“(ii) where appropriate, is endorsed by a nationally-recognized trade association or organization representing a significant part of the industry or sector;

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

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

“
SEC. 563. ACCESS TO DEPARTMENT OF DEFENSE INSTALLATIONS OF INSTITUTIONS OF HIGHER EDUCATION PROVIDING CERTAIN ADVISING AND STUDENT SUPPORT SERVICES.

(a) In General.—Chapter 101 of title 10, United States Code, is amended by inserting after section 2012 the following new section:

“§ 2012a. Access to Department of Defense installations: institutions of higher education providing certain advising and student support services

“(a) Access.—

“(1) Access to be permitted.—The Secretary of Defense shall grant access to Department of Defense installations to any institution of higher education that—

“(A) has entered into a Voluntary Education Partnership Memorandum of Understanding with the Department for the purpose of providing at the installation concerned timely face-to-face student advising and related support services to members of the armed forces and other persons who are eligible for assistance under Department of Defense educational assistance programs and authorities; and
“(B) has been approved to provide such
advising and support services by the educational
service office of the installation concerned.

“(2) **Scope of access.** — Access shall be grant-
ed under paragraph (1) in a nondiscriminatory man-
ner to any institution covered by that paragraph re-
gardless of the particular learning modality offered
by that institution.

“(b) **Regulations.** — The Secretary shall prescribe
in regulations the time and place of access required pursuant to subsection (a). The regulations shall provide the
following:

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

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

“(c) **Definitions.** — In this section:

“(1) The term ‘Department of Defense edu-
cational assistance programs and authorities’ has
the meaning given the term ‘Department of Defense
educational assistance programs and authorities cov-
(2) The term ‘institution of higher education’ has the meaning given that term in section 2006a(c)(2) of this title.

“(3) The term ‘Voluntary Education Partnership Memorandum of Understanding’ has the meaning given that term in Department of Defense Instruction 1322.25, entitled ‘Voluntary Education Programs’, or any successor Department of Defense Instruction.”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 101 of such title is amended by inserting after the item relating to section 2012 the following new item:

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

SEC. 564. PRIORITY PROCESSING OF APPLICATIONS FOR TRANSPORTATION WORKER IDENTIFICATION CREDENTIALS FOR MEMBERS UNDERGOING DISCHARGE OR RELEASE FROM THE ARMED FORCES.

(a) Priority Processing.—The Secretary of Defense shall consult with the Secretary of Homeland Security to afford a priority in the processing of applications for a Transportation Worker Identification Credential
(TWIC) to applications submitted by members of the Armed Forces who are undergoing separation, discharge, or release from the Armed Forces under honorable conditions, with such priority to provide for the review and adjudication of such an application by not later than 14 days after submittal, unless an appeal or waiver applies or further application documentation is necessary. The priority shall be so afforded commencing not later than 180 days after the date of the enactment of this Act to members who undergo separation, discharge, or release from the Armed Forces after the date on which the priority so commences being afforded.

(b) MEMORANDUM OF UNDERSTANDING.—The Secretary of Defense and the Secretary of Homeland Security shall enter into a memorandum of understanding in connection with achieving the requirement in subsection (a).

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

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

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

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

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

(2) the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives.
Subtitle F—Defense Dependents’ Education and Military Family Readiness Matters

Sec. 571. Continuation of authority to assist local educational agencies that benefit dependents of members of the armed forces and Department of Defense civilian employees.

(a) Assistance to schools with significant numbers of military dependent students.—Of the amount authorized to be appropriated for fiscal year 2017 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $25,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

(b) Local educational agency defined.—In this section, the term “local educational agency” has the meaning given that term in section 7013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).
SEC. 572. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

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

SEC. 573. IMPACT AID AMENDMENTS.

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

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

“(I) is a local educational agency—

“(aa) whose boundaries are the same as a Federal military installation; or
“(bb)(AA) whose boundaries
are the same as an island prop-
erty designated by the Secretary
of the Interior to be property
that is held in trust by the Fed-
eral 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 Ele-
mentary and Secondary Education Act of 1965, as
amended by the Every Student Succeeds Act (Public
Law 114–95; 129 Stat. 1802), beginning with fiscal
year 2017 and as if enacted as part of title VII of
the Every Student Succeeds Act.

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

(1) REFERENCES.—Except as otherwise ex-
pressly provided, any reference in this subsection to
a section or other provision of title VII of the Ele-
mentary 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 agen-
cy 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 sub-
mitt—

(i) has a total student enrollment of
350 or more students and a per-pupil ex-
penditure 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 ex-
penditure that is less than the average per-
pupil expenditure of a comparable local
educational agency or 3 comparable local
educational agencies (whichever average per-pupil expenditure is greater), in the
State in which the agency is located.
(c) Payments for Eligible Federally Connected Children.—

(1) Amendments.—Section 7003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)), as amended by subsection (a) and sections 7001 and 7004 of the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 2074, 2077), is further amended—

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

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

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

(iii) by striking item (bb) and inserting the following:

“(bb)(AA) not less than 3,500 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or
“(BB) not less than 7,000
of such children are children de-
scribed in subparagraph (D) of
subsection (a)(1);”; and

(B) in subparagraph (D)—

(i) in clause (i)—

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

(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 per-
cent” and inserting “35 per-
cent”; 

(cc) by striking “subsection
(a)(1) and not less than 5,000”
and inserting the following: “sub-
section (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 sub-
section (a)(1)(D) for such local educational agency exceeds 12,750 for such year, then—

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

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

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

(3) SPECIAL RULES.—

(A) APPLICABILITY FOR FISCAL YEAR 2016.—Notwithstanding any other provision of
law, in making basic support payments under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)) for fiscal year 2016, the Secretary of Education shall carry out subparagraphs (B)(i) and (E) of such section as if the amendments made to subparagraphs (B)(i)(IV) and (D) of section 7003(b)(2) of such Act (as amended and redesignated by this subsection and the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802)) had also been made to the corresponding provisions of section 8003(b)(2) of the Elementary and Secondary Education Act of 1965, as in effect on the day before the date of enactment of the Every Student Succeeds Act.

(B) LOSS OF ELIGIBILITY.—For fiscal year 2016 or any succeeding fiscal year, if a local educational agency is eligible for a basic support payment under subclause (IV) of section 7003(b)(2)(B)(i) of the Elementary and Secondary Education Act of 1965 (as amended by this section and the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802)) or through a corresponding provision under sub-
paragraph (A), such local educational agency shall be ineligible to apply for a payment for such fiscal year under any other subclause of such section (or, for fiscal year 2016, any other item of section 8003(b)(2)(B)(i)(II) of the Elementary and Secondary Education Act of 1965).

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

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

(ii) such local educational agency shall not be eligible to receive any additional payment under such section for fiscal year 2016.
SEC. 574. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO THE TRANSITION AND SUPPORT OF MILITARY DEPENDENT STUDENTS TO LOCAL EDUCATIONAL AGENCIES.


(b) Information to Be Included with Future Requests for Extension.—The budget justification materials that accompany any budget of the President for a fiscal year after fiscal year 2017 (as submitted to Congress pursuant to section 1105 of title 31, United States Code) that includes a request for the extension of section 547(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 shall include the following:

(1) A full accounting of the expenditure of funds pursuant to such section 547(c) during the last fiscal year ending before the date of the submission of the budget.

(2) An assessment of the impact of the expenditure of such funds on the quality of opportunities for elementary and secondary education made available for military dependent students.
SEC. 575. COMPTROLLER GENERAL OF THE UNITED STATES ANALYSIS OF UNSATISFACTORY CONDITIONS AND OVERCROWDING AT PUBLIC SCHOOLS ON MILITARY INSTALLATIONS.

(a) In General.—The Comptroller General of the United States shall conduct an analysis of the condition and capacity of public schools on military installations. The analysis shall include schools that were omitted from the July 2011 Department of Defense analysis of such schools.

(b) Report.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report setting forth the analysis required by subsection (a). The report shall include the following:

(1) The Numerical Condition Index and Condition Rating of each public school on a military installation, with a ranking of such schools based on the severity of unsafe conditions and facility deficiencies.

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

(3) An identification and assessment of the schools likely to become overcrowded, or face condition deficiencies, during the five-year period beginning on the date of the report, based on anticipated
changes in the force structure or deteriorating conditions.

(4) A ranking of schools nationwide based on severity of unsatisfactory conditions and on overcrowding.

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

SEC. 576. ENHANCED FLEXIBILITY IN PROVISION OF RELOCATION ASSISTANCE TO MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

(a) Geographic Requirement.—Paragraph (1) of subsection (c) of section 1056 of title 10, United States Code, is amended by striking the second, third, and fourth sentences and inserting the following new sentence: “Such relocation assistance programs shall ensure that members of the armed forces and their families are provided relocation assistance regardless of geographic location.”.

(b) Computerized Information System.—Such subsection is further amended—

(1) in paragraph (2)—

(A) by striking “available through each military” and inserting “a”; and
(B) by striking “all other military relocation assistance programs” and inserting “the relocation assistance programs”; and

(2) in paragraph (3)—

(A) by striking “Duties of each military relocation assistance program shall include assisting” and inserting “Assistance shall be provided to”; and

(B) by striking “the program” and inserting “a relocation assistance program”.

(c) Discharge Through Program Manager.—Subsection (d) of such section is amended to read as follows:

“(d) Program Manager.—The Secretary of Defense shall establish the position of Program Manager of Military Relocation Assistance in the office of the Assistant Secretary of Defense for Manpower and Reserve Affairs. The Program Manager shall oversee the development and implementation of relocation assistance under this section.”.

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

(a) Reports to Family Advocacy Program Offices.—
(1) **IN GENERAL.—**The following information shall be reported immediately to the Family Advocacy Program office at the military installation to which the member of the Armed Forces concerned is assigned:

(A) Credible information (which may include a reasonable belief), obtained by any individual within the chain of command of the member, that a child in the family or home of the member has suffered an incident of child abuse.

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

(2) **REGULATIONS.—**The Secretary of Defense and the Secretary of Homeland Security (with respect to the Navy when it is not operating as a service in the Navy) shall jointly prescribe regulations to carry out this subsection.
(3) Child abuse defined.—In this subsection, the term “child abuse” has the meaning given that term in subsection (c) of section 226 of the Victims of Child Abuse Act of 1990.

(b) Reports to State Child Welfare Services.—Section 226 of the Victims of Child Abuse Act of 1990 (title II of Public Law 101–647; 104 Stat. 4806; 42 U.S.C. 13031) is amended—

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

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

(3) by inserting after subsection (d) the following new subsection (e):

“(e) Reporters and recipient of report involving children and homes of members of the Armed Forces.—

“(1) Recipients of reports.—In the case of an incident described in subsection (a) involving a child in the family or home of member of the Armed Forces (regardless of whether the incident occurred on or off a military installation), the report required by subsection (a) shall be made to the appropriate child welfare services agency or agencies of the State
in which the child resides. The Attorney General, the
Secretary of Defense, and the Secretary of Home-
land Security (with respect to the Navy when it is
not operating as a service in the Navy) shall jointly,
in consultation with the chief executive officers of
the States, designate the child welfare service agen-
cies of the States that are appropriate recipients of
reports pursuant to this subsection. Any report on
an incident pursuant to this subsection is in addition
to any other report on the incident pursuant to this
section.

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

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

(a) BACKGROUND CHECKS.—Commencing not later
than two years after the date of the enactment of this Act,
each covered local educational agency and each Depart-
ment of Defense domestic dependent elementary and sec-
ondary school established pursuant to section 2164 of title
10, United States Code, shall have in effect policies and 
procedures that—

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

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

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

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

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

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

(A) refuses to consent to a criminal back-
ground check under paragraph (1);
(B) makes a false statement in connection with such criminal background check;

(C) has been convicted of a felony consisting of—

(i) murder;

(ii) child abuse or neglect;

(iii) a crime against children, including child pornography;

(iv) spousal abuse;

(v) a crime involving rape or sexual assault;

(vi) kidnapping;

(vii) arson; or

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

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

(3) require that each criminal background check conducted under paragraph (1) be periodically repeated or updated in accordance with policies established by the covered local educational agency or
the Department of Defense (in the case of a Department of Defense domestic dependent elementary and secondary school established pursuant to section 2164 of title 10, United States Code);

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

(5) provide for a timely process, by which a school employee of the school or agency may appeal, but which does not permit the employee to be employed as a school employee during such appeal, the results of a criminal background check conducted under paragraph (1) which prohibit the employee from being employed as a school employee under paragraph (2) to—

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

(B) establish or reestablish eligibility to be hired or reinstated as a school employee by demonstrating that the information is materially inaccurate or incomplete, and has been corrected; and
(6) allow the covered local educational agency or school, as the case may be, to share the results of a school employee’s criminal background check recently conducted under paragraph (1) with another local educational agency that is considering such school employee for employment as a school employee.

(b) FEES FOR BACKGROUND CHECKS.—The Attorney General, attorney general of a State, or other State law enforcement official may charge reasonable fees for conducting a criminal background check under subsection (a)(1), but such fees shall not exceed the actual costs for the processing and administration of the criminal background check.

(c) DEFINITIONS.—In this section:

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

(A) under subsection (b) or (d) of section 8003, or section 8007, of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703, 7707), as such sections are in effect before the effective date for title VII of the Every Student Succeeds Act (Public Law 114–95); or
(B) under subsection (b) or (d) of section 7003, or section 7007, of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703, 7707), beginning on the effective date of such title VII.

(2) SCHOOL EMPLOYEE.—The term “school employee” means—

(A) a person who—

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

(I) a covered local educational agency; or

(II) a Department of Defense domestic dependent elementary and secondary school established pursuant to section 2164 of title 10, United States Code, such elementary and secondary school; and

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

(B)(i) any person, or an employee of any person, who has a contract or agreement to provide services to a covered local educational
agency or a Department of Defense domestic dependent elementary and secondary school established pursuant to section 2164 of title 10, United States Code; and

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

SEC. 579. SUPPORT FOR PROGRAMS PROVIDING CAMP EXPERIENCE FOR CHILDREN OF MILITARY FAMILIES.

(a) In General.—The Secretary of Defense may provide financial or non-monetary support to qualified nonprofit organizations in order to assist such organizations in carrying out programs to support the attendance at a camp or camp-like setting of children of military families.

(b) Reports to DoD.—Each organization that receives support from the Secretary pursuant to subsection (a) shall submit to the Secretary a report on the use of such support containing such information as the Secretary considers appropriate.
SEC. 580. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON EXCEPTIONAL FAMILY MEMBER PROGRAMS.

(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the effectiveness of each Exceptional Family Member Program (EFMP) of the Armed Forces.

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

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

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

(3) An assessment whether all children of members of each Armed Forces are screened for potential coverage under the Exceptional Family Member Program.

(4) An assessment of the degree to which conditions of children of members of the Armed Forces who qualify for coverage under an Exceptional Fam-
ily Member Program are taken into account in making assignments of military personnel.

(5) An assessment of the degree to which medical and educational services are available to address the conditions identified by the screening described in (3) in children of members of the Armed Forces who qualify for coverage under an Exceptional Family Member Program.

(6) An assessment whether the Department of Defense has implemented specific directives for providing family support and enhanced case management services, such as special needs navigators, to families with special needs children.

(7) An assessment whether the Department has conducted periodic reviews of best practices in the United States for the provision of medical and educational services to children with special needs.

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

(9) An assessment of the uniform policy for the Department regarding families with special needs required by section 1781c(e) of title 10, United States Code.
(10) An assessment of the implementation of the uniform policy described in paragraph (9).


SEC. 581. REPEAL OF ADVISORY COUNCIL ON DEPENDENTS’ EDUCATION.


Subtitle G—Decorations and Awards

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

(a) Authorization.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 3741 of such title to Charles S. Kettles for the acts of valor during the Vietnam War described in subsection (b).
(b) Acts of Valor Described.—The acts of valor referred to in subsection (a) are the actions of Charles S. Kettles during combat operations on May 15, 1967, while serving as Flight Commander, 176th Aviation Company, 14th Aviation Battalion, Task Force Oregon, Republic of Vietnam, for which he was previously awarded the Distinguished Service Cross.

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

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

(b) Acts of Valor Described.—The acts of valor referred to in subsection (a) are the actions of Gary M. Rose in Laos from September 11 through 14, 1970, during the Vietnam War while a member of the United States Army, Military Assistance Command Vietnam-Studies and Observation Group (MACVSOG).
SEC. 588. AUTHORIZATION FOR AWARD OF THE DISTINGUISHED SERVICE CROSS TO CHAPLAIN
FIRST LIEUTENANT) JOSEPH VERBIS LA-
FLEUR FOR ACTS OF VALOR DURING WORLD
WAR II.

(a) AUTHORIZATION.—Notwithstanding the time limit-
ations 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 La-
Fleur for the acts of valor referred to in subsection (b).

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

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

(a) ADVANCEMENT.—Colonel George E. “Bud” Day,
United States Air Force (retired), is entitled to hold the
rank of brigadier general while on the retired list of the
Air Force.
(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—The advancement of George E. “Bud” Day on the retired list of the Air Force under subsection (a) shall not affect the retired pay or other benefits from the United States to which George E. “Bud” Day would have been entitled based upon his military service or affect any benefits to which any other person may become entitled based on his military service.

Subtitle H—Miscellaneous Reports and Other Matters

SEC. 591. APPLICABILITY OF MILITARY SELECTIVE SERVICE ACT TO FEMALE CITIZENS AND PERSONS.

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

(1) by redesignating subsection (b) as subsection (c); and

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

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

“(2) The responsibilities and rights of female registrants under this Act shall be the responsibilities and
rights of male registrants under this Act, and shall be subject to such terms, conditions, and limitations as are applicable under the provisions of this Act to similarly situated male registrants.

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

SEC. 592. SENIOR MILITARY ACQUISITION ADVISORS IN THE DEFENSE ACQUISITION CORPS.

(a) Positions.—

(1) In general.—Subchapter II of chapter 87 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1725. Senior Military Acquisition Advisors

“(a) Position.—

“(1) In general.—The Secretary of Defense may establish in the Defense Acquisition Corps positions to be known as ‘Senior Military Acquisition Advisor’.

“(2) Appointment.—A Senior Military Acquisition Advisor shall be appointed by the President, by and with the advice and consent of the Senate.
“(3) Scope of position.—An officer who is appointed as a Senior Military Acquisition Advisor—

“(A) shall serve as an advisor to, and provide senior level acquisition expertise to, the Service Acquisition Executive of that officer’s military department in accordance with this section; and

“(B) shall be assigned as an adjunct professor at the Defense Acquisition University.

“(b) Continuation on active duty.—An officer who is appointed as a Senior Military Acquisition Advisor may continue on active duty while serving in such position without regard to any mandatory retirement date that would otherwise be applicable to that officer by reason of years of service or age. An officer who is continued on active duty pursuant to this section is not eligible for consideration for selection for promotion.

“(c) Retired grade.—Upon retirement, an officer who is a Senior Military Acquisition Advisor may, in the discretion of the President, be retired in the grade of brigadier general or rear admiral (lower half) if—

“(1) the officer has served as a Senior Military Acquisition Advisor for a period of not less than three years; and
“(2) the officer’s service as a Senior Military Acquisition Advisor has been distinguished.

“(d) Selection and Tenure.—

“(1) In general.—Selection of an officer for recommendation for appointment as a Senior Military Acquisition Advisor shall be made competitively, and shall be based upon demonstrated experience and expertise in acquisition.

“(2) Officers eligible.—Officers shall be selected for recommendation for appointment as Senior Military Acquisition Advisors from among officers of the Defense Acquisition Corps who are serving in the grade of colonel or, in the case of the Navy, captain, and who have at least 12 years of acquisition experience. An officer selected for recommendation for appointment as a Senior Military Acquisition Advisor shall have at least 30 years of active commissioned service at the time of appointment.

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

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

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

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

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

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

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

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 87 of such title is amended by adding at the end the following new item:

“1725. Senior Military Acquisition Advisors.”.

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

“(9) Officers who are Senior Military Acquisition Advisors under section 1725 of this title, but not to exceed 15.”.

SEC. 593. ANNUAL REPORTS ON PROGRESS OF THE ARMY AND THE MARINE CORPS IN INTEGRATING WOMEN INTO MILITARY OCCUPATIONAL SPECIALTIES AND UNITS RECENTLY OPENED TO WOMEN.

(a) REPORTS REQUIRED.—Not later than April 1, 2017, and each year thereafter through 2021, the Chief of Staff of the Army and the Commandant of the Marine Corps shall each submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the current status of the implementation by the Army and the Marine Corps, respectively, of the policy of Secretary of Defense dated March 9, 2016, to open to
women military occupational specialties and units previously closed to women.

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

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

(2) The propensity of applicants to apply for and access into newly-opened ground combat programs, by gender and program.

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

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

(5) Reclassification rates and causes of reclassification throughout the Entry Level Training continuum, by gender and military occupational specialty.

(6) Injury rates and causes of injury throughout the Entry Level Training continuum, by gender and military occupational specialty.
(7) Injury rates and nondeployability rates in newly-opened ground combat military occupational specialties, by gender and military occupational specialty.

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

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

(10) Reenlistment and retention rates in newly-opened ground combat military occupational specialties, by gender and military occupational specialty.

(11) Promotion rates in newly-opened ground combat military occupational specialties, by grade and gender.
(12) Actions taken to address matters relating to equipment sizing and supply, and facilities, in connection with the implementation by such Armed Force of the policy referred to in paragraph (1).

(c) Applicability to SOCOM.—In addition to the reports required by subsection (a), the Commander of the United States Special Operations Command shall submit to the Committees on Armed Services of the Senate and the House of Representatives, on the dates provided for in subsection (a), a report on the current status of the implementation by the United States Special Operations Command of the policy of Secretary of Defense referred to in subsection (a). Each report shall include the matters specified in subsection (b) with respect to the United States Special Operations Command.

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

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth a description, for each Armed Force, of the following:

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

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

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

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

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

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

SEC. 596. EXTENSION OF LIMITATION ON REDUCTION IN NUMBER OF MILITARY AND CIVILIAN PERSONNEL ASSIGNED TO DUTY WITH SERVICE REVIEW AGENCIES.

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

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TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS
Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2017 INCREASE IN MILITARY BASIC PAY.

(a) Waiver of Section 1009 Adjustment.—The adjustment to become effective during fiscal year 2017 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) Increase in Basic Pay.—Effective on January 1, 2017, the rates of monthly basic pay for members of the uniformed services are increased by 1.6 percent.

SEC. 602. PUBLICATION BY DEPARTMENT OF DEFENSE OF ACTUAL RATES OF BASIC PAY PAYABLE TO MEMBERS OF THE ARMED FORCES BY PAY GRADE FOR ANNUAL OR OTHER PAY PERIODS.

Any pay table published or otherwise issued by the Department of Defense to indicate the rates of basic pay of the Armed Forces in effect for members of the Armed Forces for a calendar year or other period shall state the rate of basic pay to be received by members in each pay grade for such year or period as specified or otherwise provided by applicable law, including any rate to be so re-
received pursuant during such year or period by the operation of a ceiling under section 203(a)(2) of title 37, United States Code, or a similar provision in an annual defense authorization Act.

SEC. 603. EXTENSION OF AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING UNDER CERTAIN CIRCUMSTANCES.

Section 403(b)(7)(E) of title 37, United States Code, is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

SEC. 604. REFORM OF BASIC ALLOWANCE FOR HOUSING.

(a) REFORM.—

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

“§ 403a. Basic allowance for housing: members first entitled after January 1, 2018; members entitled before January 1, 2018, with interruption in eligibility after that date “(a) GENERAL ENTITLEMENT.—Except as otherwise provided by law, a member of the uniformed services covered by this section who is entitled to basic pay is entitled to a basic allowance for housing at the monthly rate prescribed under this section or another provision of law with
regard to the applicable component of the basic allowance for housing. The maximum amount of the basic allowance for housing for a member will vary according to the pay grade in which the member is assigned or distributed for basic pay purposes and the geographic location of the member. The basic allowance for housing may be paid in advance.

“(b) Basic Allowance for Housing Inside the United States.—

“(1) In general.—The monthly rate of basic allowance for housing payable under this section to a member of the uniformed services covered by this section who is assigned to duty in the United States shall be the rate prescribed by the Secretary of Defense for purposes of this section.

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

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

“(B) The amount of the allowance payable to a member may not exceed the lesser of—
“(i) the actual monthly cost of housing of the member; or

“(ii) the maximum amount determined under subparagraph (A) for members in the member’s pay grade.

“(C) In the event two or more members occupy the same housing, the amount of the allowance payable to such a member may not exceed—

“(i) the amount of the allowance otherwise payable to such member pursuant to subparagraph (B); divided by

“(ii) the total number of members occupying such housing.

“(D) So long as a member retains uninterrupted eligibility to receive the allowance and the actual monthly cost of housing for the member is not reduced, the monthly amount of the allowance may not be reduced as a result of changes in housing costs in the area or the promotion of the member.

“(3) CERTAIN RENTAL MATTERS.—

“(A) LUMP SUM PAYMENT FOR DEPOSITS AND ADVANCE RENT.—In the case of a member authorized payment of an allowance under this
subsection, the Secretary concerned may make a lump-sum payment to the member for required deposits and advance rent, and for expenses relating thereto, that are—

“(i) incurred by the member in occupying private housing; and

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

“(B) RECOUPMENT.—The Secretary concerned shall recoup the full amount of any deposit or advance rent payments made by the Secretary under subparagraph (A).

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

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

“(2) ELEMENTS.—Subject to the provisions of this subsection, the rates of basic allowance for housing payable under this subsection shall meet the following requirements:
“(A) The rates shall be based on the housing costs in the overseas area in which the member is assigned and shall be determined in the manner specified in subparagraphs (A) and (B) of subsection (b)(2).

“(B) In the event two or more members occupy the same housing, the amount of the allowance payable to such a member may not exceed—

“(i) the amount of the allowance otherwise payable to such member pursuant to subparagraph (A); divided by

“(ii) the total number of members occupying such housing.

“(C) So long as a member retains uninterrupted eligibility to receive the allowance in an overseas area and the actual monthly cost of housing for the member is not reduced, the monthly amount of the allowance in the area may not be reduced as a result of changes in housing costs in the area or the promotion of the member. The monthly amount of the allowance may be adjusted to reflect changes in currency rates.

“(3) Rental matters.—
“(A) Lump sum payments for deposit and advance rent.—In the case of a member authorized payment of an allowance under this subsection, the Secretary concerned may make a lump-sum payment to the member for required deposits and advance rent, and for expenses relating thereto, that are—

“(i) incurred by the member in occupying private housing outside of the United States; and

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

“(B) Currency fluctuation losses as allowance expenses.—Expenses for which a member may be reimbursed under this paragraph may include losses relating to housing that are sustained by the member as a result of fluctuations in the relative value of the currencies of the United States and the foreign country in which the housing is located.

“(C) Recoupment.—The Secretary concerned shall recoup the full amount of any deposit or advance rent payments made by the Secretary under subparagraph (A), including
any gain resulting from currency fluctuations between the time of payment and the time of recoupment.

“(d) Reserve and Retired Members.—

“(1) In general.—A member of a reserve component described in paragraph (2) is entitled to a basic allowance for housing determined in accordance with this section during the time the member is on active duty as described in that paragraph.

“(2) Covered members.—A member of a reserve component described in this paragraph is a member as follows:

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

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

“(e) Basic allowance for housing when dependents do not accompany member.—
“(1) IN GENERAL.—A member of the unif-
formed services covered by this section with depend-
ents who is on permanent duty at a location de-
scribed in paragraph (2) may be paid a family sepa-
ration basic allowance for housing under this sub-
section at a monthly rate equal to the rate of the
basic allowance for housing established under sub-
section (b) or the overseas basic allowance for hous-
ing established under subsection (c), whichever ap-
plies to that location, for members in the same grade
at that location without dependents.

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

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

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

“(3) MEMBER ASSIGNED TO DIFFERENT LOCA-
TION THAN DEPENDENTS RESIDENCE.—If a member
with dependents is assigned to duty in an area that
is different from the area in which the member’s de-
pendents reside, the member is entitled to a basic al-
lowance for housing as provided in subsection (b) or
(c), whichever applies to the member, subject to the
following:

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

“(B) If the member’s assignment to duty
in that area is under the conditions of a low-
cost or no-cost permanent change of station or
permanent change of assignment, the amount
of the basic allowance for housing for the mem-
ber shall be based on the member’s last duty
station if the Secretary concerned determines
that it would be inequitable to base the allow-
ance on the cost of housing in the area to which
the member is reassigned.
“(C) If the member is reassigned for a permanent change of station or permanent change of assignment from a duty station in the United States to another duty station in the United States for a period of not more than one year for the purpose of participating in professional military education or training classes, the amount of the basic allowance for housing for the member may be based on whichever of the following areas the Secretary concerned determines will provide the more equitable basis for the allowance:

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

“(ii) The area in which the dependents reside, but only if the dependents reside in that area when the member departs for the duty station to which the member is reassigned and only for the period during which the dependents reside in that area.

“(iii) The area of the former duty station of the member, if different than the area in which the dependents reside.
“(4) Construction with other allowances.—A family separation basic allowance for housing paid to a member under this subsection is in addition to any other allowance or per diem that the member receives under this title. A member may receive a basic allowance for housing under both paragraphs (1) and (3).

“(f) Effect of assignment to quarters.—Except as otherwise provided by law, a member of the uniformed services covered by this section who is assigned to quarters of the United States or a housing facility under the jurisdiction of a uniformed service appropriate to the grade, rank, or rating of the member and adequate for the member and dependents of the member, if with dependents, is not entitled to a basic allowance for housing.

“(g) Ineligibility during initial field duty or sea duty.—

“(1) Initial field duty.—A member of the uniformed services covered by this section without dependents who makes a permanent change of station for assignment to a unit conducting field operations is not entitled to a basic allowance for housing while on that initial field duty unless the commanding officer of the member certifies that the
member was necessarily required to procure quarters at the member’s expense.

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

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

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

“(i) TEMPORARY CONTINUATION OF ALLOWANCE FOR DEPENDENTS OF MEMBERS DYING ON ACTIVE DUTY.—
“(1) Occupation without charge following death.—The Secretary of Defense, or the Secretary of Homeland Security in the case of the Coast Guard when not operating as a service in the Navy, may allow the dependents of a member of the armed forces covered by this section who dies on active duty and whose dependents are occupying family housing provided by the Department of Defense, or by the Department of Homeland Security in the case of the Coast Guard, other than on a rental basis, on the date of the member’s death to continue to occupy such housing without charge for a period of 365 days.

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

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

“(B) are occupying such housing on a rental basis on such date; or
“(C) vacate such housing sooner than 365 days after the date of death.

“(3) **Termination of Allowance.**—The payment of the allowance under paragraph (2) shall terminate 365 days after the date of death of the member concerned.

“(j) **Members Paying Child Support.**—A member of the uniformed services covered by this section with dependents may not be paid a basic allowance for housing at the with dependents rate solely by reason of the payment of child support by the member if—

“(1) the member is assigned to a housing facility under the jurisdiction of a uniformed service; or

“(2) the member is assigned to sea duty, and elects not to occupy assigned quarters for unaccompanied personnel, unless the member is in a pay grade above pay grade E–3.

“(k) **Treatment of Low-cost and No-cost Moves as Not Being Reassignments.**—In the case of a member of the uniformed services covered by this section who is assigned to duty at a location or under circumstances that make it necessary for the member to be reassigned under the conditions of low-cost or no-cost permanent change of station or permanent change of assignment, the member may be treated for the purposes of this
section as if the member were not reassigned if the Secretary concerned determines that it would be inequitable to base the member’s entitlement to, and amount of, a basic allowance for housing on the cost of housing in the area to which the member is reassigned.

“(l) ADMINISTRATION.—This section shall be administering in accordance with such regulations as the Secretary of Defense shall prescribe for purposes of this section.

“(m) MEMBER COVERED BY THIS SECTION DEFINED.—In this section, the term ‘member covered by this section’, with respect to a member of the uniformed services, a member or retired member of the armed forces, or a member of a reserve component of the armed forces, as applicable, means the following:

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

“(2) In the case of a member of a reserve component or retired member described in subsection (d), a member who is not entitled to basic allowance for housing as of December 31, 2017, and who becomes entitled to basic allowance for housing after that date pursuant to active duty described in that subsection.

“(3) A member who—
“(A) is entitled to basic allowance for housing under section 403 of this title as of December 31, 2017, within a particular housing or overseas area; and

“(B) after that date, loses uninterrupted eligibility to receive a basic allowance for housing within an area of the United States or an area outside the United States, as applicable.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 403 the following new item:

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

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

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

(c) SUBMITTAL OF PROPOSED REGULATIONS TO CONGRESS.—Not later than March 31, 2017, the Sec-
retary of Defense shall submit to the congressional defense
committees the regulations the Secretary purposes to pre-
scribe under subsection (l) of section 403a of title 37,
United States Code (as added by subsection (a)), to ad-
minister basic allowances for housing pursuant to that sec-
tion.

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

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

(b) Clerical Amendment.—The table of sections
at the beginning of chapter 5 of such title is amended by
striking the item relating to section 328.

Subtitle B—Bonuses and Special
and Incentive Pays

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

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

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

(2) Section 308c(i), relating to Selected Reserve
affiliation or enlistment bonus.
(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

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

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

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

(8) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

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

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

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

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

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

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

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

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

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

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

(6) Section 302j(a), relating to accession bonus for pharmacy officers.
(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

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

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

(2) Section 312b(e), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.
SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-
1 ING TO TITLE 37 CONSOLIDATED SPECIAL
2 PAY, INCENTIVE PAY, AND BONUS AUTHORI-
3 TIES.

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

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

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

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

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

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

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

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

(8) Section 352(g), relating to assignment pay
15 or special duty pay.
(9) Section 353(i), relating to skill incentive pay or proficiency bonus.

(10) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

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

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

(2) Section 307a(g), relating to assignment incentive pay.

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

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

(5) Section 316a(g), relating to incentive pay for members of precommissioning programs pursuing foreign language proficiency.

(6) Section 324(g), relating to accession bonus for new officers in critical skills.
(7) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

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

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

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

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

**Subtitle C—Travel and Transportation Allowances**

**SEC. 621. MAXIMUM REIMBURSEMENT AMOUNT FOR TRAVEL EXPENSES OF RESERVES TO ATTEND ACTIVE DUTY TRAINING OUTSIDE OR NORMAL COMMUTING DISTANCES.**

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

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

“(1) IN GENERAL.—Except as provided in paragraph (2), the amount”; and
(2) by adding at the end the following new paragraph:

“(2) HIGHER REIMBURSEMENT AMOUNT AUTHORIZED.—The Secretary concerned may authorize, on a case-by-case basis, a higher reimbursement amount for a member under subsection (a) when the member—

“(A) resides—

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

“(ii) outside of an urbanized area with a population of 50,000 or more, as determined by the Bureau of the Census; and

“(B) is required to commute to the inactive duty training location—

“(i) using an aircraft or boat on account of limited or nonexistent vehicular routes to the training location or other geographical challenges; or

“(ii) from a permanent residence located more than 75 miles from the training location.”.
SEC. 622. PERIOD FOR RELOCATION OF SPOUSES AND DEPENDENTS OF CERTAIN MEMBERS OF THE ARMED FORCES UNDERGOING A PERMANENT CHANGE OF STATION.

(a) Period of Relocation.—

   (1) IN GENERAL.—Subchapter I of chapter 88 of title 10, United States Code, is amended by inserting after section 1784a the following new section:

   "§ 1784b. Relocation of spouses and dependents in connection with the permanent change of station of certain members

   "(a) ELECTION OF TIMING OF RELOCATION OF SPOUSES IN CONNECTION WITH PCS.—

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

   "(2) MEMBERS AND SPOUSES ELIGIBLE TO MAKE ELECTIONS.—A member and spouse may
make an election pursuant to paragraph (1) as follows:

“(A) If the spouse either—

“(i) is gainfully employed at the beginning of the covered relocation period concerned; or

“(ii) is enrolled in a degree, certificate, or license granting program at the beginning of the covered relocation period.

“(B) If the member and spouse have one or more dependents at the beginning of the covered relocation period concerned, either—

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

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

“(iii) the member and spouse are caring at the beginning of the covered relocation period for an immediate family member with a chronic or long-term illness, as determined pursuant to the regulations ap-
 applicable to the member’s armed force pursuant to subsection (g).

“(C) If the member is undergoing a permanent change of station as an individual augmentee or other deployment arrangement specified in the regulations applicable to the member’s armed force pursuant to subsection (h).

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

“(E) In the case of a member and spouse who do not otherwise meet any qualification in subparagraphs (A) through (D), if the commander of the member at the beginning of the covered relocation period determines that eligibility to make the election is in the interests of the member and spouse for family stability during the covered relocation period and in the interests of the armed force concerned. Any such determination shall be made on a case-by-case basis.
“(b) Election of Timing of Relocation of Certain Dependents of Unmarried Members in Connection With PCS.—

“(1) In general.—Subject to subsection (c), a member of the armed forces undergoing a permanent change of station who has one or more dependents described in paragraph (2) and is no longer married to the individual who is or was the parent (including parent by adoption) of such dependents at the beginning of the covered period of relocation may elect that such dependents may relocate to the location to which the member will relocate in connection with the permanent change of station at such time during the covered relocation period as elected as follows:

“(A) By the member alone if such individual is dead or has no custodial rights in such dependents at the beginning of such period.

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

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

“(A) Dependents over the age of 19 years for whom the member has power of attorney regarding residence.
“(B) Dependents under the age of 20 years who will reside with a caregiver according to the Family Care Plan of the member during the covered period of relocation until relocated pursuant to an election under this subsection.

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

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

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

“(C) If quarters or housing facilities that do not impose or collect a lease fee for occupancy are not available for a particular member, the quarters or housing facilities to which the member is assigned shall be quarters or housing facilities that impose or collect the lowest reasonable lease fee for occupancy that can be obtained for the mem-
ber by the Secretary concerned for purposes of this sub-
paragraph.

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

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

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

“(2) In this subsection, the terms ‘transportation al-
lowances’ and ‘personal property’ have the meaning given
such terms in section 451(b) of title 37.
“(f) APPROVAL.—(1) The Secretary of Defense shall establish a single approval process for applications for coverage under this section. The process shall apply uniformly among the armed forces.

“(2) Applications for approval for coverage under this section shall consist of such elements (including documentary evidence) as the Secretary shall prescribe for purposes of the approval process required by this subsection.

“(3) The approval process required by this subsection shall ensure that the processing of applications for coverage under this section is completed in a timely manner that permits a spouse and any dependents to relocate whenever during the covered relocation period selected in the election concerned. In meeting that requirement, the approval process shall provide for the processing of applications at the lowest level in the chain of command of members as it appropriate to ensure proper administration of this section.

“(g) REGULATIONS.—Each Secretary concerned shall prescribe regulations for the administration of this section with respect to the armed force or forces under the jurisdiction of such Secretary.

“(h) COVERED RELOCATION PERIOD DEFINED.—In this section, the term ‘covered relocation period’, in con-
nection with the permanent change of station of a mem-
ber, means the period that—

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

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

(2) CLERICAL AMENDMENT.—The table of sec-
tions at the beginning of subchapter I of chapter 88
of such title is amended by inserting after the item
relating to section 1784a the following new item:

“1784b. Relocation of spouses and dependents in connection with the permanent
change of station of certain members.”.

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

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

(1) REPORT REQUIRED.—Not later than one
year after the date of the enactment of this Act, the
Comptroller General of the United States shall sub-
mit to Congress a report on potential actions of the
Department of Defense to enhance the stability of
military families undergoing a permanent change of station.

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

(A) A comparison of the current percentage of spouses in military families who work with the percentage of spouses in military families who worked in the recent past, and an assessment of the impact of the change in such percentage on military families.

(B) An assessment of the effects of relocation of military families undergoing a permanent change of station on the employment, education, and licensure of spouses of military families.

(C) An assessment of the effects of relocation of military families undergoing a permanent change of station on military children, including effect on their mental health.

(D) An identification of potential actions of the Department to enhance the stability of military families undergoing a permanent change of station and to generate cost savings in connection with such changes of station.
(E) Such other matters as the Comptroller General considers appropriate.

(3) Additional element on funding of military family support programs.—In addition to the elements specified in paragraph (2), the report required by paragraph (1) shall also include a comparison of—

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

(B) the average annual amount spent by such Armed Force over such period on programs for military families and support of military families.
Subtitle D—Disability Pay, Retired Pay, and Survivor Benefits

PART I—AMENDMENTS IN CONNECTION WITH RETIRED PAY REFORM

SEC. 631. ELECTION PERIOD FOR MEMBERS IN THE SERVICE ACADEMIES AND INACTIVE RESERVES TO PARTICIPATE IN THE MODERNIZED RETIREMENT SYSTEM.

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

(1) in clause (i), by striking “and (iii)” and inserting “, (iii), (iv) and (v)”;

(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 MEMBERS WHO HAVE COMPLETED 8 TO 12 YEARS OF SERVICE.

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

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following new paragraph (1):

“(1) has completed not less than 8 and not more than 12 years of service in a uniformed service; and”; and

(B) in paragraph (2), by striking “an additional 4 years” and inserting “not less than 3 additional years”; and

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

“(d) TIMING OF PAYMENT.—Continuation pay may be paid to a full TSP member under subsection (a) at
any time after the member completes 8 years of service in a uniformed service, but before the member completes 12 years of service, as the Secretary concerned shall elect for purposes of this section.”.

(b) Conforming Amendments.—

(1) Heading Amendment.—The heading for such section is amended to read as follows:

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

(2) Table of Sections Amendment.—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 356 and inserting the following new item:

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

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 2018, immediately after the coming into effect of the amendments made by section 634 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 850), to which the amendments made by this section relate.
SEC. 634. COMBAT-RELATED SPECIAL COMPENSATION CO-
  ORDINATING AMENDMENT.

(a) In General.—Section 1413a(b)(3)(B) of title 10, United States Code, is amended by striking “2 1⁄2 per-
cent” and inserting “the retired pay percentage (deter-
mined 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, imme-
diately after the coming into effect of the amendments made by part I of subtitle D of title VI of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 842), to which the amendment made by subsection (a) relates.

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

It is the sense of Congress that—

(1) having the contribution of a member of the Armed Forces participating in the Thrift Savings Plan (TSP) under military retired pay reform (as enacted pursuant to part I of subtitle C of title of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92)) default to Roth
contributions until the member elects not to des-
ignate such contributions as Roth contributions
would aid enlisted and junior commissioned members
of the Armed Forces in saving for their retirement;
and

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

PART II—OTHER MATTERS

SEC. 641. EXTENSION OF ALLOWANCE COVERING MONTHLY
PREMIUM FOR SERVICEMEMBERS’ GROUP
LIFE INSURANCE WHILE IN CERTAIN OVER-
SEAS AREAS TO COVER MEMBERS IN ANY
COMBAT ZONE OR OVERSEAS DIRECT SUP-
PORT 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”; and

(2) by striking “who serves in the theater of op-
erations for Operation Enduring Freedom or Oper-
ation Iraqi Freedom” and inserting “who serves in
a designated duty assignment”; and
(3) by adding at the end the following new paragraph:

“(2) In this subsection, the term ‘designated duty assignment’ means a permanent or temporary duty assignment outside the United States or its possessions in support of a contingency operation in an area that—

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

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

(b) CONFORMING AMENDMENTS.—

(1) CROSS-REFERENCE.—Subsection (b) of such section is amended by striking “theater of operations” and inserting “designated duty assignment”.

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

“§ 437. Allowance to cover monthly premiums for Servicemembers’ Group Life Insurance: members serving in a designated duty assignment”.

(3) TABLE OF SECTIONS.—The item relating to section 437 in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

“437. Allowance to cover monthly premium for Servicemembers’ Group Life Insurance: members serving in a designated duty assignment.”.
(c) Effective Date.—The amendments made by this section shall apply to service by members of the Armed Forces in a designated duty assignment (as defined in subsection (a)(2) of section 437 of title 37, United States Code) for any month beginning on or after the date of the enactment of this Act.

SEC. 642. USE OF MEMBER'S CURRENT PAY GRADE AND YEARS OF SERVICE, RATHER THAN FINAL RETIREMENT PAY GRADE AND YEARS OF SERVICE, IN A DIVISION OF PROPERTY INVOLVING DISPOSABLE RETIRED PAY.

(a) In General.—Section 1408(a)(4) of title 10, United States Code, is amended—

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

(2) by inserting “(A)” after “(4)”;

(3) in subparagraph (A), as designated by paragraph (2), by inserting “(as determined pursuant to subparagraph (B))” after “member is entitled”; and

(4) by adding at the end the following new subparagraph: the following:

“(B) In calculating the total monthly retired pay to which a member is entitled for purposes of subparagraph (A), the following shall be used:
“(i) The member’s pay grade and years of service at the time of the court order.

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

(b) Application of Amendments.—The amendments made by subsection (a) shall apply with respect to any division of property as part of a final decree of divorce, dissolution, annulment, or legal separation involving a member of the Armed Forces to which section 1408 of title 10, United States Code, applies that becomes final after the date of the enactment of this Act.

SEC. 643. PERMANENT EXTENSION OF PAYMENT OF SPECIAL SURVIVOR INDEMNITY ALLOWANCES UNDER THE SURVIVOR BENEFIT PLAN.

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

(1) in paragraph (2)(I), by striking “during fiscal year 2017” and inserting “after fiscal year 2016”; and

(2) by striking paragraph (6).
SEC. 644. AUTHORITY TO DEDUCT SURVIVOR BENEFIT PLAN PREMIUMS FROM COMBAT-RELATED SPECIAL COMPENSATION WHEN RETIRED PAY NOT SUFFICIENT.

(a) Authority.—Subsection (d) of section 1452 of title 10, United States Code, is amended—

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

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2) Deduction from combat-related special compensation when retired pay not adequate.—In the case of a person who has elected to participate in the Plan and who has been awarded both retired pay and combat-related special compensation under section 1413a of this title, if a deduction from the person’s retired pay for any period cannot be made in the full amount required, there shall be deducted from the person’s combat-related special compensation in lieu of deduction from the person’s retired pay the amount that would otherwise have been deducted from the person’s retired pay for that period.”.

(b) Conforming Amendments to Section 1452.—
(1) Subsection (d) of such section is further amended—

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

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

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

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

(3) Subsection (g)(4) of such section is amended—

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

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

(c) CONFORMING AMENDMENTS TO OTHER PROVISIONS OF SBP STATUTE.—

(1) Section 1449(b)(2) of such title is amended—
(A) in the paragraph heading, by inserting “OR CRSC” after “RETIRED PAY”; and

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

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

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

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

SEC. 645. SENSE OF CONGRESS ON OPTIONS FOR MEMBERS OF THE ARMED FORCES TO DESIGNATE PAYMENT OF THE DEATH GRATUITY TO A TRUST FOR A SPECIAL NEEDS INDIVIDUAL.

It is the sense of Congress that the Department of Defense should explore options to allow members of the Armed Forces to designate that, upon their death, the death gratuity payable with respect to members of the Armed Forces upon death may be paid to a trust that is legally established under any Federal, State, or territorial law in order to provide greater financial and estate planning capability for members seeking to provide for those who require the protections of a trust, such as minor children or incapacitated adults, or those with special needs.
SEC. 646. INDEPENDENT ASSESSMENT OF THE SURVIVOR BENEFIT PLAN.

(a) Assessment Required.—The Secretary of Defense shall provide for an independent assessment of the Survivor Benefit Plan (SBP) under subchapter II of chapter 73 of title 10, United States Code, by a Federally-funded research and development center (FFRDC).

(b) Assessment Elements.—The assessment conducted pursuant to subsection (a) shall include, but not be limited to, the following:

(1) The purposes of the Survivor Benefit Plan, the manner in which the Plan interacts with other Federal programs to provide financial stability and resources for survivors of members of the Armed Forces and military retirees, and a comparison between the benefits available under the Plan, on the one hand, and benefits available to Government and private sector employees, on the other hand, intended to provide financial stability and resources for spouses and other dependents when a primary family earner dies.

(2) The effectiveness of the Survivor Benefit Plan in providing survivors with intended benefits, including the provision of survivor benefits for survivors of members of the Armed Forces dying on ac-
tive duty and members dying while in reserve active-
status.

(3) The feasibility and advisability of providing
survivor benefits through alternative insurance prod-
ucts 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 Sur-
vivor Benefit Plan, and the extent to which such
products might meet the needs of survivors, espe-
ially those on fixed incomes, to maintain financial
stability.

(c) REPORT.—Not later than one year after the date
of the enactment of this Act, the Secretary shall submit
to the Committees on Armed Services of the Senate and
House of Representatives a report setting forth the results
of the assessment conducted pursuant to subsection (a),
together with such recommendations as the Secretary con-
siders appropriate for legislative or administration action
in light of the results of the assessment.
Subtitle E—Commissary and Non-Appropriated Fund Instrumentality Benefits and Operations

SEC. 661. PROTECTION AND ENHANCEMENT OF ACCESS TO AND SAVINGS AT COMMISSARIES AND EXCHANGES.

(a) Optimization Strategy.—Section 2481(c) of title 10, United States Code, is amended by adding at the end the following paragraph:

“(3)(A) The Secretary of Defense shall develop and implement a comprehensive strategy to optimize management practices across the defense commissary system and the exchange system that reduce reliance of those systems on appropriated funding without reducing benefits to the patrons of those systems or the revenue generated by non-appropriated fund entities or instrumentalities of the Department of Defense for the morale, welfare, and recreation of members of the armed forces.

“(B) The Secretary shall ensure that savings generated due to such optimization practices are shared by the defense commissary system and the exchange system through contracts or agreements that appropriately reflect the participation of the systems in the development and implementation of such practices.”.
(b) Authority To Supplement Appropriations Through Business Optimization.—Section 2483(c) of such title is amended by adding at the end the following new sentence: “Such appropriated amounts may also be supplemented with additional funds derived from improved management practices implemented pursuant to sections 2481(c)(3) and 2487(e) of this title and the alternative pricing program implemented pursuant to section 2484(i) of this title.”.

(c) Alternative Pricing Program.—Section 2484 of such title is amended by adding at the end the following new subsections:

“(i) Alternative Pricing Program.—(1) The Secretary of Defense may establish and carry out, in accordance with the requirements of this subsection, an alternative pricing program pursuant to which prices may be established in response to market conditions and customer demand. Prices under the alternative pricing program shall reflect the uniform sales price surcharge applicable under subsection (d)

“(2) Before establishing an alternative pricing program under this subsection, the Secretary shall establish the following:

“(A) Specific, measurable benchmarks for success in the provision of high quality grocery mer-
chandise, discount savings to patrons, and levels of
customer satisfaction while achieving savings for the
Department of Defense.

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

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

“(j) CONVERSION TO NONAPPROPRIATED FUND EN-
TITY OR INSTRUMENTALITY.—(1) If the Secretary of De-
fense determines that the alternative pricing program
under subsection (i) has met the benchmarks for success
established pursuant to subsection (i)(2)(A) and the savings requirements established pursuant to subsection (i)(3) over a period of at least six months, the Secretary may convert the defense commissary system to a 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 non-appropriated fund entity or instrumentality.

“(2) If the Secretary determines that the defense commissary system operating as a nonappropriated fund entity or instrumentality is not likely, in any fiscal year, to afford the level of patron savings required in subsection (i)(3), the Secretary may authorize a transfer of appropriated funds available for such purpose to the commissary system in an amount sufficient to offset the anticipated loss. Any funds so transferred shall be considered to be nonappropriated funds for such purpose.

“(3) The Secretary may identify positions of employees in the defense commissary system who are paid with appropriated funds whose status may be converted to the
status of an employee of a nonappropriated fund entity or instrumentality. The status and conversion of such employees shall be addressed as provided in section 2491(c) of this title for employees in morale, welfare, and recreation programs. No individual who is an employee of the defense commissary system as of the date of the enactment of this subsection shall suffer any loss of or decrease in pay as a result of the conversion.”.

(d) Establishment of Common Business Practices.—Section 2487 of such title is amended—

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

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

“(c) Common Business Practices.—(1) Notwithstanding subsections (a) and (b), the Secretary of Defense may establish common business processes, practices, and systems—

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

“(B) to optimize the operations of the defense retail systems as a whole and the benefits provided by the commissaries and exchanges.
“(2) The Secretary may authorize the defense commissary system and the exchange system to enter into contracts or other agreements for the following:

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

“(B) The acquisition of supplies, resale goods, and services on behalf of both the defense commissary system and the exchange system.

“(3) For the purpose of a contract or agreement authorized under paragraph (2), the Secretary may—

“(A) use funds appropriated pursuant to section 2483 of this title to reimburse a non-appropriated 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) Clarification of References to “the Exchange System”.—Section 2481(a) of such title is amended by adding at the end the following new sentence:

“Any reference in this chapter to ‘the exchange system’ shall be treated as referring to each separate administrative entity within the Department of Defense through which the Secretary has implemented the requirement under this subsection for a world-wide system of exchange stores.”.

(f) Operation of Defense Commissary System as a Nonappropriated Fund Entity.—In the event that the defense commissary system is converted to a nonappropriated fund entity or instrumentality as authorized by section 2484(j)(1) of title 10, United States Code, as added by subsection (c) of this section, the Secretary of Defense may—

(1) provide for the transfer of commissary assets, including inventory and available funds, to the nonappropriated fund entity or instrumentality; and

(2) ensure that revenues accruing to the defense commissary system are appropriately credited to the nonappropriated fund entity or instrumentality.

(g) Conforming Amendment.—Section 2643(b) of title 10, United States Code, is amended by adding at the
end the following new sentence: “Such appropriated funds may be supplemented with additional funds derived from improved management practices implemented pursuant to sections 2481(c)(3) and 2487(e) of this title.”.

SEC. 662. PILOT PROGRAM ON PRIVATIZATION OF THE DEFENSE COMMISSARY SYSTEM.

(a) Pilot Program Required.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a pilot program to assess the feasibility and advisability of the privatization of the Defense Commissary System. The Secretary may carry out the pilot program without regard to any requirement or limitation otherwise applicable to commissaries of the Defense Commissary System under chapter 147 of title 10, United States Code.

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

(c) Elements.—

(1) Participating Commissaries.—The pilot program conducted under subsection (a) shall be carried out at not more than five commissaries of the Defense Commissary System selected by the Secretary for participation in the pilot program.
(2) ELEMENTS.—The pilot program shall include such elements as the Secretary considers appropriate to assess the feasibility and advisability of the privatization of the Defense Commissary System.

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

(d) BENCHMARKS FOR EVALUATION.—

(1) BENCHMARKS REQUIRED.—In conducting the pilot program under subsection (a), the Secretary shall develop specific, measurable benchmarks for success in the provision of high quality grocery merchandise, discount savings to patrons, and levels of customer satisfaction at commissaries of the Defense Commissary System participating in the pilot program.

(2) SCOPE OF BENCHMARK FOR MAINTAINING SAVINGS.—In developing a benchmark for success in maintaining discount savings to patrons, the Secretary shall establish a baseline of overall savings to patrons achieved by the commissary stores participating in the pilot program before the commence-
ment of the pilot program, based on a comparison of the prices charged by such stores for a representative market basket of goods with the prices charged by relevant local competitors for such market basket of goods.

(e) Report.—

(1) Report Required.—Not later than 180 days after the completion of the pilot program, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Represen
tatives a report on the pilot program.

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

(A) A complete description of the pilot program, including the location of the commissaries of the Defense Commissary System selected to participate in the pilot program.

(B) A comparison of sales volumes at commissaries participating in the pilot program before and during the pilot program.

(C) An assessment of the impact of the pilot program on patron savings and patron satisfaction at the commissaries participating in the pilot program.
(D) A description of the cost savings achieved by the Department of Defense through the pilot program.

(E) An assessment, in light of the pilot program, of the feasibility and advisability of privatizing the Defense Commissary System, and, if privatization is determined to be feasible and advisable, such recommendations as the Secretary considers appropriate for legislative and administration action to privatize the Defense Commissary System.

Subtitle F—Other Matters

SEC. 671. COMPLIANCE WITH DOMESTIC SOURCE REQUIREMENTS FOR FOOTWEAR FURNISHED TO ENLISTED MEMBERS OF THE ARMED FORCES UPON THEIR INITIAL ENTRY INTO THE ARMED FORCES.

Section 418 of title 37, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) In the case of athletic footwear needed by members of the Army, Navy, Air Force, or Marine Corps upon their initial entry into the armed forces, the Secretary of Defense shall furnish such footwear directly to
the members instead of providing a cash allowance to the
members for the purchase of such footwear.

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

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

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

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

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

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

(1) in subsection (a)—

(A) by striking “, in the opinion of a board

of medical officers or physicians,”; and
(B) by striking “use or benefit” and all that follows through “any person designated” and inserting the following: “use or benefit to—
“(1) a legal committee, guardian, or other representative that has been appointed by a court of competent jurisdiction;
“(2) an individual to whom the member has granted authority to manage such funds pursuant to a valid and legally executed durable power of attorney; or
“(3) any person designated”; 
(2) in subsection (b)— 
(A) by striking “The board shall consist” and inserting “An individual may not be designated under subsection (a)(3) to receive payments unless a board consisting”; and 
(B) by inserting “determines that the member is mentally incapable of managing the member’s affairs. Any such board shall be” after “treatment of mental disorders,”; 
(3) in subsection (c), by striking “designated” and inserting “authorized to receive payments”; 
(4) is subsection (d), by inserting “, unless a court of competent jurisdiction orders payment of
such fee, commission, or other charge” before the period;

(5) by striking subsection (e);

(6) by redesigning subsection (f) as subsection (e); and

(7) in subsection (e), as redesignated by paragraph (6)—

(A) by inserting “under subsection (a)(3)” after “who is designated”; and

(B) by striking “$1,000” and inserting “$25,000”.

TITLE VII—HEALTH CARE PROVISIONS
Subtitle A—TRICARE and Other Health Care Benefits

SEC. 701. REFORM OF HEALTH CARE PLANS AVAILABLE UNDER THE TRICARE PROGRAM.

(a) Reform of Health Care Plans.—

(1) In general.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074n the following new section:

“§ 1075. TRICARE program: health care plans

“(a) Health Care Plans.—This section establishes the following health care plans under which covered beneficiaries may enroll under the TRICARE program:
“(1) TRICARE Prime (the managed care option).

“(2) TRICARE Choice (the self-managed option).

“(3) TRICARE Supplemental.

“(b) BENEFICIARY CATEGORIES.—In this section, the beneficiary categories for purposes of eligibility to enroll in a health care plan under subsection (a) and cost sharing requirements applicable to those health care plans are as follows:

“(1) ACTIVE-DUTY FAMILY MEMBERS.—The category of ‘active-duty family members’ consists of the following beneficiaries:

“(A) Beneficiaries covered by section 1079 of this title.

“(B) Beneficiaries covered by section 1086(c)(1) of this title by reason of being a retired member under chapter 61 of this title or a dependent of such a retired member.

“(C) Beneficiaries covered by section 1086(c)(2) of this title.

“(2) RETIRED MEMBERS.—The category of ‘retired members’ consists of beneficiaries covered by section 1086(c) of this title who are not—
“(A) beneficiaries described in subparagraph (B) or (C) of paragraph (1); or

“(B) beneficiaries described in section 1086(d)(2) of this title.

“(c) TRICARE PRIME.—

“(1) IN GENERAL.—The Secretary of Defense shall establish the TRICARE Prime health care plan in areas described in paragraph (6).

“(2) BENEFITS.—TRICARE Prime is a managed care option that provides medical services to beneficiaries enrolled in such option at reduced cost-sharing amounts for beneficiaries whose care is managed by a designated primary care manager and provided by a network provider.

“(3) ELIGIBILITY.—

“(A) ACTIVE-DUTY FAMILY MEMBERS.—Except as provided in subparagraph (C), a beneficiary in the active-duty family members category is eligible to enroll in TRICARE Prime under this subsection.

“(B) RETIRED MEMBERS.—Except as provided in subparagraph (C), a beneficiary in the retired members category is eligible to enroll in TRICARE Prime under this subsection in locations in which a facility of the uniformed serv-
ices has, in the judgment of the Secretary, a significant number of health care providers, including specialty care providers, and sufficient capability to support the efficient operation of TRICARE Prime for projected enrollees in that location.

“(C) EXCLUSION.—A beneficiary covered by section 1076d, 1076e, 1078a, or 1086(d)(2) of this title is not eligible to enroll in TRICARE Prime under this subsection.

“(4) REFERRAL REQUIRED.—

“(A) IN GENERAL.—Except as otherwise provided in this paragraph, a beneficiary enrolled in TRICARE Prime shall be required to obtain a referral for care through a designated primary care manager (or other care coordinator) prior to obtaining care under the TRICARE program.

“(B) EXCUSED REFERRAL.—The Secretary may excuse the requirement that a beneficiary obtain a referral under subparagraph (A) in such circumstances as the Secretary may establish for purposes of this section.

“(C) SPECIALTY CARE.—Beneficiaries enrolled in TRICARE Prime shall not be required
to obtain a pre-authorization for a referral for specialty care services.

“(D) COST-SHARING.—Notwithstanding subsections (f) and (g), the cost-sharing requirement for a beneficiary enrolled in TRICARE Prime who does not obtain a referral for care as required under subparagraph (A) and is not excused from obtaining such a referral under subparagraph (B) shall be an amount equal to 50 percent of the allowed point-of-service charge for such care.

“(5) ACCESS TO HEALTH CARE.—

“(A) IN GENERAL.—The Secretary shall ensure that beneficiaries enrolled in TRICARE Prime have access to primary care and specialty care services from facilities of the uniformed services or network providers in the applicable area within specific timeliness standards that meet or exceed those of high-performing health care systems in the United States, as determined by the Secretary.

“(B) URGENT CARE SERVICES.—

“(i) IN GENERAL.—In implementing subparagraph (A), the Secretary shall make special provisions for appropriate ac-
cess of beneficiaries to urgent care services.

“(ii) Pre-Authorization.—Beneficiaries enrolled in TRICARE Prime shall not be subject to a pre-authorization requirement for urgent care services.

“(6) Areas Described.—Areas described in this paragraph are areas in which a facility of the uniformed services is located (other than a facility limited to members of the armed forces) that have been designated by the Secretary for purposes of this subsection.

“(d) TRICARE Choice.—

“(1) In General.—The Secretary of Defense shall establish, without limitation to certain areas, the TRICARE Choice health care plan.

“(2) Benefits.—TRICARE Choice is a self-managed option under which beneficiaries enrolled in such option may receive care from any health care provider selected by the beneficiary, subject to such restrictions as the Secretary may establish for purposes of this subsection.

“(3) Eligibility.—A beneficiary in the active-duty family members category or the retired mem-
bers category is eligible to enroll in TRICARE Choice under this subsection.

“(e) TRICARE Supplemental.—

“(1) In general.—The Secretary of Defense shall establish the TRICARE Supplemental health care plan.

“(2) Benefits.—Under TRICARE Supplemental, the Secretary shall pay on behalf of a beneficiary the deductible and copayment amounts under a primary health care plan under which the beneficiary is covered, not to exceed the amount the Secretary would have paid as a primary payer to an out-of-network provider under this section.

“(3) Eligibility.—A beneficiary in the retired members category is eligible to enroll in TRICARE Supplemental under this subsection.

“(4) Enrollment Fee.—A beneficiary who enrolls in TRICARE Supplemental shall pay an enrollment fee of \( \frac{1}{2} \) of the enrollment fee applicable to a beneficiary in the retired members category who enrolls in TRICARE Choice.

“(5) Regulations.—The regulations prescribed by the Secretary under subsection (i) may include such other limitations and provisions for
TRICARE Supplemental as the Secretary determines appropriate.

“(f) COST-SHARING AMOUNTS.—

“(1) IN GENERAL.—During calendar year 2018, beneficiaries enrolled in TRICARE Prime and TRICARE Choice under this section shall be subject to cost-sharing requirements, including an enrollment fee, a deductible amount, and copayments, in accordance with the amounts and percentages set forth in the following table:

| Enrollment Fees, Deductible, and Catastrophic Caps |
|----------------------------------|------------------|------------------|------------------|------------------|
| TRICARE Prime | TRICARE Choice | TRICARE Prime | TRICARE Choice |
| Annual Enrollment Fee ...... $0 $0 $350 Individual $150 Individual |
| $700 Family $300 Family |
| Annual Deductible .......... $0 $0 E4 and below (E45) $0 $300 Individual $600 Family |
| $100 Individual $200 Family |
| $300 Individual $600 Family |
| Annual Catastrophic Cap ... $1,500 $1,500 $4,000 $4,000 |

Copayments (by Service Type)

<table>
<thead>
<tr>
<th>Outpatient MTF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visit .......... $0 $0 $0 $0</td>
</tr>
<tr>
<td></td>
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<tr>
<td>----------------------</td>
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<tr>
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<tr>
<td>Visit</td>
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<td>Urgent Care</td>
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<td>Private Sector</td>
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<tr>
<td>Durable Medical</td>
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<tr>
<td>Equipment MTF</td>
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<tr>
<td></td>
</tr>
<tr>
<td>Durable Medical Equipment</td>
</tr>
<tr>
<td>---------------------------</td>
</tr>
<tr>
<td>Private Sector</td>
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<td>Hospitalization</td>
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<tr>
<td>Private Sector</td>
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<td>Hospitalization</td>
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<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Inpatient Skilled Nursing/ Rehabilitation - MTF/ Network</th>
<th>ADFM Category</th>
<th>ADFM Category</th>
<th>Retired Category</th>
<th>Retired Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Network</td>
<td>$0</td>
<td>$25 per day - network without deductible.</td>
<td>$25 per day - network without deductible.</td>
<td>$25 per day - network without deductible.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>$35 per day out of network without deductible.</td>
<td>$250 per day or 20% of billed charges (whichever is less) out of network without deductible.</td>
<td></td>
</tr>
</tbody>
</table>

“(2) ADJUSTMENTS TO AMOUNTS.—

“(A) ANNUAL ENROLLMENT FEES.—

“(i) CONSUMER PRICE INDEX.—

“(I) IN GENERAL.—With respect to enrollment in TRICARE Choice for beneficiaries in the retired members category, for each calendar year after calendar year 2023, and with respect to all other beneficiaries, for each calendar year after calendar year 2018,
each dollar amount for an annual enrollment fee in the table set forth in paragraph (1) shall be increased by the annual percentage increase of the Consumer Price Index for Health Care Services published by the Bureau of Labor Statistics for such calendar year rounded to the next lower multiple of $1.

“(II) ADDITION OF ROUNDED AMOUNT.—An amount equal to the amount rounded down under subclause (I) for an annual enrollment fee shall be accumulated with such amounts for subsequent years and added to the amount of the increase under such subclause when the aggregate accumulated amount under this subclause (and not yet so added) for such fee equals $1 or more.

“(ii) TRICARE CHOICE FOR RETIRED MEMBERS.—With respect to enrollment in TRICARE Choice for beneficiaries in the retired members category, the annual en-
enrollment fee for calendar years 2019 through 2023 shall be—

“(I) for calendar year 2019—

“(aa) for enrollment as an individual, $210; and

“(bb) for enrollment as a family, $420;

“(II) for calendar year 2020—

“(aa) for enrollment as an individual, $270; and

“(bb) for enrollment as a family, $540;

“(III) for calendar year 2021—

“(aa) for enrollment as an individual, $330; and

“(bb) for enrollment as a family, $660;

“(IV) for calendar year 2022—

“(aa) for enrollment as an individual, $390; and

“(bb) for enrollment as a family, $780; and

“(V) for calendar year 2023—

“(aa) for enrollment as an individual, $450; and
“(bb) for enrollment as a family, $900.

“(B) OTHER AMOUNTS.—

“(i) IN GENERAL.—For each calendar year after calendar year 2018, each dollar amount (other than a dollar amount for an annual enrollment fee) expressed as a fixed dollar amount in the table set forth in paragraph (1) shall be increased by an amount equal to the percentage by which retired pay is increased under section 1401a(b)(2) of this title for such calendar year rounded to the next lower multiple of $1.

“(ii) ADDITION OF ROUNDED AMOUNT.—An amount equal to the amount rounded down under clause (i) for a fixed dollar amount specified in the table set forth in paragraph (1) shall be accumulated with such rounded amounts for subsequent years and added to the amount indexed under such clause when the aggregate accumulated amount under this subclause (and not yet so added) for such fixed dollar amount equals $1 or more.
“(3) **Special coverage and reimbursement.**—

“(A) **In general.**—In the case of services and products furnished under a health care plan under this section, the Secretary may, under regulations prescribed by the Secretary, adopt special coverage and reimbursement methods, amounts, and procedures to encourage the use of high-value services and products and discourage the use of low-value services and products, as determined by the Secretary.

“(B) **Affect on cost-sharing requirements.**—The special coverage and reimbursement methods, amounts, and procedures adopted under subparagraph (A) may include a reduction, waiver, or increase, as the case may be, of cost-sharing requirements set forth in paragraph (1) (as modified under paragraph (2)).

“(4) **Deductible amount.**—The deductible amount specified in the table set forth in paragraph (1) (as modified under paragraph (2)) is the initial cost incurred by an individual or family enrolled in a health care plan under this section during a calendar year for services furnished by an out-of-net-
work provider before costs may be paid under the plan.

“(5) Catastrophic cap.—The catastrophic cap specified in the table set forth in paragraph (1) (as modified under paragraph (2)) is the annual limit on the amount of cost-sharing that an individual or family enrolled in a health care plan under this section may be required to pay under such plan. Enrollment fees and point-of-service charges do not count against the catastrophic cap.

“(6) Calendar year enrollment period.—Enrollment fees, deductible amounts, and catastrophic caps specified in the table set forth in paragraph (1) (as modified under paragraph (2)) are on a calendar-year basis.

“(7) Definitions.—For purposes of the table set forth in paragraph (1) (as modified under paragraph (2)):

“(A) ADFM category.—The term ‘ADFM Category’ means the active-duty family members category.

“(B) MTF.—The term ‘MTF’, with respect to care or services, means care or services provided at a military treatment facility.
“(C) PRIVATE SECTOR.—The term ‘private sector’, with respect to care or services, means care or services provided in the private sector.

“(D) NETWORK.—The term ‘network’, with respect to care or services, means care or services provided by a network provider.

“(E) OUT OF NETWORK.—The term ‘out of network’, with respect to care or services, means care or services provided by an out-of-network provider.

“(g) SPECIAL RULES REGARDING COST SHARING.—

“(1) BENEFICIARIES.—

“(A) TRICARE-FOR-LIFE BENEFICIARIES.—A Medicare-eligible beneficiary enrolled in a health care plan under this section is not responsible for cost sharing for care covered by section 1086(d)(3) of this title, except that the catastrophic cap specified in the table set forth in subsection (f)(1) (as modified under subsection (f)(2)) applies to such care.

“(B) REMOTE AREA DEPENDENTS.—

“(i) COST SHARING.—A remote area dependent (as described in section 1079(o) of this title) enrolled in TRICARE Choice
is subject to the cost-sharing requirements for beneficiaries under TRICARE Prime.

“(ii) REFERRAL.—The referral requirements for a beneficiary enrolled in TRICARE Prime shall not apply to a remote area dependent described in clause (i).

“(2) BENEFITS AND PROGRAMS.—

“(A) EXTENDED BENEFITS.—Cost sharing under this section does not apply to extended benefits under subsections (d) and (e) of section 1079 of this title.

“(B) PHARMACY BENEFITS PROGRAM.—

“(i) COPAYMENTS.—Copayments for the receipt of pharmaceutical agents under a health care plan under this section shall be the copayments set forth in section 1074g(6) of this title.

“(ii) OTHER COST SHARING.—The enrollment fee, deductible, and catastrophic cap under this section shall apply to pharmaceutical agents furnished under a health care plan under this section.

“(iii) PHARMACEUTICAL AGENT DEFINED.—In this subparagraph, the term
'pharmaceutical agent' has the meaning given that term in section 1074g(2) of this title.

“(C) Other Programs.—If a beneficiary is enrolled in a program under this chapter for which an annual premium applies, including a premium under Medicare part B for care covered under section 1086(d)(3) of this title, the beneficiary is not required to pay an enrollment fee to enroll in a health care plan under this section.

“(h) Open Enrollment Period.—The Secretary of Defense shall establish—

“(1) an annual open enrollment period for beneficiaries to enroll or modify enrollment in a health care plan under this section; and

“(2) other appropriate circumstances under which beneficiaries may enroll or modify enrollment in such a plan outside of that period.

“(i) Regulations.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations to carry out this section.

“(j) Definitions.—In this section:
“(1) Network provider.—The term ‘network provider’ means an individual or institutional health care provider that—

“(A) has met the requirements established by the Secretary to become a preferred provider under this section; and

“(B) improves the experience of care, meets established quality of care and effectiveness metrics, and reduces the per capita costs of health care.

“(2) Out-of-network provider.—The term ‘out-of-network provider’ means an individual or institutional health care provider, other than a network provider, that has met the requirements established by the Secretary to be an authorized provider under this section.”.

(2) Conforming amendments.—Such title is amended—

(A) in section 1072, by amending paragraph (7) to read as follows:

“(7) The term ‘TRICARE program’ means the various programs carried out by the Secretary of Defense under this chapter and any other provision of law providing for the furnishing of medical and dental care and health benefits to members and
former members of the uniformed services and their dependents, including care furnished under the following health care plans:

“(A) TRICARE Prime under section 1075 of this title (a managed care option).

“(B) TRICARE Choice under such section 1075 (a self-managed option).

“(C) TRICARE Supplemental under such section 1075.

“(D) TRICARE-for-Life under section 1086(d) of this title.”;

(B) in section 1079—

(i) by amending subsection (b) to read as follows:

“(b) Plans covered by subsection (a) shall include provisions for the payment by the patient of cost-sharing amounts as specified in section 1075 of this title.”;

(ii) by striking subsection (e); and

(iii) in subsection (g)—

(I) in paragraph (1), by striking “(1) When” and inserting “When”;

and

(II) by striking paragraphs (2) through (5);
(C) in section 1086, by amending subsection (b) to read as follows:

“(b) For persons covered by this section, plans contracted for under section 1079(a) of this title shall include provisions for the payment by the patient of cost-sharing amounts as specified in section 1075 of this title.”;

(D) in section 1097, by amending subsection (e) to read as follows:

“(e) CHARGES FOR HEALTH CARE.—The charges for health care provided under this section shall consist of cost-sharing amounts as specified in section 1075 of this title.”; and

(E) by striking section 1097a.

(3) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 55 of such title is amended—

(A) by inserting after the item relating to section 1074n the following new item:

"1075. TRICARE program: health care plans."; and

(B) by striking the item relating to section 1097a.

(b) REFORM OF HEALTH CARE ENROLLMENT SYSTEM.—

(1) IN GENERAL.—Subsection (e) of section 1099 of title 10, United States Code, is amended to read as follows:
“(c) Health Care Plans Available Under System.—Covered beneficiaries that seek to receive health care services under this chapter shall enroll in one of the following health care plans and pay an enrollment fee, if any, applicable to such health care plan:

“(1) TRICARE Prime under section 1075 of this title.

“(2) TRICARE Choice under such section 1075.

“(3) TRICARE Supplemental under such section 1075.

“(4) TRICARE-for-Life under section 1086(d) of this title.”.

(2) Conforming Amendment.—Subsection (b)(1) of such section is amended by striking “eligible health care plans designated by the Secretary of Defense” and inserting “among health care plans specified in subsection (c)”.

(c) Changes to Classification of Certain Health Care Plans.—

(1) TRICARE Reserve Select.—Section 1076d of title 10, United States Code, is amended—

(A) in the section heading, by striking “TRICARE Standard” and inserting “TRICARE Reserve Select”; and
(B) by striking “TRICARE Standard” each place it appears and inserting “TRICARE Reserve Select”.

(2) TRICARE RETIRED RESERVE.—Section 1076e of such title is amended—

(A) in the section heading, by striking “TRICARE Standard” and inserting “TRICARE Retired Reserve”; 

(B) by striking “TRICARE Standard” each place it appears, other than subsections (b) and (c), and inserting “TRICARE Retired Reserve”; 

(C) in subsection (b)—

(i) in the subsection heading, by striking “TRICARE STANDARD”; and 

(ii) by striking “TRICARE Standard” the second place it appears; and

(D) in subsection (c), by striking “TRICARE Standard” the fourth place it appears.

(3) CHAMPUS.—Section 1079a of such title is amended—

(A) in the section heading, by striking “CHAMPUS” and inserting “TRICARE program”;
(B) by inserting “(including interagency transfers of funds or obligational authority and similar transactions)” after “amounts collected”; and

(C) by striking “the Civilian Health and Medical Program of the Uniformed Services” and inserting “the TRICARE program”.

(4) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 55 of such title is amended—

(A) by striking the item relating to section 1076d and inserting the following new item:

“1076d. TRICARE program: TRICARE Reserve Select coverage for members of the Selected Reserve.”;

(B) by striking the item relating to section 1076e and inserting the following new item:

“1076e. TRICARE program: TRICARE Retired Reserve coverage for certain members of the Retired Reserve who are qualified for a nonregular retirement but are not yet age 60.”; and

(C) by striking the item relating to section 1079a and inserting the following new item:

“1079a. TRICARE Program: treatment of refunds and other amounts collected.”.

(d) TRANSITION RULES.—

(1) IN GENERAL.—With respect to cost-sharing requirements for covered beneficiaries under section 1079, 1086, or 1097 of title 10, United States Code,
during the period beginning on October 1, 2017, and
ending on December 31, 2017—

(A) any enrollment fee shall be one-fourth
of the amount in effect during fiscal year 2017;

(B) any deductible amount applicable dur-
ing fiscal year 2017 shall apply for the 15-
month period beginning on October 1, 2016,
and ending on December 31, 2017.

(C) any catastrophic cap applicable during
fiscal year 2017 shall apply for the 15-month
period beginning on October 1, 2016, and end-
ing on December 31, 2017.

(2) COVERED BENEFICIARIES DEFINED.—In
this subsection, the term “covered beneficiaries” has
the meaning given that term in section 1072 of such
title.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in para-
graph (2), this section and the amendments made by
this section shall take effect on January 1, 2018.

(2) TRANSITION RULES.—Subsection (d) shall
take effect on October 1, 2017.
SEC. 702. MODIFICATIONS OF COST-SHARING REQUIREMENTS FOR THE TRICARE PHARMACY BENEFITS PROGRAM AND TREATMENT OF CERTAIN PHARMACEUTICAL AGENTS.

(a) In General.—Paragraph (6) of section 1074g(a) of title 10, United States Code, is amended to read as follows:

“(6)(A) In the case of any of the years 2017 through 2025, the cost-sharing amounts under this subsection for eligible covered beneficiaries shall be determined in accordance with the following table:

<table>
<thead>
<tr>
<th>Year</th>
<th>Retail Generic 30-Day Supply</th>
<th>Retail Formulary 30-Day Supply</th>
<th>Mail Order Generic 90-Day Supply</th>
<th>Mail Order Formulary 90-Day Supply</th>
<th>Mail Order Non-Formulary 90-Day Supply</th>
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<tr>
<td>2017</td>
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<td>$0</td>
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<td>$11</td>
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</tr>
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<td>$70</td>
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<tr>
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<td>$11</td>
<td>$38</td>
<td>$75</td>
</tr>
<tr>
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</tr>
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<td>$85</td>
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<td>$14</td>
<td>$45</td>
<td>$14</td>
<td>$45</td>
<td>$90</td>
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</tbody>
</table>

“(B) For any year after 2025, the cost-sharing amounts under this subsection for eligible covered beneficiaries shall be equal to the cost-sharing amounts for the previous year adjusted by an amount, if any, determined by the Secretary to reflect changes in the costs of pharma-
ceutical agents and prescription dispensing, rounded to the nearest dollar.

“(C) Notwithstanding subparagraphs (A) and (B), the cost-sharing amounts under this subsection for a dependent of a member of the uniformed services who dies while on active duty, a member retired under chapter 61 of this title, or a dependent of a member retired under such chapter shall be equal to the cost-sharing amounts, if any, for 2016.”.

(b) Treatment of Certain Pharmaceutical Agents.—

(1) Pharmacy Benefits Program.—Such section is amended by adding at the end the following new paragraph:

“(10) Notwithstanding paragraphs (2), (5), and (6), in order to encourage the use by covered beneficiaries of pharmaceutical agents that provide the greatest value to covered beneficiaries and the Department of Defense (as determined by the Secretary, including considerations of better care, healthier people, and smarter spending), the Secretary may, upon the recommendation of the Pharmacy and Therapeutics Committee established under subsection (b) and review by the Uniform Formulary Beneficiary Advisory Panel established under subsection (c)—
“(A) exclude from the pharmacy benefits program any pharmaceutical agent that the Secretary determines provides very little or no value to covered beneficiaries and the Department under the program; and

“(B) give preferential status to any non-generic pharmaceutical agent on the uniform formulary by treating it, for purposes of cost-sharing under paragraph (6), as a generic product under the TRICARE retail pharmacy program and mail order pharmacy program.”.

(2) Medical Contracts.—Section 1079 of such title is amended by adding at the end the following new subsection:

“(q) In the case of any pharmaceutical agent (as defined in section 1074g(g)(2) of this title) provided under a contract entered into under this section by a physician, in an outpatient department of a hospital, or otherwise as part of any medical services provided under such a contract, the Secretary of Defense may, under regulations prescribed by the Secretary, adopt special reimbursement methods, amounts, and procedures to encourage the use of high-value products and discourage the use of low-value products, as determined by the Secretary.”.
(3) REGULATIONS.—In order to implement expeditiously the reforms authorized by the amendments made by paragraphs (1) and (2), the Secretary of Defense may prescribe such changes to the regulations implementing the TRICARE program (as defined in section 1072 of title 10, United States Code) as the Secretary considers appropriate—

(A) by prescribing an interim final rule; and

(B) not later than one year after prescribing such interim final rule and considering public comments with respect to such interim final rule, by prescribing a final rule.

SEC. 703. ELIGIBILITY OF CERTAIN BENEFICIARIES UNDER THE TRICARE PROGRAM FOR PARTICIPATION IN THE FEDERAL EMPLOYEES DENTAL AND VISION INSURANCE PROGRAM.

(a) IN GENERAL.—

(1) DENTAL BENEFITS.—Section 8951 of title 5, United States Code, is amended—

(A) in paragraph (3), by striking “paragraph (1) or (2)” and inserting “paragraph (1), (2), or (8)”; and

(B) by adding at the end the following new paragraph:
“(8) The term ‘covered TRICARE-eligible individual’ means an individual entitled to dental care under chapter 55 of title 10, pursuant to section 1076c of such title, who the Secretary of Defense determines should be an eligible individual for purposes of this chapter.”.

(2) VISION BENEFITS.—Section 8981 of title 5, United States Code, is amended—

(A) in paragraph (3), by striking “paragraph (1) or (2)” and inserting “paragraph (1), (2), or (8)”;

(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 of Personnel Management relating to classes of individuals described in subparagraph (A)(i) who should be eligible individuals for purposes of this chapter.”.

(b) CONFORMING AMENDMENTS.—

(1) DENTAL BENEFITS.—Section 8958(e) of title 5, United States Code, is amended—

(A) in paragraph (1), by striking “or” at the end;

(B) in paragraph (2), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following new paragraphs:

“(3) in the case of a covered TRICARE-eligible individual who receives pay from the Federal Government or an annuity from the Federal Government due to the death of a member of the uniformed services (as defined in section 101 of title 10), and is not a former spouse of a member of the uniformed services, be withheld from—

“(A) the pay (including retired pay) of such individual; or

“(B) the annuity paid to such individual; and
“(4) in the case of a covered TRICARE-eligible individual who is not described in paragraph (3), be billed to such individual directly.’’.

(2) VISION BENEFITS.—Section 8988(c) of title 5, United States Code, is amended—

(A) in paragraph (1), by striking “or” at the end;

(B) in paragraph (2), by striking the period at the end and inserting ‘‘; or’’; and

(C) by adding at the end the following new paragraphs:

“(3) in the case of a covered TRICARE-eligible individual who receives pay from the Federal Government or an annuity from the Federal Government due to the death of a member of the uniformed services (as defined in section 101 of title 10), and is not a former spouse of a member of the uniformed services, be withheld from—

“(A) the pay (including retired pay) of such individual; or

“(B) the annuity paid to such individual; and

“(4) in the case of a covered TRICARE-eligible individual who is not described in paragraph (3), be billed to such individual directly.’’.
(3) **Plan for Dental Insurance for Certain Retirees, Surviving Spouses, and Other Dependents.**—Subsection (a) of section 1076c of title 10, United States Code, is amended to read as follows:

“(a) **Requirement for Plan.**—(1) The Secretary of Defense shall establish a dental insurance plan for retirees of the uniformed services, certain unremarried surviving spouses, and dependents in accordance with this section.

“(2) The Secretary may satisfy the requirement under paragraph (1) by entering into an agreement with the Director of the Office of Personnel Management to allow persons described in subsection (b) to enroll in an insurance plan under chapter 89A of title 5 that provides benefits similar to those benefits required to be provided under subsection (d).”.

**SEC. 704. Coverage of Medically Necessary Food and Vitamins for Digestive and Inherited Metabolic Disorders Under the Tricare Program.**

(a) **Findings.**—Congress finds the following:

(1) Specialized food is often medically necessary for the safe and effective management of many di-
gestive and inherited metabolic disorders that impact
digestion, absorption, and metabolism of nutrients.

(2) Although medically necessary food is essen-
tial for patients, it is often expensive and not uni-
formly reimbursed by health insurance, leaving many
families with an insurmountable financial burden.

(3) As a result, many patients who cannot af-
ford medically necessary food may experience ad-
verse health consequences from suboptimal disease
management, including hospitalization, intellectual
impairment, behavioral dysfunction, inadequate
growth, nutrient deficiencies, and even death.

(b) AVAILABILITY UNDER THE TRICARE PRO-
GRAM.—

(1) IN GENERAL.—Section 1077 of title 10,
United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (3), by inserting be-
fore the period at the end the following: “,
including medically necessary vitamins”;
and

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

“(18) Medically necessary food and the medical
equipment and supplies necessary to administer such
food (other than medical equipment and supplies described in section 1861(n) of the Social Security Act (42 U.S.C. 1395x(n))).’’; and

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

“(g)(1) For purposes of subsection (a)(3), the term ‘medically necessary vitamins’ means vitamins used for the management of a covered disease or condition pursuant to the prescription, order, or recommendation (as applicable) of a specified, duly authorized provider, such as a physician (as defined in section 1861(r)(1) of the Social Security Act (42 U.S.C. 1395x(r)(1))), or a nurse practitioner, a clinical nurse specialist, or a physician assistant (as those terms are defined in section 1861(aa)(5) of such Act).

“(2) For purposes of subsection (a)(18), the term ‘medically necessary food’—

“(A) means 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 specified, duly authorized provider, such as a physician (as defined in section 1861(r)(1) of the Social Security Act (42 U.S.C.
• 1395x(r)(1)), or a nurse practitioner, a clinical nurse specialist, or a physician assistant (as those terms are defined in section 1861(aa)(5) of such Act), 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 wherein the individual requires medical care on
a recurring basis for, among other things, in-
structions on the use of the food; and
“(B) does not include—
“(i) food taken as part of an overall diet
designed to reduce the risk of a disease or med-
ical condition or as weight loss products, even
if they are recommended by a physician or
other health professional;
“(ii) food marketed as gluten-free for the
management of celiac disease or non-celiac glu-
ten sensitivity;
“(iii) food marketed for the management
of diabetes; or
“(iv) such other products as the Secretary
determines appropriate.
“(3) In this subsection:
“(A) The term ‘covered disease or condition’
means the following diseases or conditions:
“(i) Inflammatory bowel disease, including
Crohn’s disease, ulcerative colitis, and indeter-
minate colitis.
“(ii) Gastroesophageal reflux disease that
is nonresponsive to standard medical therapies.
“(iii) Immunoglobulin E and non-Immunoglobulin E mediated allergies to food proteins.

“(iv) Food protein-induced enterocolitis syndrome.

“(v) Eosinophilic disorders, including eosinophilic esophagitis, eosinophilic gastroenteritis, eosinophilic colitis, and post-transplant eosinophilic disorders.

“(vi) Impaired absorption of nutrients caused by disorders affecting the absorptive surface, functional length, and motility of the gastrointestinal tract, including short bowel syndrome and chronic intestinal pseudo-obstruction.

“(vii) Malabsorption due to liver or pancreatic disease.

“(viii) Inherited metabolic disorders, including the following:

“(I) Disorders classified as metabolic disorders on the Recommended Uniform Screening Panel Core Conditions list of the Secretary of Health and Human Services’ Advisory Committee on Heritable Disorders in Newborns and Children.
“(II) N-acetyl glutamate synthase deficiency.

“(III) Ornithine transcarbamylase deficiency.

“(IV) Carbamoyl phosphate synthetase deficiency.

“(V) Inherited disorders of mitochondrial functioning.

“(ix) Such other diseases or conditions as the Secretary determines appropriate.

“(B) The term ‘low protein modified food product’ means a product formulated to have less than one gram of protein per serving.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to health care provided under chapter 55 of such title on or after the date that is one year after the date of the enactment of this Act.

SEC. 705. ENHANCEMENT OF USE OF TELEHEALTH SERVICES IN MILITARY HEALTH SYSTEM.

(a) INCORPORATION OF TELEHEALTH.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall incorporate, throughout the direct care and purchased care components of the
military health system, the use of telehealth services, including mobile health applications—

(A) to improve access to primary care, urgent care, behavioral health care, and specialty care;

(B) to perform health assessments;

(C) to provide diagnoses, interventions, and supervision;

(D) to monitor individual health outcomes of covered beneficiaries with chronic diseases or conditions;

(E) to improve communication between health care providers and patients; and

(F) to reduce health care costs for covered beneficiaries and the Department of Defense.

(2) Types of Telehealth Services.—The telehealth services required to be incorporated under paragraph (1) shall include those telehealth services that—

(A) provide real-time interactive communications and remote patient monitoring;

(B) allow covered beneficiaries to schedule appointments and communicate with health care providers; and
(C) allow health care providers, through video conference, telephone or tablet applica-
tions, 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 tele-
communications 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, in-
cluding by using reimbursement rates that incentivize the provision of telehealth services.

(d) LOCATION OF CARE.—For purposes of reim-
bursement, licensure, professional liability, and other pur-
poses relating to the provision of telehealth services under this section, providers of such services shall be considered
to be furnishing such services at their location and not at the location of the patient.

(c) Reduction or Elimination of Copayments.—The Secretary shall reduce or eliminate, as the Secretary considers appropriate, copayments or cost shares for covered beneficiaries in connection with the receipt of telehealth services under the purchased care component of the TRICARE program.

(f) Reports.—

(1) Initial report.—

(A) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the full range of telehealth services to be 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 tele-
health services furnished by the Department.

(VI) The savings, if any, realized by the Department by furnishing tele-health services to covered beneficiaries.

(g) DEFINITIONS.—In this section, the terms “covered beneficiary” and “TRICARE program” have the meaning given those terms in section 1072 of title 10, United States Code.

SEC. 706. EVALUATION AND TREATMENT OF VETERANS AND CIVILIANS AT MILITARY TREATMENT FACILITIES.

(a) IN GENERAL.—The Secretary of Defense may authorize a veteran (in consultation with the Secretary of Veterans Affairs) or civilian to be evaluated and treated at a military treatment facility if the Secretary of Defense determines that—

(1) the evaluation and treatment of the individual is necessary to attain the relevant mix and volume of medical casework required to maintain medical readiness skills and competencies of health care providers at the facility;
(2) the health care providers at the facility have
the competencies, skills, and abilities required to
treat the individual; and

(3) the facility has available space, equipment,
and materials to treat the individual.

(b) Reimbursement for Treatment.—

(1) Civilians.—A military treatment facility
that evaluates or treats an individual (other than an
individual described in paragraph (2)) under sub-
section (a) may bill the individual and accept reim-
bursement from the individual for the costs of any
health care services provided to the individual under
such subsection.

(2) Veterans.—The Secretary of Defense
shall enter into a memorandum of understanding
with the Secretary of Veterans Affairs under which
the Secretary of Veterans Affairs will reimburse a
military treatment facility for the costs of any health
care services provided at the facility under sub-
section (a) to individuals eligible for such health care
services from the Department of Veterans Affairs.

(3) Use of Amounts.—Any amounts collected
by a military treatment facility under paragraph (1)
or (2) for health care services provided to an indi-
vidual under subsection (a) shall be made available
to such facility to improve access to health care, im-
prove health outcomes, and enhance the experience
of care for covered beneficiaries at such facility.

(c) COVERED BENEFICIARY DEFINED.—In this sec-
tion, the term “covered beneficiary” has the meaning
given that term in section 1072 of title 10, United States
Code.

SEC. 707. PILOT PROGRAM TO PROVIDE HEALTH INSUR-
ANCE TO MEMBERS OF THE RESERVE COM-
PONENTS OF THE ARMED FORCES.

(a) Pilot Program Authorized.—

(1) IN GENERAL.—The Secretary of Defense
and the Director may jointly carry out a pilot pro-
gram, at the election of the Secretary, under which
the Director provides commercial health insurance
coverage to eligible reserve component members who
enroll in a health benefits plan under subsection (b)
as an individual, for self plus one coverage, or for
self and family coverage.

(2) ELEMENTS.—The pilot program shall—

(A) provide for enrollment by eligible re-
serve component members, at the election of the
member, in a health benefits plan under sub-
section (b) during an open enrollment period es-
established by the Director for purposes of this section;

(B) include a variety of national and regional health benefits plans that—

(i) meet the requirements of this section;

(ii) are broadly representative of the health benefits plans available in the commercial market; and

(iii) do not contain unnecessary restrictions, as determined by the Director;

and

(C) offer a sufficient number of health benefits plans in order to provide eligible reserve component beneficiaries with an ample choice of health benefits plans, as determined by the Director.

(3) DURATION.—If the Secretary elects to carry out the pilot program, the Secretary and the Director shall carry out the pilot program for not less than five years.

(b) HEALTH BENEFITS PLANS.—

(1) 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.

(2) Description of Plans.—Health benefits plans contracted for under this subsection—

(A) may vary by type of plan design, covered benefits, geography, and price;

(B) shall include maximum limitations on out-of-pocket expenses paid by an eligible reserve component beneficiary for the health care provided; and

(C) may not exclude an eligible reserve component member who chooses to enroll.

(3) Quality of Plans.—The Director shall ensure that each health benefits plan offered under this section offers a high degree of quality, as determined by criteria such as—

(A) access to an ample number of medical providers, as determined by the Director;

(B) adherence to industry-accepted quality measurements, as determined by the Director;

(C) access to benefits described in subsection (c), including ease of referral for health care services; and

(D) inclusion in the services covered by the plan of advancements in medical treatments
and technology as soon as practicable in accordance with generally accepted standards of medicine.

(c) BENEFITS.—A health benefits plan offered by the Director under this section shall include, at a minimum, the following benefits:

(1) The health care benefits provided under chapter 55 of title 10, United States Code, excluding pharmaceutical, dental, and extended health care option benefits.

(2) The essential health benefits described in section 1302 of the Patient Protection and Affordable Care Act (42 U.S.C. 18022), excluding pharmaceutical and dental benefits.

(3) Such other benefits as the Director determines appropriate.

(d) CARE AT FACILITIES OF UNIFORMED SERVICES.—

(1) IN GENERAL.—If an eligible reserve component beneficiary receives benefits described in subsection (c) at a facility of the uniformed services, the health benefits plan under which the beneficiary is covered shall be treated as a third party payer under section 1095 of title 10, United States Code, and shall pay reasonable charges for such benefits.
(2) Military treatment facilities.—The Secretary, in consultation with the Director—

(A) may contract with qualified carriers with which the Director has contracted under subsection (b) to provide health insurance coverage for health care services provided at military treatment facilities under this section; and

(B) may receive payments under section 1095 of title 10, United States Code, from qualified carriers for health care services provided at military treatment facilities under this section.

(e) Special rule relating to active duty period.—

(1) In general.—An eligible reserve component member may not receive benefits under a health benefits plan under this section during any period in which the member is serving on active duty for more than 30 days.

(2) Treatment of dependents.—Paragraph (1) does not affect the coverage under a health benefits plan of any dependent of an eligible reserve component member.

(f) Eligibility for Federal Employees Health Benefits Program.—An individual is not eligible to en-
roll in or be covered under a health benefits plan under this section if the individual is eligible to enroll in a health benefits plan under the Federal Employees Health Benefits Program.

(g) Cost Sharing.—

(1) Responsibility for Payment.—

(A) In general.—Except as provided in subparagraph (B), an eligible reserve component member shall pay an annual premium amount calculated under paragraph (2) for coverage under a health benefits plan under this section and additional amounts described in paragraph (3) for health care services in connection with such coverage.

(B) Active Duty Period.—

(i) In general.—During any period in which an eligible reserve component member is serving on active duty for more than 30 days, the eligible reserve component member is not responsible for paying any premium amount under paragraph (2) or additional amounts under paragraph (3).

(ii) Coverage of Dependents.—

With respect to a dependent of an eligible
reserve component member that is covered under a health benefits plan under this section, during any period described in clause (i) with respect to the member, the Secretary shall, on behalf of the dependent, pay 100 percent of the total annual amount of a premium for coverage of the dependent under the plan and such cost sharing amounts as may be applicable under the plan.

(2) Premium amount.—

(A) IN GENERAL.—The annual premium calculated under this paragraph is an amount equal to 28 percent of the total annual amount of a premium under the health benefits plan selected.

(B) TYPES OF COVERAGE.—The premium amounts calculated under this paragraph shall include separate calculations for—

(i) coverage as an individual;

(ii) self plus one coverage; and

(iii) self and family coverage.

(3) ADDITIONAL AMOUNTS.—The additional amounts described in this paragraph with respect to an eligible reserve component member are such cost
sharing amounts as may be applicable under the
health benefits plan under which the member is cov-
ered.

(h) CONTRACTING.—

(1) IN GENERAL.—In contracting for health
benefits plans under subsection (b), the Director
may contract with qualified carriers in a manner
similar to the manner in which the Director con-
tracts with carriers under section 8902 of title 5,
United States Code, including that—

(A) a contract under this section shall be
for a uniform term of not less than one year,
but may be made automatically renewable from
term to term in the absence of notice of termi-
nation by either party;

(B) a contract under this section shall con-
tain a detailed statement of benefits offered and
shall include such maximums, limitations, exclu-
sions, and other definitions of benefits as the
Director considers necessary or desirable;

(C) a contract under this section shall en-
sure that an eligible reserve component member
who is eligible to enroll in a health benefits plan
pursuant to such contract is able to enroll in
such plan; and
(D) the terms of a contract under this section relating to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any conflicting State or local law.

(2) Evaluation of financial solvency.—

The Director shall perform a thorough evaluation of the financial solvency of an insurance carrier before entering into a contract with the insurance carrier under paragraph (1).

(i) Recommendations and data.—

(1) In general.—The Secretary of Defense, in consultation with the Secretary of Homeland Security, shall provide recommendations and data to the Director with respect to—

(A) matters involving military treatment facilities;

(B) matters unique to eligible reserve component members and their dependents; and

(C) such other strategic guidance necessary for the Director to administer this section as the Secretary of Defense, in consultation with the Secretary of Homeland Security, considers appropriate.
(2) LIMITATION ON IMPLEMENTATION.—The Director shall not implement any recommendation provided by the Secretary of Defense under paragraph (1) if the Director determines that the implementation of the recommendation would result in eligible reserve components beneficiaries receiving less generous health benefits under this section than the health benefits commonly available to individuals under the Federal Employees Health Benefits Program during the same period.

(j) FUNDING.—

(1) IN GENERAL.—The Secretary of Defense and the Director shall jointly establish an appropriate mechanism to fund the pilot program under this section.

(2) AVAILABILITY OF AMOUNTS.—Amounts shall be made available to the Director pursuant to the mechanism established under paragraph (1), without fiscal year limitation—

(A) for payments to health benefits plans under this section; and

(B) to pay the costs of administering this section.

(k) DEFINITIONS.—In this section:
(1) **DIRECTOR.**—The term “Director” means the Director of the Office of Personnel Management.

(2) **ELIGIBLE RESERVE COMPONENT BENEFICIARY.**—The term “eligible reserve component beneficiary” means an eligible reserve component member enrolled in, or a dependent of such a member described in subparagraph (A), (D), or (I) of section 1072(2) of title 10, United States Code, covered under, a health benefits plan under this section.

(3) **ELIGIBLE RESERVE COMPONENT MEMBER.**—The term “eligible reserve component member” means a member of the Selected Reserve of the Ready Reserve of an Armed Force.

(4) **EXTENDED HEALTH CARE OPTION.**—The term “extended health care option” means the program of extended benefits under subsections (d) and (e) of section 1079 of title 10, United States Code.

(5) **FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.**—The term “Federal Employees Health Benefits Program” means the health insurance program under chapter 89 of title 5, United States Code.

(6) **QUALIFIED CARRIER.**—The term “qualified carrier” means an insurance carrier that is licensed
to issue group health insurance in any State or the
District of Columbia.

SEC. 708. PILOT PROGRAM ON TREATMENT OF MEMBERS
OF THE ARMED FORCES FOR POST-TRAUMATIC STRESS DISORDER RELATED TO MILITARY SEXUAL TRAUMA.

(a) In General.—The Secretary of Defense may
carry out a pilot program to assess the feasibility and ad-
visability of using intensive outpatient programs to treat
members of the Armed Forces suffering from post-trau-
matic stress disorder resulting from military sexual trau-
ma, including treatment for substance use disorder, de-
pression, and other issues related to such conditions.

(b) Grants to Community Partners.—

(1) In General.—The pilot program author-
ized by subsection (a) shall be carried out using
grants, awarded on a competitive basis, to commu-
nity partners described in paragraph (2).

(2) Community Partners.—A community
partner described in this paragraph is a private
health care organization or institution that—

(A) provides health care to members of the
Armed Forces;

(B) provides evidence-based treatment for
psychological and neurological conditions that
are common among members of the Armed Forces, including post-traumatic stress disorder, traumatic brain injury, substance use disorder, and depression;

(C) provides health care, support, and other benefits to family members of members of the Armed Forces; and

(D) provides health care under the TRICARE program (as that term is defined in section 1072 of title 10, United States Code).

(e) REQUIREMENTS OF GRANT RECIPIENTS.—Each community partner awarded a grant under subsection (b) shall—

(1) carry out intensive outpatient programs of short duration to treat members of the Armed Forces suffering from post-traumatic stress disorder resulting from military sexual trauma, including treatment for substance use disorder, depression, and other issues related to such conditions;

(2) use evidence-based and evidence-informed treatment strategies in carrying out such programs;

(3) share clinical and outreach best practices with other community partners participating in the pilot program authorized by subsection (a); and
(4) annually assess outcomes for members of the Armed Forces individually and throughout the community partners with respect to the treatment of conditions described in paragraph (1).

(d) FEDERAL SHARE.—The Federal share of the costs of programs carried out by a community partner awarded a grant under subsection (b) using a grant under that subsection may not exceed 50 percent.

(e) TERMINATION.—The Secretary may not carry out the pilot program authorized by subsection (a) after the date that is three years after the date of the enactment of this Act.

Subtitle B—Health Care Administration

SEC. 721. CONSOLIDATION OF THE MEDICAL DEPARTMENTS OF THE ARMY, NAVY, AND AIR FORCE INTO THE DEFENSE HEALTH AGENCY.

(a) In General.—Not earlier than the date that is 60 days after the Committees on Armed Services of the Senate and the House of Representatives receive the consolidation plan submitted under subsection (d), the Secretary of Defense shall disestablish the medical departments of the Armed Forces and consolidate all activities of such departments into the Defense Health Agency in a manner that—
(1) ensures continuity in the provision of health care services to members of the Armed Forces and other eligible beneficiaries; and

(2) maintains the medical force readiness capabilities of the military health system.

(b) Medical Operations Within Defense Health Agency.—

(1) In General.—The consolidation required by this section shall, at a minimum, meet the requirements of this subsection.

(2) Medical Operations.—All medical operations of the Department of Defense (including all military medical treatment facilities, training organizations, and medical research entities of the military departments) shall be discharged through a single agency established or organized within, and assigned to, the Defense Health Agency.

(3) Director.—The Director of the Defense Health Agency shall be an officer of the Armed Forces who, while so serving, holds the grade of lieutenant general or, in the case of the Navy, vice admiral. The Director shall be appointed from among officers of the Armed Services who are members of the medical corps, the dental corps, the medical service corps (including the biomedical service
corps), or the nurse corps. An individual appointed
as the Director shall serve a term of not fewer than
four years.

(4) SUBORDINATE ORGANIZATIONS.—

(A) IN GENERAL.—The Defense Health
Agency shall have four subordinate organiza-
tions as follows:

(i) An organization that includes all
military medical treatment facilities, in-
cluding facilities or elements that are com-
bined or operating jointly with a medical
facility of another department or agency of
the Federal Government.

(ii) An organization responsible for
the following:

(I) All medical professional re-
cruitment and retention activities of
the Department.

(II) All medical training, edu-
cation, research, and development ac-
tivities of the Department

(III) Any organizations des-
ignated as executive agents of the De-
partment for medical operations or ac-
Activities of the Department as of December 31, 2016.

(iii) An organization responsible for the activities and duties of the Defense Health Agency as of December 31, 2016.

(iv) An organization responsible for all activities and duties of the Department to improve and maintain medical force readiness capabilities and to ensure the combat casualty care and trauma readiness of military health care providers.

(B) Heads of Organizations.—The head of each subordinate organization under this paragraph shall, while so serving, be an officer of the Armed Forces who holds the grade of major general or, in the case of the Navy, rear admiral, or a civilian of equivalent grade. The head of each subordinate organization, if an officer of the Armed Forces, shall be a member of the medical corps, the dental corps, the medical service corps (including the biomedical service corps), or the nurse corps.

(5) Authority of Director.—The Director of the Defense Health Agency shall, subject to the supervision and control of the Assistant Secretary of
Defense for Health Affairs, be responsible for and have the authority to conduct the following functions relating to the medical operations activities of the Department:

(A) Development of programs and doctrine.

(B) Preparation and submittal of program recommendations and budget proposals to the Secretary of Defense.

(C) Exercise of authority, direction, and control over the expenditure of funds of the Defense Health Program.

(D) Planning, budgeting, and expenditure of military construction funds within the Defense Health Program.

(E) Training assigned medical forces and conducting specialized medical instruction for military personnel.

(F) Validation, establishment, and prioritizing of requirements.

(G) Ensuring interoperability of equipment and forces.

(H) Monitoring promotions, assignments, retention, training, and professional military education of military health care providers.
(6) Maintenance of Unique Medical Capabilities and Expertise of the Armed Forces.—Notwithstanding a single agency structure for medical operations of the Department, the unique operational medical capabilities and expertise of health care professionals of each of the Armed Forces shall, to the extent practicable, be preserved and maintained.

(e) Positions of Surgeon General in the Armed Forces.—

(1) Surgeon General of the Army.—Section 3036 of title 10, United States Code, is amended—

(A) in subsection (d), by striking “(1)”;

(B) by redesignating subsection (e) as subsection (g);

(C) by redesignating paragraphs (2) and (3) of subsection (d) as paragraphs (1) and (2), respectively, of a new subsection (e); and

(D) by adding after subsection (e), as provided for by subparagraph (C), the following new subsection (f):

“(f)(1) The Surgeon General serves as the principal advisor to the Secretary of the Army and the Chief of Staff of the Army on all health and medical matters of
the Army, including strategic planning and policy develop-
ment relating to such matters.

“(2) The Surgeon General serves as the chief medical
advisor of Army to the Defense Health Agency on matters
pertaining to military health readiness requirements and
safety of members of the Army.”.

(2) SURGEON GENERAL OF THE NAVY.—

(A) IN GENERAL.—Section 5137 of title
10, United States Code, is amended to read as
follows:

“§ 5137. Surgeon General: appointment; duties

“(a) APPOINTMENT.—The Surgeon General of the
Navy shall be appointed by the President, by and with the
advice and consent of the Senate.

“(b) DUTIES.—(1) The Surgeon General shall per-
form duties prescribed by the Secretary of the Navy and
by law.

“(2) The Surgeon General serves as the principal ad-
visor to the Secretary of the Navy and the Chief of Naval
Operations on all health and medical matters of the Navy
and the Marine Corps, including strategic planning and
policy development relating to such matters.

“(3) The Surgeon General serves as the chief medical
advisor of the Navy and the Marine Corps to the Defense
Health Agency on matters pertaining to military health
readiness requirements and safety of members of the Navy 
and the Marine Corps.”.

(B) CLERICAL AMENDMENT.—The table of 
sections at the beginning of chapter 513 of such 
title is amended by striking the item relating to 
section 5137 and inserting the following new 
item:

“5137. Surgeon General: appointment; duties.”.

(3) SURGEON GENERAL OF THE AIR FORCE.—

(A) IN GENERAL.—Section 8036 of title 
10, United States Code, is amended to read as 
follows:

§ 8036. Surgeon General: appointment; duties

“(a) APPOINTMENT.—The Surgeon General of the Air Force shall be appointed by the President, by and with the advice and consent of the Senate.

“(b) DUTIES.—(1) The Surgeon General shall per-
form duties prescribed by the Secretary of the Air Force and by law.

“(2) The Surgeon General serves as the principal ad-
visor to the Secretary of the Air Force and the Chief of Staff of the Air Force on all health and medical matters of the Air Force, including strategic planning and policy development relating to such matters.

“(3) The Surgeon General serves as the chief medical advisor of the Air Force to the Defense Health Agency
on matters pertaining to military health readiness require-
ments and safety of members of the Air Force.”.

(B) CLERICAL AMENDMENT.—The table of
sections at the beginning of chapter 805 of such
title is amended by striking the item relating to
section 8036 and inserting the following new
item:

“8036. Surgeon General: appointment; duties.”.

(d) CONSOLIDATION PLAN.—

(1) IN GENERAL.—Before taking any action
under subsection (a) to consolidate the activities of
the medical departments of the Armed Forces, the
Secretary of Defense shall submit to Committees on
Armed Services of the Senate and the House of Rep-
resentatives a plan to consolidate such activities.

(2) ELEMENTS.—The plan submitted under
paragraph (1) with respect to the consolidation of
the activities of the medical departments of the
Armed Forces under subsection (a) shall include, at
a minimum, the following:

(A) A description of the organizational
structure of the Defense Health Agency under
such consolidation.

(B) A description of the manning and
management of all medical personnel under
such consolidation.
(C) A description of the command responsibilities of the Director of the Defense Health Agency, the head of each subordinate organization within the Defense Health Agency, and the Surgeons General of the Army, Navy, and Air Force under such consolidation.

(D) A description of the authorities and responsibilities of each commander of an installation or military service under such consolidation.

(E) A description of the activities carried out by all elements of the Defense Health Agency under such consolidation.

(F) An assessment of the impact of such consolidation on—

(i) health care provided by the Department of Defense, including the cost effectiveness of such care;

(ii) the military readiness of members of the Armed Forces; and

(iii) the ability of members of the Armed Forces to meet deployment requirements.
(G) An assessment of the delineation of accountability across the military health system under such consolidation.

(3) **COMPTROLLER GENERAL REVIEW.**—Not later than 180 days after the Secretary of Defense submits the plan under paragraph (1), the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a review of such plan.

(e) **REPORT.**—Not later than January 1, 2017, the Secretary of the Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the consolidation required by this section.

(1) The number of military, civilian, and contractor positions to be eliminated from headquarters staffs by the disestablishment of the medical departments of the Armed Forces and the consolidation of all activities of such departments into the Defense Health Agency.

(2) The number of general and flag officer billets to be eliminated from each Armed Force by the disestablishment and consolidation.
(3) The cost savings expected to be realized as a result of the disestablishment and consolidation.

(4) The complete schedule for the disestablishment and consolidation.

(5) A description of the additional legislative authorities, if any, required to fully carry out the disestablishment and consolidation.

SEC. 722. ACCOUNTABILITY FOR THE PERFORMANCE OF THE MILITARY HEALTH CARE SYSTEM OF CERTAIN POSITIONS IN THE SYSTEM.

(a) In general.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretaries of the military departments, as appropriate, shall incorporate into the annual performance review of each position specified in subsection (b) measures of accountability for the performance of the military health care system described in subsection (c) for which such position should be held accountable.

(b) Positions.—The positions specified in this subsection are the following:

(1) The Director of the Defense Health Agency.

(2) The heads of the subordinate organizations of the Defense Health Agency established pursuant to section 721(b)(4).
(3) The commanders of the military medical treatment facilities of each Armed Force.

(4) The subordinate commanders of the military medical treatment facilities of each Armed Force.

(c) Measures of Accountability for Performance.—The measures of accountability for the performance of the military health care system incorporated into the annual performance reviews of a position pursuant to this section shall include measures to assess performance and assure accountability for the following:

(1) Quality of care.

(2) Beneficiaries’ access to care.

(3) Improvement in beneficiaries’ health outcomes.

(4) Patient safety.

(5) Such other matters as the Secretary of Defense or the Secretaries of the military departments, as appropriate, consider appropriate.

(d) Limitation on Performance Bonus Payments.—Commencing upon the incorporation of measures of accountability for the performance of the military health care system into the annual performance reviews of a position specified in subsection (b), a performance bonus payment may not paid to a civilian employee of the
Department of Defense occupying such position unless the performance of the military health care system for which such position is held responsible met or exceeded expectations for performance during the period for which the performance bonus payment would otherwise be made.

(e) REPORT ON IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the incorporation of measures of accountability for the performance of the military health care system into the annual performance reviews of positions as required by this section. The report shall include the following:

(1) A comprehensive plan for the use of measures of accountability for performance in annual performance reviews pursuant to this section as a means of assessing and assuring accountability for the performance of the military health care system.

(2) For each position specified in subsection (b), a description of the specific measures of accountability for performance incorporated into the annual performance reviews of such position pursuant to this section.
SEC. 723. SELECTION OF COMMANDERS AND DIRECTORS OF MILITARY TREATMENT FACILITIES AND TOURS OF DUTY OF COMMANDERS OF SUCH FACILITIES.

(a) IN GENERAL.—Not later than January 1, 2018, the Secretary of Defense shall do the following:

(1) Develop the common qualifications and core competencies required of individuals for selection as commanders or directors of military treatment facilities.

(2) Establish a minimum length for the tour of duty of an individual as a commander of a military treatment facility.

(b) QUALIFICATIONS AND COMPETENCIES.—

(1) STANDARDS.—In developing common qualifications and core competencies required of individuals for selection as commanders or directors of military treatment facilities pursuant to subsection (a)(1), the Secretary shall include standards with respect to the following:

(A) Professional competence.

(B) Moral and ethical integrity and character.

(C) Formal education in healthcare executive leadership and healthcare management.
(D) Such other matters as the Secretary considers appropriate.

(2) OBJECTIVE.—The objective of the Secretary in developing such qualifications and competencies shall be to ensure that the individuals selected as commanders or directors of military treatment facilities are highly qualified to serve as health system executives in any medical treatment facility of the Armed Forces.

(c) TOURS OF DUTY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the length of the tour of duty as a commander of a military treatment facility of any individual assigned to such position after January 1, 2018, may not be shorter than the longer of—

(A) the length established pursuant to subsection (a)(2); or

(B) four years.

(2) WAIVER.—The Secretary of the military department concerned may authorize a tour of duty of an individual as a commander of a military treatment facility of a shorter length than is otherwise provided for in paragraph (1) if the Secretary determines, in the discretion of the Secretary, that there is good cause for a tour of duty in such position of
shorter length. Any such determination shall be made on a case-by-case basis.

SEC. 724. AUTHORITY TO CONVERT MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.

(a) LIMITED AUTHORITY FOR CONVERSION.—Chapter 49 of title 10, United States Code, is amended by inserting after section 976 the following new section:

“§ 977. Conversion of military medical and dental positions to civilian medical and dental positions: limitation

“(a) REQUIREMENTS RELATING TO CONVERSION.—A military medical or dental position within the Department of Defense may not be converted to a civilian medical or dental position unless the Secretary of Defense determines that—

“(1) the position is not a military essential position;

“(2) conversion of the position would not result in the degradation of medical care or the medical readiness of the armed forces; and

“(3) conversion of the position to a civilian medical or dental position is more cost effective than retaining the position as a military medical or dental
position, consistent with Department of Defense In-
struction 7041.04.

“(b) DEFINITIONS.—In this section:

“(1) The term ‘military medical or dental posi-
tion’ 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 posi-
tion’ 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 con-
tractor of the Department.

“(3) The term ‘military essential’, with respect
to a position, means that the position must be held
by a member of the armed forces, as determined in
accordance with regulations prescribed by the Sec-
retary.

“(4) The term ‘conversion’, with respect to a
military medical or dental position, means a change
of the position to a civilian medical or dental posi-
tion, effective as of the date of the manning author-
ization 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

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in the document, or through any other means indic-
ating the change in the document or otherwise).”.

(b) Clerical Amendment.—The table of sections
at the beginning of chapter 49 of such title is amended
by inserting after the item relating to section 976 the fol-
lowing new item:

“977. Conversion of military medical and dental positions to civilian medical and
dental positions: limitation.”.

(c) Repeal of Related Prohibition.—Section
721 of the National Defense Authorization Act for Fiscal
Year 2008 (Public Law 110–181; 10 U.S.C. 129e note)
is repealed.

SEC. 725. AUTHORITY TO REALIGN INFRASTRUCTURE OF
AND HEALTH CARE SERVICES PROVIDED BY
MILITARY TREATMENT FACILITIES.

(a) In General.—Except as provided in subsection
(b), the Secretary of a military department may realign
the infrastructure of or modify the health care services
provided by a military treatment facility under the juris-
diction of such Secretary if such realignment or modifica-
tion will better serve to—

(1) ensure the provision of safe, high quality
health care services to covered beneficiaries at the
facility;
(2) adapt the delivery of health care at the facility to rapid changes in health care delivery models in the private sector; or

(3) maintain the medical readiness skills and core competencies of health care providers at the facility.

(b) EXCEPTION.—A Secretary of a military department may not realign the infrastructure of or modify the health care services provided by a military treatment facility under subsection (a) unless such Secretary can ensure that any covered beneficiary who may be affected by such realignment or modification will be able to receive through the purchased care component of the TRICARE program the health care services that will not be available to the covered beneficiary at the facility as a result of such realignment or modification.

(c) REPORT.—

(1) IN GENERAL.—Before taking any action under subsection (a) to realign the infrastructure of or modify the health care services provided by a military treatment facility, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on any such proposed realignments or modifications.
(2) ELEMENTS.—The report required by paragraph (1) shall include, at a minimum, the following:

(A) With respect to each military treatment facility for which realignments or modifications are proposed, the following:

(i) A comprehensive assessment of the health care services provided at the facility.

(ii) A description of the current accessibility of covered beneficiaries to health care services provided at the facility and proposed modifications to that accessibility, including with respect to types of services provided.

(iii) A description of the current manning levels at the facility and proposed modifications to such manning levels.

(iv) A description of the current availability of urgent care, emergent care, and specialty care at the facility and in the TRICARE provider network in the area in which the facility is located, and proposed modifications to the availability of such care.

(v) A description of the current level of coordination between the facility and
local health care providers in the area in
which the facility is located and proposed
modifications to such level of coordination.

(vi) A description of any unique chal-
 lenges to providing health care at the facil-
ity, with a focus on challenges relating to
rural, remote, and insular areas, as appro-
priate.

(B) An assessment of the current accessi-
bility of covered beneficiaries to health care
from sources other than military treatment fa-
cilities and any changes that may be necessary
to meet requirements relating to health care for
covered beneficiaries from such sources, includ-
ing access to and receipt of health care.

(d) COMPTROLLER GENERAL REVIEW.—Not later
than 60 days after the Secretary of Defense submits a
report under subsection (c), the Comptroller General of
the United States shall submit to the Committees on
Armed Services of the Senate and the House of Represent-
atives a review of such report.

(e) DEFINITIONS.—In this section, the terms “cov-
ered beneficiary” and “TRICARE program” have the
meaning given those terms in section 1072 of title 10,
United States Code.
SEC. 726. ACQUISITION OF MEDICAL SUPPORT CONTRACTS FOR TRICARE PROGRAM.

(a) Acquisition of Contracts.—

(1) New Competition.—

(A) In general.—Beginning not later than January 1, 2018, the Secretary of Defense shall conduct a new competition of all medical support contracts with private sector entities under the TRICARE program, other than the overseas medical support contract, upon the expiration of each such contract and enter into new medical support contracts with private sector entities—

(i) to improve access to health care for covered beneficiaries;

(ii) to improve health outcomes for covered beneficiaries;

(iii) to improve the quality of health care received by covered beneficiaries;

(iv) to enhance the experience of covered beneficiaries in receiving health care; and

(v) to lower per capita costs to the Department of Defense of health care provided to covered beneficiaries.
(B) Exercise of options.—The Secretary may not exercise an option to extend any medical support contract with a private sector entity under the TRICARE program that would delay the award of a new medical support contract pursuant to the competition of that contract under subparagraph (A).

(2) Continuous competition.—

(A) In general.—Not later than one year after entering into a medical support contract under paragraph (1), the Secretary shall issue an open broad agency announcement to allow potential contractors under the TRICARE program to propose innovative ideas and solutions to meet the medical support contract needs of the Department under the TRICARE program.

(B) Competition requirement.—A medical support contract awarded pursuant to the broad agency announcement issued under subparagraph (A) shall be deemed to meet the requirements under section 2304 of title 10, United States Code, relating to the use of competitive procedures to procure services.

(b) Types of contracts.—
(1) In general.—Each contract entered into under subsection (a) shall be competitively procured and automatically renewable for a period of not more than 10 years unless notice for termination is provided by either party not later than 180 days before such termination.

(2) Scope.—The Secretary shall enter into under subsection (a) a combination of local, regional, and national contracts to develop individual and institutional high-performing networks of health care providers.

(c) Elements of contracts.—Each contract entered into under subsection (a) shall, to the extent practicable, provide for the following:

(1) The maximization of flexibility in the design and configuration of networks of individual and institutional health care providers, including a focus on the development of high-performing networks of health care providers.

(2) The creation of an integrated medical management system between military treatment facilities and health care providers in the private sector that, when appropriate, effectively coordinates and integrates health care across the continuum of care.

(3) With respect to telehealth services—
(A) the maximization of the use of such services to provide real-time interactive communications between patients and health care providers and remote patient monitoring; and

(B) the use of standardized payment methods to reimburse health care providers for the provision of such services.

(4) The use of value-based reimbursement methodologies that transfer financial risk to health care providers and medical support contractors.

(5) The use of financial incentives for contractors and health care providers to receive an equitable share in the cost savings to the Department resulting from improvement in health outcomes for covered beneficiaries and the experience of covered beneficiaries in receiving health care.

(6) The use of incentives, emphasizing prevention and wellness, for covered beneficiaries receiving health care services from private sector entities to seek such services from high-value health care providers.

(7) The adoption of a streamlined process for enrollment of covered beneficiaries to receive health care and timely assignment of primary care managers to covered beneficiaries.
(8) The elimination of the requirement to receive authorization for a referral for specialty care services from the direct or purchased care component of the military health system.

(9) The use of incentives to encourage covered beneficiaries to participate in medical and lifestyle intervention programs.

(d) RURAL, REMOTE, AND ISOLATED AREAS.—

(1) IN GENERAL.—In entering into medical support contracts under subsection (a) and implementing such contracts, the Secretary shall—

(A) assess the unique characteristics of providing health care services in rural, remote, or isolated locations, such as Alaska and Hawaii and locations in the contiguous 48 States;

(B) consider the various challenges inherent in developing robust networks of health care providers in those locations; and

(C) develop a provider reimbursement rate structure in those locations that ensures—

(i) timely access of covered beneficiaries to health care services;

(ii) the delivery of high-quality primary and specialty care;
(iii) improvement in health outcomes for covered beneficiaries; and

(iv) an enhanced experience of care for covered beneficiaries.

(2) CERTIFICATION.—The Secretary of Defense may not modify existing medical support contracts under the TRICARE program in rural, remote, or isolated locations, such as Alaska and Hawaii and locations in the contiguous 48 States, or enter into new medical support contracts under subsection (a) in those locations, until the Secretary certifies to the Committees on Armed Services of the Senate and the House of Representatives that medical support contracts in those locations will—

(A) establish individual and institutional provider networks that will ensure timely access to care for covered beneficiaries; and

(B) deliver high-quality care, better health outcomes, and a better experience of care for covered beneficiaries.

(e) COMPTROLLER GENERAL REPORT.—

(1) IN GENERAL.—Not later than January 1, 2019, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a
report that assesses the compliance of the Secretary of Defense with the requirements of this section.

(2) Elements.—The report required by paragraph (1) shall include an assessment of the following:

(A) Whether the approach of the Department of Defense to acquiring medical support contracts under this section would—

(i) improve access to care;

(ii) improve health outcomes;

(iii) improve the experience of care for covered beneficiaries; and

(iv) lower per capita health care costs.

(B) Whether the Department has, in its requirements for medical support contracts entered into under this section, allowed for—

(i) maximum flexibility in network design and development;

(ii) integrated medical management between military treatment facilities and network providers;

(iii) the maximum use of the full range of telehealth services;

(iv) the use of value-based reimbursement methods that transfer financial risk
to health care providers and medical support contractors;

(v) the use of prevention and wellness incentives to encourage covered beneficiaries to seek health care services from high-value providers;

(vi) a streamlined enrollment process and timely assignment of primary care managers;

(vii) the elimination of the requirement to seek authorization for referrals for specialty care services;

(viii) the use of incentives to encourage certain covered beneficiaries to engage in medical and lifestyle intervention programs; and

(ix) the use of financial incentives for contractors and health care providers to receive an equitable share in cost savings resulting from improvements in health outcomes and the experience of care for covered beneficiaries.

(C) Whether the Department has developed a plan for continuous competition of medical support contracts to enable the Department
to incorporate innovative ideas and solutions
into those contracts.

(D) Whether the Department has consid-
ered, in developing requirements for medical
support contracts, the following:

(i) The unique characteristics of pro-
viding health care services in rural, remote,
or isolated locations, such as Alaska and
Hawaii and locations in the contiguous 48
states.

(ii) The various challenges inherent in
developing robust networks of health care
providers in those locations.

(iii) A provider reimbursement rate
structure in those locations that ensures—

(I) timely access of covered bene-

ficiaries to health care services;

(II) the delivery of high-quality
primary and specialty care;

(III) improvement in health out-
comes for covered beneficiaries; and

(IV) an enhanced experience of
care for covered beneficiaries.

(f) DEFINITIONS.—In this section:
(1) Covered beneficiary; TRICARE program.—The terms “covered beneficiary” and “TRICARE program” have the meaning given those terms in section 1072 of title 10, United States Code.

(2) High-performing networks of health care providers.—The term “high-performing networks of health care providers” means networks of health care providers that, in addition to such other requirements as the Secretary 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. 727. AUTHORITY TO ENTER INTO HEALTH CARE CONTRACTS WITH CERTAIN ENTITIES TO PROVIDE CARE UNDER THE TRICARE PROGRAM.

(a) In General.—The Secretary of Defense may enter into contracts to provide health care to covered beneficiaries, including behavioral health care, with any of the following:

(1) The Department of Veterans Affairs.

(2) An Indian tribe or tribal organization that is party to the Alaska Native Health Compact with the Indian Health Service.

(3) An Indian tribe or tribal organization that has entered into a contract with the Indian Health Service to provide health care in rural Alaska or other locations in the United States.

(b) Definitions.—

(1) Covered beneficiary.—The term “covered beneficiary” has the meaning given that term in section 1072 of title 10, United States Code.

(2) Indian tribe, tribal organization.—The terms “Indian tribe” and “tribal organization” have the meaning given those terms in section 4 of

SEC. 728. IMPROVEMENT OF HEALTH OUTCOMES AND CONTROL OF COSTS OF HEALTH CARE UNDER TRICARE PROGRAM THROUGH PROGRAMS TO INVOLVE COVERED BENEFICIARIES.

(a) In General.—Not later than January 1, 2018, the Secretary of Defense shall implement the programs established under subsections (b) and (c)—

(1) to increase the involvement of covered beneficiaries in making health care decisions; and

(2) to encourage covered beneficiaries to share more responsibility for the improvement of their health outcomes.

(b) Medical Intervention Incentive Program.—

(1) In General.—The Secretary shall establish a program to incentivize covered beneficiaries to participate in medical intervention programs established by the Secretary, such as comprehensive disease management programs, by lowering fees for enrollment in the TRICARE program by a certain percentage or by lowering copayment and cost share amounts for health care services during a particular year for covered beneficiaries with chronic diseases...
or conditions described in paragraph (2) who met participation milestones in the previous year in such medical intervention programs, as determined by the Secretary.

(2) CHRONIC DISEASES OR CONDITIONS DESCRIBED.—Chronic diseases or conditions described in this paragraph include diabetes, chronic obstructive pulmonary disease, asthma, congestive heart failure, hypertension, history of stroke, coronary artery disease, mood disorders, obesity, and such other diseases or conditions as the Secretary determines appropriate.

(e) LIFESTYLE INTERVENTION INCENTIVE PROGRAM.—The Secretary shall establish a program to incentivize lifestyle interventions, such as smoking cessation and weight reduction, by lowering fees for enrollment in the TRICARE program by a certain percentage or by lowering copayment and cost share amounts for health care services during a particular year for covered beneficiaries who met participation milestones in the previous year with respect to such lifestyle interventions, such as quitting smoking or achieving a lower body mass index by a certain percentage, as determined by the Secretary.

(d) FEE FOR MISSING SCHEDULED APPOINTMENT.—
(1) IN GENERAL.—The Secretary may establish a program to charge and collect a fee from a covered beneficiary, other than a member of the Armed Forces on active duty, for failure to notify a military treatment facility within 24 hours of a scheduled appointment with a health care provider at such facility that the covered beneficiary will not attend the appointment.

(2) USE OF FEE.—Any amounts collected under paragraph (1) from a covered beneficiary for failure to notify a military treatment facility that the covered beneficiary will not attend an appointment at such facility shall be made available to such facility to improve access to health care, improve health outcomes, and enhance the experience of care for covered beneficiaries at such facility.

(e) REPORT.—

(1) IN GENERAL.—Not later than January 1, 2020, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the programs established under subsections (b), (c), and (d).

(2) ELEMENTS.—The report required under paragraph (1) shall include the following:
(A) A detailed description of the programs implemented under subsections (b), (c), and (d).

(B) An assessment of the impact of the programs implemented under subsection (b) and (c) on—

(i) improving health outcomes for covered beneficiaries; and

(ii) lowering per capita health care costs for the Department of Defense.

(C) An assessment of any reduction in numbers and types of appointments missed by covered beneficiaries at military treatment facilities resulting from charging fees under subsection (d) for failure to timely notify such facility of the inability to attend a scheduled appointment.

(f) REGULATIONS.—Not later than January 1, 2017, the Secretary shall prescribe an interim final rule to carry out this section.

(g) DEFINITIONS.—In this section, the terms “covered beneficiary” and “TRICARE program” have the meaning given those terms in section 1072 of title 10, United States Code.
SEC. 729. ESTABLISHMENT OF CENTERS OF EXCELLENCE FOR SPECIALTY CARE IN THE MILITARY HEALTH SYSTEM.

(a) CENTERS OF EXCELLENCE.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish regional centers of excellence for the provision of military specialty care to covered beneficiaries at existing major medical centers of the Department of Defense.

(2) SATELLITE CENTERS.—The Secretary may establish satellite centers of excellence to provide specialty care for certain conditions, such as—

(A) post-traumatic stress;

(B) traumatic brain injury; and

(C) such other conditions as the Secretary considers appropriate.

(3) READINESS AND IMPROVEMENT OF CARE.—Centers of excellence established under this subsection shall—

(A) ensure the military medical force readiness of the Department and the medical readiness of the Armed Forces;

(B) improve the quality of health care received by covered beneficiaries from the Department; and
(C) improve health outcomes for covered beneficiaries.

(b) **Types of Centers of Excellence.**—

(1) **In general.**—Centers of excellence may be established under subsection (a) for the following areas of specialty care:

(A) Cancer care.

(B) Care for burns, wounds, and other trauma.

(C) Emergency medicine.

(D) Rehabilitative care.

(E) Care for psychological health and traumatic brain injury.

(F) Amputation and prosthetic care.

(G) Health care for women.

(H) Neurosurgical care.

(I) Orthopedic care and sports medicine.

(J) Treatment for substance use disorder, which may include medication-assisted treatment.

(K) Infectious diseases.

(L) Such other areas of specialty care as the Secretary considers appropriate to ensure the military medical force readiness of the De-
partment and the medical readiness of the
Armed Forces.

(2) MULTIPLE SPECIALTIES.—A major medical
center of the Department may be established as a
center of excellence for more than one area of spe-
cialty care.

(c) PRIMARY SOURCE FOR SPECIALTY CARE.—

(1) IN GENERAL.—Centers of excellence estab-
lished under subsection (a) shall be the primary
source within the military health system for the re-
ceipt by covered beneficiaries of specialty care.

(2) REFERRAL.—Covered beneficiaries seeking
specialty care services through the military health
system shall be referred to a center of excellence es-
tablished under subsection (a) or to an appropriate
specialty care provider in the private sector.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days
after the date of the enactment of this Act, the Sec-
retary of Defense shall submit to the Committees on
Armed Services of the Senate and the House of Rep-
resentatives a report that sets forth a plan for the
Department to establish centers of excellence under
this section.
(2) Elements.—The report required by paragraph (1) shall include the following:

(A) A list of the centers of excellence to be established under this section and the locations of such centers.

(B) A description of the specialty care services to be provided at each such center and a staffing plan for each such center.

(C) A comprehensive plan to refer covered beneficiaries for specialty care services at centers of excellence established under this section and centers of excellence in the private sector.

(D) A plan to assist covered beneficiaries with travel and lodging, if necessary, in connection with the receipt of specialty care services at centers of excellence established under this section or centers of excellence in the private sector.

(E) A plan to transfer the majority of specialty care providers of the Department to centers of excellence established under this section, in a number as determined by the Secretary to be required to provide specialty care services to covered beneficiaries at such centers.
Covered Beneficiary Defined.—In this section, the term “covered beneficiary” has the meaning given that term in section 1072 of title 10, United States Code.

SEC. 730. PROGRAM TO ELIMINATE VARIABILITY IN HEALTH OUTCOMES AND IMPROVE QUALITY OF HEALTH CARE SERVICES DELIVERED IN MILITARY TREATMENT FACILITIES.

(a) In General.—Beginning not later than January 1, 2018, the Secretary of Defense shall conduct a program—

(1) to establish best practices for the delivery of health care services for certain diseases or conditions at military treatment facilities;

(2) to incorporate those best practices into the daily operations of military treatment facilities selected by the Secretary for purposes of the program, with priority in selection given to military treatment facilities that are or will be established as regional centers of excellence for the provision of military specialty care under section 729; and

(3) to eliminate variability in health outcomes and to improve the quality of health care services delivered at military treatment facilities selected by the Secretary for purposes of the program.
(b) Phases of Program.—The Secretary shall carry out the program in phases as follows:

(1) Phase 1.—

(A) In General.—During phase 1 of the program, the Secretary shall conduct a baseline assessment of health care delivery and outcomes at military treatment facilities—

(i) to evaluate and determine evidence-based best practices, within the direct care component of the military health system and the private sector, for treating not fewer than three diseases or conditions identified by the Secretary for purposes of the program; and

(ii) to select not more than five military treatment facilities to participate as test sites under the program by incorporating the evidence-based best practices determined under subparagraph (A) into the treatment at those facilities of the diseases or conditions identified under such subparagraph.

(B) Timing.—The Secretary shall initiate phase 1 of the program not later than January
1, 2018, and complete such phase not later
than July 1, 2018.

(2) PHASE 2.—

(A) IN GENERAL.—During phase 2 of the
program, the Secretary shall—

(i) incorporate the evidence-based best
practices determined under paragraph
(1)(A)(i) for the treatment of diseases or
conditions identified under such paragraph
into the treatment for those diseases or
conditions at all military treatment facili-
ties that provide treatment for those dis-
eases or conditions; and

(ii) at the military treatment facilities
selected as test sites under paragraph
(1)(A)(ii), evaluate and determine evi-
dence-based best practices for treating not
more than 12 additional diseases or condi-
tions identified by the Secretary for pur-
poses of the program.

(B) TIMING.—The Secretary shall initiate
phase 2 of the program immediately following
the completion of phase 1 under paragraph (1)
and complete phase 2 not later than 180 days
after initiating phase 2.
(3) **PHASE 3.**—

(A) **IN GENERAL.**—During phase 3 of the program, the Secretary shall incorporate the evidence-based best practices determined under paragraph (2)(A)(ii) for the treatment of the additional diseases or conditions identified under such paragraph into treatment for those diseases or conditions at all military treatment facilities that provide treatment for those diseases or conditions.

(B) **TIMING.**—The Secretary shall initiate phase 3 of the program immediately following the completion of phase 2 under paragraph (2) and complete phase 3 not later than 180 days after initiating phase 3.

(c) **ADJUSTMENT OF SERVICES PROVIDED AT MILITARY TREATMENT FACILITIES.**—During the period in which the program is being carried out, the Secretary shall continuously monitor and adjust the health care services delivered at military treatment facilities and the number of patients enrolled at military treatment facilities—

(1) to ensure a high degree of safety and quality in the provision of health care at those facilities; and
(2) to ensure that those facilities provide only the health care services that are critical for maintaining operational medical force readiness and the medical readiness of the Armed Forces.

SEC. 731. ESTABLISHMENT OF ADVISORY COMMITTEES FOR MILITARY TREATMENT FACILITIES.

(a) In General.—The Secretary of Defense shall establish an advisory committee for each military treatment facility.

(b) Members.—

(1) In General.—The members of each advisory committee established under subsection (a) shall include the following individuals selected by the Secretary:

(A) Six individuals who are eligible for health care under the military health system, selected as follows:

(i) Two members of the Armed Forces on active duty, including one officer and one enlisted member.

(ii) Two family members of a member of the Armed Forces on active duty.

(iii) Two former members of the Armed Forces.
(B) Such employees of the Federal Government as the Secretary considers appropriate for purposes of the advisory committee.

(2) Status of certain members.—A member selected under paragraph (1)(A) who is not a member of the Armed Forces on active duty or 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.

(e) Duties.—Each advisory committee established under subsection (a) for a military treatment facility shall provide to the commanding officer or director of such facility advice on the administration and activities of such facility.

SEC. 732. STANDARDIZED SYSTEM FOR SCHEDULING MEDICAL APPOINTMENTS AT MILITARY TREATMENT FACILITIES.

(a) Standardized system.—

(1) In general.—Not later than January 1, 2018, the Secretary of Defense shall implement a system for scheduling medical appointments at military treatment facilities that is standardized...
throughout the military health system to enable
timely access to care for covered beneficiaries.

(2) LACK OF VARIANCE.—The system imple-
mented 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 sys-
tem under subsection (a), no military treatment facility
may use an appointment scheduling process other than
such system.

(c) APPOINTMENT SCHEDULING PROCESS.—

(1) IN GENERAL.—Under the system imple-
mented under subsection (a), each military treat-
ment facility shall make a centralized appointment
scheduling process available to covered beneficiaries
that includes the ability to schedule appointments
manually via telephone or automatically via a device
that is connected to the Internet through an online
scheduling system described in paragraph (2).

(2) ONLINE SYSTEM.—

(A) IN GENERAL.—The Secretary shall im-
plement an online scheduling system that is
available 24 hours per day, seven days per
week, for purposes of scheduling appointments
under the system implemented under subsection (a).

(B) Capabilities of Online System.—
The online scheduling system implemented under subparagraph (A) shall have the following capabilities:

(i) An ability to send automated email and text message reminders, including repeat reminders, to patients regarding upcoming appointments.

(ii) An ability to store appointment records to ensure rapid access by medical personnel to appointment data.

(d) Plan.—

(1) In General.—Not later than January 1, 2017, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a comprehensive plan to implement the system required under subsection (a).

(2) Elements.—The plan required under paragraph (1) shall include the following:

(A) A description of the manual appointment process to be used at military treatment facilities under the system required under subsection (a).
(B) A description of the automated appointment process to be used at military treatment facilities under such system.

(C) A timeline for the full implementation of such system throughout the military health system.

(e) COVERED BENEFICIARY DEFINED.—In this section, the term “covered beneficiary” has the meaning given that term in section 1072 of title 10, United States Code.

SEC. 733. DISPLAY OF WAIT TIMES AT URGENT CARE CLINICS, EMERGENCY DEPARTMENTS, AND PHARMACIES OF MILITARY TREATMENT FACILITIES.

(a) URGENT CARE CLINICS AND EMERGENCY DEPARTMENTS.—

(1) PLACEMENT.—Not later than January 1, 2018, the commander or director of a military treatment facility shall place in a conspicuous location at each urgent care clinic and emergency department of the military treatment facility an electronic sign that displays the current average wait time determined under paragraph (2) for a patient to be seen by a qualified medical professional.
(2) Determination.—In carrying out paragraph (1), every 30 minutes, the commander or director, as the case may be, shall determine the average wait time to display under such paragraph by calculating, for the four-hour period preceding the calculation, the average length of time beginning at the time of the arrival of a patient at the urgent care clinic or emergency department, as the case may be, and ending at the time at which the patient is first seen by a qualified medical professional.

(b) Pharmacies.—

(1) Placement.—Not later than January 1, 2018, the commander or director of a military treatment facility shall place in a conspicuous location at each pharmacy of the military treatment facility an electronic sign that displays the current average wait time to receive a filled prescription for a pharmaceutical agent.

(2) Determination.—In carrying out paragraph (1), every 30 minutes, the commander or director, as the case may be, shall determine the average wait time to display under such paragraph by calculating, for the four-hour period preceding the calculation, the average length of time beginning at the time of submission by a patient of a prescription
for a pharmaceutical agent and ending at the time
at which the pharmacy dispenses the pharmaceutical
agent to the patient.

(c) Qualified Medical Professional Defined.—In this section, the term “qualified medical pro-
fessional” means a doctor of medicine, a doctor of osteop-
athy, a physician assistant, or an advanced registered
nurse practitioner.

SEC. 734. IMPROVEMENT AND MAINTENANCE OF COMBAT
CASUALTY CARE AND TRAUMA CARE SKILLS
OF HEALTH CARE PROVIDERS OF DEPART-
MENT OF DEFENSE.

(a) In General.—Not later than January 1, 2018,
the Secretary of Defense shall implement measures to im-
prove and maintain the combat casualty care and trauma
care skills of health care providers of the Department of
Defense.

(b) Measures To Be Implemented.—The meas-
ures required to be implemented under subsection (a) shall
include the following:

(1) The conduct of a comprehensive review of
combat casualty care and wartime trauma systems
during the period beginning on January 1, 2001,
and ending on the date of submittal of the report,
including an assessment of lessons learned to improve combat casualty care in future conflicts.

(2) The expansion of the network of military-civilian trauma combat casualty care training sites to provide integrated combat trauma teams, such as forward surgical teams, with maximum exposure to a high volume of patients with critical injuries.

(3) The establishment of a personnel management plan for important wartime medical specialties, as determined by the Secretary, such as emergency medical services and prehospital care, trauma surgery, critical care, anesthesiology, and emergency medicine, that includes, at a minimum—

(A) the number of positions required in each such medical specialty;

(B) crucial organizational and operational assignments for personnel in each such medical specialty; and

(C) career pathways for personnel in each such medical specialty.

(4) The development of standardized tactical combat casualty care instruction for all members of the Armed Forces, including the use of standardized trauma training platforms.
(5) The development of a comprehensive trauma care registry to compile relevant data from point of injury through rehabilitation of members of the Armed Forces.

(6) The development of quality of care outcome measures for combat casualty care.

(7) The conduct of research on the leading causes of morbidity and mortality of members of the Armed Forces in combat.

SEC. 735. ADJUSTMENT OF MEDICAL SERVICES, PERSONNEL AUTHORIZED STRENGTHS, AND INFRASTRUCTURE IN MILITARY HEALTH SYSTEM TO MAINTAIN READINESS AND CORE COMPETENCIES OF HEALTH CARE PROVIDERS.

(a) In General.—Not later than 180 days 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 To Be Implemented.—The measures required to be implemented under subsection (a) shall include the following:

(1) The Secretary shall ensure that each medical specialty required for the military medical force
readiness of the Department of Defense is not substituted for any other medical specialty.

(2) The Secretary shall modify the medical services provided through the military health system to ensure that the only medical services provided at military treatment facilities are those medical services that are directly required—

(A) to maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces; and

(B) to ensure the medical readiness of the Armed Forces.

(3) The Secretary shall reduce authorized strengths for military and civilian personnel throughout the military health system to the manning levels required—

(A) to maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces; and

(B) to ensure the medical readiness of the Armed Forces.
(4) The Secretary shall reduce or eliminate infrastructure in the military health system, including infrastructure of military treatment facilities, that—

(A) does not maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces; or

(B) does not ensure the medical readiness of the Armed Forces.

(5) The Secretary shall ensure that covered beneficiaries (as that term is defined in section 1072 of title 10, United States Code) unable to receive health care services at military treatment facilities due to reductions in personnel and infrastructure in the military health system have access to primary and specialty health care services from the private sector.

(c) COMPTROLLER GENERAL REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report assessing the implementation by the Secretary of Defense of measures to maintain the critical wartime
medical readiness skills and core competencies of
health care providers within the Armed Forces, as
required under subsection (a).

(2) ELEMENTS.—The report required by paragra

ph (1) shall include the following:

(A) An assessment of whether the Depart-
ment of Defense provides any medical services
at military treatment facilities that are not
services directly required—

(i) to maintain the critical wartime
medical readiness skills and core com-
petencies of health care providers within
the Armed Forces; and

(ii) to ensure the medical readiness of
the Armed Forces.

(B) An assessment of whether the Depart-
ment has maintained authorized strengths for
military and civilian personnel throughout the
military health system at manning levels that
are higher than the levels required—

(i) to maintain the critical wartime
medical readiness skills and core com-
petencies of health care providers within
the Armed Forces; and
(ii) to ensure the medical readiness of
the Armed Forces.

(C) An assessment of whether the Depar-
tment has maintained infrastructure in the mili-
tary health system, including infrastructure of
military treatment facilities, that—

(i) does not maintain the critical war-
time medical readiness skills and core com-
petencies of health care providers within
the Armed Forces; or

(ii) does not ensure the medical readi-
ness of the Armed Forces.

(d) DEFINITIONS.—In this section:

(1) The term “critical wartime medical readi-
ness skills and core competencies” means those es-
sential medical capabilities, including clinical and
logistical capabilities, that are—

(A) necessary to be maintained by health
care providers within the Armed Forces for na-
tional security purposes; and

(B) vital to the provision of effective and
timely health care during contingency oper-
ations.

(2) The term “clinical and logistical capabili-
ties” means those capabilities relating to the provi-
sion 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.

SEC. 736. ESTABLISHMENT OF HIGH PERFORMANCE MILITARY-CIVILIAN INTEGRATED HEALTH DELIVERY SYSTEMS.

(a) In General.—Not later than January 1, 2018, the Secretary of Defense shall establish military-civilian integrated health delivery systems through partnerships with other health systems, including local or regional health systems in the private sector and the Veterans Health Administration—
(1) to improve access to health care for covered beneficiaries;

(2) to enhance the experience of covered beneficiaries in receiving health care;

(3) to improve health outcomes for covered beneficiaries;

(4) to share resources between the Department of Defense, the Department of Veterans Affairs, and the private sector, including such staff, equipment, and training assets as may be required to carry out such integrated health delivery systems; and

(5) to transfer health care services from military treatment facilities to other health systems that are not essential for the maintenance of operational medical force readiness skills of health care providers of the Department.

(b) ELEMENTS OF SYSTEMS.—Each military-civilian integrated health delivery system established under paragraph (a) shall do the following:

(1) 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.
(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.

(9) Improve coordination of behavioral health services with primary health care.

c) AGREEMENTS.—

(1) IN GENERAL.—In establishing military-civilian integrated health delivery systems through partnerships under subsection (a), the Secretary shall seek to enter into memoranda of understanding or contracts between military treatment facilities and health maintenance organizations, healthcare centers of excellence, public or private academic medical 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.

(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. 737. CONTRACTS WITH PRIVATE SECTOR ENTITIES TO PROVIDE CERTAIN HEALTH CARE SERVICES AT MILITARY TREATMENT FACILITIES.

(a) IN GENERAL.—Not later than January 1, 2018, the Secretary of Defense shall enter into centrally-managed, performance-based contracts under this section with private sector entities to augment the delivery of health care services at military treatment facilities that have a
limited or restricted ability to provide health care services, such as primary care or expanded-hours urgent care.

(b) CONTRACTS.—In entering into contracts with private sector entities under this section, the Secretary shall—

(1) consider the demand by covered beneficiaries for health care services, such as primary care or expanded-hours urgent care services;

(2) project the workload gaps at military treatment facilities associated with the demand for such health care services; and

(3) seek to—

(A) improve the health of covered beneficiaries;

(B) improve the access of covered beneficiaries to health care services;

(C) produce cost savings for the Department of Defense; and

(D) maximize the use by covered beneficiaries of the direct care component of the military health system to maintain operational medical force readiness and the medical readiness of the Armed Forces.

(c) PLAN.—
(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to carry out this section.

(2) **PLAN.**—The plan required under paragraph (1) shall include the following:

(A) A description of the number and types of contracts that the Secretary intends to enter into under this section.

(B) A description of the performance measures to be used by the Secretary in procuring performance-based contracts under this section.

(d) **COVERED BENEFICIARY DEFINED.**—In this section, the term “covered beneficiary” has the meaning given that term in section 1072 of title 10, United States Code.

**SEC. 738. MODIFICATION OF ACQUISITION STRATEGY FOR HEALTH CARE PROFESSIONAL STAFFING SERVICES.**

(1) in paragraph (2)—

(A) by redesignating subparagraph (G) as subparagraph (H); and

(B) by inserting after subparagraph (F) the following new subparagraph (G):

“(G) A plan to implement throughout the Department a performance-based, strategic-sourcing contract for acquiring such services for the military health system that includes the following:

“(i) Except as provided in clause (ii), a requirement that all components of the military health system use such contract.

“(ii) A process for obtaining a waiver of such requirement based on a documented rationale to use another contract or acquisition approach.”; and

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

“(3) EVALUATION OF RESULTS.—The Secretary shall use methods and metrics established as part of the acquisition strategy under paragraph (1) to evaluate the results of the acquisition strategy and revise the acquisition strategy as the Secretary considers appropriate.”.
SEC. 739. REDUCTION OF ADMINISTRATIVE REQUIREMENTS RELATING TO AUTOMATIC RENEWAL OF ENROLLMENTS IN TRICARE PRIME.

Section 1097a(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “(1) An” and inserting “An”; and

(2) by striking paragraph (2).

Subtitle C—Reports and Other Matters

SEC. 751. PILOT PROGRAM ON EXPANSION OF USE OF PHYSICIAN ASSISTANTS TO PROVIDE MENTAL HEALTH CARE TO MEMBERS OF THE ARMED FORCES.

(a) Pilot Program.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall commence the conduct of a pilot program to assess the feasibility and advisability of expanding the use by the Department of Defense of physician assistants specializing in psychiatric medicine at medical facilities of the Department of Defense in order to meet the increasing demand for mental health care providers at such facilities through the use of a psychiatry fellowship program for physician assistants.
(b) **Eligible Individuals.**—An individual eligible for participation in the pilot program is an individual who—

(1) has successfully graduated with a masters degree in physician assistant studies from an accredited physician assistant program;

(2) is certified by the National Commission on Certification of Physician Assistants;

(3) has a valid license, certification, and registration necessary to practice medicine;

(4) does not have any pending challenge, investigation, revocation, restriction, disciplinary action, suspension, reprimand, probation, denial, or withdrawal with respect to any license, certification, or registration described in paragraph (3);

(5) is a commissioned officer in the Armed Forces; and

(6) meets the requirements necessary to be deployed as such an officer throughout the world.

(e) **Selection of Individuals.**—The Secretary shall select not fewer than five individuals described in subsection (b) to participate in the pilot program for each round of the psychiatric fellowship program conducted under subsection (d).

(d) **Psychiatric Fellowship Program.**—
(1) In general.—In carrying out the pilot program, the Secretary shall establish a psychiatric fellowship program for physician assistants.

(2) Rounds of program.—The psychiatric fellowship program under paragraph (1) shall consist of two rounds, each with a maximum duration of two years.

(3) Use of other programs.—In carrying out the psychiatric fellowship program under paragraph (1), the Secretary shall use resources available under existing graduate medical education programs of the Department of Defense to the greatest extent possible.

(e) Reports on Pilot Program.—

(1) Initial report.—

(A) In general.—Not later than 180 days after the date on which the Secretary completes the first round of the psychiatric fellowship program under subsection (d), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program.

(B) Elements.—The report required by subparagraph (A) shall include the following:
(i) A description of the implementation of the pilot program, including a detailed description of the education and training provided under the pilot program.

(ii) An assessment of potential cost savings, if any, to the Federal Government resulting from the pilot program.

(iii) A description of improvements, if any, to the access of members of the Armed Forces to mental health care resulting from the pilot program.

(iv) A description of recommendations, if any, of the Secretary of alternative methods to improve the access of members of the Armed Forces to mental health care other than through the pilot program.

(v) A recommendation as to the feasibility and advisability of extending or expanding the pilot program.

(2) Final report.—Not later than 90 days after the date on which the pilot program terminates under subsection (f), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives an update to the report submitted under paragraph (1).
(f) TERMINATION.—The authority of the Secretary to carry out the pilot program shall terminate upon the completion of the second round of the psychiatric fellowship program under subsection (d).

SEC. 752. IMPLEMENTATION OF PLAN TO ELIMINATE CERTAIN GRADUATE MEDICAL EDUCATION PROGRAMS OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall implement a phased plan to eliminate graduate medical education programs of the Department of Defense that do not directly support the operational medical force readiness requirements for health care providers within the Armed Forces or the medical readiness of the Armed Forces.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that sets forth the phased plan of the Secretary that is required to be implemented under subsection (a).

(2) ELEMENTS.—The report required to be submitted under paragraph (1) shall include the fol-
ollowing with respect to the phased plan of the Secretary:

(A) An identification of locations at which training under a graduate medical education program will be eliminated under the plan, including training at civilian institutions, disaggregated by military department.

(B) An identification of the types of graduate medical education programs to be eliminated under the plan, such as intern, residency, subspecialty, and fellowship programs, and the number of participants affected, disaggregated by military department.

(C) An assessment of the amount of time required to eliminate the graduate medical education programs under the plan, including a timeline for the elimination of each such program.

(D) An assessment of the annual cost savings to the Department resulting from the elimination of graduate medical education programs under the plan.
SEC. 753. MODIFICATION OF AUTHORITY OF UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES TO INCLUDE UNDERGRADUATE AND OTHER MEDICAL EDUCATION AND TRAINING PROGRAMS.

(a) In general.—Section 2112(a) of title 10, United States Code, is amended to read as follows:

“(a)(1) There is established a Uniformed Services University of the Health Sciences (in this chapter referred to as the ‘University’) with authority to grant appropriate certificates, certifications, undergraduate degrees, and advanced degrees.

“(2) The University shall be so organized as to graduate not fewer than 100 medical students annually.

“(3) The headquarters of the University shall be at a site or sites selected by the Secretary of Defense within 25 miles of the District of Columbia.”.

(b) Administration.—Section 2113 of such title is amended—

(1) in subsection (d)—

(A) in the first sentence, by striking “located in or near the District of Columbia”;

(B) in the third sentence, by striking “in or near the District of Columbia”; and

(C) by striking the fifth sentence; and
(2) in subsection (e)(3), by inserting after “programs” the following: “, including certificate, certification, and undergraduate degree programs,”.

(c) Repeal of Expired Provision.—Section 2112a of such title is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking “(a) Closure Prohibited.—”.

SEC. 754. MEMORANDA OF AGREEMENT WITH INSTITUTIONS OF HIGHER EDUCATION THAT OFFER DEGREES IN ALLOPATHIC OR OSTEOPATHIC MEDICINE.

(a) In General.—The Secretary of Defense shall enter into memoranda of agreement with local or regional institutions of higher education that offer degrees in allopathic or osteopathic medicine to establish affiliations between such institutions and military treatment facilities.

(b) Affiliation With Military Treatment Facility.—Under each memorandum of agreement entered into with an institution of higher education under subsection (a), not fewer than one military treatment facility located in the area of such institution shall serve as an affiliated teaching hospital for such institution, including by sharing training facilities, staff, and material resources
between the military treatment facility and such institu-

SEC. 755. EXTENSION OF AUTHORITY FOR JOINT DEPART-
MENT OF DEFENSE-DEPARTMENT OF VET-
ERANS AFFAIRS MEDICAL FACILITY DEM-
ONSTRATION FUND.

Section 1704(e) of the National Defense Authoriza-
tion 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 Au-
thorization Act for Fiscal Year 2015 (Public Law 113–
291) and section 723 of the National Defense Authoriza-
tion Act for Fiscal Year 2016 (Public Law 114–92), is
further amended by striking “September 30, 2017” and
inserting “September 30, 2018”.

SEC. 756. PROHIBITION ON CONDUCT OF CERTAIN MED-
ICAL RESEARCH AND DEVELOPMENT
PROJECTS.

The Secretary of Defense and each Secretary of a
military department may not fund or conduct a medical
research and development project unless the Secretary
funding or conducting the project determines that the
project is designed to directly protect, enhance, or restore
the health and safety of members of the Armed Forces.
SEC. 757. AUTHORIZATION OF REIMBURSEMENT BY DEPARTMENT OF DEFENSE TO ENTITIES CARRYING OUT STATE VACCINATION PROGRAMS FOR COSTS OF VACCINES PROVIDED TO COVERED BENEFICIARIES.

(a) Reimbursement.—

(1) In general.—The Secretary of Defense may reimburse an amount determined under paragraph (2) to an entity carrying out a State vaccination program for the cost of vaccines provided to covered beneficiaries through such program.

(2) Amount of reimbursement.—

(A) In general.—Except as provided in subparagraph (B), the amount determined under this paragraph with respect to a State vaccination program shall be the amount assessed by the entity carrying out such program to purchase vaccines provided to covered beneficiaries through such program.

(B) Limitation.—The amount determined under this paragraph may not exceed the amount that the Department would reimburse an entity for providing vaccines to covered beneficiaries under the TRICARE program.

(b) Definitions.—In this section:
(1) COVERED BENEFICIARY; TRICARE PROGRAM.—The terms “covered beneficiary” and “TRICARE program” have the meanings given those terms in section 1072 of title 10, United States Code.

(2) STATE VACCINATION PROGRAM.—The term “State vaccination program” means a vaccination program that provides vaccinations to individuals in a State and is carried out by an entity (including an agency of the State) within the State.

SEC. 758. MAINTENANCE OF CERTAIN REIMBURSEMENT RATES FOR CARE AND SERVICES TO TREAT AUTISM SPECTRUM DISORDER UNDER DEMONSTRATION PROGRAM.

Effective as of the date of the enactment of this Act, in order to maintain access to care and services to treat autism spectrum disorder under the Comprehensive Autism Care Demonstration program of the Department of Defense conducted under section 705 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 1092 note), as extended and modified by the Secretary of Defense, the Secretary shall reinstate the reimbursement rates for the provision of applied behavior analysis therapy under such program that were in
effect on March 31, 2016, and may not modify such reim-
bursement rates throughout the duration of such program.

SEC. 759. INCORPORATION INTO CERTAIN SURVEYS BY DE-
PARTMENT OF DEFENSE OF QUESTIONS ON
SERVICEWOMEN EXPERIENCES WITH FAMILY
PLANNING SERVICES AND COUNSELING.

(a) In General.—Not later than 90 days after the
date of the enactment of this Act, the Secretary shall ini-
tiate action to integrate into the surveys by the Depart-
ment of Defense specified in subsection (b) questions de-
signed to obtain information on the experiences of women
members of the Armed Forces—

(1) in accessing family planning services and
counseling; and

(2) in using family planning methods, including
information on which method was preferred and
whether deployment conditions affected the decision
on which family planning method or methods to be
used.

(b) Covered Surveys.—The surveys into which
questions shall be integrated as described in subsection (a)
are the following:

(1) The Health Related Behavior Survey of Ac-
tive Duty Military Personnel.
(2) The Health Care Survey of Department of Defense Beneficiaries.

SEC. 760. ASSESSMENT OF TRANSITION TO TRICARE PROGRAM BY FAMILIES OF MEMBERS OF RESERVE COMPONENTS CALLED TO ACTIVE DUTY AND ELIMINATION OF CERTAIN CHARGES FOR SUCH FAMILIES.

(a) Assessment of Transition to TRICARE Program.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall complete an assessment of the extent to which families of members of the reserve components of the Armed Forces serving on active duty pursuant to a call or order to active duty for a period of more than 30 days experience difficulties in transitioning from health care arrangements relied upon when the member is not in such an active duty status to health care benefits under the TRICARE program.

(2) Elements.—The assessment under paragraph (1) shall address the following:

(A) The extent to which family members of members of the reserve components of the Armed Forces are required to change health care arrangements relied upon when the member is not in such an active duty status to health care benefits under the TRICARE program.
care providers when they become eligible for health care benefits under the TRICARE program.

(B) The extent to which health care providers in the private sector with whom such family members have established relationships when not covered under the TRICARE program are providers who—

(i) are in a preferred provider network under the TRICARE program;

(ii) are participating providers under the TRICARE program; or

(iii) will agree to treat covered beneficiaries at a rate not to exceed 115 percent of the maximum allowable charge under the TRICARE program.

(C) The extent to which such family members encounter difficulties associated with a change in health care claims administration, health care authorizations, or other administrative matters when transitioning to health care benefits under the TRICARE program.

(D) Any particular reasons for, or circumstances that explain, the conditions described in subparagraphs (A), (B), and (C).
(E) The effects of the conditions described in subparagraphs (A), (B), and (C) on such family members and the Department of Defense.

(F) Recommendations for changes in policies and procedures under the TRICARE program, or other administrative action by the Secretary, to remedy or mitigate difficulties faced by such family members in transitioning to health care benefits under the TRICARE program.

(G) Recommendations for legislative action to remedy or mitigate such difficulties.

(H) Such other matters as the Secretary determines relevant to the assessment.

(3) REPORT.—

(A) IN GENERAL.—Not later than 180 days after completing the assessment under paragraph (1), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report detailing the results of the assessment.

(B) ANALYSIS OF RECOMMENDATIONS.—The report required by subparagraph (A) shall include an analysis of each recommendation for
legislative action addressed under paragraph (2)(G), together with a cost estimate for implementing each such action.

(b) EXPANSION OF AUTHORITY TO ELIMINATE BALANCE BILLING.—Section 1079(h)(4)(C)(ii) of title 10, United States Code, is amended by striking “in support of a contingency operation under a provision of law referred to in section 101(a)(13)(B) of this title”.

(e) DEFINITIONS.—In this section, the terms “covered beneficiary” and “TRICARE program” have the meanings given those terms in section 1072 of title 10, United States Code.

SEC. 761. REQUIREMENT TO REVIEW AND MONITOR PRESCRIBING PRACTICES AT MILITARY TREATMENT FACILITIES OF PHARMACEUTICAL AGENTS FOR TREATMENT OF POST-TRAUMATIC STRESS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) conduct a comprehensive review of the prescribing practices at military treatment facilities of pharmaceutical agents for the treatment of post-traumatic stress;
(2) implement a process or processes to monitor the prescribing practices at military treatment facilities of pharmaceutical agents that are discouraged from use under the VA/DOD Clinical Practice Guideline for Management of Post-Traumatic Stress;

(3) implement a plan to address any deviations from such guideline in prescribing practices of pharmaceutical agents for management of post-traumatic stress at such facilities; and

(4) implement a plan to address any instances in which benzodiazepines and opioids are concurrently prescribed.

(b) Pharmaceutical Agent Defined.—In this section, the term “pharmaceutical agent” has the meaning given that term in section 1074g(g) of title 10, United States Code.

SEC. 762. REPORT ON PLAN TO IMPROVE PEDIATRIC CARE AND RELATED SERVICES FOR CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a plan of the Department of Defense to improve pe-
diatric care and related services for children of members
of the Armed Forces.

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

(1) In order to ensure that children receive de-
velopmentally-appropriate and age-appropriate
health care services from the Department, a plan to
align preventive pediatric care under the TRICARE
program with—

(A) standards for such care as required by
the Patient Protection and Affordable Care Act
(Public Law 111–148);

(B) guidelines established for such care by
the Early and Periodic Screening, Diagnosis,
and Treatment program under the Medicaid
program carried out under title XIX of the So-
cial Security Act (42 U.S.C. 1396 et seq.); and

(C) recommendations by organizations that
specialize in pediatrics.

(2) A plan to develop a uniform definition of
“pediatric medical necessity” for the Department
that aligns with recommendations of organizations
that specialize in pediatrics in order to ensure that
a consistent definition of such term is used in pro-
viding health care in military treatment facilities and
by health care providers under the TRICARE pro-
gram.

(3) A plan to revise certification requirements
for residential treatment centers of the Department
to expand the access of children of members of the
Armed Forces to services at such centers.

(4) A plan to develop measures to evaluate and
improve access to pediatric care, coordination of pe-
diatric care, and health outcomes for such children.

(5) A plan to include an assessment of access
to pediatric specialty care in the annual report to
Congress on the effectiveness of the TRICARE pro-
gram.

(6) A plan to improve the quality of and access
to behavioral health care under the TRICARE pro-
gram for such children, including intensive out-
patient and partial hospitalization services.

(7) A plan to mitigate the impact of permanent
changes of station and other service-related reloca-
tions of members of the Armed Forces on the con-
tinuity of health care services received by such chil-
dren who have special medical or behavioral health
needs.

(8) A plan to mitigate deficiencies in data col-
lection, data utilization, and data analysis to im-
prove pediatric care and related services for children
of members of the Armed Forces.

(c) TRICARE PROGRAM DEFINED.—In this section,
the term “TRICARE program” has the meaning given
such term in section 1072 of title 10, United States Code.

SEC. 763. COMPTROLLER GENERAL REPORT ON HEALTH
CARE DELIVERY AND WASTE IN MILITARY
HEALTH SYSTEM.

(a) COMPTROLLER GENERAL REPORTS.—Not later
than one year after the date of the enactment of this Act,
and not less frequently than once each year thereafter for
four years, the Comptroller General of the United States
shall submit to the Committees on Armed Services of the
Senate and the House of Representatives a report assess-
ing various issues relating to the delivery of health care
in the military health system, with an emphasis on identi-
fying potential waste and inefficiency.

(b) ELEMENTS.—

(1) IN GENERAL.—Each report submitted
under subsection (a) shall, within the direct and pur-
chased care components of the military health sys-
tem, evaluate the following:

(A) Processes for ensuring that health care
providers adhere to clinical practice guidelines.
(B) Processes for reporting and resolving adverse medical events.

(C) Processes for ensuring program integrity by identifying and resolving medical fraud and waste.

(D) Processes for coordinating care within and between the direct and purchased care components of the military health system.

(E) Procedures for administering the TRICARE program.

(F) Processes for assessing and overseeing the efficiency of clinical operations of military hospitals and clinics, including access to care for covered beneficiaries at such facilities.

(2) ADDITIONAL INFORMATION.—Each report submitted under subsection (a) may include, if the Comptroller General considers feasible—

(A) an estimate of the costs to the Department of Defense relating to any waste or inefficiency identified in the report; and

(B) such recommendations for action by the Secretary of Defense as the Comptroller General considers appropriate, including 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 Management

SEC. 801. RAPID ACQUISITION AUTHORITY AMENDMENTS.


(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 Author-
ization 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 Na-
tional 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 Sec-
retary” and inserting “(i) Except as pro-
vided under clause (ii), whenever the Sec-
retary”; 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 Sec-
retary that funds are necessary to immediately ini-
tiate 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 Sec-
etary under paragraph (3)(A) that funds are nec-
essary to immediately initiate a project under the
rapid fielding or rapid prototyping acquisition path-
ways under section 804 of the National Defense Au-
thorization 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 ac-
ququisitions initiated in the case of a determination by
the Secretary that funds are necessary to imme-
diately initiate a project under the rapid fielding or
rapid prototyping acquisition pathways under section
804 of the National Defense Authorization Act for
Fiscal Year 2016 (Public Law 114–92; 10 U.S.C.
2302 note).”.
SEC. 802. AUTHORITY FOR TEMPORARY SERVICE OF PRINCIPAL MILITARY DEPUTIES TO THE ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR ACQUISITION AS ACTING ASSISTANT SECRETARIES.

(a) Assistant Secretary of the Army for Acquisition, Technology, and Logistics.—Section 3016(b)(5)(B) of title 10, United States Code, is amended by adding at the end the following new sentence: “In the event of a vacancy in the position of Assistant Secretary of the Army for Acquisition Technology, and Logistics, the Principal Military Deputy may serve as acting Assistant Secretary for a period of not more than one year.”.

(b) Assistant Secretary of the Navy for Research, Development, and Acquisition.—Section 5016(b)(4)(B) of such title is amended by adding at the end the following new sentence: “In the event of a vacancy in the position of Assistant Secretary of the Navy for Research, Development, and Acquisition, the Principal Military Deputy may serve as acting Assistant Secretary for a period of not more than one year.”.

(c) Assistant Secretary of the Air Force for Acquisition.—Section 8016(b)(4)(B) of such title is amended by adding at the end the following new sentence: “In the event of a vacancy in the position of Assistant Secretary of the Air Force for Acquisition, the Principal Military Deputy may serve as acting Assistant Secretary for a period of not more than one year.”.
Military Deputy may serve as acting Assistant Secretary for a period of not more than one year.”.

SEC. 803. CONDUCT OF INDEPENDENT COST ESTIMATION AND COST ANALYSIS.

(a) IN GENERAL.—Section 2334 of title 10, United States Code, is amended—

(1) in subsection (a)(6), by striking “conduct independent cost estimates and cost analyses for major defense acquisition programs and major automated information system programs for which the Under Secretary of Defense for Acquisition, Technology, and Logistics is the Milestone Decision Authority” and inserting “prepare or approve independent cost estimates and cost analyses for major defense acquisition programs, major automated information system programs, and major subprograms”;

(2) by redesignating subsections (b), (c), (d), (e), and (f) as subsections (c), (d), (e), (f), and (g), respectively; and

(3) by inserting after subsection (a) the following new subsection:

“(b) INDEPENDENT COST ESTIMATES.—(1) The Secretary of Defense may not approve the technology maturation and risk reduction, the engineering and manufac-
turing development, or the production and deployment of
a major defense acquisition program, major automated in-
formation system program, or major subprogram unless
an independent cost estimate of the full life-cycle cost of
the program prepared or approved by Director of Cost As-
essment and Program Evaluation has been considered by
the Secretary.

“(2) The regulations governing the content and sub-
mission of independent cost estimates shall require that
the independent estimate of the full life-cycle cost of a pro-
gram include—

“(A) all costs of development, procurement, military construction, operations and support, and manpower to operate, maintain, and support the program upon full operational deployment without regard to funding source or management control; and

“(B) an analysis to support decision making that identifies and evaluates alternative courses of action that may reduce cost and risk and result in more affordable and less costly systems.”.

(b) REPEAL OF OBSOLETE AUTHORITY.—

(1) IN GENERAL.—Section 2434 of title 10, United States Code, is repealed.
(2) Clerical Amendment.—The table of sections at the beginning of chapter 144 of such title is amended by striking the item relating to section 2434.

SEC. 804. MODERNIZATION OF SERVICES ACQUISITION.

(a) Services Acquisition Categories.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise Department of Defense Instruction 5000.74, dated January 6, 2016 (in this section referred to as the “Services Acquisition Instruction”)—

(1) to provide guidance on how the acquisition community should consider the changing nature of the technology and professional services markets, particularly the convergence of hardware and services, in its application of the Services Acquisition Categories Instruction;

(2) to reflect a review of, and as appropriate revisions to, the current categories of services acquisition referenced in the Services Acquisition Categories Instruction in order to ensure the categories are fully reflective of changes to the technology and professional services market; and
(3) to reflect a review of existing service contracts of the Department of Defense for purposes of reducing redundancy and duplication.

(b) GUIDANCE REGARDING TRAINING AND DEVELOPMENT OF THE ACQUISITION WORKFORCE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue new guidance addressing the training and development of the acquisition workforce, particularly the components of the workforce that are engaged in the procurement of services.

(2) IDENTIFICATION OF TRAINING AND PROFESSIONAL DEVELOPMENT OPPORTUNITIES AND ALTERNATIVES.—The guidance required under paragraph (1) shall identify training and professional development opportunities and alternatives, not limited to existing Department of Defense institutions, that focus on and provide relevant training and professional development in commercial business models and contracting.

(3) TREATMENT OF TRAINING AND PROFESSIONAL DEVELOPMENT.—The training and professional development provided pursuant to this subsection shall be deemed to be equivalent to the re-
pective and appropriate training currently certified or provided by the Defense Acquisition University.

SEC. 805. MODIFIED NOTIFICATION REQUIREMENT FOR EXERCISE OF WAIVER AUTHORITY TO ACQUIRE VITAL NATIONAL SECURITY CAPABILITIES.

Subsection (d) of section 806 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) is amended to read as follows:

“(d) NOTIFICATION REQUIREMENT.—Not later than 10 days after exercising the waiver authority under subsection (a), the Secretary of Defense shall provide a written notification to Congress providing the details of the waiver and the expected benefits it provides to the Department of Defense.”.

SEC. 806. REPEAL OF TEMPORARY SUSPENSION OF PUBLIC-PRIVATE COMPETITIONS FOR CONVERSION OF DEPARTMENT OF DEFENSE FUNCTIONS TO PERFORMANCE BY CONTRACTORS.

Section 325 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2253) is hereby repealed.
Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 811. DEFENSE COST ACCOUNTING STANDARDS.

(a) Defense Cost Accounting Standards Board.—

(1) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 190. Defense Cost Accounting Standards Board

“(a) Organization.—The Defense Cost Accounting Standards Board is an independent board in the Office of the Secretary of Defense.

“(b) Membership.—(1) The Board consists of 7 members. One member is the Chief Financial Officer of the Department of Defense or his or her designee, who serves as Chairman. The other 6 members, who shall have experience in contract pricing, finance, or cost accounting in either the Federal government or the private sector, are as follows:

“(A) 3 representatives of the Department of Defense appointed by the Secretary of Defense; and

“(B) 3 individuals from the private sector, each of whom is appointed by the Secretary, and—
“(i) 1 of whom is a representative of an
nontraditional defense contractor as defined in
section 2302(9) of this title; and
“(ii) 1 of whom is a representative from a
public accounting firm.
“(2) A member appointed under paragraph (1)(A)
may not continue to serve after ceasing to be an officer
or employee of the Department of Defense.
“(e) DUTIES.—
“(1) The Defense Cost Accounting Standards
Board has exclusive authority, with respect to the
Department of Defense, to prescribe, amend, and re-
seind cost accounting standards, and interpretations
of the standards, designed to achieve uniformity and
consistency in the cost accounting standards gov-
erning measurement, assignment, and allocation of
costs to contracts with the Department of Defense.
“(2) The Chief Financial Officer of the Depart-
ment of Defense, after consultation with the Board,
shall prescribe rules and procedures governing ac-
tions of the Board under this section. The Under
Secretary when prescribing rules shall ensure the
following:
“(A) Cost accounting standards used by
contractors to the Department of Defense shall
to the maximum extent practicable rely on commercial standards and accounting practices and systems.

“(B)(i) The Secretary, in consultation with the Defense Cost Accounting Standards Board, shall review the cost accounting standards under section 1502 of title 41 and make recommendations to the Cost Accounting Standards Board to conform these standards where practicable to United States Generally Accepted Accounting Principles (GAAP).

“(ii) 180 days after this review, the Under Secretary of Acquisitions, Technology, and Logistics may promulgate new cost accounting standards as they apply to direct costs under cost type contracts at the Department of Defense to conform to the Secretary’s recommendations.

“(C) Indirect costs under cost type contracts shall be determined under procedures developed by the Department of Defense Cost Accounting Standards Board using cost accounting records in compliance with United States Generally Accepted Accounting Principles (GAAP).
“(D) Any cost information necessary to allocate incentives on fixed-price incentive contracts shall be determined using cost accounting records in compliance with United States Generally Accepted Accounting Principles (GAAP). However, incentives under fixed price incentive contracts should to the maximum extent practicable be performance-based and not cost-based.

“(3) The Board shall develop standards to ensure that commercial operations performed by government employees at the Department of Defense adhere to cost accounting standards that inform managerial decision making. These standards should be based on cost accounting standards established under this section or United States Generally Accepted Accounting Principles (GAAP).

“(d) COMPENSATION.—(1) Members of the Board who are officers or employees of the Department of Defense shall not receive additional compensation for services but shall continue to be compensated by the employing department or agency of the officer or employee.

“(2) Each member of the Board appointed from the private sector shall receive compensation at a rate not to exceed the daily equivalent of the rate for level IV of the
Executive Schedule for each day (including travel time) in which the member is engaged in the actual performance of duties vested in the Board.

“(3) While serving away from home or regular place of business, Board members and other individuals serving on an intermittent basis shall be allowed travel expenses in accordance with section 5703 of title 5.”.

(2) Clerical Amendment.—The table of sections at the beginning of chapter 7 of such title is amended by adding after the item relating to section 189 the following new item:

“190. Defense Cost Accounting Standards Board.”

(b) Use of Standards.—

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

“§ 2338. Defense Cost Accounting Standards

“(a) Mandatory Use of Standards.—(1) Cost accounting standards prescribed under section 190(c)(2) of this title are mandatory for use by the Department of Defense and by contractors and subcontractors in estimating, accumulating, and reporting costs in connection with the pricing and administration of, and settlement of disputes concerning, all negotiated prime contract and subcontract procurements with the Federal Government in excess of the amount set forth in section 2306a(a)(1)(A)(i) of this
title as the amount is adjusted in accordance with applicable requirements of law.

“(2) Paragraph (1) does not apply to—

“(A) a contract or subcontract for the acquisition of a commercial item;

“(B) a contract or subcontract where the price negotiated is based on a price set by law or regulation;

“(C) a firm, fixed-price contract or subcontract;

or

“(D) a contract or subcontract with a value of less than $7,500,000 if, when the contract or subcontract is entered into, the segment of the contractor or subcontractor that will perform the work has not been awarded at least one contract or subcontract with a value of more than $7,500,000 that is covered by the standards.

“(b) EXEMPTIONS AND WAIVERS.—(1) The Defense Cost Accounting Standards Board established under section 190 of this title may—

“(A) exempt classes of contractors and subcontractors from the requirements of this section; and

and
“(B) establish procedures for the waiver of the requirements of this section for individual contracts and subcontracts.

“(2) The Secretary of Defense may waive the applicability of the cost accounting standards for a contract or subcontract if the Secretary determines in writing that the segment of the contractor or subcontractor that will perform the work—

“(A) is primarily engaged in the sale of commercial items; and

“(B) would not otherwise be subject to the cost accounting standards under this section.

“(3) In exceptional circumstances, the head of a military service or defense agency may waive the applicability of the cost accounting standards for a contract or subcontract under exceptional circumstances when necessary to meet the needs of the service or agency. A determination to waive the applicability of the standards under this paragraph shall be set forth in writing and shall include a statement of the circumstances justifying the waiver.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such chapter is amended by adding at the end the following new item:

“2338. Defense cost accounting standards.”.
(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall take effect on October 1, 2018.

(c) COMPTROLLER GENERAL REPORT.—Not later than December 31, 2019, the Comptroller General of the United States shall submit to the congressional defense committees an annual report on the adequacy of the Department of Defense’s approach to applying commercial cost accounting standards to indirect and fixed price incentive contracts.

(d) AUDITING REQUIREMENTS.—

(1) GAAP.—Commercial accounting firms shall audit the adequacy of information presented in compliance with United States Generally Accepted Accounting Principles (GAAP).

(2) DCAA AUDITS.—DCAA shall audit direct costs on cost contracts and rely on commercial audits of indirect costs, except that in the case of companies or business units that have more than 50 percent of government cost type contracts as a percentage of sales, DCAA shall audit both direct and indirect costs.
SEC. 812. INCREASED MICRO-PURCHASE THRESHOLD APPLICABLE TO DEPARTMENT OF DEFENSE PROCUREMENTS.

(a) INCREASED MICRO-PURCHASE THRESHOLD.—

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

“§ 2338. Micro-purchase threshold

“Notwithstanding subsection (a) of section 1902 of title 41, the micro-purchase threshold for the Department of Defense for purposes of such section is $5,000.”.

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

“2338. Micro-purchase threshold.”.

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

SEC. 813. ENHANCED COMPETITION REQUIREMENTS.

Section 2306a of title 10, United States Code, is amended—

(1) in subsection (a)(1)(A), by inserting “that is only expected to receive one bid” after “entered into using procedures other than sealed-bid procedures”; and
(2) in subsection (b)—

(A) in paragraph (1)(A)(i), by striking “price competition” and inserting “competition that results in at least two or more responsive and viable competing bids”; and

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

“(6) Determination by prime contractor.—A prime contractor required to submit certified cost or pricing data under subsection (a) with respect to a prime contract shall be responsible for determining whether a subcontract under such contract qualifies for an exception under paragraph (1)(A) from such requirement.”.

SEC. 814. ELIMINATION OF BID AND PROPOSAL COSTS AND OTHER EXPENSES AS ALLOWABLE INDEPENDENT RESEARCH AND DEVELOPMENT COSTS ON CERTAIN CONTRACTS.

(a) In general.—Section 2372 of title 10, United States Code, is amended to read as follows:

“§2372. Independent research and development costs: allowable costs

“(a) Regulations.—The Secretary of Defense shall prescribe regulations governing the payment, by the De-
partment of Defense, of expenses incurred by contractors for independent research and development costs.

“(b) **Costs Treated as Fair and Reasonable and Allowable Expenses.**—The regulations prescribed pursuant to subsection (a) shall provide that independent research and development costs shall be considered a fair and reasonable and allowable expense on Department of Defense contracts.

“(c) **Additional Controls.**—Subject to subsection (f), the regulations prescribed pursuant to subsection (a) may include the following provisions:

“(1) A limitation on the fair and reasonableness determination with respect to costs of independent research and development which the Secretary of Defense determines is of potential interest to the Department of Defense.

“(2) A limitation that the total amount of the independent research and development costs of the contractor that are determined as fair and reasonable may not exceed the contractor’s adjusted maximum reimbursement amount.

“(3) Implementation of regular methods for transmission—

“(A) from the Department of Defense to contractors, in a reasonable manner, of timely
and comprehensive information regarding
planned or expected Department of Defense fu-
ture technology and advanced capability needs;
and
“(B) from contractors to the Department
of Defense, in a reasonable manner, of informa-
tion regarding progress by the contractor on the
contractor’s independent research and develop-
ment programs.
“(d) Adjusted Maximum Reimbursement
Amount.—For purposes of subsection (c)(2), the ad-
justed maximum reimbursement amount for a contractor
for a fiscal year is 5 percent of the total amount of the
work performed by the contractor during the preceding
fiscal year on Department of Defense contracts funded
through procurement or research development, test, and
evaluation accounts using authorized appropriations.
“(e) Waiver of Adjusted Maximum Reimburse-
ment Amount.—The Secretary of Defense may waive the
applicability of any limitation prescribed under subsection
(c)(2) to any contractor for a fiscal year to the extent that
the Secretary determines that allowing the contractor to
exceed the contractor’s adjusted maximum reimbursement
amount for such year is otherwise in the best interest of
the Government.
“(f) LIMITATIONS ON REGULATIONS.—Regulations prescribed pursuant to subsection (e) may not include provisions that would infringe on the independence of a contractor to choose which technologies to pursue in its independent research and development program so long as the chief executive officer certifies that the expenditures will advance Department of Defense future technology and advanced capability needs as transmitted pursuant to subsection (e)(3)(A).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by striking the item relating to section 2372 and inserting the following new item:

“2372. Independent research and development costs: payments to contractors.”.

SEC. 815. EXCEPTION TO REQUIREMENT TO INCLUDE COST OR PRICE TO THE GOVERNMENT AS A FACTOR IN THE EVALUATION OF PROPOSALS FOR CERTAIN MULTIPLE-AWARD TASK OR DELIVERY ORDER CONTRACTS.

Section 2305(a)(3) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting “(except as provided in subparagraph (C))” after “shall”; and
(B) in clause (ii), by inserting “(except as provided in subparagraph (C))” after “shall” and

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

“(C) If the head of an agency issues a solicitation for multiple task or delivery order contracts under section 2304a(d)(1)(B) of this title for the same or similar services and intends to make a contract award to each qualifying offeror—

“(i) cost or price to the Federal Government need not, at the Government’s discretion, be considered under clause (ii) of subparagraph (A) as an evaluation factor for the contract award; and

“(ii) if, pursuant to clause (i), cost or price to the Federal Government is not considered as an evaluation factor for the contract award—

“(I) the disclosure requirement of clause (iii) of subparagraph (A) shall not apply; and

“(II) cost or price to the Federal Government shall be considered in conjunction with the issuance pursuant to section 2304c(b) of this title of a task or delivery order under any contract resulting from the solicitation.
“(D) In subparagraph (C), the term ‘qualifying offeror’ means an offeror that—

“(i) is determined to be a responsible source;

“(ii) submits a proposal that conforms to the requirements of the solicitation; and

“(iii) the contracting officer has no reason to believe would likely offer other than fair and reasonable pricing.”.

SEC. 816. MODIFIED RESTRICTIONS ON UNDEFINITIZED CONTRACTUAL ACTIONS.

Section 2326 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following: “Any undefinitized contract shall be awarded on a fixed-price level of effort basis.”;

(2) by redesignating subsections (f) and (g) as subsections (h) and (i), respectively;

(3) by inserting after subsection (e) the following new subsections:

“(f) TIME LIMIT.—No undefinitized contractual action may extend beyond 90-days without a written determination by the Secretary of the military department or head of a Defense Agency that it is in the best interests of the military department or Defense Agency to continue the action.
“(g) FOREIGN MILITARY CONTRACTS.—(1) Except as provided in paragraph (2), a contracting officer of the Department of Defense may not enter into an undefinitized contractual action for a foreign military sale unless the contractual action provides for agreement upon contractual terms, specifications, and price by the end of the 180-day period described in subsection (b)(1)(A).

“(2) The requirement under paragraph (1) may be waived in accordance with subsection (b)(4).”;

(4) in subsection (i)(1), as redesignated by paragraph (2)—

(A) by striking subparagraph (A); and

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

SEC. 817. NON-TRADITIONAL CONTRACTOR DEFINITION.

Section 2302(9) of title 10, United States Code, is amended—

(1) by striking “of this title, means an entity that is not currently performing” and inserting the following: “of this title—

“(A) means a specific business unit or function with a unique entity identifier that is not currently performing”;
(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(B) does not mean a business unit that received a transfer of procurement or transaction from another business unit within the same corporate entity that is currently performing or performed, for at least the one-year period preceding the solicitation of sources by the Department of Defense for the procurement or transaction, any contract or subcontract for the Department of Defense that is subject to full coverage under the cost accounting standards prescribed pursuant to section 1502 of title 41 and the regulations implementing such section.".

SEC. 818. COMPREHENSIVE SMALL BUSINESS CONTRACTING PLANS.

(a) Authority.—

(1) In general.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:
“§ 2338. Comprehensive small business contracting plans

“(a) AUTHORITY.—The Secretary of Defense may negotiate and administer comprehensive subcontracting plans for the purpose of reducing administrative burdens on contractors while enhancing opportunities provided under Department of Defense contracts for small business concerns and covered small business concerns.

“(b) COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLAN.—

“(1) The Secretary of a military department or head of a Defense Agency shall negotiate, monitor, and enforce compliance with a comprehensive subcontracting plan with a Department of Defense contractor described in paragraph (4).

“(2) The comprehensive subcontracting plan of a contractor—

“(A) shall apply to the entire business organization of the contractor or to one or more of the contractor’s divisions or operating elements, as specified in the subcontracting plan; and

“(B) shall cover each Department of Defense contract that is entered into by the contractor and each subcontract that is entered

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into by the contractor as the subcontractor
under a Department of Defense contract.

“(3) Each comprehensive subcontracting plan
of a contractor shall require that the contractor re-
port to the Secretary of Defense on a semi-annual
basis the following information:

“(A) The amount of first-tier subcontract
dollars awarded during the six-month period
covered by the report to covered small business
communities, with the information set forth sepa-
rately—

“(i) by North American Industrial
Classification System code;

“(ii) by major defense acquisition pro-
gram, as defined in section 2430(a) of this
title, that meets the criteria of Acquisition
Category 1;

“(iii) by contract, if the contract is for
the maintenance, overhaul, repair, serv-
icicing, rehabilitation, salvage, moderniza-
tion, or modification of supplies, systems,
or equipment and the total value of the
contract, including options, exceeds
$250,000,000; and

“(iv) by military department.
“(B) The total number of subcontracts active under the test program during the six-month period covered by the report that would have otherwise required a subcontracting plan under paragraph (4) or (5) of section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

“(C) Costs incurred in negotiating, complying with, and reporting on comprehensive subcontracting plans.

“(D) Costs avoided by adoption of a comprehensive subcontracting plan.

“(4) A Department of Defense contractor referred to in paragraph (1) is, with respect to a comprehensive subcontracting plan negotiated in any fiscal year, a business concern that, during the immediately preceding fiscal year, furnished the Department of Defense with supplies or services (including professional services, research and development services, and construction services) pursuant to at least three Department of Defense contracts having an aggregate value of at least $100,000,000.

“(c) W AIVER OF CERTAIN SMALL BUSINESS ACT SUBCONTRACTING PLAN REQUIREMENTS.—A Department of Defense contractor is not required to negotiate or submit a subcontracting plan under paragraph (4) or
(5) of section 8(d) of the Small Business Act (15 U.S.C. 637(d)) with respect to a Department of Defense contract if—

“(1) the contractor has negotiated a comprehensive subcontracting plan under the test program that includes the matters specified in section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6));

“(2) such matters have been determined acceptable by the Secretary of the military department or head of a Defense Agency negotiating such comprehensive subcontracting plan; and

“(3) the comprehensive subcontracting plan applies to the contract.

“(d) FAILURE TO MAKE A GOOD FAITH EFFORT TO COMPLY WITH A COMPREHENSIVE SUBCONTRACTING PLAN.—

“(1) A contractor that has negotiated a comprehensive subcontracting plan under the test program shall be subject to section 8(d)(4)(F) of the Small Business Act (15 U.S.C. 637(d)(4)(F)) regarding the assessment of liquidated damages for failure to make a good faith effort to comply with its comprehensive subcontracting plan and the goals specified in that plan. In addition, any such failure
shall be a factor considered as part of the evaluation
of past performance of an offeror.

“(2) Effective in fiscal year 2017 and each fis-
cal year thereafter, the Secretary of Defense shall
report to Congress on any negotiated comprehensive
subcontracting plan that the Secretary determines
did not meet the subcontracting goals negotiated in
the plan for the prior fiscal year.

“(e) DEFINITIONS.—In this section, the term ‘cov-
ered small business concern’ includes each of the following:

“(1) A small business concern, as that term is
defined under section 3(a) of the Small Business Act
(15 U.S.C. 632(a)).

“(2) A small business concern owned and con-
trolled by veterans, as that term is defined in section
3(q)(3) of such Act (15 U.S.C. 632(q)(3)).

“(3) A small business concern owned and con-
trolled by service-disabled veterans, as that term is
defined in section 3(q)(2) of such Act (15 U.S.C.
632(q)(2)).

“(4) A qualified HUBZone small business con-
cern, as that term is defined under section 3(p)(5)
of such Act (15 U.S.C. 632(p)(5)).

“(5) A small business concern owned and con-
trolled by socially and economically disadvantaged
individuals, as that term is defined in section 8(d)(3)(C) of such Act (15 U.S.C. 637(d)(3)(C)).

“(6) A small business concern owned and controlled by women, as that term is defined under section 3(n) of such Act (15 U.S.C. 632(n)).”.

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

“2338. Comprehensive small business contracting plans.”.


SEC. 819. LIMITATION ON TASK AND DELIVERY ORDER PROTESTS.

Section 2304c(e) of title 10, United States Code, is amended—

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

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

“(2) A protest is not authorized in connection with the issuance or proposed issuance of a task or delivery order if the Secretary of Defense determines that a task and delivery order ombudsman responsible for reviewing complaints related to task and delivery order contracts of
the issuing agency has been appointed or designated pur-
suant to subsection (f) and a process for reviewing such
complaints has been established.”.

SEC. 820. MODIFIED DATA COLLECTION REQUIREMENTS
APPLICABLE TO PROCUREMENT OF SERVICES.

(a) Increased Threshold.—Subsection (a) of sec-
tion 2330a of title 10, United States Code, is amended
by striking “in excess of the simplified acquisition thresh-
old” and inserting “in excess of $5,000,000”.

(b) Clarification of Applicability of Inventory Requirement to Staff Augmentation Con-
tracts.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking “contracts for
services” and inserting “staff augmentation con-
tracts”; and

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

“(4) The term ‘staff augmentation contracts’ means
contracts for personnel who are subject to the direction
of a government official other than the contracting officer
for the contract, including contractor personnel who per-
form personal services contracts (as that term is defined
in section 2330a(g)(5) of this title).”.

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(c) Elimination of Reporting Requirements.—Such section is further amended—

(1) by striking subsections (g) and (h); and

(2) by redesignating subsections (i) and (j) as subsections (g) and (h), respectively.

SEC. 821. GOVERNMENT ACCOUNTABILITY OFFICE BID PROTEST REFORMS.

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

"§ 2338. Government Accountability Office bid protests

(a) Payment of Costs for Denied Protests.—

(1) In General.—A contractor who files a protest described under paragraph (2) with the Government Accountability Office on a contract with the Department of Defense shall pay to the Government Accountability Office costs incurred for processing a protest.

(2) Covered Protests.—A protest described under this paragraph is a protest—

(A) all of the elements of which are denied in an opinion issued by the Government Accountability Office; and
“(B) filed by a party with revenues in excess of $100,000,000 during the previous year.

“(b) Withholding of Payments Above Incurred Costs of Incumbent Contractors.—

“(1) In general.—Contractors who file a protest on a contract on which they are the incumbent contractor shall have all payments above incurred costs withheld on any bridge contracts or temporary contract extensions awarded to the contractor as a result of a delay in award resulting from the filing of such protest.

“(2) Disposition of Withheld Payments above Incurred Costs.—

“(A) Release to Incumbent Contractor.—All payments above incurred costs of a protesting incumbent contractor withheld pursuant to paragraph (1) shall be released to the protesting incumbent contractor if—

“(i) the solicitation that is the subject of the protest is cancelled and no subsequent request for proposal is released or planned for release; or

“(ii) if the Government Accountability Office issues an opinion that upholds any
of the protest grounds filed under the protest.

“(B) Release to awardee.—Except for the exceptions set forth in subparagraph (A), all payments above incurred costs of a protest testing incumbent contractor withheld pursuant to paragraph (1) shall be released to the contractor that was awarded the protested contract prior to the protest.

“(C) Release to GAO in event of no contract award.—Except for the exceptions set forth in subparagraph (A), if a protested contract for which payments above incurred costs are withheld under paragraph (1) is not awarded to a contractor, the withheld payments shall be released to the Government Accountability Office and deposited into an account that can be used by the Office to offset costs associated with Government Accountability Office bid protests in which the Government Accountability Office issues an opinion in favor of a small business concern, either as a direct or third party beneficiary.”.
(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 2337 the following new item:

“2338. Government Accountability Office bid protests.”.

SEC. 822. REPORT ON BID PROTESTS.

(a) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent research entity that is a not-for-profit entity or a Federally funded research and development center with appropriate expertise and analytical capability to carry out a comprehensive study on the prevalence and impact of bid protests on Department of Defense acquisitions, including protests filed with contracting agencies, the Government Accountability Office, and the Court of Federal Claims.

(b) ELEMENTS.—The report required by subsection (a) shall cover Department of Defense contracts and include, at a minimum, the following elements:

(1) A description of trends in the number of bid protests filed, and the rate of such bid protests compared to contract obligations and the number of contracts.

(2) An analysis of bid protests filed by incumbent contractors, including—

(A) the rate at which such protesters are awarded bridge contracts or contract extensions
over the period that the protest remains unresolved; and

(B) an assessment of the cost and schedule impact of successful and unsuccessful bid protests filed by incumbent contractors on contracts for services with a value in excess of $100,000,000.

(3) A description of trends in the number of bid protests filed and the rate of such bid protests on—

(A) contracts valued in excess of $3,000,000,000;

(B) contracts valued between $500,000,000 and $3,000,000,000;

(C) contracts valued between $50,000,000 and $500,000,000; and

(D) contracts valued under $50,000,000.

(4) An assessment of the cost and schedule impact of successful and unsuccessful bid protests filed on contracts valued in excess of $3,000,000,000.

(5) An analysis of how often protestors win the protested contract.

(6) A summary of the results of protests in which the contracting agencies took unilateral corrective action, including—
(A) the average time for remedial action to be completed; and

(B) a determination as to what extent such unilateral action was a result of a violation of law or regulation by the agency, or such action was a result of some other factor.

(7) A description of the time it takes agencies to implement corrective actions after a ruling or decision.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the independent entity that conducts the study under subsection (a) shall provide to the Secretary of Defense and the congressional defense committees a report on the results of the study, along with any related recommendations.

SEC. 823. TREATMENT OF SIDE-BY-SIDE TESTING OF CERTAIN EQUIPMENT, MUNITIONS, AND TECHNOLOGIES MANUFACTURED AND DEVELOPED UNDER COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS AS USE OF COMPETITIVE PROCEDURES.

Section 2350a(g) of title 10, United States Code, is amended by inserting after paragraph (2) the following new paragraph:
“(3) The use of side-by-side testing under this subsection shall be considered to be the use of competitive procedures for purposes of chapter 137 of this title, when procuring items that have been successfully tested and found to satisfy United States military requirements or to correct operational deficiencies.”

SEC. 824. DEFENSE ACQUISITION CHALLENGE PROGRAM.

(a) Expansion of Scope to Include Alternatives to Existing Acquisition Programs.—Subsection (a)(2) of section 2359b of title 10, United States Code, is amended—

(1) by inserting “, or an alternative approach to an existing Department of Defense acquisition program,” after “of an existing Department of Defense acquisition program”; and

(2) by inserting “or function” after “capability of that acquisition program”.

(b) Treatment of Challenge Proposal Procedures as Use of Competitive Procedures.—Such section is further amended—

(1) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(2) by inserting after subsection (i) the following new subsection:
TREATMENT OF USE OF DEVELOPED PROCEDURES AS USE OF COMPETITIVE PROCEDURES.—The use of general solicitation competitive procedures developed pursuant to subsection (c)(3) shall be considered to be the use of competitive procedures for purposes of chapter 137 of this title.”.

(c) EXTENSION OF SUNSET FOR PILOT PROGRAM FOR PROGRAMS OTHER THAN MAJOR DEFENSE ACQUISITION PROGRAMS.—Such section is further amended in paragraph (5) of subsection (l), as redesignated by subsection (b)(1) of this subsection, by striking “2016” and inserting “2021”.

SEC. 825. USE OF LOWEST PRICE TECHNICALLY ACCEPTABLE SOURCE SELECTION PROCESS.

(a) STATEMENT OF POLICY.—It shall be the policy of the Department of Defense to avoid using Lowest Price Technically Acceptable source selection criteria in inappropriate circumstances that potentially deny the Department the benefits of cost and technical tradeoffs in the source selection process.

(b) REVISION OF DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT.—Not later than 120 days after the date of the enactment of this Act, the Department of Defense shall revise the Defense Federal Ac quisition Regulation Supplement (DFARS) to require that, for

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new solicitations issued on or after the date that is 120 days after the date of the enactment of this Act, Lowest Price Technically Acceptable source selection criteria are used only in situations in which—

(1) the Department of Defense is able to comprehensively and clearly describe the minimum requirements expressed in 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) a review of technical proposals of offerors other than the lowest bidder would result in no, or minimal, benefit to the Department; and

(5) the contracting officer has included a justification for the use of a Lowest Price Technically Acceptable evaluation methodology in the contract file, if the contract to be awarded is predominately for the acquisition of information technology serv-
ices, systems engineering and technical assistance services, or other knowledge-based professional services.

(c) Avoidance of Use of Lowest Price Technically Acceptable Source Selection Criteria in Procurements of Information Technology.—To the maximum extent practicable, the use of Lowest Price Technically Acceptable source selection criteria shall be avoided when the procurement is predominately for the acquisition of information technology services, systems engineering and technical assistance services, or other knowledge-based professional services.

(d) Reporting.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 3 years, the Secretary of Defense shall submit to the congressional defense committees a report on the number of instances in which Lowest Price Technically Acceptable source selection criteria is used, including an explanation of how the criteria in subsection (b) was considered when making a determination to use Lowest Price Technically Acceptable source selection criteria.

SEC. 826. PENALTIES FOR THE USE OF COST-TYPE CONTRACTS.

(a) Penalties.—Except as provided under subsection (d), for each fiscal year beginning with fiscal year
2018, the Secretary of each military department and the head of each of the Defense Agencies shall pay a penalty for the use of cost-type contracts.

(b) **Calculation of Cost-type Contract Penalty.**—

(1) **In General.**—For the purposes of this section, the amount of the cost-type contract penalty per fiscal year for a military department or Defense Agency is the total amount of penalties assessed in accordance with paragraph (2) for the use by such military department or Defense Agency during such fiscal year of cost-type contracts awarded on or after October 1, 2017, including cost no fee, cost plus award fee, cost plus fixed fee, and cost plus incentive fee contracts.

(2) **Penalty per Contract.**—the cost-type contract penalty for using a cost-type contract is—

(A) 2 percent of obligated funds in the case of a contract using procurement funds; and

(B) 1 percent of obligated funds in the case of a contract using research, development, test and evaluation funds.

(c) **Transfer of Funds.**—
(1) Reduction of Research, Development, Test, and Evaluation, and Procurement Accounts.—Not later than 60 days after the end of each fiscal year beginning with fiscal year 2018, the Secretary of each military department and the head of each Defense Agency shall reduce the applicable research, development, test, and evaluation account and procurement account of the military department or Defense Agency that incurs obligations for cost-type contracts by the percentage determined under paragraph (2), and remit such amount to the Secretary of Defense.

(2) Determination of Amount.—The percentage reduction to research, development, test, and evaluation and procurement accounts of a military department or Defense Agency referred to in paragraph (1) is the percentage reduction to such accounts necessary to equal the cost-type contract penalty for the fiscal year for such department or Defense Agency determined pursuant to subsection (b).

(3) Crediting of Funds.—Any amount remitted under paragraph (1) shall be credited to the Department of Defense Rapid Prototyping Fund established pursuant to section 804 of the National De-
fense Authorization Act for Fiscal Year 2016 (Pub-

(d) EXCEPTIONS.—

(1) FIRST LEAD SHIPS IN A CLASS.—There
shall be no penalty assessed under this section for
the use of cost-type contracts for first lead ships in
a class.

(2) DELAYED APPLICABILITY TO SCIENCE AND
TECHNOLOGY AND SBIR/STTR PROGRAMS.—There
shall be no penalty assessed under this section until
fiscal year 2019 for the following types of contracts:

(A) Contracts awarded under the Small
Business Innovation Research (SBIR) and
Small Business Technology Transfer Program (STTR) programs (as those terms are defined
in section 9(e) of the Small Business Act (15
U.S.C. 638(e)).

(B) Contracts awarded using funds under
the Basic Research, Applied Research, and Ad-
vanced Technology Development budget activity
titles.

(e) RULE OF CONSTRUCTION.—Nothing in this sec-
tion shall be construed as limiting or otherwise modifying
transfer authorities available to the Secretary of Defense.
(f) Sunset.—This section shall terminate at the close of September 30, 2021.

SEC. 827. PREFERENCE FOR FIXED-PRICE CONTRACTS.

(a) Establishment of Preference.—Not later than 180 days after the date of the enactment of this Act, the Defense Federal Acquisition Regulation Supplement shall be revised to establish a preference for fixed-price contracts, including fixed-price incentive fee contracts, in the determination of contract type.

(b) Approval Requirement for Certain Cost-Type Contracts.—

(1) In general.—A contracting officer of the Department of Defense may not enter into a cost-type contract described in paragraph (2) unless the contract is approved by—

(A) the Service Acquisition Executive, in the case of a contract entered into by a military service; or

(B) the Under Secretary of Defense for Acquisition, Technology, and Logistics, in the case of a Defense Agency contract.

(2) Covered contracts.—A contract described in this paragraph is—

(A) a cost-type contract in excess of $50,000,000, in the case of a contract entered
into after the date that is 180 days after the 
date of the enactment of this Act and before 
October 1, 2018;

(B) a cost-type contract in excess of 
$20,000,000, in the case of a contract entered 
into on or after October 1, 2018, and before 
October 1, 2019; and

(C) a cost-type contract in excess of 
$5,000,000, in the case of a contract entered 
into on or after October 1, 2019.

SEC. 828. REQUIREMENT TO USE FIRM FIXED-PRICE CON-
TRACTS FOR FOREIGN MILITARY SALES.

(a) REQUIREMENT.—Not later than 180 days after 
the date of the enactment of this Act, the Secretary of 
Defense shall prescribe regulations to require the use of 
firm fixed-price contracts for foreign military sales.

(b) WAIVER AUTHORITY.—The regulations pre-
scribed pursuant to subsection (a) shall include a waiver 
that may be exercised by the Secretary of Defense if the 
Secretary certifies that a different contract type is in the 
best interest of United States taxpayers.

SEC. 829. PREFERENCE FOR PERFORMANCE-BASED CON-
TRACTUAL PAYMENTS.

(a) IN GENERAL.—Section 2307(b) of title 10, 
United States Code, is amended—
(1) in the subsection heading, by inserting “PREFERENCE FOR” before “PERFORMANCE-BASED”;

(2) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(3) by striking “Wherever practicable, payment under subsection (a) shall be made” and inserting “(1) Whenever practicable, payments under subsection (a) shall be made using performance-based payments”; and

(4) by adding at the end the following new paragraphs:

“(2) Performance-based payments shall not be conditioned upon costs incurred in contract performance but on the achievement of milestones or events based on the performance outcomes listed in paragraph (1).

“(3) The Secretary of Defense shall ensure that non-traditional contractors and commercial companies shall be eligible for performance based payments, consistent with best commercial practices.

“(4) In order to receive performance-based payments, a contractor’s accounting system shall be in compliance with Generally Accepted Accounting Principles, and there shall be no requirement for a contractor to develop government unique accounting systems or practices as a pre-
requisite for agreeing to use performance-based payments.”.

(b) Regulations.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to conform with section 2307(b) of title 10, United States Code, as amended by subsection (a).

SEC. 829A. SHARE-IN-SAVINGS CONTRACTS.

(a) Repeal of Sunset.—Section 2332 of title 10, United States Code, is amended by striking subsection (d).

(b) Training.—Such section, as amended by subsection (a), is further amended by adding at the end the following new subsection:

“(d) Training.—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, the Defense Acquisition University shall develop and implement a training program for Department of Defense acquisition personnel on share-in-savings contracts.”.
SEC. 829B. SPECIAL EMERGENCY PROCUREMENT AUTHORITY TO FACILITATE THE DEFENSE AGAINST OR RECOVERY FROM A CYBER, NUCLEAR, BIOLOGICAL, CHEMICAL, OR RADIOLOGICAL ATTACK.

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

"§ 2338. Special emergency procurement authority

"(a) Applicability.—The authorities provided in subsections (b) and (c) apply with respect to a procurement of property or services by or for the Department of Defense that the Secretary of Defense determines are to be used—

"(1) in support of a contingency operation; or

"(2) to facilitate the defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack against the United States.

"(b) Increased Thresholds and Limitation.—For a procurement to which this section applies under subsection (a)—

"(1) the amount specified in subsections (a), (d), and (e) of section 1902 of title 41 shall be deemed to be—
“(A) $15,000 in the case of a contract to be awarded and performed, or purchase to be made, in the United States; and

“(B) $25,000 in the case of a contract to be awarded and performed, or purchase to be made, outside the United States;

“(2) the term ‘simplified acquisition threshold’ means—

“(A) $750,000 in the case of a contract to be awarded and performed, or purchase to be made, in the United States; and

“(B) $1,500,000 in the case of a contract to be awarded and performed, or purchase to be made, outside the United States; and

“(3) the $5,000,000 limitation in section 1901(a)(2) of title 41 and sections 3305(a)(2) and 2304(g)(1)(B) of this title is deemed to be $10,000,000.

“(c) Authority to Treat Property or Service as Commercial Item.—

“(1) IN GENERAL.—The Secretary of Defense, in carrying out a procurement of property or a service to which this section applies under subsection (a)(2), may treat the property or service as a com-
mmercial item for the purpose of carrying out the proc-
curement.

“(2) Certain contracts not exempt from standards or requirements.—A contract in an amount of more than $15,000,000 that is awarded on a sole source basis for an item or service treated as a commercial item under paragraph (1) is not ex-
empt from—

“(A) cost accounting standards prescribed under section 1502 of title 41; or

“(B) cost or pricing data requirements (commonly referred to as truth in negotiating) under chapter 35 of title 41 and section 2306a of this title.”.

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2338. Special emergency procurement authority.”.

SEC. 829C. LIMITATION ON USE OF REVERSE AUCTION AND LOWEST PRICE TECHNICALLY ACCEPTABLE CONTRACTING METHODS.

(a) Limitation.—Not later than 90 days after the date of the enactment of this Act, the Defense Supplement to the Federal Acquisition Regulation shall be amended—

(1) to prohibit the use by the Department of Defense of reverse auction or lowest price technically
acceptable contracting methods for the procurement
of personal protective equipment where the level of
quality or failure of the item could result in combat
casualties; and

(2) to establish a preference for the use of best
value contracting methods for the procurement of
such equipment.

(b) CONFORMING AMENDMENT.—Section 884 of the
(Public Law 114–92) is hereby repealed.

SEC. 829D. AVOIDANCE OF USE OF BRAND NAMES OR
BRAND-NAME OR EQUIVALENT DESCRIPTIONS IN SOLICITATIONS.
The Secretary of Defense shall ensure that competi-
tion in Department of Defense contracts is not limited
through the use of specifying brand names or brand-name
or equivalent descriptions, or proprietary specifications or
interfaces, in solicitations unless a justification for such
specification is provided and approved in accordance with
section 2304(f) of title 10, United States Code.

SEC. 829E. SUNSET AND REPEAL OF CERTAIN CONTRACTING PROVISIONS.

(a) Sunsets.—

(1) PLANTATIONS AND FARMS: OPERATION,
MAINTENANCE, AND IMPROVEMENT.—Section 2421
of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) SUNSET.—This section shall terminate at the close of September 30, 2018.”.

(2) Obligations for contract services: Reporting in budget object classes.—Section 2212 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(g) SUNSET.—This section shall terminate at the close of September 30, 2018.”.

(3) Requirement to establish cost, performance, and schedule goals for major defense acquisition programs and each phase of related acquisition cycles.—Section 2220 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) SUNSET.—This section shall terminate at the close of September 30, 2018.”.

(4) Government performance of certain acquisition functions.—Section 1706 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d) SUNSET.—This section shall terminate at the close of September 30, 2019.”.

(b) Repeals.—
(1) Limitation on use of operation and maintenance funds for purchase of investment items.—

(A) In general.—Section 2245a of title 10, United States Code, is repealed.

(B) Clerical amendment.—The table of sections at the beginning of subchapter I of chapter 134 of such title is amended by striking the item relating to section 2245a.

(C) Conforming amendment.—Section 166a(e)(1)(A) of such title is amended by striking “in effect under section 2245a of this title”.

(2) Information technology purchases: tracking and management.—

(A) In general.—Section 2225 of title 10, United States Code, is repealed.

(B) Clerical amendment.—The table of sections at the beginning of chapter 131 of such title is amended by striking the item relating to section 2225.

(C) Conforming amendments.—

(i) Section 2330a of title 10, United States code.—Section 2330a(j) of such title is amended—

(I) by striking paragraph (2);
(II) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and

(III) by adding at the end the following new paragraphs:

“(5) **Simplified Acquisition Threshold.**—The term ‘simplified acquisition threshold’ has the meaning given the term in section 134 of title 41.

“(6) **Small Business Concern.**—The term ‘small business concern’ means a business concern that meets the applicable size standards prescribed pursuant to section 3(a) of the Small Business Act (15 U.S.C. 632(a)) of title 41.

“(7) **Small Business Concern Owned and Controlled by Socially and Economically Disadvantaged Individuals.**—The term ‘small business concern owned and controlled by socially and economically disadvantaged individuals’ has the meaning given that term in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

“(8) **Small Business Concern Owned and Controlled by Women.**—The term ‘small business concern owned and controlled by women’ has the meaning given that term in section 8(d)(3)(D) of the Small Business Act (15 U.S.C. 637(d)(3)(D)).”.
(ii) Section 222 of the National Defense Authorization Act for Fiscal Year 2012.—Section 222(d) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 2358 note) is amended by striking “as defined in section 2225(f)(3)” and inserting “as defined in section 2330a(j)”.

(3) Procurement of copier paper containing specified percentages of post-consumer recycled content.—

(A) In general.—Section 2378 of title 10, United States Code, is repealed.

(B) Clerical amendment.—The table of sections at the beginning of chapter 140 of such title is amended by striking the item relating to section 2378.

(4) Limitation on procurement of table and kitchen equipment for officers’ quarters.—

(A) In general.—Section 2387 of title 10, United States Code, is repealed.

(B) Clerical amendment.—The table of sections at the beginning of chapter 141 of such
title is amended by striking the item relating to section 2387.

(5) IMPLEMENTATION OF ELECTRONIC COMMERCE CAPABILITY.—

(A) REPEAL.—

(i) IN GENERAL.—Section 2302c of title 10, United States Code, is repealed.

(ii) EXEMPTION FROM GENERAL FEDERAL PROCUREMENT REQUIREMENT.—

Section 2301 of title 41, United States Code, is amended by inserting “other than the Department of Defense” after “each executive agency” each place it appears.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by striking the item relating to section 2302c.

SEC. 829F. FLEXIBILITY IN CONTRACTING AWARD PROGRAM.

(a) ESTABLISHMENT OF AWARD PROGRAM.—The Secretary of Defense shall create an award to recognize those acquisition programs and professionals that make the best use of the flexibilities and authorities granted by the Federal Acquisition Regulation and Department of
Defense Instruction 5000.02 (Operation of the Defense Acquisition System).

(b) PURPOSE OF AWARD.—The award established under subsection (a) shall recognize outstanding performers whose approach to program management emphasizes innovation and local adaptation, including the use of—

(1) simplified acquisition procedures;

(2) inherent flexibilities within the Federal Acquisition Regulation;

(3) commercial contracting approaches;

(4) public-private partnership agreements and practices;

(5) cost sharing arrangements;

(6) innovative contractor incentive practices;

and

(7) other innovative implementations of acquisition flexibilities.

(c) BENCHMARKS.—The Secretary of Defense shall, for purposes of administering the award program established under this section, establish specific, measurable benchmarks for measuring successful application of Federal Acquisition Regulation flexibilities, both in terms of assessing the level of innovation being applied and in terms of program outcomes.
SEC. 829G. PRODUCTS AND SERVICES PURCHASED THROUGH CONTRACTING PROGRAM FOR FIRMS THAT HIRE THE SEVERELY DISABLED.

(a) LIMITATION ON CONTRACTING WITH ABILITYONE PROGRAM.—

(1) IN GENERAL.—For purposes of procuring goods and services on the procurement list described in section 8503 of title 41, United States Code (in this section referred to as the “procurement list”) to be performed by other severely disabled, the Secretary of Defense shall not contract with the AbilityOne nonprofit agency or the AbilityOne Central Nonprofit Agency responsible for contracting with other severely disabled, or use the AbilityOne Central Nonprofit Agency responsible for contracting with other severely disabled to identify vendors who are other severely disabled, but shall contract directly with qualified nonprofit agencies for other severely disabled, until such time that the Inspector General for the Department of Defense certifies to Congress as follows:

(A) The internal controls and financial management systems of the AbilityOne nonprofit agency and the AbilityOne Central Nonprofit Agency responsible for contracting with the other severely disabled are sufficient to pro-
tect the Department of Defense against waste, fraud, and abuse.

(B) There are fair opportunities for qualified nonprofit agencies for other severely disabled to compete to provide goods and services to the Department of Defense under the procurement list.

(C) Pass-through contracts to contractors who are not qualified nonprofit agencies for other severely disabled are limited to the maximum extent practicable to providing services and supplies necessary for qualified nonprofit agencies for other severely disabled to assemble a final product for use by the Department of Defense.

(D) Department of Defense contracts for items on the procurement list to the maximum extent practicable create opportunities in the production of products and the provision of services by qualified nonprofit agencies for other severely disabled during the fiscal year that result in the employment of other severely disabled individuals for at least 75 percent of the hours of direct labor required for the production or provision of the products or services.
(E) Opportunities for wounded and disabled veterans are maximized in qualified nonprofit agencies for other severely disabled when participating in Department of Defense contracts.

(F) The Department of Defense is receiving fair and reasonable prices for items on the procurement list.

(2) RECOMMENDATIONS BY THE COMPTROLLER GENERAL OF THE UNITED STATES.—In conducting its review of the internal controls and financial management systems of the AbilityOne nonprofit agency and the AbilityOne Central Nonprofit Agency responsible for contracting with the other severely disabled, the Inspector General of the Department of Defense shall consider recommendations previously made by the Comptroller General of the United States pertaining to the AbilityOne program.

(b) PURCHASING CRITERIA.—Contracting officers for the Department of Defense, when purchasing items off the procurement list under subsection (a), shall ensure that—

(1) there are fair opportunities for qualified nonprofit agencies for other severely disabled to compete to provide goods and services to the Department of Defense under the procurement list;
(2) pass-through contracts to contractors that are not qualified nonprofit agencies for other severely disabled are limited to the maximum extent practicable to providing services and supplies necessary for qualified nonprofit agencies for other severely disabled to assemble a final product for use by the Department of Defense;

(3) Department of Defense contracts for items on the procurement list to the maximum extent practicable create opportunities in the production of products and the provision of services by the qualified nonprofit agencies for other severely disabled during the fiscal year that result in the employment of other severely disabled individuals for at least 75 percent of the hours of direct labor required for the production or provision of the products or services;

(4) opportunities for wounded and disabled veterans are maximized in qualified nonprofit agencies for other severely disabled when participating in Department of Defense contracts; and

(5) the Department of Defense is receiving fair and reasonable prices for items on the procurement list.

(c) QUALIFIED NONPROFIT FOR OTHER SEVERELY DISABLED.—In this section, the term “qualified nonprofit
for other severely disabled” has the meaning given the
term in section 8501(6) of title 41, United States Code.

SEC. 829H. APPLICABILITY OF EXECUTIVE ORDER 13673

“FAIR PAY AND SAFE WORKPLACES” TO DE-
PARTMENT OF DEFENSE CONTRACTORS.

(a) LIMITATION.—The Secretary of Defense shall
apply any acquisition regulations promulgated pursuant to
Executive Order 13673 or any successor executive order
only to contractors or subcontractors who have been sus-
pended or debarred as a result of a Federal labor law vio-
lations covered by Executive Order 13673.

(b) COMPLIANCE REQUIREMENTS.—The Secretary
shall ensure that Department of Defense contractors or
subcontractors who are not described under subsection (a)
are not compelled or required to comply with the condi-
tions for contracting eligibility as stated in any acquisition
regulations promulgated to implement Executive Order
13673.

SEC. 829I. 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 modi-
fications to existing Department of Defense contracts
without completing a reconciliation audit or other correc-
tive action. To accomplish closeout of such contracts—
(1) remaining contract balances may be offset with balances in other contract line items within a contract regardless of the year or type of appropriation previously or currently obligated to fund each contract line item and regardless of whether the appropriation has closed; and

(2) remaining contract balances may be offset with balances on other contracts regardless of the year or type of appropriation previously or currently obligated to fund each contract and regardless of whether the appropriation has closed.

(b) COVERED CONTRACTS.—Contracts covered by this section are contracts or a group of contracts between the Department of Defense and a defense contractor that—

(1) were entered into prior to fiscal year 2000;

(2) have no further supplies or services deliverables due under their terms and conditions; and

(3) are determined by the Secretary of Defense to be not otherwise reconcilable because—

(A) the records have been destroyed or lost; or

(B) the records are available but the Secretary of Defense has determined that the time
or effort required to determine the exact
amount owed to the United States Government
or amount owed to the contractor is dispropor-
tionate to the amount at issue.

(c) NEGOTIATED SETTLEMENT AUTHORITY.—Any
contract or contracts covered by this section may be closed
out through a negotiated settlement with the contractor.

(d) WAIVER AUTHORITY.—The Secretary of Defense
is authorized to waive any provision of acquisition law or
regulation to carry out the authority under subsection (a).

(e) ADJUSTMENT OF RECORDS.—In any case where
the authority under this section is exercised, the cognizant
payment or accounting offices may adjust and close any
open finance and accounting records.

(f) NO LIABILITY.—No liability will attach to any ac-
counting, certifying, or payment official or contracting of-
ficer for any adjustments or closeout made pursuant to
the authority provided under this section.

(g) REGULATIONS.—The Secretary of Defense shall
prescribe regulations for the administration of the author-
ity under this section.

(h) NOTIFICATION REQUIREMENT.—The Secretary
of Defense shall notify the congressional defense commit-
tees not later than 10 days after exercising the authority
under subsection (d). The notice shall include an identification of each provision of law or regulation waived.

SEC. 829J. CLOSEOUT OF OLD NAVY CONTRACTS.

(a) AUTHORITY.—The Secretary of the Navy may close out contracts described in subsection (b) through the issuance of one or more modifications to existing Department of the Navy contracts without completing further reconciliation audits or corrective actions other than those described in this section. To accomplish closeout of such contracts—

(1) remaining contract balances may be offset with balances in other contract line items within a contract regardless of the year or type of appropriation previously or currently obligated to fund each contract line item and regardless of whether either appropriation has closed; and

(2) remaining contract balances may be offset with balances on other contracts regardless of the year or type of appropriation previously or currently obligated to find each contract and regardless of whether either appropriation has closed.

(b) COVERED CONTRACTS.—The contracts covered by this section are contracts to design, construct, repair, or support the construction or repair of Navy submarines that—
(1) were entered into between fiscal years 1974 and 1998;

(2) have no further supply or services deliverables due under their terms and conditions;

(3) for which the Secretary of the Navy has established the total final contract value; and

(4) the final allowable cost for which the Secretary of the Navy has determined may have a negative or positive unliquidated obligation balance with respect to which it would be difficult to determine the year or type of appropriation because—

(A) the records have been destroyed or lost; or

(B) the records are available but the contracting officer in collaboration with the certifying official has determined that a discrepancy is of a de minimis value such that the time and effort required to determine the cause of an out-of-balance condition is disproportionate to the amount of the discrepancy.

c) Closeout Terms.—The contracts identified in subsection (b) may be closed out—

(1) upon receipt of $581,803 from the contractor to be deposited into the Treasury as miscellaneous receipts;
(2) without seeking further amounts from the contractor; and

(3) without payment to the contractor of any amounts that may be due under any such contracts.

(d) WAIVER AUTHORITY.—The Secretary of the Navy is authorized to waive any provision of acquisition law or regulation to carry out the authority under subsection (a).

(e) ADJUSTMENT OF RECORDS.—In any case where the authority under this section is exercised, the cognizant payment or accounting offices may adjust and close any open finance and accounting records.

(f) NO LIABILITY.—No liability will attach to any accounting, certifying, or payment official or contracting officer for any adjustments or closeout made pursuant to the authority provided under this section.

(g) NOTIFICATION REQUIREMENT.—The Secretary of the Navy shall notify the congressional defense 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.

(h) EXPIRATION OF WAIVER AUTHORITY.—The authority under this section shall expire upon receipt of the funds identified in subsection (c)(1).
Subtitle C—Provisions Relating to Major Defense Acquisition Programs

SEC. 831. REPEAL OF MAJOR AUTOMATED INFORMATION SYSTEMS PROVISIONS.

(a) In General.—Chapter 144A of title 10, United States Code, is repealed.

(b) Clerical Amendment.—The tables of chapters at the beginning of subtitle A of such title, and at the beginning of part IV of subtitle A, are amended by striking the item relating to chapter 144A.

(c) Conforming Amendments.—Section 2334(a)(2) of title 10, United States Code, is amended by striking “or a major automated information system under chapter 144A of this title”.

SEC. 832. REVISIONS TO DEFINITION OF MAJOR DEFENSE ACQUISITION PROGRAM.

(a) In General.—Section 2430 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by striking “In this chapter” and inserting “(1) Except as provided under paragraph (2), in this chapter”; and
(C) by adding at the end the following new paragraph:

“(2) In this chapter, the term ‘major defense acquisition program’ does not include—

“(A) an acquisition program or project that is carried out using the rapid fielding or rapid prototyping acquisition pathway under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note); or

“(B) a stand-alone prototype project that—

“(i) is not included or planned as part of an existing major defense acquisition program; and

“(ii) is carried out under a fixed price contract.”.

(b) ANNUAL REPORTING.—The Secretary of Defense shall include in each comprehensive annual Selected Acquisition Report submitted under section 2432 of title 10, United States Code, a listing of all programs or projects being developed or procured under the exceptions to the definition of major defense acquisition program set forth in paragraph (2) of section 2430(a) of United States Code, as added by subsection (a)(1)(C) of this section.
SEC. 833. ACQUISITION STRATEGY.

Section 2431a of title 10, United States Code, is amended—

(1) in subsection (b), by inserting “, or the milestone decision authority, when the milestone decision authority is the service acquisition executive of the military department that is managing the program,” after “the Under Secretary of Defense for Acquisition, Technology, and Logistics”; 

(2) in subsection (e)—

(A) in paragraph (1), by inserting “, or the milestone decision authority, when the milestone decision authority is the service acquisition executive of the military department that is managing the program,” after “the Under Secretary”; 

(B) in paragraph (2)(C), by striking “, in accordance with section 2431b of this title”; and 

(C) by adding at the end the following new subparagraph:

“(K) A sustainment strategy which includes all aspects of the total life cycle management of the weapon system, including product support, logistics, product support engineering, supply chain integra-
tion, maintenance, acquisition logistics, and all aspects of software sustainment.”; and

(3) in subsection (d)—

(A) in paragraph (1), by striking “(1) Sub-
ject to the authority, direction, and control of
the Under Secretary of Defense for Acquisition,
Technology, and Logistics, the” and inserting
“The”;

(B) by striking paragraph (2);

(C) by redesignating subparagraphs (A),
(B), (C), (D), (E), (F), and (G) as paragraphs
(1), (2), (3), (4), (5), (6), and (7), respectively;
and

(D) in paragraph (6), as redesignated by
subparagraph (C), by redesignating clauses (i),
(ii), (iii), and (iv) as subparagraphs (A), (B),
(C), and (D), respectively.

SEC. 834. IMPROVED LIFE CYCLE COST CONTROL.

(a) MODIFIED GUIDANCE FOR RAPID FIELDING

PATHWAY.—Section 804(c)(3) of the National Defense
Authorization Act for Fiscal Year 2016 (Public Law 114–
92; 10 U.S.C. 2302 note) is amended—

(1) in subparagraph (C), by striking “; and”
and inserting a semicolon;
(2) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new sub-paragraph:

“(E) a process for identifying and exploiting opportunities to use the rapid fielding pathway to reduce total ownership costs.”.

(b) Life Cycle Cost Management.—Section 805(2) of such Act (Public Law 114–92; 10 U.S.C. 2302 note) is amended by inserting “life cycle cost management,” after “budgeting,”.

(c) Guidance on Acquisition of Business Systems.—Section 883(e) of such Act (Public Law 114–92; 10 U.S.C. 2223a note) is amended—

(1) in paragraph (7), by striking “; and” and inserting a semicolon;

(2) in paragraph (8), by striking the period at the end and inserting “; and”; and

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

“(9) policies to maximize use of fixed-price contracting elements and ability to implement tradeoffs among total cost of ownership, schedule, and performance.”.

(d) Sustainment Reviews.—
(1) IN GENERAL.—Chapter 144 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2441. Sustainment reviews

“(a) IN GENERAL.—Following the earliest of (i) five years after declaration of initial operational capability of a major defense acquisition program, (ii) failure of the program to maintain its availability or reliability thresholds, or (iii) breach of the program’s operations and support affordability cap, there shall be a sustainment review with the results documented in a memorandum by the relevant decision authority.

“(b) ELEMENTS.—At a minimum, the review required under subsection (a) shall include the following elements:

“(1) An independent cost estimate for the remainder of the life cycle of the program.

“(2) A comparison of actual costs to the budget, and if budgetary shortfalls exists, an explanation of availability implications.

“(3) A comparison between the assumed and achieved system reliabilities.

“(4) An analysis of the most cost-effective source of repairs and maintenance.
“(5) Data on the cost of consumables and depot-level repairables.

“(6) Data on costs of information technology, networks, computer hardware, and software maintenance and upgrades.

“(7) As applicable, an assessment of the actual fuel efficiencies compared to the projected fuel efficiencies as demonstrated in tests or operations.

“(8) An analysis of the effort required for contracted sustaining engineering by contractors and the government.

“(9) As applicable, a comparison of actual manpower requirements to previous estimates.

“(10) An analysis of whether accurate and complete data is being reported in the relevant military department’s cost systems, and if deficiencies exist, a plan to update the data and insure accurate and complete data is submitted in the future.”.

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

“2441. Sustainment reviews.”.

(e) Commercial Operational and Support Savings Initiative.—

(1) In general.—The Secretary of Defense shall establish a commercial operational and support
savings initiative to improve readiness and reduce
operations and support costs by inserting existing
commercial items or technology into military legacy
systems through the rapid development of prototypes
and fielding of production items based on current
commercial technology.

(2) PROGRAM PRIORITY.—The commercial oper-
ational and support savings initiative shall fund pro-
grams that—

(A) reduce the costs of owning and oper-
ating a military system, including the costs of
personnel, consumables, goods and services, and
sustaining the support and investment associ-
ated with the peacetime operation of a weapon
system;

(B) take advantage of the commercial sec-
tor's technological innovations by inserting com-
mercial technology into fielded weapon systems;
and

(C) emphasize prototyping and experimen-
tation with new technologies and concepts of
operations.

(3) FUNDING PHASES.—

(A) IN GENERAL.—Projects funded under
the commercial operational and support savings
initiative shall consist of two phases, Phase 1 and Phase 2.

(B) PHASE I.—(i) Funds made available during Phase I shall be used to perform the non-recurring engineering, testing, and qualification that are typically needed to adapt a commercial item or technology for use in a military system.

(ii) Phase I shall include—

(I) establishment of cost and performance metrics to evaluate project success;

(II) establishment of a transition plan and agreement with a military service or Defense Agency for adoption and sustainment of the technology or system; and

(III) the development, fabrication, and delivery of a prototype to a military service for installation into a fielded Department of Defense system.

(iii) Programs shall be terminated if no agreement is established within two years of project initiation.

(iv) The Office of the Secretary of Defense may provide up to 50 percent of Phase I fund-
ing for a project. The relevant military service
or Defense Agency shall provide the remainder
of Phase I funding, which may be provided out
of operation and maintenance funding.

(v) Phase I funding shall not exceed three
years.

(C) PHASE II.—(i) Phase II shall include
the purchase of limited production quantities of
the prototype kits and transition to a program
of record for continued sustainment.

(ii) Phase II awards may be made without
competition as firm, fixed-price awards or as
awards for the purchase of commercial items
under part 12 of the Federal Acquisition Regu-
lation.

(iii) The competitive procedures require-
ments of chapter 173 of title 10, United States
Code, and the cost and pricing data require-
ments of section 2306a of such title shall not
apply to contracts awarded during Phase II of
the commercial operational and support savings
initiative.

(4) TREATMENT AS COMPETITIVE PROCE-
DURES.—The use of general solicitation competitive
procedures under the commercial operational and
support savings initiative shall be considered to be the use of competitive procedures for purposes of chapter 137 of title 10, United States Code.

SEC. 835. MODIFICATION OF CERTAIN MILESTONE B CERTIFICATION REQUIREMENTS.

Section 2366b(a)(3) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking “total resources available during the period covered by the future-years defense program submitted during the fiscal year in which the certification is made” and inserting “total resources available to the program”;

and

(2) in subparagraph (D), by striking “, through the period covered by the future-years defense program submitted during the fiscal year in which the certification is made,”.

SEC. 836. DISCLOSURE OF RISK IN COST ESTIMATES.

Subsection (d) of section 2334 of title 10, United States Code, is amended to read as follows:

“(d) Disclosure of Risk in Cost Estimates.—

The Director of Cost Assessment and Program Evaluation, and the Secretary of the military department concerned or the head of the Defense Agency concerned (as applicable), shall each—
“(1) issue guidance requiring a discussion of risk, the potential impacts of risk on program costs, and approaches to mitigate risk in cost estimates for major defense acquisition programs;

“(2) ensure that cost estimates are developed based on historical actual cost information that is based on demonstrated contractor and government performance and that such estimates provide a high degree of confidence that the program can be completed without the need for significant adjustment to program budgets; and

“(3) include the information required by paragraph (1)—

“(A) in any decision documentation approving a cost estimate within the baseline description or any other cost estimate for use at any event specified in subsection (a)(6); and

“(B) in the next Selected Acquisition Report pursuant to section 2432 of this title.”.
SEC. 837. AUTHORITY TO DESIGNATE INCREMENTS OR BLOCKS OF ITEMS DELIVERED UNDER MAJOR DEFENSE ACQUISITION PROGRAMS AS MAJOR SUBPROGRAMS FOR PURPOSES OF ACQUISITION REPORTING.

Section 2430a(1)(B) of title 10, United States Code, is amended by striking “major defense acquisition program to purchase satellites requires the delivery of satellites in two or more increments or blocks” and inserting “major defense acquisition program requires the delivery of two or more increments or blocks”.

SEC. 838. COUNTING OF MAJOR DEFENSE ACQUISITION PROGRAM SUBCONTRACTS TOWARD SMALL BUSINESS GOALS.

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

“§ 2338. Counting of major defense acquisition program subcontracts toward small business goals

“(a) ANNUAL PROCUREMENT GOALS.—First tier and second tier subcontracts awarded by the Department of Defense under major defense acquisition programs to small business concerns, small businesses concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business con-
cerns owned and controlled by socially and economically
disadvantaged individuals, and small business concerns
owned and controlled by women shall be considered toward
annual Department of Defense management goals for pro-
curement contracts awarded to those concerns.

“(b) DEFINITIONS.—In this section—

“(1) the terms ‘qualified HUBZone small busi-
ness concern’, ‘small business concern’, ‘small busi-
ness concern owned and controlled by service-dis-
abled veterans’, and ‘small business concern owned
and controlled by women’ have the meanings given
those terms in section 3 of the Small Business Act
(15 U.S.C. 632); and

“(2) the term ‘small business concern owned
and controlled by socially and economically disadvan-
taged individuals’ has the meaning given the term in
section 8(d)(3)(C) of the Small Business Act (15
U.S.C. 637(d)(3)(C)).’’.

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

“2338. Counting of major defense acquisition program subcontracts toward
small business goals.”.
SEC. 839. USE OF ECONOMY-WIDE INFLATION INDEX TO CALCULATE PERCENTAGE INCREASE IN UNIT COSTS.

Section 2433(f) of title 10, United States Code, is amended by striking “stated in terms of constant base year dollars (as described in section 2430 of this title).” and inserting “stated in terms of constant dollars. An economy-wide inflation index, such as the Gross Domestic Product Price Index, shall be used to calculate unit costs in constant dollars.”.

SEC. 840. WAIVER OF NOTIFICATION WHEN ACQUIRING TACTICAL MISSILES AND MUNITIONS ABOVE THE BUDGETED QUANTITY.

Section 2308(c) of title 10, United States Code, is amended by adding at the end the following new sentence: “However, no such notification is required when the acquisition of a higher quantity of an end item is for an end item under a primary tactical missile program or a munition program.”.

SEC. 841. MULTIPLE PROGRAM MULTIYEAR CONTRACT PILOT DEMONSTRATION PROGRAM.

(a) Authority.—The Secretary of Defense may conduct a multiyear contract, over a period of up to four years, for the purchase of units for multiple defense programs that are produced at common facilities at a high rate, and which maximize commonality, efficiencies and
quality, in order to provide maximum benefit to the Department of Defense. Contracts awarded under this section should allow for significant savings, as determined consistent with the authority under section 2306b of title 10, United States Code, to be achieved as compared to using separate annual contracts under individual programs to purchase such units, and may include flexible delivery across the overall period of performance.

(b) SCOPE.—The contracts authorized in (a) shall at a minimum provide for the acquisition of units from three discrete programs from two of the military departments.

(c) DOCUMENTATION.—Each contract awarded under subsection (a) shall include the documentation required to be provided for a multiyear contract proposal under section 2306b(i) of title 10.

(d) DEFINITIONS.—In this section—

(1) the term “high rate” means total annual production across the multiple programs of more than 200 end-items per year; and

(2) the term “common facilities” means production facilities operating within the same general and allowable rate structure.

(e) SUNSET.—No new contracts may be issued under the authority of this section after September 30, 2021.
SEC. 842. KEY PERFORMANCE PARAMETER REDUCTION

PILOT PROGRAM.

(a) In General.—The Secretary of Defense shall identify at least one acquisition program per military service to reduce the total number of Key Performance Parameters (KPP) levied against the program for purposes of determining whether operational and programmatic outcomes are improved by limiting KPPs on a program to a small number of program-specific performance features.

(b) Limitation on Key Performance Parameters.—Acquisition programs identified for the pilot program established under paragraph (1) shall establish no more than three KPPs, each of which shall describe a program-specific performance attribute. Other mandatory KPPs for such programs shall be treated as Key System Attributes.

SEC. 843. MISSION AND SYSTEM OF SYSTEMS INTEROPERABILITY.

systems of systems interoperability, the Secretary of De-
fense shall—

(1) ensure that—

(A) system architectures are logically and
functionally segmented and interfaces between
major system elements and external-facing
interfaces are identified and exposed;

(B) interfaces are characterized clearly in
terms of form, function, and the content that
flows across in order to enable integration and
interoperability, including through automated
tools; and

(C) the Department of Defense secures ap-
propriate rights to share and publish interface
characteristics; and

(2) establish modular open systems bodies and
processes to support standards for interfaces that
are dynamically managed, flexible, and extensible in
order to enable technological innovation and per-
formance growth over the life cycle of systems fol-
lowing the principles of system architecture, inter-
face characterization, and interface publication.

(b) MISSION INTEGRATION MANAGERS.—

(1) IN GENERAL.—Each multi-service and
multi-program mission area specified in paragraph
(2) shall have a mission integration manager jointly
designated by the Deputy Secretary of Defense and
the Vice Chairman of the Joint Chiefs of Staff, from
among the chairs of the Functional Capabilities
Boards, for purposes of such mission area.

(2) COVERED MISSION AREAS.—The mission
areas specified in this paragraph are the following:

(A) Close air support.

(B) Air defense and offensive and defen-
sive counter-air.

(C) Interdiction.

(D) Intelligence, surveillance, and recon-
naissance.

(E) Any other overlapping mission area of
significance, as jointly designated by the Dep-
uty Secretary and Vice Chairman for purposes
of this subsection.

(3) QUALIFICATIONS.—A chair of a Functional
Capability Board may not be designated as a mis-
sion integration manager under this subsection un-
less the chair has an acquisition certification of level
II or above.

(4) RESPONSIBILITIES.—The mission integra-
tion manager for a mission area under this sub-
section shall act as the principal substantive advisor
to the Deputy Secretary and the Vice Chairman on all aspects of capability integration for the mission area. In carrying out such responsibilities for a mission area, the mission integration manager shall—

(A) sponsor and conduct tests, demonstrations, and exercises and identify focused experiments for compelling challenges and opportunities;

(B) oversee the establishment of interface management processes described in subsection (a)(1) and standards bodies and processes described in subsection (a)(2);

(C) sponsor and oversee research on and development of (including tests and demonstrations) automated tools for composing systems on demand;

(D) develop mission-based inputs for the requirements process, budgeting and resource allocation, program and portfolio management; and

(E) coordinate with commanders of the combatant commands on the development of concepts of operation and operational plans.

(5) **Scope of Responsibilities.**—The responsibilities of a mission integration manager for a mis-
sion area under this subsection shall extend to the supporting elements for the mission area, such as communications, command and control, electronic warfare, and intelligence.

(6) **Funding for Certain Responsibilities.**—Of the amount authorized to be appropriated for each fiscal year after fiscal year 2016 for the Department of Defense and available for operational systems development, an amount equal to 0.5 percent of such amount shall be available in such fiscal year for mission integration managers to carry out the responsibilities specified in subparagraphs (A) through (C) of paragraph (4).

**SEC. 844. B–21 Bomber Development Program Baseline and Cost Control.**

(a) **Definitions.**—In this section:

(1) **B–21 Bomber Baseline Developmental Contract Estimate.**—The term “B–21 Bomber Baseline Developmental Contract Estimate”, with respect to the engineering and manufacturing development (EMD) phase of the B–21 bomber program, is the agreed contract price as of October 27, 2015, with the selected prime contractor for the EMD phase of the program.
(2) B–21 Bomber Baseline Developmental Estimate.—The term “B–21 Bomber Baseline Developmental Estimate” with respect to the EMD phase of the B–21 bomber program is the agreed Independent Cost Estimate for the EMD phase of the program that received the concurrence of the Director of Cost Assessment and Program Evaluation under the procedures of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23).

(3) B–21 Bomber Significant Developmental Cost Growth Threshold.—The term “B–21 bomber significant developmental cost growth threshold” means a percentage increase in the B–21 Bomber Baseline Developmental Contract Estimate of at least 15 percent.


(b) B–21 Bomber Significant Developmental Cost Growth Threshold Breach.—If, based upon the joint determination of the Air Force Service Acquisition Executive and the Under Secretary of Defense for Acquisi-
tion, Technology, and Logistics, the B–21 Bomber Baseline Developmental Contract Estimate has increased by a percentage equal to or greater than the B–21 bomber significant developmental cost growth threshold, the Secretary of Defense shall immediately notify Congress in writing of such determination.

(c) B–21 Bomber Critical Developmental Cost Growth Threshold Breach.—

(1) In General.—If, based upon joint determination of the Air Force Service Acquisition Executive and the Under Secretary of Defense for Acquisition, Technology, and Logistics, the B–21 Bomber Baseline Developmental Contract Estimate has increased by a percentage equal to or greater than the B–21 bomber critical developmental cost growth threshold, the Secretary of Defense shall immediately halt the program and take the actions described in paragraphs (2) through (5).

(2) Reassessment of Program.—The Secretary shall determine the root cause or causes of the critical developmental cost growth and, in consultation with the Director of Cost Assessment and Program Evaluation, carry out an assessment of—
(A) the projected cost of completing the EMD phase if current requirements are not modified;

(B) the projected cost of completing the EMD phase based on reasonable modification of such requirements;

(C) the rough order of magnitude of the costs of any reasonable alternative system or capability; and

(D) the need to reduce funding for other programs due to the growth in cost of the B–21 program.

(3) Presumption of Termination.—

(A) In General.—After conducting the reassessment required under paragraph (2), the Secretary shall terminate the contract and program unless the Secretary submits to Congress a written certification that—

(i) the continuation of the contract and program is essential to the national security;

(ii) there are no alternatives to the current contract and program which will provide acceptable capability to meet the joint military requirement (as defined in
section 181(g)(1) of title 10, United States Code, at less cost;

(iii) the new estimates of the cost to complete the contract for the EMD phase of the program have been determined by the Director of Cost Assessment and Program Evaluation to be reasonable;

(iv) the program is a higher priority than programs the funding of which must be reduced to accommodate the growth in cost of the program; and

(v) the management structure for the program is adequate to manage and control program acquisition unit cost or procurement unit cost.

(B) SUPPORTING DOCUMENTATION.—A written certification under paragraph (A) shall be accompanied by a report presenting the root cause analysis and assessment carried out pursuant to paragraph (2) and the basis for each determination made in accordance with clauses (i) through (v) of subparagraph (A), together with supporting documentation.

(4) ACTIONS IF PROGRAM NOT TERMINATED.—
(A) If the Secretary elects not to terminate the B–21 bomber EMD contract and program pursuant to paragraph (3), the Secretary shall—

(i) restructure the program in a manner that addresses the root cause or causes of the critical cost growth, as identified pursuant to paragraph (2), and ensures that the program has an appropriate management structure as set forth in the certification submitted pursuant to paragraph (3)(A);

(ii) rescind the most recent milestone approval for the program and withdraw any associated certification under sections 2366a and 2366b of title 10, United States Code;

(iii) require a new milestone approval for the program before taking any contract action to enter a new contract, exercise an option under an existing contract, or otherwise extend the scope of an existing contract under the program, except to the extent determined necessary by the Secretary of Defense, on a non-delegable basis, to en-
sure that the program can be restructured
as intended by the Secretary without un-
necessarily wasting resources;

(iv) include in the report required
under paragraph (3)(B) a description of all
funding changes made as a result of the
growth in cost of the program, including
reductions made in funding for other pro-
grams to accommodate such cost growth;
and

(v) conduct regular reviews of the pro-
gram in accordance with the requirements
of section 205 of the Weapon Systems Ac-
quision Reform Act of 2009 (Public Law

(5) ACTIONS IF PROGRAM TERMINATED.—If the
B–21 bomber program is terminated pursuant to
paragraph (3), the Secretary shall submit to Con-
gress a written report setting forth—

(A) an explanation of the reasons for ter-
minating the program;

(B) the alternatives considered to address
any problems in the program; and

(C) the course the Department of Defense
plans to pursue to meet any continuing joint
military requirements otherwise intended to be
met by the program.

(d) B–21 BOMBER PROGRAM COST AND ACCOUNT-
ABILITY.—

(1) IN GENERAL.—Commencing with the first
quarter of fiscal year 2017, the Secretary of the Air
Force shall submit to the Comptroller General of the
United States, not later than the 15th day following
the end of each calendar quarter, the matrices de-
scribed in paragraph (2) relating to the B–21 bomb-
er aircraft program updated with that quarter’s in-
formation. The Comptroller General shall review the
matrices for accuracy, identify cost, schedule, and
performance trends, and report on its assessment to
the congressional defense committees not later than
the 45th day following the end of each calendar
quarter.

(2) MATRICES DESCRIBED.—The matrices de-
scribed in this paragraph are the following:

(A) FUNDING PROFILES.—A matrix ex-
pressing 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 air-
craft and a matrix expressing the total cost for
the prime contractor spending plan for such
EMD phase and production lots, both of which shall be subdivided according to the costs of the following:

(i) Airframe.

(ii) Propulsion.

(iii) Mission systems.

(iv) Vehicle systems, including armament and weapons delivery.

(v) Air vehicle software.

(vi) Systems engineering.

(vii) Program management.

(viii) System test and evaluation.

(ix) Support and training systems.

(x) Contractor fee.

(xi) Engineering changes.

(xii) Direct mission support.

(xiii) Government testing.

(B) Development progress goals.—A matrix detailing progress in major development elements of the B–21 bomber program subdivided according to the following:

(i) Technology readiness levels of major components.

(ii) Design maturity.

(iii) Software maturity.
(iv) Manufacturing readiness levels of key manufacturing operations.

(v) Manufacturing operations.

(vi) Test and verification key target dates.

(vii) Reliability.

(e) Transfer of Funds to Rapid Prototyping Fund.—

(1) IN GENERAL.—For each fiscal year beginning with fiscal year 2017, the difference between funds budgeted for the B–21 Bomber Baseline Developmental Estimate and funds budgeted for the B–21 Bomber Baseline Developmental Contract Estimate, less other government costs to manage the B–21 bomber program and not otherwise authorized or appropriated, shall be transferred to the Rapid Prototyping Fund.

(2) TIMING.—For each fiscal year after fiscal year 2017, the transfer shall occur in conjunction with that fiscal year’s budget submission.

(3) RE-TRANSFER OF FUNDS TO COVER CERTAIN COSTS.—Funds may be transferred from the Rapid Prototyping Fund back to the B–21 bomber program to cover unexpected cost increases for the engineering and manufacturing phase of the B–21
bomber program upon the determination of the Under Secretary of Defense for Acquisition, Technology, and Logistics, and notification of such transfers to the congressional defense committees. This notification shall include the detailed reasons why such a transfer is needed.

Subtitle D—Provisions Relating to Acquisition Workforce

SEC. 851. IMPROVEMENT OF PROGRAM AND PROJECT MANAGEMENT BY THE DEPARTMENT OF DEFENSE.

(a) Department-wide Responsibilities of Secretary of Defense.—In fulfilling the responsibilities under chapter 87 of title 10, United States Code, the Secretary of Defense shall—

(1) develop Department-wide standards, policies, and guidelines for program and project management for the Department of Defense based on appropriate and applicable nationally accredited standards for program and project management;

(2) develop mechanisms to monitor compliance with the standards, policies, and guidelines developed under paragraph (1); and
(3) engage with the private sector on matters relating to program and project management for the Department.

(b) Responsibilities of Under Secretary of Defense for Acquisition, Technology, and Logistics.—In fulfilling the responsibilities under chapter 87 of title 10, United States Code, for the military departments and the Defense Agencies, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall—

(1) advise and assist Secretary of Defense with respect Department of Defense practices related to program and project management;

(2) review programs identified as high-risk in program and project management by the Government Accountability Office, and make recommendations for actions to be taken by the Secretary to mitigate such risks;

(3) assess matters of importance to the workforce in program and project management, including—

(A) career development and workforce development;

(B) policies to support continuous improvement in program and project management; and
(C) major challenges of the Department in
managing programs and projects; and
(4) advise on the development and applicability
of standards Department-wide for program and
project management transparency.

(c) RESPONSIBILITIES OF ACQUISITION EXECU-
TIVES.—In fulfilling the responsibilities under chapter 87
of title 10, United States Code, for the military depart-
ments, the service acquisition executives (in consultation
with the Chiefs of the Armed Forces with respect to mil-
tary program managers), and the component acquisition
executives for the Defense Agencies, shall—

(1) ensure the compliance of the department or
Agency concerned with standards, policies, and
guidelines for program and project management for
the Department of Defense developed by the Sec-
retary of Defense under subsection (a)(1); and

(2) ensure the effective career development of
program managers through—

(A) training and educational opportunities
for program managers, including exchange pro-
grams with the private sector;

(B) mentoring of current and future pro-
gram managers by experienced public and pri-
vate sector senior executives and program managers;

(C) continued refinement of career paths and career opportunities for program managers;

(D) incentives for the recruitment of highly qualified individuals to serve as program managers;

(E) improved means of collecting and disseminating best practices and lessons learned to enhance program management; and

(F) improved methods to support improved data gathering and analysis for program management and oversight purposes.

(d) DEADLINE FOR STANDARDS, POLICIES, AND GUIDELINES.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall issue the standards, policies, and guidelines required by subsection (a)(1). The Secretary shall provide Congress an interim update on the progress made in implementing this section not later than six months after the date of the enactment of this Act.
SEC. 852. AUTHORITY TO WAIVE TENURE REQUIREMENT FOR PROGRAM MANAGERS FOR PROGRAM DEFINITION AND PROGRAM EXECUTION PERIODS.

(a) Program Definition Period.—Section 826(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) is amended by striking “The Secretary may waive” and inserting “The Service Acquisition Executive, in the case of a major defense acquisition program of a military service, or the Under Secretary of Defense for Acquisition, Technology, and Logistics, in the case of a Defense-wide or Defense Agency major defense acquisition program, may waive”.

(b) Program Execution Period.—Section 827(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) is amended by striking “The immediate supervisor of a program manager for a major defense acquisition program may waive” and inserting “The Service Acquisition Executive, in the case of a major defense acquisition program of a military service, or the Under Secretary of Defense for Acquisition, Technology, and Logistics, in the case of a Defense-wide or Defense Agency major defense acquisition program, may waive”.
SEC. 853. ENHANCED USE OF DATA ANALYTICS TO IMPROVE ACQUISITION PROGRAM OUTCOMES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Deputy Chief Management Officer, and the Chief Information Officer, and in coordination with the military services, shall establish a set of activities that use data analysis, measurement, and other evaluation-related methods to improve the acquisition outcomes of the Department of Defense and enhance organizational learning.

(b) ACTIVITIES.—

(1) IN GENERAL.—The set of activities established under subsection (a) may include the following:

(A) Establishment of a data analytics capabilities and organizations within the appropriate military service.

(B) Development of capabilities in Department of Defense laboratories, test centers, and Federally funded research and development centers to provide technical support for data analytics activities that support acquisition program management and business process re-engineering activities.
(C) Increased use of existing analytical capabilities available to acquisition programs and offices to support improved acquisition outcomes.

(D) Funding of intramural and extramural research and development activities to develop and implement data analytics capabilities in support of improved acquisition outcomes.

(E) Publication, to the maximum extent practicable, and in a manner that protects classified and proprietary information, of data collected by the Department of Defense related to acquisition program costs and activities for access and analyses by the general public.

(F) Clarification by the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps, in coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, of a consistent policy as to the role of data analytics in establishing budgets and holding milestone decisions for major defense acquisition programs.

(G) Continual assessment, in consultation with the private sector, of the efficiency of cur-
rent data collection and analyses processes, so
as to minimize the requirement for collection
and delivery of data by, from, and to govern-
ment organizations.

(H) Promulgation of guidance to acquisi-
tion programs and activities on the efficient use
and sharing of data between programs and or-
ganizations to improve acquisition program
analytics and outcomes.

(I) Promulgation of guidance on assessing
and enhancing quality of data and data anal-
yses to support improved acquisition outcomes.

(2) GAP ANALYSIS OF CURRENT ACTIVITIES.—
The Secretary, in coordination with the military
services, shall identify the current activities, organi-
izations, and groups of personnel that are pursuing
tasks similar to those described in paragraph (1)
that are being carried out as of the date of the en-
actment of this Act. The Secretary shall consider
such current activities, organizations, and personnel
in determining the set of activities to establish pur-
suant to subsection (a).

(3) TRAINING AND EDUCATION.—The Secretary
of Defense, acting through the Under Secretary of
Defense for Acquisition, Technology, and Logistics,
shall conduct a review of the curriculum taught at the National Defense University, the Defense Acquisition University, and appropriate private sector academic institutions to determine the extent to which the curricula includes appropriate courses on data analytics and other evaluation-related methods and their application to defense acquisitions.

SEC. 854. PURPOSES FOR WHICH THE DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND MAY BE USED.

(a) In General.—Section 1705 of title 10, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (1), by inserting “and to develop acquisition tools and methodologies and undertake research and development activities leading to acquisition policies and practices that will improve the efficiency and effectiveness of defense acquisition efforts” after “workforce of the Department”; and

(B) in paragraph (4), by striking “other than for the purpose of” and all that follows through the period at the end and inserting “other than for the purposes of—
“(i) providing advanced training to Department of Defense employees;

“(ii) developing acquisition tools and methodologies and performing research on acquisition policies and best practices that will improve the efficiency and effectiveness of defense acquisition efforts; and

“(iii) supporting human capital and talent management of the acquisition workforce, including benchmarking studies, assessments, and requirements planning.”;

and

(2) in subsection (f), by striking “Each report shall include” and all that follows through the period at the end of paragraph (5).

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

(1) in subsection (d)(2)(C), by striking “in each” and inserting “in such”;

(2) in subsection (f)—

(A) by striking “Not later than 120 days after the end of each fiscal year” and inserting “Not later than February 1 each year”; and
(B) by striking “such fiscal year” the first place it appears and inserting “the preceding fiscal year”; and

(3) in subsection (g)(1)—

(A) by striking “of of” and inserting “of”;

and

(B) by striking “, as defined in subsection (h),”.

Subtitle E—Provision Related to Commercial Items

SEC. 861. INAPPLICABILITY OF CERTAIN LAWS AND REGULATIONS TO THE ACQUISITION OF COMMERCIAL ITEMS AND COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS.

(a) Amendment to Title 10, United States Code.—Section 2375 of title 10, United States Code, is amended to read as follows:

“§ 2375. Relationship of commercial item provisions to other provisions of law

“(a) Applicability of Government-wide Statutes.—(1) No contract for the procurement of a commercial item entered into by the head of an agency shall be subject to any law properly listed in the Federal Acquisition Regulation pursuant to section 1906(b) of title 41.
“(2) No subcontract under a contract for the procurement of a commercial item entered into by the head of an agency shall be subject to any law properly listed in the Federal Acquisition Regulation pursuant to section 1906(c) of title 41.

“(3) No contract for the procurement of a commercially available off-the-shelf item entered into by the head of an agency shall be subject to any law properly listed in the Federal Acquisition Regulation pursuant to section 1907 of title 41.

“(b) Applicability of Defense-unique Statutes to Contracts for Commercial Items.—(1) The Defense Federal Acquisition Regulation Supplement shall include a list of defense-unique provisions of law and of contract clause requirements based on government-wide acquisition regulations, policies, or executive orders not expressly authorized in law that are inapplicable to contracts for the procurement of commercial items. A provision of law or contract clause requirement properly included on the list pursuant to paragraph (2) does not apply to purchases of commercial items by the Department of Defense. This section does not render a provision of law or contract clause requirement not included on the list inapplicable to contracts for the procurement of commercial items.
“(2) A provision of law or contract clause requirement described in subsection (e) that is enacted after January 1, 2015, shall be included on the list of inapplicable provisions of law and contract clause requirements required by paragraph (1) unless the Under Secretary of Defense for Acquisition, Technology, and Logistics makes a written determination that it would not be in the best interest of the Department of Defense to exempt contracts for the procurement of commercial items from the applicability of the provision or contract clause requirement.

“(c) Applicability of Defense-unique Statutes to Subcontracts for Commercial Items.—(1) The Defense Federal Acquisition Regulation Supplement shall include a list of provisions of law and of contract clause requirements based on government-wide acquisition regulations, policies, or executive orders not expressly authorized in law that are inapplicable to subcontracts under a Department of Defense contract or subcontract for the procurement of commercial items. A provision of law or contract clause requirement properly included on the list pursuant to paragraph (2) does not apply to those subcontracts. This section does not render a provision of law or contract clause requirement not included on the list 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.
available off-the-shelf items from the applicability of the provision or contract clause requirement.

“(e) COVERED PROVISION OF LAW OR CONTRACT CLAUSE REQUIREMENT.—A provision of law or contract clause requirement referred to in subsections (b)(2), (c)(2), and (d)(2) is a provision of law or contract clause requirement that the Under Secretary of Defense for Acquisition, Technology, and Logistics determines sets forth policies, procedures, requirements, or restrictions for the procurement of property or services by the Federal Government, except for a provision of law or contract clause requirement that—

“(1) provides for criminal or civil penalties; or

“(2) specifically refers to this section and provides that, notwithstanding this section, it shall be applicable to contracts for the procurement of commercial items.”.

(b) CHANGES TO DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT.—

(1) IN GENERAL.—To the maximum extent practicable, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall ensure that—

(A) the Defense Federal Acquisition Regulation Supplement does not require the inclu-
sion of contract clauses in contracts for the procure-
ment 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 procure-
ment of commercial items or commercially available off-the-shelf items is prohibited unless such flow-down is required to implement provi-
sions 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 affili-
ates of a contractor or subcontractor. The term does not include agreements entered into by a contractor for the supply of commodities that are intended for use in the performance of multiple contracts with the Department of Defense and other parties and are not identifiable to any particular contract.
SEC. 862. DEPARTMENT OF DEFENSE EXEMPTIONS FROM CERTAIN REGULATIONS.

(a) Exemptions.—

(1) In general.—The regulations to implement the executive orders and presidential memoranda listed in paragraph (2) shall not apply to the purchases by the Department of Defense of commercially available off-the-shelf items.

(2) Executive orders and presidential memoranda.—The executive orders and presidential memoranda referenced in paragraph (1) are as follows:

(A) Executive Order 13706: Establishing Paid Sick Leave for Federal Contractors (9/7/2015).

(B) Executive Order 13673: Fair Pay and Safe Workplaces (7/31/2014).

(C) Executive Order 13568: Minimum Wage for Contractors (2/12/2014).


(F) Presidential Memorandum: Updating and Modernizing Overtime Regulations (3/13/2014).

(G) Memorandum for the Heads of Executive Departments and Agencies on Contractor Tax Delinquency (1/20/2010).

(H) Executive Order 13495: Nondisplacement of Qualified Workers Under Service Contracts (1/30/2009).


(L) Executive Order 13502 — Use of Project Labor Agreements for Federal Construction Projects.

(b) WAIVER AUTHORITY.—The Secretary of Defense may waive any of the regulations to implement the executive orders and presidential memoranda listed in subsection (a) for the purchases of other items by the Department of Defense.
SEC. 863. USE OF PERFORMANCE AND COMMERCIAL SPECIFICATIONS IN LIEU OF MILITARY SPECIFICATIONS AND STANDARDS.

(a) In General.—The Secretary of Defense shall ensure that the Department of Defense uses performance and commercial specifications and standards in lieu of military specifications and standards, including for procuring new systems, major modifications, upgrades to current systems, non-developmental and commercial items, and programs in all acquisition categories, unless no practical alternative exists to meet user needs. If it is not practicable to use a performance specification, a non-government standard shall be used.

(b) Limited Use of Military Specifications.—

(1) In General.—Military specifications shall be used in procurements only to define an exact design solution when there is no acceptable non-governmental standard or when the use of a performance specification or non-government standard is not cost effective.

(2) Waiver.—A waiver for the use of military specifications and standards in accordance with paragraph (1) must be approved by either the Milestone Decision Authority, the Service Acquisition Executive, or the Under Secretary of Defense for Acquisition, Technology, and Logistics.
(c) **Revision to DFARS.**—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall revise the Defense Federal Acquisition Regulation Supplement (DFARS) to encourage contractors to propose non-government standards and industry-wide practices that meet the intent of the military specifications and standards.

(d) **Development of Non-Government Standards.**—The Under Secretary for Acquisition, Technology, and Logistics shall form partnerships with appropriate industry associations to develop non-government standards for replacement of military standards where practicable.

(e) **Education and Training.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall ensure that training and education programs throughout the Department are revised to incorporate specifications and standards reform.

(f) **Licenses.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall negotiate licenses for standards to be used across the Department of Defense.

**SEC. 864. Preference for Commercial Services.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall revise the
guidance issued pursuant to section 855 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2377) to provide that the head of an agency may not enter into a contract in excess of the simplified acquisition threshold for facilities-related services, knowledge-based services, equipment-related services, construction services, medical services, logistics management services, or transportation services that are not commercial services unless the head of the agency determines in writing that no commercial services are suitable to meet the agency’s needs as provided in section 2377(c)(2) of title 10, United States Code.

SEC. 865. TREATMENT OF ITEMS PURCHASED BY PROSPECTIVE CONTRACTORS PRIOR TO RELEASE OF PRIME CONTRACT REQUESTS FOR PROPOSALS AS COMMERCIAL ITEMS.

(a) IN GENERAL.—Chapter 140 of title 10, United States Code, is amended by adding at the end the following new section:

“§2380B. Treatment of items purchased prior to release of prime contract requests for proposals as commercial items

“Notwithstanding 2376(1) of this title, items valued at less than $10,000 purchased prior to the release of a
prime contract request for proposal shall be treated as a commercial item for 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. 866. TREATMENT OF SERVICES PROVIDED BY NON-TRADITIONAL 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 Non-Traditional Defense Contractors.—Notwithstanding”;

and

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

“(b) Services Provided by Certain Nontraditional Contractors.—Notwithstanding section 2376(1) of this title, services provided by a business unit that is a nontraditional contractor as defined in section 2302(9) of this title shall be treated as commercial items for purposes of this chapter, to the extent that such services utilize the same pool of employees as used for com-
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mercial customers and are priced using similar method-
ology as commercial pricing.”.

(b) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—Section 2380A of title
10, United States Code, as amended by subsection
(a), is further amended by striking the section head-
ing 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 relat-
ing to section 2380A and inserting the following new
item:

“2380A. Treatment of certain items as commercial items.”.

15 SEC. 867. USE OF NON-COST CONTRACTS TO ACQUIRE COM-
MERCIAL ITEMS.

Section 2377 of title 10, United States Code, is
amended by adding at the end the following new sub-
section:

“(e) TYPES OF CONTRACTS THAT MAY BE USED.—
The Defense Supplement to the Federal Acquisition Regu-
lation shall include, for acquisitions of commercial items—

“(1) a requirement that firm fixed-price, fixed-
price incentive, fixed-price with economic price ad-
justment, and other fixed-price type contracts be
used to the maximum extent practicable; and
“(2) a prohibition on use of cost-type con-
tracts.”.

SEC. 868. PILOT PROGRAM FOR AUTHORITY TO ACQUIRE
INNOVATIVE COMMERCIAL ITEMS, TECH-
NOLOGIES, AND SERVICES USING GENERAL
SOLICITATION COMPETITIVE PROCEDURES.

(a) AUTHORITY.—The Secretary of Defense and the
Secretaries of the military departments may carry out a
pilot program, to be known as the “commercial solutions
opening pilot program”, under which the Secretary may
acquire innovative commercial items, technologies, and
services through a competitive selection of proposals re-
sulting from a general solicitation and the peer review of
such proposals.

(b) TREATMENT AS CICA COMPETITIVE PROCE-
DURES.—Use of general solicitation competitive proce-
dures for the pilot program under subsection (a) shall be
considered to be use of competitive procedures for pur-
poses 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 pro-
gram for an amount in excess of $100,000,000 with-
out a written determination from the Under Secretary for Acquisition, Logistics, and Technology 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 service.

(2) FIXED-PRICE REQUIREMENT.—Contracts or agreements executed under this 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 this pilot program shall be treated as commercial items.

(d) DEFINITION.—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.

(e) SUNSET.—The authority to enter into contracts under the pilot program shall expire on September 30, 2022.
Subtitle F—Industrial Base Matters

SEC. 871. GREATER INTEGRATION OF THE NATIONAL TECHNICAL INDUSTRIAL BASE.

(a) PLAN REQUIRED.—Not later than January 1, 2018, the Secretary of Defense shall develop a plan to reduce the barriers to the seamless integration between the persons and organizations that comprise the National Technical Industrial Base (as defined in section 2500 of title 10, United States Code). The plan shall include at a minimum the following elements:

(1) A description of the various components of the National Technical Industrial Base, including government entities, universities, non-profit research entities, non-traditional and commercial item contractors, and private contractors that conduct commercial and military research, produce commercial items that could be used by the Department of Defense, and produce defense unique articles controlled under the United States Munitions List.

(2) Identification of the barriers to the seamless integration of the transfer of knowledge, goods, and services among the persons and organizations of the National Technical Industrial Base.

(3) Identification of current authorities that could contribute to further integration of the persons
and organizations of the National Technical Industrial Base, and a plan to maximize the use of those authorities.

(4) Identification of changes in export control rules, procedures, and laws that would enhance the civil-military integration policy objectives set forth in section 2501(b) of title 10, United States Code, for the National Technical Industrial Base to increase the access of the Armed Forces to commercial products, services, and research and create incentives necessary for non-traditional and commercial item contractors, universities, and non-profit research entities to modify commercial products or services to meet Department of Defense requirements.

(5) Recommendations for increasing integration of the industrial base that supplies defense articles to the Armed Forces and enhancing allied interoperability of forces through changes to the text or the implementation of—

(A) the International Trafficking in Arms Regulations exemption for Canada contained in section 126.5 of title 22, Code of Federal Regulations;

(B) the Treaty Between the Government of the United States of America and the Govern-

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ment of Australia Concerning Defense Trade
Cooperation, done at Sydney September 5, 2007;
(C) the Treaty Between the Government of
the United States of America and the Govern-
ment of the United Kingdom of Great Britain
and Northern Ireland Concerning Defense
Trade Cooperation, done at Washington and
London June 21 and 26, 2007; and
(D) any other agreements among the coun-
tries comprising the National Technical Indus-
trial 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 Ire-
land, Australia,” after “United States”.
(c) Reporting Requirement.—The Secretary of
Defense shall report on the progress of implementing the
plan in subsection (a) in the report required under section
2504 of title 10, United States Code.
SEC. 872. INTEGRATION OF CIVIL AND MILITARY ROLES IN ATTAINING NATIONAL TECHNOLOGY AND INDUSTRIAL BASE OBJECTIVES.

Section 2501(b) of title 10, United States Code, is amended by striking “It is the policy of Congress” and inserting “The Secretary of Defense shall ensure”.

SEC. 873. DISTRIBUTION SUPPORT AND SERVICES FOR WEAPON SYSTEMS CONTRACTORS.

(a) AUTHORITY.—The Secretary of Defense may make available storage and distribution services support to a contractor in support of the performance by the contractor of a contact for the production, modification, maintenance, or repair of a weapon system that is entered into by an official of the Department of Defense.

(b) SUPPORT CONTRACTS.—Any storage and distribution services to be provided under this section to a contractor in support of the performance of a contract described in subsection (a) shall be provided under a separate contract that is entered into by the Director of the Defense Logistics Agency with that contractor. The requirements of section 2208(h) of title 10, United States Code, and the regulations prescribed pursuant to such section shall apply to the contract between the Director of the Defense Logistics Agency and the contractor.

(c) SCOPE OF SUPPORT AND SERVICES.—The storage and distribution support services that may be provided
under this section in support of the performance of a contract described in subsection (a) are storage and distribution of materiel and repair parts necessary for the performance of that contract.

(d) REGULATIONS.—Before exercising the authority under this section, the Secretary of Defense shall prescribe in regulations such requirements, conditions, and restrictions as the Secretary determines appropriate to ensure that storage and distribution services are provided under this section only when it is in the best interests of the United States to do so. The regulations shall include, at a minimum, the following:

(1) A requirement for the solicitation of offers for a contract described in subsection (a), for which storage and distribution services are to be made available under this section, including—

(A) a statement that the storage and distribution services are to be made available under the authority of this section to any contractor awarded the contract, but only on a basis that does not require acceptance of the support and services; and

(B) a description of the range of the storage and distribution services that are to be made available to the contractor.
(2) A requirement for the rates charged a contractor for storage and distribution services provided to a contractor under this section to reflect the full cost to the United States of the resources used in providing the support and services, including the costs of resources used, but not paid for, by the Department of Defense.

(3) With respect to a contract described in subsection (a) that is being performed for a department or agency outside the Department of Defense, a prohibition, in accordance with applicable contracting procedures, on the imposition of any charge on that department or agency for any effort of Department of Defense personnel or the contractor to correct deficiencies in the performance of such contract.

(4) A prohibition on the imposition of any charge on a contractor for any effort of the contractor to correct a deficiency in the performance of storage and distribution services provided to the contractor under this section.

(e) Relationship to Treaty Obligations.—The Secretary shall ensure that the exercise of authority under this section does not conflict with any obligation of the United States under any treaty or other international agreement.
SEC. 874. PERMANENCY OF DEPARTMENT OF DEFENSE SBIR AND STTR PROGRAMS.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended—

(1) in the subsection heading, by striking “TERMINATION” and inserting “SBIR PROGRAM AUTHORIZATION”; and

(2) by striking “shall terminate on September 30, 2017” and inserting “shall—

“(1) with respect to each Federal agency other than the Department of Defense, terminate on September 30, 2017; and

“(2) with respect to the Department of Defense, be in effect for each fiscal year”.

(b) STTR.—Section 9(n)(1) of the Small Business Act (15 U.S.C. 638(n)(1)) is amended—

(1) in subparagraph (A), by inserting “other than the Department of Defense” after “each Federal agency”; and

(2) in subparagraph (B), by inserting “and by the Department of Defense in accordance with subparagraph (C)” after “subparagraph (A)”; and

(3) by adding at the end the following:

“(C) DEPARTMENT OF DEFENSE.—With respect to each fiscal year, the Department of Defense shall expend with small business con-
cerns not less than the percentage of the extra-
mural budget for research, or research and de-
velopment, of the Department specified in sub-
paragraph (B), specifically in connection with
STTR programs that meet the requirements of
this section and any policy directives and regu-
lations issued under this section.”.

SEC. 875. MODIFIED REQUIREMENTS FOR DISTRIBUTION
OF ASSISTANCE UNDER PROCUREMENT
TECHNICAL ASSISTANCE COOPERATIVE
AGREEMENTS.

(a) Minimum Geographic Distribution.—Section
2413(c) of title 10, United States Code, is amended by
striking “Department of Defense contract administration
services district” and inserting “State”.

(b) Distribution.—Section 2415 of such title is
amended—

(1) in the first sentence—

(A) by striking “The Secretary” and in-
serting “After apportioning funds available for
assistance under this chapter for any fiscal year
for efficient coverage of distressed areas re-
ferred to in paragraph (2)(B) of section 2411
of this title by programs operated by eligible en-
ties referred to in paragraph (1)(D) of such section, the Secretary’’;

(B) by inserting “the remaining” before “funds available”; and

(C) by striking “Department of Defense contract administration services district” and inserting “State”; and

(2) in the second sentence—

(A) by striking “district” each place it appears and inserting “State”; and

(B) by striking “districts” and inserting “States”.

SEC. 876. NONTRADITIONAL AND SMALL DISRUPTIVE INNOVATION PROTOTYPING PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall conduct a pilot program for nontraditional contractors and small business concerns to design, develop, and demonstrate innovative prototype military platforms of significant scope for the purpose of demonstrating new 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 and within the United States Special Operations Command.
(b) FUNDING.—There is authorized to be made available $250,000,000 out of the Rapid Prototype Fund established under section 804(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) to carry out the pilot program.

(c) PLAN.—

(1) IN GENERAL.—The Secretary of Defense shall submit to the congressional defense committees, concurrent with the budget for the Department of Defense for fiscal year 2018, as submitted to Congress pursuant to section 1105 of title 31, United States Code, a plan to fund and execute the pilot program in future years.

(2) ELEMENTS.—The plan submitted under paragraph (1) shall consider maximizing use of—

(A) Broad Agency Announcements or other merit-based selection procedures;

(B) the Department of Defense Acquisition Challenge Program authorized under section 2359b of title 10, United States Code;

(C) the Foreign Comparative Test Program;

(D) projects carried out under the Rapid Innovation Program and Phase III Small Business Innovation Research (SBIR) and Small
Business Technology Transfer (STTR) projects;

and

(E) flexible acquisition authorities under procedures developed under sections 804 and 805 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92).

(d) PROGRAMS TO BE INCLUDED.—The Secretary of Defense shall allocate up to $50,000,000 on a fixed price contractual basis for fiscal year 2017 or pursuant to the plan submitted under subsection (c) for the demonstration pursuant to the pilot program of the following capabilities:

(1) Swarming of multiple unmanned air vehicles.

(2) Unmanned, modular fixed-wing aircraft that can be rapidly adapted to multiple missions and serve as a fifth generation weapons augmentation platform.

(3) Vertical take off and landing tiltrotor aircraft.

(4) Integration of a directed energy weapon on an air, sea, or ground platform.

(5) Swarming of multiple unmanned underwater vehicles.

(6) Commercial small synthetic aperture radar (SAR) satellites with on-board machine learning for
automated, real-time feature extraction and predictive analytics.

(7) Active protection system to defend against rocket-propelled grenades and anti-tank missiles.

(8) Other systems as designated by the Secretary.

(e) DEFINITIONS.—In this section:

(1) NONTRADITIONAL CONTRACTOR.—The term “nontraditional contractor” has the meaning given the term in section 2302(9) of title 10, United States Code.

(2) SMALL BUSINESS CONCERN.—The term “small business concern” has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(f) SUNSET.—The authority under this section expires at the close of September 30, 2026.

Subtitle G—International Contracting Matters

SEC. 881. INTERNATIONAL SALES PROCESS IMPROVEMENTS.

(a) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop a plan to improve the management and use of fees collected on transfer of defense articles
and services via sale, lease, or grant to international customers under programs over which the Defense Security Cooperation Agency has administration responsibilities. The plan shall include options to use fees more effectively—

(1) to improve the staffing and processes of the licensing review cycle at the Defense Technology Security Administration and other reviewing authorities; and

(2) to maintain a cadre of contracting officers and acquisition officials who specialize in foreign military sales contracting.

(b) PROCESS FOR GATHERING INPUT.—The Secretary of Defense shall establish a process for contractors to provide input, feedback, and adjudication of any differences regarding the appropriateness of governmental pricing and availability estimates prior to the delivery to potential foreign customers of formal responses to Letters of Request for Pricing and Availability.

SEC. 882. WORKING CAPITAL FUND FOR PRECISION GUIDED MUNITIONS EXPORTS IN SUPPORT OF CONTINGENCY OPERATIONS.

(a) ESTABLISHMENT OF FUND.—The Secretary may establish a working capital fund under section 2208 of title 10, United States Code, to finance inventories of sup-
plies of precision guided munitions in advance of partner
and allied forces requirements to enhance the effectiveness
of overseas contingency operations conducted or supported
by the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is
authorized to be appropriated a total of $1,000,000,000
for fiscal years 2017 and 2018 for deposit in the fund
established pursuant to subsection (a) to procure and
stock precision guided munitions anticipated to be needed
by partner and allied forces to enhance the effectiveness
of overseas contingency operations conducted or supported
by the United States.

(c) REPLENISHMENT OF FUND.—The fund estab-
lished pursuant to subsection (a) may be replenished
through purchases by foreign governments or the United
States Government or subsequent appropriations.

(d) RULE OF CONSTRUCTION.—Nothing in this sec-
tion shall be construed as precluding the Secretary of De-
fense from acquiring or utilizing precision guided muni-
tions to meet immediate United States military require-
ments on a reimbursable basis that have been purchased
and stored through the fund established pursuant to sub-
section (a).

(e) MANAGEMENT.—The fund established pursuant
to subsection (a) and associated inventories of precision
guided munitions shall be managed by the Defense Logistics Agency and the Joint Chiefs of Staff to optimize the storage, distribution, and deployment of such precision guided munitions to improve the capability of partner and allied forces to contribute to overseas contingency operations conducted or supported by the United States.

SEC. 883. EXTENSION OF AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN.

Section 801(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2399), as most recently amended by section 1214 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), is further amended by striking “December 31, 2016” and inserting “December 31, 2018”.

SEC. 884. CLARIFICATION OF TREATMENT OF CONTRACTS PERFORMED OUTSIDE THE UNITED STATES.

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

“§ 2338. Clarification of treatment of contracts performed outside the United States

“(a) In General.—In accordance with section 19.000(b) of the Federal Acquisition Regulation as in ef-
(b) LIMITATION ON FUNDING.—No funds may be expended on any Department of Defense contract performed outside of the United States to which the sole source contract requirements or goals for procurement contracts listed in Part 19 of the Federal Acquisition Regulation are applied.”.

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

“2338. Clarification of treatment of contracts performed outside the United States.”.

SEC. 885. ENHANCED AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN AFRICA IN SUPPORT OF COVERED ACTIVITIES.

(a) Authority.—In the case of a product or service to be acquired in support of covered activities in a covered African country for which the Secretary of Defense makes a determination described in subsection (b), the Secretary may conduct a procurement in which—

(1) competition is limited to products or services from the host nation;
(2) a preference is provided for products or services from the host nation; or

(3) a preference is provided for products or services from a covered African country, other than the host nation.

(b) DETERMINATIONS.—

(1) A determination described in this subsection is a determination by the Secretary of any of the following:

(A) That the product or service concerned is to be used only in support of covered activities.

(B) That it is in the national security interests of the United States to limit competition or provide a preference as described in 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, stability, and economic prosperity in Africa.

(C) That the product or service is of equivalent quality of a product or service that would have otherwise been acquired.

(2) A determination under paragraph (1) shall not be effective for purposes of a limitation or preference under subsection (a) unless the Secretary also determines that—

(A) the limitation or preference will not adversely affect—

(i) United States military operations or stability operations in the African region; or

(ii) the United States industrial base;

and

(B) in the case of air transportation, an air carrier holding a certificate under section 41102 of title 49, United States Code, is not reasonably available to provide the required air transportation.

(c) DEFINITIONS.—In this section:

(1) COVERED ACTIVITIES.—The term “covered activities” means Department of Defense activities in the African region or a regional neighbor.
(2) Covered African country.—The term “covered African country” means a country in Africa that has signed a long-term agreement with the United States related to the basing or operational needs of the United States Armed Forces.

(3) Host nation.—The term “host nation” means a nation which allows the armed forces and supplies of the United States to be located on, to operate in, or to be transported through its territory.

(4) Products and services of a covered African country.—For purposes of this section:

(A) A product is from a covered African country if it is wholly grown, mined, manufactured, or produced in the covered African country.

(B) A service is from a covered African country if it is performed by a person or entity that is properly licensed or registered by authorities of a covered African country and—

(i) is operating primarily in the covered African country; or

(ii) is making a significant contribution to the economy of the covered African country through payment of taxes or use
of products, materials, or labor of the covered African country.

(d) CONFORMING AMENDMENT.—Section 1263 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3581) is repealed.

SEC. 886. MAINTENANCE OF PROHIBITION ON PROCUREMENT BY DEPARTMENT OF DEFENSE OF PEOPLE’S REPUBLIC OF CHINA-ORIGIN ITEMS THAT MEET THE DEFINITION OF GOODS AND SERVICES CONTROLLED AS MUNITIONS ITEMS WHEN MOVED TO THE “600 SERIES” OF THE COMMERCE CONTROL LIST.

(a) IN GENERAL.—Section 1211 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 10 U.S.C. 2302 note) is amended—

(1) in subsection (b), by inserting “or in the 600 series of the control list of the Export Administration Regulations” after “in Arms Regulations”; and

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

“(3) The term ‘600 series of the control list of the Export Administration Regulations’ means the 600 series of the Commerce Control List contained
in Supplement No. 1 to part 774 of subtitle B of title 15 of the Code of Federal Regulations.’’.

(b) Technical Corrections to ITAR References.—Such section is further amended by striking ‘‘Trafficking’’ both places it appears and inserting ‘‘Traffic’’.

Subtitle H—Other Matters

SEC. 891. CONTRACTOR BUSINESS SYSTEM REQUIREMENTS.

(a) REQUIREMENTS.—

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

‘‘§ 2338. Contractor business system requirements

‘‘(a) Improvement Program.—The Secretary of Defense shall develop and initiate a program for the improvement of contractor business systems to ensure that such systems provide timely, reliable information for the management of Department of Defense programs by the contractor and by the Department at reduced burden and price to the Government and contractor.

‘‘(b) Approval or Disapproval of Business Systems.—The program developed pursuant to subsection (a) shall—
“(1) include system requirements for each type of contractor business system covered by the program;

“(2) establish a process for reviewing contractor business systems and identifying significant deficiencies in such systems;

“(3) identify officials of the Department of Defense who are responsible for the approval or disapproval of contractor business systems;

“(4) provide for the approval or conditional approval of any contractor business system that does not have a significant deficiency; and

“(5) provide for—

“(A) the disapproval of any contractor business system that has a significant deficiency; and

“(B) reduced reliance on, and enhanced and effective analysis of, data provided by a contractor business system that has been disapproved.

“(c) Earned Value Management System.—The program developed pursuant to subsection (a) shall not require the use of earned value management systems on other than non-firm fixed-price contracts above the regul-
latory dollar threshold that have discrete, schedulable, and measurable work scope.

“(d) REMEDIAL ACTIONS.—The program developed pursuant to subsection (a) shall provide the following:

“(1) In the event a contractor business system is conditionally approved or disapproved pursuant to subsection (b)(5), appropriate officials of the Department of Defense will be available to work with the contractor to develop a corrective action plan defining specific actions to be taken to address the significant deficiencies identified in the system and a schedule for the implementation of such actions.

“(2) An appropriate official of the Department of Defense may withhold a percentage, but no more than 10 percent, of progress payments, performance-based payments, and interim payments under covered contracts from a covered contractor, as needed to protect the interests of the Department and ensure compliance, if one or more of the contractor business systems of the contractor has been conditionally approved or disapproved pursuant to subsection (b)(5) and has not subsequently received approval. Such percentage shall be established in agreement with the contractor at time of contract award or modification.
“(3) The amount of funds to be withheld under paragraph (2) shall be reduced if a contractor adopts an effective corrective action plan pursuant to paragraph (1) and is effectively implementing such plan.

“(e) GUIDANCE AND TRAINING.—The program developed pursuant to subsection (a) shall provide guidance and training to appropriate government officials on the data that is produced by contractor business systems and the manner in which such data should be used to effectively manage Department of Defense programs.

“(f) RESTRICTIONS ON REVIEW OF NON-COVERED CONTRACTOR BUSINESS SYSTEMS.—

“(1) IN GENERAL.—Unless a specific determination in writing has been made by the Milestone Decision Authority, the Department of Defense may only review the contractor business system of a non-covered contractor if the contractor has a cost-type contract with the Department of Defense. Any such review shall be limited to confirming that the contractor uses the same contract business system for its government and commercial work and that the outputs of the contract business system based on statistical sampling are reasonable.
“(2) THIRD-PARTY REVIEW.—Any review conducted under this subsection shall be conducted by a third party commercial auditing firm.

“(g) DEFINITIONS.—In this section:

“(1) The term ‘contractor business system’ means an accounting system, estimating system, purchasing system, earned value management system, material management and accounting system, or property management system of a contractor.

“(2) The term ‘covered contractor’ means a contractor that—

“(A) has contracts with the United States Government accounting for not less than 30 percent of its total commercial sales; and

“(B) has cost-type contracts with the United States Government accounting for not less than 1 percent of its total commercial sales.

“(3) The term ‘covered contract’ means a contract that is subject to the cost accounting standards promulgated pursuant to section 1502 of title 41, United States Code, that could be affected if the data produced by a contractor business system has a significant deficiency.

“(4) The term ‘significant deficiency’, in the case of a contractor business system, means a short-
coming in the system that materially affects the ability of officials of the Department of Defense and the contractor to rely upon information produced by the system that is needed for management purposes.”.

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

“2338. Contractor business system requirements.”.

(b) Prohibition on Applying Certain Contractor Business System Requirements to Non-Covered Contractors.—The Secretary of Defense may not apply any requirement implemented pursuant to section 893 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2302 note) or any regulation prescribed pursuant to such section to any contractor that is not a covered contractor (as defined in section 2338 of title 10, as added by subsection (a)).

SEC. 892. AUTHORITY TO PROVIDE REIMBURSABLE AUDITING SERVICES TO CERTAIN NON-DEFENSE AGENCIES.

Section 893(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2313 note) is amended—

(1) in paragraph (1), by inserting “except as provided in paragraph (2),” after “this Act,”; and
(2) by amending paragraph (2) to read as fol-

ows:

“(2) Exception for National Nuclear Se-
curity Administration.—Notwithstanding para-

graph (1), the Defense Contract Audit Agency may
provide audit support on a reimbursable basis for
the National Nuclear Security Administration.”.

SEC. 893. IMPROVED MANAGEMENT PRACTICES TO RE-

DUCE COST AND IMPROVE PERFORMANCE OF

CERTAIN DEPARTMENT OF DEFENSE ORGA-

NIZATIONS.

(a) In General.—Beginning not later than 180
days after the date of the enactment of this Act, the Sec-
retary of Defense shall designate units, subunits, or enti-
ties 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 con-
duct work that is commercial in nature or is not inherently
governmental to prioritize efforts to conduct business op-
erations in a manner that uses modern, commercial man-
agement 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 prac-
tices for high priority military missions of the Department of Defense;

(2) creating incentives for the most efficient and effective development and adoption of new commercial and business management practices by organizations; and

(3) investing in the development of new commercial and business management practices that will result in further savings to the Department of Defense.

(f) **Budget Baselines.**—Beginning not later than one year after the date of the enactment of this Act, each such unit, subunit, or entity of the Department described in subsection (a) shall, in accordance with such guidance as the Secretary of Defense shall establish for purposes of this section—

(1) establish an annual baseline cost estimate of its operations; and

(2) certify that costs estimated pursuant to paragraph (1) are wholly accounted for and presented in a format that is comparable to the format for the presentation of such costs for other elements of the Department or consistent with best commercial practices.
SEC. 894. DIRECTOR OF DEVELOPMENTAL TEST AND EVALUATION.

(a) DEVELOPMENTAL TESTING DUTIES.—

(1) IN GENERAL.—Section 139 of title 10, United States Code, is amended—

(A) by striking subsection (d);

(B) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively; and

(C) by inserting after subsection (g), as redesignated by subparagraph (B), the following new subsection:

“(h) The Director shall be the principal advisor to the Secretary of Defense on developmental test and evaluation in the Department of Defense and shall—

“(1) develop policies and guidance for—

“(A) the conduct of developmental test and evaluation in the military departments and other elements of the Department of Defense (including integration and developmental testing of software);

“(B) the integration of developmental test and evaluation with operational test and evaluation; and
“(C) the conduct of developmental test and evaluation conducted jointly by more than one military department or Defense Agency;

“(2) review the developmental test and evaluation plan within the test and evaluation master plan for each major defense acquisition program of the Department of Defense;

“(3) monitor and review the developmental test and evaluation activities of the major defense acquisition programs in order to advise relevant technical authorities for such programs on the incorporation of best practices for developmental test from across the Department;

“(4) provide advocacy, oversight, and guidance to elements of the acquisition workforce responsible for developmental test and evaluation; and

“(5) periodically review the organizations and capabilities of the military departments with respect to developmental test and evaluation and identify needed changes or improvements to such organizations and capabilities, and provide input regarding needed changes or improvements for the test and evaluation strategic plan developed in accordance with section 196(d) of this title.”.
(b) **Supervision of the Director of the Test Resource Management Center.**—Section 196(g) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking “UNDER SECRETARY” and inserting “DIRECTOR OF Operational Test and Evaluation”; and

(2) by striking “subject to the supervision of the Under Secretary of Defense for Acquisition, Technology, and Logistics. The Director shall report directly to the Under Secretary” and inserting “subject to the supervision of the Director of Operational Test and Evaluation. The Director of the Center shall report directly to the Director of Operational Test and Evaluation”.

(c) **Service Chiefs and Secretaries.**—The Secretary of Defense shall ensure that the Chiefs of Services and the Secretaries of the military departments—

(1) may inform the Secretary of Defense of concerns over the testing of a major defense acquisition program or a major system; and

(2) are provided a process to request waivers from the Secretary from performing additional testing beyond the program Test and Evaluation Master Plan to reflect cost, schedule, risk, and expected operational use of a program.
SEC. 895. EXEMPTION FROM REQUIREMENT FOR CAPITAL PLANNING AND INVESTMENT CONTROL FOR INFORMATION TECHNOLOGY EQUIPMENT INCLUDED AS INTEGRAL PART OF A WEAPON OR WEAPON SYSTEM.

(a) Waiver Authority.—Notwithstanding subsection (c)(2) of section 11103 of title 40, United States Code, a national security system described in subsection (a)(1)(D) of such section shall not be subject to the requirements of paragraphs (2) through (5) of section 11312(b) of such title unless the milestone decision 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 officials are provided guidance and training on the flexible use and tailoring of authorities under the pilot program to maximize efficiency and effectiveness.”.

SEC. 897. ENHANCEMENT OF ELECTRONIC WARFARE CAPABILITIES.

(a) FIELDING OF ELECTROMAGNETIC SPECTRUM WARFARE SYSTEMS AND ELECTRONIC WARFARE Capabilities.—Funds authorized to be appropriated for electromagnetic spectrum warfare systems and electronic warfare may be used for the development and fielding of electromagnetic spectrum warfare systems and electronic warfare capabilities.
(b) **Inclusion of Electronic Warfare Programs in the Rapid Acquisition Authority Program.**—

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

“(D)(i) In the case of any supplies and associated support services that, as determined in writing by the Secretary of Defense without delegation, are urgently needed to eliminate a deficiency in electronic warfare that if left unfilled is likely to result in critical mission failure, the loss of life, property destruction, or economic effects, the Secretary may use the procedures developed under this section in order to accomplish the rapid acquisition and deployment of needed offensive or defensive electronic warfare capabilities, supplies, and associated support services.

“(ii) The Secretary of Defense shall ensure, to the extent practicable, that for the purposes of electronic warfare acquisition, the Department of Defense shall consider use of the following procedures:
“(I) The rapid acquisition authority provided under this section.

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

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

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


“(iii) In this subparagraph, the term ‘electronic warfare’ means military action involving the use of electromagnetic and directed energy to control the electromagnetic spectrum or to attack the enemy, and includes electromagnetic spectrum warfare, which encompasses military communications and sensing operations that occur in the electromagnetic operational domain.”.

(2) CONFORMING AMENDMENTS.—Section 2373 of title 10, United States Code, is amended—
(A) in subsection (a), by striking “and aeronautical supplies” and inserting “, aeronautical supplies, and electronic warfare”; and

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

“(c) ELECTRONIC WARFARE DEFINED.—The term ‘electronic warfare’ means military action involving the use of electromagnetic and directed energy to control the electromagnetic spectrum or to attack the enemy, and includes electromagnetic spectrum warfare, which encompasses military communications and sensing operations that occur in the electromagnetic operational domain.”.

(e) ELECTRONIC WARFARE EXECUTIVE COMMITTEE REPORTS TO CONGRESS.—Not later than 270 days after the date of the enactment of this Act, the Electronic Warfare Executive Committee shall submit to the congressional defense committees a strategic plan with measurable and timely objectives to achieve its mission according to the following metrics:

(1) Progress on intra-service ground and air interoperabilities.

(2) Progress in streamlining the requirements, acquisition, and budget process to further a rapid electronic warfare acquisition process.
(3) The efficiency and effectiveness of the acquisition process for priority electronic warfare items.

(4) The training methods and requirements of the military services for training in contested electronic warfare environments.

(5) Capability gaps with respect to near-peer adversaries identified pursuant to a capability gap assessment.

(6) A joint strategy on achieving near real-time system adaption to rapidly advancing modern digital electronics.

(7) Progress on increasing innovative electromagnetic spectrum warfighting methods and operational concepts that provide advantages within the electromagnetic spectrum operational domain.

SEC. 898. IMPROVED TRANSPARENCY AND OVERSIGHT OVER DEPARTMENT OF DEFENSE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION EFFORTS AND PROCUREMENT ACTIVITIES RELATED TO MEDICAL RESEARCH.

The Secretary of Defense may not enter into a contract, grant, or cooperative agreement for congressional special interest medical research programs under the congressionally directed medical research program of the De-
partment of Defense unless the contract, grant, or cooperative agreement meets the following conditions:

(1) Compliance with the cost and price data requirements under section 2306a of title 10, United States Code.

(2) Compliance with the cost accounting standards under section 1502 of title 41, United States Code.

(3) Compliance with requirements for full and open competition under section 2304 of title 10, United States Code, without reliance on one of the exceptions set forth in subsection (c) of such section.

(4) Prior to obligation of any funds, review by and certification from the Defense Contract Audit Agency regarding the adequacy of the accounting systems of the proposed awardee, including a forward pricing review of the awardee’s proposal.

(5) Prior to any payment on the contract, grant, or cooperative agreement, performance by the Defense Contract Audit Agency of an incurred cost audit.

(6) Agreement that the United States Government will have the same rights to the technical data to an item or process developed under the contract, grant, or cooperative agreement as applicable under
section 2320(a)(2)(A) of title 10, United States Code, to items and processes developed exclusively with Federal funds where the medical research results in medicines and other treatments that will be procured or otherwise paid for by the Federal Government through the Department of Defense, the Department of Veterans Affairs, Medicare, Medicaid, or other Federal Government health programs.

SEC. 899. EXTENSION OF ENHANCED TRANSFER AUTHORITY FOR TECHNOLOGY DEVELOPED AT DEPARTMENT OF DEFENSE LABORATORIES.


SEC. 899A. RAPID PROTOTYPING FUNDS FOR THE MILITARY SERVICES.

Section 804(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) is amended—

(1) in the subsection heading, by striking “FUND” and inserting “FUNDS”;

(2) by striking “IN GENERAL.—The Secretary” and inserting the following: “DEPARTMENT OF DEFENSE RAPID PROTOTYPING FUND.—
“(A) IN GENERAL.—The Secretary”;

(3) by redesignating paragraphs (2) and (3) as subparagraphs (B) and (C), respectively, and moving such subparagraphs, as so redesignated, two ems to the right;

(4) in subparagraph (B), as redesignated by paragraph (3), by striking “this subsection” and inserting “this paragraph”; and

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

“(2) RAPID PROTOTYPING FUNDS FOR THE MILITARY SERVICES.—The Secretary of the Army, Navy, and Air Force may each establish service specific funds (and, in the case of the Secretary of Navy, including the Marine Corps) to provide funds, in addition to other funds that may be available for acquisition programs under the rapid fielding and prototyping pathways established pursuant to this section. The service specific funds shall consist of amounts appropriated to the funds.”.

SEC. 899B. DEFENSE MODERNIZATION ACCOUNT.

(a) IN GENERAL.—Section 2216 of title 10, United States Code, is amended—

(1) in subsection (b)(1), by striking “commencing”;
(2) in subsection (c)—

(A) in paragraph (1)(A), by striking “or
the Secretary of Defense with respect to De-
fense-wide appropriations accounts” and insert-
ing “, or the Secretary of Defense with respect
to Defense-wide appropriations accounts,”;

(B) in paragraph (2), by striking “if—”
and all that follows through “(B) the balance of
funds” and inserting “if the balance of funds”;

(C) in paragraph (3)—

(i) by striking “credited to” both
places it appears and inserting “deposited
in”; and

(ii) by inserting “and obligation” after
“available for transfer”; and

(D) by striking paragraph (4);

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking “commencing”; and

(ii) by striking “Secretary of Defense”
and inserting “Secretary concerned”;

(B) in paragraph (2), by striking “procure-
ment program” and inserting “major system
program”;
(C) in paragraph (3), by striking “modernization of an existing system or of a system being procured under an ongoing procurement program” and inserting “paying costs of unforeseen contingencies that could prevent an ongoing major system program from meeting critical schedule or performance requirements”; and

(D) by inserting at the end the following new paragraph:

“(4) For paying costs of changes to program requirements or system configuration that are approved by the configuration steering board for a major defense acquisition program.”;

(4) in subsection (e)(1), by striking “procurement program” both places it appears and inserting “weapon system program”;

(5) in subsection (f)(1), by striking “Secretary of Defense” and inserting “Secretary of a military department, or the Secretary of Defense with respect to Defense-wide appropriations accounts”;  

(6) in subsection (g)—

(A) by striking “in accordance with the provisions of appropriations Acts”; and
(B) by adding at the end the following:

“Funds deposited in the Defense Modernization Account shall remain available for obligation until the end of the third fiscal year that follows the fiscal year in which the amounts are deposited in the account.”;

(7) in subsection (h)(2)—

(A) in subparagraph (B), by striking “; and” and inserting a semicolon;

(B) in subparagraph (C)(ii), by striking the period at the end and inserting “; and”;

and

(C) by adding at the end the following new subparagraph:

“(D) apportionment of amounts deposited in the Fund on a pro rate basis consistent with each military department’s deposits in the Fund.”;

(8) in subsection (i)—

(A) by striking paragraph (1);

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

(C) by inserting before paragraph (3), as redesignated by subparagraph (B), the following new paragraphs:
“(1) The term ‘major defense acquisition program’ has the meaning given the term in section 2430(a) of this title.

“(2) The term ‘major system’ has the meaning given the term in section 2302(5) of this title.”;

(9) in subsection (j)(1), by striking “terminates at the close of September 30, 2006” and inserting “terminates at the close of September 30, 2022”.

(b) Applicability.—The authority under section 2216(c) of title 10, United States Code, as amended by subsection (a), applies to funds appropriated for fiscal years after fiscal year 2016.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Office of the Secretary of Defense and Related Matters

SEC. 901. UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING AND RELATED ACQUISITION POSITION IN THE OFFICE OF THE SECRETARY OF DEFENSE.

(a) Under Secretary of Defense for Research and Engineering.—
(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by striking section 133 and inserting the following new section 133:

“§ 133. Under Secretary of Defense for Research and Engineering

“(a) UNDER SECRETARY OF DEFENSE.—

“(1) IN GENERAL.—There is an Under Secretary of Defense for Research and Engineering, appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(2) INDIVIDUALS QUALIFIED FOR APPOINTMENT.—The Under Secretary shall be appointed from among persons who have an extensive management background and experience with managing complex or advanced technological programs.

“(3) LIMITATION ON APPOINTMENT.—A person may not be appointed as Under Secretary of Defense for Research and Engineering within seven years after relief from active duty as a commissioned officer of a regular component of an armed force.

“(b) DUTIES AND POWERS.—Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary shall perform such duties and exercise such powers as the Secretary may prescribe, including—
“(1) serving as the chief technology officer and the chief acquisition officer of the Department of Defense with the primary mission of defense technology innovation;

“(2) overseeing, and serving as principal advisor to the Secretary on, all defense research, development, prototyping, and experimentation activities and programs, and unifying the efforts of defense laboratories and the rapid capabilities offices of the military departments;

“(3) establishing policies, and serving as principal advisor to the Secretary, for all elements of the Department of Defense relating to acquisition and the oversight of, access to, and maintenance of the defense industrial base;

“(4) overseeing the modernization of nuclear forces and the development of capabilities to counter weapons of mass destruction, and serving as the chair of the Nuclear Weapons Council;

“(5) serving as the Defense Acquisition Executive for purposes of regulations and procedures of the Department of Defense providing for a Defense Acquisition Executive; and

“(6) exercising advisory authority over national security acquisition programs of the armed forces
for which the Service Acquisition Executive is the Milestone Decision Authority.

“(c) REPORTING.—The following officials shall report directly to the Under Secretary:

“(1) The Assistant Secretary of Defense for Acquisition Policy and Oversight.

“(2) The Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense.

“(3) The Director of the Defense Advanced Research Projects Agency.

“(4) The Director of the Missile Defense Agency.

“(5) The Director of the Strategic Capabilities Office (or any successor organization).

“(6) The Director of the Defense Threat Reduction Agency.

“(7) The Director of the Defense Acquisition University.

“(8) The head of any office or agency of the Department of Defense with the primary mission of defense technology innovation that is specified by the Secretary of Defense for purposes of this subsection.

“(d) PRECEDENCE IN DEPARTMENT OF DEFENSE.—
“(1) PRECEDENCE IN MATTERS OF RESPONSIBILITY.—With regard to all matters for which the Under Secretary has responsibility by the direction of the Secretary of Defense or by law, the Under Secretary takes precedence in the Department of Defense after the Secretary and the Deputy Secretary of Defense.

“(2) PRECEDENCE IN OTHER MATTERS.—With regard to all matters other than the matters for which the Under Secretary has responsibility by the direction of the Secretary or by law, the Under Secretary takes precedence in the Department of Defense after the Secretary, the Deputy Secretary, and the Secretaries of the military departments.”.

(2) REPEAL OR SUPERSEDED PENDING AMENDMENT.—Effective as of the date of the enactment of this Act, subparagraph (A) of section 901(j)(2) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3462) is repealed, and the amendment otherwise to be made by such subparagraph shall not be made or go into effect.
(b) Repeal and redesignation of certain director positions.—Chapter 4 of title 10, United States Code, is further amended—

(1) by striking sections 139b and 139c; and

(2) by redesignating sections 139 and 139a as sections 139a and 139b, respectively.

(c) Repeal of certain ASD positions and establishment of Assistant Secretary of Defense for Acquisition Policy and Oversight.—Chapter 4 of title 10, United States Code, is further amended—

(1) in section 138(b)—

(A) by striking paragraphs (6), (7), (8), and (9);

(B) by inserting after paragraph (5) the following new paragraph (6):

“(6) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Acquisition Policy and Oversight, as provided for in section 139 of this title.”;

and

(C) by redesignating paragraph (10) as paragraph (7); and

(2) by inserting after section 138, as so amended, the following new section 139:
“§139. Assistant Secretary of Defense for Acquisition Policy and Oversight

“(a) Assistant Secretary of Defense.—

“(1) In general.—There is an Assistant Secretary of Defense for Acquisition Policy and Oversight, appointed as provided in section 138(a)(2) of this title.

“(2) Individuals qualified for appointment.—The Assistant Secretary shall be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with an extensive management background and experience in acquisition, industrial incentives, and contracting.

“(b) Reporting.—The Assistant Secretary shall report to the Under Secretary of Defense for Research and Engineering.

“(c) Duties and Powers.—Subject to the authority, direction, and control of the Secretary of Defense and the Under Secretary of Defense for Research and Engineering, the Assistant Secretary shall perform such duties and exercise such powers relating to defense acquisition as the Secretary and the Under Secretary may prescribe, including—

“(1) overseeing, and advising the Secretary and the Under Secretary on, matters relating to the ac-
quisition of Department of Defense national security capabilities;

“(2) establishing acquisition policy for the Department of Defense, including development, production, procurement, testing, logistics, maintenance, contracting support, and other life-cycle considerations for all acquisition activities of the Depart-
ment;

“(3) establishing policies of the Department of Defense for overseeing, accessing, and maintaining the defense industrial base of the United States and its allies, including industrial restructuring, technology release and protection, and intellectual property matters;

“(4) exercising advisory authority on behalf of the Under Secretary over national security acquisition programs of the armed forces for which the Service Acquisition Executive is the Milestone Decision Authority;

“(5) serving as the senior procurement executive for the Department of Defense for the purposes of section 1702(c) of title 41; and

“(6) exercising overall supervision of all military and civilian personnel in the Office of the Secretary of Defense, unless otherwise provided by law,
with regard to matters for which the Assistant Sec-
retary has responsibility.

“(d) Deputy Assistant Secretary of Defense
for Logistics and Sustainment.—

“(1) In general.—There is a Deputy Assistant Secretary of Defense for Logistics and Sustainment. The Deputy Assistant Secretary shall be appointed by the Secretary of Defense from among individuals who have extensive experience in military logistics, maintenance, and sustainment support.

“(2) Duties.—The Deputy Assistant Secretary shall assist the Assistant Secretary by overseeing logistics, maintenance, and sustainment support for elements of the Department, including the following:

“(A) Management and sustainment of weapon systems.

“(B) Readiness and sustainment support for the combatant commands.

“(C) Sustainment and readiness of the organic industrial base.

“(D) Development, management, integration, and innovation of and within the life cycle management and supply chain of weapon sys-
tems.
“(3) Discharge of duties.—Subject to the authority, direction, and control of the Assistant Secretary, in carrying out such duties, the Deputy Assistant Secretary shall work closely with the following:

“(A) The Under Secretary of Defense for Management and Support and the Director of the Defense Logistics Agency

“(B) Acquisition personnel of the armed forces, the Department of Defense, and the military departments.”.

(d) Matters relating to Under Secretary of Defense for Business Management and Information.—

(1) Redesignation as Under Secretary of Defense for Management and Support.—Section 132a of title 10, United States Code, is amended by striking “Under Secretary of Defense for Business Management and Information” each place it appears and inserting “Under Secretary of Defense for Management and Support”.

(2) Enhancement of authorities.—Such section is further is amended—

(A) in subsection (c), by adding at the end the following new paragraphs:
“(7) Overseeing, supervising, and directing the activities of Defense Agencies responsible for the execution of policies and practices relating to the purchase of consumable goods, spare parts, services, and utilities, the execution of audits, contract administration, real property and installation support, procurement on behalf of other nations, and logistics, maintenance, and sustainment support for elements of the Department of Defense.

“(8) Subject to subsection (e), ensuring that audit and oversight of contractor activities are coordinated and executed in a manner to prevent duplication by different elements of the Department of Defense, and providing for coordination of the annual plans developed by each such element for the conduct of audit and oversight functions within each contracting activity.”; and

(B) by striking subsection (d) and insert the following new subsections:

“(d) REPORTING.—The following officials shall report directly to the Under Secretary:

“(1) The Director of the Defense Logistics Agency.

“(2) The Director of the Defense Contract Management Agency.


“(5) The Director of the Office of Economic Adjustment.

“(6) The Director of the Defense Commissary Agency.

“(7) The Director of the Defense Finance and Accounting Service.

“(8) The Director of Washington Headquarters Services.

“(9) The Director of the Pentagon Force Protection Agency.

“(10) The head of any agency of the Department of Defense with a business management mission that is specified by the Secretary of Defense for purposes of this subsection.

“(c) AUDITING AND OVERSIGHT OF CONTRACTOR ACTIVITIES.—

“(1) CONSULTATION.—In carrying out subsection (c)(8), the Under Secretary shall consult with the Inspector General of the Department of Defense.
“(2) Construction with certain other authority.—Nothing in this section shall affect the authority of the Inspector General of the Department of Defense to establish audit policy for the Department of Defense under the Inspector General Act of 1978 (5 U.S.C. App.) and otherwise to carry out the functions of the Inspector General under that Act.”.

(3) Conforming amendments.—The following provisions of law are each amended by striking “Under Secretary of Defense for Business Management and Information” and inserting “Under Secretary of Defense for Management and Support”;

(A) Section 134(c) of title 10, United States Code.

(B) Section 2222 of title 10, United States Code.

(C) Section 5313 of title 5, United States Code.


(4) Clerical amendments.—
(A) Section heading.—The heading of section 132a of title 10, United States Code, is amended to read as follows:

“§ 132a. Under Secretary of Defense for Management and Support”.

(B) Table of sections.—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 132a and inserting the following new item:


(5) Effective date.—The amendments made by this subsection shall take effect on February 1, 2017, immediately after the coming into effect of the amendments made by subsection (a)(1), and related provisions, of section 901 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015, to which the amendments made by this subsection relate.

(c) Office of the Secretary of Defense Organization.—

(1) Placement of USD for research and engineering.—Subparagraph (A) of section 131(b)(2) of title 10, United States Code, is amended to read as follows:
“(A) The Under Secretary of Defense for Research and Engineering.”.

(2) ADDITIONAL CONFORMING AMENDMENT RELATING TO PLACEMENT OF LATER ESTABLISHED USD FOR BUSINESS MANAGEMENT AND SUPPORT.—

Paragraph (2) of section 901(a) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 is amended to read as follows:

“(2) PLACEMENT IN THE OFFICE OF THE SECRETARY OF DEFENSE.—Effective on the effective date specified in paragraph (1), section 131(b)(2) of such title is amended—

“(A) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F), respectively; and

“(B) by inserting after subparagraph (A) by the following new subparagraph (B):

“‘(B) The Under Secretary of Defense for Management and Support.’.

(f) ADDITIONAL CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 4 of title 10, United States Code, is amended—

(1) by striking the item relating to section 133

and inserting the following new item:

“133. Under Secretary of Defense for Research and Engineering.”; and
(2) by striking the items relating to sections 139, 139a, 139b, and 139e and inserting the following new items:

"139. Assistant Secretary of Defense for Acquisition Policy and Oversight.
139a. Director of Operational Test and Evaluation.
139b. Director of Cost Assessment and Program Evaluation."

(g) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Under Secretary of Defense for Acquisition, Technology, and Logistics and inserting the following new item:

"Under Secretary of Defense for Research and Engineering."

(h) IMPLEMENTATION.—

(1) COMMENCEMENT.—Except as otherwise provided in this section, the Secretary of Defense shall commence implementation of this section and the amendments made by this section on the date of the enactment of this Act.

(2) NOMINATIONS.—Any individual nominated by the President who takes office in 2017 to a position under section 133 or 139 of title 10, United States Code (as amended by this section), shall meet the qualifications and other requirements of such position as specified in such section.

(3) IMPLEMENTATION PLAN.—Not later than March 1, 2017, the Secretary of Defense shall sub-
mit to the congressional defense committees the fol-
lowing:

(A) A plan for the full implementation of
this section and the amendments made by this
section.

(B) A report that describes the concerns,
if any, that the Secretary has with the require-
ments of this section and the amendments
made by this section, and recommendations for
such legislative action to address such concerns
as the Secretary considers appropriate.

(4) COMPLETION.—The Secretary shall com-
plete the implementation of this section and the
amendments made by this section not later than
January 20, 2018.

(i) INCUMBENTS.—

(1) RETENTION OF INCUMBENTS.—The incum-
bent in each position under a provision of law re-
pealed or superseded by a provision of this section
as of the day before the date of the enactment of
this Act may, at the election of the Secretary of De-
fense, remain in such position after the date of the
enactment of this Act in accordance with the terms
of the provision so repealed or superseded as in ef-
fect on the day before the date of the enactment of this Act.

(2) RATE OF PAY.—The rate of pay payable under title 5, United States Code, to an incumbent covered by paragraph (1) for service in the applicable position after the date of the enactment of this Act shall be the rate of pay payable for such position under chapter 53 of title 5, United States Code, as of the day before the date of the enactment of this Act.

(j) REFERENCES.—

(1) USD FOR ATL.—Any reference to the Under Secretary of Defense for Acquisition, Technology, and Logistics in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Under Secretary of Defense for Research and Engineering.

(2) ASD FOR ACQUISITION.—Any reference to the Assistant Secretary of Defense for Acquisition in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to a position designated by the Assistant Secretary of Defense for Acquisition Policy and Oversight.
(3) ASD FOR LOGISTICS AND MATIERIEL READINESS.—Any reference to the Assistant Secretary of Defense for Logistics and Materiel Readiness in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the position designated by the Secretary for purposes of this paragraph.

(4) ASD FOR RESEARCH AND ENGINEERING.—Any reference to the Assistant Secretary of Defense for Research and Engineering in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Under Secretary of Defense for Research and Engineering.

(5) ASD FOR ENERGY, INSTALLATIONS, AND THE ENVIRONMENT.—Any reference to the Assistant Secretary of Defense for Energy, Installations, and the Environment in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the position designated by the Secretary for purposes of this paragraph.

(k) REPORT ON ADDITIONAL CONFORMING AND OTHER AMENDMENTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense
shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting for comprehensive recommendations for such conforming and other amendments to law as the Secretary considers appropriate in light of this section and the amendments made by this section.

SEC. 902. QUALIFICATIONS FOR APPOINTMENT OF THE SECRETARIES OF THE MILITARY DEPARTMENTS.

(a) Secretary of the Army.—Section 3013(a)(1) of title 10, United States Code, is amended by inserting after the first sentence the following new sentence: “The Secretary shall, to the greatest extent practicable, be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with appropriate management experience of a large complex organization”.

(b) Secretary of the Navy.—Section 5013(a)(1) of such title is amended by inserting after the first sentence the following new sentence: “The Secretary shall, to the greatest extent practicable, be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with appropriate management experience of a large complex organization”.

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(c) Secretary of the Air Force.—Section 8013(a)(1) of such title is amended by inserting after the first sentence the following new sentence: “The Secretary shall, to the greatest extent practicable, be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with appropriate management experience of a large complex organization”.

SEC. 903. ESTABLISHMENT OF ASSISTANT SECRETARY OF DEFENSE FOR INFORMATION (CHIEF INFORMATION OFFICER) IN OFFICE OF SECRETARY OF DEFENSE.

(a) In general.—Paragraph (8) of section 138(b) of title 10, United States Code, is amended to read as follows:

“(8) One of the Assistant Secretaries is the Assistant Secretary of Defense for Information (Chief Information Officer), who shall report to the Secretary and the Deputy Secretary of Defense. The Assistant Secretary shall be the principal advisor to the Secretary and have responsibility for all defense cyber and space policy, information network defense, policies and standards governing information technology systems, and related information security activities of the Department, including oversight of the De-
fense Information Systems Agency or any successor organ-
ization.”.

(b) CONFORMING AMENDMENT.—

(1) IN GENERAL.—Subsection (b) of section 132a of such title is amended to read as follows:
“(b) The Under Secretary also serves as the Performance Improvement Officer of the Department of De-
defense.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on February 1, 2017, immediately after the coming into effect of the amendment made by section 901(a)(1) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 35462), to which the amendment made by paragraph (1) relates.

SEC. 904. REDUCTION IN MAXIMUM NUMBER OF PERSONNEL IN OFFICE OF THE SECRETARY OF DEFENSE AND OTHER DEPARTMENT OF DEFENSE HEADQUARTERS OFFICES.

(a) OFFICE OF THE SECRETARY OF DEFENSE.—Section 143(b) of title 10, United States Code, is amended by striking “and civilian personnel” and inserting “, civilian, and detailed personnel”.
(b) LIMITATIONS ON PERSONNEL FOR THE JOINT STAFF.—Section 155 of such title is amended by adding at the end the following new subsection:

“(h) PERSONNEL LIMITATIONS.—(1) The total number of members of the armed forces and civilian employees assigned or detailed to permanent duty for the Joint Staff may not exceed 1,930.

“(2) Not more than 1,500 members of the armed forces on the active-duty list may be assigned or detailed to permanent duty for the Joint Staff.

“(3) The limitations in paragraphs (1) and (2) do not apply in time of war.

“(4) Each limitation in paragraphs (1) and (2) may be exceeded by a number equal to 15 percent of such limitation in time of national emergency.”.

(c) OFFICE OF THE SECRETARY OF THE ARMY.—

Section 3014(f) of such title is amended—

(1) in paragraph (3), by striking “67” and inserting “50”;

(2) in paragraph (4), by striking “time of war” and all that follows and inserting “time of war.”;

and

(3) by adding at the end the following new paragraph:
“(5) Each limitation in paragraphs (1) and (2) may be exceeded by a number equal to 15 percent of such limitation in time of national emergency.”.

(d) Office of the Secretary of the Navy.—Section 5014(f) of such title is amended—

(1) in paragraph (3), by striking “74” and inserting “56”;

(2) in paragraph (4), by striking “time of war” and all that follows and inserting “time of war.”;

and

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

“(5) Each limitation in paragraphs (1) and (2) may be exceeded by a number equal to 15 percent of such limitation in time of national emergency.”.

(e) Office of the Secretary of the Air Force.—Section 8014(f) of such title is amended—

(1) in paragraph (3), by striking “60” and inserting “45”;

(2) in paragraph (4), by striking “time of war” and all that follows and inserting “time of war.”;

and

(3) by adding at the end the following new paragraph:
“(5) Each limitation in paragraphs (1) and (2) may be exceeded by a number equal to 15 percent of such limitation in time of national emergency.”.

(f) Effective Date.—This section and the amendments made by this section shall take effect on January 1, 2019.

SEC. 905. LIMITATIONS ON FUNDS USED FOR STAFF AUGMENTATION CONTRACTS AT MANAGEMENT HEADQUARTERS OF THE DEPARTMENT OF DEFENSE AND THE MILITARY DEPARTMENTS.

(a) Limitations.—

(1) For fiscal years 2017 and 2018.—The total amount obligated by the Department of Defense for fiscal year 2017 or 2018 for contract services for staff augmentation contracts at management headquarters of the Department and the military departments may not exceed an amount equal to the aggregate amount expended by the Department for contract services for staff augmentation contracts at management headquarters of the Department and the military departments in fiscal year 2016 adjusted for net transfers from funding for overseas contingency operations (in this subsection referred to as the “fiscal year 2016 staff augmentation contracts funding amount”).
(2) For Fiscal Years After Fiscal Year 2018.—The total amount obligated by the Department for any fiscal year after fiscal year 2018 for contract services for staff augmentation contracts at management headquarters of the Department and the military departments may not exceed an amount equal to 75 percent of the fiscal year 2016 staff augmentation contracts funding amount.

(b) Definitions.—In this section:

(1) The term “contract services” has the meaning given that term in section 235 of title 10, United States Code.

(2) The term “staff augmentation contracts” means contracts for personnel who are subject to the direction of a Government official other than the contracting officer for the contract, including contractor personnel who perform personal services contracts (as that term is defined in section 2330a(g)(5) of title 10, United States Code).
SEC. 906. UNIT WITHIN THE OFFICE OF THE SECRETARY OF DEFENSE SUPPORTING ACHIEVEMENT OF RESULTS IN DEPARTMENT OF DEFENSE MANAGEMENT REFORM AND BUSINESS TRANSFORMATION EFFORTS.

(a) In General.—The Secretary of Defense serving in that position as of February 1, 2017, may establish within the Office of the Secretary of Defense on that date a unit of personnel that shall be responsible for providing expertise and support throughout the Department of Defense in efforts of the Department relating to management reform and business transformation. The unit may be known as the “delivery unit” for Department efforts on management reform and business transformation.

(b) Composition.—The unit established under subsection (a) shall consist of not more than 30 individuals selected by the Secretary primarily from among individuals outside the Government who have significant experience and expertise in management consulting, organization transformation, or data analytics.

(c) Duties.—

(1) In General.—The unit established under subsection (a) shall have the duties as follows:

(A) To assist senior managers in developing and implementing roadmaps to achieve targets in management reform and business
transformation for the Department of Defense
established by Secretary of Defense referred to
in subsection (a).

(B) To assist that Secretary and the Deputy Secretary of Defense in monitoring the progress of management reform and business transformation in the Department, and to assist that Secretary and the Deputy Secretary in providing for corrections in actions based on data-driven decision-making that will expedite the business processes of the Department.

(2) Consultation with private sector.— In carrying out the duties specified in paragraph (1), the unit shall seek to leverage the expertise available to the Department through current exchange programs of the Department with the private sector in order to obtain and deploy proven data analytics and management consulting practices.

(d) Termination.—The unit established under subsection (a) shall cease to exist on January 31, 2021.

(e) Funding.—Of the amount authorized to be appropriated for fiscal year 2017 for the Department of Defense and available for the Office of the Secretary of Defense, up to $30,000,000 may be available for activities of the unit established under subsection (a). Such amount
may not be obligated or expended for that purpose until
the date on which the unit is established.

Subtitle B—Combatant Command
Matters

SEC. 921. JOINT CHIEFS OF STAFF AND RELATED COMBAT-
ANT COMMAND MATTERS.

(a) Functions of Joint Chiefs of Staff.—

(1) Consultation by chairman.—Subsection
(e)(1) of section 151 of title 10, United States Code,
is amended by striking “as he considers appro-
priate” and inserting “as necessary”.

(2) Repeal of advice on request.—Such
section is further amended—

(A) in subsection (b)(2), by striking “sub-
sections (d) and (e)” and inserting “subsection
(d)”;

(B) by striking subsection (e); and

(C) by redesignating subsections (f) and
(g) as subsections (e) and (f), respectively.

(b) Chairman of the Joint Chiefs of Staff
Matters.—

(1) Term of service.—Subsection (a) of sec-
tion 152 of title 10, United States Code, is amend-
ed—
(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-num-
bered year.”; and

(B) in paragraph (3), by—

(i) by striking the first sentence;

(ii) by striking “However, the Presi-
dent” and inserting “The President”;

(iii) by striking “combined”; and

(iv) by striking “in such positions”
and inserting “as Chairman or Vice Chair-
man”.

(2) REQUIREMENT FOR APPOINTMENT.—Sub-
section (b)(1) of such section is amended—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B)
and (C) as subparagraphs (A) and (B), respec-
tively.

(e) FUNCTIONS OF CHAIRMAN OF JOINT CHIEFS OF
STAFF.—The text of section 153 of title 10, United States
Code, is amended to read as follows:

“(a) RESPONSIBILITIES.—The Chairman of the Joint
Chiefs of Staff is responsible for ensuring that the Presi-
dent and the Secretary of Defense receive military advice
on the comprehensive organization, training, equipping, and employment of the armed forces.

“(b) PRIMARY FOCUS.—Subject to the authority, direction, and control of the President and the Secretary of Defense, the primary focus of the Chairman of the Joint Chiefs of Staff shall be the development of the military elements of national security and defense strategy, assisting the President and the Secretary in the integration of military operations and activities worldwide, and advocating for military requirements of the present and future joint force of the United States, including as follows:

“(1) STRATEGY DEVELOPMENT AND OPERATIONAL PLANNING.—In matters relating to strategy development and operational planning:

“(A) Developing strategic frameworks and directing planning, as required, to guide the use and employment of military force and related activities across all geographic regions and military functions and domains, and to sustain military efforts over different durations of time, as necessary.

“(B) Advising the Secretary on the production of the national defense strategy required by section 118 of this title and the national secu-
rity strategy required by section 108 of the Na-

“(C) Providing advice to the President and
the Secretary on daily and ongoing military op-
erations.

“(D) Preparing alternative military anal-
ysis, options, and plans, as the Chairman con-
siders appropriate, to recommend to the Sec-
retary.

“(E) Preparing joint logistic, mobility, and
operational energy plans to support the national
defense strategy and recommending the assign-
ment of responsibilities to the armed forces in
accordance with these plans.

“(F) Providing for the preparation and re-
view of contingency plans which conform to pol-
icy guidance from the President and the Sec-
retary.

“(2) GLOBAL MILITARY INTEGRATION.—In
matters relating to global military integration:

“(A) Advising the Secretary on the need
for the transfer of forces to address
transregional, multi-domain, and multifunc-
tional threats, or multiple threats with overlap-
ing timeframes.
“(B) To the extent authorized by the Secretary pursuant to a delegation of authority under section 113(g)(4) of this title, directing the transfer of limited forces on a temporary basis.

“(3) COMPREHENSIVE JOINT READINESS.—In matters relating to comprehensive joint readiness:

“(A) Evaluating the overall preparedness of the joint force to perform the responsibilities of that force under the national defense strategy and to respond to significant contingencies worldwide.

“(B) Assessing the risks to United States missions, strategies, and military personnel that stem from shortfalls in military readiness across the armed forces, and producing comprehensive plans to reduce such risks.

“(C) Identifying the support functions that are likely to require contractor performance under current defense strategies, and the risks associated with the assignment of such functions to contractors.

“(D) Advising the Secretary on critical deficiencies and strengths in force capabilities (including manpower, logistic, and mobility sup-
port) identified during the preparation and re-
view of the national defense strategy and con-
tingency plans and assessing the effect of such
deficiencies and strengths on meeting national
security objectives and policy and on strategic
plans.

“(E) Recommending to the Secretary, in
accordance with section 166 of this title, a
budget proposal for activities of each unified
and specified combatant command.

“(F) Establishing and maintaining, after
consultation with the commanders of the uni-
ified and specified combatant commands, a uni-
form system of evaluating the preparedness of
each such command, and groups of commands
collectively, to carry out missions assigned to
the command or commands.

“(G) Advising the Secretary on the extent
to which the major programs and policies of the
armed forces in the area of manpower and con-
tractor support conform with the national de-
fense strategy and the requirements of contin-
gency plans produced by the commanders of the
combatant commands, and on the ways to im-
prove and enhance operational contract support for the armed forces.

“(4) JOINT CAPABILITY DEVELOPMENT.—In matters relating to joint capability development:

“(A) Identifying innovative and experimental new technologies to maintain the military technological advantage of the armed forces, and recommending investments in such technologies to the Secretary.

“(B) Performing net assessments of the capabilities of the armed forces of the United States and its allies in comparison with the capabilities of potential adversaries.

“(C) Advising the Secretary under section 163(b)(2) of this title on the priorities of the requirements identified by the commanders of the unified and specified combatant commands.

“(D) Advising the Secretary on the extent to which the program recommendations and budget proposals of the military departments and other components of the Department of Defense for a fiscal year conform with the priorities established in the national defense strategy and with the priorities established for the
requirements of the unified and specified combatant commands.

“(E) Submitting to the Secretary alternative program recommendations and budget proposals, within projected resource levels and guidance provided by the Secretary, in order to achieve greater conformance with the priorities referred to in subparagraph (D).

“(F) Identifying, assessing, and approving military requirements (including existing systems and equipment) to meet the national defense strategy.

“(G) Recommending to the Secretary appropriate trade-offs among life-cycle cost, schedule, performance, and procurement quantity objectives in the acquisition of materiel and equipment to support the strategic and contingency plans required by this subsection in the most effective and efficient manner.

“(5) JOINT FORCE DEVELOPMENT ACTIVITIES.—In matters relating to joint force development activities:

“(A) Developing doctrine for the joint employment of the armed forces.
“(B) Formulating policies and technical standards, and executing actions, for the joint training of the armed forces.

“(C) Formulating policies for coordinating the military education of members of the armed forces.

“(D) Formulating policies for concept development and experimentation for the joint employment of the armed forces.

“(E) Formulating policies for gathering, developing, and disseminating joint lessons learned for the armed forces.

“(F) Advising the Secretary on development of joint command, control, communications, and cyber capability, including integration and interoperability of such capability, through requirements, integrated architectures, data standards, and assessments.

“(6) OTHER MATTERS.—In other matters:

“(A) Providing for representation of the United States on the Military Staff Committee of the United Nations in accordance with the Charter of the United Nations.
“(B) Performing such other duties as may be prescribed by law or by the President or the Secretary of Defense.

“(c) NATIONAL MILITARY STRATEGY.—

“(1) NATIONAL MILITARY STRATEGY.—

“(A) IN GENERAL.—The Chairman shall determine each even-numbered year whether to prepare a new national military strategy in accordance with this subparagraph or to update a strategy previously prepared in accordance with this paragraph. The Chairman shall provide such national military strategy or update to the Secretary of Defense in time for transmittal to Congress pursuant to paragraph (3), including in time for inclusion in the report, if any, of the Secretary under paragraph (4).

“(B) SCOPE.—Each national military strategy or update under this paragraph shall be based on a comprehensive review conducted by the Chairman in conjunction with the other members of the Joint Chiefs of Staff and the commanders of the unified and specified combatant commands. Each update shall address only those parts of the most recent national military strategy for which the Chairman deter-
determine, on the basis of the review under sub-
paragraph (A), that a modification is needed.

“(C) BASIS.—Each national military strat-
egy or update submitted under this paragraph
shall describe how the military will achieve sup-
port the objectives of the United States as ar-
ticulated in—

“(i) the most recent national security
strategy prescribed by the President pursu-
ant to section 108 of the National Security
Act of 1947 (50 U.S.C. 3043);

“(ii) the most recent annual report of
the Secretary submitted to the President
and Congress pursuant to section 113 of
this title;

“(iii) the most recent national defense
strategy presented by the Secretary of De-
fense pursuant to section 118 of this title;
and

“(iv) any other national security or
defense strategic guidance issued by the
President or the Secretary.

“(D) ELEMENTS.—At a minimum, each
national military strategy or update submitted
under this paragraph shall—
“(i) assess the strategic environment, threats, opportunities, and challenges that affect the national security of the United States;

“(ii) develop military ends, ways, and means to support the objectives referred to in subparagraph (C);

“(iii) provide the framework for the assessment by the Chairman of strategic and military risks pursuant to paragraph (2), and developing risk mitigation options;

“(iv) establish a strategic framework for the development of operational and contingency plans;

“(v) identify the priority of joint force capabilities, capacities, and resources; and

“(vi) establish military guidance for the development of the joint force.

“(2) RISK ASSESSMENT.—

“(A) IN GENERAL.—The Chairman shall prepare each year an assessment of the risks associated with the most current national military strategy or update under paragraph (1). The risk assessment shall be known as the ‘Risk Assessment of the Chairman of the Joint
Chiefs of Staff’. The Chairman shall complete preparation of the risk assessment in time for transmittal to Congress pursuant to paragraph (3), including in time for inclusion in the report, if any, of the Secretary of Defense under paragraph (4).

“(B) OBJECTIVES.—Each risk assessment shall do the following:

“(i) As the Chairman considers appropriate, update any changes to the strategic environment, threats, objectives, force planning and sizing constructs, assessments, and assumptions that informed the national military strategy or update under paragraph (1).

“(ii) Identify and define the strategic risks to United States interests and the military risks in executing the national military strategy or update.

“(iii) Identify and define levels of risk, including an identification of what constitutes ‘significant’ risk in the judgment of the Chairman.

“(iv) Identify and assess risk in the national military strategy or update by cat-
egory and level, including how risk is projected to increase, decrease, or remain stable over time.

“(v) For each category of risk identified pursuant to clause (iv), assess the extent to which current or future risk increases, decreases, or is stable as a result of budgetary priorities, tradeoffs, or fiscal constraints or limitations as currently estimated and applied in the most current future-years defense program under section 221 of this title.

“(vi) Identify and assess risk associated with the assumptions or plans of the national military strategy or update about the contributions or support of—

“(I) alliances, allies, and other friendly nations (including their capabilities, availability, and interoperability); and

“(II) any other external support, as appropriate.

“(vii) Identify and assess the critical deficiencies and strengths in force capabilities (including manpower, logistics, intel-
ligence, and mobility support) identified
during the preparation and review of the
contingency plans of each unified combat-
ant command, and identify and assess the
effect of such deficiencies and strengths for
the national military strategy or update.

“(3) SUBMITTAL OF NATIONAL MILITARY
STRATEGY AND RISK ASSESSMENT TO CONGRESS.—

“(A) NATIONAL MILITARY STRATEGY.—
Not later than February 15 of each even-num-
bered year, the Chairman shall, through the
Secretary of Defense, submit to the Committees
on Armed Services of the Senate and the House
of Representatives a report on the national mili-
tary strategy or update, if any, prepared under
paragraph (1) in such year.

“(B) RISK ASSESSMENT.—Not later than
February 15 each year, the Chairman shall,
through the Secretary, submit to the Commit-
tees on Armed Services of the Senate and the
House of Representatives a report on the risk
assessment prepared under paragraph (2) in
such year.
“(C) Form.—The reports submitted under this subsection shall be classified in form, but shall include an unclassified summary.

“(4) Secretary of Defense reports to Congress.—

“(A) In general.—In transmitting a national military strategy or update, or a risk assessment, to Congress pursuant to paragraph (3), the Secretary of Defense shall include in the transmittal such comments of the Secretary thereon, if any, as the Secretary considers appropriate.

“(B) Additional elements with risk assessment.—If a risk assessment transmitted under paragraph (3) in a year includes an assessment that a risk or risks associated with the national military strategy or update are significant, or that critical deficiencies in force capabilities exist for a contingency plan described in paragraph (2)(B)(vi), the Secretary shall include in the transmittal of the risk assessment the plan of the Secretary for mitigating such risk or deficiency. A plan for mitigating risk of deficiency under this subparagraph shall—
“(i) address the risk assumed in the national military strategy or update concerned, and the additional actions taken or planned to be taken to address such risk using only current technology and force structure capabilities; and

“(ii) specify, for each risk addressed, the extent of, and a schedule for expected mitigation of, such risk, and an assessment of the potential for residual risk, if any, after mitigation.”.

(d) VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—

(1) TERM OF SERVICE.—Paragraph (3) of section 154(a) of title 10, United States Code, is amended by striking “two years” and inserting “four years”.

(2) INELIGIBILITY FOR SERVICE AS CHAIRMAN OR ANY OTHER POSITION IN THE ARMED FORCES.—Such section is further amended by adding at the end the following new paragraph:

“(4) The Vice Chairman shall not be eligible for promotion to the position of Chairman or any other position in the armed forces. The term of the Vice Chairman shall
be established so as not to begin in the same year as the
term of the Chairman.”.

(c) Responsibilities of Commanders of the
Combatant Commands.—Section 164(b) of title 10,
United States Code, is amended—

(1) in paragraph (2)(A), by inserting “and in
consultation with the Chairman of the Joint Chiefs
of Staff” before the semicolon; and

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

“(3) Among the full range of command responsibil-
ities specified in subsection (c) and as provided for in sec-
tion 161 of this title, the primary duties of the commander
of a combatant command shall be as follows:

“(A) To produce plans for the employment of
the armed forces to execute the national defense
strategy and respond to significant military contin-
genies.

“(B) To take actions necessary to deter con-
flict.

“(C) To command United States armed forces
in conflict, if directed by the Secretary of Defense
and approved by the President.”.

(f) Combatant Commanders Council.—
(1) IN GENERAL.—Chapter 6 of title 10, United States Code, is amended by inserting after section 163 the following new section:

§ 163a. Combatant Commanders Council

“(a) IN GENERAL.—There is in the Department of Defense a council to be known as the ‘Combatant Commanders Council’ (in this section referred to as ‘the Council’).

“(b) COMPOSITION.—The Council shall consist of the following:

“(1) The Secretary of Defense, who shall head the Council.

“(2) The Chairman of the Joint Chiefs of Staff.

“(3) The Vice Chairman of the Joint Chiefs of Staff.

“(4) The commanders of the combatant commands.

“(c) CONVENING AUTHORITY.—The Secretary of Defense shall convene regular meetings of the Council as the Secretary determines necessary. The Secretary may delegate the authority to convene meetings of the Council to the Chairman, in which case the Secretary may designate a representative to attend the meeting in the Secretary’s place.
“(d) DUTIES.—The responsibilities of the Council are as follows:

“(1) To inform the requirements, production, and periodic review of the national defense strategy required by section 118 of this title.

“(2) To advise the commanders of the combatant commands of their roles and responsibilities in executing the national defense strategy.

“(3) To oversee and guide the implementation of the national defense strategy.

“(4) To support the Secretary of Defense and the Chairman in providing for the effective global integration of all military operations and activities across the combatant commands in furtherance of the current national defense strategy and the guidance of the President and the Secretary of Defense.

“(5) Such other responsibilities as the Secretary may prescribe.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 6 of such title is amended by inserting after the item relating to section 163 the following new item:

“163a. Combatant Commanders Council.”.
SEC. 922. DELEGATION TO CHAIRMAN OF JOINT CHIEFS OF
STAFF OF AUTHORITY TO DIRECT TRANSFER
OF FORCES.

Section 113(g) of title 10, United States Code, is
amended by adding at the end the following new para-
graph:

“(4)(A) The Secretary of Defense may, in the Sec-
retary’s discretion, delegate to the Chairman of the Joint
Chiefs of Staff the authority to direct the transfer of
forces on behalf of the Secretary. Any such delegation
shall, at a minimum, specify the following:

“(i) The threats, areas, and missions for which
the Chairman of the Joint Chiefs of Staff is author-
ized to direct the transfer of forces.

“(ii) The categories and quantities of forces
that are covered by the authorization.

“(iii) The duration of the transfer.

“(B) Any delegation under this paragraph shall re-
quire the Chairman of the Joint Chiefs of Staff to notify
the Secretary of any decision to direct the deployment of
forces pursuant to the delegation as soon as possible.

“(C) A delegation under this paragraph shall be for
a period of not more than one year, and may be renewed.”.
SEC. 923. ORGANIZATION OF THE DEPARTMENT OF DEFENSE FOR MANAGEMENT OF SPECIAL OPERATIONS FORCES AND SPECIAL OPERATIONS.

(a) Responsibility of Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.—Section 138(b)(4) of title 10, United States Code, is amended by adding at the end the following new sentence: “Subject to the authority, direction, and control of the Secretary of Defense, the Assistant Secretary shall do the following:

“(A) Exercise authority, direction, and control of all administrative matters relating to the organization, training, and equipping of special operations forces.

“(B) Assist the Secretary and the Under Secretary of Defense for Policy in the development and supervision of policy, program planning and execution, and allocation and use of resources for the activities of the Department of Defense for the following:

“(i) Irregular warfare, combating terrorism, countering the proliferation of weapons of mass destruction, and the special operations activities specified by section 167(k) of this title.
“(ii) Integrating the functional activities of
the headquarters of the Department to most ef-
ficiently and effectively provide the capabilities
required for special operations missions.”.

(b) **Special Operations Functional Integra-
tion and Oversight Team.**—

(1) IN GENERAL.—Chapter 4 of title 10, United
States Code, is amended by inserting after section
139b, as redesignated by section 901(b)(2) of this
Act, the following new section:

“§ 139c. **Special Operations Functional Integration
and Oversight Team**

“(a) IN GENERAL.—In order to fulfill the responsibil-
ities specified in section 138(b)(4) of this title, the Assistant
Secretary of Defense for Special Operations and Low
Intensity Conflict shall establish and lead a team to be
known as the ‘Special Operations Functional Integration
and Oversight Team’ (in this section referred to as the
‘Team’).

“(b) PURPOSE.—The purpose of the Team is to inte-
grate the functional activities of the headquarters of the
Department of Defense in order to most efficiently and
effectively provide the capabilities required for special op-
erations missions. In fulfilling this purpose, the Team
shall develop and continuously improve policy, joint proce-
esses, and procedures that facilitate the development, acquisition, integration, employment, and sustainment of special operations capabilities.

“(c) MEMBERSHIP.—The Team shall include the following:

“(1) The Assistant Secretary, who shall act as leader of the Team.

“(2) Appropriate senior representatives of each of the following:

“(A) The Under Secretary of Defense for Research and Engineering.

“(B) The Under Secretary of Defense for Management and Support.

“(C) The Under Secretary of Defense (Comptroller).

“(D) The Under Secretary of Defense for Personnel and Readiness.

“(E) The Under Secretary of Defense for Intelligence.

“(F) The other Assistant Secretaries of Defense under the Under Secretary of Defense for Policy.

“(G) The military departments.

“(H) The Joint Staff.
“(I) The United States Special Operations Command.

“(J) Such other officials or Agencies, elements, or components of the Department of Defense as the Secretary of Defense considers appropriate.

“(d) OPERATION.—The Team shall operate continuously.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title, as amended by section 901(f)(2) of this Act, is further amended by inserting after the item relating to section 139b the following new item:

“139c. Special Operations Functional Integration and Oversight Team.”.

(e) US SPECIAL OPERATIONS COMMAND MATTERS.—

(1) AUTHORITY OF COMMANDER.—Subsection (c)(2) of section 167 of title 10, United States Code, is amended—

(A) in the matter preceding subparagraph (A), by striking “The commander” and inserting “Subject to the authority, direction, and control of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, the commander”; and
(B) by striking subparagraph (J) and inserting the following new subparagraph (J):

“(J) Monitoring the promotions of special operations forces and coordinating with the military departments regarding the assignment, retention, training, professional military education, and special and incentive pays of special operations forces.”.

(2) ADMINISTRATIVE CHAIN OF COMMAND.—

Such section is further amended—

(A) by redesignating subsections (f) through (k) as subsections (g), through (l), respectively; and

(B) by inserting after subsection (e) the following new subsection (f):

“(f) ADMINISTRATIVE CHAIN OF COMMAND.—(1)

Unless otherwise directed by the President, the administrative chain of command to the special operations command runs—

“(A) from the President to the Secretary of Defense;

“(B) from the Secretary of Defense to the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict; and
“(C) from the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict to the commander of the special operations command.

“(2) For purposes of this subsection, administrative chain of command refers to the exercise of authority, direction and control with respect to the administration and support of the special operations command, including the readiness and organization of special operations forces, special operations-peculiar resources and equipment, and civilian personnel. It does not refer to the exercise of authority, direction, and control of operational matters that are subject to the operational chain of command of the commanders of combatant commands or the exercise of authority, direction, and control of personnel, resources, equipment, and other matters that are not special operations-peculiar that are the purview of the armed forces.

In addition, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict is subordinate to the Under Secretary of Defense for Policy in all matters of policy related to special operations activities and low intensity conflict activities of the Department of Defense.”.
SEC. 924. PILOT PROGRAM ON ORGANIZATION OF SUBORDINATE COMMANDS OF A UNIFIED COMBATANT COMMAND AS JOINT TASK FORCES.

(a) Pilot Program.—The Secretary of Defense shall carry out a pilot program on organizing the subordinate commands of a unified combatant command in the form of joint task forces.

(b) Covered Commands.—The Secretary shall carry out the pilot program in at least one unified combatant command designated by the Secretary for purposes of this section.

(c) Plan.—

(1) In General.—In carrying out the pilot program, the Secretary shall develop, for each combatant command participating in the pilot program, a plan to—

(A) disestablish, and prohibit the reestablishment of, any subordinate command of such combatant command that is organized by a service of the Armed Forces;

(B) identify the major missions and contingencies in the area of responsibility of such combatant command that would require a military response;
(C) establish subordinate commands for such combatant command in the form of joint task forces, as described in subsection (d);

(D) select a commander of an appropriate grade to lead each joint task force so established based on the scale and complexity of the mission that such task force must perform; and

(E) describe any additional authorities, specialized training, or other organizational elements that such joint task forces may require to meet the objectives of the plan.

(2) OBJECTIVES.—The objectives of each plan under this subsection shall be—

(A) to provide for a greater emphasis on operational military missions;

(B) to improve the effectiveness and efficiency of the combatant command concerned in performing the missions of the combatant command through better integration of functional components and capabilities, both from within the combatant command and across the Department of Defense;

(C) to create more flexible and responsive subordinate commands that can be established, grown, reduced, altered, or disestablished based
on the changing nature of threats and contingencies in the area of responsibility of the combatant command concerned;

(D) to devolve responsibility and initiative, to the greatest extent practicable, to lower levels in the combatant command concerned, eliminating unnecessary layers of management and headquarters staff, and reducing the cost and time to perform mission critical tasks;

(E) to enhance the ability of the combatant command concerned to execute global defense strategies and address threats that span multiple regions, functions, and domains, involve different durations of time, and lack clearly defined phases of conflict; and

(F) to enable the commander of the combatant command concerned to integrate the activities of the combatant command across wider spans of control with fewer personnel and resources, and to focus more consistently on the strategic missions of the combatant command, including coordination with other combatant commands and engagement with key foreign partners.
(3) Problems to overcome.—The problems that each plan under this subsection shall seek to overcome are—

(A) deficiencies in the current organization of the unified combatant commands that have led senior leaders over many years to rely increasingly on the establishment of ad hoc joint task forces to meet critical emergent requirements for the combatant commands;

(B) dramatic growth in the size of staffs of the unified combatant commands that inhibit an effective and efficient performance of missions, lead to duplication of effort, and draw limited vital resources away from operational units and toward bureaucratic staffing functions;

(C) hierarchal, time-intensive, and resource-intensive planning and decision-making processes that are required to compensate for, and attempt to achieve integration among, functional command structures oriented around separate Armed Forces;

(D) antiquated approaches to persistent, trans-regional, cross-functional, and multi-domain threats that cannot be addressed through
discrete and isolated operational plans based on
a clear commencement of hostilities leading to
combat operations; and

(E) misaligned priorities that result in uni-
ified combatant commands being overly focused
on mission support activities (such as intel-
ligence analysis and regional theater engage-
ment) and insufficiently focused on the oper-
ational missions of the combatant commands.

(4) PREPARATION.—Each plan under this sub-
section shall be prepared in consultation with the
Chairman of the Joint Chiefs of Staff and the com-
mander of the combatant command concerned.

(5) DEADLINE FOR DEVELOPMENT.—Any plan
to be developed under this subsection shall be com-
pleted by not later than March 1, 2017.

(6) SUBMITTAL TO CONGRESS.—Upon comple-
tion of the development of a plan under this sub-
section, the Secretary shall submit such plan to the
congressional defense committees.

(7) IMPLEMENTATION.—The Secretary shall
commence implementation of each plan developed
under this subsection for purposes of the pilot pro-
gram by not later than September 1, 2017.

(d) JOINT TASK FORCES.—
(1) **IN GENERAL.**—Each joint task force established for purposes of the pilot program pursuant to a plan under subsection (c) shall be—

(A) established and organized as a cross-functional team with the primary purpose of performing an identified mission or providing essential support and enabling capabilities to task forces performing such missions;

(B) assigned the necessary number and mixture of Armed Forces personnel and related capabilities to perform the mission of such task force;

(C) organized and sized in a manner that best reflects the scope, scale, complexity, and priority of the mission that such task force is required to perform or support;

(D) comprised of representatives from each functional component from across the Department of Defense that is relevant to the performance of the mission of such task force, including the Armed Forces, other unified combatant commands, other joint task forces that are subordinate to the same or another unified combatant command, defense intelligence agen-
cies, other combat support agencies, and acquisition offices; and

(E) commanded by a military officer of appropriate grade who would be selected as prescribed by section 164(e) of title 10, United States Code, and overseen by the commander of the combatant command as prescribed by section 164(d) of such title were such joint task force the subordinate command of a unified combatant command.

(2) PURPOSES.—The purpose of each joint task force established pursuant to this subsection shall be to achieve the operational military mission of such task force, including by—

(A) integrating all the functional components within such task force into joint efforts;

(B) producing integrated operational plans, consistent with the orders of the commander of the combatant command concerned and the defense strategy of the Department of Defense;

(C) recommending to the commander of the combatant command concerned any additional resources and capabilities that the commander of such joint task force determines necessary to achieve the mission of such task force;
(D) providing better alignment and unity of effort with other joint task forces within the combatant command concerned or other unified combatant commands that are performing related missions or addressing similar threats;

(E) conducting engagements with foreign partners from the area of responsibility of such task force that are necessary to achieving the military mission of such task force; and

(F) experimenting with new operational concepts and developmental capabilities that the commander of such task force considers essential to the mission of such task force.

(e) REPORT.—Not later than September 1, 2018, the Secretary shall submit to the congressional defense committees a report that includes, for each plan developed under subsection (c) for purposes of the pilot program, the following:

(1) A description of such plan.

(2) An assessment of the positive and negative effects of such plan.

(3) A description of key factors that contributed to the success or failure of such plan.
Sec. 925. Expansion of Eligibility for Deputy Commander of Combatant Command Having United States Among Geographic Area of Responsibility to Include Officers of the Reserves.

Section 164(e)(4) of title 10, United States Code, is amended—

(1) by striking “the National Guard” and inserting “a reserve component of the armed forces”; and

(2) by striking “a National Guard officer” and inserting “a reserve component officer”.

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

Sec. 941. Organizational Strategy for the Department of Defense.

(a) Organizational Strategy Required.—

(1) In general.—Not later than July 20, 2017, the Secretary of Defense shall formulate and issue to the Department of Defense an organizational strategy for the Department that—
(A) identifies the most important missions and other organizational outputs for the Department, including the manner in which capabilities for such missions will be generated and objectives for such outputs will be achieved;

(B) reforms the Office of the Secretary of Defense and the manner in which it operates to support the Secretary;

(C) improves management of relationships and processes involving the Office of the Secretary of Defense, the Joint Chiefs of Staff, the combatant commands, the military departments, and the Defense Agencies;

(D) improves and professionalizes the supervision of the Defense Agencies; and

(E) improves support to the President and the National Security Council in interagency processes and deliberations.

(2) Objectives.—The objectives of the strategy shall be as follows:

(A) To enable the Department to integrate the expertise and capacities of the components of the Department for effective and efficient achievement of the missions of the Department.
(B) To enable the Department to focus on critical missions that span multiple functional issues, to frame competing and alternative courses of action, and to make clear and effective strategic choices in a timely manner to achieve such missions.

(C) To clarify responsibility and accountability in the decision-making processes in the Department.

(D) To enable the Department to anticipate, adapt, and innovate rapidly to changes in the threats facing the United States, and to exploit the opportunities to counter such threats offered by technological and organizational advances.

(E) To improve the ability of the Department to work effectively in interagency processes in order to better serve the President and the National Security Council and to better contribute to national security missions.

(F) To achieve an organizational structure with fewer layers of management and reduced levels of staffing that performs better than the current organizational structure of the Department.
(3) **Impediments to be Addressed.**—The strategy shall address, and seek to overcome, the following:

(A) Sequential, hierarchical planning and decision-making processes oriented around functional bureaucratic structures that are excessively parochial, duplicative, resistant to integration, and result in unclear, consensus-based outcomes that often constrain the ability of the Department to achieve core missions effectively and efficiently.

(B) Layering of management structures and processes that result in decisions being made by higher levels of management where the authority for cross-functional integration exists but detailed substantive expertise is often lacking or being reduced to lowest common denominator recommendations to senior leaders that suppress rather than resolve disputes across functional organizations.

(C) Weak leadership skills and culture in the Office of the Secretary of Defense.

(D) Misaligned incentives and a culture that rewards bureaucratic parochialism and in-
ertia, risk avoidance, and the deferral or delay
of decisions.

(4) Causes of Impediments to be Eliminated.—In connection with the impediments specified in paragraph (3), the strategy shall address, and seek to eliminate, the following:

(A) A noncollaborative culture within the Department that lacks shared purpose and values.

(B) Risk aversion arising from fear of the consequences of real or perceived failure, or from the absence of positive or negative incentives to reduce such risk aversion.

(C) Lack of viable alternative mechanisms for achieving the integration of the functional components of the Department and for aligning expertise and decision-making authority at the most efficient levels of management.

(5) Solutions.—In connection with the impediments specified in paragraph (3) and the causes of such impediments specified in paragraph (4), the strategy shall specify, and seek to achieve, the following:

(A) Cross-functional teams to manage the major missions and other high-priority outputs
of the Department that inherently cross functional boundaries (in this section referred to as “mission teams”).

(B) A collaborative, team-oriented, results-driven, and innovative culture within the Department that fosters an open debate of ideas and alternative courses of action.

(C) A simplified organizational structure for the Department with reduced layers of management and increased spans of control.

(D) Streamlined processes designed to produce improved performance in less time.

(b) ACTION IN SUPPORT OF STRATEGY.—During the period between the date of the enactment of this Act and the appointment of the Secretary of Defense first appointed in 2017, the current Secretary of Defense shall take appropriate actions to assist the individual so appointed as Secretary of Defense in the development and issuance of the organizational strategy required by subsection (a).

(c) MISSION TEAMS.—

(1) IN GENERAL.—Not later than April 20, 2017, the Secretary of Defense shall identify the missions, other high-priority outputs, and important activities of the Department of Defense for which
mission teams and sub-teams shall be established in the Department.

(2) PURPOSES.—The purposes of each mission team established pursuant to this subsection shall be as follows:

(A) To produce comprehensive and fully integrated policies, strategies, plans, resourcing, and oversight for the mission or other priority output such team is assigned to support, drawing upon the expertise and capacities of all relevant functional components of the Department.

(B) To supervise the implementation of approved strategies with respect to such mission or other output.

(3) DIRECTIVE ON TEAMS.—Not later than May 20, 2017, the Secretary shall issue a directive—

(A) on the role, authorities, reporting relationships, resourcing, manning, and operations of mission teams established pursuant to this subsection, which directive shall specify that the mission teams are decision-making organizations rather than advisory bodies; and
(B) that provides clear direction that the
leaders of functional components of the Depart-
ment that provide personnel to such mission
teams—

(i) may not interfere in the activities
of the mission team;

(ii) shall instruct personnel assigned
to teams to faithfully represent the views
and expertise of their functional compo-
nents while contributing to the best of
their ability to the success of the mission
team concerned; and

(iii) shall be assessed for performance
review purposes according to their support
to and cooperation with mission teams
interacting with their components.

(4) ESTABLISHMENT.—The Secretary shall es-
establish mission teams, and any applicable subteams,
to be established pursuant to this subsection as fol-
lows:

(A) The first three teams, by not later
than July 20, 2017.

(B) The second three teams, by not later
than October 20, 2017.
(C) Any remaining teams, by not later than January 20, 2018.

(5) Functions Considered.—In establishing a mission team pursuant to this subsection, the Secretary shall consider representatives from the Office of the Secretary of Defense, the Joint Staff, the military departments, and the Defense Agencies in the functional areas of policy, strategy, intelligence, budget, research and engineering, procurement and services, manpower, logistics, cost assessment and program evaluation, test and evaluation, legislative affairs, public affairs, and any other functional area the Secretary considers appropriate.

(6) Team Personnel.—For each team established pursuant to this subsection, the Secretary shall—

(A) designate as leader of such team a qualified and experienced individual in a general or flag officer grade, or a member of the Senior Executive Service, who shall report directly to the Secretary regarding the activities of such team;

(B) delegate to the team leader designated pursuant to subparagraph (A) authority to select members of such team from among civilian
employees of the Department and members of
the Armed Forces in any grade recommended
for membership on such team by the head of a
functional component of the Department within
the Office of the Secretary of Defense, the
Joint Staff, and the military departments, by
the commander of a combatant command, or
the director of a Defense Agency;

(C) provide that the team leader has the
authority to obtain full-time support from team
members, and to co-locate all members of such
team, as the team leader considers appropriate;

(D) ensure that team members are prop-
erly trained in teamwork, collaboration, conflict
resolution, and appropriately represent the
views of their functional components without in-
appropriately pursuing the interests of their
functional components; and

(E) make the team leader available to the
congressional defense committees to provide
periodic updates on the progress of such mis-
sion team.

(7) TEAM STRATEGIES AND DECISION-MAKING

AUTHORITY. —
(A) IN GENERAL.—Each mission team established pursuant to this subsection shall issue a charter and strategy for such team to achieve objectives of such team specified by the Secretary, for team training, to specify metrics for evaluation of the achievement of such objectives by such team, and to specify incentives for the team and its members for the achievement of such objectives by such team. The charter and strategy shall not go into effect until approved by the Secretary.

(B) DELEGATION OF AUTHORITY.—In approving the charter and strategy of a mission team, the Secretary shall delegate to the team such decision-making authority as the Secretary considers appropriate in order to permit the team to execute the strategy. The delegation shall also specify the decision-making authority with respect to the team and the strategy that shall be retained by the Secretary.

(C) SCOPE OF DELEGATION.—Within the delegation provided for pursuant to subparagraph (B), the leader of a mission team shall have authority to draw upon the resources of the functional components of the Department
and make decisions affecting such functional components.

(D) REVIEW.—The head of a functional component of the Department may seek the review and modification by the Secretary of any determination pursuant to subparagraph (C) considered by the head of the functional component to have, or have the potential to have, an adverse impact on missions or capabilities of the functional component.

(8) REVIEW OF MISSION TEAMS.—Not later than 120 days after the date of the appointment of the Secretary of Defense first appointed in 2017, the Secretary of Defense shall complete an analysis, with support from external experts in organizational and management sciences, of successes and failures of mission teams and determine how to apply the lessons learned from that analysis.

(d) COLLABORATIVE CULTURE WITHIN OSD.—

(1) DIRECTIVE ON PURPOSES, VALUES, AND PRINCIPLES.—Not later than April 20, 2017, the Secretary of Defense shall issue a directive on shared purposes, values, and principles for the operation of the Office of the Secretary of Defense that sets forth a team-oriented, results-driven culture
within the Office to support missions and objectives
of the Department of Defense and cross-boundary
collaboration within the Department.

(2) Directive on collaborative behavior.—Not later than May 20, 2017, the Secretary
shall issue a directive specifying the collaborative beh-
behavior required of personnel of the Office of the Sec-
retary of Defense, including the prevailing behaviors
that the Secretary expects to be sustained and the
behaviors that the Secretary seeks to eliminate.

(3) Directive and other actions on collaboration.—Not later than July 20, 2017, the
Secretary shall—

(A) issue a directive describing the meth-
ods and means to achieve a high degree of col-
laboration within and between the Office of the
Secretary of Defense and the Joint Staff;

(B) require that cross-boundary collabora-
tion constitute 50 percent of the performance
review criteria for each official in such leader-
ship positions as the Secretary shall specify, in-
cluding leaders of mission teams and heads of
functional components of the Department within
the Office of the Secretary of Defense that
provide personnel or other support to the mission teams;

(C) for purposes of this subsection, provide for a course of instruction in leadership, modern organizational practice, collaboration, and the functioning of mission teams described in subsection (c) for personnel in the Office of the Secretary of Defense who serve in positions in the Office pursuant to an appointment by and with the advice and consent of the Senate; and

(D) issue policy requiring successful service as leader or a member of a mission team as a condition for promotion in the Senior Executive Service above such level as the Secretary shall specify in the directive.

(e) Streamlining of Organizational Structure and Processes of OSD.—

(1) In general.—Not later than one year after the date of the appointment of the Secretary of Defense first appointed in 2017, the Secretary of Defense shall take such actions as the Secretary considers appropriate to streamline the organizational structure and processes of the Office of the Secretary of Defense in order to increase spans of control, achieve a reduction in layers of manage-
ment, eliminate unnecessary duplication between the Office and the Joint Staff, and reduce the time required to complete standard processes and activities.

(2) CONSULTATION AND SUPPORT.—In carrying out this subsection, the Secretary shall consult with the Defense Business Board, and shall enter into contracts with individuals and entities outside Government with expertise in cross-functional teams, organizational science, and private-sector best practices to obtain advice regarding collaboration across functional boundaries to achieve critical organizational objectives.

(3) REPORT.—Not later than the date on which the Secretary commences actions under this subsection, the Secretary shall submit to the Committee on Armed Services of the Senate and the House of Representatives a report setting forth a description of the actions the Secretary proposes to take under this subsection. If legislative action is required in connection with the taking of any such action, the report shall include recommendations for such legislative action.

(f) TRAINING FOR INDIVIDUALS NOMINATED FOR APPOINTMENT FOR OSD POSITIONS CONFIRMED BY SENATE.—
(1) IN GENERAL.—An individual may not be nominated to a position in the Office of the Secretary of Defense appointable by and with the advice and consent of the Senate unless the individual has successfully completed a course of instruction in leadership, modern organizational practice, collaboration, and the operation of mission teams described in subsection (c).

(2) WAIVER.—The President may waive the limitation in paragraph (1) with respect to an individual if the Secretary of Defense determines in writing that the individual possesses, through training and experience, the skill and knowledge otherwise to be provided through a course of instruction as described in that paragraph.

(g) COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENTS.—

(1) BIANNUAL REPORT ON ASSESSMENTS.—Not later than six months after the date of the enactment of this Act, and every six months thereafter through December 31, 2019, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a comprehensive assessment of the actions taken
under this section during the six-month period ending on the date of such report and cumulatively since the date of the enactment of this Act.

(2) ASSESSMENT TEAM.—The Comptroller General may establish within the Government Accountability Office a team of analysts to assist the Comptroller General in the performance assessments required by this subsection.

SEC. 942. DEPARTMENT OF DEFENSE MANAGEMENT OVERVIEW BY THE SECRETARY OF DEFENSE.

(a) IN GENERAL.—A Secretary of Defense serving in that position pursuant to an appointment to that position after January 20, 2017, shall submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than each of the deadlines provided in subsection (b), a report on the management of the Department of Defense that includes, current as of the date of such report, the following:

(1) HUMAN CAPITAL STRATEGY.—A human capital strategy to address the manner in which the Department of Defense civilian workforce is to be managed during the five-year period beginning on the date of the report, including an assessment of the mix of military, civilian, and contractor personnel required across the Department by function.
(2) PERSONNEL COST SAVINGS TARGETS.—In coordination with the Secretaries of the military departments, savings targets for personnel costs during the period of the most current future-years defense program under section 221 of title 10, United States Code, which targets—

(A) shall be applied across the entire Department based on individual mission requirements, and may not be percentage targets for each organization within the Department;

(B) shall use cost and function as barometers of cost savings targets, and may not achieve cost savings by billets or raw numbers of personnel in an attempt to manage and optimize a functional mix of senior, mid-career, and entry-level personnel rather than preserve an unbalanced and top-heavy upper-echelon staff based upon tenure alone.

(3) ELIMINATION OF FUNCTIONS.—A plan to eliminate unnecessary or redundant functions within each component of the Department.

(4) FORCE MANAGEMENT AUTHORITIES.—Recommenda-
the elimination of functions planned pursuant to paragraph (4), which authorities shall focus on rewarding talent, managing, hiring, and divestiture of employees, and professional development of employees.

(5) Delayering Organizations.—A process for delayering headquarters organizations across the Department, beginning with the Office of the Secretary of Defense and the Joint Staff and subsequently including the Defense Agencies, the combatant commands, and the Armed Forces, which process shall include—

(A) a description of low-priority or redundant functions to be eliminated and of any organizations to be consolidated;

(B) appropriate plans and charts for the reorganization of such headquarters that reflect and depict the new headquarters structure as a result of the process; and

(C) plans and mechanisms to oversee, incentivize, and reward cross-functional teams.

(b) Deadlines.—The deadlines for the submittal of reports under subsection (a) are December 1, 2017, and December 1 of each year thereafter through 2022.
SEC. 943. MODIFICATION OF COMPOSITION AND MISSION OF JOINT REQUIREMENTS OVERSIGHT COUNCIL.

(a) IN GENERAL.—The text of section 181 of title 10, United States Code, is amended to read as follows:

“(a) IN GENERAL.—There is a Joint Requirements Oversight Council in the Department of Defense.

“(b) MISSION.—The Joint Requirements Oversight Council shall—

“(1) assist the Chairman of the Joint Chiefs of Staff—

“(A) in assessing joint military capabilities to meet applicable requirements in the national defense strategy under section 118 of this title;

“(B) in identifying gaps in joint military capabilities, including gaps that could be filled by force-specific military capabilities or the modification of force-specific military capabilities;

“(C) in establishing requirements for new joint military capabilities based on advances in technology and concepts of operation;

“(D) in approving and prioritizing joint military capability requirements or the modification of force-specific military capabilities
needed to address gaps in joint military capabilities;

“(E) in validating proposed materiel capabilities, non-materiel capabilities, or both to fulfill approved joint military capability requirements;

“(F) in ensuring interoperability, where appropriate, of joint military capabilities and between and among joint military capabilities and force-specific military capabilities; and

“(G) in ensuring that appropriate trade-offs are made among life-cycle cost, schedule, performance objectives, and procurement quantity objectives in the establishment and approval of joint military capability requirements in consultation with the advisors specified in subsection (d);

“(2) assist the Chairman, in consultation with the advisors to the Council under subsection (d), in reviewing the estimated level of resources required in to fulfill each approved joint military capability requirement and in ensuring that the total cost of such resources is consistent with the level of priority assigned to such requirement;
“(3) assist acquisition officials in identifying alternatives to any acquisition program that meets approved joint military capability requirements for the purposes of sections 2366a(b), 2366b(a)(4), and 2433(e)(2) of this title; and

“(4) assist the Chairman, in consultation with the commanders of the combatant commands and the Under Secretary of Defense for Research and Engineering, in establishing an objective for the overall period of time within which an initial operational capability should be delivered to meet each approved joint military capability requirement.

“(c) COMPOSITION.—

“(1) IN GENERAL.—The Joint Requirements Oversight Council is composed of the following:

“(A) The Vice Chairman of the Joint Chiefs of Staff, who is the Chair of the Council and is the principal adviser to the Chairman of the Joint Chiefs for making recommendations about joint military capabilities or the modification of force-specific military capabilities to meet joint military capability requirements.

“(B) An Army officer in the grade of general.
“(C) A Navy officer in the grade of admiral.

“(D) An Air Force officer in the grade of general.

“(E) A Marine Corps officer in the grade of general.

“(2) RECOMMENDATIONS.—In making any recommendation to the Chairman as described in paragraph (1)(A), the Vice Chairman shall provide the Chairman any dissenting view of members of the Council under paragraph (1) with respect to such recommendation.

“(d) ADVISORS.—

“(1) IN GENERAL.—The following officials of the Department of Defense shall serve as advisors to the Joint Requirements Oversight Council on matters within their authority and expertise:

“(A) The Under Secretary of Defense for Policy.

“(B) The Under Secretary of Defense for Intelligence.

“(C) The Under Secretary of Defense for Research and Engineering.

“(D) The Director of Cost Assessment and Program Evaluation.
“(E) The Director of Operational Test and Evaluation.

“(F) The commander of a combatant command when matters related to the area of responsibility or functions of that command are under consideration by the Council.

“(2) INPUT FROM COMBATANT COMMANDS.— The Council shall seek and consider input from the commanders of the combatant commands in carrying out its mission under paragraphs (1) and (2) of subsection (b) and in conducting periodic reviews in accordance with the requirements of subsection (g).

“(3) INPUT FROM CHIEFS OF STAFF.—The Council shall seek, and strongly consider, the views of the Chiefs of Staff of the armed forces, in their roles as customers of the acquisition system, on matters pertaining to trade-offs among cost, schedule, technical feasibility, and performance in approving and prioritizing joint military capability requirements or the modification of force-specific military capabilities under subsection (b)(1)(D) and in the balancing of resources with priorities pursuant to subsection (b)(2).

“(e) FORCE-SPECIFIC MILITARY CAPABILITY REQUIREMENTS.—
“(1) Requirements as responsibility of armed force.—The Chief of Staff of an armed force is responsible for all force-specific military capability requirements for that armed force. Except as provided pursuant to paragraph (2), a force-specific military capability requirement does not need to be validated by the Joint Requirements Oversight Council before an acquisition program to meet such requirement may commence.

“(2) Exception.—The following force-specific military capability requirements shall be subject to oversight by the Council:

“(A) A force-specific military capability requirement designated by the Chairman of the Joint Chiefs of Staff for purposes of this paragraph, after a review conducted by the Chairman for purposes of this subsection.

“(B) A force-specific military capability requirement described by subparagraph (B), (C), or (F) of subsection (b)(1).

“(C) A force-specific military capability requirement that is addressed by a major defense acquisition program.

“(f) Analytic support from Director of Cost Assessment and Program Evaluation.—The Director
of Cost Assessment and Program Evaluation shall provide resources and expertise in operations research and systems analysis, and cost estimation, to the Joint Requirements Oversight Council to assist the Council in assessing trade-offs between cost, schedule, performance, and procurement quantity in the identification, establishment, and approval of joint military capability requirements.

“(g) Periodic Reviews of Core Missions of DoD.—The Joint Requirements Oversight Council shall conduct periodic reviews of joint military capability requirements within a core mission area of the Department of Defense. In any such review of a core mission area, the officer or official assigned to lead the review shall have a deputy from a different military department.

“(h) Availability of Oversight Information to Congressional Defense Committees.—The Secretary of Defense shall ensure that, in the case of a recommendation by the Chairman of the Joint Chiefs of Staff to the Secretary that is approved by the Secretary, oversight information with respect to such recommendation that is produced as a result of the activities of the Joint Requirements Oversight Council is made available in a timely fashion to the congressional defense committees.

“(i) Definitions.—In this section:
“(1) The term ‘military capability requirement’ means a materiel or non-materiel capability necessary to fulfill a gap in joint or force-specific military capabilities in support of the national defense strategy.

“(2) The term ‘major defense acquisition program’ has the meaning given that term in section 2430 of this title.

“(3) The term ‘oversight information’ means information and materials comprising analysis and justification that are prepared to support a recommendation that is made to, and approved by, the Secretary of Defense.”.

(b) MILESTONE APPROVALS.—

(1) MILESTONE A.—Section 2366a of title 10, United States Code, is amended—

(A) in subsection (b), in the subsection heading, by striking “WRITTEN” and inserting “MILESTONE DECISION AUTHORITY WRITTEN”;

(B) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(C) by inserting after subsection (b) the following new subsection:
“(c) Chairman of the Joint Chiefs of Staff

Written Determination Required.—A major defense acquisition program or subprogram may not receive Milestone A approval or otherwise be initiated prior to Milestone B approval until the Chairman of the Joint Chiefs of Staff determines in writing that the program or subprogram—

“(1) complies with applicable interoperability requirements established pursuant to section 181(b)(1)(F) of this title; and

“(2) is an appropriate use of resources that will effectively meet the future needs of the commanders of the combatant commands.”.

(2) Milestone B.—Section 2366b of title 10, United States Code, is amended—

(A) by redesignating subsections (g) as subsection (h); and

(B) by inserting after subsection (f) the following new subsection:

“(g) Chairman of the Joint Chiefs of Staff

Written Determination Required.—A major defense acquisition program may not receive Milestone B approval until the Chairman of the Joint Chiefs of Staff determines in writing that the program—
“(1) complies with applicable interoperability requirements established pursuant to section 181(b)(1)(F) of this title; and

“(2) is an appropriate use of resources that will effectively meet the future needs of the commanders of the combatant commands.”.

SEC. 944. ENHANCED PERSONNEL MANAGEMENT AUTHORITY FOR THE CHIEF OF THE NATIONAL GUARD BUREAU.

Section 10508 of title 10, United States Code, is amended—

(1) by inserting “(a) MANPOWER REQUIREMENTS OF NATIONAL GUARD BUREAU.—” before “The manpower requirements”; and

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

“(b) PERSONNEL FOR FUNCTIONS OF NATIONAL GUARD BUREAU.—

“(1) IN GENERAL.—The Chief of the National Guard Bureau may program for, appoint, employ, administer, detail, and assign persons under sections 2103, 2105, and 3101 of title 5, or section 328 of title 32, within the National Guard Bureau and the National Guard of each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and
the Virgin Islands to execute the functions of the National Guard Bureau and the missions of the National Guard, and missions as assigned by the Chief of the National Guard Bureau.

“(2) Administration through Adjutants General.—The Chief of the National Guard Bureau may designate the adjutants general referred to in section 314 of title 32 to appoint, employ, and administer the National Guard employees authorized by this subsection.

“(3) Administrative Actions.—Notwithstanding the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.) and under regulations prescribed by the Chief of the National Guard Bureau, all personnel actions or conditions of employment, including adverse actions under title 5, pertaining to a person appointed, employed, or administered by an adjutant general under this subsection shall be accomplished by the adjutant general of the jurisdiction concerned. For purposes of any administrative complaint, grievance, claim, or action arising from, or relating to, such a personnel action or condition of employment:

“(A) The adjutant general of the jurisdiction concerned shall be considered the head of
the agency and the National Guard of the jurisdiction concerned shall be considered the employing agency of the individual and the sole defendant or respondent in any administrative action.

“(B) The National Guard of the jurisdiction concerned shall defend any administrative complaint, grievance, claim, or action, and shall promptly implement all aspects of any final administrative order, judgment, or decision.

“(C) In any civil action or proceeding brought in any court arising from an action under this section, the United States shall be the sole defendant or respondent.

“(D) The Attorney General of the United States shall defend the United States in actions arising under this section described in subparagraph (C).

“(E) Any settlement, judgment, or costs arising from an action described in subparagraph (A) or (C) shall be paid from appropriated funds allocated to the National Guard of the jurisdiction concerned.”.
SEC. 945. MANAGEMENT OF DEFENSE CLANDESTINE HUMAN INTELLIGENCE COLLECTION.

(a) Actions Supporting Decision on Management of Clandestine Human Intelligence Collection.—

(1) In General.—The Secretary of Defense shall, in coordination with the Director of National Intelligence, undertake actions to support a decision on whether—

(A) to maintain a separate clandestine human intelligence (HUMINT) collection capability within the Defense Intelligence Agency; or

(B) to consolidate clandestine human intelligence collection within the Directorate of Operations of the Central Intelligence Agency.

(2) Particular Actions.—These actions undertaken under paragraph (1) shall include the pilot program required by subsection (b) and the assessment required by subsection (c).

(b) Pilot Program on Military Division Within Directorate of Operations.—

(1) In General.—The Secretary of Defense shall, in coordination with the Director of National Intelligence and the Director of the Central Intelligence Agency, carry out a pilot program to assess the feasibility and advisability of establishing a mili-
tary division within the Directorate of Operations of
the Central Intelligence Agency.

(2) ELEMENTS.—

(A) IN GENERAL.—The pilot program shall
consist of the following elements:

(i) Members of the Armed Forces and
civilian employees of the Department of
Defense who are trained to be human in-
telligence case officers (in this paragraph
referred to as “Department of Defense
case officers”) shall be detailed to, and
supported by, the Directorate of Oper-
ations.

(ii) An officer of the Armed Forces
shall serve as the deputy director of the
Director of Operations for the military di-
vision under the pilot program, in which
capacity the officer shall direct the activi-
ties of the Department of Defense case of-
ficers and rate their performance.

(iii) The Department of Defense case
officers, and any support personnel, de-
tailed under the pilot program shall be
drawn from the available pool of Defense
Clandestine Service military and civilian
billets and personnel for fiscal year 2017 or 2018, as applicable, and shall not be in addition to any personnel planned for the Defense Clandestine Service in the budget of the President for such fiscal year submitted to Congress pursuant to section 1105 of title 31, United States Code.

(iv) The Department of Defense case officers detailed under the pilot program shall be primarily assigned to collect human intelligence in support of Department of Defense requirements, with particular focus on collection on intelligence relating to science and technology.

(v) The information collected by the Department of Defense case officers detailed under the pilot program in support of Department requirements shall be made promptly and directly available to the Department.

(B) DURATION.—The pilot program shall run for such period as the Secretary considers appropriate, but less than three years.

(c) ASSESSMENT OF PILOT PROGRAM.—The Secretary of Defense and the Director of National Intelligence
shall jointly conduct an assessment of the pilot program under subsection (b). The assessment shall address the following:

(1) Whether institutional and procedural safeguards are available to ensure that the Department of Defense can rely on the Directorate of Operations of the Central Intelligence Agency to support the human intelligence collection requirements of the Department.

(2) Whether a high ratio of support personnel to deployed case officers in the Directorate of Operations translates into more productive collection of human intelligence when compared with a model of a lower ratio of support personnel to deployed case officers (as proposed by the Director of the Defense Intelligence Agency for the Defense Clandestine Service).

(3) Whether a consolidated clandestine human intelligence collection organization charged with meeting the needs of the Department and the intelligence community provides a more effective and efficient solution than two organizations, one serving within the Department and the other serving within the Central Intelligence Agency.
(4) Whether it is more effective and efficient to provide support and perform oversight of the consolidated organization described in paragraph (3) through the Directorate of Operations or the Defense Intelligence Agency.

(5) Whether a permanent military division within the Directorate of Operations should be funded within the Military Intelligence Program (MIP) or the National Intelligence Program (NIP).

(d) REPORTS.—

(1) Initial report.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the appropriate committees of Congress a report on the actions taken to implement the pilot program required by subsection (b).

(2) Final report.—Not later than three years after the date of the enactment of this Act, the Secretary and the Director shall jointly submit to the appropriate committees of Congress a report on the actions taken under this section. The report shall include the following:

(A) A description of the pilot program under subsection (b).
(B) The elements of the assessment under subsection (e).

(C) The joint decision of the Secretary and the Director under subsection (a) on whether—

(i) to maintain a separate clandestine human intelligence collection capability within the Defense Intelligence Agency; or

(ii) to consolidate clandestine human intelligence collection within the Directorate of Operations of the Central Intelligence Agency.

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

(1) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 946. REPEAL OF FINANCIAL MANAGEMENT MODERNIZATION EXECUTIVE COMMITTEE.

(a) REPEAL.—Section 185 of title 10, United States Code, is repealed.
(b) Clerical Amendment.—The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 185.

**SEC. 947. REORGANIZATION AND REDESIGNATION OF OFFICE OF FAMILY POLICY AND OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.**

(a) Office of Family Policy.—

(1) Redesignation as Office of Military Family Readiness Policy.—Section 1781(a) of title 10, United States Code, is amended—

(A) by striking “Office of Family Policy” and inserting “Office of Military Family Readiness Policy”; and

(B) by striking “Director of Family Policy” and inserting “Director of Military Family Readiness Policy”.

(2) Requirement for Director to be member of Senior Executive Service or General or Flag Officer.—Such section is further amended by adding at the end the following new sentence: “The Director shall be a member of the Senior Executive Service or a general officer or flag officer.”.

(3) Inclusion of Director on Military Family Readiness Council.—Subsection (b)(1)(E)
of section 1781a of such title is amended by striking “Office of Community Support for Military Families with Special Needs” and inserting “Office of Military Family Readiness Policy”.

(4) **CONFORMING AMENDMENT.**—Section 131(b)(7)(F) of such title is amended by striking “Director of Family Policy” and inserting “Director of Military Family Readiness Policy”.

(5) **HEADING AND CLERICAL AMENDMENTS.**—

(A) **SECTION HEADING.**—The heading of section 1781 of such title is amended to read as follows:

“§ 1781. Office of Military Family Readiness Policy”.

(B) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 88 of such title is amended by striking the item relating to section 1781 and inserting the following new item:

“1781. Office of Military Family Readiness Policy.”.

(b) **OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.**—

(1) **REDESIGNATION AS OFFICE OF SPECIAL NEEDS.**—Subsection (a) of section 1781c of title 10, United States Code, is amended by striking “Office of Community Support for Military Families with
Special Needs” and inserting “Office of Special Needs”.

(2) Reorganization Under Office of Military Family Readiness Policy.—Such subsection is further amended by striking “Office of the Under Secretary of Defense for Personnel and Readiness” and inserting “Office of Military Family Readiness Policy”.

(3) Repeal of Requirement for Head of Office to Be Member of Senior Executive Service or General or Flag Officer.—Such section is further amended by striking subsection (c).

(4) Conforming Amendments.—Such section is further amended—

(A) by redesignating subsections (d) through (i) as subsections (c) through (h), respectively;

(B) by striking “subection (e)” each place it appears and inserting “subection (d)”;

(C) in subsection (c), as so redesignated, by striking “subection (f)” in paragraph (2) and inserting “subection (e)”; and

(D) in subsection (g), as so redesignated—
• in paragraph (2)(A), by striking “subsection (d)(3)” and inserting “subsection (c)(3)”;

(ii) in paragraph (2)(B), by striking “subsection (d)(4)” and inserting “subsection (c)(4)”.

(5) Heading and clerical amendments.—

(A) Section heading.—The heading of such section is amended to read as follows:

“§ 1781c. Office of Special Needs”.

(B) Clerical amendment.—The table of sections at the beginning of chapter 88 of such title is amended by striking the item relating to section 1781c and inserting the following new item:

“1781c. Office of Special Needs.”.

SEC. 948. PILOT PROGRAMS ON WAIVER OF APPLICABILITY OF RULES AND REGULATIONS TO DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES AND DARPA TO IMPROVE OPERATIONS AND PERSONNEL MANAGEMENT.

(a) Pilot Programs Authorized.—The director of a Department of Defense science and technology reinvention laboratory and the Director of the Defense Advanced Research Projects Agency may carry out a pilot program
to assess the feasibility and advisability of enhancing operations and personnel management of such laboratory or Agency through the waiver of one or more regulations, instructions, publications, policies, or procedures of the Department of Defense or a military department otherwise applicable to such laboratory or the Defense Advanced Research Projects Agency. A provision of statutory law may not be waived under such a pilot program.

(b) PRIORITY IN WAIVER OF RULES AND REGULATIONS ON OPERATIONS AND PERSONNEL MANAGEMENT.—In carrying out a pilot program under subsection (a), the director of a Department of Defense science and technology reinvention laboratory or the Director of the Defense Advanced Research Projects Agency shall place priority on the waiver of regulations, instructions, publications, policies, or procedures relating to the operations and personnel management of the laboratory concerned or the Defense Advanced Research Projects Agency, as applicable, including regulations, instructions, publications, policies, or procedures relating to the following:

(1) Facilities management, construction, and repair.

(2) Business operations.

(3) Human resources.

(4) Public outreach.
(c) Waiver Justification.—

(1) DoD Laboratories.—The director of a Department of Defense science and technology laboratory proposing to grant a waiver under a pilot program under subsection (a) shall submit to the Secretary of the military department concerned and the General Counsel of that military department a justification for the waiver, including the matters specified in paragraph (3).

(2) DARPA.—The Director of the Defense Advanced Research Projects Agency shall submit to the Chief Management Officer of the Department of Defense and the General Counsel of the Department of Defense a justification for each waiver proposed to be issued by the Director under a pilot program under subsection (a), including the matters specified in paragraph (3).

(3) Waiver Justification Matters.—The matters to be included in the justification for a waiver under this subsection are the following:

(A) The regulation, instruction, publication, policy, or procedure to be waived.

(B) The unit or activity to be affected by the waiver.

(C) The anticipated duration of the waiver.
(D) An assessment of the anticipated monetary or operational benefits of the waiver.

(E) A legal review of the waiver by—

(i) in the case of a waiver covered by paragraph (1), a senior legal officer of the laboratory concerned; or

(ii) in the case of a waiver covered by paragraph (2), a senior legal officer of the Defense Advanced Research Projects Agency.

(d) WAIVER EFFECTIVENESS.—

(1) DoD LABORATORIES.—A waiver proposed for a Department of Defense science and technology laboratory under a pilot program under subsection (a) shall go into effect at the end of the 30-day period beginning on the date of the receipt by the Secretary of the military department concerned of the justification for the waiver under subsection (c)(1), unless the Secretary disapproves the waiver during that period. The Secretaries of the military departments shall have sole discretion to disapprove waivers for purposes of pilot programs under subsection (a), subject to the direction of the Secretary of Defense.
(2) DARPA.—A waiver proposed for the Defense Advanced Research Projects Agency under a pilot program under subsection (a) shall go into effect at the end of the 30-day period beginning on the date of the receipt by the Chief Management Officer of the Department of Defense of the justification for the waiver under subsection (c)(2), unless the Chief Management Officer, in the Chief Management Officer’s sole discretion, disapproves the waiver during that period.

(3) CONSIDERATIONS.—In considering whether or not to disapprove a waiver pursuant to this subsection, the Secretaries of the military departments and the Chief Management Officer shall take into account whether the waiver will enhance the operations or personnel management of the laboratory concerned or the Defense Advanced Research Projects Agency, as applicable.

(e) DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY REINVENTION LABORATORY DEFINED.—In this section, the term “Department of Defense science and technology reinvention laboratory” means a laboratory specified in section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2358 note).
(f) **TERMINATION.**—

(1) **IN GENERAL.**—The authority to grant waivers under subsection (a) shall expire on December 31, 2023.

(2) **CONTINUATION OF PRIOR WAIVERS.**—Nothing in paragraph (1) shall act to terminate a waiver granted under subsection (a) before the date specified in paragraph (1). Any such waiver may continue according to its terms unless otherwise terminated by the Secretary of the military department concerned or the Chief Management Officer of the Department of Defense, as applicable.

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

**SEC. 961. IMPROVEMENTS TO WHISTLEBLOWER PROTECTION PROCEDURES.**

(a) **ACTIONS TREATABLE AS PROHIBITED PERSONNEL ACTIONS.**—Paragraph (2) of subsection (b) of section 1034 of title 10, United States Code, is amended to read as follows:

“(2)(A) The actions considered for purposes of this section to be a personnel action prohibited by this subsection shall include any action prohibited by paragraph (1), including the threat to take any unfavorable action,
the withholding or threat to withhold any favorable action,
making or threatening to make a significant change in the
duties or responsibilities of a member of the armed forces
not commensurate with the member’s grade, a retaliatory
investigation, and the failure of a superior to respond to
retaliatory action or harassment by one or more subordi-
nates taken against a member of which the superior knew
or should have known.

“(B) In this paragraph, the term ‘retaliatory inves-
tigation’ means an investigation requested, directed, initi-
ated, or conducted for the primary purpose of punishing,
harassing, or ostracizing a member for making a protected
communication.

“(C) Nothing in this paragraph shall be construed to
limit the ability of a commander to consult with a superior
in the chain of command, an inspector general, or a judge
advocate general on the disposition of a complaint against
a member of the armed forces for an allegation of collat-
eral misconduct or for a matter unrelated to a protected
communication. Such consultation shall provide an affirm-
ative defense against an allegation that a member re-
quested, directed, initiated, or conducted a retaliatory in-
vestigation under this section.”.

(b) Action in Response to Hardship in Connection With Personnel Actions.—
(1) IN GENERAL.—Subsection (c)(4) of such section is amended—

(A) by redesignating subparagraph (E) as subparagraph (F); and

(B) by inserting after subparagraph (D) the following new subparagraph (E):

“(E) If the Inspector General makes a preliminary determination in an investigation under subparagraph (D) that there are reasonable grounds to believe that a personnel action prohibited by subsection (b) has occurred and the personnel action will result in an immediate hardship to the member alleging the personnel action, the Inspector General shall promptly notify the Secretary of the military department concerned or the Secretary of Homeland Security, as applicable, of the hardship, and such Secretary shall take such action as such Secretary considers appropriate.”.

(2) CONFORMING AMENDMENT.—Subsection (e)(1) of such section is amended by striking “subsection (c)(4)(E)” and inserting “subsection (c)(4)(F)”.

(c) PERIODIC NOTICE TO MEMBERS ON PROGRESS OF INSPECTOR GENERAL INVESTIGATIONS.—Paragraph (3) of subsection (e) of such section is amended to read as follows:
“(3)(A) Not later than 180 days after the commencement of an investigation of an allegation under subsection (c)(4), and every 180 days thereafter until the transmission of the report on the investigation under paragraph (1) to the member concerned, the Inspector General 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 subsection (g) of such section is amended to read as follows:
“(2) In resolving an application described in para-
graph (1) for which there is a report of the Inspector Gen-
eral 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 pro-
hibited 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 Inspector 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 Inspector General in the conduct of such investigations.

SEC. 962. MODIFICATION OF WHISTLEBLOWER PROTECTION AUTHORITIES TO RESTRICT CONTRARY FINDINGS OF PROHIBITED PERSONNEL ACTION BY THE SECRETARY CONCERNED.

(a) IN GENERAL.—Section 1034(f) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking “VIOLATIONS” and inserting “SUBSTANTIATED VIOLATIONS”; and

(2) in paragraph (1), by striking “there is sufficient basis” and all that follows and inserting “corrective or disciplinary action should be taken. If the Secretary concerned determines that corrective or disciplinary action should be taken, the Secretary
shall take appropriate corrective or disciplinary action.”.

(b) ACTIONS FOLLOWING DETERMINATIONS.—Paragraph (2) of such section is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking “the Secretary concerned determines under paragraph (1)” and inserting “the Inspector General determines”; and

(B) by striking “the Secretary shall” and inserting “the Secretary concerned shall”;

(2) in subparagraph (A), by inserting “, including referring the report to the appropriate board for the correction of military records” before the semi-colon; 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 semianual report to Congress of the Inspector General of the Department of Defense or the Inspector General of the Department of Home-
land Security, as applicable, under section 5 of the

(c) EFFECTIVE DATE.—The amendments made by
this section shall take effect on the date of the enactment
of this Act, and shall apply with respect to reports received
by the Secretaries of the military departments and the
Secretary of Homeland Security under section 1034(e) of
title 10, United States Code, on or after that date.

SEC. 963. IMPROVEMENTS TO AUTHORITIES AND PROCE-
DURES FOR THE CORRECTION OF MILITARY
RECORDS.

(a) PROCEDURES OF BOARDS.—Paragraph (3) of
section 1552(a) of title 10, United States Code, is amend-
ed—

(1) by inserting “(A)” after “(3)”; and

(2) by adding at the end the following new sub-
paragraphs:

“(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 informa-
tion or documents necessary to make the claim complete
and reviewable by the board.

“(C) If a claimant is unable to provide military per-
sonnel 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 docu-
mentary evidence of the efforts of the claimant to obtain
such records. The board shall inform the claimant of the
results of the board’s efforts, and shall provide the claim-
ant copies of any records so obtained upon request of the
claimant.

“(D) Any request for reconsideration of a determina-
tion of a board under this section, no matter when filed,
shall be reconsidered by a board under this section if sup-
ported by materials not previously presented to or consid-
ered by the board in making such determination.”.

(b) JUDICIAL REVIEW OF DETERMINATIONS OF
BOARDS.—Paragraph (4) of such section is amended—

(1) by inserting “(A)” after “(4)”;

(2) in subparagraph (A), as so designated, by
inserting “or subject to review or appeal as de-
scribed in subparagraph (B)” after “Except when
procured by fraud”; and

(3) by adding at the end the following new sub-
paragraph:

“(B) A claimant may seek judicial review of a deter-
mination of a board under this section in an appropriate
court of the United States. The scope of judicial review
under this subparagraph shall be as specified in section 706 of title 5.”.

(c) Publication of Final Decisions of Boards.—Such section is further amended by adding at the end the following new paragraph:

“(5) Each final decision of a board under this subsection shall be made available to the public in electronic form on a centralized Internet website. In any decision so made available to the public there shall be redacted all personally identifiable information.”.

(d) Training of Members of Boards.—

(1) In general.—Not later than one year after the date of the enactment of this Act, each Secretary concerned shall develop and implement a comprehensive training curriculum for members of boards for the correction of military records under the jurisdiction of such Secretary in the duties of such boards under section 1552 of title 10, United States Code. The curriculum shall address all areas of administrative law applicable to the duties of such boards.

(2) Uniform curricula.—The Secretary of Defense and the Secretary of Homeland Security shall jointly ensure that the curricula developed and
implemented pursuant to this subsection are, to the
extent practicable, uniform.

(3) Training.—

(A) In General.—Each member of a
board for the correction of military records
shall undergo retraining (consistent with the
curriculum developed and implemented pursuant
to this subsection) regarding the duties of
boards for the correction of military records
under section 1552 of title 10, United States
Code, at least once every five years during the
member’s tenure on the board.

(B) Current Members.—Each member
of a board for the correction of military records
as of the date of the implementation of the cur-
riculum required by paragraph (1) (in this
paragraph referred to as the “curriculum imple-
mentation date”) shall undergo training de-
scribed 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 imple-
mentation date shall undergo training described
in subparagraph (A) by not later than 90 days
after the date on which such individual becomes a member of the board.

(4) REPORTS.—Not later than 18 months after the date of the enactment of this Act, each Secretary concerned shall submit to Congress a report setting forth the following:

(A) A description and assessment of the progress made by such Secretary in implementing training requirements for members of boards for the correction of military records under the jurisdiction of such Secretary.

(B) A detailed description of the training curriculum required of such Secretary by paragraph (1).

(C) A description and assessment of any impediments to the implementation of training requirements for members of boards for the correction of military records under the jurisdiction of such Secretary.

(5) SECRETARY CONCERNED DEFINED.—In this subsection, the term “Secretary concerned” means a “Secretary concerned” as that term is used in section 1552 of title 10, United States Code.
SEC. 964. COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF INTEGRITY OF DEPARTMENT OF DEFENSE WHISTLEBLOWER PROGRAM.

(a) Report Required.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a review of the integrity of the Department of Defense whistleblower program.

(b) Elements.—The review for purposes of the report required by subsection (a) shall include the following elements:

(1) An assessment of the extent to which the Department of Defense whistleblower program meets Executive branch policies and goals for whistleblower protections.

(2) An assessment of the adequacy of procedures to handle and address complaints submitted by employees in the Office of the Inspector General of the Department of Defense to ensure that such employees themselves are able to disclose a suspected violation of law, rule, or regulation without fear of reprisal.
(3) An assessment of the extent to which there have been violations of standards used in regard to the protection of confidentiality provided to whistleblowers by the Inspector General of the Department of Defense.

(4) An assessment of the extent to which there have been incidents of retaliatory investigations against whistleblowers within the Office of the Inspector General.

(5) An assessment of the extent to which the Inspector General of the Department of Defense has thoroughly investigated and substantiated allegations within the past 10 years against civilian officials of the Department of Defense appointed to their positions by and with the advice and consent of the Senate, and whether Congress has been notified of the results of such investigations.

(6) An assessment of the ability of the Inspector General of the Department of Defense and the Inspectors General of the military departments to access agency information necessary to the execution of their duties, including classified and other sensitive information, and an assessment of the adequacy of security procedures to safeguard such classified or sensitive information when so accessed.
Subtitle E—Other Matters

SEC. 971. MODIFICATION OF REQUIREMENTS FOR ACCOUNTING FOR MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES LISTED AS MISSING.

(a) LIMITATION OF DPAA TO MISSING PERSONS FROM PAST CONFLICTS.—Section 1501(a) of title 10, United States Code, is amended—

(1) in paragraph (1)(A), by inserting “from past conflicts” after “matters relating to missing persons”;

(2) in paragraph (2)—

(A) by striking subparagraph (A);

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

(C) by inserting “from past conflicts” after “missing persons” each place it appears;

(3) in paragraph (4)—

(A) by striking “for personal recovery (including search, rescue, escape, and evasion) and”;

and

(B) by inserting “from past conflicts” after “missing persons”; and

(4) by striking paragraph (5).
(b) Action Upon Discovery or Receipt of Information.—Section 1505(c) of such title is amended in paragraphs (1), (2), and (3) by striking “designated Agency Director” and inserting “Secretary of Defense”.

(c) Definition of “Accounted For”.—Section 1513(3)(B) of such title is amended by inserting “to the extent practicable” after “are recovered”.

SEC. 972. Modification of Authority of the Secretary of Defense Relating to Protection of the Pentagon Reservation and Other Department of Defense Facilities in the National Capital Region.

(a) Law Enforcement Authority.—Subsection (b) of section 2674 of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (5); and

(2) by striking the matter in such subsection preceding such paragraph and inserting the following:

“(b)(1) The Secretary shall protect the buildings, grounds, and property located in the National Capital Region that are occupied by, or under the jurisdiction, custody, or control of, the Department of Defense, and the persons on that property.
“(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 Sec-
retary 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 Uni-
form Code of Military Justice);

“(E) restrict any other authority of the Sec-
retary of Defense or the Secretary of a military de-
partment; 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 En-
forcement Personnel.—Paragraph (5) of such sub-
section, as redesignated by subsection (a)(1) of this sec-
tion, is amended by inserting “, whichever is greater” be-
fore 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.—
IN GENERAL.—Chapter 41 of title 10, United States Code, is amended by inserting after section 713 a new section 714 consisting of—

(A) a heading as follows:

“§ 714. Senior leaders of the Department of Defense and other specified persons: authority to provide protection within the United States”; and

(B) a text consisting of the text of subsections (a) through (d) of section 1074 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 113 note).

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by adding at the end the following new item:

“714. Senior leaders of the Department of Defense and other specified persons: authority to provide protection within the United States.”.

(3) REPEAL OF CODIFIED PROVISION.—Section 1074 of the National Defense Authorization Act for Fiscal Year 2008 is repealed.

(4) CONFORMING AND STYLISTIC AMENDMENTS DUE TO CODIFICATION.—Section 714 of title 10, United States Code, as added by paragraph (1), is amended—
(A) in subsections (a), (b)(1), and (d)(1), by striking “Armed Forces” and inserting “armed forces”;

(B) in subsection (c)—

(i) by striking “section:” and all that follows through “Forces’ and” and inserting “section, the terms ‘qualified members of the armed forces’ and”; and

(ii) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively, and realigning the left margin of such paragraphs, as so redesignated, two ems to the left; and

(C) in subsection (d)(2), by striking “,

United States Code”.

(5) AMENDMENTS FOR CONSISTENCY WITH TITLE 10 USAGE AS TO SERVICE CHIEFS.—Such section is further amended—

(A) in subsection (a)—

(i) in paragraph (6), by striking “Chiefs of the Services” and inserting “Members of the Joint Chiefs of Staff in addition to the Chairman and Vice Chairman”;

(ii) by striking paragraph (7); and
(iii) by redesignating paragraph (8) as paragraph (7); and

(B) in subsection (b)(1), by striking “through (8)” and inserting “through (7)”.

(6) AMENDMENTS FOR CONSISTENCY WITH TITLE 10 USAGE AS TO “MILITARY MEMBER”.—Subsection (b)(2)(A) of such section is amended—

(A) by striking “, military member,”; and

(B) by inserting after “of the Department of Defense” the following: “or member of the armed forces”.

SEC. 973. ENHANCED SECURITY PROGRAMS FOR DEPARTMENT OF DEFENSE PERSONNEL AND INNOVATION INITIATIVES.

(a) ENHANCEMENT OF SECURITY PROGRAMS GENERALLY.—

(1) PERSONNEL BACKGROUND AND SECURITY INVESTIGATIONS REQUIRED.—The Secretary of Defense shall take such actions as may be necessary for the Defense Security Service to conduct, before October 1, 2017, background investigations for personnel of the Department of Defense whose investigations are adjudicated by the Consolidated Adjudication Facility of the Department.
(2) Transfer of investigative personnel to Department of Defense.—Not later than October 1, 2017, the Secretary and the Director of the Office of Personnel Management shall develop and carry out a plan to transfer Government investigative personnel and contracted resources to the Department in proportion to the background and security investigative workload to be assumed by the Department.

(3) Report.—Not later than August 15, 2016, the Secretary shall submit to the congressional defense committees a report on the number of full-time equivalent employees of the management headquarters of the Department that will be required by the Defense Security Service to carry out this section.

(4) Collection, storage, and retention of information by insider threat programs.—In order to enable detection and mitigation of potential insider threats, the Secretary shall ensure that insider threat programs of the Department of Defense collect, store, and retain information from the following:

(A) Personnel security.

(B) Physical security.
(C) Information security.
(D) Law enforcement.
(E) Counterintelligence.
(F) User activity monitoring.
(G) Information assurance.
(H) Such other data sources as the Secretary considers necessary and appropriate.

(b) Establishment of Enhanced Security Program to Support Department of Defense Innovation Initiative.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a personnel security program, and take such other actions as the Secretary deems appropriate, to support the Innovation Initiative of the Department to better leverage commercial technology.

(2) Policies and procedures.—In establishing the program required by paragraph (1), the Secretary shall develop policies and procedures to rapidly and inexpensively investigate and adjudicate security clearances for personnel from commercial companies with innovative technologies and solutions to enable such companies to receive relevant threat
reporting and to propose solutions for a broader set of Department requirements.

(3) ACCESS TO CLASSIFIED INFORMATION.—
The Secretary shall ensure that access to classified information under the program required by paragraph (1) is not contingent on a company already being under contract with the Department.

(4) AWARD OF SECURITY CLEARANCES.—The Secretary may award secret clearances under the program required by paragraph (1) for limited purposes and periods relating to the acquisition or modification of capabilities and services.

(e) RECIPROCITY FOR SENSITIVE NATIONAL SECURITY POSITIONS.—

(1) RECIPROCITY DIRECTIVE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall coordinate with the Security Executive Agent, in consultation with the Suitability Executive Agent, to issue an updated reciprocity directive that accounts for security policy changes associated with new position designation regulations under section 1400 of title 5, Code of Federal Regulations, new continuous evaluation policies, and new Federal investigative standards.
(2) IMPLEMENTATION DIRECTIVES.—The Secretary of Defense, working with the Security Executive Agent and the Suitability Executive Agent, shall jointly develop and issue directives on—

(A) completing the implementation of the National Security Sensitive Position designations required by section 1400 of title 5, Code of Federal Regulations; and

(B) aligning to the maximum practical extent the investigative and adjudicative standards and criteria for positions requiring access to classified information and national security sensitive positions not requiring access to classified information to ensure effective and efficient reciprocity and consistent designation of like-positions across the Federal Government.

(d) INSIDER THREAT DEFINED.—In this section, the term “insider threat” means, with respect to the Department, a threat presented by a person who—

(1) has, or once had, authorized access to information, a facility, a network, a person, or a resource of the Department; and

(2) wittingly, or unwittingly, commits—

(A) an act in contravention of law or policy that resulted in, or might result in, harm
through the loss or degradation of government
or company information, resources, or capabili-
ties; or

(B) a destructive act, which may include
physical harm to another in the workplace.

TITLE X—GENERAL PROVISIONS
Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the
Secretary of Defense that such action is necessary in
the national interest, the Secretary may transfer
amounts of authorizations made available to the De-
partment of Defense in this division for fiscal year
2017 between any such authorizations for that fiscal
year (or any subdivisions thereof). Amounts of au-
thorizations so transferred shall be merged with and
be available for the same purposes as the authoriza-
tion to which transferred.

(2) LIMITATION.—Except as provided in para-
graph (3), the total amount of authorizations that
the Secretary may transfer under the authority of
this section may not exceed $4,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN
MILITARY PERSONNEL AUTHORIZATIONS.—A trans-
fer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by subsection (a) to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).
SEC. 1002. INCREASED USE OF COMMERCIAL DATA INTEGRATION AND ANALYSIS PRODUCTS FOR THE PURPOSE OF PREPARING FINANCIAL STATEMENT AUDITS.

(a) Deployment of Data Analytics Capabilities.—The Secretary of Defense shall use competitive procedures under chapter 137 of title 10, United States Code, to procure as soon as practicable information technology services, including non-relational database, data analysis, and data integration platforms, to improve preparation of auditable financial statements for the Department of Defense.

(b) Use of Funding and Resources.—The Secretary of Defense shall use science and technology funding, prototypes, and test and evaluation resources as appropriate in support of this deployment.

(c) Report on Performance.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Chief Financial Officer and the Chief Management Officer of the Department of Defense, shall submit to the congressional defense committees a report on the capabilities procured pursuant to subsection (a), including the results of using such capabilities in connection with auditing a financial statement of the Department of Defense.
SEC. 1003. SENSE OF SENATE ON SEQUESTRATION.

It is the sense of the Senate that—

(1) the fiscal challenges of the Nation are a top priority for Congress, and sequestration—nonstrategic, across-the-board budget cuts—remains an unreasonable and inadequate budgeting tool to address the deficits and debt of the United States;

(2) sequestration relief must be accomplished for fiscal years 2018 through 2021, the remaining years of the discretionary spending caps under the Budget Control Act of 2011;

(3) sequestration relief should include both defense and nondefense relief; and

(4) sequestration relief should be offset through targeted changes in mandatory and discretionary spending and revenues.

Subtitle B—Counter-Drug Activities

SEC. 1006. CODIFICATION AND MODIFICATION OF AUTHORITY TO PROVIDE SUPPORT FOR COUNTER-DRUG ACTIVITIES AND ACTIVITIES TO COUNTER TRANSNATIONAL ORGANIZED CRIME OF CIVILIAN LAW ENFORCEMENT AGENCIES.

(a) Codification and Modification.—
(1) In General.—Chapter 18 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 384. Support for counter-drug activities and activities to counter transnational organized crime

“(a) Support to Other Agencies.—The Secretary of Defense may provide support for the counter-drug activities or activities to counter transnational organized crime of any other department or agency of the Federal Government or of any State, local, tribal, or foreign law enforcement agency for any of the purposes set forth in subsection (b) or (c), as applicable, if—

“(1) in the case of support described in subsection (b), such support is requested—

“(A) by the official who has responsibility for the counterdrug activities or activities to counter transnational organized crime of the department or agency of the Federal Government, in the case of support for other departments or agencies of the Federal Government; or

“(B) by the appropriate official of a State, local, or tribal government, in the case of sup-
port for State, local, or tribal law enforcement agencies; or

“(2) in the case of support described in subsection (c), such support is requested by an appropriate official of a department or agency of the Federal Government that has counter-drug responsibilities or responsibilities for countering transnational organized crime.

“(b) Types of Support for Agencies of United States.—The purposes for which the Secretary may provide support under subsection (a) for other departments or agencies of the Federal Government or a State, local, or tribal law enforcement agencies, are the following:

“(1) The maintenance and repair of equipment that has been made available to any department or agency of the Federal Government or to any State, local, or tribal government by the Department of Defense for the purposes of—

“(A) preserving the potential future utility of such equipment for the Department of Defense; and

“(B) upgrading such equipment to ensure compatibility of that equipment with other equipment used by the Department.
“(2) The maintenance, repair, or upgrading of equipment (including computer software), other than equipment referred to in paragraph (1) for the purpose of—

“(A) ensuring that the equipment being maintained or repaired is compatible with equipment used by the Department of Defense; and

“(B) upgrading such equipment to ensure the compatibility of that equipment with equipment used by the Department.

“(3) The transportation of personnel of the United States and foreign countries (including per diem expenses associated with such transportation), and the transportation of supplies and equipment, for the purpose of facilitating counter-drug activities or activities to counter transnational organized crime within or outside the United States.

“(4) The establishment (including an unspecified minor military construction project) and operation of bases of operations or training facilities for the purpose of facilitating counter-drug activities or activities to counter transnational organized crime of the Department of Defense or any Federal, State,
local, or tribal law enforcement agency within or outside the United States.

“(5) Counter-drug or counter-transnational organized crime related training of law enforcement personnel of the Federal Government, of State, local, and tribal governments, including associated support expenses for trainees and the provision of materials necessary to carry out such training.

“(6) The detection, monitoring, and communication of the movement of—

“(A) air and sea traffic within 25 miles of and outside the geographic boundaries of the United States; and

“(B) surface traffic outside the geographic boundary of the United States and within the United States not to exceed 25 miles of the boundary if the initial detection occurred outside of the boundary.

“(7) Construction of roads and fences and installation of lighting to block drug smuggling corridors across international boundaries of the United States.

“(8) Establishment of command, control, communications, and computer networks for improved
integration of law enforcement, active military, and National Guard activities.

“(9) The provision of linguist and intelligence analysis services.

“(10) Aerial and ground reconnaissance.

“(e) Types of Support for Foreign Law Enforcement Agencies.—The purposes for which the Secretary may provide support under subsection (a) for foreign law enforcement agencies are the following:

“(1) The transportation of personnel of the United States and foreign countries (including per diem expenses associated with such transportation), and the transportation of supplies and equipment, for the purpose of facilitating counter-drug activities or activities to counter transnational organized crime within or outside the United States.

“(2) The establishment (including an unspecified minor military construction project) and operation of bases of operations or training facilities for the purpose of facilitating counter-drug activities or activities to counter transnational organized crime of a foreign law enforcement agency outside the United States.

“(d) Limitation on Counter-drug Requirements.—The Secretary may not limit the requirements
for which support may be provided under subsection (a)
only to critical, emergent, or unanticipated requirements.

“(e) CONTRACT AUTHORITY.—In carrying out sub-
section (a), the Secretary may acquire services or equip-
ment by contract for support provided under that sub-
section if the Department of Defense would normally ac-
quire such services or equipment by contract for the pur-
pose of conducting a similar activity for the Department.

“(f) LIMITED WAIVER OF PROHIBITION.—Notwith-
standing section 376 of this title, the Secretary may pro-
vide support pursuant to subsection (a) in any case in
which the Secretary determines that the provision of such
support would adversely affect the military preparedness
of the United States in the short term if the Secretary
determines that the importance of providing such support
outweighs such short-term adverse effect.

“(g) CONDUCT OF TRAINING OR OPERATION TO AID
CIVILIAN AGENCIES.—In providing support pursuant to
subsection (a), the Secretary may plan and execute other-
wise valid military training or operations (including train-
ing 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 agen-
cies.
“(h) Relationship to Other Support Authorities.—

“(1) Additional Authority.—The authority provided in this section for the support of counter-drug activities or activities to counter transnational organized crime by the Department of Defense is in addition to, and except as provided in paragraph (2), not subject to the other requirements of this chapter.

“(2) Exception.—Support under this section shall be subject to the provisions of section 375 and, except as provided in subsection (e), section 376 of this title.

“(i) Congressional Notification of Facilities Projects.—

“(1) In General.—When a decision is made to carry out a military construction project described in paragraph (2), the Secretary shall submit to the congressional defense committees written notice of the decision, including the justification for the project and the estimated cost of the project. The project may be commenced only after the end of the 21-day period beginning on the date on which the written notice is received by Congress.
“(2) COVERED PROJECTS.—Paragraph (1) applies to an unspecified minor military construction project that—

“(A) is intended for the construction, modification, or repair of any facility for the purposes set forth in subsection (b)(4) or (c)(2); and

“(B) has an estimated cost of more than $250,000.

“(3) CONSTRUCTION OF NOTICE REQUIREMENT.—This subsection may not be construed as an authorization for the use of funds for any military construction project that would exceed the approved cost limitations of an unspecified minor military construction project under section 2805(a)(2) of this title.

“(j) DEFINITIONS.—In this section:

“(1) The term ‘Indian tribe’ means a Federally recognized Indian tribe.

“(2) The term ‘tribal government’ means the governing body of an Indian tribe, the status of whose land is ‘Indian country’ as defined in section 1151 of title 18 or held in trust by the United States for the benefit of the Indian tribe.
“(3) The term ‘tribal law enforcement agency’ means the law enforcement agency of a tribal government.

“(4) The term ‘transnational organized crime’ means self-perpetuating associations of individuals who operate transnationally for the purpose of obtaining power, influence, monetary, or commercial gains, wholly or in part by illegal means, while protecting their activities through a pattern of corruption or violence or through a transnational organization structure and the exploitation of transnational commerce or communication mechanisms.”.

(2) Clerical Amendment.—The table of sections at the beginning of chapter 18 of such title is amended by adding at the end the following new item:

“384. Support for counter-drug activities and activities to counter transnational organized crime.”.

(b) Repeal of Superseded Authority.—Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is repealed.

SEC. 1007. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTERDRUG AND COUNTERTERORISM CAMPAIGN IN COLOMBIA.

(1) in subsection (a)(1), by striking “2017” and inserting “2021”; and

(2) in subsection (c), by striking “2017” and inserting “2021”.

Subtitle C—Naval Vessels and Shipyards

SEC. 1011. AVAILABILITY OF FUNDS FOR RETIREMENT OR INACTIVATION OF CRUISERS OR DOCK LAND-ING SHIPS.

(a) LIMITATION ON AVAILABILITY OF FUNDS.—Except as provided in subsections (b) through (g), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 may be obligated or expended to retire, prepare to retire, or inactivate a TICONDEROGA–class cruiser, WHIDBEY ISLAND–class dock landing ship, or HARPERS FERRY–class dock landing ship.

(b) CERTIFICATION OF REQUIREMENT FOR OPER-ATIONAL CRUISERS AND DOCK LANDING SHIPS.—The Chief of Naval Operations shall certify to the congres-sional defense committees the Navy requirement for oper-
ational cruisers and dock landing ships, as provided under subsection (d)(1), from fiscal year 2017 through fiscal year 2030. The certification shall also state the requirement for basic (BMD 3.X), intermediate (BMD 4.X), and advanced (BMD 5.X) ballistic missile defense capability on operational cruisers from fiscal year 2017 through fiscal year 2030.

(c) Ship Modernization, Operations, and Sustainment Fund (SMOSF).—Funds within the Ship Modernization, Operations, and Sustainment Fund (SMOSF) shall only be used for 11 TICONDEROGA-class cruisers (CG–63 through CG–73) and 3 WHIDBEY ISLAND-class dock landing ships (LSD–41, LSD–42, and LSD–46).

(d) Phased Modernization.—The Secretary of the Navy shall retain the current inventory of 22 TICONDEROGA-class cruisers and 12 WHIDBEY ISLAND- or HARPERS FERRY-class dock landing ships until the end of their service lives, as follows:

(1) Operational Forces.—Through fiscal year 2030, the Navy shall maintain not less than the Chief of Naval Operations’ requirement for operational cruisers certified under subsection (b) or 11 operational cruisers, whichever is greater. The Navy shall maintain no less than the Chief of Naval Oper-
ations’ requirement for dock landing ships certified under subsection (b) or 9 operational dock landing ships, whichever is greater.

(2) PHASED MODERNIZATION.—The Navy is authorized to conduct phased modernization of not more than 11 cruisers and 3 dock landing ships. During the phased modernization period, the Navy may reduce manning on these ships to the minimal level necessary to ensure safety and security of the ship and to retain critical skills. Only the ships listed in subsection (c) may undergo phased modernization. Ships undergoing phased modernization shall comply with subsection (e).

(3) TRANSITION FROM PHASED MODERNIZATION TO OPERATIONAL FORCES.—Each of the cruisers described under paragraph (1) may be decommissioned at the end of its service life concurrent with being replaced by a cruiser that completes phased modernization pursuant to paragraph (2). After being reintroduced into the operational fleet, each of the cruisers modernized pursuant to paragraph (2) may be decommissioned upon reaching its expected service life.

(4) AVAILABILITY FOR WORLDWIDE DEPLOYMENT.—For purposes of this subsection, an oper-
ational cruiser or dock landing ship is available for
worldwide deployment other than during routine or
scheduled maintenance or repair.

(c) Requirements and Limitations on Phased
Modernization.—

(1) In general.—During the period of phased
modernization authorized under subsection (d), the
Secretary of the Navy shall—

(A) continue to maintain the ships in a
manner that will ensure the ability of the ships
to re-enter the operational fleet in accordance
with paragraph (3) of such subsection;

(B) conduct planning activities to ensure
scheduled and deferred maintenance and mod-
ernization work items are identified and in-
cluded in maintenance availability work pack-
ages;

(C) conduct hull, mechanical, and electrical
(HM&E) and combat system modernization
necessary to achieve a service life of 40 years;

(D) conduct basic (BMD 3.X), inter-
mediate (BMD 4.X), and advanced (BMD 5.X)
ballistic missile defense capability upgrades to
meet or exceed the Chief of Naval Operations’
requirement certified under subsection (b); and
(E) complete maintenance and modernization of the cruisers, including required testing and crew training, to allow for a one-for-one replacement of operational cruisers in accordance with subsection (d)(3).

(2) RESTRICTED ACTIVITIES.—During the period of phased modernization authorized under subsection (d), the Secretary of the Navy may not—

(A) permit removal or cannibalization of equipment or systems, unless planned for full replacement or upgrade during phased modernization, other than equipment or systems explicitly identified as—

(i) rotatable pool equipment; or

(ii) necessary to support urgent operational requirements approved by the Secretary of Defense;

(B) make any irreversible modifications that will prohibit the ship from re-entering the operational fleet;

(C) through fiscal year 2030, reduce the quantity of operational cruisers below the number certified to be required by the Chief of Naval Operations under subsection (b) or 11 operational cruisers, whichever is greater;
(D) through fiscal year 2030, reduce the quantity of operational dock landing ships below the number certified to be required by the Chief of Naval Operations under subsection (b) or 9 operational dock landing ships, whichever is greater; and

(E) through fiscal year 2030, reduce the basic, intermediate, or advanced ballistic missile defense capability on operational cruisers below the quantities certified to be required by the Chief of Naval Operations under subsection (b).

(f) REPORT REQUIRED.—The Secretary of the Navy shall submit to the congressional defense committees an annual report on the status of the phased modernization program. This report shall accompany the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code. The report shall include, with respect to the ships undergoing phased modernization pursuant to subsection (d)(2), the following information:

(1) The status of modernization efforts, by vessel, including availability schedules, equipment procurement schedules, and annual funding requirements from the fiscal year of induction into the phased modernization program through the fiscal year of planned re-entry into the operational fleet.
(2) Each vessel’s current readiness, operational, and manning status.

(3) An assessment of each vessel’s current materiel condition.

(4) A list of rotatable pool equipment that is identified across the classes of cruisers and dock landing ships as necessary to support operations on a continuing basis.

(5) A list of equipment, other than rotatable pool equipment, removed from each vessel, including a justification for the removal, the disposition of the equipment, and plan for restoration of the equipment.

(6) A list of planned obligations and expenditures, by vessel, for the fiscal year of the budget of the President submitted to Congress.

(g) NOTIFICATION REQUIRED.—The Secretary of the Navy shall notify the congressional defense committees in writing 30 days prior to executing any deviations to the plans provided pursuant to paragraphs (1) and (6) of subsection (f) of the most recent report required under such subsection.
SEC. 1012. PROHIBITION ON USE OF FUNDS FOR RETIREMENT OF LEGACY MARITIME MINE COUNTERMEASURES PLATFORMS.

(a) Prohibitions.—Except as provided under subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Navy may be obligated or expended to—

(1) retire, prepare to retire, transfer, or place in storage any AVENGER-class mine countermeasures ship or associated equipment;

(2) retire, prepare to retire, transfer, or place in storage any SEA DRAGON (MH–53) helicopter or associated equipment;

(3) make any reductions to manning levels with respect to any AVENGER-class mine countermeasures ship; or

(4) make any reductions to manning levels with respect to any SEA DRAGON (MH–53) helicopter squadron or detachment.

(b) Waiver.—The Secretary of the Navy may waive the limitations under subsection (a) if the Secretary certifies to the congressional defense committees that the Secretary has—

(1) identified a replacement capability and the necessary quantity of such systems to meet all combatant commander mine countermeasures oper-
ational requirements that are currently being met by
the AVENGER-class ships and SEA DRAGON heli-
copters to be retired, transferred, or placed in stor-
age;

(2) achieved initial operational capability of all
systems described in paragraph (1); and

(3) deployed a sufficient quantity of systems de-
scribed 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 heli-
copters.

Subtitle D—Counterterrorism

SEC. 1021. EXTENSION OF PROHIBITION ON USE OF FUNDS
FOR TRANSFER OR RELEASE OF INDIVID-
UALS DETAINED AT UNITED STATES NAVAL
STATION, GUANTANAMO BAY, CUBA, TO THE
UNITED STATES.

Section 1031 of the National Defense Authorization
Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat.
968) is amended by striking “December 31, 2016” and
inserting “December 31, 2017”.

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SEC. 1022. EXTENSION OF PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINERS TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Section 1032(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 968) is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

SEC. 1023. DESIGNING AND PLANNING RELATED TO CONSTRUCTION OF CERTAIN FACILITIES IN THE UNITED STATES.

(a) Designing and Planning Authorized.—Notwithstanding any provision of law limiting the use of funds for the construction or modification of facilities in the United States or its territories or possessions to house individuals detained at Guantanamo, the Secretary of Defense may use amounts authorized to be appropriated or otherwise made available for the Department of Defense for designing and planning related to the construction or modification of such facilities.

(b) Individual Detained at Guantanamo Defined.—In this section, the term “individual detained at Guantanamo” means an individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—
(1) is not a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the control of the Department of Defense; or

(B) otherwise detained at United States Naval Station, Guantanamo Bay.

SEC. 1024. AUTHORITY TO TRANSFER INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO THE UNITED STATES TEMPORARILY FOR EMERGENCY OR CRITICAL MEDICAL TREATMENT.

(a) Temporary Transfer for Medical Treatment.—Notwithstanding section 1031 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 968), or any similar provision of law enacted after September 30, 2015, the Secretary of Defense may, after consultation with the Secretary of Homeland Security, temporarily transfer an individual detained at Guantanamo to a Department of Defense medical facility in the United States for the sole purpose of
providing the individual medical treatment if the Secretary of Defense determines that—

(1) the medical treatment of the individual is necessary to prevent death or imminent significant injury or harm to the health of the individual;

(2) the necessary medical treatment is not available to be provided at United States Naval Station, Guantanamo Bay, Cuba, without incurring excessive and unreasonable costs; and

(3) the Department of Defense has provided for appropriate security measures for the custody and control of the individual during any period in which the individual is temporarily in the United States under this section.

(b) LIMITATION ON EXERCISE OF AUTHORITY.—The authority of the Secretary of Defense under subsection (a) may be exercised only by the Secretary of Defense or another official of the Department of Defense at the level of Under Secretary of Defense or higher.

(c) CONDITIONS OF TRANSFER.—An individual who is temporarily transferred under the authority in subsection (a) shall—

(1) while in the United States, remain in the custody and control of the Secretary of Defense at all times; and
(2) be returned to United States Naval Station, Guantanamo Bay, Cuba, as soon as feasible after a Department of Defense physician determines, in consultation with the Commander, Joint Task Force-Guantanamo Bay, Cuba, that any necessary follow-up medical care may reasonably be provided the individual at United States Naval Station, Guantanamo Bay.

(d) Status While in United States.—An individual who is temporarily transferred under the authority in subsection (a), while in the United States—

(1) shall be deemed at all times and in all respects to be in the uninterrupted custody of the Secretary of Defense, as though the individual remained physically at United States Naval Station, Guantanamo Bay, Cuba;

(2) shall not at any time be subject to, and may not apply for or obtain, or be deemed to enjoy, any right, privilege, status, benefit, or eligibility for any benefit under any provision of the immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)), or any other law or regulation;

(3) shall not be permitted to avail himself of any right, privilege, or benefit of any law of the
United States beyond those available to individuals
detained at United States Naval Station, Guantana-
mo Bay; and

(4) shall not, as a result of such transfer, have
a change in any designation that may have attached
to that detainee while detained at United States
Naval Station, Guantanamo Bay, pursuant to the
Authorization for Use of Military Force (Public Law
107–40), as determined in accordance with applica-
ble law and regulations.

(c) No Cause of Action.—Any decision to transfer
or not to transfer an individual made under the authority
in subsection (a) shall not give rise to any claim or cause
of action.

(f) Limitation on Judicial Review.—

(1) Limitation.—Except as provided in para-
graph (2), no court, justice, or judge shall have ju-
risdiction to hear or consider any claim or action
against the United States or its departments, agen-
cies, officers, employees, or agents arising from or
relating to any aspect of the detention, transfer,
treatment, or conditions of confinement of an indi-
vidual transferred under this section.

(2) Exception for Habeas Corpus.—The
United States District Court for the District of Co-
South Carolina shall have exclusive jurisdiction to consider an application for writ of habeas corpus seeking release from custody filed by or on behalf of an individual who is in the United States pursuant to a temporary transfer under the authority in subsection (a). Such jurisdiction shall be limited to that required by the Constitution, and relief shall be only as provided in paragraph (3). In such a proceeding the court may not review, halt, or stay the return of the individual who is the object of the application to United States Naval Station, Guantanamo Bay, Cuba, pursuant to subsection (c).

(3) RELIEF.—A court order in a proceeding covered by paragraph (2)—

(A) may not order the release of the individual within the United States; and

(B) shall be limited to an order of release from custody which, when final, the Secretary of Defense shall implement in accordance with section 1034 of the National Defense Authorization Act for Fiscal Year 2016.

(g) NOTIFICATION.—Whenever a temporary transfer of an individual detained at Guantanamo is made under the authority of subsection (a), the Secretary of Defense shall notify the Committees on Armed Services of the Sen-
ate and the House of Representatives of the transfer not later than five days after the date on which the transfer is made.

(h) Individual Detained at Guantanamo Defined.—In this section, the term “individual detained at Guantanamo” means an individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(1) is not a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the control of the Department of Defense; or

(B) otherwise detained at United States Naval Station, Guantanamo Bay.

(i) Applicability.—This section shall apply to an individual temporarily transferred under the authority in subsection (a) regardless of the status of any pending or completed proceeding or detention on the date of the enactment of this Act.
SEC. 1025. AUTHORITY FOR ARTICLE III JUDGES TO TAKE CERTAIN ACTIONS RELATING TO INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) USE OF VIDEO TELECONFERENCING.—A judge of a United States District Court shall have jurisdiction to take any of the following actions by video teleconferencing with respect to an individual detained at Guantanamo:

(1) Arraign the individual for a charge under the laws of the United States.

(2) Accept a plea to a charge under the laws of the United States.

(3) Enter a judgment of conviction and sentence the individual for a charge upon which the individual is convicted as a result of such a plea.

An action specified in paragraph (1), (2), or (3) may be taken by video teleconferencing only with the consent of the individual.

(b) VENUE.—A judge of a United States District Court may act by video teleconferencing under subsection (a) only where such District Court maintains venue concerning the offense alleged.

(c) TRANSFER TO SERVE SENTENCE OF IMPRISONMENT.—The Attorney General may transfer to a foreign country an offender who is convicted of an offense by rea-
son of a plea entered into as described in subsection (a)
and who is under a sentence of imprisonment resulting
from such conviction. Any such transfer shall be made for
the purpose of the offender serving the sentence imposed
on him, and shall be made under chapter 306 of title 18,
United States Code, without regard to the provisions of
section 4107 and subsections (a) and (b) of section 4100
of that title.

(d) DEFINITIONS.—In this section:

(1) The term “individual detained at Guantana-
mo” means any individual located at United
States Naval Station, Guantanamo Bay, Cuba, as of
October 1, 2009, who—

(A) is not a national of the United States
(as defined in section 101(a)(22) of the Immi-
gration and Nationality Act (8 U.S.C. 1101(a)(22)) or a member of the Armed Forces
of the United States; and

(B) is—

(i) in the custody or under the control
of the Department of Defense; or

(ii) otherwise under detention at
United States Naval Station, Guantanamo
Bay.
(2) The terms “imprisonment”, “offender”, “sentence”, and “transfer” have the meanings given those terms in section 4101 of title 18, United States Code.

SEC. 1026. EXTENSION OF PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE TO CERTAIN COUNTRIES OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.


SEC. 1027. MATTERS ON MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES AND GOVERNMENTS OF RECEIVING FOREIGN COUNTRIES AND ENTITIES IN CERTIFICATIONS ON TRANSFER OF DETAINES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Section 1034(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 969; 10 U.S.C. 801 note) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and
(2) by inserting after paragraph (3) the following new paragraph (4):

“(4) both—

“(A) the United States Government, on the one hand, and the government of the foreign country or the recognized leadership of the foreign entity, on the other hand, have entered into a written memorandum of understanding (MOU) regarding the transfer of the individual; and

“(B) the memorandum of understanding—

“(i) has been transmitted to the appropriate committees of Congress, in classified form (if necessary); and

“(ii) includes an assessment, whether in classified or unclassified form, of the capacity, willingness, and past practices (if applicable) of the foreign country or foreign entity, as the case may be, with respect to the matters certified by the Secretary pursuant to paragraphs (2) and (3),”.

SEC. 1028. LIMITATION ON TRANSFER OF DETAINEEs AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, PENDING A REPORT ON THEIR TERRORIST ACTIONS AND AFFILIATIONS.

(a) LIMITATION.—No amounts authorized to be appropriated or otherwise made available for fiscal year 2017 for the Department of Defense may be used to transfer, release, or assist in the transfer or release to any foreign government or foreign entity of an individual detained at Guantanamo until the Secretary of Defense submits to the appropriate committees of Congress a report on the individual that includes the following:

(1) A description of the individual’s previous terrorist activities.

(2) A description of the individual’s previous memberships in or affiliations or associations with terrorist organizations.

(3) A description of the individual’s support for or participation in attacks against the United States or United States allies.

(b) FORM.—Each report under subsection (a) shall be submitted in unclassified form, and may not include a classified annex as a means of conveying any information of material significance to such report.
(c) Construction With Other Prohibitions and Limitations.—The limitation in subsection (a) is in addition to any prohibition or other limitation on the transfer or release of individuals detained at Guantanamo under any other provision of law, including the provisions of subtitle D of title X of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 968).

(d) Definitions.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term “individual detained at Guantanamo” means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and
(B) is—

(i) in the custody or under the control
of the Department of Defense; or

(ii) otherwise under detention at
United States Naval Station, Guantanamo
Bay, Cuba.

SEC. 1029. PROHIBITION ON USE OF FUNDS FOR TRANSFER
OR RELEASE OF INDIVIDUALS DETAINED AT
UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO COUNTRIES COVERED
BY DEPARTMENT OF STATE TRAVEL WARNINGS.

(a) FINDING.—The Senate makes the following find-
ings:

(1) The Department of State issues travel
warnings regarding travel to foreign countries for
reasons that include “unstable government, civil
war, ongoing intense crime or violence, or frequent
terrorist attacks”.

(2) These travel warnings are issued to high-
light the “risks of traveling” to particular countries
and are left in place until the situation in the coun-
try concerned improves.

(b) SENSE OF SENATE.—It is the sense of the Senate
that—
(1) countries that pose such a significant travel threat to United States citizens that the Department of State feels obliged to issue a travel warning should not be considered an appropriate recipient of any detainee transferred from United States Naval Station, Guantanamo Bay, Cuba; and

(2) if a country is subject to a Department of State travel warning, it is highly unlikely that the government of the country can provide the United States Government appropriate security and assurances regarding the prevention of the recidivism of any detainee so transferred.

(c) PROHIBITION.—

(1) IN GENERAL.—Except as provided in paragraphs and (2) and (3), no amounts authorized to be appropriated by this Act or otherwise available for the Department of Defense may be used, during the period beginning on the date of the enactment of this Act and ending on December 31, 2017, to transfer, release, or assist in the transfer or release of any individual detained in the custody or under the control of the Department of Defense at United States Naval Station, Guantanamo Bay to the custody or control of any country subject to a Depart-
ment of State travel warning at the time the transfer or release would otherwise occur.

(2) EXCEPTION FOR CERTAIN WARNINGS.—
Paragraph (1) shall not apply with respect to any country subject to a travel warning described in that paragraph that is issued solely on the basis of one or more of the following:

(A) Medical deficiencies, infectious disease outbreaks, or other health-related concerns.
(B) A natural disaster.
(C) Criminal activity.

(3) EXCEPTION FOR CERTAIN COUNTRY.—
Paragraph (1) shall not apply with respect to the Kingdom of Saudi Arabia.

SEC. 1030. EXTENSION OF PROHIBITION ON USE OF FUNDS FOR REALIGNMENT OF FORCES AT OR CLOSURE OF UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Section 1036(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 972) is amended by inserting “or 2017” after “fiscal year 2016”.

Subtitle E—Assured Access to Space

SEC. 1036. RESTRICTIONS ON USE OF ROCKET ENGINES FROM THE RUSSIAN FEDERATION FOR SPACE LAUNCH OF NATIONAL SECURITY SATELLITES.

(a) In General.—Except as provided by section 1608(c) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 2271 note) (as in effect on December 1, 2015), the Secretary of Defense may not, on or after the date of the enactment of this Act—

(1) launch any national security satellite on a space launch vehicle with a rocket engine designed or manufactured in the Russian Federation; or

(2) certify any entity to bid for the award or renewal of a contract for the procurement of property or services for space launch activities for the evolved expendable launch vehicle program if, in carrying out such space launch activities, the entity would use a rocket engine designed or manufactured in the Russian Federation.

(b) National Security Satellite Defined.—In this section, the term “national security satellite” is a satellite launched for national security purposes, including
such a satellite launched by the Air Force, the Navy, or
the National Reconnaissance Office, or any other element
of the Department of Defense.

SEC. 1037. LIMITATION ON USE OF ROCKET ENGINES FROM
THE RUSSIAN FEDERATION TO ACHIEVE AS-
SURED ACCESS TO SPACE.

Section 2273 of title 10, United States Code, is
amended—

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

(2) by inserting after subsection (b) the fol-
lowing:

“(c) LIMITATION ON USE OF RUSSIAN ROCKET EN-
GINES.—Except as provided by section 1608(e) of the Carl
Levin and Howard P. ‘Buck’ McKeon National Defense
note) (as in effect on December 1, 2015), rocket engines
designed or manufactured in the Russian Federation may
not be used to pursue the attainment of the capabilities
described in subsection (a).”.

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SEC. 1038. REPEAL OF PROVISION PERMITTING THE USE
OF ROCKET ENGINES FROM THE RUSSIAN
FEDERATION FOR THE EVOLVED EXPEND-
ABLE LAUNCH VEHICLE PROGRAM.

Section 8048 of the Department of Defense Approp-
riations Act, 2016 (division C of Public Law 114–113;
129 Stat. 2363) is repealed.

Subtitle F—Miscellaneous
Authorities and Limitations

SEC. 1041. ASSIGNED FORCES OF THE COMBATANT COM-
MANDS.

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 geo-
graphic area” and
(B) by striking “assigned to, and”.

SEC. 1042. QUADRENNIAL INDEPENDENT REVIEW OF
UNITED STATES MILITARY STRATEGY AND
FORCE POSTURE IN THE UNITED STATES PA-
CIFIC COMMAND AREA OF RESPONSIBILITY.

(a) INDEPENDENT REVIEW.—
(1) IN GENERAL.—Beginning in fiscal year
2018 and occurring every four years thereafter, the
Secretary of Defense shall commission an inde-
pendent 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 secu-
rity interests and military strategy of the United
States in the Indo-Asia-Pacific region.
(2) CONDUCT OF REVIEW.—The review con-
ducted 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 projec-
tion, and intelligence, surveillance, and recon-
naissance capabilities.

(D) An analysis of the willingness and ca-
pacity of allies, partners, and regional organiza-
tions to contribute to the security and stability
of the Indo-Asia-Pacific region, including poten-
tial required adjustments to United States mili-
tary strategy based on that analysis.

(E) An appraisal of the Arctic ambitions of
actors in the Indo-Asia-Pacific region in the
context of current and projected capabilities, in-
cluding an analysis of the adequacy and rel-
evance of the Arctic Roadmap prepared by the
Navy.

(F) An evaluation of theater security co-
operation efforts of the United States Pacific
Command in the context of current and pro-
jected threats, and desired capabilities and pri-
orities of the United States and its allies and
partners.

(G) An evaluation of the seams between
United States Pacific Command and adjacent
geographic combatant commands and rec-
ommendations to mitigate the effects of those
seams.
(H) The views of noted policy leaders and
regional experts, including military com-
mmanders, in the Indo-Asia-Pacific region.

(b) Report.—

(1) Submittal to Secretary of Defense.—
Not later than 180 days after commencing a review
pursuant to subsection (a), the independent organi-
ization conducting the review shall submit to the Sec-
retary of Defense a report containing the findings of
the review. The report shall be submitted in unclas-
sified 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, to-
gether with any comments on the report that the
Secretary considers appropriate.

SEC. 1043. DESIGNATION OF A DEPARTMENT OF DEFENSE
STRATEGIC ARCTIC PORT.

(a) Arctic Defined.—In this section, the term
“Arctic” has the meaning given that term in section 112
4111).

(b) In General.—Not later than 180 days after the
date of the enactment of this Act, the Secretary of De-
fense, in consultation with the Chairman of the Joint Chiefs of Staff, the Commanding General of the United States Army Corps of Engineers, the Commandant of the Coast Guard, and the Administrator of the Maritime Administration, shall submit to the congressional defense committees a report assessing the future security requirements for one or more strategic ports in the Arctic.

(c) REQUIREMENTS.—Consistent with the Department of Defense Arctic Strategy set forth pursuant to section 1068 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–92; 129 Stat. 992), the assessment in subsection (b) shall include—

(1) the amount of sufficient and suitable space needed to create capacity for port and other necessary infrastructure for at least one of each of type of Navy or Coast Guard vessel, including an Arleigh Burke class destroyer of the Navy, or a national security cutter or a heavy polar ice breaker of the Coast Guard;

(2) the amount of sufficient and suitable space needed to create capacity for equipment and fuel storage, technological infrastructure, and civil infrastructure to support military and civilian operations, including—

(A) aerospace warning;
(B) maritime surface and subsurface warning;

(C) maritime control and defense;

(D) maritime domain awareness;

(E) homeland defense;

(F) defense support to civil authorities;

(G) humanitarian relief;

(H) search and rescue;

(I) disaster relief;

(J) oil spill response;

(K) medical stabilization and evacuation;

and

(L) meteorological measurements and forecasting;

(3) an identification of proximity and road access to an airport designated as a commercial service airport by the Federal Aviation Administration that is capable of supporting military and civilian aircraft for operations designated in subsection (c)(2); and

(4) a description of the requirements, to include infrastructure and installations, communications, and logistics necessary to improve response effectiveness to support military and civilian operations designated in subsection (c)(2).
(d) DESIGNATION.—Upon completion of the report in subsection (b), the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Commanding General of the United States Army Corps of Engineers, the Commandant of the Coast Guard, the Administrator of the Maritime Administration, shall establish the designation criteria for a Department of Defense “Strategic Arctic Port” and shall submit recommendations for the designation of one or more Strategic Arctic Ports within eighteen months. The recommendations shall include an estimated cost for sufficient construction necessary to initiate and sustain expected operations.

(e) CONSTRUCTION.—Nothing in this section may be construed to authorize any additional Department of Defense appropriations for the establishment of a port recommended pursuant to this section.

SEC. 1044. MODIFICATION OF REQUIREMENTS REGARDING NOTIFICATIONS TO CONGRESS ON SENSITIVE MILITARY OPERATIONS.

(a) TIMING OF NOTIFICATION REQUIREMENT.—Subsection (a) of section 130f of title 10, United States Code, is amended by inserting “not later than 36 hours” before “following such operation”.

(b) PROCEDURES.—Subsection (b) of such section is amended—
(1) in paragraph (1), by adding at the end the following new sentence: “The Secretary shall promptly notify the congressional defense committees in writing of any changes to such procedures.”;

and

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

“(3) In the event of an unauthorized disclosure described in paragraph (2), the Secretary shall ensure, to the maximum extent practicable, that the congressional defense committees are notified immediately of the sensitive military operation concerned.”.

(c) BRIEFING REQUIREMENTS.—Such section is further amended—

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

(2) in subsection (c), by inserting before the period at the end the following: “, including Department of Defense support to operations conducted under the National Security Act of 1947 (50 U.S.C. 3001 et seq.)”.

(d) DEFINITION.—Subsection (d) of such section is amended by striking “means” and all that follows and inserting “means the following:”
“(1) A lethal operation or capture operation conducted by the armed forces outside the United States that targets a specific individual or individuals.

“(2) An operation conducted by the armed forces outside a theater of major hostilities in self-defense or in defense of foreign partners.”.

(c) **Repeal of Exception to Notification Requirement.**—Such section is further amended—

(1) by striking subsection (e); and

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

(f) **Conforming Amendments.**—

(1) **Section heading amendment.**—The heading of such section is amended to read as follows:

“§ 130f. Notification requirements for sensitive military operations”.

(2) **Table of sections amendment.**—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 130f and insert the following new item:

“130f. Notification requirements for sensitive military operations.”.

**SEC. 1045. RECONNAISSANCE STRIKE GROUP MATTERS.**

(a) **Modeling of Alternative Army Design and Operational Concept.**—
(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, provide for and oversee the modeling of an alternative Army design and operational concept for the Reconnaissance Strike Group (RSG).

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the alternative design and operational concept modeled as described in paragraph (1). The report shall include an assessment of the feasibility and advisability of a follow-on pilot program to test force designs and concepts of operation developed pursuant to the modeling.

(b) TEST, EVALUATION, DEVELOPMENT, AND VALIDATION.—

(1) OFFICE REQUIRED.—Commencing not later than 60 days after the date of the enactment of this Act, the commander of a combatant command designated by the Secretary for purposes of this subsection shall establish within that combatant command an office to carry out testing, evaluation, development and validation of the joint warfighting
concepts, and required platforms and structure, of
the Reconnaissance Strike Group.

(2) REPORTS.—Not later than 90 days after
the date of the enactment of this Act, and periodi-
cally thereafter, the commander of the combatant
command designated pursuant to paragraph (1)
shall submit to the committees of Congress referred
to in subsection (a)(2) a report on the office re-
quired pursuant to paragraph (1), including the
structure of the office, the programmatic goals of
the office, and the funding required by the office to
carry out the activities specified in paragraph (1).

SEC. 1046. TRANSITION OF AIR FORCE TO OPERATION OF
REMOTELY PILOTED AIRCRAFT BY ENLISTED
PERSONNEL.

(a) IN GENERAL.—Not later than September 30,
2019, the Air Force shall fully transition to an organiza-
tional model for all Air Force remotely piloted aircraft
(RPA) that uses enlisted personnel as operators of such
aircraft rather than officers as the preponderance of oper-
ators of such aircraft.

(b) TRANSITION MATTERS.—The transition required
by subsection (a) shall account for the following:

(1) Training infrastructure for enlisted per-
sonnel operating Air Force remotely piloted aircraft.
(2) Supervisory roles for officers and senior enlisted personnel for enlisted personnel operating Air Force remotely piloted aircraft.

(c) Reports.—

(1) Initial Report.—Not later than March 1, 2017, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report that sets forth a detailed description of the plan for the transition required by subsection (a), including the following:

(A) The objectives of the transition.

(B) The timeline of the transition.

(C) The resources required to implement the transition.

(D) Recommendations for any legislation action required to implement the transition.

(2) Reports on Progress in Implementation.—Not later than each of March 1, 2018, and March 1, 2019, the Secretary shall submit to the committees referred to in paragraph (1) a report on the progress of the Air Force in implementing the plan required under that paragraph, and in achieving the transition required by subsection (a), by not later than September 30, 2019.
SEC. 1047. PROHIBITION ON DIVESTMENT OF MARINE
CORPS SEARCH AND RESCUE UNITS.

None of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Navy or the Marine Corps may be obligated or expended—

(1) to retire, prepare to retire, transfer, or place in storage any Marine Corps Search and Rescue Unit (SRU) aircraft; or

(2) to make any change or revision to manning levels with respect to any Marine Corps Search and Rescue Unit squadron.

SEC. 1048. MODIFICATION OF REQUIREMENTS RELATING TO MANAGEMENT OF MILITARY TECHNICIANS.

(a) CONVERSION OF CERTAIN MILITARY TECHNICIAN (DUAL STATUS) POSITIONS.—Subsection (a) of section 1053 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 981; 10 U.S.C. 10216 note) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph (1):

“(1) IN GENERAL.—By not later than October 1, 2017, the Secretary of Defense shall convert not fewer than 20 percent of all military technician positions to positions filled by individuals who are em-
ployed under section 3101 of title 5, United States Code, or section 1601 of title 10, United States Code, or serving under section 328 of title 32, United States Code, and are not military technicians. The positions to be converted are described in paragraph (2).”;

(2) in paragraph (2), by striking “the report” and all that follows and inserting “by the Army Reserve, the Air Force Reserve, the National Guard Bureau, and the State adjutants general in the course of reviewing all military technician positions for purposes of implementing this section.”; and

(3) in paragraph (3), by striking “may fill” and inserting “shall fill”.

(b) CONVERSION OF ARMY RESERVE, AIR FORCE RESERVE, AND NATIONAL GUARD NON-DUAL STATUS POSITIONS.—Subsection (e) of section 10217 of title 10, United States Code, is amended is amended to read as follows:

“(e) CONVERSION OF POSITIONS.—(1) No individual may be newly hired or employed, or rehired or reemployed, as a non-dual status technician for purposes of this section after September 30, 2017.

“(2) On October 1, 2017, the Secretary of Defense shall convert all non-dual status technicians to positions
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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. 1049. SUPPORT FOR THE ASSOCIATE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY FOR MILITARY AFFAIRS.

(a) Selection of Associate Director.—The Associate Director of the Central Intelligence Agency for Military Affairs shall be selected by the Secretary of Defense, with the concurrence of the Director of the Central Intelligence Agency, from among commissioned officers of
the Armed Forces who are general or flag officers and who
have served, in the five years before selection, in a position
that involved significant interaction and coordination with
the Central Intelligence Agency.

(b) SUPPORT FOR ACTIVITIES.—

(1) IN GENERAL.—The Secretary of Defense
and the Under Secretary of Defense for Intelligence
shall ensure that the Associate Director of the Cen-
tral Intelligence Agency for Military Affairs has ac-
cess to, and support from, offices, Agencies, and
programs of the Department necessary for the pur-
poses of the Associate Director as follows:

(A) To facilitate and coordinate Depart-
ment of Defense support for the Central Intel-
ligence Agency requested by the Director of the
Central Intelligence Agency and approved by
the Secretary, including oversight of Depart-
ment of Defense military and civilian personnel
detailed or assigned to the Central Intelligence
Agency.

(B) To prioritize, communicate, and co-
ordinate Department of Defense requests for,
and the provision of support to, the Department
of Defense from the Central Intelligence Agen-
cy, 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 de-
velop and supervise the implementation of policies to
integrate and prioritize Department of Defense re-
quirements and requests for support from the Cen-
tral Intelligence Agency that are coordinated by the
Associate Director pursuant to paragraph (1)(B).

SEC. 1050. ENHANCEMENT OF INTERAGENCY SUPPORT
DURING CONTINGENCY OPERATIONS AND
TRANSITION PERIODS.

(a) AUTHORITY.—The Secretary of Defense and the
Secretary of State may enter into an agreement under
which each Secretary may provide covered support, sup-
plies, and services on a reimbursement basis, or by ex-
change of covered support, supplies, and services, to the
other Secretary during a contingency operation and re-
lated transition period for up to two years following the
end of such contingency operation.

(b) AGREEMENT.—An agreement entered into under
this section shall be in writing and shall include the fol-
lowing terms:

(1) The price charged by a supplying agency
shall be the direct costs that such agency incurred
by providing the covered support, supplies, or services to the requesting agency under this section.

(2) Credits and liabilities of the agencies accrued as a result of acquisitions and transfers of covered support, supplies, and services under this section shall be liquidated not less often than once every 3 months by direct payment to the agency supplying such support, supplies, or services by the agency receiving such support, supplies, or services.

(3) Exchange entitlements accrued as a result of acquisitions and transfers of covered support, supplies, and services under this section shall be satisfied within one year after the date of the delivery of the covered support, supplies, or services. Exchange entitlements not satisfied shall be immediately liquidated by direct payment to the agency supplying such covered, support, supplies, or services.

(c) Effect of Obligation and Availability of Funds.—An order placed by an agency pursuant to an agreement under this section is deemed to be an obligation in the same manner that a similar order or contract placed with a private contractor is an obligation. Appropriations remain available to pay an obligation to the servicing
agency in the same manner as appropriations remain available to pay an obligation to a private contractor.

(d) CREDITING OF RECEIPTS.—Any receipt as a result of an agreement entered into under this section shall be credited, at the option of the Secretary of Defense with respect to the Department of Defense and the Secretary of State with respect to the Department of State, to—

(1) the appropriation, fund, or account used in incurring the obligation; or

(2) an appropriate appropriation, fund, or account currently available for the purposes for which the expenditures were made.

(e) DEFINITIONS.—In this section:

(1) CONTINGENCY OPERATION.—The term “contingency operation” has the meaning given that term in section 101(a)(13) of title 10, United States Code.

(2) COVERED SUPPORT, SUPPLIES, AND SERVICES.—The term “covered support, supplies, and services” means food, billeting, transportation (including airlift), petroleum, oils, lubricants, communications services, medical services, ammunition, base operations support (and construction incident to base operations support), use of facilities, spare
parts and components, repair and maintenance services, and calibration services.

SEC. 1051. ENHANCEMENT OF INFORMATION SHARING AND COORDINATION OF MILITARY TRAINING BETWEEN DEPARTMENT OF HOMELAND SECURITY AND DEPARTMENT OF DEFENSE.

(a) In General.—The Secretary of Homeland Security shall ensure that information needs of the Department of Homeland Security relating to civilian law enforcement activities in proximity to the borders of the United States are identified and communicated to the Secretary of Defense for the purposes of planning and executing military training.

(b) Formal Mechanism of Notification.—

(1) In General.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall, in coordination with the Secretary of Defense, establish a formal mechanism through which Department of Homeland Security information needs relating to civilian law enforcement activities in proximity to the borders of the United States are identified and communicated to the Secretary of Defense for the purposes of planning and executing military training.
(2) DISSEMINATION TO THE ARMED FORCES.—The Secretary of Defense shall ensure that such information needs are disseminated to the Armed Forces in a timely manner so that the Armed Forces have an opportunity to schedule and design training in accordance with section 371 of title 10, United States Code.

(3) COORDINATION OF TRAINING.—The Secretary of Defense shall ensure that training scheduled and designed as described in paragraph (2) is coordinated, to the maximum extent practicable, with the Department of Homeland Security.

(c) SHARING OF CERTAIN INFORMATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall formulate guidance to ensure that information relevant to civilian law enforcement matters that is collected by the Armed Forces during the normal course of military training or operations in proximity to the borders of the United States is provided promptly to civilian law enforcement officials in accordance with section 371 of title 10, United States Code.
SEC. 1052. NOTIFICATION ON THE PROVISION OF DEFENSE SENSITIVE SUPPORT.

(a) LIMITATION.—The Secretary of Defense may provide defense sensitive support to a non-Department of Defense Federal department or agency only after the Secretary has determined that such support—

(1) is consistent with the mission and functions of the Department of Defense; and

(2) does—

(A) not significantly interfere with the mission or functions of the Department; or

(B) interfere with the mission and functions of the Department of Defense but such support is in the national security interest of the United States.

(b) NOTICE REQUIRED.—

(1) IN GENERAL.—Except as provided in paragraph (3), before providing defense sensitive support to a non-Department of Defense Federal department or agency, the Secretary of Defense shall notify the congressional defense committees of the Secretary’s intent to provide such support.

(2) CONTENTS.—Notice provided under paragraph (1) shall include the following:

(A) A description of the support to be provided.
(B) A description of how the support is consistent with the mission and functions of the Department.

(C) A description of how the support—

(i) does not significantly interfere with the mission or functions of the Department; or

(ii) significantly interferes with the mission or functions of the Department but is in the national security interest of the United States.

(3) Time Sensitive Support.—In the event that the provision of defense sensitive support is time-sensitive, the Secretary—

(A) may provide notification under paragraph (1) after providing the support; and

(B) shall provide such notice as soon as practicable after providing such support, but not later than 48 hours after providing the support.

(c) Defense Sensitive Support Defined.—In this section, the term “defense sensitive support” means support provided by the Department of Defense to a non-Department of Defense Federal department or agency that requires special protection from disclosure.
SEC. 1053. MODIFICATION OF AUTHORITY TO TRANSFER DEPARTMENT OF DEFENSE PROPERTY FOR LAW ENFORCEMENT ACTIVITIES.

(a) Restatement and Modification of Current Authority for Transfer for State and Local Law Enforcement Activities.—Section 2576a of title 10, United States Code, is amended by adding at the end the following new subsections:

“(g) Determination of Eligible Defense Items.—

“(1) Controlled defense items eligible for treatment.—

“(A) In general.—Subject to the provisions of this paragraph, the controlled defense items that may be treated as eligible defense items for purposes of this section shall include items that—

“(i) can be readily put to civilian use by State and local law enforcement agencies; and

“(ii) are suitable for transfer to State and local law enforcement agencies pursuant to this section.

“(B) Initial eligible defense items.—The controlled defense items to be treated as eligible defense items for purposes of
this section as of the date of the enactment of
the National Defense Authorization Act for
Fiscal Year 2017 are the following:

“(i) Camouflage uniforms and clothing.
“(ii) Fixed wing manned aircraft.
“(iii) Rotary wing manned aircraft.
“(iv) Unmanned aerial vehicles.
“(v) Wheeled armored vehicles.
“(vi) Wheeled tactical vehicles.
“(vii) Specialized firearms and ammunition under .50-caliber.
“(viii) Explosives and pyrotechnics, including explosive breaching tools.
“(ix) Breathing apparatus.
“(x) Riot batons.

“(C) LIST OF CONTROLLED DEFENSE ITEMS TREATABLE AS ELIGIBLE DEFENSE ITEMS.—The Secretary of Defense shall, acting through the Director of the Defense Logistics Agency and in consultation with the Working Group established by Executive Order 13688, maintain, and periodically update, a list of controlled defense items that are currently appropriate for treatment as eligible defense items.
for purposes of this section. The list shall be est-

tablished and maintained in accordance with
the regulations for purposes of this section
under subsection (g).

“(2) CONTROLLED DEFENSE ITEMS NOT ELIGI-
BLE FOR TREATMENT.—

“(A) IN GENERAL.—A controlled defense
item may not be treated as an eligible defense
item for purposes of this section if—

“(i) the item is made exclusively for
the military; and

“(ii) the item, or a substantially simi-
lar item, cannot be purchased by State or
local law enforcement agencies in the pri-

vate sector even after the item is demili-
tarized.

“(B) INITIAL PROHIBITED ITEMS.—Unless
and until determined otherwise by the Secretary
for purposes of this section, the controlled de-

fense items that may not be treated as eligible
defense items for purposes of this section are
the following:

“(i) Tracked armored vehicles.

“(ii) Weaponized aircraft, vessels, and

vehicles of any kind.
“(iii) Firearms of .50-caliber or higher.

“(iv) Ammunition of .50-caliber or higher.

“(v) Grenades, flash bang grenades, grenade launchers, and grenade launcher attachments.

“(vi) Bayonets.

“(vii) Mine Resistant Ambush Protected (MRAP) vehicle.

“(viii) Tasers developed primarily for use by the military.

“(C) LIST OF CONTROLLED ITEMS NOT TREATABLE AS ELIGIBLE DEFENSE ITEMS.—The Secretary shall, acting through the Director and in consultation with the Working Group referred to in paragraph (1)(C), maintain, and periodically update, a list of controlled defense items that are currently prohibited from treatment as eligible defense items for purposes of this section. The list shall be established and maintained in accordance with the regulations for purposes of this section under subsection (g).
“(3) **Return of items not treated as eligible defense items not immediately required.**—

“(A) **Return of initial prohibited items not generally required.**—The regulations for purposes of this section shall provide that a law enforcement agency in possession on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017 of a controlled defense item that is not eligible for treatment as an eligible defense item pursuant to paragraph (2)(B) shall not be required to return such item to the Department pursuant to Executive Order 13688.

“(B) **Return of items subsequently treated as not eligible not required.**—The regulations for purposes of this section shall provide that a law enforcement agency in possession of a controlled defense item that is no longer eligible for treatment as an eligible defense item pursuant to paragraph (2)(C) shall not be required to return such item to the Department pursuant to Executive Order 13688.
“(C) Construction.—Nothing in this section shall be construed to require a law enforcement agency, pursuant to Executive Order 13688, to return to the Department equipment obtained from the Federal Government, or obtained using Federal funds, if such equipment was obtained by the agency in a manner consistent with all applicable laws and regulations.

“(D) No transfer of ownership.—Nothing in this section shall be construed as a transfer of ownership of any equipment obtained from the Federal Government pursuant to this section.

“(h) Prohibition on requirement for timely use of transferred items.—The regulations for purposes of this section may not require the use of an eligible defense item transferred under this section within one year of the receipt of the item by the State or local law enforcement agency concerned.

“(i) Notice on requests for transfers to state and local officials.—

“(1) In general.—Except as provided in paragraph (2), a State or local law enforcement agency may not request transfer of an eligible defense item under this section, including pursuant to interagency
transfer under subsection (t), unless the law enforce-
ment agency has provided notice of the request to
the head and legislative body of the State or political
subdivision of a State of which the law enforcement
agency is an agency.

“(2) Exception.—

“(A) Items for undercover operations.—A State or local law enforcement
agency requesting transfer of an eligible defense
item is not required to comply with paragraph
(1) if the item requested is for an active under-
cover operation.

“(B) Alternative notice requirement.—A State or local law enforcement agen-
cy receiving an item under this section pursuant
to a request covered by subparagraph (A) shall
notify the head and legislative body of the State
or political subdivision of a State of which the
law enforcement agency is an agency of the re-
quest not later than 10 business days after the
operation concerned becomes an open record.

“(j) Training Requirements.—

“(1) Minimum training requirements for
law enforcement officers.—
“(A) IN GENERAL.—On and after the date that is three years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, eligible defense items may not be transferred to a State or local law enforcement agency of a State under this section unless the Governor of the State (or the designee of the Governor) certifies to the Director of the Defense Logistics Agency that the State has in place minimum training requirements for all sworn law enforcement officers in the State, including—

“(i) a requirement that anyone that has decisionmaking authority on the deployment of a SWAT team attends the National Tactical Officers Association unit commanders course or an equivalent within one year of commencing the exercise of such authority;

“(ii) specialized leadership training requirements for unit commanders who have—

“(I) decisionmaking authority on the deployment of SWAT teams and tactical military vehicles; or
“(II) responsibility for drafting policies on the use of force and SWAT team deployment;

“(iii) annual specialized SWAT team training requirements for all SWAT team members, including in law enforcement tactics used in tactical operations;

“(iv) annual training requirements for all law enforcement officers that are members of specialized tactical units other than SWAT teams (including high-risk warrant service teams, hostage rescue teams, and drug enforcement task forces);

“(v) annual training on the general policing standards of the law enforcement agency on equipment such as eligible defense items;

“(vi) annual training on sensitivity, including training on ethnic and racial bias, cultural diversity, and police interaction with the disabled, mentally ill, and new immigrants;

“(vii) annual training in crowd control tactics for any officers that may be called
upon to participate in crowd control efforts; and

“(viii) such other training as recom-
pended by the evaluation conducted
pursuant to section 1051(d) of the Na-
tional Defense Authorization Act for Fiscal
Year 2016.

“(B) SATISFACTION BY RECENT HIReES.—
The requirements under subparagraph (A) shall
provide for the first completion of the training
concerned by an individual who becomes an office-
er in a law enforcement agency by not later
than one year after the date on which the indi-
vidual becomes an officer in the law enforce-
ment agency.

“(C) RECORD-KEEPING.—Each law en-
forcement agency to which eligible defense
items are transferred pursuant to this section
shall retain training records of each office au-
thorized to use such items, either in the per-
sonnel file of the officer or by the training divi-
sion or equivalent entity of the agency, for not
less than three years after the date on which
the training occurs, and shall provide a copy of
such records to the Director upon request.
“(k) SUSPENSION AND TERMINATION.—

“(1) FOR LOST OR STOLEN ITEMS.—In the event an offensive weapon or ordnance transferred to a State or local law enforcement agency under this section is lost, stolen, or misappropriated, the Director of the Defense Logistics Agency, after providing the law enforcement agency with notice and the opportunity to contest the allegation, shall suspend the law enforcement agency from eligibility for receipt of items under this section for a period of six months.

“(2) INTENTIONAL FALSIFICATION OF INFORMATION.—In the event a State or local law enforcement agency is determined by the Director (or the designee of the Director) to have intentionally falsified any information in requesting or applying for items under this section, the Director, after providing the law enforcement agency with notice and the opportunity to contest the determination, shall terminate the law enforcement agency from eligibility for receipt of items under this section until such time as the head of the law enforcement agency is replaced.

“(l) CONSTRUCTION WITH OTHER DLA AUTHORITY.—Nothing in this section shall be construed to over-ride, alter, or supersede the authority of the Director of
the Defense Logistics Agency to dispose of property of the Department of Defense that is not a controlled defense item to law enforcement agencies under another provision of law.

“(m) DEFINITIONS.—In this section:

“(1) The term ‘bayonet’ means a large knife designed to be attached to the muzzle of a rifle, shotgun, or long gun for the purposes of hand-to-hand combat.

“(2) The term ‘breaching apparatus’ means a tool designed to provide law enforcement rapid entry into a building or through a secured doorway, including battering rams or similar entry devices, ballistic devices, and explosive devices.

“(3) The term ‘controlled defense item’ means property of the Department of Defense that is subject to the restriction of the United States Munitions List (22 Code of Federal Regulations Part 121) or the Commerce Control List (15 Code of Federal Regulations Part 774).

“(4) The term ‘eligible defense item’ means a controlled defense item that is eligible for transfer to a law enforcement agency pursuant to this section.
“(5) The term ‘fixed wing manned aircraft’ means a powered aircraft with a crew aboard, such as airplanes, that uses a fixed wing for lift.

“(6) The term ‘grenade launcher’ means a firearm or firearm accessory designed to launch small explosive projectiles.

“(7) The term ‘riot baton’ means a nonexpandable baton of greater length than service-issued types that are intended to protect its wielder during melees by providing distance from assailants. The term does not include a service-issued telescopic or fixed length straight baton.

“(8) The term ‘specialized firearm and ammunition under .50 caliber’ means a weapon and corresponding ammunition for specialized operations or assignments. The term does not include service-issued handguns, rifles, or shotguns that are issued or approved by an agency to be used during the course of regularly assigned duties.

“(9) The term ‘State Coordinator’ means an individual appointed by the Governor of a State—

“(A) to manage requests of State and local law enforcement agencies of the State for eligible defense items; and
“(B) to ensure the appropriate use of eligible defense items transferred under this section by such law enforcement agencies.

“(10) The term ‘State or local law enforcement agency’ means a State or local agency or entity with law enforcement officers that have arrest and apprehension authority and whose primary function is to enforce the laws. The term includes a local educational agency with such officers. The term does not include a firefighting agency or entity.

“(11) The term ‘SWAT team’ means a Special Weapons and Tactics team or other specialized tactical team composed of State or local sworn law enforcement officers.

“(12) The term ‘tactical military vehicle’ means an armored vehicle having military characteristics resulting from military research and development processes that is designed primarily for use by forces in the field in direct connection with, or support of, combat or tactical operations.

“(13) The term ‘tracked armored vehicle’ means a vehicle that provides ballistic protection to their occupants and utilizes a tracked system instead of wheels for forward motion.
“(14) The term ‘unmanned aerial vehicle’ means a remotely piloted, powered aircraft without a crew aboard.

“(15) The term ‘wheeled armored vehicle’ means any wheeled vehicle either purpose-built or modified to provide ballistic protection to its occupants, such as a Mine Resistant Ambush Protected (MRAP) vehicle of an Armored Personnel Carrier.

“(16) The term ‘wheeled tactical vehicle’ means a vehicle purpose-built to operate onroad and offroad in support of military operations, such as a HMMWV (‘Humvee’), 2.5ton truck, 5ton truck, or a vehicle with a breaching or entry apparatus attached.”.

(b) IN GENERAL.—Chapter 153 of title 10, United States Code, is amended by inserting after section 2576b the following new section:

“§ 2576c. Excess property: priority in transfer to other Federal agencies of property also transferrable to State and local agencies

“(a) IN GENERAL.—In transferring excess property of the Department of Defense under authorities specified in subsection (b) that authorize the transfer of such property to both other Federal agencies and State and local agencies, the Secretary of Defense shall afford a priority
to other Federal agencies in the transfer of any property that is not a controlled defense item.

“(b) AUTHORITIES.—The authorities specified in this subsection are the following:

“(1) The authority to transfer personal property for law enforcement activities under section 2576a of this title.

“(2) The authority to transfer personal property to assist firefighting activities under section 2576b of this title.

“(3) The authority to transfer documents, artifacts, and other materiel under section 2572 of this title.

“(4) The authority to transfer nonlethal supplies for homeless and humanitarian relief under section 2557 of this title.

“(5) The authority to make foreign military sales under the Arms Export Control Act (22 U.S.C. 2751 et seq.).

“(6) The authority to transfer research equipment under section 11(i) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(i)).
“(7) Such other authorities relating to transfer of property of the Department as the Secretary designates for purposes of this section.”.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 153 of such title is amended by inserting after the item relating to section 2576b the following new item:

``2576c. Excess property: priority in transfer to other Federal agencies of property also transferrable to State and local agencies.”.

SEC. 1054. EXEMPTION OF INFORMATION ON MILITARY TACTICS, TECHNIQUES, AND PROCEDURES FROM RELEASE UNDER FREEDOM OF INFORMATION ACT.

(a) EXEMPTION.—Subsection (a) of section 130e of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting “or information related to military tactics, techniques, and procedures” after “security information”;

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

“(1) the information is—

“(A) Department of Defense critical infrastructure security information; or
“(B) related to a military tactic, technique, or procedure, including a military rule of engagement;”;

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

(4) by inserting after paragraph (1) the following new paragraph (2):

“(2) the public disclosure of the information could reasonably be expected to risk impairment of the effective operation of Department of Defense by providing an advantage to an adversary or potential adversary; and”.

(b) Definitions.—Subsection (c) of such section—

(1) is transferred to the end of such section and redesignated as subsection (f); and

(2) as so transferred and redesignated, is amended—

(A) by striking “DEFINITION.—In this section, the” and inserting the following: “DEFINITIONS.—In this section:”

“(1) DEPARTMENT OF DEFENSE CRITICAL INFRASTRUCTURE SECURITY INFORMATION.—The”;

and

(B) by adding at the end the following new paragraphs:
“(2) TACTIC.—The term ‘tactic’ means the employment and ordered arrangement of forces in relation to each other.

“(3) TECHNIQUE.—The term ‘technique’ means a non-prescriptive way or method used to perform a mission, function, or task.

“(4) RULE OF ENGAGEMENT.—The term ‘rule of engagement’ means a directive issued by a competent military authority that delineates the circumstances and limitations under which the armed forces will initiate or continue combat engagement with other forces encountered.”.

(c) DELEGATION AND TRANSPARENCY.—Such section is further amended—

(1) by striking subsection (d);

(2) by redesignating subsections (e) and (f) (as transferred and redesignated by subsection (b)(1) of this section) as subsections (c) and (e), respectively; and

(3) in subsection (e), as redesignated by paragraph (2)—

(A) by striking “, or the Secretary’s designee,”; and

(B) by striking “through the Office of the Director of Administration and Management”
and inserting “in accordance with guidelines
prescribed by the Secretary”.

(d) Citation for Purposes of Open FOIA Act
of 2009.—Such section is further amended—

(1) in subsection (a), as amended by subsection
(a) of this section, by striking “pursuant to section
552(b)(3) of title 5” in the matter preceding para-
graph (1); and

(2) by inserting after subsection (c), as redesig-
nated by subsection (c)(2) of this section, the fol-
lowing new subsection (d):

“(d) Citation for Purposes of Open FOIA Act
of 2009.—This section is a statute that specifically ex-
empts certain matters from disclosure under section 552
of title 5, as described in subsection (b)(3) of that sec-
tion.”.

(e) Conforming and Clerical Amendments.—

(1) Heading Amendment.—The heading of
such section is amended to read as follows:

“§130e. Nondisclosure of information: critical infra-
structure; military tactics, techniques,
and procedures”.

(2) Clerical Amendment.—The table of sec-
tions at the beginning of chapter 3 of such title is
amended by striking the item relating to section 130e and inserting the following new item:

“130e. Nondisclosure of information: critical infrastructure; military tactics, techniques, and procedures”.

SEC. 1055. TREATMENT OF CERTAIN SENSITIVE INFORMATION BY STATE AND LOCAL GOVERNMENTS.

(a) Special Nuclear Material.—Section 128 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d) Information that the Secretary prohibits to be disseminated pursuant to subsection (a) that is provided to a State or local government shall remain under the control of the Department of Defense, and a State or local law authorizing or requiring a State or local government to disclose such information shall not apply to such information.”.

(b) Critical Infrastructure Security Information.—Section 130e of such title is amended—

(1) by transferring subsection (c) to the end of such section and redesignating such subsection, as so transferred, as subsection (f); and

(2) by striking subsection (b) and inserting the following new subsections:

“(b) Designation of Department of Defense Critical Infrastructure Security Information.—In addition to any other authority or requirement regard-
ing protection from dissemination of information, the Sec-
retary may designate information as being Department of
Defense critical infrastructure security information, in-
cluding during the course of creating such information,
to ensure that such information is not disseminated with-
out authorization. Information so designated is subject to
the determination process under subsection (a) to deter-
mine whether to exempt such information from disclosure
described in such subsection.

“(c) INFORMATION PROVIDED TO STATE AND LOCAL
GOVERNMENTS.—(1) Department of Defense critical in-
frastructure security information covered by a written de-
termination under subsection (a) or designated under sub-
section (b) that is provided to a State or local government
shall remain under the control of the Department of De-
fense.

“(2)(A) A State or local law authorizing or requiring
a State or local government to disclose Department of De-
fense 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 infra-
structure security information under subsection (b), the
State or local government shall provide the Secretary an opportunity to carry out the determination process under subsection (a) to determine whether to exempt such information from disclosure pursuant to subparagraph (A).”.

(c) CONFORMING AMENDMENTS.—

(1) Section 128.—The heading of section 128 of such title is amended to read as follows:

“§ 128. Control and physical protection of special nuclear material: limitation on dissemination of unclassified information”.

(2) Section 130e.—Section 130e of such title is further amended—

(A) by striking the section heading and inserting the following new section heading:

“§ 130e. Control and protection of critical infrastructure security information”;

(B) in subsection (a), by striking the subsection heading and inserting the following new subsection heading: “EXEMPTION FROM FREEDOM OF INFORMATION ACT.—”;

(C) in subsection (d), by striking the subsection heading and inserting the following new subsection heading: “DELEGATION OF DETERMINATION AUTHORITY.—”; and
(D) in subsection (e), by striking the subsection heading and inserting the following new subsection heading: "TRANSPARENCY OF DETERMINATIONS.—”.

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 3 of such title is amended—

(1) by striking the item relating to section 128 and inserting the following new item:

‘‘128. Control and physical protection of special nuclear material: limitation on dissemination of unclassified information.’’; and

(2) by striking the item relating to section 130e and inserting the following new item:

‘‘130e. Control and protection of critical infrastructure security information.’’.

SEC. 1056. RECOVERY OF EXCESS FIREARMS, AMMUNITION, AND PARTS GRANTED TO FOREIGN COUNTRIES AND TRANSFER TO CERTAIN PERSONS.

(a) RECOVERY.—Subchapter II of chapter 407 of title 36, United States Code, is amended by inserting after section 40728A the following new section:

§ 40728B. Recovery of excess firearms, ammunition, and parts granted to foreign countries and transfer to certain persons

“(a) AUTHORITY TO RECOVER.—(1) Subject to paragraph (2) and subsection (b), the Secretary of the Army may acquire from any person any firearm, ammunition,
repair parts, or other supplies described in section 40731(a) of this title which were—

“(A) provided to any country on a grant basis under the conditions imposed by section 505 of the Foreign Assistance Act of 1961 (22 U.S.C. 2314) that became excess to the needs of such country; and

“(B) lawfully acquired by such person.

“(2) The Secretary of the Army may not acquire anything under paragraph (1) except for transfer to a person in the United States under subsection (c).

“(3) The Secretary of the Army may accept firearms, ammunition, repair parts, or other supplies under paragraph (1) notwithstanding section 1342 of title 31.

“(b) COST OF RECOVERY.—The Secretary of the Army may not acquire anything under subsection (a) if the United States would incur any cost for such acquisition.

“(c) AVAILABILITY FOR TRANSFER.—Any firearms, ammunition, repair parts, or supplies acquired under subsection (a) shall be available for transfer in the United States to the person from whom acquired if such person—

“(1) is licensed as a manufacturer, importer, or dealer pursuant to section 923(a) of title 18; and
“(2) uses an ammunition depot of the Army that is an eligible facility for receipt of any firearms, ammunition, repair parts, or supplies under this paragraph.

“(d) CONTRACTS.—Notwithstanding subsection (k) of section 2304 of title 10, the Secretary may enter into such contracts or cooperative agreements on a sole source basis pursuant to paragraphs (4) and (5) of subsection (c) of such section to carry out this section.

“(e) FIREARM DEFINED.—In this section, the term ‘firearm’ has the meaning given such term in section 921 of title 18.”

(b) SALE.—Section 40732 of such title is amended—

(1) by adding at the end the following new subsection:

“(d) SALES BY OTHER PERSONS.—A person who receives a firearm or any ammunition, repair parts, or supplies under section 40728B(c) of this title may sell, at fair market value, such firearm, ammunition, repair parts, or supplies.”; and

(2) in subsection (c), in the heading, by inserting “BY THE CORPORATION” after “LIMITATION ON SALES”.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 407 of such title is amended
by inserting after the item relating to section 40728A the
following new item:

"40728B. Recovery of excess firearms, ammunition, and parts granted to for-
eign countries and transfer to certain persons."

SEC. 1057. SENSE OF THE SENATE ON DEVELOPMENT AND
FIELDING OF FIFTH GENERATION AIRBORNE
SYSTEMS.

(a) FINDINGS.—The Senate makes the following
findings:

(1) The term “fifth generation”, with respect to
airborne systems, means those airborne systems ca-
pable of operating effectively in highly contested bat-
tle 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 re-
quired because—

(A) adversary integrated air defense sys-
tems (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 pro-
tection 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 THE SENATE.—It is the sense of the Senate that development and fielding of fifth generation airborne systems should include the following:

(1) Multispectral (radar, infrared, visual, emissions) low observable (LO) design features, self-protection jamming, and other capabilities that significantly delay or deny threat system detection, tracking, and engagement.

(2) Integrated avionics that autonomously fuse and prioritize onboard multispectral sensors and offboard information data to provide an accurate realtime operating picture and data download for postmission exploitation and analysis.
(3) Resilient communications, navigation, and identification techniques designed to effectively counter adversary attempts to deny or confuse friendly systems.

(4) Robust and secure networks linking individual platforms to create a common, accurate, and highly integrated picture of the battle space for friendly forces.

(5) Advanced onboard diagnostics capable of monitoring system health, accurately reporting system faults, and increasing overall system performance and reliability.

(6) Integrated platform and subsystem designs to maximize lethality and survivability while enabling decision superiority.

(7) Maximum consideration for the fielding of unmanned platforms either employed in concert with fifth generation manned platforms or as standalone unmanned platforms, to increase warfighting effectiveness and reduce risk to personnel during high risk missions.

(8) Advanced air-to-air, air-to-ground, and other weapons able to leverage fifth generation capabilities.
(9) Comprehensive and high-fidelity live, virtual, and constructive training systems, updated range infrastructure, and sufficient threat-representative adversary training assets to maximize fifth generation force proficiency, effectiveness, and readiness while protecting sensitive capabilities.

SEC. 1058. TECHNICAL AND CONFORMING AMENDMENTS.

(a) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2016.—The National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) is amended—

(1) in section 804(d)(3), by inserting “within 5 business days after such transfer” before the period at the end of the first sentence; and

(2) in section 809(e)(2)(A), by striking “repealed” and inserting “rescinded”.

(b) SECTION 2431B OF TITLE 10, UNITED STATES CODE.—Subsection (d) of section 2431b of title 10, United States Code, is amended to read as follows:

“(d) DEFINITIONS.—

“(1) CONCURRENCY.—The term ‘concurrency’ means, with respect to an acquisition strategy, the combination or overlap of program phases or activities.
“(2) MAJOR DEFENSE ACQUISITION PROGRAMS AND MAJOR SYSTEMS.—The terms ‘major defense acquisition programs’ and ‘major systems’ have the meanings provided in section 2431a of this title.”.

Subtitle G—National Commission on Military, National, and Public Service

SEC. 1066. PURPOSE AND SCOPE.

(a) PURPOSE.—The purpose of this subtitle is to establish the National Commission on Military, National, and Public Service to—

(1) conduct a review of the military selective service process (commonly referred to as “the draft”); and

(2) consider methods to increase participation in military, national, and public service in order to address national security and other public service needs of the Nation.

(b) SCOPE OF REVIEW.—In order to provide the fullest understanding of the matters required under the review under subsection (a), the Commission shall consider—

(1) the need for a military selective service process, including the continuing need for a mecha-
nism 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, in-
cluding an increased propensity for military service;

(3) the feasibility and advisability of modifying
the military selective service process in order to ob-
tain for military, national, and public service individ-
uals with skills (such as medical, dental, and nursing
skills, language skills, cyber skills, and science, tech-
nology, engineering, and mathematics (STEM)
skills) for which the Nation has a critical need, with-
out regard to age or sex; and

(4) the feasibility and advisability of including
in the military selective service process, as so modi-
fied, an eligibility or entitlement for the receipt of
one or more Federal benefits (such as educational
benefits, subsidized or secured student loans, grants
or hiring preferences) specified by the Commission
for purposes of the review.

(c) DEFINITIONS.—In this subtitle:

(1) The term “military service” means active
service (as that term is defined in subsection (d)(3)
of section 101 of title 10, United States Code) in
one of the uniformed services (as that term is defined in subsection (a)(5) of such section).

(2) The term “national service” means civilian employment in Federal or State Government in a field in which the Nation and the public have critical needs.

(3) The term “public service” means civilian employment in any non-governmental capacity, including with private for-profit organizations and non-profit organizations (including with appropriate faith-based organizations), that pursues and enhances the common good and meets the needs of communities, the States, or the Nation in sectors related to security, health, care for the elderly, and other areas considered appropriate by the Commission for purposes of this subtitle.

SEC. 1067. NATIONAL COMMISSION ON MILITARY, NA-
TIONAL, 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 de-
fined 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 Com-
mission 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 Rep-
resentatives shall appoint one member.

(E) The Minority Leader of the House of
Representatives shall appoint one member.

(F) The Chairman of the Committee on
Armed Services of the Senate shall appoint one
member.

(G) The Ranking Member of the Com-
mittee on Armed Services of the Senate shall
appoint one member.

(H) The Chairman of the Committee on
Armed Services of the House of Representatives
shall appoint one member.
(I) The Ranking Member of the Committee on Armed Services of the House of Representatives shall appoint one member.

(2) Deadline for appointment.—Members shall be appointed to the Commission under 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 ac-
(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 con-
sultants) 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.

SEC. 1068. COMMISSION HEARINGS AND MEETINGS.

(a) In General.—The Commission shall conduct hearings on the recommendations it is taking under consideration. Any such hearing, except a hearing in which classified information is to be considered, shall be open to the public. Any hearing open to the public shall be announced on a Federal website at least 14 days in advance. For all hearings open to the public, the Commission shall release an agenda and a listing of materials relevant to
the topics to be discussed. The Commission is authorized and encouraged to hold hearings and meetings in various locations throughout the country to provide maximum opportunity for public comment and participation in the Commission’s execution of its duties.

(b) MEETINGS.—

(1) INITIAL MEETING.—The Commission shall hold its initial meeting not later than 30 days after the date as of which all members have been appointed.

(2) SUBSEQUENT MEETINGS.—After its initial meeting, the Commission shall meet upon the call of the Chair or a majority of its members.

(3) PUBLIC MEETINGS.—Each meeting of the Commission shall be held in public unless any member objects or classified information is to be considered.

(c) QUORUM.—Six members of the Commission shall constitute a quorum, but a lesser number may hold hearings or meetings.

(d) PUBLIC COMMENTS.—

(1) SOLICITATION.—The Commission shall seek written comments from the general public and interested parties on matters of the Commission’s review under this subtitle. Comments shall be requested
through a solicitation in the Federal Register and announcement on the Internet website of the Commission.

(2) Period for Submittal.—The period for the submittal of comments pursuant to the 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 1069(d).

(3) Use by Commission.—The Commission shall consider the comments submitted under this subsection when developing its recommendations.

(e) Space for Use of Commission.—Not later than 90 days after the date of the enactment of this Act, the Administrator of General Services, in consultation with the Secretary, shall identify and make available suitable excess space within the Federal space inventory to house the operations of the Commission. If the Administrator is not able to make such suitable excess space available within such 90-day period, the Commission may lease space to the extent the funds are available.

(f) Contracting Authority.—The Commission may acquire administrative supplies and equipment for Commission use to the extent funds are available.
SEC. 1069. PRINCIPLES AND PROCEDURE FOR COMMISSION RECOMMENDATIONS.

(a) CONTEXT OF COMMISSION REVIEW.—The Commission shall—

(1) conduct review of the military selective service process; and

(2) consider methods to increase participation in military, national and public service opportunities to address national security and other public service needs of the Nation.

(b) DEVELOPMENT OF COMMISSION RECOMMENDATIONS.—The Commission shall develop recommendations on the matters subject to its review under subsection (a) that are consistent with the principles established by the President under subsection (c).

(c) PRESIDENTIAL PRINCIPLES.—

(1) IN GENERAL.—Not later than three months after the Commission establishment date, the President shall establish and transmit to the Commission and Congress principles for reform of the military selective service process, including means by which to best acquire for the Nation skills necessary to meet the military, national, and public service requirements of the Nation in connection with that process.
(2) ELEMENTS.—The principles required under this subsection shall address the following:

(A) Whether, in light of the current and predicted global security environment and the changing nature of warfare, there continues to be a continuous or potential need for a military selective service process designed to produce large numbers of combat members of the Armed Forces, and if so, whether such a system should include mandatory registration by all citizens and residents, regardless of sex.

(B) The need, and how best to meet the need, of the Nation, the military, the Federal civilian sector, and the private sector (including the non-profit sector) for individuals possessing critical skills and abilities, and how best to employ individuals possessing those skills and abilities for military, national, or public service.

(C) How to foster within the Nation, particularly among United States youth, an increased sense of service and civic responsibility in order to enhance the acquisition by the Nation of critically needed skills through education and training, and how best to acquire those skills for military, national, or public service.
(D) How to increase a propensity among United States youth for service in the military, or alternatively in national or public service, 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 rec-
ommendations for the reform of the military selective serv-
ice process and military, national, and public service in
connection with that process.

(e) COMMISSION REPORT AND RECOMMENDA-
TIONS.—

(1) REPORT.—Not later than 30 months after
the Commission establishment date, the Commission
shall transmit to the President and Congress a re-
port 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 Com-
misson shall include in the report legislative lan-
guage and recommendations for administrative ac-
tion to implement the recommendations of the Com-
misson. 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 rec-
ommendations 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 para-
graph (1) on an Internet website available to the
public on the same date on which it transmits that
report to the President and Congress under that
paragraph.

SEC. 1070. EXECUTIVE DIRECTOR AND STAFF.

(a) Executive Director.—The Commission shall
appoint and fix the rate of basic pay for an Executive Di-
rector 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 Detachments from Executive
Departments.—Not more than one-third of the
personnel employed by or detailed to the Commission
may be on detail from the Department of Defense
and other executive branch departments.
(2) Prior duties within executive branch.—A person may not be detailed from the Department of Defense or other executive branch department to the Commission if, in the year before the detail is to begin, that person participated personally and substantially in any matter concerning the preparation of recommendations for the military selective service process and military and public service in connection with that process.

(d) Limitations on Performance Reviews.—No member of the uniformed services, and no officer or employee of the Department of Defense or other executive branch department (other than a member of the uniformed services or officer or employee who is detailed to the Commission), may—

(1) prepare any report concerning the effectiveness, fitness, or efficiency of the performance of the staff of the Commission or any person detailed to that staff;

(2) review the preparation of such a report (other than for administrative accuracy); or

(3) approve or disapprove such a report.

SEC. 1071. JUDICIAL REVIEW PRECLUDED.

Actions under section 1069 of the President, the officials specified or designated under subsection (d) of such
section, and the Commission shall not be subject to judicial review.

SEC. 1072. TERMINATION.
Except as otherwise provided in this subtitle, the Commission shall terminate not later than 36 months after the Commission establishment date.

SEC. 1073. FUNDING.
Of the amounts authorized to be appropriated by this Act for fiscal year 2017 for the Department of Defense, up to $15,000,000 shall be made available to the Commission to carry out its duties under this subtitle. Funds made available to the Commission under the preceding sentence shall remain available until expended.

Subtitle H—Studies and Reports
SEC. 1076. ANNUAL REPORTS ON UNFUNDED PRIORITIES OF THE ARMED FORCES AND THE COMBATANT COMMANDS.
(a) Annual Reports Required.—
(1) In general.—Chapter 9 of title 10, United States Code, is amended by inserting after section 222 the following new section:

§222a. Unfunded priorities of the armed forces and combatant commands: annual report
“(a) Annual Report.—Not later than 25 days after the date on which the budget of the President for a fiscal
year is submitted to Congress pursuant to section 1105 of title 31, each officer specified in subsection (b) shall submit to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, and to the congressional defense committees, a report on the current unfunded priorities of the armed force or forces or combatant command under the jurisdiction or command of such officer.

“(b) Officers.—The officers specified in this subsection are the following:

“(1) The Chief of Staff of the Army.
“(2) The Chief of Naval Operations.
“(3) The Chief of Staff of the Air Force.
“(4) The Commandant of the Marine Corps.
“(5) The commanders of the geographic combatant commands and the commanders of the functional combatant commands.

“(c) Elements.—

“(1) In general.—Each report under this subsection shall specify, for each unfunded priority covered by such report, the following:

“(A) A summary description of such priority, including the objectives to be achieved if such priority is funded (whether in whole or in part).
“(B) The additional funds required to fully fund such priority.

“(C) Account information with respect to such priority, including the following (as applicable):

“(i) Line Item Number (LIN) for applicable procurement accounts.

“(ii) Program Element (PE) number for applicable research, development, test, and evaluation accounts.

“(iii) Sub-activity group (SAG) for applicable operation and maintenance accounts.

“(2) Prioritization of Priorities.—Each report shall present the unfunded priorities covered by such report in order of urgency of priority.

“(d) Unfunded Priority Defined.—in this section, the term ‘unfunded priority’, in the case of a fiscal year, means a program, activity, or mission requirement that—

“(1) is not funded in the budget of the President for the fiscal year as submitted to Congress pursuant to section 1105 of title 31;

“(2) is necessary to fulfill a requirement associated with an operational or contingency plan of a
combatant command or other validated global force
requirement; and

“(3) would have been recommended for funding
through the budget referred to in paragraph (1) by
the officer submitting the report required by sub-
section (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 re-
quirement had emerged before the budget was
so submitted.”.

(2) CLERICAL AMENDMENT.—The table of sec-
tions at the beginning of chapter 9 of such title is
amended by inserting after the item relating to sec-
tion 222 the following new item:

“222a. Unfunded priorities of the armed forces and combatant commands: an-
nual 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 re-
pealed.

SEC. 1077. ASSESSMENT OF THE JOINT GROUND FORCES
OF THE ARMED FORCES.

(a) IN GENERAL.—The Secretary of Defense shall,
in consultation with the Chairman of the Joint Chiefs of
Staff, provide for and oversee an assessment of the joint ground forces of the Armed Forces.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the assessment described in subsection (a). The report shall include the following:

(1) A description of any gaps in the capabilities and capacities of the joint ground forces that threaten the successful execution of decisive operational maneuver by the joint ground forces.

(2) Recommendations for actions to be taken to eliminate or otherwise address such gaps in capabilities or capacities.

SEC. 1078. REPORT ON INDEPENDENT ASSESSMENT OF THE FORCE STRUCTURE OF THE ARMED FORCES TO MEET THE NATIONAL DEFENSE STRATEGY.

(a) REPORT REQUIRED.—The Secretary of Defense shall, as provided in subsection (d), submit to Congress a report setting forth an assessment, obtained by the Secretary from an organization independent of the Department of Defense, of the adequacy and sufficiency of the
force structure of the Armed Forces to meet future threats
to the United States.

(b) CONDUCT OF REVIEW.—

(1) CONTRACT.—Not later than 90 days after
the date of the enactment of this Act, the Secretary
shall contract with an organization independent of
the Department for the review required pursuant to
subsection (a).

(2) ENTITY QUALIFICATIONS.—The entity with
which the Secretary contracts under this subsection
shall be an organization that has—

(A) recognized credentials and expertise in
national security and military affairs; and

(B) access to policy experts throughout the
United States.

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

(1) An identification and assessment of the
threats to the United States from Russia, China,
North Korea, Iran, the Islamic State of Iraq and the
Levant, global terrorism, and other sources.

(2) A description of potential conflicts arising
from the threats identified pursuant to paragraph
(1) and the proposed responses of the Department
and the Armed Forces to meet such threats, includ-
ing the concepts of operations, the end states de-
sired, the timelines required, the availability of host
nation and allied support, the use of weapons of
mass destruction, the anticipated duration of the
conflicts, and the need, if any, for post-hostilities
stabilization operations.

(3) An identification and assessment of the
forces, warfighting systems, acquisition programs,
and associated personnel strengths required to exe-
cute such responses at moderate risk, including the
demands of simultaneous or nearly simultaneous
conflicts in connection with such threats and ongo-
ing global commitments, with such strengths to in-
clude strengths for the regular and reserve compo-
nents of each Armed Force, for the United States
Special Operations Command, and for Government
civilian and operational contractor personnel.

(4) An identification and assessment of the
funding required to build and sustain the forces,
warfighting systems, acquisition programs, and per-
sonnel identified pursuant to paragraph (3).

(5) A comparison of the forces, warfighting sys-
tems, acquisition programs, manpower, and funding
identified pursuant to paragraphs (3) and (4) with
the forces, warfighting systems, acquisition pro-
grams, manpower, and funding planned in the future-years defense program for fiscal year 2017, as amended by any announced changes.

(6) An assessment of the ability of the forces planned in the future-years defense program for fiscal year 2017 to meet the day-to-day requirements of the commanders of the combatant commands for forward deployments, forward stationing (such as in Korea, Japan, and Europe), crisis response (such as Freedom of Navigation operations), humanitarian assistance and disaster response, no-fly zones, evacuation operations, peacekeeping, counterterrorism, operations in Iraq (Operation Inherent Resolve) and Afghanistan (Operation Resolute Support), allied and partner engagement, and homeland security (including missile defense), including a specification of appropriate dwell times for forces and members of the Armed Forces, an assessment of the ability of the Armed Forces to meet such specified dwell times, and a specification of the readiness levels needed for deployed and nondeployed forces.

(d) DEADLINE FOR REPORT; INTERIM BRIEFINGS.—

(1) SUBMITTAL TO SECRETARY OF DEFENSE.— Not later than 180 days after the date on which the Secretary enters into the contract described in sub-
section (b)(1), the organization with which the Secretary contracts shall submit to the Secretary a report containing the results of the review required pursuant to subsection (a).

(2) INTERIM REPORTS.—The organization shall provide the Secretary such interim briefings as the Secretary considers appropriate to assist the Department in the preparation of the national defense strategy required by section 118 of title 10, United States Code (as amended by section 1096 of this Act), and the quadrennial roles and missions review required by section 118b of such title.

(3) TRANSMITTAL TO CONGRESS.—Not later than 90 days after the date of the receipt of the report under paragraph (1), the Secretary shall transmit the report to the congressional defense committees, together with any comments on the report that the Secretary considers appropriate. The report and such comments shall be transmitted in unclassified form, but may contain a classified annex.

SEC. 1079. ANNUAL REPORT ON OBSERVATION FLIGHTS OVER THE UNITED STATES UNDER THE OPEN SKIES TREATY.

(a) ANNUAL REPORT ON OBSERVATION FLIGHTS.—
(1) IN GENERAL.—Not less frequently than once each year, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the observation flights over the United States under the Open Skies Treaty during the previous year.

(2) CONTENTS.—Each report required by paragraph (1) shall include, for each observation flight described in such paragraph covered by such report, the following:

(A) A description of the flight path of such observation flight.

(B) An analysis of whether and the extent to which any critical infrastructure of the United States or any covered state party critical was the subject of image capture activities of such observation flight.

(C) A description of the mitigation measures and costs imposed on the Department of Defense or other departments and agencies of the United States Government by such observation flight.

(b) UPGRADE ROADMAP.—In the first report submitted under subsection (a), the Secretary shall also include an upgrade roadmap for the observation aircraft of
the United States under the Open Skies Treaty that are located at Offutt Air Force Base, Nebraska, and for any analysis and support staff and equipment required in connection with such aircraft.

(c) DEFINITIONS.—In this section:

(1) APPLICABLE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) COVERED STATE PARTY.—The term “covered state party” means a foreign country that—

(A) is a state party to the Open Skies Treaty; and

(B) is not the Russian Federation or Belarus.

(3) OBSERVATION FLIGHT; OBSERVATION AIRCRAFT.—The terms “observation flight” and “observation aircraft” have the meaning given such terms in Article II of the Open Skies Treaty.

SEC. 1080. REPORTS ON PROGRAMS MANAGED UNDER ALTERNATIVE COMPENSATORY CONTROL MEASURES IN THE DEPARTMENT OF DEFENSE.

(a) In general.—Chapter 2 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 119a. Programs managed under alternative compensatory control measures: congressional oversight

“(a) Annual Report on Current Programs Under ACCMS.—

“(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 ACCMS.—
“(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 re-
quirement in paragraph (2) cannot be met with re-
spect to a proposed change or public announcement
concerning a program covered by paragraph (1), the
Secretary may submit the report required by that
paragraph regarding the proposed change or public
announcement at any time before the proposed
change or public announcement is made, and shall
include in the report an explanation of the excep-
tional circumstances.

“(d) MODIFICATION OF CRITERIA OR POLICY FOR
DESIGNATING PROGRAMS UNDER ACCMS.—Whenever
there is a modification or termination of the policy or cri-
teria used for designating a program as a program being
managed under alternative compensatory control meas-
ures in the Department, the Secretary shall promptly no-
tify the congressional defense committees of such modi-
fication 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 cri-
tera as modified.

“(e) WAIVER.—

“(1) IN GENERAL.—The Secretary may waive
any requirement in subsection (a), (b), or (e) that
certain information be included in a report under
such subsection if the Secretary determines that in-
clusion of that information in the report would ad-
versely affect the national security. Any such waiver
shall be made on a case-by-case basis.

“(2) NOTICE TO CONGRESS.—If the Secretary
exercises the authority in paragraph (1), the Sec-
retary shall provide the information described in the
applicable subsection with respect to the program
concerned, and the justification for the waiver, joint-
ly 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 al-
ternative compensatory control measures in the De-
partment 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 be-
fore initiating a program as described in paragraph
(1) would cause exceptionally grave damage to the
national security, the Secretary may begin a pro-
gram to be managed under alternative compensatory control measures in the Department before such waiting period elapses. The Secretary shall notify the congressional defense committees within 10 days of initiating a program under this paragraph, including a justification for the determination of the Secretary that waiting for the regular notification process would cause exceptionally grave damage to the national security.”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 2 of such title is amended by adding at the end the following new item:

“119a. Programs managed under alternative compensatory control measures: congressional oversight.”.

SEC. 1081. REQUIREMENT FOR NOTICE AND REPORTING TO COMMITTEES ON ARMED SERVICES ON CERTAIN EXPENDITURES OF FUNDS BY DEFENSE INTELLIGENCE AGENCY.

Section 105(c) of the National Security Act of 1947 (50 U.S.C. 3038(c)) is amended by inserting “, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives” after “committees” each place it appears.
SEC. 1082. REPEAL OF DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS FOR WHICH STATUTORY REQUIREMENT IS FROM AN AMENDMENT MADE BY AN ANNUAL NATIONAL DEFENSE AUTHORIZATION ACT.

(a) Provisions of Title 10, United States Dode.—The following provisions of title 10, United States Code, are repealed: sections 113(c)(2), 113(l), 115a, 115b(a), 118(a)(3), 127d(d), 129(f), 153(c), 179(f)(4) and (5)(B), 229(a), 235, 401(d), 428(f), 974(d)(3), 1705(f), 1722b(e), 2011(e), 2166(i), 2193b(g), 2218(h), 2225(e), 2249(c)(e), 2249d(f), 2262(d), 2263(b), 2306b(l)(4), 2313a, 2330a(c), 2330a(g), 2350j(f), 2410i(c) (second sentence), 2445b(a), 2475(a), 2506(b), 2537(b), 2561(c), 2564(c), 2674(a)(2), 2687a(a), 2687a(b)(4), 2687a(d)(2), 2711, 2831(e), 2859(c), 2861(d), 2866(b)(3), 2884(c), 2912(d), 4316, 4721(e), 5144(d)(2), 7310(e), 10504(b), 10543(a), and 10543(c).

(b) Other Provisions of Law.—The following provisions of law are repealed:

(1) Section 9902(f)(2)(B) of title 5, United States Code.

(2) Section 509(k) of title 32, United States Code.

(3) Section 103a(b)(3) of the Sikes Act (16 U.S.C. 670e–1(b)(3)).

(5) Section 3002(c)(4) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3343(e)(4)).

SEC. 1083. REPEAL OF DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS FOR WHICH STATUTORY REQUIREMENT IS SPECIFIED IN AN ANNUAL NATIONAL DEFENSE AUTHORIZATION ACT.


(d) National Defense Authorization Act for Fiscal Year 2000.—Section 366 of the National Defense


(1) Section 346 (115 Stat. 1062) is amended by striking subsection (b).

(2) Section 1008(d) (10 U.S.C. 113 note) is amended by striking paragraph (2).


(1) Section 123(d) (119 Stat. 3157) is amended by striking paragraph (1).

(2) Section 218(c) (119 Stat. 3172) is amended by striking paragraph (3).

(3) Section 1224 (10 U.S.C. 113 note) is repealed.

(i) JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007.—The John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) is amended as follows:

(1) Section 357 (22 U.S.C. 4865 note) is amended by striking subsection (b).

(2) Section 1017 (120 Stat. 2379) is amended by striking subsection (e).

(j) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008.—The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended as follows:

(1) Section 328(b) (10 U.S.C. 4544 note) is amended by striking paragraph (1).

(2) Section 330 (122 Stat. 68) is amended by striking subsection (e).

(3) Section 845 (5 U.S.C. App. 5 note) is repealed.

(1) Section 943 (122 Stat. 4578) is amended by striking subsection (e).

(2) Section 1014 (122 Stat. 4586), as most recently amended by section 1023 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), is amended by striking subsection (c).


(m) Ike Skelton National Defense Authorization Act for Fiscal Year 2011.—The Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383) is amended as follows:

(1) Section 112(b) (124 Stat. 4153) is amended by striking paragraph (3).

(2) Section 243 (10 U.S.C. 2358 note) is amended by striking subsection (e).

(3) Section 866(d) (10 U.S.C. 2302 note) is amended by striking paragraph (1).
(n) National Defense Authorization Act for Fiscal Year 2012.—The National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) is amended as follows:

1. Section 1054 (10 U.S.C. 113 note) is repealed.

(o) National Defense Authorization Act for Fiscal Year 2013.—The National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239) is amended as follows:

1. Section 126 (126 Stat. 1657) is amended by striking subsection (b).

2. Section 144 (126 Stat. 1663) is amended by striking subsection (c).
(3) Section 716 (10 U.S.C. 1074g note) is amended by striking subsection (e).

(4) Section 865 (126 Stat. 1861) is repealed.

(5) Section 917 (126 Stat. 1878) is repealed.


(7) Section 955(d) (10 U.S.C. 129a note) is amended by striking paragraph (2).

(8) Section 1009 (126 Stat. 1906) is amended by striking subsection (a).

(9) Section 1079(c) (10 U.S.C. 221 note) is repealed.


(11) Section 1273 (22 U.S.C. 2421f) is amended by striking subsection (d).

(12) Section 1276 (10 U.S.C. 2350c note) is amended by striking subsection (e).

(p) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014.—The National Defense Authoriza-
tion Act for Fiscal Year 2014 (Public Law 113–66) is amended as follows:

(1) Section 907 (10 U.S.C. 1564 note) is amended by striking subparagraph (B) of subsection (c)(3).

(2) Section 923 (10 U.S.C. prec. 421 note) is amended by striking subsection (b).

(3) Section 1107 (10 U.S.C. 2358 note) is amended by striking subsection (g).

(4) Section 1203 (10 U.S.C. 2011 note) is amended by striking subsection (e).

(5) Section 1249 (127 Stat. 925) is repealed.

(6) Section 1601 (10 U.S.C. 2533a note) is amended by striking subsection (b).

(7) Section 1611 (127 Stat. 947) is amended by striking subsection (d).

(8) Section 2916 (127 Stat. 1028) is amended by striking subsection (b).

(q) CARL LEVIN AND HOWARD P. “BUCK” MCKEON

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015.—The Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) is amended as follows:

(1) Section 232(e) (10 U.S.C. 2358 note) is repealed.
(2) Section 914 (5 U.S.C. 5911 note) is amended by striking paragraphs (2) and (3) of subsection (d).

(3) Section 1026(d) (128 Stat. 3490) is amended by striking paragraph (1).

(4) Section 1052(b) (128 Stat. 3497) is amended by striking paragraph (2).

(5) Section 1204(b) (10 U.S.C. 2249e note) is repealed.

(6) Section 1205 (128 Stat. 3537) is amended by striking subsection (e).

(7) Section 1206 (10 U.S.C. 2282 note) is amended by striking subsection (e).

(8) Section 1207 (10 U.S.C. 2342 note) is amended by striking subsection (d).

(9) Section 1209 (128 Stat. 3542) is amended by striking subsection (d).

(10) Section 1236(d) (128 Stat. 3559), as amended by section 1223(b)(1) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), is repealed.

(11) Section 1268 (10 U.S.C. 9411 note) is amended by striking subsection (g).
(12) Section 1275(b) (128 Stat. 3591) is amended by striking “and every 180 days thereafter” and inserting “and every year thereafter”.

(13) Section 1325 (50 U.S.C. 3715) is amended by striking subsection (e).

(14) Section 1341 (50 U.S. C. 3741) is repealed.

(15) Section 1342 (50 U.S.C. 3742) is repealed.

(16) Section 1534 (128 Stat. 3616) is amended by striking subsection (g).

(17) Section 1607 (128 Stat. 3625) is amended by striking subsection (b).

(18) Section 2821 (10 U.S.C. 2687 note) is amended by striking subsection (a)(3).

SEC. 1084. REPEAL OF REQUIREMENTS RELATING TO EFFICIENCIES PLAN FOR THE CIVILIAN PERSONNEL WORKFORCE AND SERVICE CONTRACTOR WORKFORCE OF THE DEPARTMENT OF DEFENSE.


Subtitle I—Other Matters

SEC. 1086. MILITARY SERVICE MANAGEMENT OF F–35 JOINT STRIKE FIGHTER PROGRAM.

(a) DISESTABLISHMENT OF F–35 JOINT PROGRAM OFFICE.—

(1) IN GENERAL.—Except as provided under subsection (d), not later than 180 days after Milestone C approval for the F–35 Joint Strike Fighter program, the Secretary of Defense shall disestablish the F–35 Joint Program Office and devolve relevant responsibilities to the Department of the Air Force and the Department of the Navy. The Department of the Air Force and the Department of the Navy shall establish separate program offices to manage the production, sustainment, and modernization of their respective aircraft.

(2) RESPONSIBILITIES OF THE DEPARTMENT OF THE AIR FORCE.—The Department of the Air
Force shall manage all aspects related to the F–35A variant.

(3) RESPONSIBILITIES OF THE DEPARTMENT OF THE NAVY.—The Department of the Navy shall manage all aspects related to the F–35B and F–35C variants.

(4) COORDINATION.—The Department of the Air Force and the Department of the Navy shall establish processes to coordinate on F–35 Joint Strike Fighter issues where commonality exists.

(b) REPORT.—Not later than February 1, 2017, the Secretary of Defense shall submit to the congressional defense committees a report outlining the Department’s plan for implementing the changes to management of the F–35 Joint Strike Fighter program required under subsection (a).

(c) GAO REVIEW.—Not later than 90 days after the Secretary of Defense submits the report and implementation plan required under subsection (b), the Comptroller General of the United States shall review the implementation plan and brief the congressional defense committees on its findings.

(d) WAIVER.—The Secretary of Defense may waive the requirements of this section if the Secretary certifies to the congressional defense committees that the current
Joint Program Office management structure is the optimal management structure for the F–35 Joint Strike Fighter program, including a business case analysis demonstrating that the current management structure is the optimal structure.

SEC. 1087. TREATMENT OF FOLLOW-ON MODERNIZATION FOR THE F–35 JOINT STRIKE FIGHTER AS A MAJOR DEFENSE ACQUISITION PROGRAM.

(a) In General.—The Secretary of Defense shall treat the programs referred to in subsection (b) for the F–35 Joint Strike Fighter as a major defense acquisition program for which Selected Acquisition Reports shall be submitted to Congress in accordance with the requirements of section 2432 of title 10, United States Code.

(b) Covered Programs.—The programs referred to in this subsection for the F–35 Joint Strike Fighter are the Block 4 Follow-on Modernization and any future F–35 Joint Strike Fighter modernization program that would otherwise, if a standalone program, qualify for treatment as a major defense acquisition program for purposes of chapter 144 of title 10, United States Code.
SEC. 1088. REDUCTION IN MINIMUM NUMBER OF NAVY CARRIER AIR WINGS AND CARRIER AIR WING HEADQUARTERS REQUIRED TO BE MAINTAINED.

(a) CODIFICATION AND REDUCTION.—Section 5062 of title 10, United States Code, is amended by adding at the end the following new subsection:

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“(e) The Secretary of the Navy shall ensure that the Navy maintains——

“(1) a minimum of 9 carrier air wings; and

“(2) for each such carrier air wing, a dedicated and fully staffed headquarters.”.
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(b) REPEAL OF SUPERSEDED REQUIREMENT.—Section 1093 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1606; 10 U.S.C. 5062 note) is repealed.

SEC. 1089. STREAMLINING OF THE NATIONAL SECURITY COUNCIL.

Section 101 of the National Security Act of 1947 (50 U.S.C. 3021) is amended to read as follows:

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“(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——
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“(1) advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the Armed Forces and the other departments and agencies of the United States Government to cooperate more effectively in matters involving the national security;

“(2) assess and appraise the objectives, commitments, and risks of the United States in relation to the actual and potential military power of the United States, and make recommendations thereon to the President; and

“(3) make recommendations to the President concerning policies on matters of common interest to the departments and agencies of the United States Government concerned with the national security.

“(c) Membership.—

“(1) In general.—The Council consists of the President, the Vice President, the Secretary of State, the Secretary of Defense, and such other 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 150 persons, including persons em-
ployed by, assigned to, detailed to, under contract to
serve on, or otherwise serving or affiliated with the
staff. The limitation in this paragraph does not
apply to personnel serving wholly in support or ad-
ministrative positions.’’.

SEC. 1090. FORM OF ANNUAL NATIONAL SECURITY STRAT-
EGY REPORT.

Section 108(c) of the National Security Act of 1947
(50 U.S.C. 3043(c)) is amended by striking ‘‘in both a
classified form and an unclassified form’’ and inserting
‘‘in classified form, but may include an unclassified sum-
mary’’.

SEC. 1091. BORDER SECURITY METRICS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMIT-
TEES.—The term ‘‘appropriate congressional com-
mittees’’ means—

(A) the Committee on Homeland Security
and Governmental Affairs of the Senate;

(B) the Committee on Homeland Security
of the House of Representatives;

(C) the Committee on the Judiciary of the
Senate; and

(D) the Committee on the Judiciary of the
House of Representatives.
(2) CONSEQUENCE DELIVERY SYSTEM.—The term “Consequence Delivery System” means the series of consequences applied by the Border Patrol to persons unlawfully entering the United States to prevent unlawful border crossing recidivism.

(3) GOT AWAY.—The term “got away” means an unlawful border crosser who—

(A) is directly or indirectly observed making an unlawful entry into the United States; and

(B) is not a turn back and is not apprehended.

(4) KNOWN MIGRANT FLOW.—The term “known migrant flow” means the sum of the number of undocumented migrants—

(A) interdicted at sea;

(B) identified at sea, but not interdicted;

(C) that successfully entered the United States through the maritime border; or

(D) not described in subparagraph (A), (B), or (C), which were otherwise reported, with a significant degree of certainty, as having entered, or attempted to enter, the United States through the maritime border.
(5) MAJOR VIOLATOR.—The term “major violator” means a person or entity that has engaged in serious criminal activities at any land, air, or sea port of entry, including—

(A) possession of illicit drugs;

(B) smuggling of prohibited products;

(C) human smuggling;

(D) weapons possession;

(E) use of fraudulent United States documents; or

(F) other offenses that are serious enough to result in arrest.

(6) SITUATIONAL AWARENESS.—The term “situational awareness” means knowledge and unified understanding of current unlawful cross-border activity, including—

(A) threats and trends concerning illicit trafficking and unlawful crossings;

(B) the ability to forecast future shifts in such threats and trends;

(C) the ability to evaluate such threats and trends at a level sufficient to create actionable plans; and
The operational capability to conduct persistent and integrated surveillance of the international borders of the United States.

(7) Transit Zone.—The term “transit zone” means the sea corridors of the western Atlantic Ocean, the Gulf of Mexico, the Caribbean Sea, and the eastern Pacific Ocean through which undocumented migrants and illicit drugs transit, either directly or indirectly, to the United States.

(8) Turn Back.—The term “turn back” means an unlawful border crosser who, after making an unlawful entry into the United States, promptly returns to the country from which such crosser entered.

(9) Unlawful Border Crossing Effectiveness Rate.—The term “unlawful border crossing effectiveness rate” means the percentage that results from dividing—

(A) the number of apprehensions and turn backs; and

(B) the number of apprehensions, estimated unlawful entries, turn backs, and gotaways.

(10) Unlawful Entry.—The term “unlawful entry” means an unlawful border crosser who enters
the United States and is not apprehended by a border security component of the Department of Homeland Security.

(b) METRICS FOR SECURING THE BORDER BETWEEN PORTS OF ENTRY.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall develop metrics, informed by situational awareness, to measure the effectiveness of security between ports of entry. The Secretary shall annually implement the metrics developed under this subsection, which shall include—

(A) estimates, including recidivism data, survey data, known-flow data, technologically-measured data, and alternative methodologies considered appropriate by the Secretary, of—

(i) total attempted unlawful border crossings;

(ii) the rate of apprehension of attempted unlawful border crossers; and

(iii) the number of unlawful entries;

(B) measurement of situational awareness achieved in each Border Patrol sector;

(C) an unlawful border crossing effectiveness rate;
(D) a probability of detection, which compares the estimated total unlawful border crossing attempts not detected by the Border Patrol to the unlawful border crossing effectiveness rate, as informed by subparagraph (A);

(E) an illicit drugs seizure rate for drugs seized by the Border Patrol, which compares the ratio of the amount and type of illicit drugs seized by the Border Patrol in any fiscal year to the average of the amount and type of illicit drugs seized by the Border Patrol in the immediately preceding 5 fiscal years;

(F) estimates of the impact of the Consequence Delivery System on the rate of recidivism of unlawful border crossers over multiple fiscal years; and

(G) an examination of each consequence referred to in subparagraph (F), including—

(i) voluntary return;

(ii) warrant of arrest or notice to appear;

(iii) expedited removal;

(iv) reinstatement of removal;

(v) alien transfer exit program;

(vi) Operation Streamline;
(vii) standard prosecution; and

(viii) Operation Against Smugglers Initiative on Safety and Security.

(2) METRICS CONSULTATION.—In developing the metrics required under paragraph (1), the Secretary shall—

(A) consult with the appropriate components of the Department of Homeland Security; and

(B) as appropriate, work with other agencies, including the Office of Refugee Resettlement of the Department of Health and Human Services and the Executive Office for Immigration Review of the Department of Justice, to ensure that authoritative data sources are utilized.

(3) MANNER OF COLLECTION.—The data used by the Secretary of Homeland Security shall be collected and reported in a consistent and standardized manner across all Border Patrol sectors, informed by situational awareness.

(c) METRICS FOR SECURING THE BORDER AT PORTS OF ENTRY.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Sec-
retary of Homeland Security shall develop metrics, informed by situational awareness, to measure the effectiveness of security at ports of entry. The Secretary shall annually implement the metrics developed under this subsection, which shall include—

(A) estimates, using alternative methodologies, including survey data and randomized secondary screening data, of—

(i) total attempted inadmissible border crossings;

(ii) the rate of apprehension of attempted inadmissible border crossings; and

(iii) the number of unlawful entries;

(B) the amount and type of illicit drugs seized by the Office of Field Operations of U.S. Customs and Border Protection at United States land, air, and sea ports during the previous fiscal year;

(C) an illicit drugs seizure rate for drugs seized by the Office of Field Operations, which compares the ratio of the amount and type of illicit drugs seized by the Office of Field Operations in any fiscal year to the average of the amount and type of illicit drugs seized by the
Office of Field Operations in the immediately preceding 5 fiscal years;

(D) the number of infractions related to travelers and cargo committed by major violators who are apprehended by the Office of Field Operations at ports of entry, and the estimated number of such infractions committed by major violators who are not apprehended;

(E) a measurement of how border security operations affect crossing times, including—

(i) a wait time ratio that compares the average wait times to total commercial and private vehicular traffic volumes at each port of entry;

(ii) an infrastructure capacity utilization rate that measures traffic volume against the physical and staffing capacity at each port of entry;

(iii) a secondary examination rate that measures the frequency of secondary examinations at each port of entry; and

(iv) an enforcement rate that measures the effectiveness of secondary examinations at detecting major violators; and

(F) a cargo scanning rate that includes—
(i) a comparison of the number of high-risk cargo containers scanned by the Office of Field Operations at each United States seaport during the fiscal year to the total number of high-risk cargo containers entering the United States at each seaport during the previous fiscal year;

(ii) the percentage of all cargo that is considered “high-risk” cargo; and

(iii) the percentage of high-risk cargo scanned—

(I) upon arrival at a United States seaport before entering United States commerce; and

(II) before being laden on a vessel destined for the United States.

(2) Metrics Consultation.—In developing the metrics required under paragraph (1), the Secretary shall—

(A) consult with the appropriate components of the Department of Homeland Security; and

(B) as appropriate, work with other agencies, including the Office of Refugee Resettlement of the Department of Health and Human
Services and the Executive Office for Immigration Review of the Department of Justice, to ensure that authoritative data sources are utilized.

(3) MANNER OF COLLECTION.—The data used by the Secretary of Homeland Security shall be collected and reported in a consistent and standardized manner across all field offices, informed by situational awareness.

(d) METRICS FOR SECURING THE MARITIME BORDER.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall develop metrics, informed by situational awareness, to measure the effectiveness of security in the maritime environment. The Secretary shall annually implement the metrics developed under this subsection, which shall include—

(A) situational awareness achieved in the maritime environment;

(B) an undocumented migrant interdiction rate, which compares the migrants interdicted at sea to the total known migrant flow;
(C) an illicit drugs removal rate, for drugs removed inside and outside of a transit zone, which compares the amount and type of illicit drugs removed, including drugs abandoned at sea, by the Department of Homeland Security’s maritime security components in any fiscal year to the average of the amount and type of illicit drugs removed by the Department of Homeland Security’s maritime components for the immediately preceding 5 fiscal years;

(D) a response rate, which compares the ability of the maritime security components of the Department of Homeland Security to respond to and resolve known maritime threats, whether inside and outside a transit zone, by placing assets on-scene, to the total number of events with respect to which the Department has known threat information; and

(E) an intergovernmental response rate, which compares the ability of the maritime security components of the Department of Homeland Security or other United States Government entities to respond to and resolve actionable maritime threats, whether inside or outside the Western Hemisphere transit zone, by tar-
geting maritime threats in order to detect them, and of those threats detected, the total number of maritime threats interdicted or disrupted.

(2) **Metrics Consultation.**—In developing the metrics required under paragraph (1), the Secretary shall—

(A) consult with the appropriate components of the Department of Homeland Security; and

(B) as appropriate, work with other agencies, including the Drug Enforcement Agency, the Department of Defense, and the Department of Justice, to ensure that authoritative data sources are utilized.

(3) **Manner of Collection.**—The data used by the Secretary of Homeland Security shall be collected and reported in a consistent and standardized manner, informed by situational awareness.

(e) Air and Marine Security Metrics in the Land Domain.—

(1) **In General.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall develop metrics, informed by situational awareness, to measure the effectiveness of the aviation assets and operations of
the Office of Air and Marine of U.S. Customs and
Border Protection. The Secretary shall annually im-
plement the metrics developed under this subsection,
which shall include—

(A) an effectiveness rate, which compares
Office of Air and Marine flight hours require-
ments to the number of flight hours flown by
such Office;

(B) a funded flight hour effectiveness rate,
which compares the number of funded flight
hours appropriated to the Office of Air and Ma-
rine to the number of actual flight hours flown
by such Office;

(C) a readiness rate, which compares the
number of aviation missions flown by the Office
of Air and Marine to the number of aviation
missions cancelled by such Office due to main-
tenance, operations, or other causes;

(D) the number of missions cancelled by
such Office due to weather compared to the
total planned missions;

(E) the number of subjects detected by the
Office of Air and Marine through the use of un-
manned aerial systems and manned aircrafts;
(F) the number of apprehensions assisted
by the Office of Air and Marine through the use
of unmanned aerial systems and manned air-
crafts;

(G) the number and quantity of illicit drug
seizures assisted by the Office of Air and Ma-
rine through the use of unmanned aerial sys-
tems and manned aircrafts; and

(H) the number of times that actionable
intelligence related to border security was ob-
tained through the use of unmanned aerial sys-
tems and manned aircraft.

(2) METRICS CONSULTATION.—In developing
the metrics required under paragraph (1), the Sec-
retary shall—

(A) consult with the appropriate compo-
nents of the Department of Homeland Security;
and

(B) as appropriate, work with other de-
partments and agencies, including the Depart-
ment of Justice, to ensure that authoritative
data sources are utilized.

(3) MANNER OF COLLECTION.—The data used
by the Secretary of Homeland Security shall be col-
lected and reported in a consistent and standardized manner, informed by situational awareness.

(f) DATA TRANSPARENCY.—The Secretary of Homeland Security shall—

(1) in accordance with applicable privacy laws, make data related to apprehensions, inadmissible aliens, drug seizures, and other enforcement actions available to the public, academic research, and law enforcement communities; and

(2) provide the Office of Immigration Statistics of the Department of Homeland Security with unfettered access to the data described in paragraph (1).

(g) EVALUATION BY THE GOVERNMENT ACCOUNTABILITY OFFICE AND THE SECRETARY OF HOMELAND SECURITY.—

(1) METRICS REPORT.—

(A) MANDATORY DISCLOSURES.—The Secretary of Homeland Security shall submit an annual report containing the metrics required under subsections (b) through (e) and the data and methodology used to develop such metrics to—

(i) the appropriate congressional committees; and
(ii) the Comptroller General of the United States.

(B) PERMISSIBLE DISCLOSURES.—The Secretary of Homeland Security, for the purpose of validation and verification, may submit the annual report described in subparagraph (A) to—

(i) the National Center for Border Security and Immigration;

(ii) the head of a national laboratory within the Department of Homeland Security laboratory network with prior expertise in border security; and

(iii) a Federally Funded Research and Development Center sponsored by the Department of Homeland Security.

(2) GAO REPORT.—Not later than 270 days after receiving the first report under paragraph (1)(A), and biennially thereafter for the following 10 years, the Comptroller General of the United States, shall submit a report to the appropriate congressional committees that—

(A) analyzes the suitability and statistical validity of the data and methodology contained in such report; and
(B) includes recommendations to Congress on—

(i) the feasibility of other suitable metrics that may be used to measure the effectiveness of border security; and

(ii) improvements that need to be made to the metrics being used to measure the effectiveness of border security.

(3) **STATE OF THE BORDER REPORT**.—Not later than 60 days after the end of each fiscal year through fiscal year 2025, the Secretary of Homeland Security shall submit a “State of the Border” report to the appropriate congressional committees that—

(A) provides trends for each metric under subsections (b) through (e) for the last 10 years, to the extent possible;

(B) provides selected analysis into related aspects of illegal flow rates, including legal flows and stock estimation techniques; and

(C) includes any other information that the Secretary determines appropriate.

(4) **METRICS UPDATE.**—

(A) **IN GENERAL.**—After submitting the final report to the Comptroller General under paragraph (2), the Secretary of Homeland Se-
security may reevaluate and update any of the metrics required under subsections (b) through (e) to ensure that such metrics—

(i) meet the Department of Homeland Security’s performance management needs;

and

(ii) are suitable to measure the effectiveness of border security.

(B) CONGRESSIONAL NOTIFICATION.—Not later than 30 days before updating the metrics under subparagraph (A), the Secretary shall notify the appropriate congressional committees of such updates.

SEC. 1092. CONSOLIDATION OF MARKETING OF THE ARMY WITHIN THE ARMY MARKETING RESEARCH GROUP.

(a) NATURE OF RESPONSIBILITY.—The marketing the Army, and each of the components of the Army, is the responsibility of the Secretary of the Army in the Secretary’s duty as the principal officer responsible for the authority, direction, and control of the Army and each of the components of the Army.

(b) CONSOLIDATION WITHIN AMRG.—

(1) CONSOLIDATION REQUIRED.—Not later than October 1, 2017, the Secretary of the Army
shall consolidate within the Army Marketing Re-
search 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 ef-
eftiveness in the marketing of the Army and each
of the components of the Army.

(2) REPORT.—Not later than October 1, 2016,
the Secretary shall submit to the Committees on
Armed Services of the Senate and the House of Rep-
resentatives a report setting forth the plan of the
Secretary to carry out the consolidation required by
paragraph (1).

SEC. 1093. PROTECTION AGAINST MISUSE OF NAVAL SPE-
CIAL WARFARE COMMAND INSIGNIA.

(a) IN GENERAL.—Chapter 663 of title 10, United
States Code, is amended by adding at the end the fol-
lowing new section:

“§ 7882. Protection against misuse of insignia of
Naval Special Warfare Command

“(a) PROTECTION AGAINST MISUSE.—Subject to
subsection (b), no person may use any covered Naval Spe-
cial Warfare insignia in connection with any promotion,
good, service, or other commercial activity when a par-
ticular use would be likely to suggest a false affiliation,
connection, or association with, endorsement by, or ap-
proval of, the United States, the Department of Defense, or the Department of the Navy.

“(b) EXCEPTION.—Subsection (a) shall not apply to the use of a covered Naval Special Warfare insignia for purposes such as criticism, comment, news reporting, analysis, research, or scholarship.

“(c) TREATMENT OF DISCLAIMERS.—Any determination of whether a person has violated this section shall be made without regard to any use of a disclaimer of affiliation, connection, or association with, endorsement by, or approval of the United States Government, the Department of Defense, the Department of the Navy, or any subordinate organization thereof to the extent consistent with international obligations of the United States.

“(d) ENFORCEMENT.—Whenever it appears to the Attorney General that any person is engaged in, or is about to engage in, an act or practice that constitutes or will constitute conduct prohibited by this section, the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice, and such court may take such injunctive or other action as is warranted to prevent the act, practice, or conduct.

“(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Secretary of the Navy to register any symbol, name, phrase,
term, acronym, or abbreviation otherwise capable of registration under the provisions of the Act of July 5, 1946, popularly known as the Lanham Act or the Trademark Act of 1946 (15 U.S.C. 1051 et seq.).

“(f) COVERED NAVAL SPECIAL WARFARE INSIGNIA DEFINED.—In this section, the term ‘covered Naval Special Warfare insignia’ means any of the following:

“(1) The Naval Special Warfare insignia comprising or consisting of the design of an eagle holding an anchor, trident, and flint-lock pistol.

“(2) The Special Warfare Combatant Craft Crewman insignia comprising or consisting of the design of the bow and superstructure of a Special Operations Craft on a crossed flint-lock pistol and enlisted cutlass, on a background of ocean swells.

“(3) Any colorable imitation of the insignia referred to in paragraphs (1) and (2), in a manner which could reasonably be interpreted or construed as conveying the false impression that an advertisement, solicitation, business activity, or product is in any manner approved, endorsed, sponsored, or authorized by, or associated with, the United States Government, the Department of Defense, or the Department of the Navy.”.
(b) Clerical Amendment.—The table of sections at the beginning of chapter 663 of such title is amended by adding at the end the following new item:

“7882. Protection against misuse of insignia of Naval Special Warfare Command.”

SEC. 1094. PROGRAM TO COMMEMORATE THE 100TH ANNIVERSARY OF THE TOMB OF THE UNKNOWN SOLDIER.

(a) Commemorative Program.—

(1) In general.—The Secretary of Defense shall conduct a program to commemorate the 100th anniversary of the Tomb of the Unknown Soldier. In conducting the commemorative program, the Secretary shall coordinate, support, and facilitate other programs and activities of the Federal Government and State and local governments.

(2) Work with nongovernmental organizations.—In conducting the commemorative program, the Secretary may work with nongovernmental organizations working to support the commemoration of the Tomb of the Unknown Soldier. No public funds may be used to undertake activities sponsored by such organizations.

(b) Schedule.—The Secretary shall determine the schedule of major events and priority of efforts for the
commemorative program in order to ensure achievement of the objectives specified in subsection (c).

(c) COMMEMORATIVE ACTIVITIES AND OBJECTIVES.—The commemorative program may include activities and ceremonies to achieve the following objectives:

(1) To honor America’s commitment to never forget or forsake those who served and sacrificed for our Country, including personnel who were held as prisoners of war or listed as missing in action, and to thank and honor the families of these veterans.

(2) To highlight the service of the Armed Forces in times of war or armed conflict and contributions of Federal agencies and governmental and nongovernmental organizations that served with, or in support of, the Armed Forces.

(3) To pay tribute to the contributions made on the home front by the people of the United States in times of war or armed conflict.

(4) To educate the American Public about service and sacrifice on behalf of the United States of America and the principles that define and unite us.

(5) To recognize the contributions and sacrifices made by the allies of the United States during times of war or armed conflict.
(d) NAMES AND SYMBOLS.—The Secretary shall have the sole and exclusive right to use the name “The United States of America Tomb of the Unknown Soldier Commemoration”, and such seal, emblems, and badges incorporating such name as the Secretary may lawfully adopt. Nothing in this section may be construed to supersede rights that are established or vested before the date of the enactment of this Act.

(e) COMMEMORATION FUND.—

(1) IN GENERAL.—Upon the establishment of the commemorative program under subsection (a), the Secretary of the Treasury shall establish in the Treasury of the United States an account to be known as the “Tomb of the Unknown Soldier 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. 1095. Sense of Congress Regarding the OCONUS Basing of the KC–46A Aircraft.

(a) Finding.—Congress finds that the Department of Defense is continuing its process of permanently stationing the KC–46A aircraft at installations in the Continental United States (in this section referred to as “CONUS”) and forward-basing outside the Continental United States (in this section referred to as “OCONUS”).

(b) Sense of Congress.—It is the sense of Congress that the Secretary of the Air Force, as part of the strategic basing process for the KC–46A aircraft, should
continue to place emphasis on and consider the benefits derived from outside the continental United States (OCONUS) locations that—

(1) support day-to-day air refueling operations, combatant commander operations plans, and flexibility for contingency ops, and have—

(A) a strategic location that is essential to the defense of the United States and its interests;

(B) receivers for boom or probe-and-drogue training opportunities with joint and international partners; and

(C) sufficient airfield and airspace availability and capacity to meet requirements; and

(2) possess facilities that—

(A) take full advantage of existing infrastructure to provide—

(i) runway, hangars, and aircrew and maintenance operations; and

(ii) sufficient fuels receipt, storage, and distribution for 5-day peacetime operating stock; and

(B) minimize overall construction and operational costs.
§118. National defense strategy

“(a) Presentation of Defense Strategy.—

“(1) In general.—Except as provided in paragraph (5), in January each year, the Secretary of Defense shall present to the congressional defense committees a defense strategy for such year. The strategy shall be known as the ‘national defense strategy’ for the year concerned.

“(2) Elements.—The defense strategy for a year shall include the following:

“(A) The highest priority missions for the Department of Defense.

“(B) The most critical and enduring threats to the national security of the United States and its allies posed by states or non-state actors, and the strategies that the Department will employ to counter such threats and provide for the national defense.

“(C) A strategic framework that conforms to resource levels prescribed by the Secretary for the manner in which the Department will

SEC. 1096. REPLACEMENT OF QUADRENNIAL DEFENSE REVIEW WITH NATIONAL DEFENSE STRATEGY.

(a) Replacement of Quadrennial Review With National Defense Strategy.—Section 118 of title 10, United States Code, is amended to read as follows:
prioritize among the threats described in sub-
paragraph (B) and the missions specified pur-
suant to subparagraph (A), allocate the result-
ing risks, and seek to mitigate such risks.

“(D) The major investments in defense ca-
pabilities, force readiness, global posture, and
 technological innovation that the Department
 will make over the following five-year period in
 accordance with the strategic framework de-
described in subparagraph (C).

“(3) ADVICE OF CHAIRMAN OF JCS.—The Sec-
retary shall seek the military advice of the Chairman
of the Joint Chiefs of Staff in preparing each de-
defense strategy required by this subsection.

“(4) FORM.—Each defense strategy under this
subsection shall be presented in classified form, and
shall also include a written unclassified summary.

“(5) SUBMITTAL IN YEARS OF NEW ADMINIS-
TRATION.—In a year following an election for Presi-
dent, which election results in the President appoint-
ing a new Secretary of Defense, the Secretary shall
present the defense strategy required by this sub-
section as soon as possible after appointment by and
with the advice and consent of the Senate.

“(b) NATIONAL DEFENSE PANEL.—
“(1) Quadrennial panel required.—Not later than February 1 of a year following a year evenly divisible by four, there shall be established an independent panel to be known as the National Defense Panel (in this subsection referred to as the ‘Panel’).

“(2) Membership.—The Panel shall be composed of ten members from private civilian life who are recognized experts in matters relating to the national security of the United States. Eight of the members shall be appointed as follows:

“(A) Two by the chair of the Committee on Armed Services of the Senate.

“(B) Two by the chair of the Committee on Armed Services of the House of Representatives.

“(C) Two by the ranking member of the Committee on Armed Services of the Senate.

“(D) Two by the ranking member of the Committee on Armed Services of the House of Representatives.

“(3) Co-chairs panel.—In addition to the members appointed under paragraph (2), the Secretary of Defense shall appoint two members of the
Panel from private civilian life to serve as co-chairs
of the Panel.

“(4) Period of Appointment; Vacancies.—
Members shall be appointed for the life of the Panel.
Any vacancy in the Panel shall be filled in the same
manner as the original appointment.

“(5) First Meeting.—If the Secretary of De-
defense has not made appointments to the Panel under
paragraph (3) by March 1 of a year in which the
Panel is established, the Panel shall convene for its
first meeting with its other members on that date.

“(6) Receipt of National Defense Strategy.—The national defense strategy under sub-
section (a) for a year in which the Panel is estab-
lished under this subsection shall be submitted to
the Panel by the Secretary not later than March 1
of such year.

“(7) Duties.—The Panel shall have the fol-
lowing duties:

“(A) Assessing the current national de-
defense strategy submitted to the Panel pursuant
to paragraph (5).

“(B) Identifying any changes in domestic
or international circumstances that could un-
dermine or limit the effectiveness of the na-
tional defense strategy.

“(C) Assessing the key assumptions on
which the national defense strategy is based.

“(D) Evaluating the efforts of the Depart-
ment of Defense to mitigate risks in connection
with the strategic framework and choices in the
national defense strategy.

“(E) Assessing the extent to which the
current annual budget, future-years defense
program, and other critical activities of the De-
partment align with the national defense strat-
egy.

“(F) Considering alternative national de-
fense strategies.

“(G) Providing to the Secretary and Con-
gress, in the report required by paragraph (8),
any recommendations the Panel considers ap-
propriate for consideration.

“(8) REPORT.—Not later than November 1 of
each year in which the Panel is established, the
Panel shall submit to the Secretary and the congres-
sional defense committees a report on the results of
the discharge of the duties of the Panel in that year
under paragraph (7). The report shall be submitted
to the congressional defense committees in an un-
classified summary, but shall also include with such
summary the full report in a classified annex.

“(9) ADMINISTRATIVE PROVISIONS.—The fol-
lowing administrative provisions apply to a Panel:

“(A) The Panel may request directly from
the Department and any of its components such
information as the Panel considers necessary to
carry out its duties under this subsection. The
head of the department or agency concerned
shall cooperate with the Panel to ensure that
information requested by the Panel under this
paragraph is promptly provided to the max-
imum extent practical.

“(B) Upon the request of the co-chairs, the
Secretary shall make available to the Panel the
services of any Federally funded research and
development center that is covered by a spon-
soring agreement of the Department of De-
fense.

“(C) The Panel shall have the authorities
provided in section 3161 of title 5, and shall be
subject to the conditions set forth in such sec-
tion.
“(D) Funds for activities of the Panel shall be derived from amounts available to the Department.”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 2 of such title is amended by striking the item relating to section 118 and inserting the following new item:

‘‘118. National defense strategy.’’.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Subtitle A—Department of Defense Matters Generally

SEC. 1101. CIVILIAN PERSONNEL MANAGEMENT.

(a) Modification of Management Limitations.—Section 129 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking ‘‘solely’’;

(B) in the second sentence—

(i) by striking ‘‘The management of such personnel in any fiscal year shall not be subject to any’’ and inserting ‘‘Any’’;

and

(ii) by inserting before the period the following: ‘‘shall be developed on the basis
of those factors and shall be subject to adjust-
ment solely for reasons of changed cir-
cumstances”; and
(C) in the third sentence, by striking “unless such reduction” and all that follows and insert-
ing “except in accordance with the require-
ments of this section and section 129a of this title.”;
(2) by striking subsections (b), (c), (e), and (f);
(3) by redesignating subsection (d) as sub-
section (b); and
(4) by adding at the end the following new sub-
section (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 Agen-
cies 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 begin-
ning of chapter 3 of such title is amended to read as follows:

“129. Civilian personnel management.”.

SEC. 1102. REPEAL OF REQUIREMENT FOR ANNUAL STRATEGIC WORKFORCE PLAN FOR THE DEPARTMENT OF DEFENSE.

(a) REPEAL.—Section 115b of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of such title is amended by striking the item relating to section 115b.

SEC. 1103. TEMPORARY AND TERM APPOINTMENTS IN THE COMPETITIVE SERVICE IN THE DEPARTMENT OF DEFENSE.

(a) APPOINTMENT.—

(1) IN GENERAL.—The Secretary of Defense may make a temporary appointment or a term appointment in the Department when the need for the services of an employee in the Department is not permanent.

(2) EXTENSION.—The Secretary may extend a temporary appointment or a term appointment made under paragraph (1).

(b) APPOINTMENTS FOR CRITICAL HIRING NEEDS.—

(1) IN GENERAL.—If there is a critical hiring need, the Secretary of Defense may make a non-
competitive temporary appointment or a noncompetitive term appointment in the Department of Defense, without regard to the requirements of sections 3327 and 3330 of title 5, United States Code, for a period that is not more than 18 months.

(2) No Extension Available.—An appointment made under paragraph (1) may not be extended.

(c) Regulations.—The Secretary may prescribe regulations to carry out this section.

(d) Definitions.—In this section:

(1) The term “temporary appointment” means the appointment of an employee in the competitive service for a period that is not more than one year.

(2) The term “term appointment” means the appointment of an employee in the competitive service for a period that is more than one year and not more than five years, unless the Secretary of Defense, before the appointment of the employee, authorizes a longer period.

SEC. 1104. PERSONNEL AUTHORITIES RELATED TO THE DEFENSE ACQUISITION WORKFORCE.

(a) Replacement for Acquisition Demonstration Program.—Chapter 87 of title 10, United States
Code, is amended by inserting after section 1762 the following new section.

“§ 1763. Special system of personnel authorities related to the acquisition workforce

“(a) AUTHORITY.—The Secretary of Defense may establish, and from time to time adjust, a special system of personnel programs under the authorities provided by this section for employees in the acquisition workforce of the Department of Defense and supporting personnel assigned to work directly with the acquisition workforce.

“(b) COVERED EMPLOYEES.—

“(1) IN GENERAL.—The Secretary of Defense may determine which employees who meet the requirements in subparagraphs (A) and (B) of subsection (k)(1) are covered by system established under this section, subject to the requirements in subsection (i).

“(2) NOTICE AND WAIT OF COVERAGE OF CATEGORIES OF EMPLOYEES.—A determination by the Secretary under paragraph (1) to cover a category of employees under a system established under this section may not take effect until—

“(A) a general notice of the proposed coverage is provided to affected employees; and
“(B) a period of 30 days has elapsed from
the date of the notice, during which those em-
ployees (for their representatives) shall be pro-
vided an opportunity to provide comments.

“(c) CLASSIFICATION AND RATES OF BASIC PAY.—
The Secretary of Defense may determine classification and
fix rates of basic pay for covered employees without regard
to chapter 51 and subchapter III of chapter 53 of title
5, subject to the following requirements:

“(1) Broadband or classification levels under
the system shall be linked to specific levels of the
General Schedule and associated minimum and max-
imum rates of basic pay.

“(2) Rates of basic pay fixed under this sub-
section may not exceed the maximum rate of basic
pay for a position at GS–15 of the General Schedule
under section 5332 of title 5, except for a retained
rate established under section 3594 or 5363 of such
title.

“(3) Covered employees shall receive locality-
based comparability payments under section 5304 of
title 5 on the same basis as if they were in a General
Schedule position, with rates of basic pay fixed
under this subsection treated as scheduled rates of
basic pay.
“(4) A covered employee shall be treated as if the covered employee is in a General Schedule position for the purposes of determining eligibility under the following provisions of title 5:

“(A) The pay retention provisions in sections 5363-5366.

“(B) Section 5545(d) (relating to eligibility for hazardous duty differentials).

“(C) Sections 5753-5755 (relating to recruitment, relocation, and retention bonuses, and supervisory differentials).

“(D) Section 5941 (relating to allowances based on living costs and environmental conditions for employees stationed in parts of the United States outside the continental United States or Alaska).

“(d) PERFORMANCE MANAGEMENT APPRAISALS AND ADVERSE ACTIONS.—In applying the provisions of chapter 43 (relating to performance appraisal), chapter 45 (relating to incentive awards), and chapter 75 (relating to adverse actions) of title 5 to a covered employee, the Secretary of Defense—

“(1) shall exclude from the provisions in chapters 43 and 75 dealing with a reduction in grade any reduction in broadband or classification level under
the system established under this section, if such re-
duction in broadband or classification level is the re-
sult of a covered employee’s rate of basic pay falling
below the minimum rate of basic pay for the level
to which the covered employee is assigned (because
the covered employee did not receive the full amount
of an increase in the rate of basic pay based on in-
ad adequate performance or contributions); and

“(2) may provide awards that are integrated
within the system of providing performance-based or
contribution-based salary adjustments without re-
gard to the limitations on awards in subsections (a)
and (b) of section 4502.

“(e) AUTHORITY TO WAIVE CERTAIN PROVISIONS OF
LAW.—In applying the provisions of chapter 31 (relating
to employment), chapter 33 (relating to examination, se-
lection, and placement, chapter 43 (relating to perform-
ance appraisals), chapter 71, and chapter 75 of title 5 to
a covered employee, the Secretary of Defense may act
without regard to the following provisions:

“(1) Section 3111 (relating to acceptance of
volunteer service), to the extent necessary to allow
volunteer service under the provisions of a voluntary
emeritus program established by the Secretary for
covered employees.
“(2) Section 3308 (relating to examination for the competitive service), to the extent necessary to accommodate the requirement for a college degree appointment as part of a scholastic achievement program established by the Secretary for covered employees.

“(3) Section 3317(a) (relating to competitive service registers) and section 3318(a) (relating to competitive service selection).

“(4) Subchapter I of chapter 33 (other than sections 3303 and 3328), to the extent necessary to structure streamlined external recruitment and appointment programs that afford the swiftest and best access to qualified candidates for direct appointment to positions covered by this chapter.

“(5) Section 3341(b) (relating to details within executive or military departments).

“(6) Section 4304(b) (relating to OPM review of agency performance appraisal systems).

“(7) Sections 7105(a)(2)(E), 7114, and 7116, to the extent those provisions are inconsistent with this section or would prohibit the Department or a labor organization from unilaterally terminating negotiations over whether the system will apply to em-
ployees represented by a labor organization or would
allow for review of such a termination.

“(8) Section 7119 (relating to negotiation im-
passes and the Federal Service Impasses Panel), to
the extent it gives the Federal Service Impasses
Panel jurisdiction to resolve impasses referred to it
by either party or both parties during or after imple-
mentation of the system.

“(9) Section 7512(4) (relating to adverse ac-
tions), to the extent necessary to exclude a conver-
sion from a General Schedule position for which a
special rate of pay is in effect under section 5305,
or similar provision of law, to a rate of pay under
the system that does not result in a reduction in the
covered employee’s total rate of pay.

“(f) STATUS OF CERTAIN VOLUNTEERS.—A volun-
teer under a voluntary emeritus program established by
the Secretary of Defense for covered employees shall be
considered to be an employee of the Federal Government
for the purposes specified in section 1588(d) of this title.

“(g) AUTHORITY TO WAIVE CERTAIN OPM REGULA-
tions.—The Secretary of Defense may waive application
of regulations of the Office of Personnel Management to
a system established under this section to the same extent
that such regulations were waived for the demonstration
project that applied to certain employees in the Department of Defense acquisition workforce under section 1762 of this title as of the day before the date of the enactment of this section.

“(h) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out the system of personnel programs established under this section.

“(i) LABOR ORGANIZATIONS.—

“(1) IN GENERAL.—An employee within a unit with respect to which a labor organization is accorded exclusive recognition under chapter 71 of title 5 shall not be covered by a system established under this section unless the labor organization and the Department of Defense have entered into a written agreement covering participation in such system.

“(2) NEW UNITS FOR LABOR ORGANIZATION REPRESENTATION.—If a labor organization is accorded exclusive recognition for a newly recognized unit that includes employees who are designated as covered employees before being included in an appropriate unit under section 7112 of title 5, the labor organization has the right to determine that affected employees (including vacant positions) will be removed from such system and placed under the system that would otherwise apply, under applicable
law and regulation. If a labor organization notifies
the Secretary of Defense in writing of its determina-
tion to remove such an employee (or vacant position)
from a system established under this section, the re-
moval may not take effect earlier than 6 months
after the date of the receipt by the Secretary of the
written notification, unless there is an agreement by
the labor organization and the Secretary for an ear-
lier date.

“(3) LIMITATION ON SCOPE OF NEGOTIA-
TIONS.—For purposes of section 7117(a)(1) of title
5, the duty to bargain in good faith with a labor or-
ganization regarding a matter arising under a sys-
tem established under this section shall not extend
to any matter relating to the establishment of rates
of pay or any other matter which is the subject of
any regulation of the Secretary regarding the system
in the same manner as if the regulation were a Gov-
ernment-wide regulation.

“(4) LIMITATION ON APPEALS.—Section
7117(c) of title 5 does not apply to a determination
by the Secretary that a matter is the subject of reg-
ulations prescribed under this section by the Sec-
retary.
“(j) STATUS OF EMPLOYEES MOVING OUT OF SYSTEM.—An employee who, while continuously employed, moves from a position as a covered employee to a General Schedule position—

“(1) shall be treated as if the employee were in a General Schedule position immediately before such movement for the purpose of applying the promotion provision in section 5334(b) of such title; and

“(2) shall be converted to an equivalent level of the General Schedule and rate of basic pay immediately before such movement, under regulations prescribed by the Director of the Office of Personnel Management, for the purpose of applying paragraph (1).

“(k) DEFINITIONS.—In this section:

“(1) The term ‘covered employee’ means an employee who—

“(A) is—

“(i) in the acquisition workforce of the Department of Defense; or

“(ii) is a supporting employee assigned to work directly with the acquisition workforce;
“(B) would be in a General Schedule position, except for the exercise of the authority under this section; and

“(C) is designated by the Secretary of Defense to be covered under a system established under this section in accordance with subsection (b).

“(2) The term ‘General Schedule position’ means a position to which subchapter III of chapter 53 of title 5 applies.”.

(b) Repeal of ACQDemo Statute.—Section 1762 of such title is repealed.

(e) Clerical Amendment.—The table of sections at the beginning of subchapter V of chapter 87 of such title is amended by striking the item relating to section 1762 and inserting the following new item:

“1763. Special system of personnel authorities related to the acquisition workforce.”.

(d) Transition Provisions.—

(1) Continuity of ACQDemo System.—The system established under the demonstration project authority under section 1762 of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall be considered a system established under section 1763 of title 10, United States Code, as added by subsection (a).
(2) Continuity of AcqDemo Regulations.—

The demonstration project plan published in the Federal Register under section 1762 of title, United States Code, for the Department of Defense acquisition workforce, as in effect on the day before the date of the enactment of this Act, shall be considered to be a regulation prescribed by the Secretary of Defense under subsection (h) of section 1763 of title 10, United States Code, as so added. The provisions of such plan related to the conversion of employees back to the General Schedule pay system shall not apply, except as necessary to allow for possible application of the General Schedule promotion rule in section 5334(b) of title 5, United States Code, pending the issuance of regulation under subsection (j)(2) of section 1763, as so added.

(3) Continuity of Covered Employees.—

The categories of employees covered on the day before the day of the enactment of this Act by the demonstration project referred to in paragraph (1) shall be covered by a system established by the Secretary under section 1763 of title 10, United States Code, as so added, without regard to subsection (b) of that section.
(e) Effective Date.—This section and the amendments made by this section shall take effect on the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

SEC. 1105. DIRECT HIRE AUTHORITY FOR FINANCIAL MANAGEMENT EXPERTS IN THE DEPARTMENT OF DEFENSE WORKFORCE.

(a) Authority.—Each Secretary concerned may appoint qualified candidates possessing a finance, accounting, management, or actuarial science degree, or a related degree or equivalent experience, to positions specified in subsection (c) for the Defense Agencies or the applicable military department without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code.

(b) Secretary Concerned.—For purposes of this section, the Secretary concerned is as follows:

(1) The Secretary of Defense with respect to the Defense Agencies.

(2) The Secretary of a military department with respect to such military department.

(c) Positions.—The positions specified in this subsection are the positions within the Department of Defense workforce as follows:

(1) Financial management positions.

(2) Accounting positions.
(3) Auditing positions.

(4) Actuarial positions.

(5) Cost estimation positions.

(6) Operational research positions.

(d) LIMITATION.—Authority under this section may not, in any calendar year and with respect to any Defense Agency or military department, be exercised with respect to a number of candidates greater than the number equal to 10 percent of the total number of the financial management, accounting, auditing, and actuarial positions within the financial management workforce of such Defense Agency or military department that are filled as of the close of the fiscal year last ending before the start of such calendar year.

(e) NATURE OF APPOINTMENT.—Any appointment under this section shall be treated as an appointment on a full-time equivalent basis, unless such appointment is made on a term or temporary basis.

(f) EMPLOYEE DEFINED.—In this section, the term “employee” has the meaning given that term in section 2105 of title 5, United States Code.

(g) TERMINATION.—The authority to make appointments under this section shall not be available after December 31, 2022.
SEC. 1106. DIRECT-HIRE AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR POST-SECONDARY STUDENTS AND RECENT GRADUATES.

(a) Hiring Authority.—For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Secretary of Defense may recruit and appoint qualified recent graduates and current post-secondary students to positions within the Department of Defense.

(b) Limitation on Appointments.—Subject to subsection (c)(2), the total number of employees appointed by the Secretary under subsection (a) during a fiscal year may not exceed the number equal to 15 percent of the number of hires made into professional and administrative occupations of the Department at the GS–11 level and below (or equivalent) under competitive examining procedures during the previous fiscal year.

(c) Regulations.—

(1) In general.—The Secretary shall administer this section in accordance with regulations prescribed by the Secretary for purposes of this section.

(2) Lower limit on appointments.—The regulations may establish a lower limit on the number of individuals appointable under subsection (a) during a fiscal year than is otherwise provided for under subsection (b), based on such factors as the Secretary considers appropriate.
(d) **SUNSET.**—The authority in this section terminates on the date that is four years after the date on which the Secretary first appoints a recent graduate or current post-secondary student to a position under this section.

(e) **DEFINITIONS.**—In this section:

(1) The term “current post-secondary student” means a person who—

(A) is currently enrolled in, and in good academic standing at, a full-time program at an institution of higher education;

(B) is making satisfactory progress toward receipt of a baccalaureate or graduate degree; and

(C) has completed at least one year of the program.

(2) The term “institution of higher education” has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(3) The term “recent graduate”, with respect to appointment of a person under this section, means a person who was awarded a degree by an institution of higher education not more than two years before the date of the appointment of such person, except that in the case of a person who has completed a period of obligated service in a uniformed service
of more than four years, such term means a person
who was awarded a degree by an institution of high-
er education not more than four years before the
date of the appointment of such person.

SEC. 1107. PUBLIC-PRIVATE TALENT EXCHANGE.

(a) In General.—Chapter 81 of title 10, United
States Code, is amended by adding at the end the fol-
lowing new section:

“§ 1599g. Public-private exchange

“(a) Assignment Authority.—The Secretary of
Defense may, with the agreement of the private-sector or-
ganization concerned, arrange for the temporary assign-
ment of a Department of Defense employee to such pri-
ivate-sector organization, or from such private-sector orga-
nization to a Department organization under this section.

“(b) Agreements.—

“(1) In General.—The Secretary of Defense
shall provide for a written agreement among the De-
partment of Defense, the private-sector organization,
and the employee concerned regarding the terms and
conditions of the employee’s assignment under this
section. The agreement—

“(A) shall require that an employee of the
Department, upon completion of the assign-
ment, will serve in the Department, or else-
where in the civil service if approved by the Secretary, for a period equal to the length of the assignment; and

“(B) shall provide that if the employee of the Department or the private-sector organization (as the case may be) fails to carry out the agreement, the employee shall be liable to the United States for payment of all expenses of the assignment, unless that failure was for good and sufficient reason, as determined by the Secretary.

“(2) Treatment of Employee Liability.—An amount for which an employee is liable under paragraph (1) shall be treated as a debt due the United States.

“(c) Termination.—An assignment under this section may, at any time and for any reason, be terminated by the Department of Defense or the private-sector organization concerned.

“(d) Duration.—

“(1) In General.—Except as provided in paragraph (2), an assignment under this section shall be for a period of not less than three months and not more than two years.
“(2) Exception to Meet Critical Mission
or Program Requirements.—An assignment
under this section may be for a period in excess of
two years, but not more than four years, if the Sec-
retary determines that such assignment is necessary
to meet critical mission or program requirements.

“(e) Terms and Conditions for Private Sector
Employees.—An employee of a private-sector organiza-
tion who is assigned to a Department of Defense organiza-
tion under this section—

“(1) may continue to receive pay and benefits
from the private-sector organization from which such
employee is assigned;

“(2) is deemed to be an employee of the De-
partment for the purposes of—

“(A) chapter 73 of title 5;

“(B) sections 201, 203, 205, 207, 208,
209, 603, 606, 607, 643, 654, 1905, and 1913
of title 18;

“(C) sections 1343, 1344, and 1349(b) of
title 31;

“(D) the Federal Tort Claims Act and any
other Federal tort liability statute;

“(E) the Ethics in Government Act of
1978; and
“(F) chapter 21 of title 41; and
“(3) may not have access to any trade secrets or to any other nonpublic information which is of commercial value to the private-sector organization from which such employee is assigned.
“(f) Prohibition against charging certain costs to the Federal Government.—A private-sector organization may not charge the Department of Defense or any other agency of the Federal Government, as direct or indirect costs under a Federal contract, the costs of pay or benefits paid by the organization to an employee assigned to the Department under this section for the period of the assignment.
“(g) Considerations.—In carrying out this section, the Secretary of Defense shall take into consideration how assignments under this section might best be used to help meet the needs of the Department of Defense with respect to the training of employees.”.

(b) Clerical Amendment.—The table of sections at the beginning of 81 of such title is amended by adding at the end the following new item:

“1599g. Public-private exchange.”.
SEC. 1108. TRAINING FOR EMPLOYMENT PERSONNEL OF
DEPARTMENT OF DEFENSE ON MATTERS RELATING TO AUTHORITIES FOR RECRUITMENT
AND RETENTION AT UNITED STATES CYBER COMMAND.

(a) Training Required.—Section 1599f of title 10, United States Code, is amended—

(1) by redesignating subsections (f) through (j) as subsections (h) through (k), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) Training.—(1) The Secretary shall provide training to covered personnel on hiring and pay matters relating to authorities under this section.

“(2) For purposes of this subsection, covered personnel are employees of the Department who—

“(A) carry out functions relating to—

“(i) the management of human resources and the civilian workforce of the Department;

or

“(ii) the writing of guidance for the implementation of authorities regarding hiring and pay under this section; or

“(B) are employed in supervisory positions or have responsibilities relating to the hiring of individuals for positions in the Department and to whom
the Secretary intends to delegate authority under this section.”.

(b) Reports.—

(1) Initial report.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress (as defined in section 1599f of title 10, United States Code) a report on the training the Secretary intends to provide to each of the employees described in subsection (f)(2) of such section (as added by subsection (a) of this section) and the frequency with which the Secretary intends to provide such training.

(2) Ongoing reports.—Subsection (h)(2)(E) of such section, as redesignated by subsection (a)(1) of this section, is amended by striking “supervisors of employees in qualified positions at the Department on the use of the new authorities” and inserting “employees described in subsection (f)(2) on the use of authorities under this section”.
SEC. 1109. INCREASE IN MAXIMUM AMOUNT OF VOL-
UNTARY SEPARATION INCENTIVE PAY AU-
THORIZED FOR CIVILIAN EMPLOYEES OF
THE DEPARTMENT OF DEFENSE.

Section 9902(f)(5)(A)(ii) of title 5, United States
Code, is amended by striking “$25,000” and inserting “an
amount determined by the Secretary, not to exceed
$40,000”.

SEC. 1110. REPEAL OF CERTAIN BASIS FOR APPOINTMENT
OF A RETIRED MEMBER OF THE ARMED
FORCES TO DEPARTMENT OF DEFENSE POSI-
TION 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 in-
serting a period; and

(3) by striking paragraph (3).

SEC. 1111. PILOT PROGRAMS ON CAREER SABBATICALS
FOR DEPARTMENT OF DEFENSE CIVILIAN
EMPLOYEES.

(a) PILOT PROGRAMS AUTHORIZED.—

(1) IN GENERAL.—Each Secretary of a military
department may carry out one or more pilot pro-
grams under which civilian employees of the Depart-
ment of Defense under the jurisdiction of such Sec-
retary are permitted periods of recess of not more
than one year from full-time employment by the De-
partment in order to meet personal, familial, or pro-
fessional needs and return to their full-time civilian
employment by the Department at the end of such
periods of recess without loss of civil service status
or privilege.

(2) PURPOSE.—The purpose of the pilot pro-
grams is to assess whether permitting periods of re-
cess from civilian employment for civilian employees
of the Department provides an effective means of
enhancing retention of civilian employees of the De-
partment and the capacity of the Department to re-
pond to the personal, familial, and professional
needs of individual members of its civilian workforce.

(b) INELIGIBLE EMPLOYEES.—A civilian employee of
the Department is not eligible to participate in a pilot pro-
gram under this section during any period of service re-
quired of the employee—

(1) during the initial probationary period before
the appointment of the employee in the competitive
service becomes final; or

(2) in connection with any recruitment, reten-
tion, or relocation bonus, incentive payment, or other
additional payment for employment received by the employee pursuant to a provision of title 5 or 10, United States Code, or any other provision of law.

(c) Participation.—

(1) IN GENERAL.—Civilian employees of a military department shall be selected for participation in pilot programs of the military department under this section by the Secretary of the military department in accordance with such procedures as the Secretary of Defense shall establish for purposes of the pilot programs.

(2) LIMITATION ON NUMBER OF PARTICIPANTS.—Not more than 300 civilian employees of each military department may be selected during each of calendar years 2017 through 2022 to participate in pilot programs under this section.

(d) Period of Recess From Civilian Employment.—

(1) PERIOD OR RECESS.—The period of recess from civilian employment by the Department under a pilot program under this section of an employee participating in the pilot program shall be such period as the Secretary of the military department concerned shall specify in the agreement of the em-
ployee under subsection (e), except that such period may not exceed one year.

(2) Period not creditable toward retirement benefits.—Any period of recess of a civilian employee of the Department under a pilot program shall not count as creditable service for purposes of chapter 83 or 84 of title 5, United States Code.

(3) Continuation of enrollment in health benefits plans.—A civilian employee of the Department who undertakes a period of recess from full-time employment under a pilot program shall, at the election of the employee, be treated as an employee in nonpay status during such period of recess for purposes of section 890.303(e) of title 5, Code of Federal Regulations (relating to continuation in enrollment in Federal health benefits plans), as such section is in effect on December 15, 2015, for purposes of the eligibility of the employee and any dependents of the employee for enrollment in a Federal health benefits plan.

(4) Continuation of life insurance.—A civilian employee of the Department who undertakes a period of recess from full-time employment under a pilot program shall be treated as an employee in nonpay status during such period of recess for pur-
poses of continuation of life insurance under the
Federal Employees’ Group Life Insurance Program
without requirement for employee premium pay-
ments under section 870.508(a) of title 5, Code of
Federal Regulations, or agency premium payments
under section 870.404(c) of title 5, Code of Federal
Regulations, as such sections are in effect on De-
cember 31, 2015.

(e) AGREEMENT.—

(1) IN GENERAL.—Each civilian employee of
the Department who participates in a pilot program
under this section shall enter into a written agree-
ment with the Secretary of the military department
concerned under which agreement such employee
shall agree as follows:

(A) To undergo during each period of the
recess of such employee from full-time employ-
ment by the Department under the pilot pro-
gram such skills training as the Secretary shall
require in order to ensure that such employee
retains proficiency, at a level determined by the
Secretary to be sufficient, in such employee’s
professional qualifications and certifications.

(B) Following completion of a period of
the recess of such civilian employee under the
pilot program, to serve two months as a civilian employee of the Department on a full-time basis for each month of such period of the recess of such employee under the pilot program.

(2) Notice on obligated service.—Each employee entering into an agreement under this subsection for purposes of a pilot program shall be notified at the time of entry into the agreement of the obligated service required of the employee as a result of a period of recess from full-time employment by the Department under the pilot program pursuant to paragraph (1)(B).

(f) Terms and conditions of release for period of recess.—A civilian employee of the Department who participates in a pilot program under this section shall be eligible for periods of release from full-time employment by the Department under the pilot program in accordance with such terms and conditions as are specified in the agreement of the employee under subsection (e). Such terms and conditions shall conform to guidelines issued by the Secretary of Defense for purposes of the pilot programs under this section.

(g) Involuntary return to full-time employment.—
(1) **IN GENERAL.**—Under guidelines issued by the Secretary of the military department concerned for the purpose of pilots programs of such military department under this section, a civilian employee of the Department who is in a period of recess from full-time employment by the Department under a pilot program may, at the election of Secretary and without the consent of the employee, be required to return to full-time employment by the Department at any time during such period of recess.

(2) **GUIDELINES AND PROCEDURES.**—The circumstances under which a civilian employee may be required to return to full-time employment pursuant to paragraph (1), and the procedures applicable to requiring such return, shall be specified in guidelines issued by the Secretary of Defense for purposes of the pilot programs.

(h) **PAY AND ALLOWANCES.**—

(1) **PROHIBITION ON RECEIPT OF BASIC PAY AND ALLOWANCES.**—While undertaking a period of recess from full-time employment by the Department under a pilot program under this section, a civilian employee of the Department is not entitled to any pay or allowances otherwise payable to the employee under title 5 or 10, United States Code.
(2) Prohibition on receipt of special and incentive pays.—While undertaking a period of recess from employment under a pilot program, an employee may not be paid any special or incentive pay or bonus to which the employee would otherwise be entitled under an employment agreement under a provision of title 5 or 10, United States Code, or any other provision of law, that is in force when the employee commences such period of recess.

(3) Revival of special pays upon return to full-time department employment.—

(A) Revival required.—Subject to subparagraph (B), upon the return of an employee to full-time employment by the Department after completion by the employee of a period of recess from employment under a pilot program—

(i) any employment agreement entered into by the employee under a provision of law referred to in paragraph (2) for the payment of a special or incentive pay or bonus that was in force when the employee commenced such period of recess shall be revived, with the term of such agreement after revival being the period of the agree-
ment remaining to run when the employee commenced such period of recess; and

(ii) any special or incentive pay or bonus shall be payable to the employee in accordance with the terms of the agreement described in clause (i) for the term specified in that clause.

(B) LIMITATIONS.—

(i) LIMITATIONS AT TIME OF RETURN TO FULL-TIME DEPARTMENT EMPLOYMENT.—Subparagraph (A) shall not apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to an employee if, at the time of the return of the employee to full-time employment as described in that subparagraph—

(I) such pay or bonus is no longer authorized by law; or

(II) the employee does not satisfy eligibility criteria for such pay or bonus as in effect at the time of the return of the employee to full-time employment by the Department.
(ii) Cessation during later service.—Subparagraph (A) shall cease to apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to an employee if, during the term of the revived agreement of the employee under subparagraph (A)(i), such pay or bonus ceases being authorized by law.

(C) Repayment.—An employee who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (B)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable employment agreement of the employee under a provision of law referred to in paragraph (2).

(D) Construction of required service.—Any service required of an employee under an agreement covered by this paragraph after the employee returns to full-time employment by the Department as described in subparagraph (A) shall be in addition to any serv-
ice required of the employee under an agreement under subsection (e).

(i) Reports.—

(1) INTERIM REPORTS.—Not later than June 1, 2018, each Secretary of a military department shall submit to the congressional defense committees a report on the implementation and current status of the pilot programs carried out by such Secretary under this section.

(2) FINAL REPORT.—Not later than March 1, 2022, the Secretary of Defense shall submit to the congressional defense committees a report on the pilot programs carried out under this section.

(3) ELEMENTS OF REPORT.—The interim reports under paragraph (1) and the final report under paragraph (2) shall include the following:

(A) A description of each pilot program covered by such report, including a description of the number of applicants for participation in such pilot program and the criteria used to select applicants for participation in such pilot program.

(B) An assessment by the Secretary submitting such report of the pilot programs cov-
ered by such report, including an evaluation of the following:

(i) Whether the authorities of this section provided an effective means of enhancing the retention of civilian employees of the Department possessing critical skills, talents, and leadership abilities.

(ii) Whether the career progression in the Department of civilian employees who participated in the pilot programs has been or will be adversely affected.

(iii) Whether the pilot programs were useful in responding to the personal, familial, and professional needs of individual civilian employees of the Department.

(C) Such recommendations for legislative or administrative action as the Secretary submitting such report considers appropriate for the modification or continuation of the pilot programs covered by such report.

(j) DURATION OF AUTHORITY.—

(1) COMMENCEMENT.—The authority to carry out a pilot program under this section shall commence on January 1, 2017.
(2) CESSATION.—No civilian employee of the Department may be granted a period of recess from full-time employment by the Department under a pilot program under this section after December 31, 2022.

SEC. 1112. LIMITATION ON NUMBER OF SES EMPLOYEES.

(a) DEFINITION OF COVERED SES EMPLOYEE.—In this section:

(1) IN GENERAL.—The term “covered SES employee” means an employee of the Department of Defense—

(A) who is serving in a Senior Executive Service position, as defined under section 3132(a)(2) of title 5, United States Code; and

(B) subject to paragraph (2), who is not serving in such position under an appointment as a highly qualified expert under section 9903 of title 5, United States Code.

(2) MAXIMUM NUMBER OF HIGHLY QUALIFIED EXPERTS.—Not more than 200 employees may be excluded under paragraph (1)(B) for purposes of determining the number of covered SES employees.

(b) LIMITATION.—On and after January 1, 2019, the number of covered SES employees may not exceed the number equal to the product obtained by multiplying—
(1) number of covered SES employees on December 31, 2015; and

(2) 0.75.

SEC. 1113. NO TIME LIMITATION FOR APPOINTMENT OF RELOCATING MILITARY SPOUSES.

Section 3330d(c) of title 5, United States Code, is amended by adding at the end the following new paragraph:

“(3) No time limitation.—A relocating spouse of a member of the Armed Forces may receive an appointment under this section with no time limitation for eligibility from the date of such member’s permanent change of station orders.”

Subtitle B—Department of Defense Science and Technology Laboratories and Related Matters

SEC. 1121. PERMANENT PERSONNEL MANAGEMENT AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR EXPERTS IN SCIENCE AND ENGINEERING.

(a) PERMANENT PERSONNEL MANAGEMENT AUTHORITY.—

(1) In general.—Chapter 81 of title 10, United States Code, as amended by section 1107 of
this Act, is further amended by adding at the end
the following new section:

“§ 1599h. Personnel management authority to attract
experts in science and engineering

“(a) PROGRAMS AUTHORIZED.—

“(1) LABORATORIES OF THE MILITARY DE-
PARTMENTS.—The Secretary of Defense may carry
out a program of personnel management authority
provided in subsection (b) in order to facilitate re-
cruitment of eminent experts in science or engineer-
ing for such laboratories of the military departments
as the Secretary shall designate for purposes of the
program for research and development projects of
such laboratories.

“(2) DARPA.—The Director of the Defense
Advanced Research Projects Agency may carry out
a program of personnel management authority pro-
vided in subsection (b) in order to facilitate recruit-
ment of eminent experts in science or engineering
for research and development projects and to en-
hance 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 pro-
vided in subsection (b) in order to facilitate recruit-
ment 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 respon-
sible 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 engi-
neers to a total of not more than 40 scientific
and engineering positions in such laboratories;

“(B) in the case of the Defense Advanced
Research Projects Agency, appoint individuals
to a total of not more than 100 positions in the
Agency, of which not more than 15 such posi-
tions may be positions of administration or
management of the Agency; and

“(C) in the case of the Office of Oper-
ational 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 sec-
tions 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 engi-
neering.”.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section
1101 of the Strom Thurmond National Defense Author-
zation Act for Fiscal Year 1999 (5 U.S.C. 3104 note)
is repealed.

(e) 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 sec-
tion 1101(b)(1) of the Strom Thurmond National
Defense Authorization Act for Fiscal Year 1999 (as
in effect on the day before such date) shall remain
employed under section 1599h of title 105, United
States Code (as added by subsection (a)), after such
date in accordance with such section 1599h and the
applicable program carried out under such section
1599h.
(2) Date of Appointment.—For purposes of subsection (c) of section 1599h of title 10, United States Code (as so added), the date of the appointment of any employee who remains employed as described in paragraph (1) shall be the date of the appointment of such employee under section 1101(b)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (as so in effect).

SEC. 1122. PERMANENT EXTENSION AND MODIFICATION OF TEMPORARY AUTHORITIES FOR CERTAIN POSITIONS AT DEPARTMENT OF DEFENSE RESEARCH AND ENGINEERING LABORATORIES.

(a) Increase of Appointment Ceiling for Students Enrolled in Scientific and Engineering Programs.—Subsection (e)(3) of section 1107 of the National Defense Authorization Act for Fiscal Year 2014 (10 U.S.C. 2358 note) is amended by striking “3 percent” and inserting “10 percent”.

(b) Permanent Authorities.—

(1) In general.—Such section is further amended by striking subsection (e).

(2) Appointment of Senior Scientific Technical Managers.—Subsection (f) of such section is amended by striking paragraph (3).
(c) Repeal of Annual Reporting Requirement.—Such section is further amended by striking subsection (g).

(d) Conforming Amendments.—Such section is further amended—

(1) by transferring subsection (d) so as to appear after subsection (h); and

(2) by redesignating subsections (f), (h), and (d) (as so transferred) as subsections (d), (e), and (f), respectively.

SEC. 1123. DIRECT HIRE AUTHORITY FOR SCIENTIFIC AND ENGINEERING POSITIONS FOR TEST AND EVALUATION FACILITIES OF THE MAJOR RANGE AND TEST FACILITY BASE.

(a) In General.—The Secretary of Defense may, acting through the Director of Operational Test and Evaluation and the Directors of the test and evaluation facilities of the Major Range and Test Facility Base of the Department of Defense, appoint qualified candidates possessing an advanced degree to scientific and engineering positions within the Office of the Director of Operational Test and Evaluation and the test and evaluation facilities of the Major Range and Test Facility Base without regard to the provisions of subchapter I of chapter 33 of title
5, United States Code, other than sections 3303 and 3328
of such title.

(b) LIMITATION ON NUMBER.—

(1) IN GENERAL.—Authority under this section
may not, in any calendar year and with respect to
the Office of the Director of Operational Test and
Evaluation or any test and evaluation facility, be ex-
ercised with respect to a number of candidates
greater than the number equal to 3 percent of the
total number of scientific and engineering positions
within the Office or such facility that are filled as
of the close of the fiscal year last ending before the
start of such calendar year.

(2) NATURE OF APPOINTMENT.—For purposes
of this subsection, any candidate appointed to a po-
sition under this section shall be treated as ap-
pointed on a full-time equivalent basis.

(c) TERMINATION.—The authority to make appoint-
ments under this section shall not be available after De-
cember 31, 2021.

(d) MAJOR RANGE AND TEST FACILITY BASE DE-
FINED.—In this section, the term “Major Range and Test
Facility Base” means the test and evaluation facilities
that are designated by the Secretary as facilities and re-
sources comprising the Major Range and Test Facility Base of the Department.

SEC. 1124. PERMANENT AUTHORITY FOR THE TEMPORARY EXCHANGE OF INFORMATION TECHNOLOGY PERSONNEL.

(a) PERMANENT AUTHORITY.—Subsection (d) of section 1110 of the National Defense Authorization Act for Fiscal Year 2010 (5 U.S.C. 3702 note) is amended by striking “; however” and all that follows and inserting a period.

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

“SEC. 1110. PROGRAM FOR TEMPORARY EXCHANGE OF INFORMATION TECHNOLOGY PERSONNEL.”.

SEC. 1125. PILOT PROGRAM ON ENHANCED PAY AUTHORITY FOR CERTAIN RESEARCH AND TECHNOLOGY POSITIONS IN THE SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES OF THE DEPARTMENT OF DEFENSE.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of using the pay authority specified in subsection (d) to fix the rate of basic pay for positions described in subsection (c) in order to assist the military departments in attracting and retaining high quality
acquisition and technology experts in positions responsible for managing and performing complex, high cost research and technology development efforts in the science and technology reinvention laboratories of the Department of Defense.

(b) APPROVAL REQUIRED.—The pilot program may be carried out in a military department only with the approval of the Service Acquisition Executive of the military department.

c) POSITIONS.—The positions described in this subsection are positions in the science and technology reinvention laboratories of the Department of Defense that—

(1) require expertise of an extremely high level in a scientific, technical, professional, or acquisition management field; and

(2) are critical to the successful accomplishment of an important research or technology development mission.

d) RATE OF BASIC PAY.—The pay authority specified in this subsection is authority as follows:

(1) Authority to fix the rate of basic pay for a position at a rate not to exceed 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Service Acquisition Executive concerned.
(2) Authority to fix the rate of basic pay for a position at a rate in excess of 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Secretary of the military department concerned.

(c) LIMITATIONS.—

(1) IN GENERAL.—The authority in subsection (a) may be used only to the extent necessary to competitively recruit or retain individuals exceptionally well qualified for positions described in subsection (c).

(2) NUMBER OF POSITIONS.—The authority in subsection (a) may not be used with respect to more than five positions in each military department at any one time.

(3) TERM OF POSITIONS.—The authority in subsection (a) may be used only for positions having a term of less than five years.

(f) TERMINATION.—

(1) IN GENERAL.—The authority to fix rates of basic pay for a position under this section shall terminate on October 1, 2021.

(2) CONTINUATION OF PAY.—Nothing in paragraph (1) shall be construed to prohibit the payment after October 1, 2021, of basic pay at rates fixed
under this section before that date for positions
whose terms continue after that date.

(g) **Science and Technology Reinvention Laboratories of the Department of Defense Defined.**—In this section, the term “science and technology reinvention laboratories of the Department of Defense” means the laboratories designated as science and technology reinvention laboratories by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2358 note).

**Sec. 1126. Discharge of Certain Authorities to Conduct Personnel Demonstration Projects.**

Subparagraph (C) of section 342(b)(3) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as added by section 1114(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–315), is amended by inserting before the period at the end the following: “through the Under Secretary of Defense for Research and Engineering (who shall place an emphasis in the exercise of such authorities on enhancing efficient operations of the laboratory)”.
Subtitle C—Government-Wide Matters

SEC. 1131. EXPANSION OF PERSONNEL FLEXIBILITIES RELATING TO LAND MANAGEMENT AGENCIES TO INCLUDE ALL AGENCIES.

(a) In General.—Chapter 96 of title 5, United States Code, is amended as follows:

(1) In section 9601, by striking paragraph (1) and inserting the following:

“(1) the term ‘agency’ has the meaning given the term in section 101 of title 31; and”.

(2) In section 9602—

(A) in subsection (a)—

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

(I) by striking “a land management agency” and inserting “an agency”; and

(II) by inserting after “appointment in the competitive service” the following: “or a time-limited appointment under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1))”; and
(III) by striking “any land management agency or any other agency (as defined in section 101 of title 31) under the internal merit promotion procedures of the applicable agency” and inserting “such agency when the agency is accepting applications from individuals within the agency’s workforce under merit promotion procedures, or any agency when the agency is accepting applications from individuals outside its own workforce under the merit promotion procedures of the applicable agency,”;

(ii) in paragraph (1), by inserting after “chapter 33” the following: “, or under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)) (regardless of the competitive nature of the appointment),”; and

(iii) in paragraph (2)—

(I) by striking “a land management agency” and inserting “an agency”;
(II) by striking “more than” and inserting “not less than”; and

(III) by inserting before the semicolon the following: “, or, in the case of an employee appointed under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)) and serving under an intermittent, time-limited appointment, has been deployed for a period or periods totaling not less than 4,160 hours within a 48-month period without a break of 2 or more years”; and

(B) in subsection (d), in the matter preceding paragraph (1)—

(i) by striking “a land management agency” and inserting “an agency”; and

(ii) by inserting “of the agency from which the former employee was most recently separated” after “deemed a time-limited employee”.

(b) CONFORMING AMENDMENTS.—

(1) CHAPTER HEADING.—The heading of chapter 96 of such title is amended to read as follows:
"CHAPTER 96—PERSONNEL FLEXIBILITIES FOR FEDERAL AGENCIES".

(2) TABLE OF CHAPTERS.—The table of chapters for part III of such title is amended by striking the item relating to chapter 96 and inserting the following new item:

"96. Personnel Flexibilities for Federal Agencies ............... 9601".

SEC. 1132. DIRECT HIRING FOR FEDERAL WAGE SCHEDULE EMPLOYEES.

The Director of the Office of Personnel Management shall permit an agency with delegated examining authority under 1104(a)(2) of title 5, United States Code, to use direct-hire authority under section 3304(a)(3) of such title for a permanent or non-permanent position or group of positions in the competitive services at GS–15 (or equivalent) and below, or for prevailing rate employees, if the Director determines that there is either a severe shortage of candidates or a critical hiring need for such positions.

SEC. 1133. APPOINTMENT AUTHORITY FOR UNIQUELY QUALIFIED PREVAILING RATE EMPLOYEES.

Section 5343 of title 5, United States Code, is amended by adding at the end the following:

"(g)(1) The head of an agency may appoint an individual to a position in accordance with regulations prescribed under paragraph (2) at such a rate of basic pay
above the minimum rate of the appropriate grade as the Office of Personnel Management may authorize.

“(2) The Office of Personnel Management may pre-
scribe regulations that authorize the head of an agency to exercise the authority under paragraph (1) in the case of—

“(A) an unusually large shortage of qualified candidates for employment;

“(B) unique qualifications of a candidate for employment; or

“(C) a special need of the Government for the services of a candidate for employment.”.

SEC. 1134. LIMITATION ON PREFERENCE ELIGIBLE HIRING PREFERENCES FOR PERMANENT EMPLOYEES IN THE COMPETITIVE SERVICE.

(a) In General.—Subchapter I of chapter 33 of title 5, United States Code, is amended—

(1) in section 3309—

(A) in the matter preceding paragraph (1), by striking “A preference eligible” and inserting “(a) ADDITIONAL POINTS.—Except as provided in subsection (b), a preference eligible”; and

(B) by adding at the end the following:

“(b) ADDITIONAL POINTS ONLY FOR FIRST AP-POINTMENT.—If a preference eligible is selected for a per-
manent position in the competitive service after the appli-
cation of subsection (a) or the application of section
3319(b), the preference eligible shall not be awarded any
additional points under subsection (a) with respect to a
subsequent examination for any position in the competitive
service.”;

(2) in section 3319—

(A) in subsection (b), in the first sentence,
by striking “Within” and inserting “Except as
provided in subsection (d), within”; and

(B) by striking subsection (d) and insert-
ing the following:

“(d) If a preference eligible is selected for a perma-
nent position in the competitive service after the applica-
tion of subsection (b) or the application of section
3309(a), such individual shall not be listed ahead of indi-
viduals who are not preference eligibles due to the applica-
tion of subsection (b) on a subsequent list under this sec-
tion for any position in the competitive service.”; and

(3) in section 3320, by striking “3318” and in-
serting “3319”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—

Section 703 of the District of Columbia Government Com-
prehensive Merit Personnel Act of 1978 (sec. 1–607.3,
D.C. Official Code) is amended by striking “3309(1)” each place it appears and inserting “3309(a)(1)”.

SEC. 1135. AUTHORITY FOR ADVANCEMENT OF PAY FOR CERTAIN EMPLOYEES RELOCATING WITHIN THE UNITED STATES AND ITS TERRITORIES.

(a) COVERAGE.—Subsection (a) of section 5524a of title 5, United States Code, is amended—

(1) by inserting “(1)” after “(a)”; and

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

“(2) The head of each agency may provide for the advance payment of basic pay, covering not more than 2 pay periods, to an employee who is assigned to a position in the agency that is located—

“(A) outside of the employee’s commuting area;

and

“(B) in an area not covered by section 5927.”.

(b) CONFORMING AMENDMENTS.—Subsection (b) of such section is amended—

(1) in paragraph (1), by inserting “or assigned” after “appointed”; and

(2) in paragraph (2)(B)—

(A) by inserting “or assignment” after “appointment”; and
(B) by inserting “or assigned” after “appointed”.

(c) Clerical Amendments.—

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

“§ 5524a. Advance payments for new appointees and for certain current employees relocating within the United States and its territories”.

(2) Table of sections.—The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

“5524a. Advance payments for new appointees and for certain current employees relocating within the United States and its territories.”.

(d) Effective Date.—The amendments made by this section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 1136. ELIMINATION OF THE FOREIGN EXEMPTION PROVISION IN REGARD TO OVERTIME FOR FEDERAL CIVILIAN EMPLOYEES TEMPORARILY ASSIGNED TO A FOREIGN AREA.

(a) In General.—Section 5542 of title 5, United States Code, is amended by adding at the end the following:
“(h) Notwithstanding section 13(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(f)), an employee who is working at a location in a foreign country, or in a territory under the jurisdiction of the United States to which the exemption under such section 13(f) applies, in temporary duty travel status while maintaining an official duty station or worksite in an area of the United States that is not exempted under such section 13(f) shall not be considered, for all purposes, to be exempted from section 7 of such Act (29 U.S.C. 207) on the basis of the employee performing work at such a location.”.

(b) FEDERAL WAGE SYSTEM EMPLOYEES.—Section 5544 of title 5, United States Code, is amended by adding at the end the following:

“(d) Notwithstanding section 13(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(f)), an employee whose overtime pay is determined in accordance with subsection (a) who is working at a location in a foreign country, or in a territory under the jurisdiction of the United States to which the exemption under such section 13(f) applies, in temporary duty travel status while maintaining an official duty station or worksite in an area of the United States that is not exempted under such section 13(f) shall not be considered, for all purposes, to be exempted from section 7 of such Act (29 U.S.C. 207) on
the basis of the employee performing work at such a location.”.

(c) CONFORMING REPEAL.—Section 5542(a) of title 5, United States Code, is amended by striking paragraph (6).

SEC. 1137. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.


Subtitle D—Other Matters

SEC. 1151. MODIFICATION OF FLAT RATE PER DIEM REQUIREMENT FOR PERSONNEL ON LONG-TERM TEMPORARY DUTY ASSIGNMENTS.

(a) MODIFICATION OF FLAT RATE.—

(1) IN GENERAL.—The Secretary of Defense shall take such action as may be necessary to provide that, to the extent that regulations imple-
menting travel and transportation authorities for military and civilian personnel of the Department of Defense impose a flat rate per diem for meals and incidental expenses for authorized travelers on long-term temporary duty assignments that is at a reduced rate compared to the per diem rate otherwise applicable, the Secretary concerned may waive the applicability of such reduced rate and pay such travelers actual expenses up to the full per diem rate for such travel in any case when the Secretary concerned determines that the reduced flat rate per diem for meals and incidental expenses is not sufficient under the circumstances of the temporary duty assignment.

(2) APPLICABILITY.—The Secretary concerned may exercise the authority provided pursuant to paragraph (1) with respect to per diem payable for any day on or after the date of the enactment of this Act.

(b) DELEGATION OF AUTHORITY.—The authority pursuant to subsection (a) may be delegated by the Secretary concerned to any commander or head of an agency, component, or systems command of the Department of Defense at the level of lieutenant general or vice admiral, or above, or civilian equivalent thereof.
(c) Waiver of Collection of Receipts.—The commander or head of an agency, component, or systems command to which the authority pursuant to subsection (a) is delegated pursuant to subsection (b) may waive any requirement for the submittal of receipts by travelers of such agency, component, or systems command for the purpose of receiving the full per diem rate pursuant to subsection (a) if the commander or head personally certifies that requiring such travelers to submit receipts for that purpose will negatively affect mission performance, create an undue administrative burden, or result in significant additional administrative processing costs for such agency, component, or systems command.

(d) Secretary Concerned Defined.—In this section, the term “Secretary concerned” has the meaning given that term in section 101 of title 37, United States Code.

SEC. 1152. ONE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO CIVILIAN PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.

Paragraph (2) of section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 443), as added by section 1102

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS
Subtitle A—Assistance and Training

SEC. 1201. THREE-YEAR EXTENSION OF COMMANDERS’ EMERGENCY RESPONSE PROGRAM.

(a) Extension of Program Generally.—Section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1619), as most recently amended by section 1211(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1042), is further amended in subsections (a), (b), and (f) by striking “fiscal year 2016” and inserting “fiscal years 2017, 2018, and 2019”.

(b) Extension and Expansion of Authority for Payments To Redress Injury and Loss in Iraq.—Section 1211(d) of the National Defense Authorization Act for Fiscal Year 2016 is amended—
(1) in the subsection heading, by striking “IRAQ” and inserting “AFGHANISTAN, IRAQ, AND SYRIA”;

(2) in paragraph (1)—

(A) by striking “fiscal year 2016” and inserting “fiscal years 2017, 2018, and 2019”;

and

(B) by striking “Iraq” and inserting “Afghanistan, Iraq, or Syria”; and

(3) in paragraph (3), by striking “in fiscal year 2016” and inserting “in a fiscal year in which the authority in this subsection is in effect”.

SEC. 1202. INCREASE IN SIZE OF THE SPECIAL DEFENSE ACQUISITION FUND.

(a) INCREASE IN SIZE.—Effective on October 1, 2016, section 114(c)(1) of title 10, United States Code, is amended by striking “$1,070,000,000” and inserting “$2,000,000,000”.

(b) REPORTS.—

(1) INITIAL PLAN ON USE OF AUTHORITY.—Before exercising authority for use of amounts in the Special Defense Acquisition Fund in excess of the size of that Fund as of September 30, 2016, by reason of the amendment made by subsection (a), the Secretary of Defense shall, with the concurrence of
the Secretary of State, submit to the appropriate committees of Congress a report on the plan for the use of such amounts.

(2) Annual spending plan.—Not later than August 1 each year, the Secretary of Defense shall, with the concurrence of the Secretary of State, submit to the appropriate committees of Congress a detailed plan for the use of amounts in the Special Defense Acquisition Fund for the fiscal year beginning in the year in which such report is submitted.

(3) Quarterly updates.—Not later than 30 days after the end of each fiscal quarter, the Secretary of Defense shall, with the concurrence of the Secretary of State, submit to the appropriate committees of Congress a report setting forth the inventory of defense articles and services acquired, possessed, and transferred through the Special Defense Acquisition Fund in such fiscal quarter.

(4) Appropriate committees of Congress defined.—In this subsection, the term “appropriate committees of Congress” has the meaning given that term in section 301(1) of title 10, United States Code (as added by section 1252(a)(3) of this Act).
SEC. 1203. CODIFICATION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) Codification of Authority.—

(1) In general.—Chapter 3 of title 10, United States Code, is amended by inserting before section 128 the following new section:

“§ 127e. Support of special operations to combat terrorism

“(a) Authority.—The Secretary of Defense may, with the concurrence of the relevant Chief of Mission, expend up to $100,000,000 during any fiscal year to provide support to foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating ongoing military operations by United States special operations forces to combat terrorism.

“(b) Funds.—Funds for support under this section in a fiscal year shall be derived from amounts authorized to be appropriated for that fiscal year for the Department of Defense for operation and maintenance.

“(c) Limitation.—Of the funds available for support under this section in a fiscal year, not more than $10,000,000 may be used for support in connection with any particular military operation.

“(d) Procedures.—The authority in this section shall be exercised in accordance with such procedures as
the Secretary shall establish for purposes of this section.

The Secretary shall notify the congressional defense com-
mittees of any material modification of such procedures.

“(e) Notification.—

“(1) In general.—Not later than 15 days be-
fore 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 cir-
cumstances that impact the national security of the
United States exist, the Secretary shall notify the
congressional defense committees of the use of such
authority with respect to that operation. Any such
notification shall be in writing.

“(2) Elements.—A notification required by
this subsection shall include the following:

“(A) The type of support provided or to be
provided to United States special operations
forces.

“(B) The type of support provided or to be
provided to the recipient of the funds.
“(C) The amount obligated under the authority to provide support.

“(f) LIMITATION ON DELEGATION.—The authority of the Secretary to make funds available under this section for support of a military operation may not be delegated.

“(g) INTELLIGENCE ACTIVITIES.—This section does not constitute authority to conduct a covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 3093(e)).

“(h) ANNUAL REPORT.—

“(1) REPORT REQUIRED.—The Secretary shall submit to the congressional defense committees each year a report on support provided under this section during the fiscal year ending in the preceding calendar year.

“(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

“(A) A description of supported operations.

“(B) A summary of operations.

“(C) The type of recipients that received support, identified by authorized category (foreign forces, irregular forces, groups, or individuals).
“(D) The total amount obligated in such fiscal year, including budget details.

“(E) The total amount obligated in prior fiscal years under this section and applicable preceding authority.

“(F) The intended duration of support.

“(G) A description of support or training provided to the recipients of support.

“(H) A value assessment of the operational support provided.”.

(2) Clerical Amendment.—The table of sections at the beginning of chapter 3 of such title is amended by inserting before the item relating to section 128 the following new item:

“127e. Support of special operations to combat terrorism.”.


SEC. 1204. PROHIBITION ON USE OF FUNDS TO INVITE, ASSIST, OR OTHERWISE ASSURE THE PARTICIPATION OF CUBA IN CERTAIN JOINT OR MULTILATERAL EXERCISES.

(a) Prohibition.—The Secretary of Defense may not use any funds to invite, assist, or otherwise assure the participation of the Government of Cuba in any joint
or multilateral exercise or related security conference be-
tween the United States and Cuba until the Secretary, in
coordination with the Director of National Intelligence,
submits to Congress written assurances that—

(1) the Cuban military has ceased committing
human rights abuses against civil rights activists
and other citizens of Cuba;

(2) the Cuban military has ceased providing
military intelligence, weapons training, strategic
planning, and security logistics to the military and
security forces of Venezuela;

(3) the Cuban military and other security forces
in Cuba have ceased all persecution, intimidation,
arrest, imprisonment, and assassination of dissidents
and members of faith based organizations;

(4) the Government of Cuba no longer demands
that the United States relinquish control of Guanta-
namo 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 dur-
ing the shootdown of planes operated by the Brook-
ers to the Rescue humanitarian organization in 1996
are brought to justice.
(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any joint or multilateral exercise or operation related to humanitarian assistance or disaster response.

Subtitle B—Matters Relating to Afghanistan and Pakistan

SEC. 1211. EXTENSION AND MODIFICATION OF AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF AFGHANISTAN.


(b) CONVERSION OF QUARTERLY REPORTS INTO ANNUAL REPORTS.—Effective on January 1, 2017, subsection (f) of such section 1222, as so amended, is further amended—

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

(2) in paragraph (1)—
(A) by striking “Not later than 90 days” and all that follows through “in which the authority in subsection (a) is exercised” and inserting “Not later than March 31 of any year following a year in which the authority in subsection (a) is exercised”; and

(B) by striking “during the 90-day period ending on the date of such report” and inserting “during the preceding year”.

(c) EXCESS DEFENSE ARTICLES.—Subsection (i)(2) of such section 1222, as so amended, is further amended by striking “During fiscal years 2013, 2014, 2015, and 2016” each place it appears and inserting “Through December 31, 2017,”.

SEC. 1212. MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT.


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(b) Military Operations Covered.—Such section 1233 is further amended in subsection (a)(1), by striking “in Iraq or in Operation Enduring Freedom in Afghanistan” and inserting “in Afghanistan, Iraq, or Syria”.

(c) Limitation on Amounts Available.—Subsection (d)(1) of such section 1233, as so amended, is further amended—

(1) in the second sentence, by striking “during fiscal year 2016 may not exceed $1,160,000,000” and inserting “during fiscal year 2017 may not exceed $350,000,000”; and

(2) by striking the last sentence

(d) Treatment of 2016 Unobligated Balances.—Of the $100,000,000 made available pursuant to section 1212(f) of the National Defense Authorization Act for Fiscal Year 2016, amounts that are unobligated as of September 30, 2016, shall continue to be available in fiscal year 2017 for the purposes specified in such section, in addition to the total amount of reimbursements and support authorized for Pakistan during fiscal year 2017 pursuant to section 1233(d)(1) of the National Defense Authorization Act for Fiscal Year 2008, as amended by this section.

(e) Repeal Authority for Other Support.—

Subsection (b) of section 1233 of the National Defense

SEC. 1213. PROHIBITION ON USE OF FUNDS FOR CERTAIN PROGRAMS AND PROJECTS OF THE DEPARTMENT OF DEFENSE IN AFGHANISTAN THAT CANNOT BE SAFELY ACCESSED BY UNITED STATES GOVERNMENT PERSONNEL.

(a) Prohibition.—

(1) IN GENERAL.—Amounts available to the Department of Defense may not be obligated or expended for a construction or other infrastructure project of the Department in Afghanistan if military or civilian personnel of the United States Government or their representatives with authority to conduct oversight of such program or project cannot safely access such program or project.

(2) APPLICABILITY.—Paragraph (1) shall apply only with respect to a program or project that is initiated on or after the date of the enactment of this Act.

(b) Waiver.—

(1) IN GENERAL.—The prohibition in subsection (a) may be waived with respect to a program or project otherwise covered by that subsection if a
determination described in paragraph (2) is made as follows:

(A) In the case of a program or project with an estimated lifecycle cost of less than $1,000,000, by the contracting officer assigned to oversee the program or project.

(B) In the case of a program or project with an estimated lifecycle cost of $1,000,000 or more, but less than $40,000,000, by the Commander of United States Forces-Afghanistan.

(C) In the case of a program or project with an estimated lifecycle cost of $40,000,000 or more, by the Secretary of Defense.

(2) DETERMINATION.—A determination described in this paragraph with respect to a program or project is a determination of each of the following:

(A) That the program or project clearly contributes to United States national interests or strategic objectives.

(B) That the Government of Afghanistan has requested or expressed a need for the program or project.
(C) That the program or project has been coordinated with the Government of Afghanistan, and with any other implementing agencies or international donors.

(D) That security conditions permit effective implementation and oversight of the program or project.

(E) That the program or project includes safeguards to detect, deter, and mitigate corruption and waste, fraud, and abuse of funds.

(F) That adequate arrangements have been made for the sustainment of the program or project following its completion, including arrangements with respect to funding and technical capacity for sustainment.

(G) That meaningful metrics have been established to measure the progress and effectiveness of the program or project in meeting its objectives

(3) NOTICE ON CERTAIN WAIVERS.—In the event a waiver is issued under paragraph (1) for a program or project described in subparagraph (C) of that paragraph, the Secretary of Defense shall notify Congress of the waiver not later than 15 days after the issuance of the waiver.
SEC. 1214. REIMBURSEMENT OF PAKISTAN FOR SECURITY ENHANCEMENT ACTIVITIES.

(a) Authority.—

(1) In general.—The Secretary of Defense is authorized to reimburse Pakistan for certain activities meant to enhance the security situation in the northwest regions of Pakistan, including the Federally Administered Tribal Areas and Khyber Pakhtunkhwa.

(2) Funds available.—Reimbursement under the authority of this subsection may be provided from amounts available to the Department of Defense for the Security Cooperation Enhancement Fund under section 381 of title 10, United States Code (as added by subtitle G of this title).

(3) Citation.—This section may be referred to as the “Pakistan Security Enhancement Authorization”.

(b) Activities.—Reimbursement may be provided under the authority in subsection (a) for activities as follows:

(1) Counterterrorism activities in the Federally Administered Tribal Areas and Khyber Pakhtunkhwa, including the following:

(A) Eliminating infrastructure, training areas, and sanctuaries used by terrorist groups,
and preventing the establishment of new or additional infrastructure, training areas, and sanctuaries.

(B) Direct action against individuals that are involved in or supporting terrorist activities.

(C) Any other activity recognized by the Secretary of Defense as a counterterrorism activity for purposes of this subsection.

(2) Border security activities along the Afghanistan-Pakistan border, including the following:

(A) Building and maintaining border outposts.

(B) Strengthening cooperative efforts between the Pakistan military and the Afghan National Defense and Security Forces, including border security cooperation,

(C) Maintaining access to and securing key ground lines of communication.

(D) Providing training and equipment for the Pakistan Frontier Corps Khyber Pakhtunkhwa.

(E) Improving interoperability between the Pakistan military and the Pakistan Frontier Corps Khyber Pakhtunkhwa.

(c) LIMITATIONS.—
(1) IN GENERAL.—Funds available under the authority in subsection (a) may not be used for reimbursement for any activities described in subsection (b) during any period of time when the ground lines of communication through Pakistan to Afghanistan were closed to the transshipment of equipment and supplies in support of United States military operations in Afghanistan and the retrograde of United States equipment out of Afghanistan.

(2) WAIVER.—The Secretary may waive the limitation in paragraph (1) if the Secretary of Defense certifies to the congressional defense committees in writing that the waiver is in the national security interests of the United States and includes with such certification a justification for the waiver.

(3) AMOUNT.—The total amount of reimbursements made under the authority in subsection (a) during fiscal year 2017 may not exceed $800,000,000.

(4) PROHIBITION ON CONTRACTUAL OBLIGATIONS TO MAKE PAYMENTS.—The Secretary may not enter into any contractual obligation to make a reimbursement under the authority in paragraph (1).
(d) ADDITIONAL LIMITATION ON REIMBURSEMENT OF PAKISTAN PENDING CERTIFICATION.—Of the funds available under the authority in subsection (a), $300,000,000 shall not be available for use as reimbursement described in that subsection unless the Secretary of Defense certifies to the congressional defense committees that the Government of Pakistan is taking demonstrable actions—

(1) to significantly disrupt the safe haven and freedom of movement of the Haqqani Network in Pakistan;

(2) to prevent the Haqqani Network from using Pakistan territory as a safe haven; and

(3) to actively coordinate with the Government of Afghanistan to restrict the movement of militants, such as the Haqqani Network, along the Afghanistan-Pakistan border.

(e) AMOUNTS OF REIMBURSEMENT.—Reimbursement authorized by the authority in subsection (a) may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, may determine, based on documentation determined by the Secretary of Defense to adequately account for the activities undertaken.
(f) REPORT.—Not later than December 31, 2017, the Secretary of Defense shall submit to the congressional defense committees a report on the expenditure of funds under the authority in subsection (a), including a description of the following:

(1) The purpose for which such funds were expended.

(2) Each organization on whose behalf such funds were expended, including the amount expended on such organization and the number of members of such organization supported by such amount.

(3) Any limitation imposed on the expenditure of funds under subsection (a), including on any recipient of funds or any use of funds expended.

(g) NOTICE TO CONGRESS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Defense shall notify the congressional defense committees not later than 15 days before making any reimbursement under the authority in subsection (a).

(2) EXCEPTION.—The requirement to provide notice under paragraph (1) shall not apply with respect to reimbursement for access based on an international agreement.
(3) ELEMENTS.—Each notification under paragraph (1) shall include an itemized description of the activities conducted by the Government of Pakistan for which the United States will provide reimbursement.

(4) FORM.—Each notification under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(h) INFORMATION ON CLAIMS DISALLOWED OR DEFERRED BY THE UNITED STATES.—

(1) IN GENERAL.—The Secretary of Defense shall submit to the congressional defense committees, in the manner specified in paragraph (2), an itemized description of the costs claimed by the Government of Pakistan for activities specified in subsection (b) provided by Government of Pakistan to the United States for which the United States will disallow or defer reimbursement to the Government of Pakistan under the authority in subsection (a).

(2) MANNER OF SUBMITTAL.—

(A) IN GENERAL.—To the maximum extent practicable, the Secretary shall submit each itemized description of costs required by paragraph (1) not later than 180 days after the
date on which a decision to disallow or defer re-
imbursement for the costs claimed is made.

(B) Form.—Each itemized description of
costs under subparagraph (A) shall be sub-
mitted in an unclassified form, but may include
a classified annex.

SEC. 1215. IMPROVEMENT OF OVERSIGHT OF UNITED
STATES GOVERNMENT EFFORTS IN AFGHANI-
STAN.

(a) Report on IG Oversight Activities in Af-
ghanistan 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 coordina-
tion 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 ap-
propriate committees of Congress a report on the over-
sight activities of United States Inspectors General in Af-
ghanistan planned for fiscal year 2017.

(b) Elements.—The report required by subsection
(a) shall include the following:
(1) A description of the requirements, responsibilities, and focus areas of each Inspector General of the United States planning to conduct oversight activities in Afghanistan during fiscal year 2017.

(2) A comprehensive list of the funding to be used for the oversight activities described in paragraph (1).

(3) A list of the oversight activities and products anticipated to be produced by each Inspector General of the United States in connection with oversight activities in Afghanistan during fiscal year 2017.

(4) An identification of any anticipated overlap among the planned oversight activities of Inspectors General of the United States in Afghanistan during fiscal year 2017, and a justification for such overlap.

(5) A description of the processes by which the Inspectors General of the United States coordinate and reduce redundancies in requests for information to United States Government officials executing funds in Afghanistan.

(6) Any other matters the Lead Inspector General for Operation Freedom’s Sentinel considers appropriate.
(c) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Homeland Security, and the Committee Appropriations of the House of Representatives.

**Subtitle C—Matters Relating to Syria and Iraq**

**SEC. 1221. EXTENSION AND MODIFICATION OF AUTHORITY TO PROVIDE ASSISTANCE TO THE VETTED SYRIAN OPPOSITION.**

(a) **NOTICE ON NEW INITIATIVES.**—

(1) **IN GENERAL.**—Subsection (f) of section 1209 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3541), as amended by section 1225(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1055), is further amended to read as follows:
“(f) Notice to Congress Before Initiation of New Initiatives.—Not later than 30 days before initiating a new initiative under subsection (a), the Secretary of Defense shall submit to the appropriate congressional committees a notice setting forth the following:

“(1) The initiative to be carried out, including a detailed description of the assistance provided.

“(2) The budget, implementation timeline and anticipated delivery schedule for the assistance to which the initiative relates, the military department responsible for management and the associated program executive office, and the completion date for the initiative.

“(3) The amount, source, and planned expenditure of funds to carry out the initiative.

“(4) Any financial or other support for the initiation provided by foreign governments.

“(5) Any other information with respect to the initiative that the Secretary considers appropriate.”.

(2) Effective Date.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply with respect to new initiatives initiated under section 1209 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year
2015 on or after the date that is 30 days after the
date of the enactment of this Act.

(b) EXTENSION OF AUTHORITY.—Subsection (a) of
such section is amended by striking “December 31, 2016”
and inserting “December 31, 2019”.

SEC. 1222. EXTENSION OF AUTHORITY TO PROVIDE ASSIST-
ANCE TO COUNTER THE ISLAMIC STATE OF
IRAQ AND THE LEVANT.

(a) IN GENERAL.—Section 1236(a) of the Carl Levin
and Howard P. “Buck” McKeon National Defense Au-
thorization Act for Fiscal Year 2015 (Public Law 113–
291; 128 Stat. 3559) is amended by striking “December
31, 2016” and inserting “December 31, 2019”.

(b) ADDITIONAL ASSESSMENT ON CERTAIN ACTIONS
BY GOVERNMENT OF IRAQ.—Subsection (l)(1)(A) of such
section, as added by section 1223(e) of the National De-
fense Authorization Act for Fiscal Year 2016 (Public Law
114–92. 129 Stat. 1050), is amended by striking “120
days after the date of the enactment of the National De-
fense Authorization Act for Fiscal Year 2016” and insert-
ing “each of March 25, 2016, and the date that is 120
days after the date of the enactment of the National De-
fense Authorization Act for Fiscal Year 2017”.

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SEC. 1223. EXTENSION OF AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.

(a) Extension.—Subsection (f)(1) of section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 113 note) is amended by striking “fiscal year 2016” and inserting “fiscal year 2017”.

(b) Amount Available.—Such section is further amended—

(1) in subsection (c), by striking “fiscal year 2016” and all that follows and inserting “fiscal year 2017 may not exceed $60,000,000”; and

(2) in subsection (d), by striking “fiscal year 2016” and inserting “fiscal year 2017”.

Subtitle D—Matters Relating to Iran

SEC. 1226. ADDITIONAL ELEMENTS IN THE ANNUAL REPORT ON THE MILITARY POWER OF IRAN.

Section 1245(b)(3) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2542), as most recently amended by section 1231(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1057), is further amended—

(1) by striking subparagraph (F) and inserting the following new subparagraph (F):
“(F) an assessment of Iran’s cyber capabilities, including an assessment of Iran’s ability to mask its cyber operations through the use of proxies, irregular forces, the Iranian Revolutionary Guard Corps, and other actors;”; and 
(2) by adding at the end the following new sub-
paragraph:
“(H) an assessment of any assistance to, assistance from, or cooperation by Iran with other countries and non-state actors to increase cyber capabilities.”.

Subtitle E—Matters Relating to the Russian Federation

SEC. 1231. EXTENSION AND ENHANCEMENT OF UKRAINE SECURITY ASSISTANCE INITIATIVE.

(a) FUNDING.—Section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1068) is amended—

(1) in subsection (a), by striking “Of the amounts” and all that follows through “shall be available to” and inserting “Amounts available for a fiscal year under subsection (f) shall be available to”; 

(2) by redesignating subsection (f) as sub-
section (h); and
(3) by inserting after subsection (e) the following new subsection (f):

“(f) FUNDING.—From amounts authorized to be appropriated for the fiscal year concerned for the Department of Defense for overseas contingency operations, the following shall be available for purposes of subsection (a):

“(1) For fiscal year 2016, $300,000,000.
“(2) For fiscal year 2017, $500,000,000.”.

(b) ADDITIONAL AUTHORIZED ASSISTANCE.—Subsection (b) of such section is amended by adding at the end the following new paragraphs:

“(10) Equipment and technical assistance to the State Border Guard Service of Ukraine for the purpose of developing a comprehensive border surveillance network for Ukraine.
“(11) Training for staff officers and senior leadership of the military.”.

(c) AVAILABILITY OF FUNDS.—Subsection (c) of such section is amended—

(1) in paragraph (1), by inserting “for a fiscal year” after “pursuant to subsection (a)”;

(2) in paragraph (2), by striking “pursuant to subsection (a)” and all that follows and inserting “pursuant to subsection (a) for a fiscal year, the amount as follows shall be available only for lethal
assistance described in paragraphs (2) and (3) of subsection (b) in that fiscal year:

“(A) In fiscal year 2016, $50,000,000.

“(B) In fiscal year 2017, $150,000,000.”;

(3) in paragraph (3)—

(A) in the paragraph heading, by striking “OTHER PURPOSES” and inserting “AVAILABILITY FOR NON-UKRAINE PURPOSES OF CERTAIN AMOUNT OTHERWISE AVAILABLE FOR UKRAINE DEFENSIVE LETHAL ASSISTANCE”;

(B) in the matter preceding subparagraph (A), by striking the first sentence and inserting the following new sentence: “Subject to paragraph (5), the amount described in paragraph (2)(B) for fiscal year 2017 shall be available for purposes other than assistance and support described in subsection (a) commencing on the date that is 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017 if the Secretary of Defense, with the concurrence of the Secretary of State, determines that the use of such amount for lethal assistance described in paragraphs (2) and (3) of subsection (b) is not in the national security interests of the United States.”; and
(C) in subparagraph (B), by striking “or the Government of Ukraine”; and

(4) by adding at the end the following new paragraphs:

“(4) AVAILABILITY FOR NON-UKRAINE PURPOSES OF CERTAIN AMOUNT OTHERWISE AVAILABLE FOR UKRAINE GENERALLY.—

“(A) IN GENERAL.—If the certification described in subparagraph (B) is not made to the congressional defense committees by the end of the 90-day period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, commencing as of the end of that period $250,000,000 of the amount available for this section for fiscal year 2017 under subsection (f) shall be available in accordance with paragraph (5)(B).

“(B) CERTIFICATION.—A certification described in this subparagraph is a certification by the Secretary of Defense, in coordination with the Secretary of State, that the Government of Ukraine has taken substantial actions to make defense institutional reforms to decrease corruption, increase accountability, and sustain improvements of combat capability en-
abled by such security assistance. The certification shall include an assessment of the substantial actions taken to make defense institutional reforms and the areas in which additional action is needed.

“(5) USE.—In the event funds described in paragraph (2)(B) are not used in fiscal year 2017 for defensive lethal assistance described in paragraphs (2) and (3) of subsection (b) by reason of a determination under paragraph (3), and funds described in paragraph (4) are available under that paragraph in that fiscal year by reason of the lack of a certification described in paragraph (4)(B), of the amount available for this section under subsection (f) for fiscal year 2017—

“(A) $250,000,000 may be used for assistance and support described in subsection (a) for the Government of Ukraine; and

“(B) $250,000,000 may be used for purposes described in paragraph (3), of which not more than $150,000,000 may be used for such purposes for a particular foreign country.

“(6) NOTICE TO CONGRESS.—Not later than 15 days before providing assistance or training under paragraph (3), (4), or (5), the Secretary of Defense
shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a notification containing the following:

“(A) The recipient foreign country.

“(B) A detailed description of the assistance or training to be provided, including—

“(i) the objectives of such assistance or training;

“(ii) the budget for such assistance or training; and

“(iii) the expected or estimated timeline for delivery of such assistance or training.

“(C) Such other matters as the Secretary considers appropriate”.

(d) CONSTRUCTION WITH OTHER AUTHORITY.—Such section is further amended by inserting after subsection (f), as amended by subsection (a)(3) of this section, the following new subsection (g):

“(g) CONSTRUCTION WITH OTHER AUTHORITY.—The authority to provide assistance and support pursuant to subsection (a), and the authority to provide assistance and training support under subsection (c), is in addition
to authority to provide assistance and support under title 
10, United States Code, the Foreign Assistance Act of 
1961, the Arms Export Control Act, or any other provi-

(c) Extension.—Subsection (h) of such section, as 
redesignated by subsection (a)(2) of this section, is 
amended by striking “December 31, 2017” and inserting 
“December 31, 2019”.

(f) Extension of Reports on Military Assistance to Ukraine.—Section 1275(e) of the Carl Levin 
and Howard P. “Buck” McKeon National Defense Au-

SECT. 1232. Extension and Modification of Authority 
on Training for Eastern European Na-
tional Military Forces in the Course 
of Multilateral Exercises.

(a) Additional Source of Funding.—Subsection 
(d)(2) of section 1251 of the National Defense Authoriza-
tion Act for Fiscal Year 2016 (Public Law 114–92; 129 
Stat. 1070; 10 U.S.C. 2282 note) is amended by adding 
at the end the following new subparagraph:
“(C) Amounts authorized to be appropriated for a fiscal year for overseas contingency operations for operation and maintenance, Army, and available under Land Forces Operations Support for the European Reassurance Initiative for that fiscal year.”.

(b) TWO-YEAR EXTENSION.—Subsection (h) of such section is amended—

(1) by striking “September 30, 2017” and inserting “September 30, 2019”; and

(2) by striking “through 2017” and inserting “through 2019”.

SEC. 1233. ADDITIONAL MATTERS IN ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE RUSSIAN FEDERATION.


(1) in subsection (b)—

(A) by redesignating paragraphs (10) through (18) as paragraphs (11) through (19), respectively;
(B) by inserting after paragraph (9) the following new paragraph:

“(10) In consultation with the Secretary of State, the Secretary of the Treasury, and the Director of National Intelligence, an assessment of Russia’s diplomatic, economic, and intelligence operations in Ukraine.”;

(C) by striking paragraph (13), as redesignated by subparagraph (A), and inserting the following new paragraph:

“(13) An analysis of the nuclear strategy and associated doctrine of Russia, based on current assessments, including—

“(A) the capacity, capability, and readiness of Russia’s active and inactive strategic and tactical nuclear systems;

“(B) the estimated minimum and maximum flight ranges of each of Russia’s active and inactive strategic and tactical nuclear systems;

“(C) an assessment of whether Russia’s SAM and ABM systems possess surface-to-surface launch capability, and if so, an estimate of the minimum and maximum surface-to-surface flight range of these systems; and
“(D) an assessment of Russia’s investments in alternative delivery systems, including—

“(i) air-launched ICBMs;
“(ii) rail-mobile ICBMs; and
“(iii) nuclear-armed, nuclear-powered unmanned underwater vehicles, including the Maritime Multifunctional System Status–6 (Kanyon).”; and

(D) in subparagraph (B) of paragraph (17), as redesignated by subparagraph (A) of this paragraph, by striking “day” and inserting “month”;

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

(3) by inserting after subsection (e) the following new subsection:

“(d) PUBLISHING REQUIREMENT.—Upon submission of the report required under subsection (a) in both classified and unclassified form, the Secretary of Defense shall publish the unclassified form on the Department of Defense website.”; and

(4) in subsection (g), as redesignated by paragraph (3), by striking “2018” and inserting “2022”.

VerDate Sep 11 2014 23:14 May 18, 2016 Jkt 059200 PO 00000 Frm 01043 Fmt 6652 Sfmt 6201 E:\BILLS\S2943.PCS S2943sradovich on DSK3TPTVN1PROD with BILLS
SEC. 1234. EUROPEAN INVESTMENT IN SECURITY AND STABILITY.

(a) Sense of Congress.—It is the sense of Congress that—

(1) the North Atlantic Treaty Organization (NATO) allies and European partners of the United States are indispensable to addressing global security challenges;

(2) the security and stability of Europe is an enduring vital national security interest of the United States;

(3) while the investments of the United States are important to the security and stability of Europe, the investments of North Atlantic Treaty Organization allies and European partners in developing and employing their own security capabilities should meet or exceed such investments of the United States, including in efforts such as the European Deterrence Initiative;

(4) Congress expects an increase in the forward presence of the military forces of the North Atlantic Treaty Organization allies and European partners, especially by the most capable North Atlantic Treaty Organization allies; and

(5) the forces described in paragraph (4) must be interoperable with the additional United States
troops in Eastern Europe, as enabled by the European Deterrence Initiative, and are a critical component of the forward presence of the North Atlantic Treaty Organization to provide improved collective security and increased effective deterrence.

(b) ACCOUNTING OF EUROPEAN INVESTMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall present to the congressional defense committees an accounting of European investment in security capabilities including current and planned efforts to contribute to global security operations such as maintaining security and stability in Afghanistan and countering the Islamic State of Iraq and the Levant, programs and projects designed to deter Russia and maintain the security and stability of Europe, and any other initiative that matches or compliments the efforts the United States is making (such as the European Deterrence Initiative).

(c) ELEMENTS.—The accounting presented pursuant to subsection (b) shall include the following:

(1) A summary of the major outcomes of the 2014 NATO Wales Summit and the 2016 NATO Warsaw Summit including progress towards fulfillment of pledges to increase defense spending as agreed to by Heads of State and Government.
(2) A description of initiatives by other members of the North Atlantic Treaty Organization and European partners to—

     (A) deter security challenges posed by Russia;

     (B) increase capabilities to respond to unconventional or hybrid warfare tactics such as those used by the Russian Federation to annex Crimea and foment instability in Eastern Ukraine;

     (C) enhance security in Europe in ways that match or exceed United States contributions to conventional deterrence in the region;

     (D) contribute to the counter-Islamic State of Iraq and the Levant campaign and the North Atlantic Treaty Organization-led mission in Afghanistan; and

     (E) counter terrorism elsewhere in Europe and Africa.

(3) Any other matters the Secretary of Defense considers appropriate.

SEC. 1235. SENSE OF SENATE ON EUROPEAN DETERRENCE INITIATIVE.

It is the sense of the Senate that—
(1) the European Deterrence Initiative will bolster efforts to deter further Russian aggression by providing resources to—

(A) train and equip the military forces of North Atlantic Treaty Organization (NATO) and non-North Atlantic Treaty Organization partners in order to improve responsiveness, expand expeditionary capability, and strengthen combat effectiveness across the spectrum of security environments;

(B) enhance the indications and warning, interoperability and logistics capabilities of Allied and partner military forces to increase their ability to respond to external aggression, defend their sovereignty and territorial integrity, and preserve regional stability; and

(C) improve the agility and flexibility of military forces required to address threats across the full spectrum of domains and effectively operate in a wide array of coalition operations across diverse global environments from North Africa and the Middle East to Eastern Europe and the Arctic;

(2) investments that support the security and stability of Europe and that assist European nations
in further developing their security capabilities are
in the long-term vital national security interests of
the United States; and
(3) funds for such efforts should be authorized
and appropriated in the base budget of the Depart-
ment of Defense in order to ensure continued and
planned funding to address long-term stability on
the European continent, reassure our European al-
lies and partners, and deter further Russian aggres-
sion.

Subtitle F—Matters Relating to
Asia-Pacific Region
SEC. 1241. ANNUAL UPDATE OF DEPARTMENT OF DEFENSE
FREEDOM OF NAVIGATION REPORT.
(a) In General.—The Secretary of Defense shall
submit to the Committees on Armed Services of the Sen-
ate and the House of Representatives on an annual basis
a report setting forth an update of the most current De-
partment of Defense Freedom of Navigation Report under
the Freedom of Navigation Operations (FONOPS) pro-
gram. 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 pre-
vious 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 geo-
graphic location or area covered by such claim (in-
cluding the body of water and island grouping, when
applicable).

(3) The specific legal challenge asserted
through the program.

(c) FORM.—Each report under this section shall be
submitted in unclassified form.

SEC. 1242. INCLUSION OF THE PHILIPPINES AMONG ALLIED
COUNTRIES WITH WHOM UNITED STATES
MAY ENTER INTO COOPERATIVE MILITARY
Airlift Agreements.

Section 2350c(d)(1)(B) of title 10, United States
Code, is amended by inserting “the Philippines,” after
“Japan,”.
SEC. 1243. MILITARY EXCHANGES BETWEEN THE UNITED STATES AND TAIWAN.

(a) MILITARY EXCHANGES BETWEEN SENIOR OFFICERS AND OFFICIALS OF THE UNITED STATES AND TAIWAN.—

(1) IN GENERAL.—The Secretary of Defense shall carry out a program of exchanges of senior military officers and senior officials between the United States and Taiwan designed to improve military to military relations between the United States and Taiwan.

(2) EXCHANGES DESCRIBED.—For the purposes of this subsection, an exchange is an activity, exercise, event, or observation opportunity between members of the Armed Forces and officials of the Department of Defense, on the one hand, and armed forces personnel and officials of Taiwan, on the other hand.

(3) FOCUS OF EXCHANGES.—The exchanges under the program carried out pursuant to paragraph (1) shall include exchanges focused on the following:

(A) Threat analysis.
(B) Military doctrine.
(C) Force planning.
(D) Logistical support.
(E) Intelligence collection and analysis.

(F) Operational tactics, techniques, and procedures.

(G) Humanitarian assistance and disaster relief.

(4) CIVIL-MILITARY AFFAIRS.—The exchanges under the program carried out pursuant to paragraph (1) shall include activities and exercises focused on civil-military relations, including parliamentary relations.

(5) LOCATION OF EXCHANGES.—The exchanges under the program carried out pursuant to paragraph (1) shall be conducted in both the United States and Taiwan.

(6) DEFINITIONS.—In this subsection:

(A) The term “senior military officer”, with respect to the Armed Forces, means a general or flag officer of the Armed Forces on active duty.

(B) The term “senior official”, with respect to the Department of Defense, means a civilian official of the Department of Defense at the level of Assistant Secretary of Defense or above.
(b) Sense of Senate on Participation of Taiwan in Certain Advanced Aerial Combat Training Exercises.—It is the sense of the Senate that—

(1) the military forces of Taiwan, in accordance with the Taiwan Relations Act (Public Law 96–8), should be permitted to participate in bilateral training activities hosted by the United States that increase the credible deterrent capabilities of Taiwan;

(2) Taiwan should be extended an invitation to participate in advanced aerial combat training exercises alongside the United States Air Force upon the completion of the upgrades to the 45 F–16A/B fighter aircraft of Taiwan; and

(3) to maintain a high state of readiness, Taiwan must strive to invest at least 3 percent of its annual gross domestic product on defense.

SEC. 1244. Sense of Senate on Taiwan.

It is the sense of the Senate that the United States should strengthen and enhance its long-standing partnership and strategic cooperation with Taiwan, and reinforce its commitment to the Taiwan Relations Act and the “Six Assurances” as both countries work toward mutual security objectives, by—

(1) conducting regular transfers of defense articles and defense services necessary to enable Taiwan
to secure common interests and objectives with the United States;

(2) supporting the efforts of Taiwan to integrate innovative and asymmetric capabilities to balance the growing military capabilities of the People’s Republic of China, including fast-attack craft, coastal-defense cruise missiles, rapid-runway repair training, and undersea warfare capabilities optimized for the defense of the Taiwan Straits;

(3) assisting Taiwan in building an effective air defense capability consisting of a balance of fighters and more mobile air defense systems; and

(4) permitting Taiwan to participate in bilateral training activities hosted by the United States that increase the credible deterrent capabilities of Taiwan.

SEC. 1245. SENSE OF SENATE ON ENHANCEMENT OF THE MILITARY RELATIONSHIP BETWEEN THE UNITED STATES AND VIETNAM.

It is the sense of the Senate that—

(1) removing the prohibition on the sale of lethal military equipment to the Government of Vietnam at this time would further United States national security interests;
(2) any future sale of arms by the United States Government to the Government of Vietnam should be monitored to ensure that—

(A) the Government of Vietnam is continuing to make progress on human rights; and

(B) the arms sold are not being used in ways that violate the human rights and freedoms of civilians in Vietnam; and

(3) the United States Government should continue to expand the military-to-military relationship with the Government of Vietnam, including by—

(A) increasing participation in bilateral and multilateral naval exercises;

(B) increasing naval port visits by the United States, including at Cam Ranh Bay and Da Nang, Vietnam;

(C) increasing International Military Education and Training (IMET) and Expanded-IMET (E-IMET) programs for military officers of Vietnam;

(D) establishing bilateral arrangements to support increased cooperation on humanitarian assistance and disaster relief and joint personnel accounting cooperative activities; and
(E) seeking opportunities to promote military observation and participation by Vietnam in regional exercises such as the Rim of the Pacific (RIMPAC) exercise, the COBRA GOLD multinational exercises held in Thailand, and the BALIKITAN exercise of the United States and the Philippines.

SEC. 1246. REDESIGNATION OF SOUTH CHINA SEA INITIATIVE.

(a) Redesignation as Southeast Asia Maritime Security Initiative.—Subsection (a)(2) of section 1263 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1073; 10 U.S.C. 2282 note) is amended by striking “the ‘South China Sea Initiative’” and inserting “the ‘Southeast Asia Maritime Security Initiative’”.

(b) Conforming Amendment.—The heading of such section is amended to read as follows:

“SEC. 1263. SOUTHEAST ASIA MARITIME SECURITY INITIATIVE.”.

Subtitle G—Reform of Department of Defense Security Cooperation

SEC. 1251. SENSE OF CONGRESS ON SECURITY SECTOR ASSISTANCE.

It is the sense of Congress that—
(1) United States security sector assistance is aimed at strengthening the ability of United States allies and partner nations to build their own security capacity, consistent with the principles of good governance and rule of law;

(2) in an environment of limited resources and diverse security challenges, it is essential that the United States be selective and focus targeted assistance where it can be most effective and where it is most aligned with broader foreign policy and national security objectives of the United States;

(3) the goals of United States security sector assistance are to—

   (A) help partner nations build sustainable capacity to address common security challenges;

   (B) promote partner support for United States interests;

   (C) promote universal values, such as good governance, citizen security, and respect for human rights;

   (D) strengthen collective security and multinational defense arrangements and organizations; and
(E) promote the adoption of United States products and technology, which increases interoperability and interdependence;

(4) the Department of State is the coordinator of United States foreign policy, and is responsible for policy direction on all matters relating to security sector assistance;

(5) the Department of Defense provides critical implementing support to the Department of State on security assistance programs, and conducts critical security cooperation programs of its own;

(6) other United States Government agencies, such as the United States Agency for International Development, the Department of Treasury, the Department of Justice, and the Department of Homeland Security, also play critical roles in executing a whole-of-government approach to security sector assistance;

(7) security sector assistance must be discharged as a shared responsibility across all departments and agencies of the United States Government, with all departments and agencies operating with a shared commitment to agility, effectiveness, and coordination; and
(8) as the two leading implementers of security
sector assistance, the Department of State and De-
partment of Defense should work collaboratively in
all matters relating to security sector assistance, in-
cluding by undertaking joint planning to determine
the best application of security sector assistance pro-
grams under title 10, United States Code, the For-
eign Assistance Act of 1961, and other laws relating
to such programs for the Department of Defense
and the Department of State, particularly when the
United States Government seeks to introduce a sig-
nificant new military capability into a foreign coun-
try or region, significantly enhance the security ca-
pacity of a foreign country, or engage a diplo-
matically sensitive foreign country.

SEC. 1252. ENACTMENT OF NEW CHAPTER FOR DEFENSE
SECURITY COOPERATION.

(a) Statutory Reorganization.—Part I of sub-
title A of title 10, United States Code, is amended—

(1) by redesignating chapters 13, 15, 17, and
18 as chapters 12, 13, 14, and 15, respectively;

(2) by redesignating sections 261, 311, 312,
331, 332, 333, 334, 335, 351, 371, 372, 373, 374,
375, 376, 377, 378, 379, 380, 381, 382, 383, and
384 (as added by section 1006 of this Act) as sec-
1. The terms ‘appropriate congressional committees’ and ‘appropriate committees of Congress’ mean—
   
   “(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and
   
   “(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.
“(2) The term ‘defense article’ means—

“(A) any weapon, weapon system, munition, aircraft, boat, or other implement of war;

“(B) any machinery, tool, material, supply, or other item necessary for the repair, servicing, operation, or use of any article listed in this paragraph; and

“(C) any component or part of any article listed in this paragraph.

“(3) The term ‘defense service’ means any service, test, inspection, repair, training, publication, technical or other assistance related to a defense article.

“(4) The term ‘incremental expenses’, with respect to a foreign country—

“(A) means the reasonable and proper costs of rations, fuel, training ammunition, transportation, and other goods and services consumed by the country as a direct result of the country’s participation in activities authorized by this chapter; and

“(B) does not include—

“(i) any form of lethal assistance (excluding training ammunition); or
“(ii) pay, allowances, and other normal costs of the personnel of the country.

“(5) The term ‘security cooperation programs and activities of the Department of Defense’ means any program, activity (including an exercise), or interaction of the Department of Defense with the security establishment of a foreign country to achieve a purpose as follows:

“(A) To build relationships that promote specific United States security interests.

“(B) To build and develop allied and friendly security capabilities for self-defense and multinational operations.

“(C) To provide the armed forces with access to the foreign country during peacetime or a contingency operation.

“(6) The term ‘small-scale construction’ means construction at a cost not to exceed $750,000 for any project.

“(7) The term ‘training’ includes formal or informal instruction of foreign students in the United States or overseas by officers or employees of the United States, contract technicians, or contractors, or technical, educational, or information publications and media of all kinds, training aid, orientation,
training exercise, and military advice to foreign military units and forces.

"SUBCHAPTER II—MILITARY-TO-MILITARY ENGAGEMENTS

Sec. 311. Exchange of defense personnel between United States and friendly foreign countries: authority.
Sec. 312. Payment of personnel expenses necessary for theater security cooperation.
Sec. 313. Bilateral or regional cooperation programs: awards and mementos to recognize superior noncombat achievements or performance.

"SUBCHAPTER III—TRAINING WITH FOREIGN FORCES

Sec. 321. Training with friendly foreign countries: payment of training and exercise expenses.

"SUBCHAPTER IV—SUPPORT FOR OPERATIONS AND CAPACITY BUILDING

Sec. 331. Friendly foreign countries: authority to provide support for conduct of operations.
Sec. 332. Friendly foreign countries; international and regional organizations: defense institution capacity building.
Sec. 333. Foreign security forces: authority to build capacity.

"SUBCHAPTER V—EDUCATIONAL AND TRAINING ACTIVITIES

Sec. 341. Department of Defense State Partnership Program.
Sec. 342. Regional centers for security studies.
Sec. 343. Western Hemisphere Institute for Security Cooperation.
Sec. 344. Participation in multinational military centers of excellence.
Sec. 345. Defense Cooperation Fellowship Program.
Sec. 346. Distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the armed forces.
Sec. 347. International engagement authorities for service academies.
Sec. 348. Aviation Leadership Program.
Sec. 349. Inter-American Air Force Academy.
Sec. 350. Inter-European Air Force Academy.
“SUBCHAPTER VI—LIMITATIONS ON USE OF DEPARTMENT OF DEFENSE FUNDS

“Sec.
“361. Prohibition on providing financial assistance to terrorist countries.
“362. Prohibition on use of funds for assistance to units of foreign security forces that have committed a gross violation of human rights.

“SUBCHAPTER VII—ADMINISTRATIVE AND MISCELLANEOUS MATTERS

“Sec.
“382. Policy oversight and resource allocation; execution and administration of programs and activities.
“383. Annual assessment, monitoring, and evaluation of programs and activities.
“384. Annual report.”

(b) Transfer of Section 1051b.—Section 1051b of title 10, United States Code, is transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after the table of sections at the beginning of subchapter II of such chapter, and redesignated as section 313.

(c) Codification of Section 1081 of FY 2012 NDAA.—

(1) Codification.—Chapter 16 of title 10, United States Code, as added by subsection (a)(3), is amended by inserting after the table of sections at the beginning of subchapter IV a new section 332 consisting of—

(A) a heading as follows:
§ 332. Friendly foreign countries; international and regional organizations: defense institution capacity building”; and

(B) a text consisting of the text of subsections (a) through (d) of section 1081 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 168 note).

(2) CONFORMING REPEAL.—Section 1081 of the National Defense Authorization Act for Fiscal Year 2012 is repealed.

(d) SUPERSEDDING AUTHORITY TO TRAIN AND EQUIP FOREIGN SECURITY FORCES.—

(1) SUPERSEDDING AUTHORITY.—Chapter 16 of title 10, United States Code, as added by subsection (a)(3), is amended by inserting after section 332, as added by subsection (c), the following new section:

“§ 333. Foreign security forces: authority to build capacity

“(a) Authority.—The Secretary of Defense is authorized to conduct or support a program or programs to provide training and equipment to the national security forces of one or more foreign countries for the purpose of conducting one or more of the following:

“(1) Counterterrorism operations.

“(2) Counter-weapons of mass destruction operations.
“(3) Counter-illicit drug trafficking operations.

“(4) Counter-transnational organized crime operations.

“(5) Maritime and border security operations.

“(6) Military intelligence operations in support of lawful military operations.

“(7) Humanitarian and disaster assistance operations.

“(8) Operations or activities that contribute to an international coalition operation that is determined by the Secretary to be in the national interest of the United States.

“(9) National territorial defense of the foreign country concerned.

“(b) CONCURRENCE AND COORDINATION WITH SECRETARY OF STATE.—

“(1) CONCURRENCE IN CONDUCT OF PROGRAMS.—The concurrence of the Secretary of State is required to conduct any program authorized by subsection (a).

“(2) COORDINATION IN PREPARATION OF CERTAIN NOTICES.—Any notice required by this section to be submitted to the appropriate committees of Congress shall be prepared in coordination with the Secretary of State.
“(c) TYPES OF CAPACITY BUILDING.—

“(1) AUTHORIZED ELEMENTS.—A program under subsection (a) may include the provision and sustainment of defense articles, training, defense services, supplies (including consumables), and small-scale construction.

“(2) REQUIRED ELEMENTS.—A program under subsection (a) shall include elements that promote the following:

“(A) Observance of and respect for the law of armed conflict, fundamental freedoms, and the rule of law.

“(B) Respect for civilian control of the military.

“(3) HUMAN RIGHTS TRAINING.—In order to meet the requirement in paragraph (2)(A) with respect to particular national security forces under a program under subsection (a), the Secretary of Defense shall certify, prior to the initiation of the program, that the Department of Defense is already undertaking, or will undertake as part of the program, human rights training that includes a comprehensive curriculum on human rights and the law of armed conflict to such national security forces.
“(4) Defense Institution Building.—In order to meet the requirement in paragraph (2)(B) with respect to a particular foreign country under a program under subsection (a), the Secretary shall certify, prior to the initiation of the program, that the Department is already undertaking, or will undertake as part of the program, a program of defense institution building with appropriate defense institutions of such foreign country that is complementary to the program with respect to such foreign country under subsection (a). The purpose of the program of defense institution building shall be to enhance the capacity of such foreign country to exercise responsible civilian control of the national security forces of such foreign country.

“(d) Limitations.—

“(1) Assistance otherwise prohibited by law.—The Secretary of Defense may not use the authority in subsection (a) to provide any type of assistance described in subsection (e) 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 pursu-
ant to a program under subsection (a) shall be sub-
ject 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 dur-
ing fiscal year 205 or 2016, for a period in excess
of five years unless the Secretary provides to the
congressional defense committees a written justifica-
tion that the provision of such support for a period
in excess of five years will enhance the security in-
terests of the United States.

“(e) NOTICE AND WAIT ON ACTIVITIES UNDER PRO-
GRAMS.—Not later than 15 days before initiating activities
under a program under subsection (a), the Secretary of
Defense shall submit to the appropriate committees of
Congress a notice of the following:

“(1) The foreign country, and specific unit,
whose capacity to engage in activities specified in
subsection (a) will be built under the program.

“(2) The cost, implementation timeline and de-
delivery schedule for assistance under the program.

“(3) A description of the arrangements, if any,
for the sustainment of the program and the esti-
mated cost and source of funds to support sustainment of the capabilities and performance outcomes achieved under the program beyond its completion date, if applicable.

“(4) Information, including the amount, type, and purpose, on the security assistance provided the foreign country during the three preceding fiscal years pursuant to authorities under this title, the Foreign Assistance Act of 1961, and any other train and equip authorities of the Department of Defense.

“(5) A description of the elements of the theater security cooperation plan of the geographic combatant command concerned that will be advanced by the program.

“(f) QUARTERLY MONITORING REPORTS.—The Secretary of Defense shall, on a quarterly basis, submit to the appropriate committees of Congress a report setting forth, for the preceding calendar quarter, the following:

“(1) Information, by recipient country, of the delivery and execution status of all defense articles, training, defense services, and small-scale construction under programs under subsection (a).

“(2) Information on the timeliness of delivery of defense articles, defense services, and small-scale construction when compared with delivery schedules
for such articles and construction previously pro-
vided to Congress.

“(3) Information, by recipient country, on the
status of funds allocated for programs under sub-
section (a), including amounts of unobligated funds,
unliquidated obligations, and disbursements.

“(g) FUNDING.—Amounts for programs carried out
pursuant to subsection (a) in a fiscal year, and for other
purposes in connection with such programs as authorized
by this section, shall be derived from amounts available
for such programs and purposes for such fiscal year in
the Security Cooperation Enhancement Fund under sec-
tion 381 of this title or as otherwise provided by law.

“(h) NATIONAL SECURITY FORCES DEFINED.—In
this section, the term ‘national security forces’, in the case
of a foreign country, means the national military and na-
tional-level security forces of the foreign country that have
among their functional responsibilities the operations and
activities specified in subsection (a).”.

(2) FUNDING FOR FISCAL YEAR 2017.—
Amounts shall be available for fiscal year 2017 for
programs and other purposes described in subsection
(g) of section 333 of title 10, United States Code,
as added by paragraph (1), as follows:
(A) Amounts authorized to be appropriated by section 301 for operation and maintenance, Defense-wide, and available for such programs and purposes as specified in the funding table in section 4301.

(B) Amounts authorized to be appropriated by section 1504 for operation and maintenance, Defense-wide, for overseas contingency operations and available for such programs and purposes as specified in the funding table in section 4302.

(C) Amounts authorized to be appropriated by section 1510 for the Counterterrorism Partnerships Fund and available for such programs and purposes as specified in the funding table in section 4502.

(3) LIMITATION ON AVAILABILITY OF FUNDS FOR FISCAL YEAR 2017.—Of the amounts available for fiscal year 2017 pursuant to paragraph (2) for programs and other purposes described in subsection (g) of section 333 of title 10, United States Code, as so added, not more than 65 percent of such amounts may be used for such purposes under the guidance required by paragraph (4) is submitted to
the congressional defense committees as required by paragraph (4).

(4) GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe, and submit to the congressional defense committees, policy guidance on roles, responsibilities, and processes in connection with programs and activities authorized by section 333 of title 10, United States Code, as so added.

(5) CONFORMING AMENDMENTS.—Effective as of the date that is 180 days after the date of the enactment of this Act, section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking “tribal, or foreign” and inserting “or tribal”;

(ii) in paragraph (1), by adding “or” at the end;

(iii) in paragraph (2), by striking “; or” and inserting a period; and

(iv) by striking paragraph (3); and
(B) in subsection (b)(4), by striking “or for the purpose” and all that follows and inserting a period.

(6) CONFORMING REPEALS.—Effective as of the date that is 180 days after the date of the enactment of this Act, the following provisions of law are repealed:

(A) Section 2282 of title 10, United States Code.

(B) The following provisions of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66):


(7) CLERICAL AMENDMENT.—Effective as of the date that is 180 days after the date of the enactment of this Act, the table of sections at the beginning of chapter 136 of title 10, United States Code,
is amended by striking the item relating to section 2282.

(c) **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 “and training”;

(B) in subsection (b)—

(i) in paragraph (1)(B), by striking “and exchange of ideas” and inserting “and training”;

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking “European”;

(II) in subparagraph (B), by striking “Asia-Pacific”;
(III) in subparagraph (C), by striking “Hemispheric Defense” and inserting “Security”; and

(IV) by striking subparagraphs (D) and (E); and

(iii) in paragraph (3), by striking “,

except as specifically provided by law after October 17, 2006”; and

(C) in subsection (e), by adding at the end the following new sentence: “The regulations shall assign regional areas of focus to each Regional Center, and shall prioritize within their respective areas of focus the functional areas for engagement of territorial and maritime security, transnational and asymmetric threats, and defense sector governance.”; and

(D) in subsection (f)—

(i) in paragraph (3)—

(I) by inserting “(A)” after “(3)”; and

(II) in subparagraph (A), as so designated, by striking “civilian government officials” and inserting “personnel”; and
(III) by adding at the end the following new subparagraph:

“(B)(i) The Secretary of Defense may, with the concurrence of the Secretary of State, waive reimbursement otherwise required under this subsection of the costs of activities of the Regional Centers for personnel of nongovernmental and international organizations who participate in activities of the Regional Centers that enhance cooperation of nongovernmental organizations and international organizations with United States forces if the Secretary of Defense determines that attendance of such personnel without reimbursement is in the national security interests of the United States.

“(ii) The amount of reimbursement that may be waived under clause (i) in any fiscal year may not exceed $1,000,000.”; and

(ii) in paragraph (5), by striking “under the Latin American cooperation authority” and all that follows and inserting “under section 312 of this title are also available for the costs of the operation of the Regional Centers.”.

(3) CODIFICATION OF PROVISIONS RELATING TO SPECIFIC CENTERS.—Such section 342, as so
transferred and redesignated, is further amended by adding at the end the following new subsections:

“(h) Authorities Specific to Marshall Center.—(1) The Secretary of Defense may authorize participation by a European or Eurasian country in programs of the George C. Marshall Center for Security Studies (in this subsection referred to as the ‘Marshall Center’) if the Secretary determines, after consultation with the Secretary of State, that such participation is in the national interest of the United States.

“(2)(A) In the case of any person invited to serve without compensation on the Marshall Center Board of Visitors, the Secretary of Defense may waive any requirement for financial disclosure that would otherwise apply to that person solely by reason of service on such Board.

“(B) A member of the Marshall Center Board of Visitors may not be required to register as an agent of a foreign government solely by reason of service as a member of the Board.

“(C) Notwithstanding section 219 of title 18, a non-United States citizen may serve on the Marshall Center Board of Visitors even though registered as a foreign agent.

“(3)(A) The Secretary of Defense may waive reimbursement of the costs of conferences, seminars, courses
of instruction, or similar educational activities of the Marshall Center for military officers and civilian officials from states located in Europe or the territory of the former Soviet Union if the Secretary determines that attendance by such personnel without reimbursement is in the national security interest of the United States.

“(B) Costs for which reimbursement is waived pursuant to subparagraph (A) shall be paid from appropriations available for the Center.

“(i) Authorities Specific to Inouye Center.—

(1) The Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Daniel K. Inouye Center for Security Studies for military officers and civilian officials of foreign countries if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States.

“(2) Costs for which reimbursement is waived pursuant to paragraph (1) shall be paid from appropriations available for the Center.”.

(4) Repeal of codified provisions.—The following provisions of law are repealed:

(A) Section 941(b) of the Duncan Hunter National Defense Authorization Act for Fiscal


(f) Transfer of Section 2166.—

(1) Transfer and redesignation.—Section 2166 of title 10, United States Code, is transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after section 342, as transferred and redesignated by subsection (e), and redesignated as section 343.

(2) Conforming stylistic amendments.—

Such section 343, as so transferred and redesignated, is amended by striking “nations” each place it appears in subsections (b) and (c) and inserting “countries”.

(g) Transfer of Section 2350m.—Section 2350m of title 10, United States Code, is transferred to chapter
16 of such title, as added by subsection (a)(3), inserted after section 343, as transferred and redesignated by subsection (f), and redesignated as section 344.

(h) TRANSFER OF SECTION 2249D.—

(1) TRANSFER AND REDESIGNATION.—Section 2249d of title 10, United States Code, is transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after section 344, as transferred and redesignated by subsection (g), and redesignated as section 346.

(2) CONFORMING STYLISTIC AMENDMENTS.—Such section 346, as so transferred and redesignated, is amended—

(A) by striking “nations” in subsections (a) and (d) and inserting “countries”; and

(B) by striking subsection (g).

(i) REENACTMENT OF CHAPTER 905.—

(1) CONSOLIDATION OF SECTIONS 9381, 9382, AND 9383.—Chapter 16 of title 10, United States Code, as added by subsection (a)(3), is amended by inserting after section 346, as transferred and redesignated by subsection (h), the following new section:

“§348. Aviation Leadership Program

“(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, the Secretary of the Air Force...
may carry out an Aviation Leadership Program to provide undergraduate pilot training and necessary related training to personnel of the air forces of friendly, developing foreign countries. Training under this section shall include language training and programs to promote better awareness and understanding of the democratic institutions and social framework of the United States.

“(b) Supplies and Clothing.—(1) The Secretary of the Air Force may, under such conditions as the Secretary may prescribe, provide to a person receiving training under this section—

“(A) transportation incident to the training;

“(B) supplies and equipment to be used during the training;

“(C) flight clothing and other special clothing required for the training; and

“(D) billeting, food, and health services.

“(2) The Secretary may authorize such expenditures from the appropriations of the Air Force as the Secretary considers necessary for the efficient and effective maintenance of the Program in accordance with this section.

“(c) Allowances.—The Secretary of the Air Force may pay to a person receiving training under this section a living allowance at a rate to be prescribed by the Secretary, taking into account the amount of living allowances
authorized for a member of the armed forces under similar circumstances.”.

(2) CONFORMING REPEAL.—Chapter 905 of such title is repealed.

(j) TRANSFER OF SECTION 9415.—

(1) IN GENERAL.—Section 9415 of title 10, United States Code, is transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after section 348, as added by subsection (i), and re-designated 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


(l) **TRANSFER OF SECTIONS 2249A AND 2249E.**—

(1) **TRANSFER AND REDESIGNATION.**—Sections 2249a and 2249e of title 10, United States Code, are transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after the table of sections at the beginning of subchapter VI of such chapter, and redesignated as sections 361 and 362, respectively.

(2) **CONFORMING REPEAL RELATING TO SUPERSEDED DEFINITION OF CONGRESSIONAL COMMITTEES.**—Section 362 of title 10, United States Code, as transferred and redesignated by paragraph (1), is amended by striking subsection (f).

(m) **ADMINISTRATIVE MATTERS.**—Chapter 16 of title 10, United States Code, as added by subsection (a)(3), is amended by inserting after the table of sections at the beginning of subchapter VII the following new sections:

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§ 382. Policy oversight and resource allocation; execution and administration of programs and activities

“(a) **POLICY OVERSIGHT AND RESOURCE ALLOCATION.**—The Secretary of Defense shall assign responsibility for the oversight of strategic policy and guidance and responsibility for overall resource allocation for security cooperation programs and activities of the Department of
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Defense to a single official and office in the Office of the Secretary of Defense at the level of Assistant Secretary of Defense or below.

“(b) EXECUTION AND ADMINISTRATION OF CERTAIN PROGRAMS AND ACTIVITIES.—

“(1) IN GENERAL.—The Director of the Defense Security Cooperation Agency shall be responsible for the execution and administration of all 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 or a combatant command to execute and administer security cooperation programs and activities described in paragraph (1) if the Director determines that the designation will achieve maximum effectiveness, efficiency, and economy in the activities for which designated.

“§ 383. Assessment, monitoring, and evaluation of programs and activities

“(a) PROGRAM REQUIRED.—The Secretary of Defense shall maintain a program of assessment, monitoring,
and evaluation in support of the security cooperation programs and activities of the Department of Defense.

“(b) PROGRAM ELEMENTS AND REQUIREMENTS.—

“(1) ELEMENTS.—The program under subsection (a) shall provide for the following:

“(A) Initial assessments of partner capability requirements, potential programmatic risks, baseline information, and indicators of efficacy for purposes of planning, monitoring, and evaluation of security cooperation programs and activities of the Department of Defense.

“(B) Monitoring of implementation of such programs and activities in order to measure progress in execution and, to the extent possible, achievement of desired outcomes.

“(C) Evaluation of the efficiency and effectiveness of such programs and activities in achieving desired outcomes.

“(D) Identification of lessons learned in carrying out such programs and activities, and development of recommendation for improving future security cooperation programs and activities of the Department of Defense.

“(2) BEST PRACTICES.—The program shall be conducted in accordance with international best
practices, interagency standards, and, if applicable, the Government Performance and Results Act of 1993 (Public Law 103–62), and the amendments made by that Act, and the GPRA Modernization Act of 2010 (Public Law 111–352), and the amendments made by that Act.

“(c) REPORTS.—

“(1) REPORTS TO CONGRESS.—The Secretary shall submit to the congressional defense committees each year a report on the program under subsection (a) during the previous year. Each report shall include, for the year covered by such report, the following:

“(A) A description of the activities under the program.

“(B) An assessment of the efficacy of the activities under the program.

“(2) INFORMATION FOR THE PUBLIC ON EVALUATIONS.—The Secretary shall make available to the public, on an Internet website of the Department of Defense available to the public, a summary of each evaluation conducted pursuant to subsection (b)(1)(C). In making a summary so available, the Secretary may redact or omit any information that the Secretary determines should not be disclosed to
the public in order to protect the interests of the United States or the foreign country or countries covered by such evaluation.”.

(n) CLERICAL AMENDMENTS.—Title 10, United States Code, is amended as follows:

(1) The tables of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, are amended—

(A) by revising the chapter references relating to chapters 13, 15, 17, and 18 (and the section references therein) to conform to the redesignations made by paragraphs (1) and (2) of subsection (a); and

(B) by inserting after the item relating to chapter 15, as revised pursuant to subparagraph (A), the following new item:

“16. Security Cooperation .................................................. 301”.

(2) The section references in the tables of sections at the beginning of chapters 12, 13, 14, and 15, as redesignated by paragraph (1) of subsection (a), are revised to conform to the redesignations made by paragraph (2) of such subsection.

(3) The table of sections at the beginning of chapter 7 is amended by striking the item relating to section 184.
(4) The table of sections at the beginning of chapter 53 is amended by striking the item relating to section 1051b.

(5) The table of sections at the beginning of chapter 108 is amended by striking the item relating to section 2166.

(6) The table of sections at the beginning of subchapter I of chapter 134 is amended by striking the items relating to sections 2249a, 2249d, and 2249e.

(7) The table of sections at the beginning of subchapter II of chapter 138 is amended by striking the item relating to section 2350m.

(8) The tables of chapters at the beginning of subtitle D, and at the beginning of part III of subtitle D, are amended by striking the item relating to chapter 905.

(9) The table of sections at the beginning of chapter 907 is amended by striking the item relating to section 9415.

SEC. 1253. MILITARY-TO-MILITARY EXCHANGES.

(a) Codification in New Chapter on Security Cooperation Activities.—Chapter 16 of title 10, United States Code, as added by section 1252(a)(3) of this Act, is amended by inserting after the table of sections
at the beginning of subchapter II a new section 311 consist-
ing of—

(1) a heading as follows:

§ 311. Exchange of defense personnel between United States and friendly foreign coun-
tries: 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;


(b) Revisions To Incorporate Permanent Non-
reciprocal Exchange Authority.—Section 311 of title 10, United States Code, as added by subsection (a), is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A), by striking “an ally of the United States or another friendly foreign country for the ex-
change” and inserting “a friendly foreign coun-
try or international or regional security organi-
ization for the reciprocal or non-reciprocal ex-
change”;

(B) in subparagraph (A), by striking “mili-
tary” and inserting “members of the armed forces”; and
(C) in subparagraph (B)—

(i) by inserting “or security” after “defense”; and

(ii) by inserting before the period at the end the following: “or international or regional security organization”;

(2) in subsection (e)—

(A) by striking “Each government shall be required under” and inserting “In the case of”; and

(B) by inserting after “exchange agreement” the following: “that provides for reciprocal exchanges, each government shall be required”; and

(3) in subsection (f), by inserting “defense or security ministry of that” after “military personnel of the”.

(c) CONFORMING REPEALS.—The following provisions of law are repealed:


SEC. 1254. CONSOLIDATION AND REVISION OF AUTHORITY FOR PAYMENT OF PERSONNEL EXPENSES NECESSARY FOR THEATER SECURITY COOPERATION.

(a) CONSOLIDATION AND REVISION OF AUTHORITIES IN NEW CHAPTER ON SECURITY COOPERATION ACTIVITIES.—Chapter 16 of title 10, United States Code, as added by section 1252(a)(3) of this Act, is amended by inserting after section 311, as added by section 1253(a) of this Act, the following new section:

“§ 312. Payment of personnel expenses necessary for theater security cooperation

“(a) AUTHORITY.—The Secretary of Defense may pay expenses specified in subsection (b) that the Secretary considers necessary for theater security cooperation.

“(b) TYPES OF EXPENSES.—The expenses that may be paid under the authority provided in subsection (a) are the following:

“(1) PERSONNEL EXPENSES.—The Secretary of Defense may pay travel and subsistence of, and special compensation for, defense and other security-related personnel of friendly foreign governments that the Secretary considers necessary for theater security cooperation.

“(2) ADMINISTRATIVE SERVICES AND SUPPORT FOR LIAISON OFFICERS.—The Secretary may pro-
vide administrative services and support for the performance of duties by a liaison officer of another country while the liaison officer is assigned temporarily to any headquarters in the Department of Defense.

“(3) Travel, subsistence, and medical care for liaison officers.—The Secretary may pay the expenses of a liaison officer in connection with the assignment of that officer as described in paragraph (2) if the assignment is requested by the commander of a combatant command, the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, or the head of a Defense Agency as follows:

“(A) Travel and subsistence expenses.

“(B) Personal expenses directly necessary to carry out the duties of that officer in connection with that assignment.

“(C) Expenses for medical care at a civilian medical facility if—

“(i) adequate medical care is not available to the liaison officer at a local military medical treatment facility;
“(ii) the Secretary determines that payment of such medical expenses is necessary and in the best interests of the United States; and

“(iii) medical care is not otherwise available to the liaison officer pursuant to any treaty or other international agreement.

“(D) Mission-related travel expenses if such travel meets each of the following conditions:

“(i) The travel is in support of the national security interests of the United States.

“(ii) The officer or official making the request directs round-trip travel from the assigned location to one or more travel locations.

“(4) CONFERENCES, SEMINARS, AND SIMILAR MEETINGS.—The authority provided by paragraph (1) includes authority to pay travel and subsistence expenses for personnel described in that paragraph in connection with the attendance of such personnel at any conference, seminar, or similar meeting that is in direct support of enhancing interoperability be-
between the United States armed forces and the national security forces of a friendly foreign country for the purposes of conducting operations, the provision of equipment or training, or the planning for, or the execution of, bilateral or multilateral training, exercises, or military operations.

“(5) OTHER EXPENSES.—In addition to the personnel expenses payable under paragraph (1), the Secretary may pay such other limited expenses in connection with conferences, seminars, and similar meeting covered by paragraph (4) as the Secretary considers appropriate in the national security interests of the United States.

“(c) LIMITATION.—The authority provided in subsection (a) may be used only for the payment of expenses of, and special compensation for, personnel from developing countries, except that the Secretary of Defense may authorize the payment of such expenses and special compensation for personnel from a country other than a developing country if the Secretary determines that such payment is necessary to respond to extraordinary circumstances and is in the national security interest of the United States.

“(d) REIMBURSEMENT.—The Secretary may provide the services and support specified in subsection (b)(2) with
or without reimbursement from (or on behalf of) the recipients. The terms of reimbursement (if any) shall be specified in the appropriate agreements used to assign the liaison officer.

“(e) LIMITATIONS.—

“(1) TRAVEL AND SUBSISTENCE EXPENSES GENERALLY.—Travel and subsistence expenses authorized to be paid under subsection (a) may not, in the case of any individual, exceed the amount that would be paid under chapter 7 or 8 of title 37 to a member of the armed forces (of a comparable grade) for authorized travel of a similar nature.

“(2) TRAVEL AND RELATED EXPENSES OF LIAISON OFFICERS.—The amount paid for expenses specified in subsection (b)(3) for any liaison officer in any fiscal year may not exceed $150,000.

“(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of this section. Such regulations shall be submitted to the Committees on Armed Services of the Senate and the House of Representatives.”.

(b) CONFORMING AMENDMENTS.—

(1) REPEALS.—Sections 1050, 1050a, 1051, and 1051a of title 10, United States Code, are repealed.
(2) Clerical Amendments.—The table of sections at the beginning of chapter 53 of such title is amended by striking the items relating to sections 1050, 1050a, 1051, and 1051a.

(c) Savings Provision for Fiscal Year 2017.—The authority under section 1050 of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to the Inter-American Defense College during fiscal year 2017 under regulations prescribed by the Secretary of Defense.

SEC. 1255. Transfer and Revision of Authority on Payment of Expenses in Connection with Training and Exercises with Friendly Foreign Forces.

(a) In General.—Section 2011 of title 10, United States Code, is transferred to 16 of such title, as added by section 1252(a)(3) of this Act, inserted after the table of sections at the beginning of subchapter III, redesignated as section 321, and amended to read as follows:

“§321. Training with friendly foreign countries: payment of training and exercise expenses

“(a) Training Authorized.—

“(1) Training with foreign forces.—The armed forces under the jurisdiction of the Secretary
of Defense may train with the military forces or
other security forces of a friendly foreign country if
the Secretary determines that it is in the national
security interests of the United States to do so.

“(2) TRAINING TO SUPPORT MISSION ESSENTIAL TASKS.—Any training conducted pursuant to
paragraph (1) shall, to the maximum extent practicable, support the mission essential tasks for which
the unit of the armed forces participating in such training is responsible.

“(3) ELEMENTS OF TRAINING.—Any training
conducted pursuant to paragraph (1) shall, to the
maximum extent practicable, include elements that
promote—

“(A) observance of and respect for human
rights and fundamental freedoms; and

“(B) respect for legitimate civilian authority
within the foreign country concerned.

“(b) AUTHORITY TO PAY TRAINING AND EXERCISE
EXPENSES.—Under regulations prescribed pursuant to
subsection (e), the commander of a combatant command
may pay, or authorize payment for, any of the following
expenses:

“(1) Expenses of training forces assigned or al-
located to that command in conjunction with train-
ing, 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 for-

eign country as the direct result of participating
such training, as specified in the regulations.

“(4) The incremental expenses of a friendly for-
eign country as the direct result of participating in
an exercise with the armed forces under the jurisdic-
tion of the Secretary of Defense.

“(5) Small-scale construction that is directly re-
lated to the effective accomplishment of the training
described in paragraph (1) or an exercise described
in paragraph (4).

“(c) PURPOSE OF TRAINING AND EXERCISES.—

“(1) IN GENERAL.—The primary purpose of the
training and exercises for which payment may be
made under subsection (b) shall be to train the
forces available to the combatant command con-
cerned.

“(2) SELECTION OF FOREIGN PARTNERS.—
Training and exercises with friendly foreign coun-
tries under subsection (a) should be planned and
prioritized consistent with applicable guidance relating to the security cooperation programs and activities of the Department of Defense.

“(d) Availability of Funds for Activities That Cross Fiscal Years.—Amounts available for the authority to pay expenses in subsection (b) for a fiscal year may be used to pay expenses under that subsection for training and exercises that begin in such fiscal year but end in the next fiscal year.

“(e) Regulations.—

“(1) In General.—The Secretary of Defense shall prescribe regulations for the administration of this section. The Secretary shall submit the regulations to the Committees on Armed Services of the Senate and the House of Representatives.

“(2) Elements.—The regulations required under this section shall provide the following:

“(A) A requirement that training and exercise activities may be carried out under this section only with the prior approval of the Secretary.

“(B) Accounting procedures to ensure that the expenditures pursuant to this section are appropriate.
“(C) Procedures to limit the payment of incremental expenses to developing countries, except in the case of exceptional circumstances as specified in the regulations.

“(e) REPORTS.—Not later than January 31 each year, the Secretary of Defense shall submit to the congressional defense committees a report regarding training and exercises during the preceding fiscal year for which expenses were paid under this section. Each report shall specify the following:

“(1) All countries in which that training was conducted.

“(2) The type of training conducted, the duration of that training, the number of members of the armed forces involved, and expenses paid.

“(3) The extent of participation by foreign military forces, including the number and service affiliation of foreign military personnel involved and the physical and financial contribution, if any, of each host nation to the training effort.

“(4) The relationship of that training to other overseas training programs conducted by the armed forces, such as military exercise programs sponsored by the Joint Chiefs of Staff, military exercise programs sponsored by a combatant command, and
military training activities sponsored by a military department (including deployments for training, short duration exercises, and other similar unit training events).

“(5) A summary of the expenditures resulting from the training and exercises for which expenses were paid under this section.

“(6) A discussion of the unique military training benefit to United States forces derived from the activities for which expenses were paid under this section.”.

(b) CONFORMING REPEALS.—The following provisions of law are repealed:

(1) Section 2010 of title 10, United States Code.


(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of title 10, United States Code, is amended by striking the items relating to sections 2010 and 2011.
SEC. 1256. TRANSFER AND REVISION OF AUTHORITY TO PROVIDE OPERATIONAL SUPPORT TO FORCES OF FRIENDLY FOREIGN COUNTRIES.

(a) Transfer and Revision.—Section 127d of title 10, United States Code, is transferred to chapter 16 of such title, as added by section 1252(a)(3) of this Act, inserted after the table of sections at the beginning of 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 De-
“(B) a military or stability operation that benefits the national security interests of the United States.

“(2) Logistic support, supplies, and services—

“(A) to military forces of a friendly foreign country solely for the purpose of enhancing the interoperability of the logistical support systems of military forces participating in a combined operation with the United States in order to facilitate such operation; or

“(B) to a nonmilitary logistics, security, or similar agency of a friendly foreign government if such provision would directly benefit the armed forces under the jurisdiction of the Secretary of Defense.

“(3) Procurement of equipment for the purpose of the loan of such equipment to the military forces of a friendly foreign country participating in a United States-supported coalition or combined operation and the loan of such equipment to those forces to enhance capabilities or to increase interoperability with the armed forces under the jurisdiction of the Secretary of Defense and other coalition partners.

“(4) Provision of specialized training to personnel of friendly foreign countries in connection
with such an operation, including training of such personnel before deployment in connection with such operation.

“(d) Certification Required.—

“(1) Operations in which the United States is not participating.—The Secretary of Defense may provide support under subsection (a) to a friendly foreign country with respect to an operation in which the United States is not participating only—

“(A) if the Secretary of Defense and the Secretary of State jointly certify to Congress that the operation is in the national security interests of the United States; and

“(B) after the expiration of the 15-day period beginning on the date of such certification.

“(2) Accompanying report.—Any certification under paragraph (1) shall be accompanied by a report that includes the following:

“(A) A description of the operation, including the geographic area of the operation.

“(B) A list of participating countries.

“(C) A description of the type of support and the duration of support to be provided.
“(D) A description of the national security interests of the United States supported by the operation.

“(E) Such other matters as the Secretary of Defense and the Secretary of State consider significant to a consideration of such certification.

“(e) Secretary of State Concurrence.—The provision of support under subsection (a) may be made only with the concurrence of the Secretary of State.

“(f) Support Otherwise Prohibited by Law.—The Secretary of Defense may not use the authority in subsection (a) to provide any type of support described in subsection (e) that is otherwise prohibited by any provision of law.

“(g) Limitations on Value.—

“(1) The aggregate value of all logistic support, supplies, and services provided under subsection (b)(1) in any fiscal year may not exceed $450,000,000.

“(2) The aggregate value of all logistic support, supplies, and services provided under subsection (b)(2) in any fiscal year may not exceed $5,000,000.

“(h) Logistic Support, Supplies, and Services Defined.—In this section, the term ‘logistic support,
supplies, and services’ has the meaning given that term in section 2350(1) of this title.’’.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 127d.

SEC. 1257. DEPARTMENT OF DEFENSE STATE PARTNERSHIP PROGRAM.

(a) Codification in New Chapter on Security Cooperation Activities.—Chapter 16 of title 10, United States Code, as added by section 1252(a)(3) of this Act, is amended by inserting after the table of sections at the beginning of subchapter IV a new section 341 consisting of—

(1) a heading as follows:

“§341. Department of Defense State Partnership Program”; and


(b) Revisions To Strike Obsolete Provisions and Conform to Provisions in New Chapter.—See-
tion 341 of title 10, United States Code, as added by sub-
section (a), is amended—

(1) by striking subsection (d) and inserting the
following new subsection (d):

“(d) REGULATIONS.—This section shall be carried
out in accordance with such regulations as the Secretary
of Defense shall prescribe for purposes of this section.
Such regulations shall include accounting procedures to
ensure that expenditures of funds to carry out this section
are accounted for and appropriate.”;

(2) in subsection (f)—

(A) by striking “(f) REPORTS AND NOTIFI-
cations.—” and all that follows through “(B)
MATTERS TO BE INCLUDED.—” and inserting
the following:

“(f) ANNUAL REPORT.—

“(1) IN GENERAL.—Not later than February 1
of each year following a fiscal year in which activi-
ties under each program established under sub-
section (a) are carried out, the Secretary of Defense
shall submit to the appropriate congressional com-
mittees a report on such activities under such pro-
gram.

“(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)”;

(3) in subsection (g), by striking “under title 10” and all that follows and inserting “under title 10 as in effect on December 26, 2013.”.

(c) Prohibition on Activities With Units Having Committed Gross Violations of Human Rights.—Subsection (b) of such section is amended—

(1) by striking “(b) Limitation.—An activity” and inserting the following:

“(b) Limitations.—

“(1) In general.—An activity”; and

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

“(2) Prohibition on activities with units that have committed gross violations of
HUMAN RIGHTS.—The conduct of any activities under a program established under subsection (a) shall be subject to the provisions of section 362 of this title.”.


SEC. 1258. MODIFICATION OF REGIONAL DEFENSE COMBATING TERRORISM FELLOWSHIP PROGRAM.

(a) IN GENERAL.—Section 2249c of title 10, United States Code, is transferred to chapter 16 of such title, as added by section 1252(a)(3) of this Act, inserted after section 344, as transferred and redesignated by section 1252(g) of this Act, redesignated as section 345, and amended to read as follows:

“§ 345. Defense Cooperation Fellowship Program

“(a) AUTHORITY.—

“(1) IN GENERAL.—The Secretary of Defense is authorized to carry out a program (to be known as the ‘Defense Cooperation Fellowship Program’) under which the Secretary may pay any costs associated with the education and training described in paragraph (2) of foreign military officers, ministry of defense officials, or national-level security officials
of friendly foreign countries. Costs for which pay-
ment may be made under this section include the
costs of transportation and travel and subsistence
costs.

“(2) EDUCATION AND TRAINING.—Education
and training described in this paragraph is defense
cooperation education and training at a military or
civilian educational institution of the United States
Government, regional center, conference, seminar, or
other training program that is conducted as part of
the program under this section.

“(b) REGULATIONS.—The program authorized by
subsection (a) shall be carried out under regulations pre-
scribed by the Secretary of Defense. The regulations shall
ensure that, to the maximum extent practicable, activities
under the program do not duplicate or conflict with activi-
ties under International Military Education and Training
(IMET). The Secretary shall submit a current copy of the
regulations to the Committees on Armed Services of the
Senate and the House of Representatives

“(c) AVAILABILITY OF FUNDS.—

“(1) LIMITATION.—Except as provided in para-
graph (2), the total amount of costs that may be
paid under the program authorized by subsection (a)
in any fiscal year may not exceed $35,000,000.
“(2) Availability for activities that cross fiscal years.—Funds available under the authority in subsection (a) for a fiscal year may be used for activities that begin in such fiscal year but end in the next fiscal year.”.

(b) Clerical Amendment.—The table of sections at the beginning of subchapter I of chapter 134 of such title is amended by striking the item relating to section 2249c.

SEC. 1259. CONSOLIDATION OF AUTHORITIES FOR SERVICE ACADEMY INTERNATIONAL ENGAGEMENT.

(a) Consolidation of Authorities.—Chapter 16 of title 10, United States Code, as added by section 1252(a)(3) of this Act, is amended by inserting after section 346, as transferred and redesignated by section 1252(h) of this Act, the following new section:

“§ 347. International engagement authorities for service academies

“(a) Selection of Persons From Foreign Countries to Receive Instruction at Service Academies.—

“(1) Attendance Authorized.—

“(A) In general.—The Secretary of each military department may permit persons from foreign countries to receive instruction at the
Service Academy under the jurisdiction of the Secretary. Such persons shall be in addition to—

“(i) in the case of the United States Military Academy, the authorized strength of the Corps of the Cadets of the Academy under 4342 of this title;

“(ii) in the case of the United States Naval Academy, the authorized strength of the Brigade of Midshipmen of the Academy under section 6954 of this title; and

“(iii) in the case of the United States Air Force Academy, the authorized strength of the Cadet Wing of the Academy under 9342 of this title.

“(B) LIMITATION ON NUMBER.—The number of persons permitted to receive instruction at each Service Academy under this subsection may not be more than 60 at any one time.

“(2) DETERMINATION OF FOREIGN COUNTRIES FROM WHICH PERSONS MAY BE SELECTION.—The Secretary of a military department, upon approval by the Secretary of Defense, shall determine—

“(A) the countries from which persons may be selected for appointment under this sub-
section to the Service Academy under the juris-
diction 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 GRADUA-
tion.—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 serv-
ice obligation to their countries upon graduation
from the Service Academy concerned.

“(5) PAY, ALLOWANCES, AND EMOLUMENTS OF
PERSONS ADMITTED.—A person receiving instruc-
tion under this subsection is entitled to the pay, al-
lowances, and emoluments of a cadet or midshipman appointed from the United States, and from the same appropriations.

“(6) Reimbursement of costs by foreign countries from which persons are admitted.—

“(A) Reimbursement required.—Each foreign country from which a cadet or midshipmen is permitted to receive instruction at one of the Service Academies under this subsection shall reimburse the United States for the cost of providing such instruction, including the cost of pay, allowances, and emoluments provided under paragraph (5). The Secretaries of the military departments shall prescribe the rates for reimbursement under this paragraph, except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a cadet or midshipmen appointed from the United States.

“(B) Waiver authority.—The Secretary of Defense may waive, in whole or in part, the requirement for reimbursement of the cost of instruction for a cadet or midshipmen under
subparagraph (A). In the case of a partial waiver, the Secretary of Defense shall establish the amount waived.

“(7) APPLICABILITY OF ACADEMY REGULATIONS, ETC.—

“(A) IN GENERAL.—Except as the Secretary of the military department concerned determines, a person receiving instruction under this subsection at the Service Academy under the jurisdiction of that Secretary is subject to the same regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as a cadet or midshipmen at that Academy appointed from the United States.

“(B) CLASSIFIED INFORMATION.—The Secretary of the military department concerned may prescribe regulations with respect to access to classified information by a person receiving instruction under this subsection at the Service Academy under the jurisdiction of that Secretary that differ from the regulations that apply to a cadet or midshipmen at that Academy appointed from the United States.
“(8) Ineligibility for appointment in the United States Armed Forces.—A person receiving instruction at a Service Academy under this subsection is not entitled to an appointment in an armed force of the United States by reason of graduation from the Academy.

“(9) Inapplicability of requirement for taking oath of admission.—A person receiving instruction under this subsection is not subject to section 4346(d), 6958(d), or 9346(d) of this title, as the case may be.

“(b) Exchange Programs With Foreign Military Academies.—

“(1) Exchange programs authorized.—The Secretary of a military department may permit a student enrolled at a military academy of a foreign country to receive instruction at the Service Academy under the jurisdiction of that Secretary in exchange for a cadet or midshipmen receiving instruction at that foreign military academy pursuant to an exchange agreement entered into between the Secretary and appropriate officials of the foreign country. A 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 ex-
change 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 stu-
dent from a military academy of a foreign coun-
try is not entitled to the pay, allowances, and
emoluments of a cadet or midshipmen by rea-
son of attendance at a Service Academy under
the exchange program, and the Department of
Defense may not incur any cost of international
cost of international
travel required for transportation of such a stu-
dent to and from the sponsoring foreign coun-
try.
“(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 midshipmen in that foreign country.

“(C) Source of funds.—A Service Academy shall bear all costs of the exchange program from funds appropriated for that Academy and such additional funds as may be available to that Academy from a source other than appropriated funds to support cultural immersion, regional awareness, or foreign language training activities in connection with the exchange program.

“(D) Limitation on expenditures.—Expenditures in support of the exchange program from funds appropriated for each Academy may not exceed $1,000,000 during any fiscal year.
“(4) Application of other laws.—Paragraphs (7), (8), and (9) of subsection (a) shall apply with respect to a student enrolled at a military academy of a foreign country while attending a Service Academy under the exchange program.

“(5) Regulations.—The Secretary of the military department concerned shall prescribe regulations to implement this subsection. Such regulations may include qualification criteria and methods of selection for students of foreign military academies to participate in the exchange program.

“(c) Foreign and cultural exchange activities.—

“(1) Attendance authorized.—The Secretary of a military department may authorize the Service Academy under the jurisdiction of that Secretary to permit students, officers, and other representatives of a foreign country to attend that Academy for periods of not more than four weeks if the Secretary determines that the attendance of such persons contributes significantly to the development of foreign language, cross cultural interactions and understanding, and cultural immersion of cadets or midshipmen, as the case may be.
“(2) Effect of attendance.—Persons attending a Service Academy under paragraph (1) are not considered to be students enrolled at that Academy and are in addition to persons receiving instruction at that Academy under subsection (a) or (b).

“(3) Financial matters.—

“(A) Costs and expenses.—The Secretary of a military department may pay the travel, subsistence, and similar personal expenses of persons incurred to attend the Service Academy under the jurisdiction of that Secretary under paragraph (1).

“(B) Source of funds.—Each Service Academy shall bear the costs of the attendance of persons at that Academy under paragraph (1)—

“(i) from funds appropriated for that Academy; and

“(ii) from such additional funds as may be available to that Academy from a source, other than appropriated funds, to support cultural immersion, regional awareness, or foreign language training activities in connection with their attendance.
“(C) LIMITATION ON EXPENDITURES.—
Expenditures from appropriated funds in support of activities under this subsection for any Service Academy may not exceed $40,000 during any fiscal year.

“(d) SERVICE ACADEMY DEFINED.—In this section, the term ‘Service Academy’ means the following:
“(1) The United States Military Academy.
“(2) The United States Naval Academy.
“(3) The United States Air Force Academy.’’.

(b) CONFORMING REPEALS.—

(1) REPEALS.—Sections 4344, 4345, 4345a, 6957, 6957a, 6957b, 9344, 9345, and 9345a of title 10, United States Code, are repealed.

(2) CLERICAL AMENDMENTS.—

(A) The table of sections at the beginning of chapter 403 of such title is amended by striking the items relating to sections 4344, 4345, and 4345a.

(B) The table of sections at the beginning of chapter 603 of such title is amended by striking the items relating to sections 6957, 6957a, and 6957b.

(C) The table of sections at the beginning of chapter 903 of such title is amended by
striking the items relating to sections 9344, 9345, and 9345a.

SEC. 1260. SECURITY COOPERATION ENHANCEMENT FUND.

(a) In General.—Chapter 16 of title 10, United States Code, as added by section 1252(a)(3) of this Act, is amended by inserting after the table of sections at the beginning of subchapter VII the following new section:

“§ 381. Security Cooperation Enhancement Fund

“(a) Availability of Funds.—Amounts authorized to be appropriated for the Security Cooperation Enhancement Fund (in this section referred to as the ‘Fund’) shall be available for the purposes provided in subsections (b) and (c).

“(b) Purposes Generally.—

“(1) Purposes.—Subject to subsection (c), amounts in the Fund shall be available for security cooperation programs and activities of the Department of Defense.

“(2) Duration after Obligation.—Upon obligation, amounts in the Fund so obligated shall remain available until expended.

“(c) Availability for Specific Purposes.—Of the amounts in the Fund for a fiscal year, up to four percent of such amounts may be used to carry out the following:
“(1) Execution and administration of security cooperation programs and activities of the Department of Defense pursuant to section 382 of this title.

“(2) Annual assessment, monitoring, and evaluation of security cooperation programs and activities of the Department of Defense pursuant to section 383 of this title.


“(d) TRANSFERS FROM FUND.—

“(1) TRANSFERS AUTHORIZED.—Amounts in the Fund may be transferred to any account of the Department of Defense for operation and maintenance for the purposes specified in subsection (b).

“(2) EFFECT ON AUTHORIZATION AMOUNTS.—The transfer of an amount to an account under the authority paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

“(3) TRANSFERS BACK TO FUND.—Upon a determination that all or part of the funds transferred
from the Fund under paragraph (1) are not nec-
essary for the purpose provided, such funds may be
transferred back to the Fund.

“(e) Contributions.—

“(1) Authority to Accept.—The Secretary
of Defense may accept and retain contributions to
the Fund from any person, foreign government, or
international organization.

“(2) Availability.—An amount contributed to
the Fund pursuant to this subsection shall remain
available until expended for purposes of the Fund.

“(3) Notice on Contributions.—The Sec-
retary shall notify the congressional defense commit-
tees, in writing, upon the receipt and upon the obli-
gation, of any contribution to the Fund pursuant to
this subsection, setting forth the source and amount
of such contribution and the intended, and actual,
use of such contribution.

“(e) Construction With Other Limitations.—
Nothing in this section may be construed to terminate,
alter, or override any requirement or limitation applicable
to activities funded with amounts in the Fund under the
authority of the Department of Defense that authorizes
such activities.
“(f) QUARTERLY REPORTS.—Not later than 30 days after each calendar quarter, the Secretary of Defense shall submit to the congressional defense committees a report on the obligation and expenditure of amounts in the Fund during the preceding calendar quarter.”.

(b) DISCHARGE OF CERTAIN ACTIVITIES UNDER NEW SECURITY COOPERATION CHAPTER.—

(1) IN GENERAL.—Not later than October 1, 2018, the Secretary of Defense shall provide for the discharge of all activities funded by accounts specified in paragraph (2) or funds specified in paragraph (3) under applicable authorities in chapter 16 of title 10, United States Code, as added by section 1252(a)(3) of this Act, rather than the provision of law or other authority under which such activities are carried out on the day before the date on which discharge in accordance with this paragraph commences.

(2) COVERED ACCOUNTS.—The accounts specified in this paragraph are the following:

(A) The Afghanistan Security Forces Fund.

(B) The Iraq Train and Equip Fund.

(C) The Southeast Asia Maritime Security Initiative.
(3) Other security cooperation funds.—

The funds specified in this paragraph are all unobligated balances as of the date of transfer provided for in subsection (c)(1) in any account or fund of the Department of Defense (other than an account specified in paragraph (2) of this subsection) of amounts for security cooperation programs and activities of the Department of Defense.

(4) Report.—Not later than October 1, 2017, the Secretary shall submit to the congressional defense committees a report setting forth a description of any gaps that exist between the authorities in chapter 16 of title 10, United States Code, as so added, and current law or other authorities under which activities covered by paragraph (1) are carried out. The report shall include the following:

(A) A description of each discrete set of activities covered by paragraph (1) for which gaps exist between the authorities in chapter 16 of title 10, United States Code, as so added, and current law or other authorities under which such activities are carried out.

(B) For each discrete set of activities covered by subparagraph (A), the following:
(i) A description of the gaps described in subparagraph (A).

(ii) Recommendations for legislative or administrative action to address such gaps.

(c) TRANSFER TO SCEF OF FUNDS IN CONNECTION WITH ACTIVITIES DISCHARGED UNDER NEW SECURITY COOPERATION CHAPTER.—

(1) In general.—Not later than October 1, 2017, the Secretary of Defense shall transfer all the unobligated balances that remain in the accounts specified in subsection (b)(2) as of the date of such transfer to the Security Cooperation Enhancement Fund under section 381 of title 10, United States Code, as added by subsection (a).

(2) Other security cooperation funds.—In addition to the transfer required by paragraph (1), the Secretary shall also transfer to the Security Cooperation Enhancement Fund on the date provided in that paragraph all unobligated balances as of such date in any other account or fund of the Department of Defense of amounts for security cooperation programs and activities of the Department of Defense.
(4) Treatment of Funds Transferred.—

Amounts transferred to the Security Cooperation Enhancement Fund under this subsection shall be merged with amounts in the Fund, and shall be available for the same purposes, and subject to the same terms and conditions, as other amounts in the Fund.

(d) Security Cooperation Programs and Activities of the Department of Defense Defined.—In this section, the term “security cooperation programs and activities of the Department of Defense” has the meaning given that term in section 301(5) of title 10, United States Code, as added by section 1252(a)(3) of this Act.


(a) Codification.—Chapter 16 of title 10, United States Code, as added by section 1252(a)(3) of this Act, is amended by inserting after section 383, as added by section 1252(m) of this Act, a new section 384 consisting of—

(1) a heading as follows:

(b) **Revisions to Provide for Permanent, Annual Report.**—Subsection (a) of section 384 of title 10, United States Code, as added by subsection (a), is amended—

(1) by striking “BIENNIAL” and all that follows through “the Secretary” and inserting “ANNUAL REPORT REQUIRED.—Not later than January 31 each year, the Secretary”; and

(2) by striking “the two fiscal years” and inserting “the fiscal year”.

(c) **Revision to Covered Authorities.**—Subsection (c) of such section is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) The following sections of this chapter: 332, 333, 344, 346, and 347.”;

(2) by striking paragraphs (3) through (7);

(3) by redesignating paragraph (8) as paragraph (3) and in that paragraph by striking “Section” and inserting “Sections 401 and”;
(4) by inserting after paragraph (3), as redesignated by paragraph (3) of this subsection, the following new paragraph:


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

(6) by striking paragraph (11); and

(7) by redesignating paragraphs (12) through (17) as paragraphs (7) through (12), respectively.

(d) ANNUAL REPORT ON WORKFORCE DEVELOPMENT.—Such section is further amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(2) by inserting after subsection (e) the following new subsection (d):

“(d) ANNUAL REPORT ON WORKFORCE DEVELOPMENT.—

“(1) IN GENERAL.—At the same time the reports required by subsection (a) are submitted pursuant to that subsection, the Secretary shall submit
to the congressional defense committees a report on
funding for the Department of Defense Security Co-
operation Workforce Development Program under
section 1263 of the National Defense Authorization
Act for Fiscal Year 2017 and the security coopera-
tion workforce during the fiscal year beginning in
the year in which such report is submitted.

“(2) ELEMENTS.—Each report under this sub-
section shall include, for the fiscal year covered by
such report, the following:

“(A) The funds requested for the Program
and for the security cooperation workforce.

“(B) A description of how the funds identi-
fied pursuant to subparagraph (A) will be im-
plemented for the following:

“(i) To address any gaps in the skills
and competencies of the current or antici-
pated security cooperation workforce

“(ii) To provide incentives to retain
qualified, experienced personnel in the se-
curity cooperation workforce.

“(iii) To provide incentives to attract
and recruit new, high-quality personnel to
the security cooperation workforce.”; and
(3) in subsections (e) and (f), as redesignated by paragraph (1) of this section, by striking “subsection (a)” each place it appears and inserting “this section”.

(e) **REPEAL OF CODIFIED STATUTE.**—Section 1211 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3544) is amended by striking subsections (a) through (e).

(f) **REPEAL OF OTHER REPORTING REQUIREMENTS.**—The following provisions of law are repealed:

(1) Section 401(d) of title 10, United States Code, requiring an annual report on humanitarian and civic assistance activities under that section.


(3) Section 1233(f) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 394), requiring a quarterly report on the use of authority to reimburse certain coalition nations for support provided to United States military operations.
(4) Section 1234(e) of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 394), requiring a quarterly report on the use of authorization for logistical support for coalition forces supporting certain United States military operations.

SEC. 1262. REQUIREMENT FOR SUBMITTAL OF CONSOLIDATED ANNUAL BUDGET FOR SECURITY CO-OPERATION PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) In General.—The budget of the President for each fiscal year after fiscal year 2018, as submitted to Congress by the President pursuant to section 1105 of title 31, United States Code, shall set forth as a separate item, the amounts requested for the Department of Defense for such fiscal year for all security cooperation programs and activities of the Department of Defense to be conducted in such fiscal year, including the specific country or region, to the extent practicable, for the Security Cooperation Enhancement Fund under section 381 of title 10, United States Code, as added by section 1260 of this Act.

(b) Security Cooperation Programs and Activities of the Department of Defense Defined.—In this section, the term “security cooperation programs and activities of the Department of Defense” has the meaning
SEC. 1263. DEPARTMENT OF DEFENSE SECURITY COOPERATION WORKFORCE DEVELOPMENT.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a program to be known as the “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) monitoring, execution, and administration of such programs and activities under chapter 16 of title 10, United States Code, as added by section 1252(a)(3) of this Act; and

(2) execution of security assistance programs and activities under the Foreign Assistance Act of 1961 and the Arms Export Control Act by the Department of Defense.

(b) PURPOSE.—The purpose of the Program is to improve the quality and professionalism of the security cooperation workforce in order to ensure that the workforce—
(1) has the capacity, in both personnel and skills, needed to properly perform its mission, provide appropriate support to the planning, monitoring, execution, and evaluation of security cooperation programs and activities described in subsection (a), and ensure that the Department receives the best value for the expenditure of public resources on such programs and activities; and

(2) is assigned in a manner that ensures personnel with the appropriate level of expertise and experience are assigned in sufficient numbers to fulfill requirements for the security cooperation programs and activities of the Department of Defense and the execution of security assistance programs and activities described in subsection (a)(2).

(e) 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.
(c) GUIDANCE.—

(1) INTERIM GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue interim guidance for the execution and administration of the Program.

(2) FINAL GUIDANCE.—Not later than one year after the date of the enactment of this Act, the Secretary shall issue final guidance for the execution and administration of the Program.

(3) SCOPE OF GUIDANCE.—The guidance shall do the following:

(A) Provide direction to military departments on the establishment of professional career paths for the personnel of the security cooperation workforce, addressing promotion opportunities and requirements, retention policies, and scope of workforce demands.

(B) Provide for a mechanism for issuing professional certifications for personnel of the security cooperation workforce at different levels of advancement based on requisite training, experience, and seniority.

(C) Establish minimum requirements for training and professional development associ-
ated with each level of certification provided for
under subparagraph (B).

(D) Provide for a mechanism for assigning
appropriately certified personnel of the security
cooperation workforce to assignments associated
with high-priority missions in connection with
security cooperation programs and activities,
and for allocating such personnel assignments
based on priority, volume of activity, and other
relevant factors.

(E) Identify the appropriate composition of
career and temporary personnel necessary to
constitute the security cooperation workforce.

(F) Identify specific positions throughout
the security cooperation workforce to be man-
aged and assigned through the Program.

(f) USE OF FUNDS.—Amounts available for use for
the Program may be transferred to any account of the
military departments or the Defense Agencies for purposes
of the Program.

(g) DEFINITIONS.—In this section:

(1) The term “security cooperation programs
and activities of the Department of Defense” has
the meaning given that term in section 301(5) of
title 10, United States Code, added by section 1252(a)(3) of this Act.

(2) The term “security cooperation workforce” means the following:

(A) Members of the Armed Forces and civilian employees of the Department of Defense working in the security cooperation organizations of United States missions overseas.

(B) Members of the Armed Forces and civilian employees of the Department of Defense in the geographic combatant commands and functional combatant commands conducting security cooperation activities.

(C) Members of the Armed Forces and civilian employees of the Department of Defense in the military departments performing security cooperation activities, including activities in connection with the acquisition and development of technology release policies.

(D) Other personnel of Defense Agencies who perform security cooperation activities.

(E) Personnel of the Department of Defense who perform assessments of security cooperation programs and activities of the Department of Defense, including assessments
under section 383 of title 10, United States Code, as added by section 1252(m) of this Act.

(F) Other members of the Armed Forces or civilian employees of the Department of De-
fense who contribute significantly to the secu-
rity cooperation programs and activities of the Department of Defense by virtue of their as-
signed duties, as determined pursuant to the guidance issued under subsection (e).

SEC. 1264. COORDINATION BETWEEN DEPARTMENT OF DE-
FENSE AND DEPARTMENT OF STATE ON CERT-
AIN SECURITY COOPERATION AND SECU-
RITY ASSISTANCE PROGRAMS AND ACTIVI-
TIES.

(a) Regulations Governing Coordination Re-
quired.—

(1) Interim regulations.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly issue interim regulations to facilitate and streamline coordination between the Department of Defense and the Department of State on all mat-
ters relating to the policy, planning, and implemen-
tation of covered security cooperation and security assistance programs and activities.
(2) Final regulations.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly prescribe final regulations on the matters described in paragraph (1).

(3) Periodic update.—The Secretary of Defense and the Secretary of State shall from time to time jointly update the final regulations prescribed pursuant to paragraph (2) in order to ensure that the regulations under this subsection remain current with developments in law and other regulations relating to the matters described in paragraph (1).

(b) Elements.—The regulations required under subsection (a) shall provide for the following:

(1) Coordination between the Department of Defense and the Department of State on covered security cooperation and security assistance programs and activities.

(2) Wherever the concurrence of, coordination with, or consultation with the Secretary of Defense or the Secretary of State is required by law or regulation for the conduct of covered security cooperation and security assistance programs and activities, mechanisms as follows:
(A) A mechanism to provide for the delegation of such concurrence, coordination, or consultation to an official at the lowest appropriate level of headquarters-based management in the Department concerned.

(B) A mechanism to limit, to the maximum extent practicable, procedural delays in completion of any review required for such concurrence, coordination, or consultation, and in the issuance of such concurrence, coordination, or consultation.

(c) Submittal to Congress.—The Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress the interim regulations issued pursuant to subsection (a)(1), the final regulations prescribed pursuant to subsection (a)(2), and any update of the final regulations prescribed pursuant to subsection (a)(3).

(d) Definitions.—In this section:

(1) The term “appropriate committees of Congress” has the meaning given that term in section 301(1) of title 10, United States Code, as added by section 1252(a)(3) of this Act.
(2) The term “covered security cooperation and security assistance programs and activities” means the following:

(A) Security cooperation programs and activities under section 333 of title 10, United States Code, as added by section 1252(d) of this Act.

(B) Operational support to foreign national security forces.

(C) Cooperative Threat Reduction programs and activities.

(D) Defense institution building.

(E) Foreign Military Financing (FMF).

(F) International Military Education and Training (IMET).

(G) Peacekeeping operations and activities.

SEC. 1265. REPEAL OF SUPERSEDED, OBSOLETE, OR DUPLICATIVE STATUTES RELATING TO SECURITY COOPERATION AUTHORITIES.

(a) REPEALS.—The following provisions of title 10, United States Code, are repealed:

(1) Section 168, relating to military-to-military contacts and comparable activities.

(2) Section 1051c, relating to assignment of members of foreign military forces to improve edu-
cation and training in information security through multilateral, bilateral, or regional cooperation programs.

(3) Section 2562, relating to a limitation on use of excess construction or fire equipment from Department of Defense stocks in foreign assistance or military sales programs.

(4) Sections 4681 and 9681, relating to sale of surplus war material to States and foreign governments.

(b) CLERICAL AMENDMENTS.—Title 10, United States Code, is amended as follows:

(1) The table of sections at the beginning of chapter 6 is amended by striking the item relating to section 168.

(2) The table of sections at the beginning of chapter 53 is amended by striking the item relating to section 1051c.

(3) The table of sections at the beginning of chapter 152 is amended by striking the item relating to section 2562.

(4) The tables of sections at the beginning of chapter 443 is amended by striking the item relating to section 4681.
(5) The table of sections at the beginning of chapter 943 is amended by striking the item relating to section 9681.

Subtitle H—Miscellaneous Reports and Other Matters

SEC. 1271. FREE TRADE AGREEMENTS WITH SUB-SAHARAN AFRICAN COUNTRIES.

(a) Plan Requirements and Reporting.—

(1) In general.—Section 116 of the African Growth and Opportunity Act (19 U.S.C. 3723) is amended by striking subsections (b) and (c) and inserting the following:

“(b) Plan Requirement.—

“(1) In general.—The President shall develop a plan for the purpose of negotiating and entering into one or more free trade agreements with eligible sub-Saharan African countries. The plan shall include a list of eligible sub-Saharan African countries that are most ready for a free trade agreement with the United States.

“(2) Elements of plan.—The plan required by paragraph (1) shall include, for each country on the list required by that paragraph, the following:

“(A) The steps the country needs to take to be ready to enter into a free trade agreement
with the United States, consistent with the Bi-
partisan Congressional Trade Priorities and Ac-
countability Act of 2015 (title I of Public Law
114–26; 129 Stat. 320), including—

“(i) the effective implementation of
the commitments of the country under
WTO Agreements; and

“(ii) the development of a bilateral in-
vestment treaty or equivalent obligations.

“(B) Milestones for accomplishing each
step identified in subparagraph (A) for the
country, with the goal of establishing a free
trade agreement with the country not later than
10 years after the date on which the country is
included on the list required by paragraph (1).

“(C) A description of the resources re-
quired to assist the country in accomplishing
each milestone described in subparagraph (B).

“(D) The extent to which steps described
in subparagraph (A), the milestones described
in subparagraph (B), and resources described
in subparagraph (C) may be accomplished
through regional or subregional organizations in
sub-Saharan Africa, including the East African
Community, the Economic Community of West

“(E) Procedures to ensure the following:

“(i) Adequate consultation with Congress and the private sector during the negotiations.

“(ii) Consultation with Congress regarding all matters relating to implementation of the agreement.

“(iii) Approval by Congress of the agreement.

“(iv) Adequate consultations with the relevant African governments and African regional and subregional intergovernmental organizations during the negotiation of the agreement.

“(3) REPORTING REQUIREMENT.—The President shall prepare and submit to Congress a report containing the plan developed pursuant to paragraph (1)—

“(A) not later than 1 year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017; and
“(B) at the same time as the submission of the report required by section 110(b) of the Trade Preferences Extension Act of 2015 (Public Law 114–27; 129 Stat. 370) thereafter.

“(4) COORDINATION WITH OTHER AGENCIES.—The United States Trade Representative shall consult and coordinate with other relevant Federal agencies to assist countries on the list required by paragraph (1), including through the deployment of resources from those agencies to such countries and through trade capacity building, in addressing the steps identified under subparagraph (A) of paragraph (2) and the milestones identified under subparagraph (B) of that paragraph.

“(5) DEFINITIONS.—In this subsection:

“(A) ELIGIBLE SUB-SAHARAN AFRICAN COUNTRY.—The term ‘eligible sub-Saharan African country’ means a country designated as an eligible sub-Saharan African country under section 104.

“(B) WTO.—The term ‘WTO’ means the World Trade Organization.

“(C) WTO AGREEMENT.—The term ‘WTO Agreement’ has the meaning given that term in
section 2(9) of the Uruguay Round Agreements
Act (19 U.S.C. 3501(9)).

“(D) WTO AGREEMENTS.—The term
‘WTO Agreements’ means the WTO Agreement
and agreements annexed to that Agreement.”.

(2) CONFORMING AMENDMENTS.—Section
110(b) of the Trade Preferences Extension Act of
2015 (Public Law 114–27; 129 Stat. 370) is amend-
ed—

(A) in the matter preceding paragraph (1),
by striking “5” and inserting “3”; and

(B) in paragraph (3), by striking “(E)”
and inserting “(D)”.

(b) COORDINATION OF USAID WITH FREE TRADE
AGREEMENT POLICY.—

(1) AUTHORIZATION OF FUNDS.—Funds made
available to the United States Agency for Inter-
national Development under section 496 of the For-

gn 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 Rep-
resentative—

(A) to assist eligible countries, including by
deploying resources to such countries, in ad-
dressing the steps and milestones identified in
the plan developed under subsection (b) of section 116 of the African Growth and Opportunity Act (19 U.S.C. 3723), as amended by subsection (a); and

(B) to assist eligible countries in the implementation of the commitments of those countries under agreements with the United States and the WTO Agreements (as defined in subsection (b)(4) of such section 116).

(2) DEFINITIONS.—In this subsection:

(A) ELIGIBLE COUNTRY.—The term “eligible country” means a sub-Saharan African country that receives—

(i) benefits under the African Growth and Opportunity Act (19 U.S.C. 3701 et seq.); and

(ii) funding from the United States Agency for International Development.

(B) SUB-SAHARAN AFRICAN COUNTRY.—The term “sub-Saharan African country” has the meaning given that term in section 107 of the African Growth and Opportunity Act (19 U.S.C. 3706).

(c) COORDINATION WITH MILLENNIUM CHALLENGE CORPORATION.—
(1) IN GENERAL.—After the date of the enactment of this Act, the United States Trade Representative and the Administrator of the United States Agency for International Development shall consult and coordinate with the Chief Executive Officer of the Millennium Challenge Corporation regarding countries described in paragraph (2) for the purpose of developing and carrying out the plan required by subsection (b) of section 116 of the African Growth and Opportunity Act (19 U.S.C. 3723), as amended by subsection (a).

(2) COUNTRIES DESCRIBED.—A country is described in this paragraph if the country—

(A) has entered into a Millennium Challenge Compact pursuant to section 609 of the Millennium Challenge Act of 2003 (22 U.S.C. 7708); or

(B) is selected by the Board of Directors of the Millennium Challenge Corporation under subsection (c) of section 607 of that Act (22 U.S.C. 7706) from among the countries determined to be eligible countries under subsection (a) of that section.
SEC. 1272. EXTENSION AND EXPANSION OF AUTHORITY TO SUPPORT BORDER SECURITY OPERATIONS OF CERTAIN FOREIGN COUNTRIES.

(a) EXPANSION OF AUTHORITY.—Section 1226 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1056; 22 U.S.C. 2551 note) is amended—

(1) in subsection (a)(1)—

(A) by striking “the Government of Jordan and the Government of Lebanon” and inserting “the Government of Egypt, the Government of Jordan, the Government of Lebanon, and the Government of Tunisia”;

(B) by striking “efforts of the armed forces” and inserting “efforts as follows:

“(A) Efforts of the armed forces”; and

(C) by adding at the end the following new subparagraph:

“(B) Efforts of the armed forces of Egypt and the armed forces of Tunisia to increase security and sustain increased security along the border of Egypt and the border of Tunisia with Libya, as applicable.”; and

(2) in subsection (c)(4), by striking “along the border” and all that follows and inserting “along the
border of the country as specified in subsection (a)(1).”.

(b) Extension.—Subsection (f) of such section is amended by striking “December 31, 2018” and inserting “December 31, 2019”.

(c) Conforming Amendment.—The heading of such section is amended to read as follows:

“SEC. 1226. SUPPORT TO CERTAIN GOVERNMENTS FOR BORDER SECURITY OPERATIONS.”.

SEC. 1273. MODIFICATION AND CLARIFICATION OF UNITED STATES-ISRAEL ANTI-TUNNEL COOPERATION AUTHORITY.

(a) Amount of Support Providable by the United States.—Paragraph (4) of section 1279(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1079; 22 U.S.C. 8606 note) is amended by striking “$25,000,000” and inserting “$50,000,000”.

(b) Scope of Requirement for Matching Contribution by Israel.—Paragraph (3) of such section is amended by inserting before the period at the end the following: “in the calendar year in which the support is provided”.

(c) Use of Certain Amount for RDT&E Activities in US.—Of the amount contributed by the United
States for activities under section 1279 of the National Defense Authorization Act for Fiscal Year 2016, not less than 50 percent of such amount shall be used in fiscal year 2017 for research, development, test, and evaluation activities for purposes of such section in the United States.

SEC. 1274. MODIFICATION TO AND EXTENSION OF AUTHORIZATION OF NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.

(a) Modification of Authorized Activities.—Subsection (c) of section 943 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4578), as amended by section 1205(b) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1623), is further amended by inserting “and other individuals as determined by the Secretary of Defense” before the period at the end of the first sentence.

(b) Extension of Authority.—Subsection (h) of such section 943, as most recently amended by section 1271 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1075), is further amended by striking “2018” and inserting “2021”.

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SEC. 1275. ASSESSMENT OF PROLIFERATION OF CERTAIN REMOTELY PILOTED AIRCRAFT SYSTEMS.

(a) Report on Assessment of Proliferation of Remotely Piloted Aircraft Systems.—Not later than six months after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees a report setting forth an assessment, obtained by the Chairman for purposes of the report, of the impact to United States 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 (FFRDC), or another appropriate independent entity with expertise in the procurement and operation of remotely piloted aircraft, selected by the Chairman for purposes of the assessment.

(2) Use of previous studies.—The entity conducting the assessment may use and incorporate information from previous studies on matters appropriate to the assessment.

(c) Elements.—The assessment obtained for purposes of subsection (a) shall include the following:
1 A qualitative and quantitative assessment of
the scope and scale of the proliferation of remotely
piloted aircraft that are “Category I” items under
the Missile Technology Control Regime.

2 An assessment of the threat posed to
United States interests as a result of the prolifera-
tion of such aircraft to adversaries.

3 An assessment of the impact of the pro-
lieration 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 con-
siders appropriate.

(d) FORM.—The report under subsection (a) shall be
submitted in unclassified form, but may include a classi-
fied annex.

SEC. 1276. EFFORTS TO END MODERN SLAVERY.

(a) ACTIONS BY THE SECRETARY OF DEFENSE.—
(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall implement policies and promulgate guidance to ensure that personnel of the Armed Forces, including uniformed personnel and civilians engaged in partnership with foreign nations, receive education and training on human slavery and the appropriate role of the United States Armed Forces in combatting trafficking in persons.

(2) ELEMENTS.—The training implemented pursuant to paragraph (1) shall include—

(A) a description of resources available for Armed Forces personnel who become aware of instances of human slavery or trafficking in persons while deployed overseas; and

(B) guidance on the requirement to make official reports through the chain of command, the roles and responsibilities of military and civilian officials of the United States Armed Forces and host nations, circumstances in which members of the Armed Forces are authorized to take immediate action to prevent loss of life or serious injury, and the authority to use appropriate force to stop or prevent sexual abuse or exploitation of children.
(b) GRANT AUTHORIZATION.—The Secretary of State is authorized to make grants of funding to provide support for transformational programs and projects that seek to achieve a measurable and substantial reduction of the prevalence of modern slavery in targeted populations within partner countries (or jurisdictions thereof).

(c) MONITORING AND EVALUATION.—Any grantee shall—

(1) develop specific and detailed criteria for the monitoring and evaluation of supported projects;

(2) implement a system for measuring progress against baseline data that is rigorously designed based on international corporate and nongovernmental best practices;

(3) ensure that each supported project is regularly and rigorously monitored and evaluated, on a not less than biennial basis, by an independent monitoring and evaluation entity, against the specific and detailed criteria established pursuant to paragraph (1), and that the progress of the project towards its stated goals is measured by such entity against baseline data;

(4) support the development of a scientifically sound, representative survey methodology for measuring prevalence with reference to existing research
and experience, and apply the methodology consistently to determine the baseline prevalence in target populations and outcomes in order to periodically assess progress in reducing prevalence; and

(5) establish, and revise on a not less than annual basis, specific and detailed criteria for the 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 provide annually the names of each of the projects or subgrantees receiving such funding pursuant to this section and the amount of funding provided for, along with a detailed description of, each such project.

(f) Rule of Construction regarding Availability of Fiscal Year 2016 Appropriations.—The enactment of this section is deemed to meet the condition of the first proviso of paragraph (2) of section 7060(f) of the Department of State, Foreign Operations, and Related Appropriations Act, 2016 (division K of Public Law 114–113), and the funds referred to in such paragraph shall be made available in accordance with, and for the purposes set forth in, such paragraph.

(g) Authorization of Appropriations for Fiscal Years 2017 through 2022.—There is authorized to be appropriated to the Department of State for the purpose of making the grants authorized under this section to a single nonprofit organization, for each fiscal year from 2017 through 2022, $37,500,000.
(h) Comptroller General Review of Existing Programs.—

(1) IN GENERAL.—Not later than September 30, 2018, and September 30, 2022, the Comptroller General of the United States shall submit to Congress a report on all of the programs conducted by the Department of State, the United States Agency for International Development, the Department of Labor, the Department of Defense, and the Department of the Treasury that address human trafficking and modern slavery, including a detailed analysis of the effectiveness of such programs in limiting human trafficking and modern slavery and specific recommendations on which programs are not effective at reducing the prevalence of human trafficking and modern slavery and how the funding for such programs may be redirected to more effective efforts.

(2) CONSIDERATION OF REPORT.—The Comptroller General of the United States shall brief the appropriate congressional committees on the report submitted under paragraph (1). The appropriate congressional committees shall review and consider the reports and shall, as appropriate, consider modifications to authorization levels and programs within
the jurisdiction of such committees to address the
recommendations made in the report.

(i) Appropriate Congressional Committees De-

fined.—In this section, the term “appropriate congres-
sional 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 RE-
DUCTION FUNDS.

(a) Fiscal Year 2017 Cooperative Threat Re-
duction Funds Defined.—In this title, the term “fiscal
year 2017 Cooperative Threat Reduction funds” means
the funds appropriated pursuant to the authorization of
appropriations in section 301 and made available by the
funding table in section 4301 for the Department of De-
fense Cooperative Threat Reduction Program established
under section 1321 of the Department of Defense Cooper-
(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for the Department of Defense Cooperative Threat Reduction Program shall be available for obligation for fiscal years 2017, 2018, and 2019.

SEC. 1302. FUNDING ALLOCATIONS.

Of the $325,604,000 authorized to be appropriated to the Department of Defense for fiscal year 2017 in section 301 and made available by the funding table in section 4301 for the Department of Defense Cooperative Threat Reduction Program established under section 1321 of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711), the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination, $11,791,000.

(2) For chemical weapons destruction, $2,942,000.

(3) For global nuclear security, $16,899,000.

(4) For cooperative biological engagement, $213,984,000.

(5) For proliferation prevention, $50,709,000.

(6) For threat reduction engagement, $2,000,000.
(7) For activities designated as Other Assessments/Administrative Costs, $27,279,000.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

(b) Use.—Amounts authorized to be appropriated under subsection (a) are authorized for—

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

SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

SEC. 1404. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4501.

SEC. 1405. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the Defense Health Program, as specified in the funding table in section 4501, for use of the Armed Forces and other activities and agencies of the Department of Defense in providing for the health of eligible beneficiaries.
SEC. 1406. SECURITY COOPERATION ENHANCEMENT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the Security Cooperation Enhancement Fund, as specified in the funding table in section 4501, for use for authorized purposes of the Security Cooperation Enhancement Fund.

Subtitle B—National Defense Stockpile

SEC. 1411. NATIONAL DEFENSE STOCKPILE MATTERS.

(a) Materials Constituting the National Defense Stockpile.—Section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c) is amended—

(1) in subsection (b), by striking “required for” and inserting “suitable for transfer or disposal through”; and

(2) in subsection (c)—

(A) by striking “(1)” and all that follows through “(2)”; and

(B) by striking “this subsection” and inserting “subsection (b)”.

(b) Qualification of Domestic Sources.—Section 15(a) of such Act (50 U.S.C. 98h–6(a)) is amended—

(1) in paragraph (1), by striking “and” at the end;
(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(3) by qualifying existing domestic facilities and domestically produced strategic and critical materials to meet the requirements of defense and essential civilian industries in times of national emergency when existing domestic sources of supply are either insufficient or vulnerable to single points of failure; and

“(4) by contracting with domestic facilities to recycle strategic and critical materials, thereby increasing domestic supplies when such materials would otherwise be insufficient to support defense and essential civilian industries in times of national emergency.”.

SEC. 1412. AUTHORITY TO DISPOSE OF CERTAIN MATERIALS FROM AND TO ACQUIRE ADDITIONAL MATERIALS FOR THE NATIONAL DEFENSE STOCKPILE.

(a) Disposal Authority.—

(1) In general.—Pursuant to section 5(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(b)), the National Defense Stockpile
Manager shall dispose of materials contained in the National Defense Stockpile and specified in paragraph (2) so as to result in receipts to the United States in amounts equal to—

(A) $10,000,000 by the end of fiscal year 2017;

(B) $50,000,000 by the end of fiscal year 2022; and

(C) $150,000,000 by the end of fiscal year 2026.

(2) MATERIALS AND DISPOSAL AMOUNTS.—The total quantities of materials authorized for disposal pursuant to paragraph (1) may not exceed the amounts as follows:

(A) 27 short tons of beryllium.

(B) 111,149 short tons of chromium, ferroalloy.

(C) 2,973 short tons of chromium metal.

(D) 8,380 troy ounces of platinum.

(E) 275,741 pounds of contained tungsten metal powder.

(F) 12,433,796 pounds of contained tungsten ores and concentrates.

(b) ACQUISITION AUTHORITY.—
(1) AUTHORITY.—Using funds available in the National Defense Stockpile Transaction Fund, the National Defense Stockpile Manager may acquire the following materials determined to be strategic and critical materials required to meet the defense, industrial, and essential civilian needs of the United States:

(A) High modulus and high strength carbon fibers.

(B) Tantalum.

(C) Germanium.

(D) Tungsten rhenium metal.

(E) Boron carbide powder.

(F) Europium.

(G) Silicon carbide fiber.

(2) AMOUNT OF AUTHORITY.—The National Defense Stockpile Manager may use up to $55,000,000 in the National Defense Stockpile Transaction Fund for the acquisition of the materials specified paragraph (1).

(3) FISCAL YEAR LIMITATION.—The authority under paragraph (1) is available for purchases during fiscal year 2017 through fiscal year 2021.
Subtitle C—Chemical
Demilitarization Matters

SEC. 1421. AUTHORITY TO DESTROY CERTAIN SPECIFIED
WORLD WAR II-ERA UNITED STATES-ORIGIN
CHEMICAL MUNITIONS LOCATED ON SAN
JOSE ISLAND, REPUBLIC OF PANAMA.

(a) Authority.—

(1) In general.—Subject to subsection (b), the Secretary of Defense may destroy the chemical munitions described in subsection (c).

(2) Ex gratia action.—The action authorized by this section is “ex gratia” on the part of the United States, as the term “ex gratia” is used in section 321 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 2701 note).

(3) Consultation between Secretary of Defense and Secretary of State.—The Secretary of Defense and the Secretary of State shall consult and develop any arrangements with the Republic of Panama with respect to this section.

(b) Conditions.—The Secretary of Defense may exercise the authority under subsection (a) only if the Republic of Panama has—
(1) revised the declaration of the Republic of Panama under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction to indicate that the chemical munitions described in subsection (c) are “old chemical weapons” rather than “abandoned chemical weapons”; and

(2) affirmed, in writing, that it understands—

(A) that the United States intends only to destroy the munitions described in subsections (c) and (d); and

(B) that the United States is not legally obligated and does not intend to destroy any other munitions, munitions constituents, and associated debris that may be located on San Jose Island as a result of research, development, and testing activities conducted on San Jose Island during the period of 1943 through 1947.

(c) CHEMICAL MUNITIONS.—The chemical munitions described in this subsection are the eight United States-origin chemical munitions located on San Jose Island, Republic of Panama, that were identified in the 2002 Final Inspection Report of the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons.
(d) Limited Incidental Authority to Destroy Other Munitions.—In exercising the authority under subsection (a), the Secretary of Defense may destroy other munitions located on San Jose Island, Republic of Panama, but only to the extent essential and required to reach and destroy the chemical munitions described in subsection (c).

(e) Funds.—Of the amounts authorized to be appropriated for fiscal year 2017 for the Department of Defense for Chemical Agents and Munitions Destruction, Defense by section 1402, up to $30,000,000 may be used to carry out the authority in subsection (a).

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 sec-

For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.

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

SEC. 1432. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2017 from the Armed Forces Retirement Home Trust Fund the sum of $64,300,000 for the operation of the Armed Forces Retirement Home.
TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Appropriations

SEC. 1501. PURPOSE.

The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2017 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. OVERSEAS CONTINGENCY OPERATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the Department of Defense for overseas contingency operations in such amounts as may be designated as provided in section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 1503. PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2017 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4102.
SEC. 1504. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4202.

SEC. 1505. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4302.

SEC. 1506. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4402.

SEC. 1507. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4502.
SEC. 1508. DRUG INTERDICATION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4502.

SEC. 1509. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4502.

SEC. 1510. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4502.

SEC. 1511. SECURITY COOPERATION ENHANCEMENT FUND.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for the Security Cooperation Enhancement Fund, as specified in the funding table in section 4502.
Subtitle B—Financial Matters

SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1522. SPECIAL TRANSFER AUTHORITY.

(a) Authority To Transfer Authorizations.—

(1) Authority.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2017 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) Limitation.—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed $3,500,000,000.

(b) Terms and Conditions.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.
(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

Subtitle C—Limitations, Reports, and Other Matters

SEC. 1531. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.


(b) EXTENSION OF IMPROVISED EXPLOSIVE DEVICE PRECURSOR CHEMICALS AUTHORITY.—Section 1532(c) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2057), as most recently amended by section 1532(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1091), is further amended—
(1) in paragraph (1), by striking “fiscal year 2016” and inserting “fiscal years 2016 and 2017”; and

(2) in paragraph (4), by striking “December 31, 2016” and inserting “December 31, 2017”.

SEC. 1532. EXTENSION AND MODIFICATION OF AUTHORITY ON COUNTERTERRORISM PARTNERSHIPS FUND.


(1) in subsection (a), by striking “Amounts authorized to be appropriated for fiscal year 2015 by this title” and inserting “Subject to subsection (b), amounts authorized to be appropriated through fiscal year 2017”; and

(2) in subsection (h), by striking “December 31, 2016” and inserting “December 31, 2017”.

(b) Limitation on Use of Funds Authorized for Fiscal Year 2017.—Such section is further amended—

(1) by redesignating subsections (b) through (h) as subsections (c) through (i), respectively; and
(2) by inserting after subsection (a) the follow-

owing new subsection (b):

“(b) LIMITATION ON USE OF FUNDS AUTHORIZED
FOR FISCAL YEAR 2017.—Amounts authorized to be ap-
propriated for fiscal year 2017 for the Counterterrorism
Partnerships Fund may only be used for the purposes
specified in subsection (a)(2). In the use of such amounts,
any reference in this section to ‘subsection (a)’ shall be
deemed to be a reference to ‘subsection (a)(2)’.”.

(c) ADMINISTRATION OF FUND.—Subsection (e) of
such section, as redesignated by subsection (b)(1) of this
section, is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4), (5), and

(6) as paragraphs (3), (4), and (5), respectively.

(d) REPORTS.—Subsection (h) of such section, as re-
designated by subsection (b)(1) of this section, is amend-
ed—

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

(A) by striking “and 2017” and inserting

“2017, and 2018”; and

(B) by striking “and 2016” and inserting

“2016, and 2017”;

(2) in paragraph (4), by striking “subsection
d(5)” and inserting “subsection (e)(4)”; and
(3) in paragraph (5), by striking “subsection (f)” and inserting “subsection (g)”.

SEC. 1533. AFGHANISTAN SECURITY FORCES FUND.

(a) Continuation of Prior Authorities and Notice and Reporting Requirements.—Funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2017 shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428), as amended by section 1531(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4424).

(b) Equipment Disposition.—

(1) Acceptance of Certain Equipment.—Subject to paragraph (2), the Secretary of Defense may accept equipment that is procured using amounts in the Afghanistan Security Forces Fund authorized under this Act and is intended for transfer to the security forces of Afghanistan, but is not accepted by such security forces.

(2) Conditions on Acceptance of Equipment.—Before accepting any equipment under the authority provided by paragraph (1), the Commander of United States forces in Afghanistan shall
make a determination that the equipment was procured for the purpose of meeting requirements of the security forces of Afghanistan, as agreed to by both the Government of Afghanistan and the United States, but is no longer required by such security forces or was damaged before transfer to such security forces.

(3) ELEMENTS OF DETERMINATION.—In making a determination under paragraph (2) regarding equipment, the Commander of United States forces in Afghanistan shall consider alternatives to Secretary of Defense acceptance of the equipment. An explanation of each determination, including the basis for the determination and the alternatives considered, shall be included in the relevant quarterly report required under paragraph (5).

(4) TREATMENT AS DEPARTMENT OF DEFENSE STOCKS.—Equipment accepted under the authority provided by paragraph (1) may be treated as stocks of the Department of Defense upon notification to the congressional defense committees of such treatment.

(5) QUARTERLY REPORTS ON EQUIPMENT DISPOSITION.—Not later than 90 days after the date of the enactment of this Act and every 90-day period
thereafter during which the authority provided by paragraph (1) is exercised, the Secretary of Defense shall submit to the congressional defense committees a report describing the equipment accepted under this subsection, section 1531(d) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 938; 10 U.S.C. 2302 note), and section 1532(b) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3612) during the period covered by the report. Each report shall include a list of all equipment that was accepted during the period covered by the report and treated as stocks of the Department and copies of the determinations made under paragraph (2), as required by paragraph (3).

(c) PLAN TO PROMOTE SECURITY OF AFGHAN WOMEN.—

(1) REPORTING REQUIREMENT.—The Secretary of Defense, with the concurrence of the Secretary of State, shall include in each report required under section 1225 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3550)—
(A) a current assessment of the security of Afghan women and girls, including information regarding efforts to increase the recruitment and retention of women in the Afghan National Security Forces; and

(B) a current assessment of the implementation of the plans for the recruitment, integration, retention, training, treatment, and provision of appropriate facilities and transportation for women in the Afghan National Security Forces, including the challenges associated with such implementation and the steps being taken to address those challenges.

(2) PLAN REQUIRED.—

(A) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, shall support, to the extent practicable, the efforts of the Government of Afghanistan to promote the security of Afghan women and girls during and after the security transition process through the development and implementation by the Government of Afghanistan of an Afghan-led plan that should include the elements described in this paragraph.
(B) TRAINING.—The Secretary of Defense, with the concurrence of the Secretary of State and working with the NATO-led Resolute Support mission, should encourage the Government of Afghanistan to develop—

(i) measures for the evaluation of the effectiveness of existing training for Afghan National Security Forces on this issue;

(ii) a plan to increase the number of female security officers specifically trained to address cases of gender-based violence, including ensuring the Afghan National Police’s Family Response Units have the necessary resources and are available to women across Afghanistan;

(iii) mechanisms to enhance the capacity for units of National Police’s Family Response Units to fulfill their mandate as well as indicators measuring the operational effectiveness of these units;

(iv) a plan to address the development of accountability mechanisms for Afghanistan National Army and Afghanistan National Police personnel who violate codes of
conduct relating to the human rights of
women and girls, including female mem-
ers of the Afghan National Security
Forces;

(v) a plan to address the development
of accountability mechanisms for Afghani-
stan National Army and Afghanistan Na-
tional 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 Af-
ghanistan National Police to increase
awareness and responsiveness among Af-
ghanistan National Army and Afghanistan
National Police personnel regarding the
unique security challenges women confront
when serving in those forces.

(C) ENROLLMENT AND TREATMENT.—The
Secretary of Defense, with the concurrence of
the Secretary of State and in cooperation with
the Afghan Ministries of Defense and Interior,
shall seek to assist the Government of Afghani-
stan in including as part of the plan developed
under subparagraph (A) the development and
implementation of a plan to increase the num-
ber of female members of the Afghanistan Na-
tional Army and the Afghanistan National Po-
lice and to promote their equal treatment, in-
cluding through such steps as providing appro-
priate equipment, modifying facilities, and en-
suring literacy and gender awareness training
for recruits.

(D) ALLOCATION OF FUNDS.—

(i) IN GENERAL.—Of the funds avail-
able 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 Secu-
rity Forces; and

(II) the recruitment, training,
and contracting of female security
personnel for future elections.

(ii) TYPES OF PROGRAMS AND ACTIVI-
TIES.—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 po-
lice forces, and transportation for policewomen to their station;

(VI) support for Afghanistan National Police Family Response Units;

and

(VII) security provisions for high-profile female police and army officers.

(d) Repeal of Superseded Requirements.—Section 1531 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1088) is amended by striking subsections (b) and (c).

TITLE XVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS

Subtitle A—Space Activities

SEC. 1601. REQUIREMENT THAT PILOT PROGRAM FOR ACQUISITION OF COMMERCIAL SATELLITE COMMUNICATION SERVICES DEMONSTRATE ORDER-OF-MAGNITUDE IMPROVEMENTS IN SATELLITE COMMUNICATIONS CAPABILITIES.

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

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

“(c) LIMITATION ON USE OF FUNDS.—None of the funds authorized to be appropriated or otherwise made available to carry out the pilot program under subsection (a)(1) may be obligated or expended until the Secretary submits to the congressional defense committees a plan to demonstrate that the pilot program will achieve order-of-magnitude improvements in satellite communications capability, as required by subsection (b)(5).”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is disappointing that, despite numerous requests to the Air Force for its plan to meet the requirement of subsection (b)(5) of section 1605 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 2208 note) in carrying out the pilot program under that section, the Air Force has not only failed to meet the statutorily imposed requirement to provide a briefing on that pilot program at the same time as the President submitted to Congress the budget for fiscal year 2017 pursuant to section 1105 of title 31, United States
Code, but has also been nonresponsive to requests for in-
formation relating to that requirement.

SEC. 1602. PLAN FOR USE OF ALLIED LAUNCH VEHICLES.

(a) IN GENERAL.—The Commander of the Air Force
Space Command shall develop a plan to use allied launch
vehicles to meet the requirements for achieving the policy
relating to assured access to space set forth in section
2273 of title 10, United States Code, in the event that
such requirements cannot be met, for a limited period of
time, using only United States launch vehicles.

(b) ASSESSMENTS.—In developing the plan required
by subsection (a), the Commander shall conduct assess-
ments of—

(1) what United States satellites would be ap-
propriate to be launched on an allied launch vehicle;
and

(2) whether any legislation would be necessary
to allow for the launch of a national security satellite
on an allied launch vehicle.

(c) SUBMISSION TO CONGRESS.—Not later than 180
days after the date of the enactment of this Act, the Com-
mander shall submit to the congressional defense commit-
tees a report on the plan required by subsection (a) and
the assessments required by subsection (b).

(d) DEFINITIONS.—In this section:
(1) **ALLIED LAUNCH VEHICLE.**—

(A) **IN GENERAL.**—The term “allied launch vehicle” means a launch vehicle of the government of a country that is an ally of the United States.

(B) **EXCLUSIONS.**—A launch vehicle of the government of the Russian Federation, the People’s Republic of China, Iran, or North Korea may not be considered an allied launch vehicle for purposes of this section.

(2) **NATIONAL SECURITY SATELLITE.**—The term “national security satellite” means a satellite launched for national security purposes, including such a satellite launched by the Air Force, the Navy, or the National Reconnaissance Office, or any other element of the Department of Defense.

**SEC. 1603. LONG-TERM STRATEGY ON ELECTROMAGNETIC SPECTRUM FOR WARFARE.**

(a) **STRATEGY REQUIRED.**—Not later than February 28, 2017, the Commander of the United States Strategic Command shall submit to the Committees on Armed Services of the Senate and the House of Representatives a strategy for the Department of Defense for the availability, use, and protection of electromagnetic spectrum
for warfare during the 10-year period beginning on the  
date of the submittal of the strategy.  

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

(1) A description of the current intelligence and  
threat environment for electromagnetic spectrum for  
warfare.  

(2) An assessment of the interoperability among  
the Agencies, components, elements, and forces of  
the Department needed to carry out the strategy,  
and a plan to remedy any shortfalls identified by the  
assessment.  

(3) A plan for developing and maintaining the  
capability to conduct large-scale simulated exercises  
involving spectrum with near peer competitors.  

(4) A plan to address meaningful capability  
gaps in providing electromagnetic spectrum for war- 
fare for ground, air, and space layers not currently  
addressed by any element of the Department.  

SEC. 1604. FIVE-YEAR PLAN FOR JOINT INTERAGENCY COM- 
BINED SPACE OPERATIONS CENTER.  

Not later than 180 days after the date of the enact- 
ment of this Act, the Secretary of Defense shall submit  
to the congressional defense committees a plan for the  
Joint Interagency Combined Space Operations Center for
the five-year period beginning on such date of enactment
that includes—

(1) a description of the roles and responsibil-
ities of the Center;

(2) an estimate of funding needed for the Cen-
ter that includes a description of contributions from
other Federal agencies;

(3) an estimate of the personnel needed for the
Center;

(4) a description of planned activities of the
Center; and

(5) a description of how the Center will com-
plement and support the mission of the Joint Space
Operations Center.

SEC. 1605. INDEPENDENT ASSESSMENT OF GLOBAL POsi-
TIONING SYSTEM NEXT GENERATION OPER-
ATIONAL CONTROL SYSTEM.

(a) In General.—Not later than 90 days after the
date of the enactment of this Act, the Secretary of Defense
shall enter into an arrangement with a federally funded
research and development center to assess the acquisition
strategy of the Air Force for the Global Positioning Sys-
tem Next Generation Operational Control System (in this
section referred to as “OCX”).
(b) **ELEMENTS.**—The assessment required by sub-
section (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 para-
   graph (1), taking into account the following:
   
   (A) The rate of software defects.
   
   (B) Earned value management.
   
   (C) Information assurance requirements.

3. An assessment of the ability of the Air
   Force to implement contingency plans for sustaining
   the Global Positioning System constellation to miti-
   gate the effects of delays to the implementation of
   the OCX and to alleviate challenges with respect to
   the operations and checkout of the Global Posi-
   tioning 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 com-
   plete blocks zero through two as described in para-
   graph (1) or the contingency plans described in
   paragraph (3).
(5) An assessment of whether there are well-defined methods for terminating the OCX program in the event of the inability of the Air Force to successfully complete blocks zero through two or other requirements for the OCX while ensuring that the Global Positioning System constellation meets requirements for the availability of that System.

(c) Submission to Congress.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the assessment required by subsection (a).

SEC. 1606. GOVERNMENT ACCOUNTABILITY OFFICE ASSESSMENT OF SATELLITE ACQUISITION BY NATIONAL RECONNAISSANCE OFFICE.

(a) In General.—The Comptroller General of the United States shall conduct an assessment, for calendar year 2017 and each calendar year thereafter, of the cost, schedule, and performance of each program of the National Reconnaissance Office for developing, acquiring, launching, and deploying satellites or overhead reconnaissance systems that, before, on, or after the date of the enactment of this Act, receives funding from the Military Intelligence Program or is supported by personnel of the Department of Defense.
(b) REPORTING TO CONGRESS.—The Comptroller General shall regularly inform the appropriate congressional committees with respect to any matters relating to the cost, schedule, or performance of a program assessed under subsection (a) that the Comptroller General considers significant.

(c) PROVISION OF INFORMATION BY NATIONAL RECONNAISSANCE OFFICE.—The Director of the National Reconnaissance Office shall provide to the Comptroller General, in a timely manner, access to the information the Comptroller General requires to conduct the assessment required by subsection (a).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees; and

(2) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1607. COST-BENEFIT ANALYSIS OF COMMERCIAL USE OF EXCESS BALLISTIC MISSILE SOLID ROCK-ET 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
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missiles described in section 50134(e) of title 51, United
States Code, for commercial space launch purposes. Such
analysis shall include an evaluation of the effect, if any,
of allowing such use on national security, the Department
of Defense, the solid rocket motor industrial base, the
commercial space launch market, and any other areas the
Comptroller General considers appropriate.

(b) BRIEFING.—Not later than September 1, 2016,
the Comptroller General shall provide a briefing on the
analysis required by subsection (a) to the congressional
defense committees, the Committee on Commerce,
Science, and Transportation of the Senate, and the Com-
mittee on Science, Space, and Technology of the House
of Representatives.

SEC. 1608. ASSESSMENT OF COST-BENEFIT ANALYSES BY
DEPARTMENT OF DEFENSE OF USE OF KA-
BAND COMMERCIAL SATELLITE COMMUNICA-
TIONS.

(a) IN GENERAL.—The Comptroller General of the
United States shall assess the types of analyses the De-
partment of Defense has conducted to understand the
costs and benefits of the use of KA-band commercial sat-
ellite communications by the Department.

(b) ELEMENTS.—In conducting the assessment re-
quired by subsection (a), the Comptroller General shall—
(1) assess whether the Department of Defense has evaluated the use of KA-band commercial satellite communications, based on total cost, capabilities, and interoperability with existing or planned terminals; and

(2) consider such other matters as the Comptroller General considers appropriate.

(c) Briefing.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall provide a briefing on the assessment required by subsection (a) to the congressional defense committees.

SEC. 1609. LIMITATION ON USE OF FUNDS FOR JOINT SPACE OPERATIONS CENTER MISSION SYSTEM.

(a) Limitation.—None of the funds authorized to be appropriated by this Act and made available for the Joint Space Operations Center Mission System may be obligated or expended for increment three of that System until the Secretary of the Air Force submits to the congressional defense committees a report setting forth a strategy for acquiring a common software and hardware framework for space operating systems described in paragraphs (1) and (2) of subsection (b).

(b) Elements of Report.—The report described in subsection (a) shall include a description of the following:
(1) Space operating systems that perform space battlement management, communication, and control as of the date of the enactment of this Act.

(2) Space operating systems planned to perform space battlement management, communication, and control in the future.

(3) Schedules for acquisition and an estimate of the cost of space operating systems described in paragraph (2).

(4) Critical elements of space operating systems described in paragraphs (1) and (2) that will require common software and hardware to promote a common operating environment and reduce acquisition costs and long-term maintenance requirements.

SEC. 1610. LIMITATION ON AVAILABILITY OF FISCAL YEAR 2017 FUNDS FOR THE GLOBAL POSITIONING SYSTEM NEXT GENERATION OPERATIONAL CONTROL SYSTEM.

Amounts authorized to be appropriated for fiscal year 2017 by this Act and available for the Global Positioning System Next Generation Operational Control System (GPS-OCX) may not be obligated or expended for the current product development contract for that System, or for any other purpose in connection with that System, until the Secretary of Defense submits to Congress the certifi-
cation on the System required pursuant to section 2433a(e)(2) of title 10, United States Code, as a result of the determination not to terminate procurement of that System.

SEC. 1611. AVAILABILITY OF CERTAIN AMOUNTS TO MEET REQUIREMENTS IN CONNECTION WITH UNITED STATES POLICY ON ASSURED ACCESS TO SPACE.

(a) Fiscal Year 2017 Amounts.—Of the amount authorized to be appropriated for fiscal year 2017 by section 201 for research, development, test, and evaluation, Air Force, and available for the Evolved Expendable Launch Vehicle (PE 0604853F) as specified in the funding table in section 4201, not more than 50 percent may be available in that fiscal year to meet requirements in connection with the United States policy on assured access to space specified in section 2273 of title 10, United States Code.

(b) Fiscal Year 2016 Amounts.—Of the amount authorized to be appropriated for fiscal year 2016 for research, development, test, and evaluation, Air Force, available for the Evolved Expendable Launch Vehicle, and available for obligation for that purpose as of the date of the enactment of this Act, not more than 50 percent may
be available in fiscal year 2017 to meet requirements in connection with the policy described in subsection (a).

(c) Amounts for Fiscal Years After Fiscal Year 2017.—Of the amount authorized to be appropriated for any fiscal year after fiscal year 2017 for research, development, test, and evaluation, Air Force, and available for the Evolved Expendable Launch Vehicle, not more than 50 percent may be available in that fiscal year to meet requirements in connection with the policy described in subsection (a).

SEC. 1612. AVAILABILITY OF FUNDS FOR CERTAIN SECURE VOICE CONFERENCING CAPABILITIES.

Of amounts authorized to be appropriated or otherwise made available for fiscal year 2015 or 2016 for research, development, test, and evaluation, Air Force, and available for obligation as of the date of the enactment of this Act, not more than $10,200,000 may be used to support the accomplishment by the Air Force of integration and associated critical testing and systems engineering activities for the Presidential and National Voice Conferencing program and the Advanced Extremely High Frequency Extended Data Rate, worldwide, secure, survivable voice conferencing capability for the President and national leaders, as described in the reprogramming action
prior approval request submitted by the Under Secretary of Defense (Comptroller) to Congress on March 3, 2016.

**Subtitle B—Defense Intelligence and Intelligence-Related Activities**

**SEC. 1621. DEPARTMENT OF DEFENSE-WIDE REQUIREMENTS FOR SECURITY CLEARANCES FOR MILITARY INTELLIGENCE OFFICERS.**

The Secretary of Defense shall ensure that each military intelligence officer serving as a unit or service intelligence officer, or in command of an intelligence unit or activity, has an active security clearance.

**Subtitle C—Cyber Warfare, Cybersecurity, and Related Matters**

**SEC. 1631. CYBER PROTECTION SUPPORT FOR DEPARTMENT OF DEFENSE PERSONNEL IN POSITIONS HIGHLY VULNERABLE TO CYBER ATTACK.**

(a) Authority To Provide Support.—The Secretary of Defense may provide cyber protection support to personnel of the Department of Defense while such personnel occupy positions in the Department determined by the Secretary to be of highest risk of vulnerability to cyber attacks on their personal devices, networks, and persons.

(b) Nature of Support.—Subject to the availability of resources, in providing cyber protection support
pursuant to subsection (a), the Secretary may provide per-
sonnel described in that subsection training, advisement,
and assistance regarding cyber attacks described in that
subsection.

(c) REPORT.—Not later than 180 days after the date
of the enactment of this Act, the Secretary shall submit
to the Committees on Armed Services of the Senate and
the House of Representatives a report on the provision
of cyber protection support pursuant to subsection (a).
The report shall include a description of the methodology
used by the Secretary to determine the positions in the
Department that are of highest vulnerability to cyber at-
tacks for purposes of subsection (a).

SEC. 1632. CYBER MISSION FORCES MATTERS.

(a) ACTIONS PENDING FULL IMPLEMENTATION OF
PLAN FOR CYBER MISSION FORCE POSITIONS.—Until the
Secretary of Defense completes implementation of the au-
thority in subsection (a) of section 1599f of title 10,
United States Code, for Cyber Mission Force (CMF) posi-
tions in accordance with the implementation plan required
by subsection (d) of such section, the Secretary shall do
each of the following:

(1) Provide for and implement an interagency
transfer agreement between excepted service position
and competitive service position systems in applica-
ble agencies and components of the Department in
order to satisfy the requirements for Cyber Mission
Force positions from among a mix of employees in
the excepted service and the competitive service in
such agencies and components.

(2) Direct the Armed Forces to implement in
their Defense Civilian Intelligence Personnel Sys-
tems for Cyber Mission Force positions a so-called
“Rank-in-Person” classification system similar to
the classification system used by the National Secu-
rrity Agency.

(3) Implement direct hiring authority for Cyber
Mission Force positions up to the GG or GS–15
level.

(4) Authorize officials conducting hiring in the
competitive service for Cyber Mission Force posi-
tions 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 ap-
licable to the excepted service.

(b) OTHER MATTERS.—The Principal Cyber Advisor
shall, working through the cross-functional team estab-
lished by section 932(e)(3) of the National Defense Au-
thorization Act for Fiscal Year 2014 (10 U.S.C. 2224
note) and in coordination with the Commander of the United States Cyber Command, supervise—

(1) the development of training standards for computer network operations tool developers for military, civilian, and contractor personnel supporting the Cyber Mission Forces;

(2) the rapid enhancement of capacity to train personnel to those standards to meet the needs of the Cyber Mission Forces for tool development; and

(3) actions necessary to ensure timely completion of personnel security investigations and adjudications for tool development personnel.

SEC. 1633. LIMITATION ON ENDING OF ARRANGEMENT IN WHICH THE COMMANDER OF THE UNITED STATES CYBER COMMAND IS ALSO DIRECTOR OF THE NATIONAL SECURITY AGENCY.

(a) Sense of Congress.—It is the sense of Congress that the arrangement (commonly referred to as a “dual-hat arrangement”) under which the Commander of the United States Cyber Command also serves as the Director of the National Security Agency is in the national security interests of the United States.

(b) Limitation on Ending of Current Arrangement.—The Secretary of Defense may not take action to end the arrangement described in subsection (a) until the
Secretary and the Chairman of the Joint Chiefs of Staff jointly determine and certify to the appropriate committees of Congress that the end of that arrangement will not pose risks to the military effectiveness of the United States Cyber Command that are unacceptable in the national security interests of the United States.

(c) CONDITIONS-BASED CRITERIA.—The Secretary and the Chairman shall develop criteria for assessing the military and intelligence necessity and benefit of the arrangement described in subsection (a). The criteria shall be based on measures of the operational dependence of the United States Cyber Command on the National Security Agency and the ability of each organization to accomplish their roles and responsibilities independent of the other. The conditions to be evaluated shall include the following:

1. The sufficiency of operational infrastructure.
2. The sufficiency of command and control systems and processes for planning, deconflicting, and executing military cyber operations, tools and weapons for achieving required effects.
3. Technical intelligence collection and operational preparation of the environment capabilities.
(4) The ability to train personnel, test capabilities, and rehearse missions.

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

(1) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1634. PILOT PROGRAM ON APPLICATION OF CONSEQUENCE-DRIVEN, CYBER-INFORMED ENGINEERING TO MITIGATE AGAINST CYBERSECURITY THREATS TO OPERATING TECHNOLOGIES OF MILITARY INSTALLATIONS.

(a) PILOT PROGRAM REQUIRED.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretaries of the military departments, carry out a pilot program to assess the feasibility and advisability of applying consequence-driven, cyber-informed engineering methodologies to the operating technologies of military installations, including industrial control systems, in order
to increase the resilience of military installations against
cybersecurity threats and prevent or mitigate the potential
for high-consequence cyberattacks.

(b) Elements.—

(1) Discharging Entity.—The Secretary shall carry out the pilot program through a research
laboratory of the Department of Defense or, with the approval of the Secretary of Energy, a research
laboratory of the Department of Energy, selected by the Secretary for purposes of the pilot program.

(2) Locations.—The Secretary shall carry out the pilot program at not fewer than two military in-
installations selected by the Secretary for purposes of the pilot program from among military installations
supporting the most critical mission-essential func-
tions of the Department of Defense.

(c) Duration.—The duration of the pilot program shall be two years.

(d) Reports.—

(1) Reports Required.—Not later than Sep-
tember 30, 2017, and each year thereafter through 2019, the Secretary shall submit to the congress-
sional defense committees a report on the pilot pro-
gram.
(2) **RECURRING ELEMENTS.**—Each report under paragraph (1) shall include, current as of the date of such report, the following:

(A) A description of the activities carried out under the pilot program.

(B) An assessment of the value of the methodologies applied during the pilot program in increasing the resilience of military installations against cybersecurity threats.

(3) **ADDITIONAL ELEMENT IN FINAL REPORT.**—The report under paragraph (1) in 2019 shall also include such recommendations for administrative or legislative action as the Secretary considers appropriate in light of the pilot program, including for actions as follows:

(A) To apply methodologies identified through the pilot program across the Department of Defense.

(B) To require the Armed Forces to build capability of determining whether such methodologies should be included as requirement in applicable future military construction projects.
SEC. 1635. EVALUATION OF CYBER VULNERABILITIES OF F–35 AIRCRAFT AND SUPPORT SYSTEMS.

(a) IN GENERAL.—Subsection (a) of section 1647 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1118) is amended—

(1) in paragraph (2), by striking “The” and inserting “Other than a weapon system described in paragraph (3), the”; and

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

“(3) F–35 AIRCRAFT.—The Secretary shall ensure that a complete evaluation of the F–35 aircraft and its support systems, such as the Autonomic Logistics Information System, is completed under paragraph (1) before February 1, 2017.”.

(b) REPORT.—Such section is amended—

(1) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively; and

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

“(c) TOOLS AND SOLUTIONS.—The Secretary of Defense may—

“(1) develop tools that improve assessments of cyber vulnerabilities;
“(2) conduct non-recurring engineering for the design of mitigation solutions for such vulnerabilities; and

“(3) establish Department-wide information repositories to share findings relating to such assessments and to share such mitigation solutions.

“(d) REPORT ON F–35 AIRCRAFT.—

“(1) IN GENERAL.—Not later than February 28, 2017, the Secretary of Defense shall submit to the congressional defense committees a report on the evaluation completed under subsection (a)(3).

“(2) CONTENTS.—The report submitted under paragraph (1) shall include the following:

“(A) The findings of the Secretary with respect to the evaluation completed under subsection (a)(3).

“(B) Identification of any major information assurance deficiencies relating to the F–35 aircraft or its support systems.

“(C) A cyber vulnerability mitigation strategy for such aircraft and systems.”.
SEC. 1636. REVIEW AND ASSESSMENT OF TECHNOLOGY STRATEGY AND DEVELOPMENT AT DEFENSE INFORMATION SYSTEMS AGENCY.

(a) Strategy Required.—The Director of the Defense Information Systems Agency shall develop a research and technology development strategy in support of Defense Information Systems Agency missions.

(b) Strategic Plan for Defense Information Systems Agency Research, Development, Test, and Evaluation Activities.—

(1) In general.—(A) Not less frequently than once every two fiscal years through fiscal year 2022, the Director, in coordination with the Under Secretary of Defense for Acquisition, Technology and Logistics and the Chief Information Officer of the Department of Defense, shall complete a strategic plan, in unclassified and classified formats as necessary, reflecting the needs of the Department of Defense with respect to research, development, test, and evaluation activities, facilities, workforce, and resources of the Agency.

(B) Each such strategic plan required by subparagraph (A) shall cover the period of five fiscal years beginning with the fiscal year in which the plan is developed.

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(C) The strategic plan shall be based on a comprehensive review of the research, development, test, and evaluation requirements and missions of the Agency and the adequacy of research, development, test, and evaluation activities, facilities, workforce, and resources of the Agency to meet those requirements and missions.

(2) ELEMENTS.—Each strategic plan required by paragraph (1)(A) shall include the following:

(A) An assessment of the research, development, test, and evaluation requirements of the Department to be supported by the Agency for the period covered by the plan.

(B) An identification of performance measures associated with the successful achievement of objectives for the period covered by the plan.

(C) An assessment of the research and development programs and plans of the Agency.

(D) An assessment of the current state of the test and evaluation facilities and resources of the Agency.

(E) An assessment of plans and business case analyses supporting any significant modification of the facilities, workforce, and resources project, proposed, or recommended by
the Director, including with respect to the ex-

pansion, divestment, consolidation, or curtail-

ment of activities.

SEC. 1637. EVALUATION OF CYBER VULNERABILITIES OF

DEPARTMENT OF DEFENSE CRITICAL INFRA-

STRUCTURE.

(a) Evaluation Required.—The Secretary of De-

fense shall, in accordance with the plan under subsection

(b), complete an evaluation of the cyber vulnerabilities of

Department of Defense critical infrastructure by not later

than December 31, 2020.

(b) Plan for Evaluation.—

(1) In General.—Not later than 180 days

after the date of the enactment of this Act, the Sec-

retary shall submit to the congressional defense com-

mittees the plan of the Secretary for the evaluation

of Department of Defense critical infrastructure

under subsection (a), including an identification of

each of the facilities and locations to be evaluated

and an estimate of the funding required to conduct

the evaluation.

(2) Priority in Evaluation.—The plan under

paragraph (1) shall accord a priority among evalua-

tions based on the criticality of supporting infra-

structure, as determined by the Chairman of the
Joint Chiefs of Staff based on an assessment of employment of forces and threats.

(3) **INTEGRATION WITH OTHER EFFORTS.**—The plan under paragraph (1) shall build upon existing efforts regarding the identification and mitigation of cyber vulnerabilities of major weapon systems and Department of Defense critical infrastructure, and shall not duplicate similar ongoing efforts.

(e) **STATUS ON PROGRESS.**—The Secretary shall inform the congressional defense committees of the activities undertaken in the evaluation of Department of Defense critical infrastructure under this section as part of the quarterly cyber operations briefings under section 484 of title 10, United States Code.

(d) **RISK MITIGATION STRATEGIES.**—As part of the evaluation of cyber vulnerabilities of Department of Defense critical infrastructure, the Secretary shall develop strategies for mitigating the risks of cyber vulnerabilities identified in the course of the evaluation.

(e) **TOOLS AND SOLUTIONS.**—The Secretary may—

(1) develop tools that improve assessments of cyber vulnerabilities of Department of Defense critical infrastructure;
(2) conduct non-recurring engineering for the design of mitigation solutions for such vulnerabilities; and

(3) establish Department-wide information repositories to share findings relating to such assessments and to share such mitigation solutions.

(f) Department of Defense Critical Infrastructure Defined.—In this section, the term “Department of Defense critical infrastructure” means any asset of the Department of Defense of such extraordinary importance to the functioning of the Department and the operation of the military that its incapacitation or destruction from a cyber attack would have a debilitating effect on the ability of the Department to fulfill its missions.

SEC. 1638. PLAN FOR INFORMATION SECURITY CONTINUOUS MONITORING CAPABILITY AND COMPLY-TO-CONNECT POLICY.

(a) Development of Plan.—

(1) In General.—The Chief Information Officer of the Department of Defense and the Commander of the United States Cyber Command, in coordination with the Principal Cyber Adviser, shall jointly develop a plan for a modernized, enterprise-wide information security continuous monitoring (ISCM) capability and a comply-to-connect policy.
(2) ELEMENTS.—The plan required by paragraph (1) shall include an architecture, a concept of operations, component functionality, and interoperability requirements for the tools, sensors, systems, and processes that comprise the information security continuous monitoring capability operating under a comply-to-connect policy.

(b) IMPLEMENTATION OF PLAN.—The Chief Information Officer and the Commander shall each issue such directives for Department of Defense components as they each consider appropriate to take actions to comply with the plan and policy developed under paragraph (1).

(c) TIMEFRAME.—The Chief Information Officer and the Commander shall ensure that the plan and policy required by subsection (a) is developed, and the directives required by subsection (b) are issued, before such time as is necessary for components of the Department of Defense to include necessary funding and program plans in program objective memoranda for the budget submitted by the President under section 1105(a) of title 31, United States Code, for fiscal year 2019.

(d) SOFTWARE LICENSE COMPLIANCE MATTERS.—The plan and policy required by subsection (a) shall enable compliance with the software license inventory requirements of the plan issued pursuant to section 937 of the

(e) LIMITATION ON FUTURE SOFTWARE LICENSING.—

(1) IN GENERAL.—The Secretary of Defense may not obligate or expend any funds for a software license for the Department of Defense for which the Department would spend in excess of $5,000,000 annually unless the Department is able, through automated means—

(A) to count the number of such licenses in use; and

(B) to determine the security status of each instance of use of the software licensed.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect—

(A) in the case of a contract for new software licensing, on January 1, 2018; and

(B) in the case of a contract relating to software licensing that was already in effect, on January 1, 2020.
(f) Integration With Other Capabilities.—The Chief Information Officer and the Commander of United States Cyber Command shall ensure that information generated through automated- and automation assisted processes for continuous monitoring, asset management, and comply-to-connect policies and processes is accessible and usable in machine-readable form by cyber protection teams and computer network defense service providers.

SEC. 1639. REPORT ON AUTHORITY DELEGATED TO SECRETARY OF DEFENSE TO CONDUCT CYBER OPERATIONS.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report outlining in detail the authorities that have been delegated by the President to the Secretary for the conduct of cyber operations.

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

(1) A detailed description of the standing authorities and limitations that authorize or limit the Secretary’s response to—

(A) a malicious cyber activity carried out against the United States or a United States person by a foreign power (as defined in section
101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)); or

(B) malicious cyber activity against an entity of the Department of Defense.

(2) A detailed description of how the authorities described in subsection (a) compare to the authorities delegated to the Secretary regarding activities in non-cyber domains.

SEC. 1640. DETERRENCE OF ADVERSARIES IN CYBERSPACE.

(a) Report on Deterrence of Adversaries in Cyberspace.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall submit to the President and the congressional defense committees a report on the military and nonmilitary options available to the United States to deter Russia, China, Iran, North Korea, and terrorist organizations in cyberspace.

(2) CONTENTS.—The report submitted under paragraph (1) shall include the following:

(A) A description of the options described in paragraph (1).
(B) For each option described under subparagraph (A), an assessment of the effectiveness of the option.

(C) An integrated priorities list for cyber deterrence capabilities of the Department of Defense that identifies, at a minimum, high priority capability needs prioritized across armed force and functional lines, risk areas, and long-term strategic planning issues.

(b) Report on Acts of War in Cyberspace.—

(1) In general.—Not later than 60 days after the date on which the Chairman submits the report required by subsection (a)(1), the President shall submit to the congressional defense committees a report on determining when an action carried out in cyberspace constitutes an act of war against the United States.

(2) Contents.—The report required by paragraph (1) shall include the following:

(A) Identification of what actions carried out in cyberspace constitute an act of war against the United States.

(B) Identification of how the law of war applies to cyber operations of the Department of Defense.
(C) Identification of the circumstances required for responding to a cyber attack against the United States.

(D) A declaratory policy on the use of cyber weapons by the United States.

(3) CONSIDERATIONS.—In preparing the report required by paragraph (1), the President shall consider the following:

(A) Whether a cyber attack must demonstrate a use of force to be considered an act of war.

(B) The ways in which the effects of a cyber attack may be equivalent to effects of an attack using conventional weapons, including with respect to physical destruction or casualties.

(C) Intangible effects of significant scope, intensity, or duration.

(D) How the law of neutrality applies, how the utilization or exploitation of communications infrastructure in neutral States applies, and what limitations, if any, apply in exercising the right of the United States to act in self-defense through a cyber-operation.
Subtitle D—Nuclear Forces

SEC. 1651. PROCUREMENT AUTHORITY FOR CERTAIN PARTS OF INTERCONTINENTAL BALLISTIC MISSILE FUZES.

(a) AVAILABILITY OF FUNDS.—Notwithstanding section 1502(a) of title 31, United States Code, of the amount authorized to be appropriated for fiscal year 2017 by section 101 and available for Missile Procurement, Air Force, as specified in the funding table in section 4101, $17,095,000 shall be available for the procurement of covered parts pursuant to contracts entered into under section 1645(a) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3651).

(b) COVERED PARTS DEFINED.—In this section, the term “covered parts” means commercially available off-the-shelf items as defined in section 104 of title 41, United States Code.

SEC. 1652. MODIFICATION OF REPORT ON ACTIVITIES OF THE COUNCIL ON OVERSIGHT OF THE NATIONAL LEADERSHIP COMMAND, CONTROL, AND COMMUNICATIONS SYSTEM.

Section 171a(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

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“(6) An assessment of the readiness of the command, control, and communications system for the national leadership of the United States and of each layer of the system, as that layer relates to nuclear command, control, and communications.”.

SEC. 1653. REVIEW BY COMPTROLLER GENERAL OF THE UNITED STATES OF RECOMMENDATIONS RELATING TO NUCLEAR ENTERPRISE OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—During each of fiscal years 2017 through 2021, the Comptroller General of the United States shall conduct a review of the following:

(1) The processes of the Department of Defense for addressing the recommendations of the Department of Defense Internal Nuclear Enterprise Review, the Independent Review of the Department of Defense Nuclear Enterprise, and other recommendations affecting the health of the nuclear enterprise of the Department of Defense identified or tracked by the Nuclear Deterrence Enterprise Review Group, including the process used by the Director of Cost Assessment and Program Evaluation to evaluate the implementation of such recommendations.

(2) The processes used to implement recommendations from other assessments of the nuclear
enterprise of the Department of Defense, including
the National Leadership Command Capability and
Nuclear Command, Control, and Communications
Enterprise Review.

(b) BRIEFING.—After conducting each review under
subsection (a), the Comptroller General shall provide to
the congressional defense committees a briefing on the re-
view.

(e) CONFORMING REPEAL.—Section 1658 of the Na-
/Public Law 114–92; 129 Stat. 1125) is repealed.

SEC. 1654. SENSE OF CONGRESS ON NUCLEAR DETER-
RENCE.

The following is the sense of Congress:

(1) The nuclear forces of the United States
continue to play a fundamental role in deterring ag-
geression against the interests of the United States
and its allies in an increasingly dangerous world in
which foreign adversaries, including the Russian
Federation, are making explicit nuclear threats
against the United States and its allies. Strong
United States nuclear forces assure United States
allies that the extended deterrence guarantees of the
United States are credible and that the resolve of
the United States remains strong even in the face of
nuclear provocations, including nuclear coercion and blackmail.

(2) The prevention of war through effective deterrence requires survivable and flexible nuclear forces that are well exercised and ready to respond to nuclear escalation if necessary. Possessing a range of capabilities and options to counter nuclear threats assures United States allies and enhances the credibility of United States nuclear deterrence by reinforcing the resolve of the United States in the minds of United States allies and potential adversaries.

(3) The declared policy of the United States with respect to the use of nuclear weapons must be coordinated and communicate clearly that the use of nuclear weapons against the United States or its vital interests would ultimately fail and subject the aggressor to incalculable consequences.

(4) In support of a strong and credible nuclear deterrent, the United States must—

(A) maintain a nuclear force with a diverse, flexible range of nuclear yield and delivery modes that are ready, capable, and credible;

(B) afford the highest priority to the modernization of the nuclear triad, dual-capable air-
craft, and related command and control elements; and

(C) ensure the broadest participation of United States allies in nuclear defense planning, training, and exercises to demonstrate the commitment of the United States and its allies and their solidarity against nuclear threats and coercion.

(5) The North Atlantic Treaty Organization (NATO) must make it clear at the NATO summit in Warsaw, Poland, in July 2016 that NATO has taken steps to address the nuclear provocations of the Russian Federation, particularly including steps to counter any calculation by the Russian Federation that the use of nuclear weapons against NATO members could have other than incalculable consequences for the Russian Federation. Effective deterrence requires that NATO clearly communicate that reality to the leaders of the Russian Federation, conduct realistic nuclear planning and exercises, and modernize the full suite of dual-capable aircraft and associated command and control networks and facilities.
Subtitle E—Missile Defense
Programs

SEC. 1661. REQUIRED TESTING BY MISSILE DEFENSE AGENCY OF GROUND-BASED MIDCOURSE DEFENSE ELEMENT OF BALLISTIC MISSILE DEFENSE SYSTEM.

(a) Testing Required.—Except as provided in subsection (c), not less frequently than once each fiscal year, the Director of the Missile Defense Agency shall administer a flight test of the ground-based midcourse defense element of the ballistic missile defense system.

(b) Requirements.—The Director shall ensure that each test carried out under subsection (a) provides, when possible, for one or more of the following:

(1) The validation of technical improvements made to increase system performance and reliability.

(2) The evaluation of the operational effectiveness of the ground-based midcourse defense element of the ballistic missile defense system.

(3) The use of threat-representative targets and critical engagement conditions.

(4) The evaluation of new configurations of interceptors before they are fielded.
(5) The satisfaction of the “fly before buy” acquisition approach for new interceptor components or software.

(6) The evaluation of the interoperability of the ground-based midcourse defense element with other elements of the ballistic missile defense systems.

(c) EXCEPTIONS.—The Director may forgo a test under subsection (a) in a fiscal year under one or more of the following conditions:

(1) It would jeopardize national security.

(2) Insufficient time considerations between post-test analysis and subsequent pre-test design.

(3) Insufficient funding.

(4) An interceptor is unavailable.

(5) A target is unavailable or is insufficiently representative of threats.

(6) The test range or necessary test assets are unavailable.

(7) Inclement weather.

(8) Any other condition the Director considers appropriate.

(d) CERTIFICATION.—Not later than 45 days after forgoing a test for a condition or conditions under subsection (c)(8), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the con-
gressional defense committees a certification setting forth
the condition or conditions that caused the test to be for-
gone under that subsection.

(e) REPORT.—Not later than 45 days after forgoing
a test for any condition specified in subsection (c), the
Director shall submit to the congressional defense commit-
tees 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 Agen-
cy. In the case of a test forgone for a condition or condi-
tions under subsection (c)(8), the report required by this
subsection is in addition to the certification required by
subsection (d).

SEC. 1662. IRON DOME SHORT-RANGE ROCKET DEFENSE
SYSTEM CODEVELOPMENT AND COPRODUCTION.

(a) IRON DOME SHORT-RANGE ROCKET DEFENSE
SYSTEM.—

(1) AVAILABILITY OF FUNDS.—Of the funds
authorized to be appropriated for Procurement, De-
fense-wide, and available for the Missile Defense
Agency, not more than $42,000,000 may be pro-
vided to the Government of Israel to procure Tamir
interceptors for the Iron Dome short-range rocket
defense system through coproduction of such inter-

ceptors in the United States by industry of the United States.

(2) CONDITIONS.—

(A) AGREEMENT.—Funds described in paragraph (1) for the Iron Dome short-range rocket defense program shall be available subject to the terms and conditions in the Agreement Between the Department of Defense of the United States of America and the Ministry of Defense of the State of Israel Concerning Iron Dome Defense System Procurement, signed on March 5, 2014, subject to an amended bilateral agreement for coproduction for Tamir interceptors. In negotiations by the Missile Defense Agency and the Missile Defense Organization of the Government of Israel regarding such production, the goal of the United States is to maximize opportunities for coproduction of the Tamir interceptors described in paragraph (1) in the United States by industry of the United States.

(B) CERTIFICATION.—Not later than 30 days prior to the initial obligation of funds described in paragraph (1), the Director of the Missile Defense Agency and the Under Sec-
Secretary of Defense for Acquisition, Technology, and Logistics shall jointly submit to the appropriate congressional committees—

(i) a certification that the amended bilateral agreement specified in subparagraph (A) is being implemented as provided in such bilateral agreement; and

(ii) an assessment detailing any risks relating to the implementation of such bilateral agreement.

(b) Limitation on Funding for David’s Sling Weapon System.—None of the amounts appropriated or otherwise made available pursuant to subsection (a)(1) of section 1679 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1135) that remain available and are unobligated on the date of the enactment of this Act may be expended or obligated until the appropriate congressional committees receive the plan required by subsection (d) of such section (Public Law 114–92; 129 Stat. 1136).

(c) Appropriate Congressional Committees Defined.—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional defense committees.
(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1663. NON-TERRESTRIAL MISSILE DEFENSE INTERCEPT AND DEFEAT CAPABILITY FOR THE BALLISTIC MISSILE DEFENSE SYSTEM.

Section 1685 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1142) is amended—

(1) in subsection (c)(2), by inserting before the semicolon at the end the following: “for each fiscal year over the five fiscal-year period beginning with the fiscal year following the fiscal year in which the report is submitted, assuming such potential program of record is technically feasible and could be deployed by December 31, 2027”; and

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

“(d) COMMENCEMENT OF RDT&E.—Not later than 60 days after the submittal of the report required by subsection (c), the Director may commence coordination and activities associated with research, development, test, and evaluation on the programs described in subsection (c)(2).”.
SEC. 1664. REVIEW OF PRE-LAUNCH MISSILE DEFENSE STRATEGY.

(a) Review.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly conduct a review of the strategy, programs, and capabilities to counter cruise and ballistic missiles prior to launch in support of regional and homeland missile defense, using the full range of active, passive, kinetic, and nonkinetic defense measures.

(b) Elements.—The review under subsection (a) shall address the following:

(1) The pre-launch missile defense policy, strategy, and objectives of the United States.

(2) The existing and planned programs across the services and the Department to develop pre-launch missile defense capabilities.

(3) The roles and responsibilities of the Office of the Secretary of Defense, Defense Agencies, combatant commands, the Joint Chiefs of Staff, the military departments, and the intelligence community in such programs.

(4) The process for determining requirements for pre-launch missile defense capabilities under such programs, including input from the joint military requirements process.
(5) The plans to include such programs into the Department’s Integrated Air and Missile Defense architecture.

(6) The budget profile for such programs across the Future Years Defense Program.

(7) The role of international cooperation on pre-launch missile defense capabilities and the plans, policies, and requirements for integration and interoperability of such capabilities with allies.

(8) Any other matters the Secretary determines relevant.

(c) REPORT.—

(1) RESULTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the results of the review under subsection (a).

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

(3) THREAT REPORT.—In conjunction with the report submitted under paragraph (1), the Secretary, in coordination with the Director of National Intelligence, shall submit to the congressional defense committees a classified report with an assess-
ment of the tactical ballistic and cruise missile
threat to the United States, deployed forces of the
United States, and allies of the United States.
(d) DEFINITIONS.—In this section:

(1) CONGRESSIONAL DEFENSE COMMITTEES.—
The term “congressional defense committees”
means—

(A) the Committee on Armed Services of
the Senate;

(B) the Committee on Armed Services of
the House of Representatives;

(C) the Subcommittee on Defense of the
Committee on Appropriations of the Senate;
and

(D) the Subcommittee on Defense of the
Committee on Appropriations of the House of
Representatives.

(2) PRE-LAUNCH MISSILE DEFENSE PRO-
GRAMS.—The term “pre-launch missile defense pro-
grams” means programs that would lead to improv-
ing the capabilities of the United States to counter
cruise and ballistic missiles before they are launched
against the United States homeland, United States
deployed forces, or allies of the United States.
SEC. 1665. MODIFICATION OF NATIONAL MISSILE DEFENSE POLICY.

Section 2 of the National Missile Defense Act of 1999 (Public Law 106–38; 10 U.S.C. 2431 note) is amended by striking “limited”.

SEC. 1666. EXTENSION OF PROHIBITIONS ON PROVIDING CERTAIN MISSILE DEFENSE INFORMATION TO THE RUSSIAN FEDERATION.

Section 130h(d) of title 10, United States Code, is amended by striking “2017” and inserting “2018”.

Subtitle F—Other Matters

SEC. 1671. SURVEY AND REVIEW OF DEFENSE INTELLIGENCE ENTERPRISE.

(a) Survey and Review.—

(1) In general.—Not later than 120 days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall—

(A) review the organization, resources, and processes of the Defense Intelligence Enterprise, including the defense intelligence agencies and intelligence elements of the combatant commands and military departments, to assess the capabilities and capacity of such Enterprise, along with the intelligence community, to meet present and future defense intelligence requirements; and
(B) conduct a survey of each geographic combatant command to assess—

(i) the current state of intelligence support to military operations;

(ii) the prioritization and allocation of intelligence resources within each combatant command; and

(iii) whether intelligence resources are balanced between support to theater commanders and support to operational commanders.

(2) ELEMENTS.—The review and survey required by paragraph (1) shall include the following:

(A) A comprehensive assessment of the Defense Intelligence Enterprise and whether such Enterprise—

(i) is organized and has resources to meet current and future defense intelligence requirements;

(ii) is balancing resources appropriately between operational and strategic defense intelligence requirements;

(iii) is responding with sufficient agility to emerging or unexpected requirements; and
(iv) is sufficiently integrated with combatant commands, subordinate commands, and joint task forces.

(B) With respect to each geographic combatant command surveyed—

(i) information on the total intelligence workforce assigned to the combatant command, including civilians, military, and contract personnel;

(ii) detailed information on the allocation of intelligence resources to meet combatant commander priorities;

(iii) detailed information on the intelligence priorities of the commander of the combatant command and intelligence resources allocated to each priority; and

(iv) detailed information on the intelligence resources, including personnel and assets, dedicated to each of the following:

(I) Direct support to the combatant commander.

(II) Contingency planning.

(III) Ongoing operations.

(IV) Crisis response.

(b) Report.—
(1) REQUIREMENT FOR REPORT.—Not later than 180 days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees and the Under Secretary of Defense for Intelligence a report on the findings of the Chairman with respect to the review and survey required by subsection (a)(1).

(2) CONTENT.—The report required by paragraph (1) shall include—

(A) a detailed analysis of how each combatant command uses the intelligence resources available to such command; and

(B) the recommendations of the Chairman, if any, to improve the Defense Intelligence Enterprise to fulfill operational military requirements.

(c) DEFENSE INTELLIGENCE ENTERPRISE DEFINED.—In this section, the term “Defense Intelligence Enterprise” means the organizations, infrastructure, and measures, including policies, processes, procedures, and products, of the intelligence, counterintelligence, and security components of each of the following:

(1) The Department of Defense.

(2) The Joint Staff.
(3) The combatant commands.

(4) The military departments.

(5) Other elements of the Department of Defense that perform national intelligence, defense intelligence, intelligence-related, counterintelligence, or security functions.

SEC. 1672. MILESTONE A DECISION FOR THE CONVENTIONAL PROMPT GLOBAL STRIKE WEAPONS SYSTEM.

The Secretary of Defense shall make a Milestone A decision for the Conventional Prompt Global Strike Weapons System not later than the earlier of—

(1) September 30, 2020; or

(2) the date that is 8 months after the successful completion of Intermediate Range Flight 2 of that System.

SEC. 1673. CYBER CENTER FOR EDUCATION AND INNOVATION AND NATIONAL CRYPTOLOGIC MUSEUM.

(a) In general.—Chapter 449 of title 10, United States Code, is amended by adding at the end the following new section:
§ 4781. Cyber Center for Education and Innovation and National Cryptologic Museum

“(a) Establishment Authorized.—The Secretary of Defense may establish at Fort George G. Meade, Maryland, a center to be known as the ‘Cyber Center for Education and Innovation and the National Cryptologic Museum’ (in this section referred to as the ‘Center’). The Center may be used for the identification, curation, storage, and public viewing of materials relating to the activities of the National Security Agency and the Central Security Service, any predecessor or successor organizations, and the history of cryptology. The Center may contain meeting, conference, and classroom facilities that will be used to support such education, training, public outreach, and other purposes as the Secretary considers appropriate.

“(b) Design, Construction, and Operation.—

The Secretary may enter into an agreement with the National Cryptologic Museum Foundation (in this section referred to as the ‘Foundation’), a non-profit organization, for the design, construction, and operation of the Center.

“(c) Acceptance Authority.—

“(1) Acceptance of Facility.—If the Foundation constructs the Center pursuant to an agreement under subsection (b), upon satisfactory completion of the Center’s construction or any phase thereof, as determined by the Secretary, and upon full
satisfaction by the Foundation of any other obliga-
tions pursuant to such agreement, the Secretary
may accept the Center or such phase from the
Foundation, and all right, title, and interest in the
Center or such phase shall vest in the United States.

“(2) Acceptance of Services.—Notwith-
standing section 1342 of title 31, the Secretary may
accept services from the Foundation. For purposes
of this section and any other provision of law, em-
ployees or personnel of the Foundation may not be
considered to be employees of the United States.

“(d) Use of Certain Gifts.—

“(1) Management of Smaller Gifts.—
Under regulations prescribed by the Secretary, the
Director of the National Security Agency may, with-
out regard to section 2601 of this title, accept, hold,
administer, invest, and spend for the benefit of the
Center any gift, devise, or bequest of personal prop-
erty, or of money of a value of $500,000 or less,
made for the benefit of the Center.

“(2) Payment of Expenses.—The Director
may pay or authorize the payment of any reasonable
and necessary expenses in connection with the con-
voyance or transfer of a gift, devise, or bequest
under this subsection.
“(e) Authority to Assess Fees and Use of Funds.—

“(1) Fees and User Charges.—Under regulations prescribed by the Secretary, the Director may assess fees and user charges for the use of Center facilities and property, including rental, user, conference, and concession fees.

“(2) Use of Funds.—Amounts received by the Secretary under paragraph (1) shall be used for the benefit of the Center.

“(f) Fund.—If the Center is established pursuant to subsection (a), there shall be established on the books of the Treasury a fund to be known as the ‘Cyber Center for Education and Innovation and National Cryptologic Museum Fund’. Gifts of money under subsection (d), and fees and user charges received under subsection (e), shall be deposited in the fund and be available until expended for the benefit of the Center, including costs of operation and of the acquisition of books, manuscripts, works of art, historical artifacts, drawings, plans, models, and condemned or obsolete combat materiel.”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 449 is amended by adding at the end the following new item:

“4781. Cyber Center for Education and Innovation and National Cryptologic Museum.”.
DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.
This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2017”.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) Expiration of Authorizations After Three Years.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2019; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2020.

(b) Exception.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Se-
security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2019; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2020 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE.

Titles XXI through XXVII shall take effect on the later of—

(1) October 1, 2016; or

(2) the date of the enactment of this Act.

TITLE XXI—ARMY MILITARY CONSTRUCTION

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military
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**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Fort Wainwright</td>
<td>$47,000,000</td>
</tr>
<tr>
<td>California</td>
<td>Concord</td>
<td>$12,600,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Fort Carson</td>
<td>$13,100,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Gordon</td>
<td>$100,600,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Hood</td>
<td>$7,600,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Camp Williams</td>
<td>$7,400,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects outside 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 projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

**Army: Outside the United States**

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>East Camp Grafenwoehr</td>
<td>$22,000,000</td>
</tr>
<tr>
<td></td>
<td>Garmisch</td>
<td>$9,600,000</td>
</tr>
<tr>
<td></td>
<td>Wiesbaden Army Airfield</td>
<td>$19,200,000</td>
</tr>
</tbody>
</table>

**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 acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

**Army: Family Housing**

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation or Location</th>
<th>Units</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Korea</td>
<td>Camp Humphreys</td>
<td>Family Housing</td>
<td>$143,563,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>New Construction</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Camp Walker</td>
<td>Family Housing</td>
<td>$54,554,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>New Construction</td>
<td></td>
</tr>
</tbody>
</table>

(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**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kansas</td>
<td>Fort Riley</td>
<td>Unmanned Aerial Vehicle Complex</td>
<td>$12,200,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Sagami</td>
<td>Vehicle Maintenance Shop</td>
<td>$18,000,000</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>State or Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maryland ......</td>
<td>Fort Detrick</td>
<td>Entry Control Point ..</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>Marshall Islands</td>
<td>Kwajalein Atoll ..........</td>
<td>Pier ....</td>
<td>$63,000,000</td>
</tr>
<tr>
<td>Japan ....</td>
<td>Kyotango City ...........</td>
<td>Company Operations Complex</td>
<td>$33,000,000</td>
</tr>
</tbody>
</table>

TITLE XXII—NAVY MILITARY CONSTRUCTION

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Yuma ......................</td>
<td>$48,355,000</td>
</tr>
<tr>
<td>California</td>
<td>Coronado ..................</td>
<td>$104,501,000</td>
</tr>
<tr>
<td></td>
<td>Lemoore ...................</td>
<td>$26,723,000</td>
</tr>
<tr>
<td></td>
<td>Miramar ...................</td>
<td>$74,700,000</td>
</tr>
<tr>
<td></td>
<td>Seal Beach ................</td>
<td>$21,567,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Eglin Air Force Base ......</td>
<td>$20,489,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Barking Sands .............</td>
<td>$43,384,000</td>
</tr>
<tr>
<td></td>
<td>Kaneohe Bay ...............</td>
<td>$72,565,000</td>
</tr>
<tr>
<td>Maine</td>
<td>Kittery ...................</td>
<td>$47,892,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Patuxent River ............</td>
<td>$40,576,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Fallon ....................</td>
<td>$13,523,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Camp Lejeune ..........</td>
<td>$18,482,000</td>
</tr>
<tr>
<td></td>
<td>Cherry Point Marine Corps Air Station</td>
<td>$12,515,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Beaufort ................</td>
<td>$80,490,000</td>
</tr>
<tr>
<td></td>
<td>Parris Island .............</td>
<td>$29,882,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Norfolk Naval Station .....</td>
<td>$27,000,000</td>
</tr>
</tbody>
</table>
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**Navy: Inside the United States—Continued**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Washington</td>
<td>Bangor</td>
<td>$40,415,000</td>
</tr>
<tr>
<td></td>
<td>Bremerton</td>
<td>$6,704,000</td>
</tr>
<tr>
<td></td>
<td>Whidbey Island</td>
<td>$75,976,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guam</td>
<td>Joint Region Marianas</td>
<td>$89,185,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Kadena Air Base</td>
<td>$26,489,000</td>
</tr>
<tr>
<td></td>
<td>Sasebo</td>
<td>$16,420,000</td>
</tr>
<tr>
<td>Spain</td>
<td>Rota</td>
<td>$23,607,000</td>
</tr>
<tr>
<td>Worldwide</td>
<td>Unspecified Worldwide Locations</td>
<td>$41,380,000</td>
</tr>
</tbody>
</table>

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installation or location,
in the number of units, and in the amount set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Units</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mariana Islands</td>
<td>Guam</td>
<td>Replace Andersen Housing PH 1</td>
<td>$78,815,000</td>
</tr>
</tbody>
</table>

(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 construc-
tion, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2014 PROJECT.

In the case of the authorization contained in the table in section 2201 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 989) for Pearl City, Hawaii, for construction of a water transmission line at that location, the Secretary of the Navy may construct a 591-meter (1,940-foot) long 16-inch diameter water transmission line as part of the network required to provide the main water supply to Joint Base Pearl Harbor-Hickam, Hawaii.
1 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

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greece</td>
<td>Souda Bay</td>
<td>Intermodal Access Road</td>
<td>$4,630,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Beaufort</td>
<td>Recycling/Hazardous Waste Facility</td>
<td>$3,743,000</td>
</tr>
<tr>
<td>Worldwide Unspecified</td>
<td>Various Worldwide</td>
<td>BAMS Operation Facilities</td>
<td>$34,048,000</td>
</tr>
</tbody>
</table>

16 SEC. 2207. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

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**

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaii</td>
<td>Kaneohe</td>
<td>Aircraft Maintenance Hangar</td>
<td>$31,820,000</td>
</tr>
<tr>
<td></td>
<td>Pearl City</td>
<td>Water Transmission Line</td>
<td>$30,100,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Great Lakes</td>
<td>Unaccompanied Housing</td>
<td>$35,851,000</td>
</tr>
<tr>
<td>Maine</td>
<td>Bangor</td>
<td>NCTAMS VLF Commercial Power Connection</td>
<td>$13,800,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Fallon</td>
<td>Wastewater Treatment Plant</td>
<td>$11,334,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Quantico</td>
<td>Academic Instruction Facility</td>
<td>$25,731,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>TECOM Schools</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fuller Road Improvements</td>
<td>$9,013,000</td>
</tr>
</tbody>
</table>

**TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION**

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects inside the United States as specified in
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

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Clear Air Force Station</td>
<td>$20,000,000</td>
</tr>
<tr>
<td></td>
<td>Eielson Air Force Base</td>
<td>$295,600,000</td>
</tr>
<tr>
<td></td>
<td>Joint Base Eielson-Richardson</td>
<td>$29,000,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Luke Air Force Base</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>California</td>
<td>Edwards Air Force Base</td>
<td>$24,000,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Buckley Air Force Base</td>
<td>$13,500,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>Dover Air Force Base</td>
<td>$39,000,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Eglin Air Force Base</td>
<td>$88,600,000</td>
</tr>
<tr>
<td></td>
<td>Patrick Air Force Base</td>
<td>$13,500,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Moody Air Force Base</td>
<td>$30,900,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>McConnell Air Force Base</td>
<td>$19,800,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Barksdale Air Force Base</td>
<td>$21,000,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Joint Base Andrews</td>
<td>$66,500,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Hanscom Air Force Base</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Montana</td>
<td>Malmstrom Air Force Base</td>
<td>$14,600,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Nellis Air Force Base</td>
<td>$10,600,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Cannon Air Force Base</td>
<td>$21,000,000</td>
</tr>
<tr>
<td></td>
<td>Holloman Air Force Base</td>
<td>$10,600,000</td>
</tr>
<tr>
<td></td>
<td>Kirtland Air Force Base</td>
<td>$7,300,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Wright-Patterson Air Force Base</td>
<td>$12,600,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Altus Air Force Base</td>
<td>$11,600,000</td>
</tr>
<tr>
<td></td>
<td>Tinker Air Force Base</td>
<td>$43,000,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Joint Base San Antonio</td>
<td>$67,300,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Hill Air Force Base</td>
<td>$44,500,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Joint Base Langley-Eustis</td>
<td>$59,200,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fairchild Air Force Base</td>
<td>$27,000,000</td>
</tr>
<tr>
<td>Wyoming</td>
<td>F. E. Warren Air Force Base</td>
<td>$5,550,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects outside 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
outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia</td>
<td>Darwin</td>
<td>$30,400,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Ramstein Air Base</td>
<td>$43,465,000</td>
</tr>
<tr>
<td></td>
<td>Spangdahlem Air Base</td>
<td>$13,437,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Joint Region Marianas</td>
<td>$80,658,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Kadena Air Base</td>
<td>$19,815,000</td>
</tr>
<tr>
<td></td>
<td>Yokota Air Base</td>
<td>$32,020,000</td>
</tr>
<tr>
<td>Marianas Islands</td>
<td>Unspecified Location</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>Turkey</td>
<td>Incirlik Air Base</td>
<td>$13,449,000</td>
</tr>
<tr>
<td>United Arab Emirates</td>
<td>Al Dhafra</td>
<td>$35,400,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force Croughton</td>
<td>$69,582,000</td>
</tr>
</tbody>
</table>

SEC. 2302. FAMILY HOUSING.

Subject to 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 sys-

tem consistent with the Air Force’s construction guide-
lines.

SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN
FISCAL YEAR 2014 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of
the Military Construction Authorization Act for Fiscal
985), the authorizations set forth in the table in sub-
section (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

<table>
<thead>
<tr>
<th>State or Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mariana Islands</td>
<td>Saipan</td>
<td>PAR—Airport Pol/Bulk Storage AST</td>
<td>$18,500,000</td>
</tr>
<tr>
<td></td>
<td>Saipan</td>
<td>PAR—Hazardous Cargo Pad</td>
<td>$8,000,000</td>
</tr>
<tr>
<td></td>
<td>Saipan</td>
<td>PAR—Maintenance Facility</td>
<td>$2,800,000</td>
</tr>
<tr>
<td>Worldwide Unspec.</td>
<td>Aviano Air Base</td>
<td>Guardian Angel Operations Facility</td>
<td>$22,047,000</td>
</tr>
</tbody>
</table>
TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Clear Air Force Station</td>
<td>$155,000,000</td>
</tr>
<tr>
<td></td>
<td>Fort Greely</td>
<td>$9,560,000</td>
</tr>
<tr>
<td></td>
<td>Joint Base Elmendorf-Richardson</td>
<td>$4,900,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Fort Huachuca</td>
<td>$4,493,000</td>
</tr>
<tr>
<td>California</td>
<td>Coronado</td>
<td>$175,412,000</td>
</tr>
<tr>
<td></td>
<td>Travis Air Force Base</td>
<td>$26,500,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>Dover Air Force Base</td>
<td>$44,115,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Patrick Air Force Base</td>
<td>$10,100,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Benning</td>
<td>$4,820,000</td>
</tr>
<tr>
<td></td>
<td>Fort Gordon</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>Maine</td>
<td>Portsmouth</td>
<td>$27,100,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Bethesda Naval Hospital</td>
<td>$510,000,000</td>
</tr>
<tr>
<td></td>
<td>Fort Meade</td>
<td>$38,000,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>St. Louis</td>
<td>$801,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Camp Lejeune</td>
<td>$31,000,000</td>
</tr>
<tr>
<td></td>
<td>Fort Bragg</td>
<td>$86,593,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Joint Base Charleston</td>
<td>$17,000,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Red River Army Depot</td>
<td>$44,700,000</td>
</tr>
<tr>
<td></td>
<td>Sheppard Air Force Base</td>
<td>$91,910,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Pentagon</td>
<td>$8,105,000</td>
</tr>
<tr>
<td>CONUS Classified</td>
<td>Battalion Complex</td>
<td>$179,924,000</td>
</tr>
</tbody>
</table>
(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**

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diego Garcia</td>
<td>Diego Garcia</td>
<td>$30,000,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Kaiserslautern</td>
<td>$45,221,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Iwakuni</td>
<td>$6,864,000</td>
</tr>
<tr>
<td></td>
<td>Kadena Air Base</td>
<td>$161,224,000</td>
</tr>
<tr>
<td></td>
<td>Yokota Air Base</td>
<td>$113,731,000</td>
</tr>
<tr>
<td>Marshall Islands</td>
<td>Kwajalein Atoll</td>
<td>$85,500,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force Croughton</td>
<td>$71,424,000</td>
</tr>
<tr>
<td></td>
<td>Royal Air Force Lakenheath</td>
<td>$13,500,000</td>
</tr>
<tr>
<td>Wake Island</td>
<td>Wake Island</td>
<td>$11,670,000</td>
</tr>
</tbody>
</table>

**SEC. 2402. AUTHORIZED ENERGY CONSERVATION PROJECTS.**

(a) **Inside the United States.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations inside the United States, and in the amounts, set forth in the following table:
Energy Conservation Projects: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Samoa</td>
<td>American Samoa</td>
<td>$2,100,000</td>
</tr>
<tr>
<td>Alaska</td>
<td>Joint Base Elmendorf Richardson</td>
<td>$1,107,000</td>
</tr>
<tr>
<td>California</td>
<td>Edwards Air Force Base</td>
<td>$8,400,000</td>
</tr>
<tr>
<td></td>
<td>Fort Hunter Liggett</td>
<td>$5,400,000</td>
</tr>
<tr>
<td></td>
<td>Naval Base San Diego</td>
<td>$4,230,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Fort Carson</td>
<td>$5,000,000</td>
</tr>
<tr>
<td></td>
<td>Schriever Air Force Base</td>
<td>$3,295,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Benning</td>
<td>$2,200,000</td>
</tr>
<tr>
<td></td>
<td>Naval Submarine Base Kings Bay</td>
<td>$3,230,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Naval Base Guam</td>
<td>$9,780,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Fort Polk</td>
<td>$1,900,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Naval Support Activity South Potomac</td>
<td>$1,410,000</td>
</tr>
<tr>
<td>Michigan</td>
<td>Detroit Arsenal</td>
<td>$2,050,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Kirtland Air Force Base</td>
<td>$1,350,000</td>
</tr>
<tr>
<td>New York</td>
<td>Fort Drum</td>
<td>$4,500,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Wright Patterson Air Force Base</td>
<td>$14,400,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Tobyhanna Army Dept</td>
<td>$850,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Marine Corps Air Station Beaufort</td>
<td>$1,395,000</td>
</tr>
<tr>
<td>Tennessee</td>
<td>Arnold Air Force Base</td>
<td>$1,215,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Hood</td>
<td>$1,300,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Dugway Proving Ground</td>
<td>$7,500,000</td>
</tr>
<tr>
<td></td>
<td>Hill Air Force Base</td>
<td>$1,638,000</td>
</tr>
<tr>
<td></td>
<td>Tooele Army Depot</td>
<td>$8,200,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Lee</td>
<td>$1,250,000</td>
</tr>
<tr>
<td>Various Locations</td>
<td>Various Locations</td>
<td>$17,473,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Energy Conservation Projects: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bahamas</td>
<td>Andros Island Naval Air Station</td>
<td>$980,000</td>
</tr>
<tr>
<td></td>
<td>Key West</td>
<td></td>
</tr>
<tr>
<td>Diego Garcia</td>
<td>Naval Support Facility Diego Garcia</td>
<td>$17,010,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Guantanamo Bay</td>
<td>Naval Station Guantanamo Bay</td>
<td>$6,080,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Japan</td>
<td>Kadena Air Base</td>
<td>$4,007,000</td>
</tr>
<tr>
<td></td>
<td>Misawa Air Base</td>
<td>$5,315,000</td>
</tr>
<tr>
<td></td>
<td>Yokota Air Base</td>
<td>$1,725,000</td>
</tr>
<tr>
<td>Various Locations</td>
<td>Various Locations</td>
<td>$3,710,000</td>
</tr>
</tbody>
</table>
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

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Japan</td>
<td>Camp Zama</td>
<td>Renovate Zama High School</td>
<td>$13,273,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>New Cumberland</td>
<td>Replace reservoir</td>
<td>$4,300,000</td>
</tr>
</tbody>
</table>

SEC. 2406. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in section 2401 of that Act (127
1 Stat. 995), shall remain in effect until October 1, 2017, 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**

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California ..........</td>
<td>Brawley ..................</td>
<td>SOF Desert Warfare Training Center ..........</td>
<td>$23,095,000</td>
</tr>
<tr>
<td>Germany .............</td>
<td>Kaiserslautern ...........</td>
<td>Replace Kaiserslautern Elementary School .....</td>
<td>$49,907,000</td>
</tr>
<tr>
<td></td>
<td>Ramstein Air Base .......</td>
<td>Replace Ramstein High School .................</td>
<td>$98,762,000</td>
</tr>
<tr>
<td>Hawaii ...............</td>
<td>Joint Base Pearl Harbor-Hickam</td>
<td>DISA Pacific Facility Upgrade ..................</td>
<td>$2,615,000</td>
</tr>
<tr>
<td>Massachusetts ..</td>
<td>Hanscom Air Force Base</td>
<td>Replace Hanscom Primary School ...............</td>
<td>$36,213,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>RAF Lakenheath ..........</td>
<td>Replace Lakenheath High School ...............</td>
<td>$69,638,000</td>
</tr>
<tr>
<td>Virginia ............</td>
<td>Marine Corps Base Quantico</td>
<td>Replace Quantico Middle/High School ..........</td>
<td>$40,586,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PFPA Support Operations Center ...............</td>
<td>$14,800,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Raven Rock Administrative Facility Upgrade</td>
<td>$32,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Boundary Channel Access Control Point .......</td>
<td>$6,700,000</td>
</tr>
</tbody>
</table>
TITLE XXV—INTERNATIONAL PROGRAMS

Subtitle A—North Atlantic Treaty Organization Security Investment Program

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501 as specified in the funding table in section 4601.
**Subtitle B—Host Country In-Kind Contributions**

**SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION PROJECTS.**

Pursuant to agreement with the Republic of Korea for required in-kind contributions, the Secretary of Defense may accept military construction projects for the installations or locations, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Component</th>
<th>Installation or Location</th>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Korea</td>
<td>Army</td>
<td>CP Tango</td>
<td>Repair Collective Protection System (CPS)</td>
<td>$11,600,000</td>
</tr>
<tr>
<td>Army</td>
<td>Camp Humphreys</td>
<td>Camp Humphreys</td>
<td>Duplex Company Operations, Zoeckler Station</td>
<td>$10,200,000</td>
</tr>
<tr>
<td>Army</td>
<td>Camp Humphreys</td>
<td>Camp Humphreys</td>
<td>Doppler Very High Frequency Omnidirectional Radio Range (VOR) Infrastructure</td>
<td>$4,100,000</td>
</tr>
<tr>
<td>Army</td>
<td>Camp Humphreys</td>
<td>Camp Humphreys</td>
<td>Vehicle Maintenance Facility &amp; Company Ops Complex (3rd CAB)</td>
<td>$49,500,000</td>
</tr>
<tr>
<td>Army</td>
<td>Camp Humphreys</td>
<td>Camp Humphreys</td>
<td>8th Army Correctional Facility</td>
<td>$14,600,000</td>
</tr>
<tr>
<td>Navy</td>
<td>Chinhae</td>
<td>Chinhae</td>
<td>Upgrade Electrical System, Pier 11</td>
<td>$4,600,000</td>
</tr>
<tr>
<td>Navy</td>
<td>Chinhae</td>
<td>Chinhae</td>
<td>Indoor Training Pool</td>
<td>$2,800,000</td>
</tr>
<tr>
<td>Navy</td>
<td>Camp Mujuk</td>
<td>Camp Mujuk</td>
<td>Marine Air Ground Task Force Operations Center</td>
<td>$68,000,000</td>
</tr>
<tr>
<td>Navy</td>
<td>Camp Mujuk</td>
<td>Camp Mujuk</td>
<td>Camp Mujuk Life Support Area (LSA) Barracks #2</td>
<td>$14,100,000</td>
</tr>
<tr>
<td>Navy</td>
<td>Camp Mujuk</td>
<td>Camp Mujuk</td>
<td>Camp Mujuk Life Support Area (LSA) Barracks #3</td>
<td>$14,100,000</td>
</tr>
</tbody>
</table>
### Republic of Korea Funded Construction Projects—Continued

<table>
<thead>
<tr>
<th>Country</th>
<th>Component</th>
<th>Installation or Location</th>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Force</td>
<td>Kunsan Air Base</td>
<td>3rd Generation Hardened Aircraft Shelters (HAS); Phases 4, 5, 6</td>
<td>$132,500,000</td>
<td></td>
</tr>
<tr>
<td>Air Force</td>
<td>Kunsan Air Base</td>
<td>Upgrade Electrical Distribution System</td>
<td>$13,000,000</td>
<td></td>
</tr>
<tr>
<td>Air Force</td>
<td>Osan Air Base</td>
<td>Construct Korea Air Operations Center</td>
<td>$160,000,000</td>
<td></td>
</tr>
<tr>
<td>Air Force</td>
<td>Osan Air Base</td>
<td>Air Freight Terminal Facility</td>
<td>$40,000,000</td>
<td></td>
</tr>
<tr>
<td>Air Force</td>
<td>Osan Air Base</td>
<td>Construct F-16 Quick Turn Pad</td>
<td>$7,500,000</td>
<td></td>
</tr>
<tr>
<td>Defense-Wide</td>
<td>Camp Carroll</td>
<td>Sustainment Facilities Upgrade Phase I – DLA Warehouse</td>
<td>$74,600,000</td>
<td></td>
</tr>
<tr>
<td>Defense-Wide</td>
<td>USAG Humphreys</td>
<td>Elementary School</td>
<td>$42,000,000</td>
<td></td>
</tr>
<tr>
<td>Defense-Wide</td>
<td>Icheon Special Warfare Command</td>
<td>Special Operations Command, Korea (SOCKOR) Contingency Operations Center and Barracks</td>
<td>$9,900,000</td>
<td></td>
</tr>
<tr>
<td>Defense-Wide</td>
<td>K-16 Air Base</td>
<td>Special Operations Forces (SOF) Operations Facility, B-606</td>
<td>$11,000,000</td>
<td></td>
</tr>
</tbody>
</table>
TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Subtitle A—Project Authorizations and Authorization of Appropriations

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Army National Guard</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>State</strong></td>
</tr>
<tr>
<td>Hawaii</td>
</tr>
<tr>
<td>Colorado</td>
</tr>
<tr>
<td>Iowa</td>
</tr>
<tr>
<td>Kansas</td>
</tr>
<tr>
<td>New Hampshire</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Oklahoma</td>
</tr>
<tr>
<td>Pennsylvania</td>
</tr>
<tr>
<td>Rhode Island</td>
</tr>
<tr>
<td>Utah</td>
</tr>
<tr>
<td>Wyoming</td>
</tr>
</tbody>
</table>
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:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Phoenix</td>
<td>$30,000,000</td>
</tr>
<tr>
<td>California</td>
<td>Camp Parks</td>
<td>$19,000,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Hunter Liggett</td>
<td>$21,500,000</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Fort McCoy</td>
<td>$6,000,000</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Louisiana</td>
<td>New Orleans</td>
<td>$11,207,000</td>
</tr>
<tr>
<td>New York</td>
<td>Brooklyn</td>
<td>$1,964,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Syracuse</td>
<td>$13,229,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Galveston</td>
<td>$8,414,000</td>
</tr>
</tbody>
</table>

#### SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

### Air National Guard

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Connecticut</td>
<td>Bradley International</td>
<td>$6,300,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Jacksonville International</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Joint Base Pearl Harbor-Hickam</td>
<td>$11,000,000</td>
</tr>
<tr>
<td>Iowa</td>
<td>Sioux Gateway Airport</td>
<td>$12,600,000</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Duluth International Airport</td>
<td>$7,600,000</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>Pease International Trade Port</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Charlotte/Douglas International Airport</td>
<td>$50,600,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>McEntire Air National Guard Station</td>
<td>$8,400,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Ellington Field</td>
<td>$4,500,000</td>
</tr>
<tr>
<td>Vermont</td>
<td>Burlington International Airport</td>
<td>$4,500,000</td>
</tr>
</tbody>
</table>

#### SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the fund-
ing table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Carolina ..........</td>
<td>Seymour Johnson Air Force Base</td>
<td>$97,950,000</td>
</tr>
<tr>
<td>Pennsylvania ...........</td>
<td>Pittsburgh International Airport</td>
<td>$85,000,000</td>
</tr>
</tbody>
</table>

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.

Subtitle B—Other Matters

SEC. 2611. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2014 PROJECT.

In the case of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 1001) for Bullville, New York, for construc-
tion of a new Army Reserve Center at that location, the
Secretary of the Army may add to or alter the existing
Army Reserve Center at Bullville, New York.

SEC. 2612. MODIFICATION OF AUTHORITY TO CARRY OUT
CERTAIN FISCAL YEAR 2015 PROJECT.
In the case of the authorization contained in the table
in section 2603 of the Military Construction Authorization
Act for Fiscal Year 2015 (division B of Public Law 113–
291; 128 Stat. 3689) for Pittsburgh, Pennsylvania, for
construction of a Reserve Training Center at that location,
the Secretary of the Navy may acquire approximately 8.5
acres (370,260 square feet) of adjacent land, obtain nec-
essary interest in land, and construct road improvements
and associated supporting facilities to provide required ac-
ess to the Reserve Training Center.

SEC. 2613. EXTENSION OF AUTHORIZATION OF CERTAIN
FISCAL YEAR 2013 PROJECT.
(a) EXTENSION.—Notwithstanding section 2002 of
the Military Construction Authorization Act for Fiscal
Year 2013 (division B of Public Law 112–239; 126 Stat.
2118), the authorization set forth in the table in sub-
section (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 (di-
vision B of Public Law 114-92; 129 Stat. 1166), shall re-
main 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**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Iowa</td>
<td>Fort Des Moines</td>
<td>Joint Reserve Center</td>
<td>$19,162,000</td>
</tr>
</tbody>
</table>

**SEC. 2614. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.**

(a) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in sections 2602, 2603, 2604, and 2605 of that Act (127 Stat. 1001, 1002), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) Table.—The table referred to in subsection (a) is as follows:

**National Guard and Reserve: Extension of 2014 Project Authorizations**

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Camp Parks ..................</td>
<td>Army Reserve Center</td>
<td>$17,500,000</td>
</tr>
<tr>
<td></td>
<td>March Air Force Base ..</td>
<td>NOSC Moreno Valley</td>
<td>$11,086,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Reserve Training Center</td>
<td></td>
</tr>
</tbody>
</table>
National Guard and Reserve: Extension of 2014 Project Authorizations—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida</td>
<td>Homestead Air Reserve Base</td>
<td>Entry Control Complex</td>
<td>$9,800,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Fort Meade</td>
<td>175th Network Warfare Squadron Facility</td>
<td>$4,000,000</td>
</tr>
<tr>
<td></td>
<td>Martin State Airport</td>
<td>Cyber/ISR Facility</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>New York</td>
<td>Bullville</td>
<td>Army Reserve Center</td>
<td>$14,500,000</td>
</tr>
</tbody>
</table>

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account established by section 2906 of such Act (as amended by section 2711 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2140)), as specified in the funding table in section 4601.
SEC. 2702. PROHIBITION ON CONDUCTING ADDITIONAL
BASE REALIGNMENT AND CLOSURE (BRAC)
ROUND.

Nothing in this Act shall be construed to authorize
an additional Base Realignment and Closure (BRAC)
round.

TITLE XXVIII—MILITARY CON-
STRUCTION GENERAL PROVI-
SIONS

Subtitle A—Military Construction
Program and Military Family
Housing Changes

SEC. 2801. EXTENSION OF TEMPORARY, LIMITED AUTHOR-
ITY TO USE OPERATION AND MAINTENANCE
FUNDS FOR CONSTRUCTION PROJECTS IN
CERTAIN AREAS OUTSIDE THE UNITED
STATES.

Section 2808 of the National Defense Authorization
Act for Fiscal Year 2004 (division B of Public Law 108–
136; 117 Stat. 1723), as most recently amended by sec-
tion 2802 of the National Defense Authorization Act for
Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1169),
is further amended—

(1) in subsection (c)(1)—

(A) by striking “October 1, 2015” and in-
serting “October 1, 2016”;
(B) by striking “December 31, 2016” and inserting “December 31, 2017”; and

(C) by striking “fiscal year 2017” and inserting “fiscal year 2018”; and

(2) in subsection (h)—

(A) in paragraph (1), by striking “December 31, 2016” and inserting “December 31, 2017”; and

(B) in paragraph (2), by striking “fiscal year 2017” and inserting “fiscal year 2018”.

SEC. 2802. LIMITED AUTHORITY FOR SCOPE OF WORK INCREASE.

(a) In general.—Section 2853 of title 10, United States Code, is amended—

(1) in subsection (b)(2), by striking “The scope of work” and inserting “Except as provided in subsection (d), the scope of work”;

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

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

“(d) The limitation in subsection (b)(2) on an increase in the scope of work does not apply if—

“(1) the increase in the scope of work is not more than 10 percent of the amount specified for
that project, construction, improvement, or acquisition in the justification data provided to Congress as part of the request for authorization of the project, construction, improvement, or acquisition;

“(2) the increase is approved by the Secretary concerned;

“(3) the Secretary concerned notifies the congressional defense committees in writing of the increase in scope and the reasons therefor; and

“(4) a period of 21 days has elapsed after the date on which the notification is received by the committees or, if over sooner, a period of 14 days has elapsed after the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.”.

(b) CROSS-REFERENCE AMENDMENTS.—(1) Subsection (a) of such section is amended by striking “subsection (c) or (d)” and inserting “subsection (c), (d), or (e)”.

(2) Subsection (f) of such section, as redesignated by subsection (a)(2), is amended by striking “through (d)” and inserting “through (e)”.

(e) ADDITIONAL TECHNICAL AMENDMENT.—Subsection (a) of such section is further amended by inserting “of this title” after “section 2805(a)”. 

S 2943 PCS
SEC. 2803. PERMANENT AUTHORITY FOR ACCEPTANCE AND USE OF CONTRIBUTIONS FOR CERTAIN CONSTRUCTION, MAINTENANCE, AND REPAIR PROJECTS MUTUALLY BENEFICIAL TO THE DEPARTMENT OF DEFENSE AND KUWAIT MILITARY FORCES.

(a) PERMANENT AUTHORITY.—Section 2804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 2350j note) is amended by striking subsection (f).

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking “TEMPORARY”.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. AUTHORITY TO CARRY OUT MILITARY CONSTRUCTION PROJECTS FOR ENERGY RESILIENCY AND SECURITY PROJECTS NOT PREVIOUSLY AUTHORIZED.

(a) IN GENERAL.—Section 2914 of title 10, United States Code, is amended—

(1) in the section heading, by inserting “RE-SILIENCY AND” before “CONSERVATION CONSTRUCTION PROJECTS”; and

(2) in subsection (a), by striking “military construction project for energy conservation” and inserting “military construction project for energy re-
siliency and security, in addition to energy conserva-

tion”.

(b) Clerical Amendment.—The table of sections

at the beginning of chapter 173 of such title is amended

by striking the item relating to section 2914 and inserting

the following new item:

“2914. Energy resiliency and conservation construction projects.”.

SEC. 2812. AUTHORITY OF THE SECRETARY CONCERNED TO

ACCEPT LESSEE IMPROVEMENTS AT GOVERNMENT-OWNED/CONTRACTOR-OPERATED

INDUSTRIAL PLANTS OR FACILITIES.

Section 2535 of title 10, United States Code, is

amended—

(1) by redesignating subsection (c) as sub-

section (d); and

(2) by inserting after subsection (b) the fol-

lowing new subsection:

“(c) Acceptance of Lessee Improvements at

Government-owned/contractor-operated Industrial Plants.—(1) A lease of a Government-owned/con-

tractor-operated industrial plant or facility may permit the

lessee, with the approval of the Secretary concerned, to

alter, expand, or otherwise improve the plant or facility

as necessary for the development or production of military

weapons systems, munitions, components, or supplies.

Such lease may provide, notwithstanding section 2802 of
this title, that such alteration, expansion or other improve-
ment shall, upon completion, become the property of the
Government, regardless of whether such alteration, expan-
sion, or other improvement constitutes all or part of the
consideration for the lease pursuant to section 2667(b)(5)
of this title or represents a reimbursable cost allocable to
any contract, cooperative agreement, grant, or other in-
strument with respect to activity undertaken at such in-
dustrial plant or facility.

“(2) When a decision is made to approve a project
to which paragraph (1) applies costing more than the
threshold specified under section 2805(c) of this title, the
Secretary concerned shall notify the congressional defense
committees in writing of that decision, the justification for
the project, and the estimated cost of the project. The
project may be carried out only after the end of the 21-
day period beginning on the date the notification is re-
ceived by the committees or, if earlier, the end of the 14-
day period beginning on the date on which a copy of the
notification is provided in an electronic medium pursuant
to section 480 of this title.”.
SEC. 2813. TREATMENT OF INSURED DEPOSITORY INSTITUTIONS OPERATING ON LAND LEASED FROM MILITARY INSTALLATIONS.

Section 2667 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(l) TREATMENT OF INSURED DEPOSITORY INSTITUTIONS.—All Federal or State chartered insured depository institutions operating on a military installation may be treated equally with respect to the financial terms of leases, services, and utilities.”.

Subtitle C—Land Conveyances

SEC. 2821. LAND ACQUISITIONS, ARLINGTON COUNTY, VIRGINIA.

(a) ACQUISITION AUTHORIZED.—

(1) IN GENERAL.—The Secretary of the Army may acquire by purchase, exchange, donation or by other means, including condemnation, which the Secretary determines is sufficient for the expansion of Arlington National Cemetery for purposes of ensuring maximization of interment sites and compatible use of adjacent properties, including any appropriate cemetery or memorial parking, all right, title and interest in and to land—

(A) from Arlington County (in this section referred to as the “County”), one or more par-
cells of real property in the area known as the Southgate Road right-of-way, Columbia Pike right-of-way, and South Joyce Street right-of-way located in Arlington County, Virginia; and

(B) from the Commonwealth—of Virginia (in this section referred to as the “Commonwealth”), one or more parcels of property in the area known as the Columbia Pike right-of-way, including the Virginia Transportation Maintenance Yard, and the Washington Boulevard-Columbia Pike interchange.

(2) Selection of Property for Acquisition.—The Memorandum of Understanding between the Department of the Army and Arlington County signed in January 2013 shall be used as a guide in determining the properties to be acquired under this section to expand Arlington National Cemetery to the maximum extent practicable. After consultation with the Commonwealth and the County, the Secretary shall determine the exact parcels to be acquired, and such determination shall be final. In selecting the properties to be acquired under paragraph (1), the Secretary shall seek—

(A) to remove existing barriers to the expansion of Arlington National Cemetery north
of Columbia Pike through a realignment of
Southgate Road to the western boundary of the
former Navy Annex site; and

(B) to support the realignment and
straightening of Columbia Pike and redesign of
the Washington Boulevard-Columbia Pike inter-
change.

(3) CONSIDERATION.—The Secretary is author-
ized to expend amounts up to fair market value con-
sideration for the interests in land acquired under
this subsection.

(b) EXCHANGE AUTHORIZED.—

(1) In carrying out the acquisition authorized in
subsection (a), in lieu of the consideration author-
ized under subsection (a)(3), the Secretary may con-
vey through land exchange—

(A) to the County, all right, title, and in-
terest of the United States in and to one or
more parcels of real property, together with any
improvements thereon, located south of current
Columbia Pike and west of South Joyce Street
in Arlington County, Virginia;

(B) to the Commonwealth, all right, title,
and interest of the United States in and to one
or more parcels of property east of Joyce Street
in Arlington County, Virginia, necessary for the realignment of Columbia Pike and the Washington Boulevard-Columbia Pike interchange, as well as for future improvements to Interstate 395 ramps; and

(C) to either the County or the Commonwealth, other real property under control of the Secretary determined by the Secretary to be excess to the needs of the Army.

(2) Exchange Value.—

(A) Minimum Value.—The Secretary shall obtain no less than fair market value consideration for any property conveyed under this subsection.

(B) Cash Equalization.—Where the value of property to be exchanged is greater than the value of property to be acquired by the Secretary, the Secretary may accept cash equalization payments.

(C) Treatment of Cash Consideration Received.—Any cash payment received by the United States as consideration for the conveyance under subparagraph (B) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of
title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection or, in the case of conveyance of excess property located on a military installation closed under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), shall be deposited in the special account established under section 2906 of such Act.

(c) Appraisals.—The value of property to be acquired or conveyed under this section shall be determined by appraisals acceptable to the Secretary.

(d) Description of Property.—The exact acreage and legal description of the real property to be acquired or conveyed under this section shall be determined by surveys satisfactory to the Secretary, in consultation with the Commonwealth and the County where practicable.

(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with transactions authorized under this section as is considered appropriate to protect the interests of the United States.

(f) Repeal of Authority.—Section 2841 of the Military Construction Authorization Act for Fiscal Year
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 environ-
mental remediation by the Secretary of the Air Force as of the date of such conveyance.

(c) Reversionary Interest.—If the Secretary of the Air Force determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the land, including any improvements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) Conveyance Agreement.—The conveyance of land under this section shall be accomplished using a quit claim deed or other legal instrument and upon terms and conditions mutually satisfactory to the Secretary of the Air Force, after consulting with the Secretary of the Interior, and the Town, including such additional terms and conditions as the Secretary of the Air Force, after consulting with the Secretary of the Interior, considers appropriate to protect the interests of the United States.

(e) Payment of Costs of Conveyance.—

(1) Payment Required.—The Secretary of the Air Force shall require the Town to cover all
costs (except costs for environmental remediation of
the property) to be incurred by the Secretary of the
Air Force and by the Secretary of the Interior, or
to reimburse the appropriate Secretary for such
costs incurred by the Secretary, to carry out the
conveyance under this section, including survey
costs, costs for environmental documentation, and
any other administrative costs related to the convey-
ance. If amounts are collected from the Town in ad-
ance of the Secretary incurring the actual costs,
and the amount collected exceeds the costs actually
incurred by the Secretary to carry out the convey-
ance, the appropriate Secretary shall refund the ex-
cess amount to the Town.

(2) TREATMENT OF AMOUNTS RECEIVED.—
Amounts received under paragraph (1) as reim-
bursement 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 Sec-
retary in carrying out the conveyance, or to an ap-
propriate fund or account currently available to the
appropriate Secretary for the purposes for which the
costs were paid. Amounts so credited shall be
merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) Map and Legal Description.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Air Force, in consultation with the Secretary of the Interior, shall finalize a map and the legal description of the real property to be conveyed under subsection (a). The Secretary of the Air Force may correct any minor errors in the map or the legal description. The map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(g) Supersedence of Public Land Orders.—Public Land Order Nos. 843 and 1405 are hereby superseded, but only insofar as the orders affect the lands conveyed to the Town under subsection (a).

SEC. 2823. LAND CONVEYANCE, HIGH FREQUENCY ACTIVE AURORAL RESEARCH PROGRAM FACILITY AND ADJACENT PROPERTY, GAKONA, ALASKA.

(a) Conveyances Authorized.—

(1) Conveyance to University of Alaska.—The Secretary of the Air Force may convey to
the University of Alaska (in this section referred to as the “University”) all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 1,158 acres near the Gulkana Village, Alaska, which was purchased by the Secretary of the Air Force from Ahtna, Incorporated, in January 1989, contain a High Frequency Active Auroral Research Program facility, and comprise a portion of the property more particularly described in subsection (b), for the purpose of permitting the 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 Re-
search 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) E¹⁄₂, S¹⁄₂NW¹⁄₄, SW¹⁄₄ of section 2.

(C) S¹⁄₂SE¹⁄₄, NE¹⁄₄SE¹⁄₄ of section 3.

(D) E¹⁄₂ of section 10.

(E) Sections 11 and 12.

(F) That portion of N¹⁄₂, N¹⁄₂S¹⁄₂ of section 13, excluding all lands lying southerly and easterly of the Glenn Highway right-of-way.

(G) N¹⁄₂, N¹⁄₂S¹⁄₂ of section 14.

(H) NE¹⁄₄, NE¹⁄₄SE¹⁄₄ of section 15.

(2) Township 7 north, range 2 east:

(A) W¹⁄₂ of section 6.
(B) NW¼ of section 7, and the portion of
N½SW¼ and NW¼SE¼ of such section lying
northerly of the Glenn Highway right-of-way.

(3) Township 8 north, range 1 east:
(A) SE¼SE¼ of section 35.
(B) E½, SW¼, SE¼NW¼ of section 36.

(4) Township 8 north, range 2 east:
(A) W½ of section 31.

(e) EXCLUSION OF CERTAIN PROPERTY.—The real
property authorized for conveyance under subsection (a)
may not include the following:

(1) Public easements reserved pursuant to sec-
tion 17(b) of the Alaska Native Claims Settlement
Act (43 U.S.C. 1616(b)), as described in the War-
ranty Deed from Ahtna, Incorporated, to the United
States, dated March 1, 1990, recorded in Book 31,
pages 665 through 668 in the Chitina Recording
District, Third Judicial District, Alaska.

(2) Easement for an existing trail as described
in the such Warranty Deed from Ahtna, Incor-
porated, to the United States.

(3) The subsurface estate.

(d) CONSIDERATION.—

(1) CONVEYANCE TO UNIVERSITY.—As consid-
eration for the conveyance of property under sub-
section (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 con-
sideration, 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 Alas-
ka Native Claims Settlement Act (43 U.S.C. 1601 et
seq), or a combination thereof.

(3) TREATMENT OF CASH CONSIDERATION RE-
CEIVED.—Any cash payment received by the Sec-
retary as consideration for a conveyance under sub-
section (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 prop-
erty 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 improve-
ments 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 oppor-
tunity 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 Sec-
retary 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 re-
cipient.

(2) Treatment of amounts received.—
Amounts received under paragraph (1) as reim-
bursement for costs incurred by the Secretary to carry out a conveyance under this section shall be credited and made available to the Secretary as provided in section 2695(c) of title 10, United States Code.

(g) CONVEYANCE AGREEMENT.—The conveyance of property under this section shall be accomplished using a quit claim deed or other legal instrument and upon terms and conditions mutually satisfactory to the Secretary of the Air Force and the recipient of the property, including such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2824. TRANSFER OF FORT BELVOIR MARK CENTER CAMPUS FROM THE SECRETARY OF THE ARMY TO THE SECRETARY OF DEFENSE AND APPLICABILITY OF CERTAIN PROVISIONS OF LAW RELATING TO THE PENTAGON RESERVATION.

(a) INCLUSION OF MARK CENTER CAMPUS UNDER PENTAGON RESERVATION AUTHORITIES.—

(1) DEFINITION OF PENTAGON RESERVATION.—Paragraph (1) of subsection (f) of section 2674 of title 10, United States Code, is amended to read as follows:
“(1) The term ‘Pentagon Reservation’ means the Pentagon, the Mark Center Campus, and the Raven Rock Mountain Complex.”.

(2) OTHER DEFINITIONS.—Such subsection is further amended by adding at the end the following new paragraphs:

“(3) The term ‘Pentagon’ means that area of land (consisting of approximately 227 acres) and 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”.

(e) 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 (e) of this section, by inserting “PENTAGON RES-

ERVATION.—” after “(a);
(2) in subsection (b), by striking “(b)(1)” and inserting “(b) LAW ENFORCEMENT AUTHORITIES AND PERSONNEL.—(1)”; 

(3) in subsection (c), by striking “(c)(1)” and inserting “(c) REGULATIONS AND ENFORCEMENT.—(1)”; 

(4) in subsection (d), by inserting “AUTHORITY TO CHARGE FOR PROVISION OF CERTAIN SERVICES AND FACILITIES.—” after “(d)”; 

(5) in subsection (e), by striking “(e)(1)” and inserting “(e) PENTAGON RESERVATION MAINTENANCE REVOLVING FUND.—(1)” and 

(6) in subsection (f), by inserting “DEFINITIONS.—” after “(f)”.

SEC. 2825. TRANSFER OF ADMINISTRATIVE JURISDICTIONS, NAVAJO ARMY DEPOT, ARIZONA.

(a) IN GENERAL.—Except as provided under subsection (b), all administrative jurisdiction of the Secretary of Agriculture over 23,682 acres of National Forest System land located within the Kaibab National Forest and the Coconino National Forest shown on the map entitled “Navajo Army Depot Jurisdiction” and dated May 9, 2016, is hereby transferred to the Secretary of the Army.

(b) VOLUNTEER MOUNTAIN LOOKOUT.—The Secretary of Agriculture shall retain road access to the Volun-
teer Lookout Mountain as depicted on the map referred
to in subsection (a).

(c) Restoration or Remediation.—

(1) Jurisdiction transferred to the Secretary of the Army.—The Secretary of the Army shall be responsible for, and fund any environmental restoration or remediation that is required for, the abatement of any release of hazardous substances, pollutants, contaminants, or petroleum products on the land referenced in subsection (a), and shall hold harmless the Secretary of Agriculture from any financial obligation to contribute to any such restoration or remediation.

(2) Jurisdiction retained by Secretary of Agriculture.—With respect to the approximately 4,741 acres of land that were withdrawn and reserved for use by the Secretary of the Army pursuant to the Public Land Orders referenced in subsection (d) for which the Secretary of Agriculture will retain administrative jurisdiction, the Secretary of the Army shall be responsible for, and fund any environmental restoration or remediation that is required for, the abatement of any release of hazardous substances, pollutants, contaminants, or pe-
troleum products on the lands that occurred prior to
the date of the enactment of this section.

(d) REVOCATION.—Public Land Order 59 (dated No-
vember 12, 1942) and Public Land Order 176 (dated Sep-
tember 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 inter-
est under subsection (e), the Camp Navajo railroad 1 par-
cel 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.

Subtitle D—Utah Land Withdrawals and Exchanges.

PART I—AUTHORIZATION FOR TEMPORARY CLOSURE OF CERTAIN PUBLIC LAND ADJACENT TO THE UTAH TEST AND TRAINING RANGE

SEC. 2831. SHORT TITLE.

This part may be cited as the “Utah Test and Training Range Encroachment Prevention and Temporary Closure Act”.

SEC. 2832. DEFINITIONS.

In this part:

(1) BLM LAND.—The term “BLM land” means certain public land administered by the Bureau of Land Management land in the State comprising approximately 703,621 acres, as generally depicted on the map entitled “Utah Test and Training Range Enhancement/West Desert Land Exchange” and dated May 7, 2016.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) STATE.—The term “State” means the State of Utah.
(4) UTAH TEST AND TRAINING RANGE.—The term “Utah Test and Training Range” means the portions of the military land and airspace operating area of the Utah Test and Training Area that are located in the State, including the Dugway Proving Ground.

SEC. 2833. MEMORANDUM OF AGREEMENT.

(a) MEMORANDUM OF AGREEMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of the Air Force shall enter into a memorandum of agreement to authorize the Secretary of the Air Force, in consultation with the Secretary, to impose limited closures of the BLM land for military operations and national security and public safety purposes, as provided in this part.

(2) DRAFT.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary and the Secretary of the Air Force shall complete a draft of the memorandum of agreement required under paragraph (1).

(B) PUBLIC COMMENT PERIOD.—During the 30-day period beginning on the date on
which the draft memorandum of agreement is completed under subparagraph (A), there shall be an opportunity for public comment on the draft memorandum of agreement, including an opportunity for the Utah Test and Training Range Community Resource Advisory Group established under section 2836 to provide comments on the draft memorandum of agreement.

(3) MANAGEMENT BY SECRETARY.—The memorandum of agreement entered into under paragraph (1) shall provide that the Secretary shall continue to manage the BLM land in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and applicable land use plans, while allowing for the temporary closure of the BLM land in accordance with this part.

(4) PERMITS AND RIGHTS-OF-WAY.—

(A) IN GENERAL.—The Secretary shall consult with the Secretary of the Air Force regarding Utah Test and Training Range mission requirements before issuing new use permits or rights-of-way on the BLM land.

(B) FRAMEWORK.—The Secretary and the Secretary of the Air Force shall establish within the memorandum of agreement entered into
under paragraph (1) a framework agreed to by
the Secretary and the Secretary of the Air
Force for resolving any disagreement on the
issuance of permits or rights-of-way on the
BLM land.

(5) TERMINATION.—

(A) IN GENERAL.—The memorandum of
agreement entered into under paragraph (1)
shall be for a term to be determined by the Sec-
retary and the Secretary of the Air Force, not
to exceed 25 years.

(B) EARLY TERMINATION.—The memo-
randum 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 Train-
ing Range mission requirements.

(b) MAP.—The Secretary may correct any minor er-
rors in the map described in section 2832(1).

(c) LAND SAFETY.—If corrective action is necessary
on the BLM land due to an action of the Air Force, the
Secretary of the Air Force shall—

(1) render the BLM land safe for public use;

and
(2) appropriately communicate the safety of the land to the Secretary on the date on which the BLM land is rendered safe for public use under paragraph (1).

(d) CONSULTATION.—The Secretary shall consult with any federally recognized Indian tribe in the vicinity of the BLM land before entering into any agreement under this part.

(e) GRAZING.—

(1) EFFECT.—Nothing in this part impacts the management of grazing on the BLM land.

(2) CONTINUATION OF GRAZING MANAGEMENT.—The Secretary shall continue grazing management on the BLM land pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and applicable resource management plans.

(f) MEMORANDUM OF UNDERSTANDING ON EMERGENCY ACCESS AND RESPONSE.—Nothing in this section precludes the continuation of the memorandum of understanding between the Department of the Interior and the Department of the Air Force with respect to emergency access and response, as in existence on the date of enactment of this Act.
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. 2834. TEMPORARY CLOSURES.**

(a) **IN GENERAL.**—If the Secretary of the Air Force determines that military operations (including operations relating to the fulfillment of the mission of the Utah Test and Training Range), public safety, or national security require the temporary closure to public use of any road, trail, or other portion of the BLM land, the Secretary of the Air Force may take such action as the Secretary of the Air Force, in consultation with the Secretary, determines necessary to carry out the temporary closure.

(b) **LIMITATIONS.**—Any temporary closure under subsection (a)—

(1) shall be limited to the minimum areas and periods during which the Secretary of the Air Force determines are required to carry out a closure under this section;

(2) shall not occur on a State or Federal holiday, unless notice is provided in accordance with subsection (c)(1)(B);
(3) shall not occur on a Friday, Saturday, or Sunday, unless notice is provided in accordance with subsection (c)(1)(B); and

(4)(A) if practicable, shall be for not longer than a 3-hour period per day;

(B) shall only be for longer than a 3-hour period per day—

(i) for mission essential reasons; and

(ii) as infrequently as practicable and in no case for more than 10 days per year;

and

(C) shall in no case be for longer than a 6-hour period per day.

(e) NOTICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of the Air Force shall—

(A) keep appropriate warning notices posted before and during any temporary closure; and

(B) provide notice to the Secretary, public, and relevant stakeholders concerning the temporary closure—

(i) at least 30 days before the date on which the temporary closure goes into effect;
(ii) in the case of a closure during the period beginning on March 1 and ending on May 31, at least 60 days before the date on which the closure goes into effect; or

(iii) in the case of a closure described in paragraph (3) or (4) of subsection (b), at least 90 days before the date on which the closure goes into effect.

(2) Special notification procedures.—In each case for which a mission-unique security requirement does not allow for the notifications described in paragraph (1)(B), the Secretary of the Air Force shall work with the Secretary to achieve a mutually agreeable timeline for notification.

(d) Maximum annual closures.—The total cumulative hours of temporary closures authorized under this section with respect to the BLM land shall not exceed 100 hours annually.

(e) Prohibition on certain temporary closures.—The northernmost area identified as “Newfoundland’s” on the map described in section 2832(1) shall not be subject to any temporary closure between August 21 and February 28, in accordance with the lawful hunting seasons of the State of Utah.
(f) **EMERGENCY GROUND RESPONSE.**—A temporary closure of a portion of the BLM land shall not affect the conduct of emergency response activities on the BLM land during the temporary closure.

(g) **LIVESTOCK.**—Livestock authorized by a Federal grazing permit shall be allowed to remain on the BLM land during a temporary closure of the BLM land under this section.

(h) **LAW ENFORCEMENT AND SECURITY.**—The Secretary and the Secretary of the Air Force may enter into cooperative agreements with State and local law enforcement officials with respect to lawful procedures and protocols to be used in promoting public safety and operation security on or near the BLM land during noticed test and training periods.

**SEC. 2835. LIABILITY.**

The United States (including all departments, agencies, officers, and employees of the United States) shall be held harmless and shall not be liable for any injury or damage to any individual or property suffered in the course of any mining, mineral, or geothermal activity, or any other authorized nondefense-related activity, conducted on the BLM land.
SEC. 2836. COMMUNITY RESOURCE ADVISORY GROUP.

(a) Establishment.—Not later than 90 days after the date of enactment of this Act, there shall be established the Utah Test and Training Range Community 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 1/2 of the original members of the Community Group to serve for a term of 4 years and the 1/2 to serve for a term of 2 years to ensure the replacement of members shall be staggered from year to year.

(C) Reappointment and replacement.—The Secretary may reappoint or replace a member of the Community Group appointed under subsection (b)(1), if—

(i) the term of the member has expired;

(ii) the member has retired; or

(iii) the position held by the member described in subparagraph (A) through (F) of paragraph (1) has changed to the extent that the ability of the member to represent the group or entity that the member represents has been significantly affected.

(d) Meetings.—
(1) **In General.**—The Community Group shall meet not less than once per year, and at such other frequencies as determined by 5 or more of the members of the Community Group.

(2) **Responsibilities of Community Group.**—The Community Group shall be responsible for determining appropriate schedules for, details of, and actions for meetings of the Community Group.

(3) **Notice.**—The Chairperson shall provide notice to each member of the Community Group not less than 10 business days before the date of a scheduled meeting.

(4) **Exempt from Federal Advisory Committee Act.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to meetings of the Community Group.

(e) **Recommendations of Community Group.**—The Secretary and Secretary of the Air Force, consistent with existing laws (including regulations), shall take under consideration recommendations from the Community Group.

(f) **Termination of Authority.**—The Community Group shall terminate on the date that is 10 years after the date of enactment of this Act.
SEC. 2837. SAVINGS CLAUSES.

(a) Effect on Weapon Impact Area.—Nothing in this part expands the boundaries of the weapon impact area of the Utah Test and Training Range.

(b) Effect on Special Use Airspace and Training Routes.—Nothing in this part precludes—

(1) the designation of new units of special use airspace; or

(2) the expansion of existing units of special use airspace.

(c) Effect on Existing Military Special Use Airspace Agreement.—Nothing in this part limits or alters the Military Operating Areas of Airspace Use Agreement between the Federal Aviation Administration and the Air Force in effect on the date of enactment of this Act.

(d) Effect on Existing Rights and Agreements.—

(1) Knolls Special Recreation Management Area; BLM Community Pits.—Except as otherwise provided in section 2834, nothing in this part limits or alters any existing right or right of access to—

(A) the Knolls Special Recreation Management Area; or
(B)(i) the Bureau of Land Management Community Pits Central Grayback and South Grayback; and
(ii) any other county or community pit located within close proximity to the BLM land.
(e) INTERSTATE 80.—Nothing in this part authorizes any additional authority or right to the Secretary or the Secretary of the Air Force to temporarily close Interstate 80.
(f) EFFECT ON LIMITATION ON AMENDMENTS TO CERTAIN INDIVIDUAL RESOURCE MANAGEMENT PLANS.—Nothing in this part affects the limitation established under section 2815(d) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 852).
(g) EFFECT ON PREVIOUS MEMORANDUM OF UNDERSTANDING.—Nothing in this part affects the memorandum of understanding entered into by the Air Force, the Bureau of Land Management, the Utah Department of Natural Resources, and the Utah Division of Wildlife Resources relating to the reestablishment of bighorn sheep in the Newfoundland Mountains and signed by the parties to the memorandum of understanding during the period beginning on January 24, 2000, and ending on February 4, 2000.
(h) Effect on Federally Recognized Indian Tribes.—Nothing in this part alters any right reserved by treaty or Federal law for a Federally recognized Indian tribe for tribal use.

(i) Payments in Lieu of Taxes.—Nothing in this part diminishes, enhances, or otherwise affects any other right or entitlement of the counties in which the BLM land is situated to payments in lieu of taxes based on the BLM land, under section 6901 of title 31, United States Code.

(j) Wildlife Improvements.—The Secretary and the Utah Division of Wildlife Resources shall continue the management of wildlife improvements, including guzzlers, in existence as of the date of enactment of this Act on the BLM land.

PART II—BUREAU OF LAND MANAGEMENT LAND EXCHANGE WITH STATE OF UTAH

SEC. 2841. DEFINITIONS.

In this part:


(2) Federal Land.—The term “Federal land” means the Bureau of Land Management land lo-
located in Box Elder, Millard, Juab, Tooele, and Beaver Counties, Utah, that is identified on the Exchange Map as “BLM Lands Proposed for Transfer to State Trust Lands”.

(3) NON-FEDERAL LAND.—The term “non-Federal land” means the land owned by the State in Box Elder, Tooele, and Juab Counties, Utah, that is identified on the Exchange Map as—

(A) “State Trust Land Proposed for Transfer to BLM”; and

(B) “State Trust Minerals Proposed for Transfer to BLM”.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) STATE.—The term “State” means the State of Utah, acting through the School and Institutional Trust Lands Administration.

SEC. 2842. EXCHANGE OF FEDERAL LAND AND NON-FEDERAL LAND.

(a) IN GENERAL.—If the State offers to convey to the United States title to the non-Federal land, the Secretary shall—

(1) accept the offer; and

(2) on receipt of all right, title, and interest in and to the non-Federal land, convey to the State (or
a designee) all right, title, and interest of the United
States in and to the Federal land.

(b) APPLICABLE LAW.—

(1) IN GENERAL.—The land exchange shall be
subject to section 206 of the Federal Land Policy
and Management Act of 1976 (43 U.S.C. 1716) and
other applicable law.

(2) EFFECT OF STUDY.—The Secretary shall
carry out the land exchange under this title notwith-
standing 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 Pol-
icy and Management Act of 1976 (43 U.S.C. 1712)
before the conveyance of the Federal land under this
part.

(c) VALID EXISTING RIGHTS.—The exchange author-
ized under subsection (a) shall be subject to valid existing
rights.

(d) TITLE APPROVAL.—Title to the Federal land and
non-Federal land to be exchanged under this part shall
be in a format acceptable to the Secretary and the State.

(e) APPRAISALS.—
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(1) IN GENERAL.—The value of the Federal land and the non-Federal land to be exchanged under this part shall be determined by appraisals conducted by 1 or more independent and qualified appraisers.

(2) STATE APPRAISER.—The Secretary and the State may agree to use an independent and qualified appraiser retained by the State, with the consent of the Secretary.

(3) APPLICABLE LAW.—The appraisals under paragraph (1) shall be conducted in accordance with nationally recognized appraisal standards, including, as appropriate, the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(4) MINERALS.—

(A) MINERAL REPORTS.—The appraisals under paragraph (1) may take into account mineral and technical reports provided by the Secretary and the State in the evaluation of minerals in the Federal land and non-Federal land.

(B) MINING CLAIMS.—Federal land that is encumbered by a mining or millsite claim located under sections 2318 through 2352 of the
Revised Statutes (commonly known as the “Mining Law of 1872”) (30 U.S.C. 21 et seq.) shall be appraised in accordance with standard appraisal practices, including, as appropriate, the Uniform Appraisal Standards for Federal Land Acquisition.

(C) VALIDITY EXAMINATION.—Nothing in this part requires the Secretary to conduct a mineral examination for any mining claim on the Federal land.

(5) APPROVAL.—An appraisal conducted under paragraph (1) shall be submitted to the Secretary and the State for approval.

(6) DURATION.—An appraisal conducted under paragraph (1) shall remain valid for 3 years after the date on which the appraisal is approved by the Secretary and the State.

(7) COST OF APPRAISAL.—

(A) IN GENERAL.—The cost of an appraisal conducted under paragraph (1) shall be paid equally by the Secretary and the State.

(B) REIMBURSEMENT BY SECRETARY.—If the State retains an appraiser in accordance with paragraph (2), the Secretary shall reim-
burse the State in an amount equal to 50 per-
cent of the costs incurred by the State.

(f) CONVEYANCE OF TITLE.—It is the intent of Con-
gress that the land exchange authorized under this part
shall be completed not later than 1 year after the date
of final approval by the Secretary and the State of the
appraisals conducted under subsection (e).

(g) PUBLIC INSPECTION AND NOTICE.—

(1) PUBLIC INSPECTION.—At least 30 days be-
fore the date of conveyance of the Federal land and
non-Federal land, all final appraisals and appraisal
reviews for the Federal land and non-Federal land
to be exchanged under this part shall be available
for public review at the office of the State Director
of the Bureau of Land Management in the State.

(2) NOTICE.—The Secretary or the State, as
applicable, shall publish in a newspaper of general
circulation in Salt Lake County, Utah, a notice that
the appraisals conducted under subsection (e) are
available for public inspection.

(h) CONSULTATION WITH INDIAN TRIBES.—The
Secretary shall consult with any federally recognized In-
dian tribe in the vicinity of the Federal land and non-Fed-
eral land to be exchanged under this part before the com-
pletion of the land exchange.
(i) **Equal Value Exchange.**—

(1) **In General.**—The value of the Federal land and non-Federal land to be exchanged under this part—

(A) shall be equal; or

(B) shall be made equal in accordance with paragraph (2).

(2) **Equalization.**—

(A) **Surplus of Federal Land.**—

(i) **In General.**—If the value of the Federal land exceeds the value of the non-Federal land, the value of the Federal land and non-Federal land shall be equalized by the State conveying to the Secretary, as necessary to equalize the value of the Federal land and non-Federal land—

(I) State trust land parcel 1, as described in the assessment entitled “Bureau of Land Management Environmental Assessment UT-100-06-EA”, numbered UTU-82090, and dated March 2008; or

(II) State trust land located within any of the wilderness areas or national conservation areas in Wash-

(ii) Order of Conveyances.—Any non-Federal land required to be conveyed to the Secretary under clause (i) shall be conveyed until the value of the Federal land and non-Federal land is equalized.

(B) Surplus of Non-Federal Land.—If the value of the non-Federal land exceeds the value of the Federal land, the value of the Federal land and the non-Federal land shall be equalized—

(i) by the Secretary making a cash equalization payment to the State, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(ii) by removing non-Federal land from the exchange.

(j) Grazing Permits.—

(1) In General.—If the Federal land or non-Federal land exchanged under this part is subject to
a lease, permit, or contract for the grazing of domestic livestock in effect on the date of acquisition, the Secretary and the State shall allow the grazing to continue for the remainder of the term of the lease, permit, or contract, subject to the related terms and conditions of user agreements, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements.

(2) RENEWAL.—To the extent allowed by Federal or State law, on expiration of any grazing lease, permit, or contract described in paragraph (1), the holder of the lease, permit, or contract shall be entitled to a preference right to renew the lease, permit, or contract.

(3) CANCELLATION.—

(A) IN GENERAL.—Nothing in this part prevents the Secretary or the State from canceling or modifying a grazing permit, lease, or contract if the Federal land or non-Federal land subject to the permit, lease, or contract is sold, conveyed, transferred, or leased for non-grazing purposes by the Secretary or the State.

(B) LIMITATION.—Except to the extent reasonably necessary to accommodate surface operations in support of mineral development,
the Secretary or the State shall not cancel or modify a grazing permit, lease, or contract because the land subject to the permit, lease, or contract has been leased for mineral development.

(4) **BASE PROPERTIES.**—If non-Federal land conveyed by the State under this part is used by a grazing permittee or lessee to meet the base property requirements for a Federal grazing permit or lease, the land shall continue to qualify as a base property for—

(A) the remaining term of the lease or permit; and

(B) the term of any renewal or extension of the lease or permit.

(k) **WITHDRAWAL OF FEDERAL LAND FROM MINERAL ENTRY PRIOR TO EXCHANGE.**—Subject to valid existing rights, the Federal land to be conveyed to the State under this part is withdrawn from mineral location, entry, and patent under the mining laws pending conveyance of the Federal land to the State.

**SEC. 2843. STATUS AND MANAGEMENT OF NON-FEDERAL LAND ACQUIRED BY THE UNITED STATES.**

(a) **IN GENERAL.**—On conveyance to the United States under this part, the non-Federal land shall be man-
aged by the Secretary in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and applicable land use plans.

(b) **Non-Federal Land Within Cedar Mountains Wilderness.**—On conveyance to the Secretary under this part, the non-Federal land located within the Cedar Mountains Wilderness shall, in accordance with section 206(c) of the Federal Land Policy Act of 1976 (43 U.S.C. 1716(c)), be added to, and administered as part of, the Cedar Mountains Wilderness.

c) **Non-Federal Land Within Wilderness Areas or National Conservation Areas.**—On conveyance to the Secretary under this part, non-Federal land located in a national wilderness area or national conservation area shall be managed in accordance with the applicable provisions of subtitle O of title I of the Omnibus Public Land Management Act of 2009 (Public Law 111–11).

**SEC. 2844. HAZARDOUS MATERIALS.**

(a) **Costs.**—Except as provided in subsection (b), the costs of remedial actions relating to hazardous materials on land acquired under this part shall be paid by those entities responsible for the costs under applicable law.

(b) **Remediation of Prior Testing and Training Activity.**—The Secretary of the Air Force shall bear all costs of evaluation, management, and remediation caused
by the previous testing of military weapons systems and
the training of military forces on non-Federal land to be
conveyed to the United States under this part.

Subtitle E—Other Matters

SEC. 2851. CERTIFICATION OF OPTIMAL LOCATION FOR
4TH AND 5TH GENERATION COMBAT AIR-
CRAFT BASING AND FOR ROTATION OF
FORCES AT NAVAL AIR STATION EL CENTRO
OR MARINE CORPS AIR STATION KANEOHE
BAY.

(a) Next Generation Facility Certification.—
No amounts may be expended for the construction of
hangars, housing, maintenance or related facilities to sup-
port any current or future F/A–18 or F–35 squadrons at
Naval Air Station Lemoore, California, as authorized by
section 2201, until the Secretary of Defense certifies to
the congressional defense committees that the Secretary
has determined, based on an analysis of United States
operational requirements, that Naval Air Station Lemoore
remains the optimal location for F/A–18 or F–35 squad-
rons. The certification shall include an explanation of the
basis for the certification.

(b) El Centro and Kaneohe Bay Utilization.—
(1) Determination.—Not later than one year
after the date of the enactment of this Act, the Sec-
Secretary of Defense, in coordination with the Chief of Naval Operations, shall submit to the congressional defense committees a determination of the operational viability of the use of Naval Air Facility El Centro, California, or Marine Corps Air Station Kaneohe Bay, Hawaii, for the rotational presence of—

(A) fighter aircraft for air-to-air training;

or

(B) naval forces.

(2) Basis of Determination.—The submission to the congressional defense committees under paragraph (1) shall include an explanation of the basis for the determination.

(3) Plan.—If the Secretary of Defense determines that Naval Air Facility El Centro or Marine Corps Air Station Kaneohe Bay is a viable option for one or more of the uses specified in paragraph (1), the Secretary shall, not later than April 1, 2018, submit to the congressional defense committees a plan for such uses that includes the following elements:

(A) The types and number of naval forces or air-to-air training fighter aircraft considered for rotational purposes.
(B) The duration and frequency of such assignment.

(C) A description of any additional infrastructure investment required to support such assignment.

(D) An assessment of the impact to permanent manpower levels necessary to support such assignment.

SEC. 2852. REPLENISHMENT OF SIERRA VISTA SUBWATER-SHED REGIONAL AQUIFER, ARIZONA.

The Secretary of the Army or the Secretary of the Interior may enter into agreements with the Cochise Conservation Recharge Network, Arizona, in support of water conservation, recharge, and reuse efforts for the regional aquifer identified under Section 321(g) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1439).

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

SEC. 2901. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of the Navy may acquire real property and carry out the military construction projects for the
installations outside the United States, and in the amounts, set forth in the following table:

**Navy: Outside the United States**

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Djibouti</td>
<td>Camp Lemonier</td>
<td>$37,409,000</td>
</tr>
<tr>
<td>Iceland</td>
<td>Keflavik</td>
<td>$19,600,000</td>
</tr>
</tbody>
</table>

**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:

**Air Force: Outside the United States**

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulgaria</td>
<td>Graf Ignatievo</td>
<td>$13,400,000</td>
</tr>
<tr>
<td>Djibouti</td>
<td>Chabelley Airfield</td>
<td>$10,500,000</td>
</tr>
<tr>
<td>Estonia</td>
<td>Amari Air Base</td>
<td>$6,500,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Spangdahlem Air Base</td>
<td>$18,700,000</td>
</tr>
<tr>
<td>Lithuania</td>
<td>Siauliai</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Poland</td>
<td>Powidz Air Base</td>
<td>$4,100,000</td>
</tr>
<tr>
<td>Romania</td>
<td>Campia Turzii</td>
<td>$18,500,000</td>
</tr>
</tbody>
</table>

**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.
SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2017 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4701.

(b) Authorization of New Plant Projects.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

Project 17–D–401, Saltstone Disposal Unit Number 7, Savannah River Site, Aiken, South Carolina, $125,443,000.
Project 17–D–630, Expand Electrical Distribution System, Lawrence Livermore National Laboratory, Livermore, California, $25,000,000.

Project 17–D–640, U1a Complex Enhancements Project, Nevada National Security Site, Mercury, Nevada, $11,500,000.

Project 17–D–911, BL Fire System Upgrade, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $1,400,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2017 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2017 for other defense activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3104. NUCLEAR ENERGY.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2017 for nuclear energy as specified in the funding table in section 4701.
Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. COMMON FINANCIAL SYSTEMS FOR THE NUCLEAR SECURITY ENTERPRISE.

(a) In General.—By not later than three years after the date of the enactment of this Act, the Administrator for Nuclear Security shall complete the implementation of a common financial system for the nuclear security enterprise.

(b) Elements.—The common financial system implemented pursuant to subsection (a) shall include the following:

(1) Common data reporting requirements for work performed using funds for the National Nuclear Security Administration, including reporting of financial data by standardized labor categories, labor hours, functional elements, and cost elements.

(2) A common work breakdown structure for the Administration that aligns contractor work breakdown structures with the budget structure of the Administration.

(3) Definitions and methodologies for identifying costs for programs of records and base capabilities within the Administration.

(c) Reports.—

(1) In general.—Not later than March 1, 2017, and each year thereafter, the Administrator shall submit to the congressional defense committees a report on progress of the Administration toward implementing a common financial system for the nuclear security enterprise as required by subsection (a).

(2) Report.—Each report under this subsection shall include the following:

(A) A summary of activities, accomplishments, and challenges in connection with the implementation of a common financial system for the nuclear security enterprise during the year preceding the year in which such report is submitted.

(B) A summary of planned activities in connection with the implementation of a common financial system for the nuclear security
enterprise in the year in which such report is submitted.

(C) A description of any anticipated modifications to the schedule for implementing a common financial system for the nuclear security enterprise, including an update on possible risks or challenges in connection with the implementation.

(3) Termination.—No report is required under this subsection after the completion of the implementation of a common financial system for the nuclear security enterprise.

(d) Nuclear Security Enterprise Defined.—In this section, the term “nuclear security enterprise” has the meaning given that term in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501).

SEC. 3112. INDUSTRY BEST PRACTICES IN OPERATIONS AT NATIONAL NUCLEAR SECURITY ADMINISTRATION FACILITIES AND SITES.

(a) Committee on Industry Best Practices in Operations.—The Administrator for Nuclear Security shall establish within the National Nuclear Security Administration a committee (in this section referred to as the “committee”) to identify and oversee the implementation of best practices of industry in the operations of the
facilities and sites of the Administration for the purpose of—

(1) lowering costs and administrative burdens;

while

(2) also both—

(A) maintaining or reducing risks; and

(B) preserving and protecting health, safety, and security.

(b) MEMBERSHIP.—The committee shall be composed of personnel of the Administration assigned by the Administrator to the committee as follows:

(1) The Principal Deputy Administrator for Nuclear Security, who shall serve as chair of the committee.

(2) Government personnel representing the headquarters of the Administration.

(3) Government personnel representing offices of facilities and sites of the Administration.

(4) Contractor personnel representing facilities and sites of the Administration, including the following:

(A) Laboratories.

(B) Production plants.

(C) Such other facilities and sites as the Administrator considers appropriate.
(5) Such other personnel as the Administrator considers appropriate.

(c) DUTIES.—The duties of the committee shall include the following:

(1) To identify and oversee the implementation of best practices of industry in the operations of the facilities and sites of the Administration for the purpose described in subsection (a).

(2) To conduct surveys of the facilities and sites of the Administration in order to assess the adoption, implementation, and use by such facilities and sites of best practices of industry described in subsection (a).

(3) To carry out such other activities consistent with the duties of the committee under this subsection as the Administration may specify for purposes of this section.

(d) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date on which the budget of the President for a fiscal year after fiscal year 2017 is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, the Administrator shall submit to the congressional defense committees a report on
the activities of the committee under this section during the preceding calendar year.

(2) ELEMENTS.—Each report under this subsection shall include, for the calendar year covered by such report, the following:

(A) A description of the activities of the committee.

(B) The results of the surveys undertaken pursuant to subsection (c)(2).

(C) As a result of the surveys, recommendations for modifications to the scope or applicability of regulations and orders of the Department of Energy to particular facilities and sites of the Administration in order to implement best practices of industry in the operation of such facilities and sites, including—

(i) a list of the facilities and sites at which such regulations and orders could be so modified; and

(ii) for each such facility and site, the manner in which such the scope or applicability of such regulations and orders could be so modified.

(D) An assessment of the progress of the Administration in implementing best practices
of industry in the operations of the facilities
and sites of the Administration.

(E) An estimate of the costs to be saved
as a result of the best practices of industry im-
plemented by the Administration at the facili-
ties and sites of the Administration, set forth
by fiscal year.

(c) TERMINATION.—The committee shall terminate
after the submittal under subsection (d) of the report re-
quired by that subsection that covers 2026.

SEC. 3113. LIMITATION ON ACCELERATION OF DISMANTLE-
MENT OF RETIRED NUCLEAR WEAPONS.

(a) LIMITATION.—Except as provided in subsections
(b) and (c), none of the funds authorized to be approp-
riated by this Act or otherwise made available for any
of fiscal years 2017 through 2021 for the National Nu-
clear Security Administration may be obligated or ex-
pended to accelerate the dismantlement of the nuclear
weapons of the United States to a rate faster than the
rate mandated by the total projected dismantlement
schedule included in table 2-7 of the annex to the stockpile
stewardship and management plan for fiscal year 2016
submitted to Congress in March 2015 under section 4203
(b) Exception for Compliance With Certain Commitments.—

(1) Certification.—The limitation under subsection (a) shall not apply with respect to a fiscal year if the President submits to the appropriate congressional committees a certification that the President has—

(A) requested, in the budget of the President for that fiscal year submitted to Congress under section 1105(a) of title 31, United States Code, sufficient amounts to fulfill for that fiscal year all commitments related to nuclear modernization funding, capabilities, and schedules that the President made to the Senate during the consideration by the Senate of the resolution of advice and consent to ratification of the New START Treaty, as described in—

(i) the document entitled, “Message from the President on the New START Treaty”, dated February 2, 2011; and

(ii) the fiscal year 2012 update to the report required by section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
2549), submitted to Congress in February 2011; and

(B) except as provided in paragraph (2), fulfilled all such commitments.

(2) EXCEPTION.—If, for any fiscal year covered by the limitation under subsection (a), an appropriations Act is enacted that appropriates amounts that are insufficient for the President to fulfill the commitments described in paragraph (1)(A), the President may certify under paragraph (1)(B) that the President has fulfilled such commitments to the extent possible with available funds.

(c) EXCEPTION FOR CERTAIN STOCKPILE MANAGEMENT AND LIFE EXTENSION COMPONENTS.—The limitation under subsection (a) shall not apply if the President submits to the appropriate congressional committees a written certification that the funds described in subsection (a) are required for activities necessary to obtain critical components that could not reasonably be acquired elsewhere for use in life extension, weapon alteration, or weapon modification programs as described in the stockpile stewardship and management plan for fiscal year 2016 submitted to Congress in March 2015 under section 4203 of the Atomic Energy Defense Act (50 U.S.C. 2523).

(d) DEFINITIONS.—In this section:
(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the congressional defense committees;

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

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

(2) **NEW START TREATY.**—The term “New START Treaty” means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.

**SEC. 3114. CONTRACT FOR MIXED-OXIDE FUEL FABRICATION FACILITY CONSTRUCTION PROJECT.**

(a) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy shall enter into an arrangement pursuant to sections 1535 and 1536 of title 31, United States Code, with the Chief of Engineers to act as an owner’s agent with respect to the following:
(1) Assessing the contractual, technical, and managerial risks for the Department of Energy and the contractor responsible for the mixed-oxide fuel fabrication facility at the Savannah River Site, Aiken, South Carolina, as of such date of enactment.

(2) Assessing what elements of the contract in effect on such date of enactment between the Department of Energy and that contractor can be changed to—

(A) a fixed price provision;

(B) a fixed price incentive fee provision; or

(C) another contractual mechanism designed to minimize risk to the Department of Energy while reducing cost.

(3) Assessing the options under paragraph (2), including milestones, cost, schedules, and any damage fees for those options.

(4) Making recommendations on changes to the contract, based on the assessments described in paragraphs (1), (2), and (3), to reduce risk and cost to the Department of Energy while preserving a fair and reasonable contract.

(5) For each element of the contract that the Chief of Engineers does not recommend be changed pursuant to paragraph (4), an assessment of the
risks and costs associated with that element and a
description of why that element is not appropriate
for the provision types described in paragraph (2).

(b) CONSULTATIONS.—In acting as an owner’s agent
under subsection (a), the Chief of Engineers shall consult
with the Secretary of Energy, the contractor described in
subsection (a)(1), and other knowledgeable parties, as ap-
propriate.

(e) REPORT OF OWNER’S AGENT.—Not later than 30
days after entering into the arrangement under subsection
(a), the Chief of Engineers shall submit to the Secretary
of Energy a report on the matters assessed under that
subsection.

(d) SUBMISSIONS BY DEPARTMENT OF ENERGY.—
Not later than 60 days after receiving the report required
by subsection (e), the Secretary of Energy shall transmit
to the congressional defense committees and the Com-
troller General of the United States—

(1) the report;

(2) any comments of the Secretary with respect
to the report;

(3) a determination of whether the contractor
described in subsection (a)(1) will or will not agree
to the revisions to the contract recommended by the
Chief of Engineers and offered by the Secretary to the contractor; and

(4) if the contractor will not agree to such revisions, a description of the reasons given for not agreeing to such revisions.

(e) ASSESSMENT BY GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than 30 days after receiving the report and other matters under subsection (d), the Comptroller General of the United States shall submit to the congressional defense committees an assessment of the actions taken by the Secretary of Energy under this section.

SEC. 3115. UNAVAILABILITY FOR GENERAL AND ADMINISTRATIVE OVERHEAD COSTS OF AMOUNTS SPECIFIED FOR CERTAIN LABORATORIES FOR LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT.

(a) In General.—Section 4811(c) of the Atomic Energy Defense Act (50 U.S.C. 2791(c)) is amended—

(1) by striking “(c) FUNDING.—Of the funds” and inserting the following:

“(c) FUNDING.—

“(1) IN GENERAL.—Of the funds”; and

(2) by adding at the end the following new paragraph:
“(2) UNAVAILABILITY FOR CERTAIN COSTS.—

The amount specified for such laboratories pursuant to paragraph (1) may not be used to cover the costs of such laboratories for general and administrative overhead.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act.

SEC. 3116. INCREASE IN CERTAIN LIMITATIONS APPLICABLE TO FUNDS FOR CONCEPTUAL AND CONSTRUCTION DESIGN OF THE DEPARTMENT OF ENERGY.

(a) REQUESTS FOR CONCEPTUAL DESIGN FUNDS.—

Subsection (a)(2) of section 4706 of the Atomic Energy Defense Act (50 U.S.C. 2746) is amended by striking “$3,000,000” and inserting “$5,000,000”.

(b) CONSTRUCTION DESIGN.—Subsection (b) of such section is amended by striking “$1,000,000” each place it appears and inserting “$2,000,000”.

Subtitle C—Plans and Reports

SEC. 3121. ESTIMATE OF TOTAL LIFE CYCLE COST OF TANK WASTE CLEANUP AT HANFORD RESERVATION.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a rough estimate of the total life cycle cost of the cleanup of tank waste at Hanford Reservation, Richland, Washington.

(b) ELEMENTS.—The total life cycle cost estimate required by subsection (a) shall include the following:

(1) Cost estimates for the following:

(A) The Waste Treatment and Immobilization Plant, assuming full startup and commissioning in 2036.

(B) Operations of the Waste Treatment and Immobilization Plant, for two scenarios, assuming operations continue to 2047 and assuming operations continue to 2057.

(C) Tank waste management and treatment operations for two scenarios, assuming operations continue through 2047 and assuming operations continue through 2057.
(2) Cost estimates associated with the following:

(A) Anticipated increases in the volume of tank waste.

(B) A second, supplemental low-activity waste treatment facility.

(C) The effects of extending the schedule for cleanup of tank waste at Hanford Reservation from 2047 to 2057.

(D) High-level waste canister temporary storage, transportation, and permanent disposal.

(E) Any additional facilities that may be needed to treat tank waste at Hanford Reservation.

(e) Cost Estimating Best Practices.—The total life cycle cost estimate required by subsection (a) shall be developed in accordance with the cost estimating best practices of the Government Accountability Office.

(d) Submission of Additional Independent Cost Estimates.—The Secretary shall submit to the congressional defense committees, with the total life cycle cost estimate required by subsection (a), any other independent cost estimates for the Waste Treatment and Immobilization Plant or related facilities conducted before
the date on which the total life cycle cost estimate is re-
quired to be submitted under subsection (a).

SEC. 3122. ANALYSIS OF APPROACHES FOR SUPPLEMENTAL
TREATMENT OF LOW-ACTIVITY WASTE AT
HANFORD NUCLEAR RESERVATION.

(a) IN GENERAL.—Not later than 60 days after the
date of the enactment of this Act, the Secretary of Energy
shall enter into an arrangement with a federally funded
research and development center to conduct an analysis
of approaches for treating the portion of low-activity waste
at the Hanford Nuclear Reservation, Richland, Wash-
ington, 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 de-
scribed in subsection (a):

(A) Further processing of the low-activity
waste to remove long-lived radioactive constitu-
ents, particularly technetium-99 and iodine-129,
for immobilization with high-level waste.

(B) Vitrification, grouting, and steam re-
forming, and other alternative approaches iden-
tified by the Department of Energy for immo-
bilizing the low-activity waste, in whole or after further processing or reclassification.

(2) An analysis of the following:

(A) The risks of the approaches described in paragraph (1) relating to treatment and final disposition.

(B) The benefits and costs of such approaches.

(C) Anticipated schedules for such approaches, including the time needed to complete necessary construction and to begin treatment operations.

(D) The compliance of such approaches with applicable technical standards associated with and contained in regulations prescribed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly referred to as the “Resource Conservation and Recovery Act”), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly referred to as the “Clean Water Act”), and the Clean Air Act (42 U.S.C. 7401 et seq.).
(E) Any obstacles that would inhibit the ability of the Department of Energy to pursue such approaches.

(c) Analytical Approach.—The analysis required by subsection (a) shall be conducted using state-of-the art risk assessment practices such as probabilistic risk assessment.

(d) Review of Analysis.—

(1) In general.—Concurrent with entering into an arrangement with a federally funded research and development center under subsection (a), the Secretary shall enter into an arrangement with the National Academies of Sciences, Engineering, and Medicine to conduct a review of the analysis conducted by the federally funded research and development center.

(2) Method of review.—The review required by paragraph (1) shall be conducted concurrent with the analysis required by subsection (a), and in a manner that is parallel to that analysis, so that the results of the review may be used to improve the quality of the analysis.

(e) Submission to Congress.—

(1) Briefings on progress.—Not later than 180 days after the date of the enactment of this Act,
and every 180 days thereafter, the Secretary shall provide to the congressional defense committees a briefing on the progress being made on the analysis required by subsection (a) and the review required by subsection (d).

(2) Completed analysis and review.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the analysis required by subsection (a), the review of the analysis required by subsection (d), and any comments of the Secretary on the analysis or review.

SEC. 3123. ANALYSES OF OPTIONS FOR DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE.

(a) In General.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall enter into an arrangement with a federally funded research and development center to conduct comprehensive analyses of the costs, schedules, benefits, and risks of the options for the disposal of high-level radioactive waste managed by the Department of Energy referenced in the report of the Department, dated October 2014, on the disposal of high-level radioactive waste and spent nuclear fuel managed by the Department.
(b) ELEMENTS.—The analyses required by subsection (a) shall include the following:

(1) An analysis of, at a minimum, the following options for the disposal of high-level radioactive waste managed by the Department of Energy:

(A) A single common repository for commercial and defense high-level radioactive waste.

(B) Various options for separate repositories for commercial and defense high-level radioactive waste.

(2) An estimate of the total system life cycle cost and schedule for each of the options described in subparagraphs (A) and (B) of paragraph (1) that—

(A) includes estimates for each phase of work on each such option, including site selection and characterization, licensing activities, design and construction of the repositories, operation of the repositories, transportation of waste, and closure and monitoring; and

(B) is developed in accordance with the cost and schedule best practices of the Government Accountability Office.
(3) An assessment of the benefits and risks associated with each of the options described in subparagraphs (A) and (B) of paragraph (1) that—

(A) uses sensitivity analysis and other techniques, as appropriate, to determine the potential effects of those benefit and risks on the cost and schedule estimates required by paragraph (2); and

(B) includes benefit-cost or cost-effectiveness analyses following the guidelines established by the Office of Management and Budget in Circular A–94.

(c) Submission of Analyses.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees and the Comptroller General of the United States the analyses required by subsection (a).

(d) Review by Government Accountability Office.—Not later than 60 days after receiving the analyses pursuant to subsection (c), the Comptroller General shall submit to the congressional defense committees a review of the design, methodology, and conclusions of the analyses.

(e) Limitation on Use of Funds.—Except to the extent necessary to execute the arrangement required by
subsection (a), the Secretary may not obligate or expend
any amounts authorized to be appropriated by this Act
for fiscal year 2017 for the Department of Energy for the
development of a repository for only defense waste until
the Comptroller General submits the review required by
subsection (d) to the congressional defense committees.

SEC. 3124. ELIMINATION OF DUPLICATION IN REVIEWS BY
COMPTROLLER GENERAL OF THE UNITED
STATES.

Section 3255 of the National Nuclear Security Ad-
ministration Act (50 U.S.C. 2455) is amended—

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

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

“(b) TEMPORARY SUSPENSION.—The requirements
of subsection (a) shall not apply with respect to the nu-
clear security budget materials submitted for fiscal year
2018 or 2019.”.

SEC. 3125. REPEAL OF REQUIREMENT FOR COMPTROLLER
GENERAL OF THE UNITED STATES REPORT
ON THE PROGRAM ON SCIENTIFIC ENGAGE-
MENT FOR NONPROLIFERATION.

Section 3122 of the National Defense Authorization
Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat.
1360

1 2176), as amended by section 3125 of the National De-
2 fense Authorization Act for Fiscal Year 2014 (Public Law
3 113–66; 127 Stat. 1063), is further amended—

4  (1) in subsection (b)(1), by striking “, and to
5  the Comptroller General of the United States,”; and

6  (2) by striking subsection (e).

7  TITLE XXXII—DEFENSE NU-
8  CLEAR FACILITIES SAFETY
9  BOARD

10 SEC. 3201. AUTHORIZATION.

11 There are authorized to be appropriated for fiscal
12 year 2017, $31,000,000 for the operation of the Defense
13 Nuclear Facilities Safety Board under chapter 21 of the

15 TITLE XXXIII—FEDERAL AVIA-
16 TION ADMINISTRATION
17 THIRD CLASS MEDICAL RE-
18 FORM AND GENERAL AVIA-
19 TION PILOT PROTECTIONS

20 SEC. 3301. SHORT TITLE.

21 This subtitle may be cited as the “Pilot’s Bill of
22 Rights 2”.
SEC. 3302. MEDICAL CERTIFICATION OF CERTAIN SMALL AIRCRAFT PILOTS.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall issue or revise regulations to ensure that an individual may operate as pilot in command of a covered aircraft if—

(1) the individual possesses a valid driver’s license issued by a State, territory, or possession of the United States and complies with all medical requirements or restrictions associated with that license;

(2) the individual holds a medical certificate issued by the Federal Aviation Administration on the date of the enactment of this Act, held such a certificate at any point during the 10-year period preceding such date of the enactment, or obtains such a certificate after such date of enactment;

(3) the most recent medical certificate issued by the Federal Aviation Administration to the individual—

(A) indicates whether the certificate is first, second, or third class;

(B) may include authorization for special issuance;

(C) may be expired;
(D) cannot have been revoked or suspended; and

(E) cannot have been withdrawn;

(4) the most recent application for airman medical certification submitted to the Federal Aviation Administration by the individual cannot have been completed and denied;

(5) the individual has completed a medical education course described in subsection (c) during the 24 calendar months before acting as pilot in command of a covered aircraft and demonstrates proof of completion of the course;

(6) the individual, when serving as a pilot in command, is under the care and treatment of a physician if the individual has been diagnosed with any medical condition that may impact the ability of the individual to fly;

(7) the individual has received a comprehensive medical examination from a State-licensed physician during the previous 48 months and—

(A) prior to the examination, the individual—

(i) completed the individual’s section of the checklist described in subsection (b); and
(ii) provided the completed checklist to the physician performing the examination; and

(B) the physician conducted the comprehensive medical examination in accordance with the checklist described in subsection (b), checking each item specified during the examination and addressing, as medically appropriate, every medical condition listed, and any medications the individual is taking; and

(8) the individual is operating in accordance with the following conditions:

(A) The covered aircraft is carrying not more than 5 passengers.

(B) The individual is operating the covered aircraft under visual flight rules or instrument flight rules.

(C) The flight, including each portion of that flight, is not carried out—

(i) for compensation or hire, including that no passenger or property on the flight is being carried for compensation or hire;

(ii) at an altitude that is more than 18,000 feet above mean sea level;
(iii) outside the United States, unless authorized by the country in which the flight is conducted; or
(iv) at an indicated air speed exceeding 250 knots.

(b) COMPREHENSIVE MEDICAL EXAMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall develop a checklist for an individual to complete and provide to the physician performing the comprehensive medical examination required in subsection (a)(7).

(2) REQUIREMENTS.—The checklist shall contain—

(A) a section, for the individual to complete that contains—

(i) boxes 3 through 13 and boxes 16 through 19 of the Federal Aviation Administration Form 8500–8 (3–99);

(ii) a signature line for the individual to affirm that—

(I) the answers provided by the individual on that checklist, including the individual’s answers regarding
medical history, are true and complete;

(II) the individual understands that he or she is prohibited under Federal Aviation Administration regulations from acting as pilot in command, or any other capacity as a required flight crew member, if he or she knows or has reason to know of any medical deficiency or medically disqualifying condition that would make the individual unable to operate the aircraft in a safe manner; and

(III) the individual is aware of the regulations pertaining to the prohibition on operations during medical deficiency and has no medically disqualifying conditions in accordance with applicable law;

(B) a section with instructions for the individual to provide the completed checklist to the physician performing the comprehensive medical examination required in subsection (a)(7); and

(C) a section, for the physician to complete, that instructs the physician—
(i) to perform a clinical examination of——

(I) head, face, neck, and scalp;

(II) nose, sinuses, mouth, and throat;

(III) ears, general (internal and external canals), and eardrums (perforation);

(IV) eyes (general), ophthalmoscopic, pupils (equality and reaction), and ocular motility (associated parallel movement, nystagmus);

(V) lungs and chest (not including breast examination);

(VI) heart (precardial activity, rhythm, sounds, and murmurs);

(VII) vascular system (pulse, amplitude, and character, and arms, legs, and others);

(VIII) abdomen and viscera (including hernia);

(IX) anus (not including digital examination);

(X) skin;
(XI) G–U system (not including pelvic examination);

(XII) upper and lower extremities (strength and range of motion);

(XIII) spine and other musculoskeletal;

(XIV) identifying body marks, scars, and tattoos (size and location);

(XV) lymphatics;

(XVI) neurologic (tendon reflexes, equilibrium, senses, cranial nerves, and coordination, etc.);

(XVII) psychiatric (appearance, behavior, mood, communication, and memory);

(XVIII) general systemic;

(XIX) hearing;

(XX) vision (distant, near, and intermediate vision, field of vision, color vision, and ocular alignment);

(XXI) blood pressure and pulse;

and

(XXII) anything else the physician, in his or her medical judgment, considers necessary;
(ii) to exercise medical discretion to address, as medically appropriate, any medical conditions identified, and to exercise medical discretion in determining whether any medical tests are warranted as part of the comprehensive medical examination;

(iii) to discuss all drugs the individual reports taking (prescription and non-prescription) and their potential to interfere with the safe operation of an aircraft or motor vehicle;

(iv) to sign the checklist, stating: “I certify that I discussed all items on this checklist with the individual during my examination, discussed any medications the individual is taking that could interfere with their ability to safely operate an aircraft or motor vehicle, and performed an examination that included all of the items on this checklist. I certify that I am not aware of any medical condition that, as presently treated, could interfere with the individual’s ability to safely operate an aircraft.”; and
(v) to provide the date the comprehensive medical examination was completed, and the physician's full name, address, telephone number, and State medical license number.

(3) LOGBOOK.—The completed checklist shall be retained in the individual's logbook and made available on request.

(e) MEDICAL EDUCATION COURSE REQUIREMENTS.—The medical education course described in this subsection shall—

(1) be available on the Internet free of charge;

(2) be developed and periodically updated in coordination with representatives of relevant nonprofit and not-for-profit general aviation stakeholder groups;

(3) educate pilots on conducting medical self-assessments;

(4) advise pilots on identifying warning signs of potential serious medical conditions;

(5) identify risk mitigation strategies for medical conditions;

(6) increase awareness of the impacts of potentially impairing over-the-counter and prescription drug medications;
(7) encourage regular medical examinations and consultations with primary care physicians;

(8) inform pilots of the regulations pertaining to the prohibition on operations during medical deficiency and medically disqualifying conditions;

(9) provide the checklist developed by the Federal Aviation Administration in accordance with subsection (b); and

(10) upon successful completion of the course, electronically provide to the individual and transmit to the Federal Aviation Administration—

(A) a certification of completion of the medical education course, which shall be printed and retained in the individual’s logbook and made available upon request, and shall contain the individual’s name, address, and airman certificate number;

(B) subject to subsection (d), a release authorizing the National Driver Register through a designated State Department of Motor Vehicles to furnish to the Federal Aviation Administration information pertaining to the individual’s driving record;

(C) a certification by the individual that the individual is under the care and treatment
of a physician if the individual has been diagnosed with any medical condition that may impact the ability of the individual to fly, as required under (a)(6);

(D) a form that includes—

(i) the name, address, telephone number, and airman certificate number of the individual;

(ii) the name, address, telephone number, and State medical license number of the physician performing the comprehensive medical examination required in subsection (a)(7);

(iii) the date of the comprehensive medical examination required in subsection (a)(7); and

(iv) a certification by the individual that the checklist described in subsection (b) was followed and signed by the physician in the comprehensive medical examination required in subsection (a)(7); and

(E) a statement, which shall be printed, and signed by the individual certifying that the individual understands the existing prohibition on operations during medical deficiency by stat-
ing: “I understand that I cannot act as pilot in
command, or any other capacity as a required
flight crew member, if I know or have reason to
know of any medical condition that would make
me unable to operate the aircraft in a safe
manner.”.

(d) NATIONAL DRIVER REGISTER.—The authoriza-
tion under subsection (c)(10)(B) shall be an authorization
for a single access to the information contained in the Na-
tional Driver Register.

(e) SPECIAL ISSUANCE PROCESS.—

(1) IN GENERAL.—An individual who has quali-
fied for the third-class medical certificate exemption
under subsection (a) and is seeking to serve as a
pilot in command of a covered aircraft shall be re-
quired to have completed the process for obtaining
an Authorization for Special Issuance of a Medical
Certificate for each of the following:

(A) A mental health disorder, limited to an
established medical history or clinical diagnosis
of—

(ii) personality disorder that is severe
enough to have repeatedly manifested itself
by overt acts;
(ii) psychosis, defined as a case in which an individual—

(I) has manifested delusions, hallucinations, grossly bizarre or disorganized behavior, or other commonly accepted symptoms of psychosis; or

(II) may reasonably be expected to manifest delusions, hallucinations, grossly bizarre or disorganized behavior, or other commonly accepted symptoms of psychosis;

(iii) bipolar disorder; or

(iv) substance dependence within the previous 2 years, as defined in section 67.307(a)(4) of title 14, Code of Federal Regulations.

(B) A neurological disorder, limited to an established medical history or clinical diagnosis of any of the following:

(i) Epilepsy.

(ii) Disturbance of consciousness without satisfactory medical explanation of the cause.
(iii) A transient loss of control of nervous system functions without satisfactory medical explanation of the cause.

(C) A cardiovascular condition, limited to a one-time special issuance for each diagnosis of the following:

(i) Myocardial infraction.

(ii) Coronary heart disease that has required treatment.

(iii) Cardiac valve replacement.

(iv) Heart replacement.

(2) Special rule for cardiovascular conditions.—In the case of an individual with a cardiovascular condition, the process for obtaining an Authorization for Special Issuance of a Medical Certificate shall be satisfied with the successful completion of an appropriate clinical evaluation without a mandatory wait period.

(3) Special rule for mental health conditions.—

(A) In the case of an individual with a clinically diagnosed mental health condition, the third-class medical certificate exemption under subsection (a) shall not apply if—
(i) in the judgment of the individual’s State-licensed medical specialist, the condition—

(I) renders the individual unable to safely perform the duties or exercise the airman privileges described in subsection (a)(8); or

(II) may reasonably be expected to make the individual unable to perform the duties or exercise the privileges described in subsection (a)(8); or

(ii) the individual’s driver’s license is revoked by the issuing agency as a result of a clinically diagnosed mental health condition.

(B) Subject to subparagraph (A), an individual clinically diagnosed with a mental health condition shall certify every 2 years, in conjunction with the certification under subsection (e)(10)(C), that the individual is under the care of a State-licensed medical specialist for that mental health condition.

(4) Special rule for neurological conditions.—
(A) In the case of an individual with a clinically diagnosed neurological condition, the third-class medical certificate exemption under subsection (a) shall not apply if—

(i) in the judgment of the individual’s State-licensed medical specialist, the condition—

(I) renders the individual unable to safely perform the duties or exercise the airman privileges described in subsection (a)(8); or

(II) may reasonably be expected to make the individual unable to perform the duties or exercise the privileges described in subsection (a)(8); or

(ii) the individual’s driver’s license is revoked by the issuing agency as a result of a clinically diagnosed neurological condition.

(B) Subject to subparagraph (A), an individual clinically diagnosed with a neurological condition shall certify every 2 years, in conjunction with the certification under subsection (c)(10)(C), that the individual is under the care
of a State-licensed medical specialist for that
neurological condition.

(f) IDENTIFICATION OF ADDITIONAL MEDICAL CON-
DITIONS FOR THE CACI PROGRAM.—

(1) IN GENERAL.—Not later than 180 days
after the date of the enactment of this Act, the Ad-
ministrator shall review and identify additional med-
ical conditions that could be added to the program
known as the Conditions AMEs Can Issue (CACI)
program.

(2) CONSULTATIONS.—In carrying out para-
graph (1), the Administrator shall consult with avia-
tion, medical, and union stakeholders.

(3) REPORT REQUIRED.—Not later than 180
days after the date of the enactment of this Act, the
Administrator shall submit to the Committee on
Commerce, Science, and Transportation of the Sen-
ate and the Committee on Transportation and Infra-
structure of the House of Representatives a report
listing the medical conditions that have been added
to the CACI program under paragraph (1).

(g) EXPEDITED AUTHORIZATION FOR SPECIAL
ISSUANCE OF A MEDICAL CERTIFICATE.—

(1) IN GENERAL.—The Administrator shall im-
plement procedures to expedite the process for ob-
aining an Authorization for Special Issuance of a
Medical Certificate under section 67.401 of title 14,
Code of Federal Regulations.

(2) CONSULTATIONS.—In carrying out para-
graph (1), the Administrator shall consult with avia-
tion, medical, and union stakeholders.

(3) REPORT REQUIRED.—Not later than 1 year
after the date of the enactment of this Act, the Ad-
ministrator shall submit to the Committee on Com-
merce, Science, and Transportation of the Senate
and the Committee on Transportation and Infra-
structure of the House of Representatives a report
describing how the procedures implemented under
paragraph (1) will streamline the process for obtain-
ing an Authorization for Special Issuance of a Med-
ical Certificate and reduce the amount of time need-
ed to review and decide special issuance cases.

(h) REPORT REQUIRED.—Not later than 5 years
after the date of the enactment of this Act, the Adminis-
trator, in coordination with the National Transportation
Safety Board, shall submit to the Committee on Com-
merce, Science, and Transportation of the Senate and the
Committee on Transportation and Infrastructure of the
House of Representatives a report that describes the effect
of the regulations issued or revised under subsection (a)
and includes statistics with respect to changes in small aircraft activity and safety incidents.

(i) Prohibition on Enforcement Actions.—Beginning on the date that is 1 year after the date of the enactment of this Act, the Administrator may not take an enforcement action for not holding a valid third-class medical certificate against a pilot of a covered aircraft for a flight, through a good faith effort, if the pilot and the flight meet the applicable requirements under subsection (a), except paragraph (5) of that subsection, unless the Administrator has published final regulations in the Federal Register under that subsection.

(j) Covered Aircraft Defined.—In this section, the term “covered aircraft” means an aircraft that—

(1) is authorized under Federal law to carry not more than 6 occupants; and

(2) has a maximum certificated takeoff weight of not more than 6,000 pounds.

(k) Operations Covered.—The provisions and requirements covered in this section do not apply to pilots who elect to operate under the medical requirements under subsection (b) or subsection (c) of section 61.23 of title 14, Code of Federal Regulations.

(l) Authority to Require Additional Information.—
(1) IN GENERAL.—If the Administrator receives credible or urgent information, including from the National Driver Register or the Administrator’s Safety Hotline, that reflects on an individual’s ability to safely operate a covered aircraft under the third-class medical certificate exemption in subsection (a), the Administrator may require the individual to provide additional information or history so that the Administrator may determine whether the individual is safe to continue operating a covered aircraft.

(2) USE OF INFORMATION.—The Administrator may use credible or urgent information received under paragraph (1) to request an individual to provide additional information or to take actions under section 44709(b) of title 49, United States Code.

SEC. 3303. EXPANSION OF PILOT’S BILL OF RIGHTS.

(a) APPEALS OF SUSPENDED AND REVOKED AIRMAN CERTIFICATES.—Section 2(d)(1) of the Pilot’s Bill of Rights (Public Law 112–153; 49 U.S.C. 44703 note) is amended by striking “or imposing a punitive civil action or an emergency order of revocation under subsections (d) and (e) of section 44709 of such title” and inserting “suspending or revoking an airman certificate under section 44709(d) of such title, or imposing an emergency order
(b) De Novo Review by District Court; Burden of Proof.—Section 2(e) of the Pilot’s Bill of Rights (Public Law 112–153; 49 U.S.C. 44703 note) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) In General.—In an appeal filed under subsection (d) in a United States district court with respect to a denial, suspension, or revocation of an airman certificate by the Administrator—

“(A) the district court shall review the denial, suspension, or revocation de novo, including by—

“(i) conducting a full independent review of the complete administrative record of the denial, suspension, or revocation;

“(ii) permitting additional discovery and the taking of additional evidence; and

“(iii) making the findings of fact and conclusions of law required by Rule 52 of the Federal Rules of Civil Procedure without being bound to any findings of fact of
the Administrator or the National Trans-
portation Safety Board.”;

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

(3) by inserting after paragraph (1) the fol-
lowing:

“(2) BURDEN OF PROOF.—In an appeal filed
under subsection (d) in a United States district
court after an exhaustion of administrative remedies,
the burden of proof shall be as follows:

“(A) In an appeal of the denial of an ap-
lication for the issuance or renewal of an air-
man certificate under section 44703 of title 49,
United States Code, the burden of proof shall
be upon the applicant denied an airman certifi-
cate by the Administrator.

“(B) In an appeal of an order issued by
the Administrator under section 44709 of title
49, United States Code, the burden of proof
shall be upon the Administrator.”; and

(4) by adding at the end the following:

“(4) APPLICABILITY OF ADMINISTRATIVE PROC-
EDURE ACT.—Notwithstanding paragraph (1)(A) of
this subsection or subsection (a)(1) of section 554 of
title 5, United States Code, section 554 of such title
shall apply to adjudications of the Administrator and the National Transportation Safety Board to the same extent as that section applied to such adjudications before the date of the enactment of the Pilot’s Bill of Rights 2.”

(c) Notification of Investigation.—Subsection (b) of section 2 of the Pilot’s Bill of Rights (Public Law 112–153; 49 U.S.C. 44703 note) is amended—

(1) in paragraph (2)(A), by inserting “and the specific activity on which the investigation is based” after “nature of the investigation”;

(2) in paragraph (3), by striking “timely”; and

(3) in paragraph (5), by striking “section 44709(c)(2)” and inserting “section 44709(e)(2)”.

(d) Release of Investigative Reports.—Section 2 of the Pilot’s Bill of Rights (Public Law 112–153; 49 U.S.C. 44703 note) is further amended by inserting after subsection (e) the following:

“(f) Release of Investigative Reports.—

“(1) In general.—

“(A) Emergency orders.—In any proceeding conducted under part 821 of title 49, Code of Federal Regulations, relating to the amendment, modification, suspension, or revocation of an airman certificate, in which the
Administrator issues an emergency order under subsections (d) and (e) of section 44709, section 44710, or section 46105(c) of title 49, United States Code, or another order that takes effect immediately, the Administrator shall provide to the individual holding the airman certificate the releasable portion of the investigative report at the time the Administrator issues the order. If the complete Report of Investigation is not available at the time the Emergency Order is issued, the Administrator shall issue all portions of the report that are available at the time and shall provide the full report within 5 days of its completion.

“(B) OTHER ORDERS.—In any non-emergency proceeding conducted under part 821 of title 49, Code of Federal Regulations, relating to the amendment, modification, suspension, or revocation of an airman certificate, in which the Administrator notifies the certificate holder of a proposed certificate action under subsections (b) and (c) of section 44709 or section 44710 of title 49, United States Code, the Administrator shall, upon the written request of the covered certificate holder and at any time after
that notification, provide to the covered certificate holder the releasable portion of the investigative report.

“(2) MOTION FOR DISMISSAL.—If the Administrator does not provide the releasable portions of the investigative report to the individual holding the airman certificate subject to the proceeding referred to in paragraph (1) by the time required by that paragraph, the individual may move to dismiss the complaint of the Administrator or for other relief and, unless the Administrator establishes good cause for the failure to provide the investigative report or for a lack of timeliness, the administrative law judge shall order such relief as the judge considers appropriate.

“(3) RELEASABLE PORTION OF INVESTIGATIVE REPORT.—For purposes of paragraph (1), the releasable portion of an investigative report is all information in the report, except for the following:

“(A) Information that is privileged.

“(B) Information that constitutes work product or reflects internal deliberative process.

“(C) Information that would disclose the identity of a confidential source.
“(D) Information the disclosure of which is prohibited by any other provision of law.

“(E) Information that is not relevant to the subject matter of the proceeding.

“(F) Information the Administrator can demonstrate is withheld for good cause.

“(G) Sensitive security information, as defined in section 15.5 of title 49, Code of Federal Regulations (or any corresponding similar ruling or regulation).

“(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent the Administrator from releasing to an individual subject to an investigation described in subsection (b)(1)—

“(A) information in addition to the information included in the releasable portion of the investigative report; or

“(B) a copy of the investigative report before the Administrator issues a complaint.”.

SEC. 3304. LIMITATIONS ON REEXAMINATION OF CERTIFICATE HOLDERS.

(a) IN GENERAL.—Section 44709(a) of title 49, United States Code, is amended—

(1) by striking “The Administrator” and inserting the following:
“(1) IN GENERAL.—The Administrator; 

(2) by striking “reexamine” and inserting “, except as provided in paragraph (2), reexamine”; and 

(3) by adding at the end the following: 

“(2) LIMITATION ON THE REEXAMINATION OF AIRMAN CERTIFICATES.— 

“(A) IN GENERAL.—The Administrator may not reexamine an airman holding a student, sport, recreational, or private pilot certificate issued under section 44703 of this title if the reexamination is ordered as a result of an event involving the fault of the Federal Aviation Administration or its designee, unless the Administrator has reasonable grounds— 

“(i) to establish that the airman may not be qualified to exercise the privileges of a particular certificate or rating, based upon an act or omission committed by the airman while exercising those privileges, after the certificate or rating was issued by the Federal Aviation Administration or its designee; or 

“(ii) to demonstrate that the airman obtained the certificate or the rating through fraudulent means or through an
examination that was substantially and demonstrably inadequate to establish the airman’s qualifications.

“(B) NOTIFICATION REQUIREMENTS.—Before taking any action to reexamine an airman under subparagraph (A), the Administrator shall provide to the airman—

“(i) a reasonable basis, described in detail, for requesting the reexamination; and

“(ii) any information gathered by the Federal Aviation Administration, that the Administrator determines is appropriate to provide, such as the scope and nature of the requested reexamination, that formed the basis for that justification.”.

(b) AMENDMENT, MODIFICATION, SUSPENSION, OR REVOCATION OF AIRMAN CERTIFICATES AFTER REEXAMINATION.—Section 44709(b) of title 49, United States Code, is amended—

(1) in paragraph (1), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;
(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(3) in the matter preceding subparagraph (A), as redesignated, by striking “The Administrator” and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator”;

(4) by adding at the end the following:

“(2) AMENDMENTS, MODIFICATIONS, SUSPENSIONS, AND REVOCATIONS OF AIRMAN CERTIFICATES AFTER REEXAMINATION.—

“(A) IN GENERAL.—The Administrator may not issue an order to amend, modify, suspend, or revoke an airman certificate held by a student, sport, recreational, or private pilot and issued under section 44703 of this title after a reexamination of the airman holding the certificate unless the Administrator determines that the airman—

“(i) lacks the technical skills and competency, or care, judgment, and responsibility, necessary to hold and safely exercise the privileges of the certificate; or
“(ii) materially contributed to the issuance of the certificate by fraudulent means.

“(B) STANDARD OF REVIEW.—Any order of the Administrator under this paragraph shall be subject to the standard of review provided for under section 2 of the Pilot’s Bill of Rights (49 U.S.C. 44703 note).”.

(e) CONFORMING AMENDMENTS.—Section 44709(d)(1) of title 49, United States Code, is amended—

(1) in subparagraph (A), by striking “subsection (b)(1)(A)” and inserting “subsection (b)(1)(A)(i)”;

(2) in subparagraph (B), by striking “subsection (b)(1)(B)” and inserting “subsection (b)(1)(A)(ii)”.

SEC. 3305. EXPEDITING UPDATES TO NOTAM PROGRAM.

(a) IN GENERAL.—Beginning on the date that is 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration may not take any enforcement action against any individual for a violation of a NOTAM (as defined in section 3 of the Pilot’s Bill of Rights (Public Law 112–153; 126 Stat. 1162; 49 U.S.C. 44701 note)) until the Administrator submits a certification that the Administrator has com-
plied with the requirements of section 3 of the Pilot’s Bill of Rights, as amended by this section, to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

(b) Amendments.—Section 3 of the Pilot’s Bill of Rights (Public Law 112–153; 49 U.S.C. 44701 note) is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “this Act” and inserting “the Pilot’s Bill of Rights 2”; and

(ii) by striking “begin” and inserting “complete the implementation of”; and

(B) by amending subparagraph (B) to read as follows:

“(B) to continue developing and modernizing the NOTAM repository, in a public central location, to maintain and archive all NOTAMs, including the original content and form of the notices, the original date of publication, and any amendments to such notices with the date of each amendment, in a manner that
is Internet-accessible, machine-readable, and searchable;”;

(C) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(D) to specify the times during which temporary flight restrictions are in effect and the duration of a designation of special use airspace in a specific area.”; and

(2) by amending subsection (d) to read as follows:

“(d) DESIGNATION OF REPOSITORY AS SOLE SOURCE FOR NOTAMS.—

“(1) IN GENERAL.—The Administrator—

“(A) shall consider the repository for NOTAMs under subsection (a)(2)(B) to be the sole location for airmen to check for NOTAMs; and

“(B) may not consider a NOTAM to be announced or published until the NOTAM is included in the repository for NOTAMs under subsection (a)(2)(B).

“(2) PROHIBITION ON TAKING ACTION FOR VIOLATIONS OF NOTAMS NOT IN REPOSITORY.—
“(A) IN GENERAL.—Except as provided in subparagraph (B), beginning on the date that the repository under subsection (a)(2)(B) is final and published, the Administrator may not take any enforcement action against an airman for a violation of a NOTAM during a flight if—

“(i) that NOTAM is not available through the repository before the commencement of the flight; and

“(ii) that NOTAM is not reasonably accessible and identifiable to the airman.

“(B) EXCEPTION FOR NATIONAL SECURITY.—Subparagraph (A) shall not apply in the case of an enforcement action for a violation of a NOTAM that directly relates to national security.”.

SEC. 3306. ACCESSIBILITY OF CERTAIN FLIGHT DATA.

(a) IN GENERAL.—Subchapter I of chapter 471 of title 49, United States Code, is amended by inserting after section 47124 the following:

“§ 47124a. Accessibility of certain flight data

“(a) DEFINITIONS.—In this section:

“(1) ADMINISTRATION.—The term ‘Administration’ means the Federal Aviation Administration.
“(2) **ADMINISTRATOR.**—The term ‘Administrator’ means the Administrator of the Federal Aviation Administration.

“(3) **APPLICABLE INDIVIDUAL.**—The term ‘applicable individual’ means an individual who is the subject of an investigation initiated by the Administrator related to a covered flight record.

“(4) **CONTRACT TOWER.**—The term ‘contract tower’ means an air traffic control tower providing air traffic control services pursuant to a contract with the Administration under the contract air traffic control tower program under section 47124(b)(3).

“(5) **COVERED FLIGHT RECORD.**—The term ‘covered flight record’ means any air traffic data (as defined in section 2(b)(4)(B) of the Pilot’s Bill of Rights (Public Law 112–153; 49 U.S.C. 44703 note)), created, maintained, or controlled by any program of the Administration, including any program of the Administration carried out by employees or contractors of the Administration, such as contract towers, flight service stations, and controller training programs.

“(b) **PROVISION OF COVERED FLIGHT RECORD TO ADMINISTRATION.**—
“(1) Requests.—Whenever the Administration receives a written request for a covered flight record from an applicable individual and the covered flight record is not in the possession of the Administration, the Administrator shall request the covered flight record from the contract tower or other contractor of the Administration in possession of the covered flight record.

“(2) Provision of records.—Any covered flight record created, maintained, or controlled by a contract tower or another contractor of the Administration that maintains covered flight records shall be provided to the Administration if the Administration requests the record pursuant to paragraph (1).

“(3) Notice of proposed certificate action.—If the Administrator has issued, or subsequently issues, a Notice of Proposed Certificate Action relying on evidence contained in the covered flight record and the individual who is the subject of an investigation has requested the record, the Administrator shall promptly produce the record and extend the time the individual has to respond to the Notice of Proposed Certificate Action until the covered flight record is provided.

“(c) Implementation.—
“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Pilot’s Bill of Rights 2, the Administrator shall promulgate regulations or guidance to ensure compliance with this section.

“(2) COMPLIANCE BY CONTRACTORS.—

“(A) Compliance with this section by a contract tower or other contractor of the Administration that maintains covered flight records shall be included as a material term in any contract between the Administration and the contract tower or contractor entered into or renewed on or after the date of the enactment of the Pilot’s Bill of Rights 2.

“(B) Subparagraph (A) shall not apply to any contract or agreement in effect on the date of the enactment of the Pilot’s Bill of Rights 2 unless the contract or agreement is renegotiated, renewed, or modified after that date.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—
The table of contents for chapter 471 is amended by inserting after the item relating to section 47124 the following:

“47124a. Accessibility of certain flight data.”.
SEC. 3307. AUTHORITY FOR LEGAL COUNSEL TO ISSUE CERTAIN NOTICES.

Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall revise section 13.11 of title 14, Code of Federal Regulations, to authorize legal counsel of the Federal Aviation Administration to close enforcement actions covered by that section with a warning notice, letter of correction, or other administrative action.

TITLE XXXV—MARITIME ADMINISTRATION

SEC. 3501. MARITIME ADMINISTRATION.

Section 109 of title 49, United States Code, is amended to read as follows:

“§ 109. Maritime Administration

“(a) ORGANIZATION AND MISSION.—The Maritime Administration is an administration in the Department of Transportation. The mission of the Maritime Administration is to foster, promote, and develop the merchant maritime industry of the United States.

“(b) MARITIME ADMINISTRATOR.—The head of the Maritime Administration is the Maritime Administrator, who is appointed by the President by and with the advice and consent of the Senate. The Administrator shall report directly to the Secretary of Transportation and carry out the duties prescribed by the Secretary.
“(c) DEPUTY MARITIME ADMINISTRATOR.—The Maritime Administration shall have a Deputy Maritime Administrator, who is appointed in the competitive service by the Secretary, after consultation with the Administrator. The Deputy Administrator shall carry out the duties prescribed by the Administrator. The Deputy Administrator shall be Acting Administrator during the absence or disability of the Administrator and, unless the Secretary designates another individual, during a vacancy in the office of Administrator.

“(d) DUTIES AND POWERS VESTED IN SECRETARY.—All duties and powers of the Maritime Administration are vested in the Secretary.

“(e) REGIONAL OFFICES.—The Maritime Administration shall have regional offices for the Atlantic, Gulf, Great Lakes, and Pacific port ranges, and may have other regional offices as necessary. The Secretary shall appoint a qualified individual as Director of each regional office. The Secretary shall carry out appropriate activities and programs of the Maritime Administration through the regional offices.

“(f) INTERAGENCY AND INDUSTRY RELATIONS.—The Secretary shall establish and maintain liaison with other agencies, and with representative trade organizations throughout the United States, concerned with the
transportation of commodities by water in the export and import foreign commerce of the United States, for the purpose of securing preference to vessels of the United States for the transportation of those commodities.

“(g) DETAILING OFFICERS FROM ARMED FORCES.—

To assist the Secretary in carrying out duties and powers relating to the Maritime Administration, not more than five officers of the armed forces may be detailed to the Secretary at any one time, in addition to details authorized by any other law. During the period of a detail, the Secretary shall pay the officer an amount that, when added to the officer’s pay and allowances as an officer in the armed forces, makes the officer’s total pay and allowances equal to the amount that would be paid to an individual performing work the Secretary considers to be of similar importance, difficulty, and responsibility as that performed by the officer during the detail.

“(h) CONTRACTS, COOPERATIVE AGREEMENTS, AND AUDITS.—

“(1) CONTRACTS AND COOPERATIVE AGREEMENTS.—In the same manner that a private corporation may make a contract within the scope of its authority under its charter, the Secretary may make contracts and cooperative agreements for the United States Government and disburse amounts to—
“(A) carry out the Secretary’s duties and powers under this section, subtitle V of title 46, and all other Maritime Administration programs; and

“(B) protect, preserve, and improve collateral held by the Secretary to secure indebtedness.

“(2) AUDITS.—The financial transactions of the Secretary under paragraph (1) shall be audited by the Comptroller General. The Comptroller General shall allow credit for an expenditure shown to be necessary because of the nature of the business activities authorized by this section or subtitle V of title 46. At least once a year, the Comptroller General shall report to Congress any departure by the Secretary from this section or subtitle V of title 46.

“(i) GRANT ADMINISTRATIVE EXPENSES.—Except as otherwise provided by law, the administrative and related expenses for the administration of any grant programs by the Maritime Administrator may not exceed 3 percent.

“(j) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, there are authorized to be appropriated such amounts as may be necessary to
carry out the duties and powers of the Secretary relating to the Maritime Administration.

“(2) LIMITATIONS.—Only those amounts specifically authorized by law may be appropriated for the use of the Maritime Administration for—

“(A) acquisition, construction, or reconstruction of vessels;

“(B) construction-differential subsidies incident to the construction, reconstruction, or reconditioning of vessels;

“(C) costs of national defense features;

“(D) payments of obligations incurred for operating-differential subsidies;

“(E) expenses necessary for research and development activities, including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental vessel operations;

“(F) the Vessel Operations Revolving Fund;

“(G) National Defense Reserve Fleet expenses;

“(H) expenses necessary to carry out part B of subtitle V of title 46; and
“(I) other operations and training expenses related to the development of waterborne transportation systems, the use of waterborne transportation systems, and general administration.

“(3) TRAINING VESSELS.—Amounts may not be appropriated for the purchase or construction of training vessels for State maritime academies unless the Secretary has approved a plan for sharing training vessels between State maritime academies.”.

SEC. 3502. NATIONAL SECURITY FLOATING DRY DOCKS.


DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) IN GENERAL.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.
(b) Merit-Based Decisions.—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(c) Relationship to Transfer and Programming Authority.—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 or section 1522 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) Applicability to Classified Annex.—This section applies to any classified annex that accompanies this Act.
(c) Oral Written Communications.—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.
1 TITLE XLI—PROCUREMENT

2 SEC. 4101. PROCUREMENT.

3 (a) PROCUREMENT.—

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

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<td>SUPPORT EQUIPMENT &amp; FACILITIES</td>
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<td>Items Less Than 85.0M (WOCV-WTCV)</td>
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<td>Small Arms Equipment (Soldier K9H Program)</td>
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<td>TOTAL PROCUREMENT OF W&amp;T&amp;C, ARMY</td>
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<td>CTO, 5.56MM, ALL TYPES</td>
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<td>CTO, 7.62MM ALL TYPES</td>
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<td>(–300)</td>
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<td>CTO, Handgun, ALL TYPES</td>
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<td>CTO, 302M, ALL TYPES</td>
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<td>MORTAR AMMUNITION</td>
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<td>60MM Mortar, ALL TYPES</td>
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<td>81MM Mortar, ALL TYPES</td>
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<td>120MM Mortar, ALL TYPES</td>
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<td>Carthagen Tank, 105MM and 120MM, ALL TYPES</td>
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<td>Artillery Cartridges, 37MM &amp; 193MM, ALL TYPES</td>
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<td>Artillery Propellants, Fuze and Primers, ALL ROCKETS</td>
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<td>Shoulder Launched Munitions, ALL TYPES</td>
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<td>Rocket, Hydra 70, ALL TYPES</td>
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**S 2943 PCS**
## PRODUCTION BASE SUPPORT

**Line** | **Item** | **FY 2017 Request** | **Senate Authorized**
--- | --- | --- | ---
22 | DEMOLITION MUNITIONS, ALL TYPES | 6,580 | 6,580
23 | GRENADES, ALL TYPES | 22,760 | 22,760
24 | SIGNALS, ALL TYPES | 10,666 | 10,666
25 | SIMULATORS, ALL TYPES | 7,412 | 7,412

### MISCELLANEOUS

**Line** | **Item** | **FY 2017 Request** | **Senate Authorized**
--- | --- | --- | ---
26 | AMMO COMPONENTS, ALL TYPES | 12,726 | 12,726
27 | NON-LETHAL AMMUNITION, ALL TYPES | 6,100 | 5,900

Early to need: 
- [–200]

29 | ITEMS LESS THAN $5 MILLION (AMMO) | 10,006 | 9,506

Early to need: 
- [–500]

29 | AMMUNITION PECULIAR EQUIPMENT | 17,275 | 13,575

Early to need: 
- [–5,700]

30 | FIRST DESTINATION TRANSPORTATION (AMMO) | 14,951 | 14,951

### Prodaction FY 2017

**Line** | **Item** | **FY 2017 Request** | **Senate Authorized**
--- | --- | --- | ---
31 | ARMY GLOBAL CMD & CONTROL SYS (AGCCS) | 2,530 | 2,530

<p>| <strong>TOTAL PROCUREMENT OF AMMUNITION, ARMY</strong> | <strong>1,513,157</strong> | <strong>1,485,457</strong> |</p>
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<td>JTT/AIRS-M</td>
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<td>DCS-A (MIP)</td>
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<td>CI HUMINT AUTO REPTING AND COLL (CHARCS)</td>
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<td>CLOSE ACCESS TARGET RECONNAISSANCE (CATR)</td>
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**SEC. 4101. PROCUREMENT**

(In Thousands of Dollars)
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**AIRCRAFT PROCUREMENT, NAVY COMBAT AIRCRAFT**

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**S 2943 PCS**
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**SEC. 4101. PROCUREMENT**

(In Thousands of Dollars)

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**AIRCRAFT PROCUREMENT, AIR FORCE**

**TACTICAL FORCES**

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**HELICOPTERS**

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**MISSILE PROCUREMENT, AIR FORCE**

**MISSILE REPLACEMENT EQUIPMENT—BALLISTIC**

1. MISSILE REPLACEMENT EQ—BALLISTIC | 70,247 | 70,247 |
2. TACTICAL
   2. JOINT AIR-SURFACE STANDOFF MISSILE | 431,645 | 431,645 |
3. LAUNCHER |
4. SHIP-LAND-ADAPTED (SLAM-EX) |
5. TACTICAL MISSILES | 350,144 | 350,144 |
6. OTHER MISSILES | 33,955 | 33,955 |
7. SMALL DIAMETER BOMB | 92,361 | 92,361 |
8. INDUSTRIAL FACILITIES |
9. INDUSTRIAL RESPONSIVENESS | 977 | 977 |

**CLASS IV**

9. HUM PAK 30D | 17,085 | 17,085 |
10. HUM MODIFICATIONS | 68,692 | 68,692 |
11. AIM-9X PAPERBACK | 282 | 282 |
12. AIR LAUNCH CRUISE MISSILE (ALCM) | 21,762 | 21,762 |
13. SMALL DIAMETER BOMB | 15,149 | 15,149 |

**MISSILE SPARES AND REPAIR PARTS**

15. INITIAL SPARES/REPAIR PARTS | 81,607 | 81,607 |

**SPECIAL PROGRAMS**

30. SPECIAL UPDATE PROGRAMS | 46,125 | 46,125 |

**CLASSIFIED PROGRAMS**

31. CLASSIFIED PROGRAMS | 1,009,431 | 1,009,431 |

**TOTAL MISSILE PROCUREMENT, AIR FORCE**

2,426,621 | 2,426,621

**SPACE PROCUREMENT, AIR FORCE**

**SPACE PROGRAMS**

1. ADVANCED EHP | 645,569 | 645,569 |
2. AF SATELLITE COM SYSTEM | 42,373 | 42,373 |
3. COUNTERS URE SYSTEMS | 26,964 | 26,964 |
4. FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS | 88,963 | 88,963 |
5. WIDEHANDBALL PILLER SATELLITES (SPACE) | 86,272 | 86,272 |
6. GPS III SPACE SEGMENT | 34,059 | 34,059 |
7. GLOBAL POSITIONING (SPACE) | 2,169 | 2,169 |
8. SPACEBORNE EQ REUPDATE (COMSEC) | 46,708 | 46,708 |
9. GLOBAL POSITIONING (SPACE) | 13,171 | 13,171 |
10. MILSATCOM | 41,799 | 41,799 |
11. EVOLVED XCHANGEABLE LAUNCH CAPABILITY | 737,836 | 737,836 |
12. EVOLVED XCHANGEABLE LAUNCH VEH (SPACE) | 737,836 | 737,836 |
13. SBIR HIGH (SPACE) | 382,504 | 382,504 |
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<td>TOTAL OTHER PROCUREMENT, AIR FORCE</td>
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**SEC. 4101. PROCUREMENT (In Thousands of Dollars)**

- **PROCUREMENT, DEFENSE-WIDE**
  - **MAJOR EQUIPMENT, OSD**
    - 37 MAJOR EQUIPMENT, OSD: 29,211 /–23,100
- **MAJOR EQUIPMENT, NSA**
  - 36 INFORMATION SYSTEMS SECURITY PROGRAM (ISSP) 4,399 /–23,100
- **MAJOR EQUIPMENT, WHS**
  - 40 MAJOR EQUIPMENT, WHS: 24,979 /–23,100
- **MAJOR EQUIPMENT, DISA**
  - 6 INFORMATION SYSTEMS SECURITY: 21,347 /–23,100
  - 7 TELEPORT PROGRAM: 50,997 /–23,100
  - 8 ITEMS LESS THAN $5 MILLION: 10,420 /–23,100
  - 9 NET CENTRINE ENTERPRISE SERVICES (NETS) 1,634 /–23,100
  - 10 DEFENSE INFORMATION NETWORK 87,235 /–23,100
  - 11 OTHER SECURITY INITIATIVE: 4,528 /–23,100
  - 12 WHITE HOUSE COMMUNICATION AGENCY: 38,846 /–23,100
  - 13 SENIOR LEADERSHIP ENTERPRISE: 599,191 /–23,100
  - 15 JOINT REGIONAL SECURITY STACKS (JRSS): 150,221 /–23,100
- **MAJOR EQUIPMENT, DLA**
  - 17 MAJOR EQUIPMENT, DLA: 2,055 /–23,100
- **MAJOR EQUIPMENT, DSS**
  - 20 MAJOR EQUIPMENT: 1,057 /–23,100
- **MAJOR EQUIPMENT, DCAA**
  - 1 ITEMS LESS THAN $5 MILLION: 2,964 /–23,100
- **MAJOR EQUIPMENT, TJS**
  - 38 MAJOR EQUIPMENT TJS: 7,988 /–23,100
- **MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY**
  - 21 THAAD 369,608 /–23,100
  - 24 BMD IAMD 463,901 /–23,100
  - 25 BMD ANXITY–2 RADARS 5,503 /–23,100
  - 28 BMD ASHORE PHASE III 57,493 /–23,100
  - 29 BMD DEORE 42,000 /–23,100
  - 30 BMD ASHORE HARDWARE AND SOFTWARE 50,098 /–23,100
- **MAJOR EQUIPMENT, DHRA**
  - 3 PERSONNEL ADMINISTRATION: 14,232 /–23,100
- **MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY**
  - 21 VEHICLES 200 /–23,100
  - 22 OTHER MAJOR EQUIPMENT: 6,437 /–23,100
- **MAJOR EQUIPMENT, DODA**
  - 18 MAJOR EQUIPMENT: 8,060 /–23,100
- **CLASSIFIED PROGRAMS**
  - 41 CLASSIFIED PROGRAMS: 568,864 /–23,100
- **AVIATION PROGRAMS**
  - 42 ROTARY WING UPGRDES AND SUSTAINMENT: 150,196 /–23,100

S 2943 PCS
## SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

### (a) Procurement.—

<table>
<thead>
<tr>
<th>Line</th>
<th>Item</th>
<th>FY 2017 Request</th>
<th>Senate Authorized</th>
</tr>
</thead>
</table>

| 1   | AIRCRAFT PROCUREMENT, ARMY ROTARY | 78,040 | 78,040 |
| 2   | MODIFICATION OF AIRCRAFT | 21,400 | 21,400 |
| 3   | GROUND SUPPORT AVIONICS | 56,115 | 56,115 |
| 4   | MISSILE PROCUREMENT, ARMY | | |
| 5   | AIR-TO-SURFACE MISSILE SYSTEM | 455,830 | 455,830 |
| 6   | ANTI-TANK/ASSAULT MISSILE SYS | 15,567 | 15,567 |
| 7   | TOW 2 SYSTEM SUMMARY | 89,652 | 89,652 |
| 8   | GUIDED MLRS ROCKET (GMLRS) | 73,991 | 73,991 |
| 9   | TOTAL MISSILE PROCUREMENT, ARMY | 632,817 | 632,817 |

### SEC. 4101. PROCUREMENT (In Thousands of Dollars)

<table>
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<th>Item</th>
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<th>Senate</th>
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<td>3</td>
<td>GROUND SUPPORT AVIONICS</td>
<td>56,115</td>
<td>56,115</td>
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<td>4</td>
<td>MISSILE PROCUREMENT, ARMY</td>
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<td>5</td>
<td>AIR-TO-SURFACE MISSILE SYSTEM</td>
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<td>6</td>
<td>ANTI-TANK/ASSAULT MISSILE SYS</td>
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<td>7</td>
<td>TOW 2 SYSTEM SUMMARY</td>
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<td>89,652</td>
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<td>8</td>
<td>GUIDED MLRS ROCKET (GMLRS)</td>
<td>73,991</td>
<td>73,991</td>
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<tr>
<td>9</td>
<td>TOTAL MISSILE PROCUREMENT, ARMY</td>
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**S 2943 PCS**
### PROCUREMENT OF W&TCV, ARMY MODIFICATION OF TRACKED COMBAT VEHICLES

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<th>Item Description</th>
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<td>1</td>
<td>FAMILY OF MEDIUM TACTICAL VEH (FMTV)</td>
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<td>9</td>
<td>ASSAULT BRIDGE (MOD)</td>
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### WEAPONS & OTHER COMBAT VEHICLES

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<tr>
<td>17</td>
<td>MORTAR SYSTEMS</td>
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### TOTAL PROCUREMENT OF W&TCV, ARMY

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<td>TOTAL PROCUREMENT OF W&amp;TCV, ARMY</td>
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### PROCUREMENT OF AMMUNITION, ARMY SMALL/MEDIUM CAL AMMUNITION

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<td>2</td>
<td>CT4, 7.62MM, ALL TYPES</td>
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<td>4</td>
<td>CT5, 50 CAL, ALL TYPES</td>
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<td>5</td>
<td>CT6, 20MM, ALL TYPES</td>
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<td>CT6, 25MM, ALL TYPES</td>
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<td>CT6, 30MM, ALL TYPES</td>
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<td>CT6, 40MM, ALL TYPES</td>
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### MORTAR AMMUNITION

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<td>9</td>
<td>60MM MORTAR, ALL TYPES</td>
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<td>10</td>
<td>81MM MORTAR, ALL TYPES</td>
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### TANK AMMUNITION

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### ARTILLERY AMMUNITION

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<td>ARTILLERY PROJECTILE, 155MM, ALL TYPES</td>
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<td>FMJ 155MM EXTENDED RANGE M982</td>
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<td>ARTILLERY PROPELLANTS, FUSES AND PRIMERS, ALL</td>
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### MINES

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<td>17</td>
<td>MINES &amp; CLEARING CHARGES, ALL TYPES</td>
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### NETWORKED MUNITIONS

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### ROCKET SYSTEMS

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<td>ROCKET, HYDRA 70, ALL TYPES</td>
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### OTHER AMMUNITION

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<td>SIGNALS, ALL TYPES</td>
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### MISCELLANEOUS

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<td>NON-LETHAL AMMUNITION, ALL TYPES</td>
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### TOTAL PROCUREMENT OF AMMUNITION, ARMY

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### OTHER PROCUREMENT, ARMY TACTICAL VEHICLES

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<td>PLS REPS</td>
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<td>HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV</td>
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<td>TACTICAL WHEELED VEHICLE PROTECTION KITS</td>
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### COMM—JOINT COMMUNICATIONS

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### COMM—SATELLITE COMMUNICATIONS

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### COMM—INTELLIGENCE COMM

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### INFORMATION SECURITY

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### COMM—BASE COMMUNICATIONS

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### ELECT EQUIP—TACT INT REL ACT (TIARA)

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<td>TROJAN (MP)</td>
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<td>CI HUMINT AUTO REPRINTING AND COLL(CHARCS)</td>
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<td>BIOMETRIC TACTICAL COLLECTION DEVICES (MP)</td>
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### ELECT EQUIP—ELECTRONIC WARFARE (EW)

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<td>ELECT EQUIP—TACTICAL C2 SYSTEMS</td>
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### ELECT EQUIP—AUTOMATION

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### ELECT EQUIP—AUDIO VISUAL SYS (AV)

S 2943 PCS
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**S 2943 PCS**
## SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS

(In Thousands of Dollars)

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TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

(a) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)

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**TOTAL ADVANCED TECHNOLOGY DEVELOPMENT**

930,065

| 54   | 0603305A                                            | ARMY SPACE SYSTEMS INTRODUCTION                                      | 9,493            | 9,493             |
| 55   | 0603309A                                            | ARMY SPACE SYSTEMS INTRODUCTION                                      | 23,056           | 23,056            |
| 56   | 060319A                                             | LANDMINE WARFARE AND BARRIER—ADV DEV                                | 72,117           | 72,117            |
| 57   | 0603827A                                            | SMOKE, OBSCURANT AND TARGET DEFATING SYS—ADV DEV                    | 28,244           | 28,244            |
| 58   | 0603839A                                            | TANK AND MEDIUM CALIBER AMMUNITION                                   | 40,096           | 40,096            |
| 59   | 0603747A                                            | SOLDIER SUPPORT AND SURVIVABILITY                                    | 10,506           | 10,506            |
| 60   | 0603766A                                            | TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV                      | 15,730           | 15,730            |
| 61   | 0603774A                                            | NIGHT VISION SYSTEMS—ADVANCED DEVELOPMENT                           | 10,321           | 10,321            |
| 62   | 0603779A                                            | ENVIRONMENTAL QUALITY TECHNOLOGY—DEMONVAL                            | 7,765            | 7,765             |
| 63   | 0603790A                                            | NATO RESEARCH AND DEVELOPMENT                                       | 3,958            | 3,958             |
| 64   | 0603801A                                            | AVIATION—ADV DEV                                                    | 30,774           | 30,774            |
| 65   | 0603804A                                            | LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV                            | 20,684           | 20,684            |
| 66   | 0603807A                                            | MEDICAL SYSTEMS—ADV DEV                                             | 33,503           | 33,503            |
| 67   | 0603827A                                            | SOLDIER SYSTEMS—ADVANCED DEVELOPMENT                                | 31,120           | 40,520            |

Accelerate small arms improvement (9,400)

| 68   | 0604100A                                            | ANALYSIS OF ALTERNATIVES                                            | 6,608            | 6,608             |
| 69   | 0604111A                                            | LOWER TIER AIR MISSILE DEFENSE (LTAMD) SENSOR                       | 35,132           | 35,132            |
| 70   | 0604115A                                            | TECHNOLOGY MATURATION INITIATIVES                                    | 70,047           | 70,047            |
| 71   | 0604120A                                            | ASSURED POSITIONING, NAVIGATION AND TIMING (PNT)                     | 83,248           | 83,248            |
| 73   | 0604253A                                            | CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT                      | 40,510           | 40,510            |

**TOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES**

550,635

<p>| 74   | 0604201A                                            | AIRCRAFT AVIONICS                                                   | 83,248           | 83,248            |
| 75   | 0604237A                                            | ELECTRONIC WARFARE DEVELOPMENT                                      | 34,642           | 34,642            |
| 76   | 0604298A                                            | MID-TIER NETWORKING VEHICLES                                        | 12,172           | 12,172            |
| 77   | 0604321A                                            | ALL SOURCE ANALYSIS SYSTEM                                           | 3,958            | 3,958             |
| 78   | 0604329A                                            | INFANTRY SUPPORT WEAPONS                                            | 12,525           | 12,525            |
| 79   | 0604389A                                            | INFANTRY SUPPORT WEAPONS                                            | 68,943           | 68,943            |
| 82   | 0604311A                                            | JAVELIN                                                             | 20,011           | 20,011            |
| 83   | 0604282A                                            | FAMILY OF HEAVY TACTICAL VEHICLES                                   | 11,429           | 11,429            |
| 84   | 0604331A                                            | AER TRAFFIC CONTROL                                                 | 3,421            | 3,421             |
| 85   | 0604411A                                            | TACTICAL, UNMANNED GROUND VEHICLE (TUGV)                            | 39,282           | 39,282            |
| 86   | 0604422A                                            | LIGHT TACTICAL WHEELED VEHICLES                                     | 494              | 494               |
| 87   | 0604433A                                            | ARMORED SYSTEMS MODERNIZATION (ASM)—ENG DEV                        | 9,678            | 9,678             |
| 88   | 0604454A                                            | NIGHT VISION SYSTEMS—ENG DEV                                        | 84,519           | 84,519            |
| 89   | 0604715A                                            | COMBAT FEEDING, CLOTHING, AND EQUIPMENT                            | 2,054            | 2,054             |
| 90   | 0604721A                                            | TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV                     | 39,282           | 39,282            |
| 91   | 0604742A                                            | CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT                         | 17,867           | 17,867            |
| 92   | 0604758A                                            | AUTOMATIC TEST EQUIPMENT DEVELOPMENT                                | 8,813            | 8,813             |
| 93   | 0604763A                                            | DISTRIBUTIVE SIMULATION INS PNT—ENG DEV                            | 10,487           | 10,487            |
| 94   | 0604786A                                            | COMBINED ARMS TACTICAL TRAINER (CATT) CORE                          | 15,068           | 15,068            |
| 95   | 0604799A                                            | BRIGADE ANALYSIS, INTEGRATION AND EVALUATION                       | 89,716           | 89,716            |
| 97   | 0604802A                                            | WEAPONS AND MUNITIONS—ENG DEV                                      | 80,365           | 80,365            |
| 98   | 0604804A                                            | LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV                           | 75,098           | 75,098            |
| 99   | 0604805A                                            | COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV                    | 4,245            | 4,245             |
| 100  | 0604807A                                            | MEDICAL MATERIAL/MEDICAL HISTORICAL DEFENSE EQUIPMENT—ENG DEV       | 41,124           | 41,124            |
| 102  | 0604818A                                            | ARMY TACTICAL COMAND &amp; CONTROL HARDWARE &amp; SOFTWARE                 | 205,590          | 205,590           |</p>
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**TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY**

7,515,399 7,455,956

**RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY**

**BASIC RESEARCH**

1 0601103N  UNIVERSITY RESEARCH INITIATIVES 101,714 101,714

2 0601152N  IN-HOUSE LABORATORY INDEPENDENT RESEARCH 18,508 18,508

3 0601153N  DEFENSE RESEARCH SCIENCE 422,748 422,748

**TOTAL BASIC RESEARCH**

542,970 542,970

**APPLIED RESEARCH**

4 0602114N  POWER PROJECTION APPLIED RESEARCH 41,371 41,371

5 0602123N  FORCE PROTECTION APPLIED RESEARCH 158,745 158,745

7 0602233N  ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH 41,164 41,164

8 0602234N  WARFIGHTER SUSTAINMENT APPLIED RESEARCH 45,467 45,467

9 0602271N  OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH 42,618 42,618

11 0602273N  JOINT NON-LETHAL WEapons APPLIED RESEARCH 6,327 6,327

12 0602473N  UNDERSEA WARFARE APPLIED RESEARCH 126,313 126,313

**TOTAL APPLIED RESEARCH**

861,151 871,151

**ADVANCED TECHNOLOGY DEVELOPMENT**

16 0603114N  POWER PROJECTION ADVANCED TECHNOLOGY 96,406 91,406

17 0603115N  ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY 48,418 48,418

18 0603116N  JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT 33,117 33,117

21 0603173N  FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT 249,092 239,092

**TOTAL APPLIED RESEARCH**

861,151 871,151
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**Full-spectrum cyber operations unfunded requirement** | [1,784] |

**Unjustified growth** | [–10,800] |

**TOTAL** | 842,936 |

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**OPERATIONAL SYSTEMS DEVELOPMENT** | 842,936 |

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**OPERATIONAL SYSTEMS DEVELOPMENT** | 842,936 |

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**AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT)** | 13,929 |

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**SUMMARY** | 853,736 |

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**SUMMARY** | 853,736 |

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**SUMMARY** | 853,736 |

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**SUMMARY** | 853,736 |
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**SYSTEM DEVELOPMENT & DEMONSTRATION**

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**SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION** | 4,075,804 | 3,871,204 |
### SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

#### (In Thousands of Dollars)

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#### AUTOMATION TAKEOFF AND LANDING CONTROL SYSTEM

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### ADVANCED TECHNOLOGY DEVELOPMENT

- **Advanced Component Development and Prototypes**
  - Nuclear and Conventional Physical Security Equipment R&D ACMP:
    - 0603161D8Z: 26,498
  - WALDOFF:
    - 0603000D8Z: 89,643
  - Acquisition Enterprise Data & Information Services:
    - 0603121D8Z: 2,136
  - Environmental Security Technical Certification Program:
    - 0603351D8Z: 52,491
  - Ballistic Missile Defense Terminal Defense Segment:
    - 0603384C: 206,834
  - Ballistic Missile Defense Midcourse Defense Segment:
    - 0603382C: 862,080
  - Ballistic Missile Defense Joint Warfighter Support:
    - 0603384C: 47,776
  - Chemical and Biological Defense Program—DEER VAL:
    - 0603384C: 230,077
  - BMD Enabling Programs:
    - 0603384C: 401,594
  - Special Programs—MDA:
    - 0603384C: 321,607
  - Aegis EMD:
    - 0603384C: 959,066
  - Space Tracking & Surveillance System:
    - 0603384C: 32,129
  - Ballistic Missile Defense Space Programs:
    - 0603384C: 20,690
  - Ballistic Missile Defense Command and Control, Battle Management and Communications:
    - 0603384C: 449,617
  - Post Intercept Assessment Accreditation:
    - 0603384C: 10,088
  - Ballistic Missile Defense Joint Warfighter Support:
    - 0603384C: 47,776
  - Missile Defense Integration & Operations Center CMDIO:
    - 0603384C: 34,750
  - Regarding Trench:
    - 0603384C: 8,765
  - Sea Based X-band Radar (SBRX):
    - 0603384C: 68,787

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SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

(In Thousands of Dollars)
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### SUBTOTAL ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES

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### SUBTOTAL SYSTEM DEVELOPMENT AND DEMONSTRATION

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### SUBTOTAL SYSTEM DEVELOPMENT AND DEMONSTRATION

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MQ-9 capability enhancements [12,000]
## SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

### (In Thousands of Dollars)

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**Subtotal Operational System Development**: 4,256,406

**Total Research, Development, Test & Eval, DW**: 18,308,826

### OPERATIONAL TEST & EVALUATION

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**Subtotal Management Support**: 178,994

**Total Operational Test & Eval, Defense**: 178,994

**Undistributed**: 0

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**Subtotal Advanced Component Development & Prototypes**: 9,575

### SYSTEM DEVELOPMENT & DEMONSTRATION

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**Subtotal System Development & Demonstration**: 84,043

### OPERATIONAL SYSTEMS DEVELOPMENT

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**Subtotal Operational Systems Development**: 7,104

**Total RDT&E**: 71,391,771

### SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS

#### (a) Research, Development, Test, and Evaluation.

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**Subtotal Advanced Component Development & Prototypes**: 9,575

### SYSTEM DEVELOPMENT & DEMONSTRATION

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**Subtotal System Development & Demonstration**: 84,043

### OPERATIONAL SYSTEMS DEVELOPMENT

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**Subtotal Operational Systems Development**: 7,104
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**TITLE XLIII—OPERATION AND MAINTENANCE**

**SEC. 4301. OPERATION AND MAINTENANCE.**

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TOTAL OPERATION & MAINTENANCE, ARMY

TOTAL OPERATION & MAINTENANCE, ARMY RES

TOTAL OPERATION & MAINTENANCE, ARNG

TOTAL OPERATION & MAINTENANCE, NAVY
### SEC. 4301. OPERATION AND MAINTENANCE

(In Thousands of Dollars)

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**UNDISTRIBUTED**

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**SUBTOTAL UNDISTRIBUTED** | 0 | –260,290 |

**TOTAL OPERATION & MAINTENANCE, NAVY** | 39,483,581 | 39,399,291 |

**OPERATION & MAINTENANCE, MARINE CORPS**

**OPERATING FORCES**

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**SUBTOTAL TRAINING AND RECRUITING** | 755,981 | 755,981 |

**SRVWD ACTIVITIES**

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**SUBTOTAL SRVWD ACTIVITIES** | 514,882 | 514,882 |

**UNDISTRIBUTED**

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**TOTAL OPERATION & MAINTENANCE, MARINE CORPS** | 5,954,258 | 6,090,528 |
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**SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)**

**OPERATION & MAINTENANCE, NAVY RES OPERATING FORCES**

**ADMIN & SRVWD ACTIVITIES**

**SUBTOTAL OPERATING FORCES**

**TOTAL OPERATION & MAINTENANCE, NAVY RES**

**OPERATION & MAINTENANCE, MC RESERVE OPERATING FORCES**

**ADMIN & SRVWD ACTIVITIES**

**SUBTOTAL OPERATING FORCES**

**TOTAL OPERATION & MAINTENANCE, MC RESERVE**

**OPERATION & MAINTENANCE, AIR FORCE OPERATING FORCES**

**MOBILIZATION**

**Certificate**

*S 2943 PCS*
### SEC. 4301. OPERATION AND MAINTENANCE

#### (In Thousands of Dollars)

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### SEC. 4301. OPERATION AND MAINTENANCE

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### SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS

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### SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS

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**TOTAL ADMIN & SRVWIDE ACTIVITIES**

#### TOTAL OPERATION & MAINTENANCE, ARMY

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**TOTAL OPERATING FORCES**

#### TOTAL OPERATION & MAINTENANCE, ARMY RES

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**TOTAL OPERATING FORCES**

#### TOTAL AFGHANISTAN SECURITY FORCES FUND

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**SUBTOTAL MINISTRY OF DEFENSE**

#### TOTAL AFGHANISTAN SECURITY FORCES FUND

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**MINISTRY OF INTERIOR**

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**SUBTOTAL MINISTRY OF INTERIOR**

#### TOTAL AFGHANISTAN SECURITY FORCES FUND

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**COUNTER ISLAMIC STATE IN IRAQ AND THE LEVANT FUND**

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**SUBTOTAL COUNTER ISLAMIC STATE IN IRAQ AND THE LEVANT FUND**

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**TOTAL COUNTER ISLAMIC STATE IN IRAQ AND THE LEVANT FUND**

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*Secretary 2943 PCS*
### Operation and Maintenance for Overseas Contingency Operations

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## TITLE XLIV—MILITARY PERSONNEL

### SEC. 4401. MILITARY PERSONNEL.

**(a) Military Personnel.—**

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© 2943 PCS
SEC. 4401. MILITARY PERSONNEL
(In Thousands of Dollars)

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SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) MILITARY PERSONNEL.—

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

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TITLE XLV—OTHER AUTHORIZATIONS

SEC. 4501. OTHER AUTHORIZATIONS.

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### SEC. 4501. OTHER AUTHORIZATIONS

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#### RDT&E

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<td>Reduction for unjustified travel expenses</td>
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#### TOTAL DEFENSE HEALTH PROGRAM

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#### SECURITY COOPERATION ENHANCEMENT FUND (SCEF)

| | | | |
| | SECURITY COOPERATION ENHANCEMENT FUND (SCEF) | | |
| 99  | SECURITY COOPERATION ENHANCEMENT FUND (SCEF) | 0 | 673,100 |
|      | Transfer from Drug Interdiction and Counter-Dru| | |
|      | Transfer of Combatting Terrorism Fellowship Pro| | |
|      | Transfer of Defense Institute of International L| | |
|      | Transfer of Defense Institution Reform Initiative | | |
|      | Transfer of Global Train and Equip Program | | |
|      | Transfer of Ministry of Defense Advisor | | |
|      | Transfer of Regional Centers | | |
| SUBTOTAL SECURITY COOPERATION ENHANCEMENT FUND (SCEF) | 0 | 673,100 |

#### TOTAL SECURITY COOPERATION ENHANCEMENT FUND (SCEF)

| | | | |
| | 36,556,987 | 37,398,017 |

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1. **SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CON-**
2. TINGENCY OPERATIONS.
3. (a) **Other Authorizations.—**
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## TITLE XLVI—MILITARY CONSTRUCTION

### SEC. 4601. MILITARY CONSTRUCTION.

(a) MILITARY CONSTRUCTION.

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#### MIL CON, NAVY

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### SEC. 4601. MILITARY CONSTRUCTION

(In Thousands of Dollars)

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### MILCON, AIR FORCE

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**SUBTOTAL MILCON, AIR FORCE**

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**S 2943 PCS**
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**SUBTOTAL MILCON, ANG** | 143,957 | 143,957 |

**SUBTOTAL MILCON, ARMY R** | 68,230 | 98,230 |

**SUBTOTAL MILCON, NAVY RES** | 38,597 | 38,597 |

**SUBTOTAL MILCON, AF RES** | 188,950 | 188,950 |

**NATO SEC INV PRGM** | 177,932 | 177,932 |
## SEC. 4601. MILITARY CONSTRUCTION

*(In Thousands of Dollars)*

<table>
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<th>Account</th>
<th>State/Country and Installation</th>
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### FAMILY HOUSING

**FAM HSG CON, ARMY**

- **Family Housing New Construction**
  - **Camp Humphreys**, Korea
    - Budget Request: 143,563
    - Senate Authorized: 143,563
  - **Camp Walker**, Korea
    - Budget Request: 54,554
    - Senate Authorized: 54,554
  - **Worldwide Unspecified Locations**
    - Planning & Design
      - Budget Request: 2,618
      - Senate Authorized: 2,618

**SUBTOTAL FAM HSG CON, ARMY**

- 200,735

**FAM HSG O&M, ARMY**

- **Family Housing New Construction**
  - **Worldwide Unspecified Locations**
    - Management
      - Budget Request: 40,344
      - Senate Authorized: 40,344
    - Services
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    - Furnishings
      - Budget Request: 10,178
      - Senate Authorized: 10,178
    - Housing Privatization Support
      - Budget Request: 19,146
      - Senate Authorized: 19,146

**SUBTOTAL FAM HSG O&M, ARMY**

- 325,995

**FAM HSG CON, N/MC**

- **Family Housing New Construction**
  - **Guam**, Marian Islands
    - Replace Andersen Housing PH I
      - Budget Request: 78,815
      - Senate Authorized: 78,815
  - **Worldwide Unspecified Locations**
    - Planning & Design
      - Budget Request: 4,149
      - Senate Authorized: 4,149

**SUBTOTAL FAM HSG CON, N/MC**

- 94,011

**FAM HSG O&M, N/MC**

- **Family Housing New Construction**
  - **Worldwide Unspecified Locations**
    - Utilities
      - Budget Request: 56,685
      - Senate Authorized: 56,685
    - Furnishings
      - Budget Request: 17,457
      - Senate Authorized: 17,457
    - Management
      - Budget Request: 51,291
      - Senate Authorized: 51,291
    - Miscellaneous
      - Budget Request: 364
      - Senate Authorized: 364
    - Services
      - Budget Request: 12,855
      - Senate Authorized: 12,855
    - Housing Privatization Support
      - Budget Request: 26,320
      - Senate Authorized: 26,320

**SUBTOTAL FAM HSG O&M, N/MC**

- 300,915
## SEC. 4601. MILITARY CONSTRUCTION

(In Thousands of Dollars)

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## DEFENSE BASE REALIGNMENT AND CLOSURE

**DOD BRAC—ARMY**

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**DOD BRAC—NAVY**

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*S 2943 PCS*
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SEC. 4601. MILITARY CONSTRUCTION

(In Thousands of Dollars)

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SUBTOTAL DOD BRAC—NAVY                                                  134,373 134,373

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SUBTOTAL DOD BRAC—AIR FORCE                                             56,365 56,365

TOTAL DEFENSE BASE REALIGNMENT AND CLOSURE                              205,237 205,237

TOTAL MILITARY CONSTRUCTION, FAMILY HOUSING, AND BRAC                    7,444,056 7,477,462

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) MILITARY CONSTRUCTION.—

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS

(In Thousands of Dollars)

<table>
<thead>
<tr>
<th>Account</th>
<th>State or Country and Installation</th>
<th>Project Title</th>
<th>Budget Request</th>
<th>Senate Authorized</th>
</tr>
</thead>
<tbody>
<tr>
<td>MILITARY CONSTRUCTION</td>
<td>Worldwide Unspecified</td>
<td>ERI: Planning and Design</td>
<td>18,900</td>
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SUBTOTAL MILITARY CONSTRUCTION, ARMY                                    18,900 18,900

MIL CON, NAVY

<table>
<thead>
<tr>
<th>Account</th>
<th>State Country and Installation</th>
<th>Project Title</th>
<th>Budget Request</th>
<th>Senate Authorized</th>
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</thead>
<tbody>
<tr>
<td>MIL CON, NAVY</td>
<td>Camp Lemonnier, Ireland</td>
<td>OCO: Medical/Dental Facility</td>
<td>37,409</td>
<td>37,409</td>
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<tr>
<td>MIL CON, NAVY</td>
<td>Keflavik</td>
<td>ERI: P–8A Hangar Upgrade</td>
<td>14,600</td>
<td>14,600</td>
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<tr>
<td>MIL CON, NAVY</td>
<td>Keflavik</td>
<td>ERI: P–8A Aircraft Rinse Rack</td>
<td>5,000</td>
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<tr>
<td>MIL CON, NAVY</td>
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<td>Planning and Design</td>
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SUBTOTAL MILITARY CONSTRUCTION, NAVY                                    59,809 59,809

MILITARY CONSTRUCTION

<table>
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<th>Account</th>
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<th>Budget Request</th>
<th>Senate Authorized</th>
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<tbody>
<tr>
<td>MILITARY CONSTRUCTION</td>
<td>Bulgaria</td>
<td>ERI: Fighter Ramp Extension</td>
<td>7,000</td>
<td>7,000</td>
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<tr>
<td>MILITARY CONSTRUCTION</td>
<td>Graf Ignatievo, Bulgaria</td>
<td>ERI: Construct Sq Ops/Operational Alert Fac ...</td>
<td>3,800</td>
<td>3,800</td>
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<tr>
<td>MILITARY CONSTRUCTION</td>
<td>Graf Ignatievo, Bulgaria</td>
<td>ERI: Upgrade Munitions Storage Area</td>
<td>2,600</td>
<td>2,600</td>
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<tr>
<td>MILITARY CONSTRUCTION</td>
<td>Chabelley Airfield, Djibouti</td>
<td>OCO: Construct Chabelley Access Road</td>
<td>3,600</td>
<td>3,600</td>
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<tr>
<td>MILITARY CONSTRUCTION</td>
<td>Chabelley Airfield, Estonia</td>
<td>OCO: Construct Parking Apron and Taxiway ...</td>
<td>6,900</td>
<td>6,900</td>
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<tr>
<td>MILITARY CONSTRUCTION</td>
<td>Amari Air Base, Estonia</td>
<td>ERI: Construct Bulk Fuel Storage</td>
<td>6,500</td>
<td>6,500</td>
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<tr>
<td>MILITARY CONSTRUCTION</td>
<td>Germany</td>
<td>ERI: Upgrade Hardened Aircraft Shelters</td>
<td>2,700</td>
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S 2943 PCS
SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

<table>
<thead>
<tr>
<th>Account</th>
<th>State or Country and Installation</th>
<th>Project Title</th>
<th>Budget Request</th>
<th>Senate Authorized</th>
</tr>
</thead>
<tbody>
<tr>
<td>MILCON, AIR FORCE</td>
<td>Spangdahlem AB</td>
<td>ERI: F/A–22 Upgrade Infrastructure/Comm/Util.</td>
<td>1,600</td>
<td>1,600</td>
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<tr>
<td>MILCON, AIR FORCE</td>
<td>Spangdahlem AB</td>
<td>ERI: F/A–22 Low Observable/Comp Repair Fac</td>
<td>12,000</td>
<td>12,000</td>
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<tr>
<td>MILCON, AIR FORCE</td>
<td>Spangdahlem AB</td>
<td>ERI: Construct High Cap Trim Pad &amp; Hush House</td>
<td>1,000</td>
<td>1,000</td>
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<tr>
<td>MILCON, AIR FORCE</td>
<td>Spangdahlem AB</td>
<td>ERI: Upgrade Munitions Storage Doors</td>
<td>1,400</td>
<td>1,400</td>
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<tr>
<td></td>
<td>Lithuania</td>
<td>ERI: Munitions Storage</td>
<td>3,000</td>
<td>3,000</td>
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<tr>
<td>MILCON, AIR FORCE</td>
<td>Lask AB</td>
<td>ERI: Construct Squadron Operations Facility</td>
<td>4,100</td>
<td>4,100</td>
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<tr>
<td>MILCON, AIR FORCE</td>
<td>Pardida AB</td>
<td>ERI: Construct Squadron Operations Facility</td>
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<td></td>
<td>Romania</td>
<td>ERI: Extend Parking Aprons</td>
<td>6,000</td>
<td>6,000</td>
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<td>MILCON, AIR FORCE</td>
<td>Campia Turzii</td>
<td>ERI: Construct Munitions Storage Area</td>
<td>3,000</td>
<td>3,000</td>
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<tr>
<td>MILCON, AIR FORCE</td>
<td>Campia Turzii</td>
<td>ERI: Construct Two-Bay Hangar</td>
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<td>6,100</td>
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<tr>
<td>MILCON, AIR FORCE</td>
<td>Campia Turzii</td>
<td>ERI: Construct Squadron Operations Facility</td>
<td>3,400</td>
<td>3,400</td>
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<tr>
<td></td>
<td>Worldwide Unspecified Locations</td>
<td>ERI: Unspecified Minor Construction</td>
<td>5,000</td>
<td>5,000</td>
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<tr>
<td>MILCON, DEF-WIDE</td>
<td>Worldwide Unspecified Locations</td>
<td>OCO: Planning and Design</td>
<td>940</td>
<td>940</td>
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<td>MILCON, DEF-WIDE</td>
<td>Worldwide Unspecified Locations</td>
<td>CTP: Planning and Design</td>
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<td></td>
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<td>SUBTOTAL MILCON, AIR FORCE</td>
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<td>MILCON, DEF-WIDE</td>
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<td>SUBTOTAL MIL CON, DEF-WIDE</td>
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<td>TOTAL MILITARY CONSTRUCTION</td>
<td>172,449</td>
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<td></td>
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<td>TOTAL MILITARY CONSTRUCTION, FAMILY HOUSING, AND BRAC</td>
<td>172,449</td>
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TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

(a) Department of Energy National Security Programs.—

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

<table>
<thead>
<tr>
<th>Program</th>
<th>FY 2017 Request</th>
<th>Senate Authorized</th>
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<tbody>
<tr>
<td>Discretionary Summary By Appropriation</td>
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<tr>
<td>Energy And Water Development, And Related Agencies Appropriation Summary:</td>
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<tr>
<td>Energy Programs</td>
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<tr>
<td>Nuclear Energy</td>
<td>151,876</td>
<td>151,876</td>
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S 2943 PCS
**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

<table>
<thead>
<tr>
<th>Program</th>
<th>FY 2017 Request</th>
<th>Senate Authorized</th>
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<tbody>
<tr>
<td><strong>Atomic Energy Defense Activities</strong></td>
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<tr>
<td><strong>National nuclear security administration:</strong></td>
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<tr>
<td>Weapons activities</td>
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<td>Defense nuclear nonproliferation</td>
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<td>Naval reactors</td>
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<td>Federal salaries and expenses</td>
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<td><strong>Total, National nuclear security administration</strong></td>
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<td>12,946,250</td>
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<td><strong>Environmental and other defense activities:</strong></td>
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<td>Defense environmental cleanup</td>
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<td>Other defense activities</td>
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<td><strong>Total, Environmental &amp; other defense activities</strong></td>
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<td><strong>Total, Atomic Energy Defense Activities</strong></td>
<td>19,057,602</td>
<td>18,984,752</td>
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<td><strong>Total, Discretionary Funding</strong></td>
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<td>19,136,628</td>
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<tr>
<td><strong>Nuclear Energy</strong></td>
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<tr>
<td>Idaho state site safeguards and security</td>
<td>129,301</td>
<td>129,301</td>
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<td>Idaho operations and maintenance</td>
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<td>Consent Based Siting</td>
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<tr>
<td><strong>Total, Nuclear Energy</strong></td>
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<td>151,876</td>
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<tr>
<td><strong>Weapons Activities</strong></td>
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<td></td>
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<tr>
<td>Directed stockpile work</td>
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<td></td>
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<tr>
<td><strong>Life extension programs</strong></td>
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<td></td>
</tr>
<tr>
<td>B61 Life extension program</td>
<td>616,079</td>
<td>616,079</td>
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<tr>
<td>W76 Life extension program</td>
<td>222,880</td>
<td>222,880</td>
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<tr>
<td>W88 Alt 370</td>
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<td>W80-4 Life extension program</td>
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<td><strong>Total, Life extension programs</strong></td>
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<td>1,340,541</td>
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<tr>
<td><strong>Stockpile systems</strong></td>
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<tr>
<td>B61 Stockpile systems</td>
<td>57,313</td>
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<tr>
<td>W76 Stockpile systems</td>
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<td>W78 Stockpile systems</td>
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<td>56,411</td>
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<td>W80 Stockpile systems</td>
<td>44,631</td>
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<tr>
<td>B83 Stockpile systems</td>
<td>41,659</td>
<td>41,659</td>
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<tr>
<td>W87 Stockpile systems</td>
<td>81,982</td>
<td>81,982</td>
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<tr>
<td>W88 Stockpile systems</td>
<td>103,074</td>
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<tr>
<td><strong>Total, Stockpile systems</strong></td>
<td>443,676</td>
<td>443,676</td>
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<tr>
<td><strong>Weapons dismantlement and disposition</strong></td>
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<tr>
<td>Operations and maintenance</td>
<td>68,984</td>
<td>56,284</td>
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<tr>
<td>Program reduction</td>
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<tr>
<td><strong>Stockpile services</strong></td>
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<tr>
<td>Production support</td>
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<td>Research and development support</td>
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<td>R&amp;D certification and safety</td>
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<td>Management, technology, and production</td>
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<tr>
<td><strong>Total, Stockpile services</strong></td>
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<tr>
<td><strong>Nuclear material commodities</strong></td>
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<tr>
<td>Uranium sustainment</td>
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<td>29,988</td>
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<tr>
<td>Plutonium sustainment</td>
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<tr>
<td>Tritium sustainment</td>
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<td>Domestic uranium enrichment</td>
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<td>Strategic materials sustainment</td>
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<td><strong>Total, Nuclear material commodities</strong></td>
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<td><strong>Total, Directed stockpile work</strong></td>
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<td>3,317,777</td>
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<td><strong>Research, development, test and evaluation (RDT&amp;E) Science</strong></td>
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<tr>
<td>Advanced certification</td>
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<td>Primary assessment technologies</td>
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<td>Dynamic materials properties</td>
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<td>Advanced radiography</td>
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<tr>
<td><strong>Total, Science</strong></td>
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</tbody>
</table>
### SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

#### (In Thousands of Dollars)

<table>
<thead>
<tr>
<th>Program</th>
<th>FY 2017 Request</th>
<th>Senate Authorized</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Engineering</strong></td>
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<tr>
<td>Enhanced surety</td>
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<td>Weapon systems engineering assessment technology</td>
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<td>Nuclear survivability</td>
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<td>Enhanced surveillance</td>
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<tr>
<td><strong>Total, Engineering</strong></td>
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<tr>
<td><strong>Inertial confinement fusion ignition and high yield</strong></td>
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<tr>
<td>Ignition</td>
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<tr>
<td>Support of other stockpile programs</td>
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<tr>
<td>Diagnostics, cryogenics and experimental support</td>
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<tr>
<td>Pulsed power inertial confinement fusion</td>
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<tr>
<td>Joint program in high energy density laboratory plasmas</td>
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<tr>
<td>Facility operations and target production</td>
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<td><strong>Total, Inertial confinement fusion and high yield</strong></td>
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<td>Stockpile Responsiveness Program</td>
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<tr>
<td>Program Increase</td>
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<td><strong>Total, Advanced manufacturing</strong></td>
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<td><strong>Total, RDT&amp;E</strong></td>
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<tr>
<td><strong>Infrastructure and operations (formerly RTBF)</strong></td>
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</tr>
<tr>
<td><strong>Operating</strong></td>
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<td></td>
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<tr>
<td><strong>Operations of facilities</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kansas City Plant</td>
<td>101,000</td>
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<tr>
<td>Lawrence Livermore National Laboratory</td>
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<td>Los Alamos National Laboratory</td>
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<tr>
<td>Nevada Test Site</td>
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<td>Pantex</td>
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<tr>
<td>Sandia National Laboratory</td>
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<td>Savannah River Site</td>
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<tr>
<td>Y–12 National security complex</td>
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<tr>
<td><strong>Total, Operations of facilities</strong></td>
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<td><strong>824,000</strong></td>
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<tr>
<td>Safety and environmental operations</td>
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<tr>
<td>Maintenance and repair of facilities</td>
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<tr>
<td><strong>Recapitalization:</strong></td>
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<td></td>
</tr>
<tr>
<td>Infrastructure and safety</td>
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<tr>
<td>Capability based investment</td>
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<td><strong>Total, Recapitalization</strong></td>
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<td><strong>667,282</strong></td>
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<tr>
<td><strong>Construction:</strong></td>
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<tr>
<td>17-D–640, U1a Complex Enhancements Project, XSS</td>
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<td>17-D–630 Electrical Infrastructure Upgrades, LLNL</td>
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<td>16-D–515 Albuquerque complex upgrades project</td>
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<td>15-D–613 Emergency Operations Center, Y–12</td>
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<td>15-D–302, TA–55 Reinvestment project, Phase 3, LANL</td>
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<tr>
<td>07-D–220-04 Transuranic liquid waste facility, LANL</td>
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SEC. 5001. SHORT TITLE.

This division may be cited as the “Military Justice Act of 2016”.

TITLE LI—GENERAL PROVISIONS

SEC. 5101. DEFINITIONS.

(a) MILITARY JUDGE.—Paragraph (10) of section 801 of title 10, United States Code (article 1 of the Uniform Code of Military Justice), is amended to read as follows:

“(10) The term ‘military judge’ means a judge advocate designated under section 826(c) of this title
(article 26(c)) who is detailed under section 826(a) or section 830a of this title (article 26(a) or 30a).”.

(b) JUDGE ADVOCATE.—Paragraph (13) of such section (article) is amended—

(1) in subparagraph (A), by striking “the Army or the Navy” and inserting “the Army, the Navy, or the Air Force”; and

(2) in subparagraph (B), by striking “the Air Force or”.

SEC. 5102. CLARIFICATION OF PERSONS SUBJECT TO UCMJ WHILE ON INACTIVE-DUTY TRAINING.

Paragraph (3) of section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), is amended to read as follows:

“(3)(A) While on inactive-duty training and during any of the periods specified in subparagraph (B)—

“(i) members of a reserve component; and

“(ii) members of the Army National Guard of the United States or the Air National Guard of the United States, but only when in Federal service.

“(B) The periods referred to in subparagraph (A) are the following:
“(i) Travel to and from the inactive-duty training site of the member, pursuant to orders or regulations.

“(ii) Intervals between consecutive periods of inactive-duty training on the same day, pursuant to orders or regulations.

“(iii) Intervals between inactive-duty training on consecutive days, pursuant to orders or regulations.”.

SEC. 5103. STAFF JUDGE ADVOCATE DISQUALIFICATION DUE TO PRIOR INVOLVEMENT IN CASE.

Subsection (c) of section 806 of title 10, United States Code (article 6 of the Uniform Code of Military Justice), is amended to read as follows:

“(c)(1) No person who, with respect to a case, serves in a capacity specified in paragraph (2) may later serve as a staff judge advocate or legal officer to any reviewing or convening authority upon the same case.

“(2) The capacities referred to in paragraph (1) are, with respect to the case involved, any of the following:

“(A) Preliminary hearing officer, court member, military judge, military magistrate, or appellate judge.

“(B) Counsel who have acted in the same case or appeared in any proceeding before a military
judge, military magistrate, preliminary hearing officer, or appellate court.”.

SEC. 5104. CONFORMING AMENDMENT RELATING TO MILITARY MAGISTRATES.

The first sentence of section 806a(a) of title 10, United States Code (article 6a(a) of the Uniform Code of Military Justice), is amended by striking “military judge” and all that follows through the end of the sentence and inserting “military appellate judge, military judge, or military magistrate to perform the duties of the position involved.”.

SEC. 5105. RIGHTS OF VICTIM.

(a) DESIGNATION OF REPRESENTATIVE.—Subsection (c) of section 806b of title 10, United States Code (article 6b of the Uniform Code of Military Justice), is amended in the first sentence by striking “the military judge” and all that follows through the end of the sentence and inserting the following: “the legal guardians of the victim or the representatives of the victim’s estate, family members, or any other person designated as suitable by the military judge, may assume the rights of the victim under this section.”.

(b) RULE OF CONSTRUCTION.—Subsection (d) of such section (article) is amended—
(1) in paragraph (1), by striking “or” at the end;
(2) in paragraph (2), by striking the period at the end and inserting “; or”; and
(3) by adding at the end the following new paragraph:
“(3) to impair the exercise of discretion under sections 830 and 834 of this title (articles 30 and 34).”.

(c) INTERVIEW OF VICTIM.—Such section (article) is amended by adding at the end the following new subsection:
“(f) COUNSEL FOR ACCUSED INTERVIEW OF VICTIM OF ALLEGED OFFENSE.—(1) Upon notice by counsel for the Government to counsel for the accused of the name of an alleged victim of an offense under this chapter who counsel for the Government intends to call as a witness at a proceeding under this chapter, counsel for the accused shall make any request to interview the victim through the Special Victims’ Counsel or other counsel for the victim, if applicable.
“(2) If requested by an alleged victim who is subject to a request for interview under paragraph (1), any interview of the victim by counsel for the accused shall take place only in the presence of the counsel for the Govern-
ment, a counsel for the victim, or, if applicable, a victim advocate.”.

**TITLE LII—APPREHENSION AND RESTRAINT**

**SEC. 5121. RESTRAINT OF PERSONS CHARGED.**

Section 810 of title 10, United States Code (article 10 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 810. Art. 10. Restraint of persons charged

“(a) In General.—(1) Subject to paragraph (2), any person subject to this chapter who is charged with an offense under this chapter may be ordered into arrest or confinement as the circumstances require.

“(2) When a person subject to this chapter is charged only with an offense that is normally tried by summary court-martial, the person ordinarily shall not be ordered into confinement.

“(b) Notification to Accused and Related Procedures.—(1) When a person subject to this chapter is ordered into arrest or confinement before trial, immediate steps shall be taken—

“(A) to inform the person of the specific offense of which the person is accused; and

“(B) to try the person or to dismiss the charges and release the person.
“(2) To facilitate compliance with paragraph (1), the President shall prescribe regulations setting forth procedures relating to referral for trial, including procedures for prompt forwarding of the charges and specifications and, if applicable, the preliminary hearing report submitted under section 832 of this title (article 32).”.

SEC. 5122. MODIFICATION OF PROHIBITION OF CONFINEMENT OF MEMBERS OF THE ARMED FORCES WITH ENEMY PRISONERS AND CERTAIN OTHERS.

Section 812 of title 10, United States Code (article 12 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 812. Art. 12. Prohibition of confinement of members of the armed forces with enemy prisoners and certain others

“No member of the armed forces may be placed in confinement in immediate association with—

“(1) enemy prisoners; or

“(2) other individuals—

“(A) who are detained under the law of war and are foreign nationals; and

“(B) who are not members of the armed forces.”.
TITLE LIII—NON-JUDICIAL PUNISHMENT

SEC. 5141. MODIFICATION OF CONFINEMENT AS NON-JUDICIAL PUNISHMENT.

Section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice), is amended—

(1) in subsection (b)—

(A) in paragraph (2)(A), by striking “on bread and water or diminished rations”; and

(B) in the undesignated matter after paragraph (2), by striking “on bread and water or diminished rations” in the sentence beginning “No two or more”; and

(2) in subsection (d), by striking “on bread and water or diminished rations” in paragraphs (2) and (3).

TITLE LIV—COURT-MARTIAL JURISDICTION

SEC. 5161. COURTS-MARTIAL CLASSIFIED.

Section 816 of title 10, United States Code (article 16 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 816. Art 16. Courts-martial classified

“(a) IN GENERAL.—The three kinds of courts-martial in each of the armed forces are the following:
“(1) General courts-martial, as described in subsection (b).

“(2) Special courts-martial, as described in subsection (c).

“(3) Summary courts-martial, as described in subsection (d).

“(b) GENERAL COURTS-MARTIAL.—General courts-martial are of the following three types:

“(1) A general court-martial consisting of a military judge and eight members, subject to sections 825(d)(3) and 829 of this title (articles 25(d)(3) and 29).

“(2) In a capital case, a general court-martial consisting of a military judge and the number of members determined under section 825a of this title (article 25a), subject to sections 825(d)(3) and 829 of this title (articles 25(d)(3) and 29).

“(3) A general court-martial consisting of a military judge alone, if, before the court is assembled, the accused, knowing the identity of the military judge and after consultation with defense counsel, requests, orally on the record or in writing, a court composed of a military judge alone and the military judge approves the request.
“(c) SPECIAL COURTS-MARTIAL.—Special courts-martial are of the following two types:

“(1) A special court-martial, consisting of a military judge and four members, subject to sections 825(d)(3) and 829 of this title (articles 25(d)(3) and 29).

“(2) A special court-martial consisting of a military judge alone—

“(A) if the case is so referred by the convening authority, subject to section 819 of this title (article 19) and such limitations as the President may prescribe by regulation; or

“(B) if the case is referred under paragraph (1) and, before the court is assembled, the accused, knowing the identity of the military judge and after consultation with defense counsel, requests, orally on the record or in writing, a court composed of a military judge alone and the military judge approves the request.

“(d) SUMMARY COURT-MARTIAL.—A summary court-martial consists of one commissioned officer.”.

SEC. 5162. JURISDICTION OF GENERAL COURTS-MARTIAL.

Section 818 of title 10, United States Code (article 18 of the Uniform Code of Military Justice), is amended—
(1) in subsection (b), by striking “section 816(1)(B) of this title (article 16(1)(B))” and inserting “section 816(b)(3) of this title (article 16(b)(3))”; and

(2) by striking subsection (c) and inserting the following new subsection (c):

“(c) Consistent with sections 819 and 820 of this title (articles 19 and 20), only general courts-martial have jurisdiction over the following offenses:

“(1) A violation of subsection (a) or (b) of section 920 of this title (article 120).

“(2) A violation of subsection (a) or (b) of section 920b of this title (article 120b).

“(3) An attempt to commit an offense specified in paragraph (1) or (2) that is punishable under section 880 of this title (article 80).”.

SEC. 5163. JURISDICTION OF SPECIAL COURTS-MARTIAL.

Section 819 of title 10, United States Code (article 19 of the Uniform Code of Military Justice), is amended—

(1) by striking “Subject to” in the first sentence and inserting the following:

“(a) IN GENERAL.—Subject to”;

(2) by striking “A bad-conduct discharge” and all that follows through the end; and
(3) by adding after subsection (a), as designated by paragraph (1), the following new subsections:

“(b) ADDITIONAL LIMITATION.—Neither a bad-conduct discharge, nor confinement for more than six months, nor forfeiture of pay for more than six months may be adjudged if charges and specifications are referred to a special court-martial consisting of a military judge alone under section 816(c)(2)(A) of this title (article 16(c)(2)(A)).

“(c) MILITARY MAGISTRATE.—If charges and specifications are referred to a special court-martial consisting of a military judge alone under section 816(c)(2)(A) of this title (article 16(c)(2)(A)), the military judge, with the consent of the parties, may designate a military magistrate to preside over the special court-martial.”.

SEC. 5164. SUMMARY COURT-MARTIAL AS NON-CRIMINAL FORUM.

Section 820 of title 10, United States Code (article 20 of the Uniform Code of Military Justice), is amended—

(1) by inserting “(a) IN GENERAL.—” before “Subject to”; and

(2) by adding at the end the following new subsection:
“(b) Non-Criminal Forum.—A summary court-martial is a non-criminal forum. A finding of guilty at a summary court-martial does not constitute a criminal conviction.”.

TITLE LV—COMPOSITION OF COURTS-MARTIAL

SEC. 5181. TECHNICAL AMENDMENT RELATING TO PERSONS AUTHORIZED TO CONVENE GENERAL COURTS-MARTIAL.

Section 822(a)(6) of title 10, United States Code (article 22(a)(6) of the Uniform Code of Military Justice), is amended by striking “in chief”.

SEC. 5182. WHO MAY SERVE ON COURTS-MARTIAL AND RELATED MATTERS.

(a) Who May Serve on Courts-Martial.—Subsection (c) of section 825 of title 10, United States Code (article 25 of the Uniform Code of Military Justice), is amended to read as follows:

“(c)(1) Any enlisted member on active duty is eligible to serve on a general or special court-martial for the trial of any other enlisted member.

“(2) Before a court-martial with a military judge and members is assembled for trial, an enlisted member who is an accused may personally request, orally on the record or in writing, that—
“(A) the membership of the court-martial be comprised entirely of officers; or

“(B) enlisted members comprise at least one-third of the membership of the court-martial, regardless of whether enlisted members have been detailed to the court-martial.

“(3) Except as provided in paragraph (4), after such a request, the accused may not be tried by a general or special court-martial if the membership of the court-martial is inconsistent with the request.

“(4) If, because of physical conditions or military exigencies, a sufficient number of eligible officers or enlisted members, as the case may be, are not available to carry out paragraph (2), the trial may nevertheless be held. In that event, the convening authority shall make a detailed written statement of the reasons for nonavailability. The statement shall be appended to the record.”.

(b) DETAIL OF MEMBERS.—Subsection (d) of such section (article) is amended by adding at the end the following new paragraph:

“(3) The convening authority shall detail not less than the number of members necessary to impanel the court-martial under section 829 of this title (article 29).”.
SEC. 5183. NUMBER OF COURT-MARTIAL MEMBERS IN CAPITAL CASES.

Section 825a of title 10, United States Code (article 25a of the Uniform Code of Military Justice), is amended to read as follows:

“§ 825a. Art. 25a. Number of court-martial members in capital cases

“(a) In General.—In a case in which the accused may be sentenced to death, the number of members shall be 12.

“(b) Case No Longer Capital.—Subject to section 829 of this title (article 29)—

“(1) if a case is referred for trial as a capital case and, before the members are impaneled, the accused may no longer be sentenced to death, the number of members shall be eight; and

“(2) if a case is referred for trial as a capital case and, after the members are impaneled, the accused may no longer be sentenced to death, the number of members shall remain 12.”.

SEC. 5184. DETAILING, QUALIFICATIONS, AND OTHER MATTERS RELATING TO MILITARY JUDGES.

(a) Detail to Special Courts-martial.—Subsection (a) of section 826 of title 10, United States Code (article 26 of the Uniform Code of Military Justice), is amended—
(1) in the first sentence, by inserting after “each general” the following: “and special”; and
(2) by striking the second sentence.

(b) QUALIFICATIONS.—Subsection (b) of such section (article) is amended by striking “qualified for duty” and inserting “qualified, by reason of education, training, experience, and judicial temperament, for duty”.

(c) DETAIL AND ASSIGNMENT.—Subsection (c) of such section (article) is amended to read as follows:

“(c)(1) In accordance with regulations prescribed under subsection (a), a military judge of a general or special court-martial shall be designated for detail by the Judge Advocate General of the armed force of which the military judge is a member.

“(2) Neither the convening authority nor any member of the staff of the convening authority shall prepare or review any report concerning the effectiveness, fitness, or efficiency of the military judge so detailed, which relates to the military judge’s performance of duty as a military judge.

“(3) A commissioned officer who is certified to be qualified for duty as a military judge of a general court-martial—

“(A) may perform such duties only when the officer is assigned and directly responsible to the
Judge Advocate General of the armed force of which
the military judge is a member; and

“(B) may perform duties of a judicial or non-
judicial nature other than those relating to the offi-
cer’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 Advo-
cate General.

“(4) In accordance with regulations prescribed by the
President, assignments of military judges under this sec-
tion (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 sub-
section (a) to a court-martial or a proceeding under sec-
tion 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
duty is a member.”.

(e) CHIEF TRIAL JUDGES.—Such section (article), as
amended by subsection (d), is further amended by adding
at the end the following new subsection:
“(g) In accordance with regulations prescribed by the President, each Judge Advocate General shall designate a chief trial judge from among the members of the applicable trial judiciary.”.

SEC. 5185. QUALIFICATIONS OF TRIAL COUNSEL AND DEFENSE COUNSEL.

Section 827 of title 10, United States Code (article 27 of the Uniform Code of Military Justice), is amended—

(1) in the first sentence of paragraph (2) of subsection (a), by striking “No person” and all that follows through “trial counsel,” the first place it appears and inserting “No person who, with respect to a case, has served as a preliminary hearing officer, court member, military judge, military magistrate, or appellate judge, may later serve as trial counsel,”;

(2) in the first sentence of subsection (b), by striking “Trial counsel or defense counsel” and inserting “Trial counsel, defense counsel, or assistant defense counsel”; and

(3) by striking subsection (c) and inserting the following new subsections:

“(c)(1) Defense counsel and assistant defense counsel detailed for a special court-martial shall have the qualifications set forth in subsection (b).
“(2) Trial counsel and assistant trial counsel detailed for a special court-martial and assistant trial counsel detailed for a general court-martial must be determined to be competent to perform such duties by the Judge Advocate General, under such rules as the President may prescribe.

“(d) To the greatest extent practicable, in any capital case, at least one defense counsel shall, as determined by the Judge Advocate General, be learned in the law applicable to such cases. If necessary, this counsel may be a civilian and, if so, may be compensated in accordance with regulations prescribed by the Secretary of Defense.”.

SEC. 5186. ASSEMBLY AND IMPANELING OF MEMBERS AND RELATED MATTERS.

Section 829 of title 10, United States Code (article 29 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 829. Art 29. Assembly and impaneling of members; detail of new members and military judges

“(a) ASSEMBLY.—The military judge shall announce the assembly of a general or special court-martial with members. After such a court-martial is assembled, no member may be absent, unless the member is excused—

“(1) as a result of a challenge;
“(2) under subsection (b)(1)(B); or

“(3) by order of the military judge or the convening authority for disability or other good cause.

“(b) IMPANELING.—(1) Under rules prescribed by the President, the military judge of a general or special court-martial with members shall—

“(A) after determination of challenges, impanel the court-martial; and

“(B) excuse the members who, having been assembled, are not impaneled.

“(2) In a general court-martial, the military judge shall impanel—

“(A) 12 members in a capital case; and

“(B) eight members in a noncapital case.

“(3) In a special court-martial, the military judge shall impanel four members.

“(c) ALTERNATE MEMBERS.—In addition to members under subsection (b), the military judge shall impanel alternate members, if the convening authority authorizes alternate members.

“(d) DETAIL OF NEW MEMBERS.—(1) If, after members are impaneled, the membership of the court-martial is reduced to—

“(A) fewer than 12 members with respect to a general court-martial in a capital case;
“(B) fewer than six members with respect to a
general court-martial in a noncapital case; or
“(C) fewer than four members with respect to
a special court-martial;
the trial may not proceed unless the convening authority
details new members and, from among the members so
detailed, the military judge impanels new members suffi-
cient 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 mem-
bers 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 mili-
tary judge is unable to proceed with the trial because of
disability or otherwise, a new military judge shall be de-
tailed to the court-martial.
“(f) EVIDENCE.—(1) In the case of new members
under subsection (d), the trial may proceed with the new
members present after the evidence previously introduced
is read or, in the case of audiotape, videotape, or similar recording, is played, in the presence of the new members, the military judge, the accused, and counsel for both sides.

“(2) In the case of a new military judge under subsection (e), the trial shall proceed as if no evidence had been introduced, unless the evidence previously introduced is read or, in the case of audiotape, videotape, or similar recording, is played, in the presence of the new military judge, the accused, and counsel for both sides.”.

SEC. 5187. MILITARY MAGISTRATES.

Subchapter V of chapter 47 of title 10, United States Code, is amended by inserting after section 826 (article 26 of the Uniform Code of Military Justice) the following new section (article):

“§826a. Art. 26a. Military magistrates

“(a) Qualifications.—A military magistrate shall be a commissioned officer of the armed forces who—

“(1) is a member of the bar of a Federal court or a member of the bar of the highest court of a State; and

“(2) is certified to be qualified, by reason of education, training, experience, and judicial temperament, for duty as a military magistrate by the Judge Advocate General of the armed force of which the officer is a member.
“(b) Duties.—In accordance with regulations prescribed by the Secretary concerned, in addition to duties when designated under section 819 or 830a of this title (article 19 or 30a), a military magistrate may be assigned to perform other duties of a nonjudicial nature.”

TITLE LVII—PRE-TRIAL PROCEDURE

SEC. 5201. CHARGES AND SPECIFICATIONS.

Section 830 of title 10, United States Code (article 30 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 830. Art 30. Charges and specifications

“(a) In General.—Charges and specifications—

“(1) may be preferred only by a person subject to this chapter; and

“(2) shall be preferred by presentment in writing, signed under oath before a commissioned officer of the armed forces who is authorized to administer oaths.

“(b) Required Content.—The writing under subsection (a) shall state that—

“(1) the signer has personal knowledge of, or has investigated, the matters set forth in the charges and specifications; and
“(2) the matters set forth in the charges and specifications are true, to the best of the knowledge and belief of the signer.

“(c) DUTY OF PROPER AUTHORITY.—When charges and specifications are preferred under subsection (a), the proper authority shall, as soon as practicable—

“(1) inform the person accused of the charges and specifications; and

“(2) determine what disposition should be made of the charges and specifications in the interest of justice and discipline.”.

SEC. 5202. PROCEEDINGS CONDUCTED BEFORE REFERRAL.

Subchapter VI of chapter 47 of title 10, United States Code, is amended by inserting after section 830 (article 30 of the Uniform Code of Military Justice) the following new section (article):

“§ 830a. Art. 30a. Proceedings conducted before referral

“(a) IN GENERAL.—(1) The President shall prescribe regulations for proceedings conducted before referral of charges and specifications to court-martial for trial.

“(2) The regulations prescribed under paragraph (1) shall—

“(A) set forth the matters that a military judge may rule upon in such proceedings;
“(B) include procedures for the review of such rulings;

“(C) include appropriate limitations to ensure that proceedings under this section extend only to matters that would be subject to consideration by a military judge in a general or special court-martial; and

“(D) provide such limitations on the relief that may be ordered under this section as the President considers appropriate.

“(3) If any matter in a proceeding under paragraph (1) becomes a subject at issue with respect to charges that have been referred to a general or special court-martial, the matter shall be transferred to the military judge detailed to the court-martial.

“(b) Detail of Military Judge.—The Secretary concerned shall prescribe regulations providing for the manner in which military judges are detailed to proceedings under subsection (a)(1).

“(c) Discretion to Designate Magistrate to Preside.—In accordance with regulations prescribed by the Secretary concerned, a military judge detailed to a proceeding under subsection (a)(1) may designate a military magistrate to preside over the proceeding.”.
SEC. 5203. PRELIMINARY HEARING REQUIRED BEFORE REFERRAL TO GENERAL COURT-MARTIAL.

(a) In general.—Section 832 of title 10, United States Code (article 32 of the Uniform Code of Military Justice), is amended by striking the section heading and subsections (a), (b), and (c) and inserting the following:

§ 832. Art. 32. Preliminary hearing required before referral to general court-martial

“(a) In general.—(1)(A) Except as provided in subparagraph (B), a preliminary hearing shall be held before referral of charges and specifications for trial by general court-martial. The preliminary hearing shall be conducted by an impartial hearing officer, detailed by the convening authority in accordance with subsection (b).

“(B) Under regulations prescribed by the President, a preliminary hearing need not be held if the accused submits a written waiver to the convening authority and the convening authority determines that a hearing is not required.

“(2) The issues for determination at a preliminary hearing are limited to the following:

“(A) Whether or not the specification alleges an offense under this chapter.

“(B) Whether or not there is probable cause to believe that the accused committed the offense charged.
“(C) Whether or not the convening authority has court-martial jurisdiction over the accused and over the offense.

“(b) HEARING OFFICER.—(1) A preliminary hearing under this section shall be conducted by an impartial hearing officer, who—

“(A) whenever practicable, shall be a judge advocate who is certified under section 827(b)(2) of this title (article 27(b)(2)); or

“(B) when it is not practicable to appoint a judge advocate because of exceptional circumstances, is not a judge advocate so certified.

“(2) In the case of a hearing officer under paragraph (1)(B), a judge advocate who is certified under section 827(b)(2) of this title (article 27(b)(2)) shall be available to provide legal advice to the hearing officer.

“(3) Whenever practicable, the hearing officer shall be equal in grade or senior in grade to military counsel who are detailed to represent the accused or the Government at the preliminary hearing.

“(c) REPORT TO CONVENING AUTHORITY.—After a preliminary hearing under this section, the hearing officer shall submit to the convening authority a written report (accompanied by a recording of the preliminary hearing under subsection (e)) that includes the following:
“(1) For each specification, a statement of the reasoning and conclusions of the hearing officer with respect to determinations under subsection (a)(2), including a summary of relevant witness testimony and documentary evidence presented at the hearing and any observations of the hearing officer concerning the testimony of witnesses and the availability and admissibility of evidence at trial.

“(2) Recommendations for any necessary modifications to the form of the charges or specifications.

“(3) An analysis of any additional information submitted after the hearing by the parties or by a victim of an offense, that, under such rules as the President may prescribe, is relevant to disposition under sections 830 and 834 of this title (articles 30 and 34).

“(4) A statement of action taken on evidence adduced with respect to uncharged offenses, as described in subsection (f).”.

(b) SUNDRY AMENDMENTS.—Subsection (d) of such section (article) is amended—

(1) in paragraph (1), by striking “subsection (a)” in the first sentence and inserting “this section”;
(2) in paragraph (2), by striking “in defense” and all that follows through the end and inserting “that is relevant to the issues for determination under subsection (a)(2).”;

(3) in paragraph (3), by adding at the end the following new sentence: “A declination under this paragraph shall not serve as the sole basis for ordering a deposition under section 849 of this title (article 49).”; and

(4) in paragraph (4), by striking “the limited purposes of the hearing, as provided in subsection (a)(2)” and inserting “determinations under subsection (a)(2)”.

(c) Reference to MCM.—Subsection (e) of such section (article) is amended by striking “as prescribed by the Manual for Courts-Martial” in the second sentence and inserting “under such rules as the President may prescribe”.

(d) Effect of Violation.—Subsection (g) of such section (article) is amended by adding at the end the following new sentence: “A defect in a report under subsection (c) is not a basis for relief if the report is in substantial compliance with that subsection.”.
(e) **CONFORMING AMENDMENTS.**—The following provisions are each amended by striking “investigating officer” and inserting “preliminary 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:

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§ 833. Art 33. Disposition guidance
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“The President shall direct the Secretary of Defense to issue, in consultation with the Secretary of Homeland Security, non-binding guidance regarding factors that commanders, convening authorities, staff judge advocates, and judge advocates should take into account when exercising their duties with respect to disposition of charges and specifications in the interest of justice and discipline under sections 830 and 834 of this title (articles 30 and 34). Such guidance shall take into account, with appropriate consideration of military requirements, the prin-
ciples contained in official guidance of the Attorney General to attorneys for the Government with respect to disposition of Federal criminal cases in accordance with the principle of fair and evenhanded administration of Federal criminal law.”.

SEC. 5205. ADVICE TO CONVENING AUTHORITY BEFORE REFERRAL FOR TRIAL.

Section 834 of title 10, United States Code (article 34 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 834. Art. 34. Advice to convening authority before referral for trial

“(a) GENERAL COURT-MARTIAL.—

“(1) STAFF JUDGE ADVOCATE ADVICE REQUIRED BEFORE REFERRAL.—Before referral of charges and specifications to a general court-martial for trial, the convening authority shall submit the matter to the staff judge advocate for advice, which the staff judge advocate shall provide to the convening authority in writing. The convening authority may not refer a specification under a charge to a general court-martial unless the staff judge advocate advises the convening authority in writing that—

“(A) the specification alleges an offense under this chapter;
“(B) there is probable cause to believe that the accused committed the offense charged; and

“(C) a court-martial would have jurisdiction over the accused and the offense.

“(2) STAFF JUDGE ADVOCATE RECOMMENDATION AS TO DISPOSITION.—Together with the written advice provided under paragraph (1), the staff judge advocate shall provide a written recommendation to the convening authority as to the disposition that should be made of the specification in the interest of justice and discipline.

“(3) STAFF JUDGE ADVOCATE ADVICE AND RECOMMENDATION TO ACCOMPANY REFERRAL.—When a convening authority makes a referral for trial by general court-martial, the written advice of the staff judge advocate under paragraph (1) and the written recommendation of the staff judge advocate under paragraph (2) with respect to each specification shall accompany the referral.

“(b) SPECIAL COURT-MARTIAL; CONVENING AUTHORITY CONSULTATION WITH JUDGE ADVOCATE.—Before referral of charges and specifications to a special court-martial for trial, the convening authority shall consult a judge advocate on relevant legal issues.
“(c) General and Special Courts-Martial; Correction of Charges and Specifications Before Referral.—Before referral for trial by general court-martial or special court-martial, changes may be made to charges and specifications—

“(1) to correct errors in form; and

“(2) when applicable, to conform to the substance of the evidence contained in a report under section 832(c) of this title (article 32(e)).

“(d) Referral Defined.—In this section, the term ‘referral’ means the order of a convening authority that charges and specifications against an accused be tried by a specified court-martial.”.

SEC. 5206. SERVICE OF CHARGES AND COMMENCEMENT OF TRIAL.

Section 835 of title 10, United States Code (article 35 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 835. Art. 35. Service of charges; commencement of trial

“(a) In General.—Trial counsel detailed for a court-martial under section 827 of this title (article 27) shall cause to be served upon the accused a copy of the charges and specifications referred for trial.
“(b) Commencement of Trial.—(1) Subject to paragraphs (2) and (3), no trial or other proceeding of a general court-martial or a special court-martial (including any session under section 839(a) of this title (article 39(a)) may be held over the objection of the accused—

“(A) with respect to a general court-martial, from the time of service through the fifth day after the date of service; or

“(B) with respect to a special court-martial, from the time of service through the third day after the date of service.

“(2) An objection under paragraph (1) may be raised only at the first session of the trial or other proceeding and only if the first session occurs before the end of the applicable period under paragraph (1)(A) or (1)(B). If the first session occurs before the end of the applicable period, the military judge shall, at that session, inquire as to whether the defense objects under this subsection.

“(3) This subsection shall not apply in time of war.”.

TITLE LVII—TRIAL PROCEDURE

SEC. 5221. DUTIES OF ASSISTANT DEFENSE COUNSEL.

Section 838(e) of title 10, United States Code (article 38(e) of the Uniform Code of Military Justice), is amended by striking “, under the direction” and all that follows through “(article 27),”.
SEC. 5222. SESSIONS.

Section 839 of title 10, United States Code (article 39 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by striking paragraph (3) and inserting the following new paragraphs:

“(3) holding the arraignment and receiving the pleas of the accused;

“(4) conducting a sentencing proceeding and sentencing the accused; and”; and

(2) in the second sentence of subsection (c), by striking “, in cases in which a military judge has been detailed to the court,”.

SEC. 5223. TECHNICAL AMENDMENT RELATING TO CONTINUANCES.

Section 840 of title 10, United States Code (article 40 of the Uniform Code of Military Justice), is amended by striking “court-martial without a military judge” and inserting “summary court-martial”.

SEC. 5224. CONFORMING AMENDMENTS RELATING TO CHALLENGES.

Section 841 of title 10, United States Code (article 41 of the Uniform Code of Military Justice), is amended—
(1) in subsection (a)(1), in the second sentence, by striking“, or, if none, the court,”;

(2) in subsection (a)(2), in the first sentence, by striking “minimum”; and

(3) in subsection (b)(2), by striking “minimum”.

SEC. 5225. STATUTE OF LIMITATIONS.

(a) INCREASE IN PERIOD FOR CHILD ABUSE OFFENSES.—Subsection (b)(2)(A) of section 843 of title 10, United States Code (article 43 of the Uniform Code of Military Justice), is amended by striking “five years” and inserting “ten years”.

(b) INCREASE IN PERIOD FOR FRAUDULENT ENLISTMENT OR APPOINTMENT OFFENSES.—Such section (article) is further amended by adding at the end the following new subsection:

“(h) FRAUDULENT ENLISTMENT OR APPOINTMENT.—A person charged with fraudulent enlistment or fraudulent appointment under section 904a(1) of this title (article 104a(1)) may be tried by court-martial if the sworn charges and specifications are received by an officer exercising summary court-martial jurisdiction with respect to that person, as follows:

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“(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)”;

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(5) in subsection (e), by inserting “EXTENSION FOR OFFENSES IN TIME OF WAR DETRIMENTAL TO PROSECUTION OF WAR.—” after “(e)”; 

(6) in subsection (f), by inserting “EXTENSION FOR OTHER OFFENSES IN TIME OF WAR.—” after “(f)”; and 

(7) in subsection (g), by inserting “DEFECTIVE OR INSUFFICIENT CHARGES.—” after “(g)”. 

(e) APPLICATION.—The amendments made by subsections (a), (b), (c), and (d) shall apply to the prosecution of any offense committed before, on, or after the date of the enactment of this subsection if the applicable limitation period has not yet expired. 

SEC. 5226. FORMER JEOPARDY. 

Subsection (c) of section 844 of title 10, United States Code (article 44 of the Uniform Code of Military Justice), is amended to read as follows: 

“(c)(1) A court-martial with a military judge alone is a trial in the sense of this section (article) if, without fault of the accused— 

“(A) after introduction of evidence; and 

“(B) before announcement of findings under section 853 of this title (article 53);
the case is dismissed or terminated by the convening au-

thority or on motion of the prosecution for failure of avail-

able evidence or witnesses.

“(2) A court-martial with a military judge and mem-
bers is a trial in the sense of this section (article) if, with-
out 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 au-

thority or on motion of the prosecution for failure of avail-

able 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 Uni-

form 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.
“(3) Warrant or order for wire or electronic communications.—With respect to an investigation of an offense under this chapter, a military judge detailed in accordance with section 826 or 830a of this title (article 26 or 30a) may issue warrants or court orders for the contents of, and records concerning, wire or electronic communications in the same manner as such warrants and orders may be issued by a district court of the United States under chapter 121 of title 18, subject to such limitations as the President may prescribe by regulation.

“(e) Request for Relief from Subpoena or Other Process.—If a person requests relief from a subpoena or other process under this section (article) on grounds that compliance is unreasonable or oppressive or is prohibited by law, a military judge detailed in accordance with section 826 or 830a of this title (article 26 or 30a) shall review the request and shall—

“(1) order that the subpoena or other process be modified or withdrawn, as appropriate; or

“(2) order the person to comply with the subpoena or other process.”.

(5) Section heading.—The heading of such section (article) is amended to read as follows:
§ 846. Art. 46. Opportunity to obtain witnesses and other evidence in trials by court-martial.

(b) Conforming Amendments to Title 18, United States Code.—

(1) Section 2703 of title 18, United States Code, is amended—

(A) in the first sentence of subsection (a);

(B) in subsection (b)(1)(A); and

(C) in subsection (c)(1)(A);

by inserting after “warrant procedures” the following: “and, in the case of a court-martial or other proceeding under chapter 47 of title 10 (the Uniform Code of Military Justice), issued under section 846 of that title, in accordance with regulations prescribed by the President”.

(D) Section 2711(3) of title 18, United States Code, is amended—

(i) in subparagraph (A), by striking “or” at the end;

(ii) in subparagraph (B), by striking “and” at the end and inserting “or”; and

(iii) by adding at the end the following new subparagraph:

“(C) a court-martial or other proceeding under chapter 47 of title 10 (the Uniform Code
of Military Justice) to which a military judge has been detailed; and”.

SEC. 5229. REFUSAL OF PERSON NOT SUBJECT TO UCMJ TO APPEAR, TESTIFY, OR PRODUCE EVIDENCE.

(a) In General.—Subsection (a) of section 847 of title 10, United States Code (article 47 of the Uniform Code of Military Justice), is amended to read as follows:

“(a) In General.—(1) Any person described in paragraph (2) who—

“(A) willfully neglects or refuses to appear; or

“(B) willfully refuses to qualify as a witness or to testify or to produce any evidence which that person is required to produce;

is guilty of an offense against the United States.

“(2) The persons referred to in paragraph (1) are the following:

“(A) Any person not subject to this chapter who—

“(i) is issued a subpoena or other process described in subsection (c) of section 846 of this title (article 46); and

“(ii) is provided a means for reimbursement from the Government for fees and mileage at the rates allowed to witnesses attending the courts of the United States or, in the case of
extraordinary hardship, is advanced such fees
and mileage.

“(B) Any person not subject to this chapter
who is issued a subpoena or other process described
in subsection (d) of section 846 of this title (article
46).”.

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

“§ 847. Art. 47. Refusal of person not subject to chap-
ter to appear, testify, or produce evi-
dence”.

SEC. 5230. CONTEMPT.

(a) AUTHORITY TO PUNISH.—Subsection (a) of sec-
tion 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 speci-
fied 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 pro-
ceeding;

“(B) disturbs the proceeding by any riot or dis-
order; or
“(C) willfully disobeys a lawful writ, process, order, rule, decree, or command issued with respect to the proceeding.

“(2) A judicial officer referred to in paragraph (1) is any of the following:

“(A) Any judge of the Court of Appeals for the Armed Forces and any judge of a Court of Criminal Appeals under section 866 of this title (article 66).

“(B) Any military judge detailed to a court-martial, a provost court, a military commission, or any other proceeding under this chapter.

“(C) Any military magistrate designated to preside under section 819 or 830a of this title (article 19 or 30a).

“(D) Any commissioned officer detailed as a summary court-martial.

“(E) The president of a court of inquiry.”.

(b) REVIEW.—Such section (article) is further amended—

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

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

“(c) REVIEW.—A punishment under this section—
“(1) if imposed by a military judge or military
magistrate, may be reviewed by the Court of Crimi-
nal Appeals in accordance with the uniform rules of
procedure for the Courts of Criminal Appeals under
section 866(i) of this title (article 66(i));

“(2) if imposed by a judge of the Court of Ap-
peals 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 pro-
visions of section 867 or 867a of this title (article
67 or 67a); and

“(3) if imposed by a summary court-martial or
court of inquiry, shall be subject to review by the
convening authority in accordance with rules pre-
scribed by the President.”.

(e) 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 sec-
tion 838(b) of this title (article 38(b)).

“(c) Admissibility and use as evidence.—A dep-
osition order under subsection (a) does not control the ad-
missibility of the deposition in a court-martial or other
proceeding under this chapter. Except as provided by sub-
section (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”.

(e) Subsection Heading Amendments for Stylistic Consistency.—Such section (article) is further amended—

(1) in subsection (a), by inserting “USE AS EVIDENCE BY ANY PARTY.—” after “(a)”;

(2) in subsection (b), by inserting “USE AS EVIDENCE BY DEFENSE.—” after “(b)”; and

(3) in subsection (c), by inserting “USE IN COURTS OF INQUIRY AND MILITARY BOARDS.—” after “(c)”.

SEC. 5233. CONFORMING AMENDMENT RELATING TO DEFENSE OF LACK OF MENTAL RESPONSIBILITY.

Section 850a(c) of title 10, United States Code (article 50a(c) of the Uniform Code of Military Justice), is
amended by striking “, or the president of a court-martial without a military judge,”.

SEC. 5234. VOTING AND RULINGS.

Section 851 of title 10, United States Code (article 51 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a), by striking “, and by members of a court-martial without a military judge upon questions of challenge,” in the first sentence;

(2) in subsection (b)—

(A) in the first sentence, by striking “and, except for questions of challenge, the president of a court-martial without a military judge”;

and

(B) in the second sentence, by striking “, or by the president” and all that follows through the end of the subsection and inserting “is final and constitutes the ruling of the court, except that the military judge may change a ruling at any time during trial.”; and

(3) in subsection (e), 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 concur- rence 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 sub- section (a) and in paragraph (2), all matters to be decided by members of a general or special court- martial shall be determined by a majority vote, but a reconsideration of a finding of guilty or reconsideration of a sentence, with a view toward decreasing
the sentence, may be made by any lesser vote which indicates that the reconsideration is not opposed by the number of votes required for that finding or sentence.

“(2) SENTENCING.—A sentence of death requires (A) a unanimous finding of guilty of an offense in this chapter expressly made punishable by death and (B) a unanimous determination by the members that the sentence for that offense shall include death. All other sentences imposed by members shall be determined by the concurrence of at least three-fourths of the members present when the vote is taken.”

SEC. 5236. FINDINGS AND SENTENCING.

Section 853 of title 10, United States Code (article 53 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 853. Art. 53. Findings and sentencing

“(a) ANNOUNCEMENT.—A court-martial shall announce its findings and sentence to the parties as soon as determined.

“(b) SENTENCING GENERALLY.—(1) Except as provided in subsection (e) for capital offenses, if the accused is convicted of an offense in a trial by general or special court-martial, the military judge shall sentence the ac-
cused. The sentence determined by the military judge con-
stitutes the sentence of the court-martial.

“(2) If the accused is convicted of an offense in a
trial by summary court-martial, the court-martial shall
sentence the accused.

“(c) SENTENCING FOR CAPITAL OFFENSES.—(1) In
a capital case, if the accused is convicted of an offense
for which the court-martial may sentence the accused to
death—

“(A) the members shall determine whether the
sentence for that offense shall be death, life in pris-
on without eligibility for parole, or a lesser punish-
ment determined by the military judge; and

“(B) the military judge shall sentence the ac-
cused for that offense in accordance with the deter-
mination of the members under subparagraph (A).

“(2) In accordance with regulations prescribed by the
President, the military judge may include in any sentence
to death or life in prison without eligibility for parole other
lesser punishments authorized under this chapter.”.

SEC. 5237. PLEA AGREEMENTS.

Subchapter VII of chapter 47 of title 10, United
States Code, is amended by inserting after section 853
(article 53 of the Uniform Code of Military Justice) the
following new section:
§ 853a. Art. 53a. Plea agreements

(a) IN GENERAL.—(1) At any time before the announcement of findings under section 853 of this title (article 53), the convening authority and the accused may enter into a plea agreement with respect to such matters as—

(A) the manner in which the convening authority will dispose of one or more charges and specifications; and

(B) limitations on the sentence that may be adjudged for one or more charges and specifications.

(2) The military judge of a general or special court-martial may not participate in discussions between the parties concerning prospective terms and conditions of a plea agreement.

(b) ACCEPTANCE OF PLEA AGREEMENT.—Subject to subsection (c), the military judge of a general or special court-martial shall accept a plea agreement submitted by the parties, except that—

(1) in the case of an offense with a sentencing parameter under section 856 of this title (article 56), the military judge may reject a plea agreement that proposes a sentence that is outside the sentencing parameter if the military judge determines that the proposed sentence is plainly unreasonable; and
“(2) in the case of an offense with no sentencing parameter under section 856 of this title (article 56), the military judge may reject a plea agreement that proposes a sentence if the military judge determines that the proposed sentence is plainly unreasonable.

“(c) Limitation on Acceptance of Plea Agreements.—The military judge of a general or special court-martial shall reject a plea agreement that—

“(1) contains a provision that has not been accepted by both parties;

“(2) contains a provision that is not understood by the accused;

“(3) except as provided in subsection (d), contains a provision for a sentence that is less than the mandatory minimum sentence applicable to an offense referred to in section 856(b)(2) of this title (article 56(b)(2)); or

“(4) is prohibited by law or by regulation prescribed by the President.

“(d) Limited Conditions for Acceptance of Plea Agreement for Sentence Below Mandatory Minimum for Certain Offenses.—With respect to an offense referred to in section 856(b)(2) of this title (article 56(b)(2))—
“(1) the military judge may accept a plea agreement that provides for a sentence of bad conduct discharge; and

“(2) upon recommendation of the trial counsel, in exchange for substantial assistance by the accused in the investigation or prosecution of another person who has committed an offense, the military judge may accept a plea agreement that provides for a sentence that is less than the mandatory minimum sentence for the offense charged.

“(e) BINDING EFFECT OF PLEA AGREEMENT.—Upon acceptance by the military judge of a general or special court-martial, a plea agreement shall bind the parties and the military judge.”.

SEC. 5238. RECORD OF TRIAL.

Section 854 of title 10, United States Code (article 54 of the Uniform Code of Military Justice), is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

“(a) GENERAL AND SPECIAL COURTS-MARTIAL.—Each general or special court-martial shall keep a separate record of the proceedings in each case brought before it. The record shall be certified by a court-reporter, except that in the case of death, disability, or absence of a court
reporter, the record shall be certified by an official selected as the President may prescribe by regulation.”;

(2) in subsection (b)—

(A) by striking “(b) Each special and summary court-martial” and inserting “(b) SUMMARY COURT-MARTIAL.—Each summary court-martial”; and

(B) by striking “authenticated” and inserting “certified”;

(3) by striking subsection (c) and inserting the following new subsection (c):

“(c) CONTENTS OF RECORD.—(1) Except as provided in paragraph (2), the record shall contain such matters as the President may prescribe by regulation.

“(2) In accordance with regulations prescribed by the President, a complete record of proceedings and testimony shall be prepared in any case of a sentence of death, dismissal, discharge, confinement for more than six months, or forfeiture of pay for more than six months.”;

(4) in subsection (d)—

(A) by striking “(d) A copy” and inserting “(d) COPY TO ACCUSED.—A copy”; and

(B) by striking “authenticated” and inserting “certified”; and

(5) in subsection (e)—
(A) by striking “(e) In the case” and inserting “(e) COPY TO VICTIM.—In the case”;

(B) by striking “involving a sexual assault or other offense covered by section 920 of this title (article 120)” in the first sentence and inserting “upon request,”; and

(C) by striking “authenticated” in the second sentence and inserting “certified”.

TITLE LVIII—SENTENCES

SEC. 5261. SENTENCING.

(a) IN GENERAL.—Section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 856. Art. 56. Sentencing

(a) SENTENCE MAXIMUMS.—The punishment which a court-martial may direct for an offense may not exceed such limits as the President may prescribe for that offense.

(b) SENTENCE MINIMUMS FOR CERTAIN OFFENSES.—

“(1) IN GENERAL.—Except as provided in section 853a(d) of this title (article 53a(d)), punishment for any offense specified in paragraph (2) shall include dismissal or dishonorable discharge, as applicable.
“(2) Offenses.—The offenses referred to in paragraph (1) are as follows:

“(A) Rape under subsection (a) of section 920 of this title (article 120).

“(B) Sexual assault under subsection (b) of such section (article).

“(C) Rape of a child under subsection (a) of section 920b of this title (article 120b).

“(D) Sexual assault of a child under subsection (b) of such section (article).

“(E) An attempt to commit an offense specified in subparagraph (A), (B), (C), or (D) that is punishable under section 880 of this title (article 80).

“(c) Imposition of sentence.—

“(1) In general.—In sentencing an accused under section 853 of this title (article 53), a court-martial shall impose punishment that is sufficient, but not greater than necessary, to promote justice and to maintain good order and discipline in the armed forces, taking into consideration—

“(A) the nature and circumstances of the offense and the history and characteristics of the accused;

“(B) the impact of the offense on—
“(i) the financial, social, psychological, or medical well-being of any victim of the offense; and

“(ii) the mission, discipline, or efficiency of the command of the accused and any victim of the offense;

“(C) the need for the sentence—

“(i) to reflect the seriousness of the offense;

“(ii) to promote respect for the law;

“(iii) to provide just punishment for the offense;

“(iv) to promote adequate deterrence of misconduct;

“(v) to protect others from further crimes by the accused;

“(vi) to rehabilitate the accused; and

“(vii) to provide, in appropriate cases, the opportunity for retraining and return to duty to meet the needs of the service;

“(D) the sentences available under this chapter; and

“(E) the applicable sentencing parameters or sentencing criteria prescribed under this section.
“(2) Application of sentencing parameters in general and special courts-martial.—

“(A) In general.—Except as provided in subparagraph (B), in a general or special court-martial in which the accused is convicted of an offense with a sentencing parameter under subsection (d), the military judge shall sentence the accused for that offense within the applicable parameter.

“(B) Exception.—The military judge may impose a sentence outside a sentencing parameter upon finding specific facts that warrant such a sentence. The military judge shall include in the record a written statement of the factual basis for any sentence under this subparagraph.

“(3) Use of sentencing criteria in general and special courts-martial.—In a general or special court-martial in which the accused is convicted of an offense with sentencing criteria under subsection (d), the military judge shall consider the applicable sentencing criteria in determining the sentence for that offense.
“(4) Offense based sentencing in general and special courts-martial.—In announcing the sentence under section 853 of this title (article 53) in a general or special court-martial, the military judge shall, with respect to each offense of which the accused is found guilty, specify the term of confinement, if any, and the amount of the fine, if any. If the accused is sentenced to confinement for more than one offense, the military judge shall specify whether the terms of confinement are to run consecutively or concurrently.

“(5) Nonapplicability to death penalty.—Sentencing parameters and sentencing criteria are not applicable to the issue of whether an offense should be punished by death.

“(6) Sentence of confinement for life without eligibility for parole.—

“(A) In general.—If an offense is subject to a sentence of confinement for life, a court-martial may impose a sentence of confinement for life without eligibility for parole.

“(B) Confinement.—An accused who is sentenced to confinement for life without eligibility for parole shall be confined for the remainder of the accused’s life unless—
“(i) the sentence is set aside or otherwise modified as a result of—

“(I) action taken by the convening authority or the Secretary concerned; or

“(II) any other action taken during post-trial procedure and review under any other provision of subchapter IX of this chapter;

“(ii) the sentence is set aside or otherwise modified as a result of action taken by a Court of Criminal Appeals, the Court of Appeals for the Armed Forces, or the Supreme Court; or

“(iii) the accused is pardoned.

“(d) ESTABLISHMENT OF SENTENCING PARAMETERS AND SENTENCING CRITERIA.—

“(1) IN GENERAL.—The President shall prescribe regulations establishing sentencing parameters and sentencing criteria in accordance with this subsection.

“(2) SENTENCING PARAMETERS.—

“(A) IN GENERAL.—A sentencing parameter provides a delineated sentencing range for an offense that is appropriate for a typical vio-
lation of the offense, taking into consider-

ation—

“(i) the severity of the offense;

“(ii) the guideline or offense category

that would apply to the offense if the of-

fense were tried in a United States district

court;

“(iii) any military-specific sentencing

factors; and

“(iv) the need for the sentencing pa-

rameter to be sufficiently broad to allow

for individualized consideration of the of-

fense and the accused.

“(B) ELEMENTS AND SCOPE.—Sentencing

parameters established under paragraph (1)—

“(i) shall include no fewer than seven

and no more than twelve offense cat-

ergories;

“(ii) other than for offenses identified

under paragraph (5)(B), shall assign each

offense under this chapter to an offense

category;

“(iii) shall delineate the confinement

range for each offense category by setting
an upper confinement limit and a lower
confinement limit; and

“(iv) shall be neutral as to the race,
sex, national origin, creed, sexual orienta-
tion, and socioeconomic status of offenders.

“(3) SENTENCING CRITERIA.—Sentencing cri-
teria are factors concerning available punishments
that may aid the military judge in determining an
appropriate sentence when there is no applicable
sentencing parameter for a specific offense.

“(4) MILITARY SENTENCING PARAMETERS AND
CRITERIA BOARD.—

“(A) IN GENERAL.—There is established
within the Department of Defense a board, to
be known as the ‘Military Sentencing Param-
eters and Criteria Board’ (in this subsection re-
ferred to as ‘Board’).

“(B) VOTING MEMBERS.—The Board shall
have five voting members, as follows:

“(i) The four chief trial judges des-
ignated under section 826(g) of this title
(article 26(g)), except that, if the chief
trial judge of the Coast Guard is not avail-
able, the Judge Advocate General of the
Coast Guard may designate as a voting
member a judge advocate of the Coast Guard with substantial military justice experience.

“(ii) A trial judge of the Navy, designated under regulations prescribed by the President, if the chief trial judges designated under section 826(g) of this title (article 26(g)) do not include a trial judge of the Navy.

“(iii) A trial judge of the Marine Corps, designated under regulations prescribed by the President, if the chief trial judges designated under section 826(g) of this title (article 26(g)) do not include a trial judge of the Marine Corps.

“(C) Nonvoting Members.—The Attorney General, the Chief Judge of the Court of Appeals for the Armed Forces, the Chairman of the Joint Chiefs of Staff, and the General Counsel of the Department of Defense shall each designate one nonvoting member of the Board.

“(D) Chair and Vice-Chair.—The Secretary of Defense shall designate one voting
member as chair of the Board and one voting
member as vice-chair of the Board.

“(5) **DUTIES OF BOARD.**—

“(A) **IN GENERAL.**—As directed by the
President, the Board shall submit to the Presi-
dent for approval—

“(i) sentencing parameters for all of-
fenses under this chapter, other than of-
fenses that are identified by the Board as
unsuitable for sentencing parameters; and

“(ii) sentencing criteria to be used by
military judges in determining appropriate
sentences for offenses that are identified as
unsuitable for sentencing parameters.

“(B) **OFFENSES UNSUITABLE FOR SEN-
TENCING PARAMETERS.**—For purposes of this
paragraph, an offense is unsuitable for sen-
tencing parameters if—

“(i) the nature of the offense is inde-
terminate and unsuitable for categoriza-
tion; and

“(ii) there is no similar criminal of-
fense under the laws of the United States
or the laws of the District of Columbia.
“(C) Scope of Duties.—The Board shall consider the appropriateness of sentencing parameters for punitive discharges, fines, reductions, forfeitures, and other punishments authorized under this chapter.

“(D) Regular Review of Parameters and Criteria.—The Board shall regularly review, and propose revision to, in consideration of comments and data coming to its attention, the sentencing parameters and sentencing criteria prescribed under subsection (d)(1).

“(E) Assessment of Effectiveness.—The Board shall develop means of measuring the degree to which applicable sentencing, penal, and correctional practices are effective with respect to the sentencing factors and policies set forth in this section.

“(F) Consultation.—In fulfilling its duties and in exercising its powers, the Board shall consult authorities on, and individual and institutional representatives of, various aspects of the military criminal justice system. The Board shall establish separate advisory groups consisting of individuals with current or recent experience in command and in senior enlisted
positions, individuals with experience in the trial of courts-martial, and such other groups as the Board deems appropriate.

“(G) PROPOSALS FOR AMENDMENTS TO RULES FOR COURTS-MARTIAL.—The Board shall submit to the President proposed amendments to the rules for courts-martial with respect to sentencing proceedings and maximum punishments, together with statements explaining the basis for the proposed amendments.

“(H) PROPOSALS FOR AMENDMENTS TO PARAMETERS AND CRITERIA.—The Board shall submit to the President proposed amendments to the sentencing parameters and sentencing criteria, together with statements explaining the basis for the proposed amendments.

“(I) NONBINDING GUIDANCE.—The Board may issue nonbinding policy statements to achieve the Board’s purposes and to guide military judges in fashioning appropriate sentences, including guidance on factors that may be relevant in determining where in a sentencing parameter a specification may fall, or whether a deviation outside of the sentencing range may be warranted.
“(J) Inapplicability of FACA.—The Federal Advisory Committee Act shall not apply with respect to the Board or any advisory group established by the Board.

“(6) Voting requirement.—An affirmative vote of at least three members is required for any action of the Board under this subsection.

“(e) Review of certain sentences.—

“(1) In general.—The Judge Advocate General concerned may send a case to the Court of Criminal Appeals for review of the sentence on the grounds that—

“(A) the sentence violates the law;

“(B) in the case of a sentence for an offense with a sentencing parameter under this section, the sentence is a result of an incorrect application of the parameter; or

“(C) the sentence is plainly unreasonable.

“(2) Timeliness.—A case submitted for review under this subsection must be filed within 60 days after the date on which the judgment of a court-martial is entered into the record under section 860c of this title (article 60c).”.
(b) **Conforming Repeal.**—Section 856a of title 10, United States Code (article 56a of the Uniform Code of Military Justice), is repealed.

(c) **Implementation of Sentencing Parameters and Criteria.**—

(1) **Regulations.**—Not later than four years after the date of the enactment of this Act, the President shall prescribe the regulations for sentencing parameters and criteria required by subsection (d) of section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), as amended by subsection (a) of this section.

(2) **Interim Guidance.**—Not later than two years after the date of the enactment of this Act, the President shall prescribe interim guidance for use in sentencing at courts-martial before the implementation of sentencing parameters and criteria pursuant to the regulations referred to in paragraph (1). Insofar as the President considers practicable, the interim guidance shall be consistent with the purposes and procedures set forth in subsections (c) and (d) of section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), as so amended, taking into account the interim nature.
of the guidance. For purposes of sentencing under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), the interim guidance shall be treated as sentencing parameters and criteria.

(3) EFFECTIVE DATES.—The President shall prescribe the effective dates of the regulations referred to in paragraph (1) and of the interim guidance referred to in paragraph (2).

(d) PROSPECTIVE REPEAL OF SENTENCE MINIMUMS FOR CERTAIN OFFENSES.—Upon the taking effect of the interim guidance prescribed under subsection (c)(2) for offenses specified in paragraph (2) of subsection (b) of section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), as in effect on the day after the date of the enactment of this Act—

(1) section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), as amended by subsection (a) of this section, is further amended—

(A) in subsection (a), by striking “(a) SENTENCE MAXIMUMS.—”; and

(B) by striking subsection (b); and

(2) section 853a of title 10, United States Code (article 53a of the Uniform Code of Military Jus-
... as added by section 5237 of this Act, is amended by striking subsections (e) and (d) and inserting the following new subsection:

“(c) LIMITATION ON ACCEPTANCE OF PLEA AGREEMENTS.—The military judge shall reject a plea agreement that—

“(1) contains a provision that has not been accepted by both parties;

“(2) contains a provision that is not understood by the accused; or

“(3) is prohibited by law or by regulation prescribed by the President.”.

(e) APPLICABILITY OF AUTHORITY FOR REVIEW OF CERTAIN SENTENCES.—A case may be sent to the Court of Criminal Appeals for review of the sentence in accordance with subsection (e) of section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), as amended by subsection (a), only if the sentence is adjudged on or after the effective date of the interim guidance prescribed under subsection (c)(2).

SEC. 5262. EFFECTIVE DATE OF SENTENCES.

(a) IN GENERAL.—Section 857 of title 10, United States Code (article 57 of the Uniform Code of Military Justice), as amended by subsection (a), is amended to read as follows:

...
§ 857. Art. 57. Effective date of sentences

“(a) Execution of Sentences.—A court-martial sentence shall be executed and take effect as follows:

“(1) Forfeiture and Reduction.—A forfeiture of pay or allowances shall be applicable to pay and allowances accruing on and after the date on which the sentence takes effect. Any forfeiture of pay or allowances or reduction in grade that is included in a sentence of a court-martial takes effect on the earlier of—

“(A) the date that is 14 days after the date on which the sentence is adjudged; or

“(B) in the case of a summary court-martial, the date on which the sentence is approved by the convening authority.

“(2) Confinement.—Any period of confinement included in a sentence of a court-martial begins to run from the date the sentence is adjudged by the court-martial, but periods during which the sentence to confinement is suspended or deferred shall be excluded in computing the service of the term of confinement.

“(3) Approval of Sentence of Death.—If the sentence of the court-martial extends to death, that part of the sentence providing for death may not be executed until approved by the President. In
such a case, the President may commute, remit, or suspend the sentence, or any part thereof, as the President sees fit. That part of the sentence providing for death may not be suspended.

“(4) APPROVAL OF DISMISSAL.—If in the case of a commissioned officer, cadet, or midshipman, the sentence of a court-martial extends to dismissal, that part of the sentence providing for dismissal may not be executed until approved by the Secretary concerned or such Under Secretary or Assistant Secretary as may be designated by the Secretary concerned. In such a case, the Secretary, Under Secretary, or Assistant Secretary, as the case may be, may commute, remit, or suspend the sentence, or any part of the sentence, as the Secretary sees fit. In time of war or national emergency he or she may commute a sentence of dismissal to reduction to any enlisted grade. A person so reduced may be required to serve for the duration of the war or emergency and six months thereafter.

“(5) COMPLETION OF APPELLATE REVIEW.—If a sentence extends to death, dismissal, or a dishonorable or bad-conduct discharge, that part of the sentence extending to death, dismissal, or a dishonorable or bad-conduct discharge may be executed, in
accordance with service regulations, after completion
of appellate review (and, with respect to death or
dismissal, approval under paragraph (3) or (4), as
appropriate).

“(6) OTHER SENTENCES.—Except as otherwise
provided in this subsection, a general or special
court-martial sentence is effective upon entry of
judgment and a summary court-martial sentence is
effective when the convening authority acts on the
sentence.

“(b) DEFERRAL OF SENTENCES.—

“(1) IN GENERAL.—On application by an ac-
cused, 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 for-
feiture. The deferment shall terminate upon entry of
judgment or, in the case of a summary court-mar-
tial, when the convening authority acts on the sen-
tence. The deferment may be rescinded at any time
by the officer who granted it or, if the accused is no
longer under his or her jurisdiction, by the officer
exercising general court-martial jurisdiction over the command to which the accused is currently assigned.

“(2) DEFERRAL OF CERTAIN PERSONS SENTENCED TO CONFINEMENT.—In any case in which a court-martial sentences a person referred to in paragraph (3) to confinement, the convening authority may defer the service of the sentence to confinement, without the consent of that person, until after the person has been permanently released to the armed forces by a State or foreign country referred to in that paragraph.

“(3) COVERED PERSONS.—Paragraph (2) applies to a person subject to this chapter who—

“(A) while in the custody of a State or foreign country is temporarily returned by that State or foreign country to the armed forces for trial by court-martial; and

“(B) after the court-martial, is returned to that State or foreign country under the authority of a mutual agreement or treaty, as the case may be.

“(4) STATE DEFINED.—In this subsection, the term ‘State’ includes the District of Columbia and any Commonwealth, territory, or possession of the United States.
“(5) DEFERRAL WHILE REVIEW PENDING.—In any case in which a court-martial sentences a person to confinement, but in which review of the case under section 867(a)(2) of this title (article 67(a)(2)) is pending, the Secretary concerned may defer further service of the sentence to confinement while that review is pending.

“(c) APPELLATE REVIEW.—

“(1) COMPLETION OF APPELLATE REVIEW.—Appellate review is complete under this section when—

“(A) a review under section 865 of this title (article 65) is completed; or

“(B) an appeal is filed with a Court of Criminal Appeals or the sentence includes death, and review is completed by a Court of Criminal Appeals and—

“(i) the time for the accused to file a petition for review by the Court of Appeals for the Armed Forces has expired and the accused has not filed a timely petition for such review and the case is not otherwise under review by that Court;

“(ii) such a petition is rejected by the Court of Appeals for the Armed Forces; or
“(iii) review is completed in accordance with the judgment of the Court of Appeals for the Armed Forces and—

“(I) a petition for a writ of certiorari is not filed within the time limits prescribed by the Supreme Court;

“(II) such a petition is rejected by the Supreme Court; or

“(III) review is otherwise completed in accordance with the judgment of the Supreme Court.

“(2) COMPLETION AS FINAL JUDGMENT OF LEGALITY OF PROCEEDINGS.—The completion of appellate review shall constitute a final judgment as to the legality of the proceedings.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 857a of title 10, United States Code (article 57a of the Uniform Code of Military Justice), is repealed.

(2) Section 871 of title 10, United States Code, (article 71 of the Uniform Code of Military Justice), is repealed.

(3) The second sentence of subsection (a)(1) of section 858b of title 10, United States Code (article 58b of the Uniform Code of Military Justice), is
amended by striking “section 857(a) of this title (article 57(a))” and inserting “section 857 of this title (article 57)”.

SEC. 5263. SENTENCE OF REDUCTION IN ENLISTED GRADE.

Section 858a of title 10, United States Code (article 58a of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)—

(A) by striking “as approved by the convening authority” and inserting “as set forth in the judgment of the court-martial entered into the record under section 860c of this title (article 60c)”;

and

(B) in the matter after paragraph (3), by striking “of that approval” and inserting “on which the judgment is so entered”; and

(2) in subsection (b), by striking “disapproved, or, as finally approved” and inserting “reduced, or, as finally affirmed”.

SEC. 5264. REPEAL OF SENTENCE REDUCTION PROVISION WHEN INTERIM GUIDANCE TAKES EFFECT.

Effective on the effective date of the interim guidance prescribed by the President pursuant to section 5261(c)(2):
(1) Section 858a of title 10, United States Code (article 58a of the Uniform Code of Military Justice), is repealed.

(2) The table of sections at the beginning of subchapter VIII of chapter 47 of such title is amended by striking the item relating to section 858a.

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

SEC. 5281. POST-TRIAL PROCESSING IN GENERAL AND SPECIAL COURTS-MARTIAL.

Section 860 of title 10, United States Code (article 60 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 860. Art 60. Post-trial processing in general and special courts-martial

“(a) Statement of Trial Results.—(1) The military judge of a general or special court-martial shall enter into the record of trial a document entitled ‘Statement of Trial Results’, which shall set forth—

“(A) each plea and finding;

“(B) the sentence, if any; and

“(C) such other information as the President may prescribe by regulation.
“(2) Copies of the Statement of Trial Results shall be provided promptly to the convening authority, the accused, and any victim of the offense.

“(b) POST-TRIAL MOTIONS.—In accordance with regulations prescribed by the President, the military judge in a general or special court-martial shall address all post-trial motions and other post-trial matters that—

“(1) may affect a plea, a finding, the sentence, the Statement of Trial Results, the record of trial, or any post-trial action by the convening authority; and

“(2) are subject to resolution by the military judge before entry of judgment.”.

SEC. 5282. LIMITED AUTHORITY TO ACT ON SENTENCE IN SPECIFIED POST-TRIAL CIRCUMSTANCES.

Subchapter IX of chapter 47 of title 10, United States Code, is amended by inserting after section 860 (article 60 of the Uniform Code of Military Justice), as amended by section 5281 of this Act, the following new section (article):

“§860a. Art. 60a. Limited authority to act on sentence in specified post-trial circumstances

“(a) IN GENERAL.—(1) The convening authority of a general or special court-martial described in paragraph (2)—
“(A) may act on the sentence of the court-martial only as provided in subsection (b), (c), or (d); and

“(B) may not act on the findings of the court-martial.

“(2) The courts-martial referred to in paragraph (1) are the following:

“(A) A general or special court-martial in which the maximum sentence of confinement established under section 856(a) of this title (article 56(a)) for any offense of which the accused is found guilty is more than two years.

“(B) A general or special court-martial in which the total of the sentences of confinement imposed, running consecutively, is more than six months.

“(C) A general or special court-martial in which the sentence imposed includes a dismissal, dishonorable discharge, or bad-conduct discharge.

“(D) A general or special court-martial in which the accused is found guilty of a violation of subsection (a) or (b) of section 920 of this title (article 120), section 920b of this title (article 120b), or such other offense as the Secretary of Defense may specify by regulation.
“(3) Except as provided in subsection (d), the convening authority may act under this section only before entry of judgment.

“(4) Under regulations prescribed by the Secretary concerned, a commissioned officer commanding for the time being, a successor in command, or any person exercising general court-martial jurisdiction may act under this section in place of the convening authority.

“(b) REDUCTION, COMMUTATION, AND SUSPENSION OF SENTENCES GENERALLY.—(1) Except as provided in subsection (c) or (d), the convening authority may not reduce, commute, or suspend any of the following sentences:

“(A) A sentence of confinement, if the total period of confinement imposed for all offenses involved, running consecutively, is greater than six months.

“(B) A sentence of dismissal, dishonorable discharge, or bad-conduct discharge.

“(C) A sentence of death.

“(2) The convening authority may reduce, commute, or suspend any sentence not specified in paragraph (1).

“(c) SUSPENSION OF CERTAIN SENTENCES UPON RECOMMENDATION OF MILITARY JUDGE.—(1) Upon recommendation of the military judge, as included in the Statement of Trial Results, together with an explanation
of the facts supporting the recommendation, the convening authority may suspend—

“(A) a sentence of confinement, in whole or in part; or

“(B) a sentence of dismissal, dishonorable discharge, or bad-conduct discharge.

“(2) The convening authority may not, under paragraph (1)—

“(A) suspend a mandatory minimum sentence; or

“(B) suspend a sentence to an extent in excess of the suspension recommended by the military judge.

“(d) REDUCTION OF SENTENCE FOR SUBSTANTIAL ASSISTANCE BY ACCUSED.—(1) Upon a recommendation by the trial counsel, if the accused, after sentencing and before entry of judgment, provides substantial assistance in the investigation or prosecution of another person, the convening authority may reduce, commute, or suspend a sentence, in whole or in part, including any mandatory minimum sentence.

“(2) Upon a recommendation by a trial counsel, designated in accordance with rules prescribed by the President, if the accused, after entry of judgment, provides substantial assistance in the investigation or prosecution of
another person, a convening authority, designated under such regulations, may reduce, commute, or suspend a sentence, in whole or in part, including any mandatory minimum sentence.

“(3) In evaluating whether the accused has provided substantial assistance under this subsection, the convening authority may consider the presentence assistance of the accused.

“(e) Submissions by Accused and Victim.—(1) In accordance with rules prescribed by the President, in determining whether to act under this section, the convening authority shall consider matters submitted in writing by the accused or any victim of an offense. Such rules shall include—

“(A) procedures for notice of the opportunity to make such submissions;

“(B) the deadlines for such submissions; and

“(C) procedures for providing the accused and any victim of an offense with a copy of the recording of any open sessions of the court-martial and copies of, or access to, any admitted, unsealed exhibits.

“(2) The convening authority shall not consider under this section any submitted matters that relate to the character of a victim unless such matters were presented as evidence at trial and not excluded at trial.
“(f) Decision of Convening Authority.—(1) The decision of the convening authority under this section shall be forwarded to the military judge, with copies provided to the accused and to any victim of the offense.

“(2) If, under this section, the convening authority reduces, commutes, or suspends the sentence, the decision of the convening authority shall include a written explanation of the reasons for such action.

“(3) If, under subsection (d)(2), the convening authority reduces, commutes, or suspends the sentence, the decision of the convening authority shall be forwarded to the chief trial judge for appropriate modification of the entry of judgment, which shall be transmitted to the Judge Advocate General for appropriate action.”.

SEC. 5283. POST-TRIAL ACTIONS IN SUMMARY COURTS-MARTIAL AND CERTAIN GENERAL AND SPECIAL COURTS-MARTIAL.

Subchapter IX of chapter 47 of title 10, United States Code, is amended by inserting after section 860a (article 60a of the Uniform Code of Military Justice), as added by section 5282 of this Act, the following new section (article):
§ 860b. Art. 60b. Post-trial actions in summary courts-martial and certain general and special courts-martial

(a) In general.—(1) In a court-martial not specified in section 860a(a)(2) of this title (article 60a(a)(2)), the convening authority may—

(A) dismiss any charge or specification by setting aside the finding of guilty;

(B) change a finding of guilty to a charge or specification to a finding of guilty to a lesser included offense;

(C) disapprove the findings and the sentence and dismiss the charges and specifications;

(D) disapprove the findings and the sentence and order a rehearing as to the findings and the sentence;

(E) disapprove, commute, or suspend the sentence, in whole or in part; or

(F) disapprove the sentence and order a rehearing as to the sentence.

(2) In a summary court-martial, the convening authority shall approve the sentence or take other action on the sentence under paragraph (1).

(3) Except as provided in paragraph (4), the convening authority may act under this section only before entry of judgment.
“(4) The convening authority may act under this section after entry of judgment in a general or special court-martial in the same manner as the convening authority may act under section 860a(d)(2) of this title (article 60a(d)(2)). Such action shall be forwarded to the chief trial judge, who shall ensure appropriate modification to the entry of judgment and shall transmit the entry of judgment to the Judge Advocate General for appropriate action.

“(5) Under regulations prescribed by the Secretary concerned, a commissioned officer commanding for the time being, a successor in command, or any person exercising general court-martial jurisdiction may act under this section in place of the convening authority.

“(b) LIMITATIONS ON REHEARINGS.—The convening authority may not order a rehearing under this section—

“(1) as to the findings, if there is insufficient evidence in the record to support the findings;

“(2) to reconsider a finding of not guilty of any specification or a ruling which amounts to a finding of not guilty; or

“(3) to reconsider a finding of not guilty of any charge, unless there has been a finding of guilty under a specification laid under that charge, which
sufficiently alleges a violation of some article of this chapter.

“(c) SUBMISSIONS BY ACCUSED AND VICTIM.—In accordance with rules prescribed by the President, in determining whether to act under this section, the convening authority shall consider matters submitted in writing by the accused or any victim of the offense. Such rules shall include the matter required by section 860a(e) of this title (article 60a(e)).

“(d) DECISION OF CONVENING AUTHORITY.—(1) In a general or special court-martial, the decision of the convening authority under this section shall be forwarded to the military judge, with copies provided to the accused and to any victim of the offense.

“(2) If the convening authority acts on the findings or the sentence under subsection (a)(1), the decision of the convening authority shall include a written explanation of the reasons for such action.”.

SEC. 5284. ENTRY OF JUDGMENT.

Subchapter IX of chapter 47 of title 10, United States Code, is amended by inserting after section 860b (article 60b of the Uniform Code of Military Justice), as added by section 5283 of this Act, the following new section (article):
§ 860c. Art. 60c. Entry of judgment

(a) Entry of Judgment of General or Special Court-martial.—(1) In accordance with rules prescribed by the President, in a general or special court-martial, the military judge shall enter into the record of trial the judgment of the court. The judgment of the court shall consist of the following:

(A) The Statement of Trial Results under section 860 of this title (article 60).

(B) Any modifications of, or supplements to, the Statement of Trial Results by reason of—

(i) any post-trial action by the convening authority; or

(ii) any ruling, order, or other determination of the military judge that affects a plea, a finding, or the sentence.

(2) Under rules prescribed by the President, the judgment under paragraph (1) shall be—

(A) provided to the accused and to any victim of the offense; and

(B) made available to the public.

(b) Summary Court-martial Judgment.—The findings and sentence of a summary court-martial, as modified by any post-trial action by the convening authority under section 860b of this title (article 60b), constitutes the judgment of the court-martial and shall be re-
corded and distributed under rules prescribed by the
President.”.

SEC. 5285. WAIVER OF RIGHT TO APPEAL AND WITH-
DRAWAL 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 pro-
cedures prescribed by the Secretary concerned, the ac-
cused may waive the right to appeal. Such a waiver shall
be—
“(1) signed by the accused and by defense
counsel; and
“(2) attached to the record of trial.
“(b) WITHDRAWAL OF APPEAL.—In a general or spe-
cial court-martial, the accused may withdraw an appeal
at any time.
“(c) DEATH PENALTY CASE EXCEPTION.—Notwith-
standing subsections (a) and (b), an accused may not
waive the right to appeal or withdraw an appeal with re-
spect to a judgment that includes a sentence of death.
“(d) Waiver or Withdrawal as Bar.—A waiver or withdrawal under this section bars review under section 866 of this title (article 66).”.

SEC. 5286. APPEAL BY THE UNITED STATES.

Section 862 of title 10, United States Code (article 62 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter before subparagraph (A), by striking “court-martial” and all that follows through the colon at the end and inserting “general or special court-martial or in a pretrial proceeding under section 830a of this title (article 30a), the United States may appeal the following:”; and

(ii) by adding at the end the following new subparagraph:

“(G) An order or ruling of the military judge entering a finding of not guilty with respect to a charge or specification following the return of a finding of guilty by the members.”; and

(B) in paragraph (2)—

(i) by striking “(2)” and inserting “(2)(A)”;

and
(ii) by adding at the end the following new subparagraph:

“(B) An appeal of an order or ruling may not be taken when prohibited by section 844 of this title (article 44).”; (2) in subsection (b), by striking “section 866(c) of this title (article 66(c))” and inserting “section 866 of this title (article 66)”; and

(3) by adding at the end the following new subsections:

“(d) The United States may appeal a ruling or order of a military magistrate in the same manner as had the ruling or order been made by a military judge, except that the issue shall first be presented to the military judge who designated the military magistrate or to a military judge detailed to hear the issue.

“(e) The provisions of this section (article) shall be liberally construed to effect its purposes.”.

SEC. 5287. REHEARINGS.

Section 863 of title 10, United States Code (article 63 of the Uniform Code of Military Justice), is amended—

(1) by inserting “(a) IN GENERAL.—” before “Each rehearing”;

(2) in the second sentence, by striking “may be approved” and inserting “may be adjudged”;
(3) by striking the third sentence; and

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

“(b) PLEA AGREEMENTS.—If the sentence adjudged by the first court-martial was in accordance with a plea agreement under section 853a of this title (article 53a) and the accused at the rehearing does not comply with the agreement, or if a plea of guilty was entered for an offense at the first court-martial and a plea of not guilty was entered at the rehearing, the sentence as to those charges or specifications may include any punishment not in excess of that which could have been adjudged at the first court-martial.

“(c) SENTENCES SET ASIDE ON APPEAL BY GOVERNMENT.—If, after review of a sentence under section 866(b)(2) of this title (article 66(b)(2)), the sentence adjudged is set aside and a rehearing on sentence is ordered by the Court of Criminal Appeals or Court of Appeals for the Armed Forces, the court-martial may impose any sentence that is in accordance with the order or ruling setting aside the adjudged sentence.”.

SEC. 5288. JUDGE ADVOCATE REVIEW OF FINDING OF GUILTY IN SUMMARY COURT-MARTIAL.

(a) IN GENERAL.—Subsection (a) of section 864 of title 10, United States Code (article 64 of the Uniform
Code of Military Justice), is amended by striking the first two sentences and inserting the following:

“(a) In general.—Under regulations prescribed by the Secretary concerned, each summary court-martial in which there is a finding of guilty shall be reviewed by a judge advocate. A judge advocate may not review a case under this subsection if the judge advocate has acted in the same case as an accuser, preliminary hearing officer, member of the court, military judge, or counsel or has otherwise acted on behalf of the prosecution or defense.”.

(b) Technical and Conforming Amendments.—

(1) The heading of such section (article) is amended to read as follows:

“§ 864. Art. 64. Judge advocate review of finding of guilty in summary court-martial”.

(2) Subsection (b) of such section is amended—

(A) by striking “(b) The record” and inserting “(b) RECORD.—The record”;

(B) in paragraph (1), by adding “or” at the end;

(C) by striking paragraph (2); and

(D) by redesignating paragraph (3) as paragraph (2).

(3) Subsection (c)(3) of such section (article) is amended by striking “section 869(b) of this title (ar-
SEC. 5289. TRANSMITTAL AND REVIEW OF RECORDS.

Section 865 of title 10, United States Code (article 65 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 865. Art. 65. Transmittal and review of records

“(a) TRANSMITTAL OF RECORDS.—

“(1) FINDING OF GUILTY IN GENERAL OR SPECIAL COURT-MARTIAL.—If the judgment of a general or special court-martial entered under section 860c of this title (article 60c) includes a finding of guilty, the record shall be transmitted to the Judge Advocate General.

“(2) OTHER CASES.—In all other cases, records of trial by court-martial and related documents shall be transmitted and disposed of as the Secretary concerned may prescribe by regulation.

“(b) CASES ELIGIBLE FOR DIRECT APPEAL.—

“(1) MANDATORY REVIEW.—If the judgment includes a sentence of death, the Judge Advocate General shall forward the record of trial to the Court of Criminal Appeals for review under section 866(b)(3) of this title (article 66(b)(3)).
“(2) Cases eligible for direct appeal review.—

“(A) In general.—If the case is eligible for direct review under section 866(b)(1) of this title (article 66(b)(1)), the Judge Advocate General shall—

“(i) forward a copy of the record of trial to an appellate defense counsel who shall be detailed to review the case and, upon request of the accused, to represent the accused before the Court of Criminal Appeals; and

“(ii) upon written request of the accused, forward a copy of the record of trial to civilian counsel provided by the accused.

“(B) Inapplicability.—Subparagraph (A) shall not apply if the accused—

“(i) waives the right to appeal under section 861 of this title (article 61); or

“(ii) declines in writing the detailing of appellate defense counsel under subparagraph (A)(i).

“(c) Notice of right to appeal.—

“(1) In general.—The Judge Advocate General shall provide notice to the accused of the right
to file an appeal under section 866(b)(1) of this title (article 66(b)(1)) by means of depositing in the United States mails for delivery by first class certified mail to the accused at an address provided by the accused or, if no such address has been provided by the accused, at the latest address listed for the accused in the official service record of the accused.

“(2) Inapplicability upon waiver of appeal.—Paragraph (1) shall not apply if the accused waives the right to appeal under section 861 of this title (article 61).

“(d) Review by Judge Advocate General.—

“(1) By whom.—A review conducted under this subsection may be conducted by an attorney within the Office of the Judge Advocate General or another attorney designated under regulations prescribed by the Secretary concerned.

“(2) Review of cases not eligible for direct appeal.—

“(A) In general.—A review under subparagraph (B) shall be completed in each general and special court-martial that is not eligible for direct appeal under paragraph (1) or (3) of section 866(b) of this title (article 66(b)).
“(B) Scope of review.—A review referred to in subparagraph (A) shall include a written decision providing each of the following:

“(i) A conclusion as to whether the court had jurisdiction over the accused and the offense.

“(ii) A conclusion as to whether the charge and specification stated an offense.

“(iii) A conclusion as to whether the sentence was within the limits prescribed as a matter of law.

“(iv) A response to each allegation of error made in writing by the accused.

“(3) Review when direct appeal is waived, withdrawn, or not filed.—

“(A) In general.—A review under subparagraph (B) shall be completed in each general and special court-martial if—

“(i) the accused waives the right to appeal or withdraws appeal under section 861 of this title (article 61); or

“(ii) the accused does not file a timely appeal in a case eligible for direct appeal under subparagraph (A), (B), or (C) of
section 866(b)(1) of this title (article 66(b)(1)).

“(B) Scope of review.—A review referred to in subparagraph (A) shall include a written decision limited to providing conclusions on the matters specified in clauses (i), (ii), and (iii) of paragraph (2)(B).

“(e) Remedy.—

“(1) In general.—If after a review of a record under subsection (d), the attorney conducting the review believes corrective action may be required, the record shall be forwarded to the Judge Advocate General, who may set aside the findings or sentence, in whole or in part.

“(2) Rehearing.—In setting aside findings or sentence, the Judge Advocate General may order a rehearing, except that a rehearing may not be ordered in violation of section 844 of this title (article 44).

“(3) Remedy without rehearing.—

“(A) Dismissal when no rehearing ordered.—If the Judge Advocate General sets aside findings and sentence and does not order a rehearing, the Judge Advocate General shall dismiss the charges.
“(B) DISMISSAL WHEN HEARING IMPRactical.—If the Judge Advocate General sets aside findings and orders a rehearing and the convening authority determines that a rehearing would be impractical, the convening authority shall dismiss the charges.”.

SEC. 5290. COURTS OF CRIMINAL APPEALS.

(a) APPELLATE MILITARY JUDGES.—Subsection (a) of section 866 of title 10, United States Code (article 66 of the Uniform Code of Military Justice), is amended—

(1) in the second sentence, by striking “subsection (f)” and inserting “subsection (i)”;

(2) in the fourth sentence, by inserting after “highest court of a State” the following: “and must be certified by the Judge Advocate General as qualified, by reason of education, training, experience, and judicial temperament, for duty as an appellate military judge”; and

(3) by adding at the end the following new sentence: “In accordance with regulations prescribed by the President, assignments of appellate military judges under this section (article) shall be for appropriate minimum periods, subject to such exceptions as may be authorized in the regulations.”.
(b) Revision of Appellate Procedures.—Such section (article) is further amended—

(1) by redesignating subsections (e), (f), (g), and (h) as subsections (h), (i), (j), and (k), respectively; and

(2) by striking subsections (b), (c), and (d) and inserting the following new subsections:

“(b) Review.—

“(1) Appeals by Accused.—A Court of Criminal Appeals shall have jurisdiction of a timely appeal from the judgment of a court-martial, entered into the record under section 860c of this title (article 60c), as follows:

“(A) On appeal by the accused in a case in which the sentence extends to dismissal of a commissioned officer, cadet, or midshipman, dishonorable or bad-conduct discharge, or confinement for more than six months.

“(B) On appeal by the accused in a case in which the Government previously filed an appeal under section 862 of this title (article 62).

“(C) On appeal by the accused in a case that the Judge Advocate General has sent to the Court of Criminal Appeals for review of the
sentence under section 856(e) of this title (article 56(e)).

“(D) In a case in which the accused filed an application for review with the Court under section 869(d)(1)(B) of this title (article 69(d)(1)(B)) and the application has been granted by the Court.

“(2) Review of certain sentences.—A Court of Criminal Appeals shall have jurisdiction of all cases that the Judge Advocate General orders sent to the Court for review under section 856(e) of this title (article 56(e)).

“(3) Review of capital cases.—A Court of Criminal Appeals shall have jurisdiction of a court-martial in which the judgment entered into the record under section 860c of this title (article 60e) includes a sentence of death.

“(c) Timeliness.—An appeal under subsection (b) is timely if it is filed as follows:

“(1) In the case of an appeal by the accused under subsection (b)(1)(A) or (b)(1)(B), if filed before the later of—

“(A) the end of the 90-day period beginning on the date the accused is provided notice
of appellate rights under section 865(c) of this title (article 65(c)); or

“(B) the date set by the Court of Criminal Appeals by rule or order.

“(2) In the case of an appeal by the accused under subsection (b)(1)(C), if filed before the later of—

“(A) the end of the 90-day period beginning on the date the accused is notified that the application for review has been granted by letter placed in the United States mails for delivery by first class certified mail to the accused at an address provided by the accused or, if no such address has been provided by the accused, at the latest address listed for the accused in his official service record; or

“(B) the date set by the Court of Criminal Appeals by rule or order.

“(d) Duties.—

“(1) Cases appealed by accused.—In any case before the Court of Criminal Appeals under paragraph (1) of subsection (b), the Court shall affirm, set aside, or modify the findings, sentence, or order appealed.
“(2) CAPITAL CASES.—In any case before the Court of Criminal Appeals under paragraph (3) of subsection (b), the Court shall review the record of trial and affirm, set aside, or modify the findings or sentence.

“(3) ERROR OR EXCESSIVE DELAY.—In any case before the Court of Criminal Appeals under paragraph (1), (2), or (3) of subsection (b), the Court may provide appropriate relief if the accused demonstrates error or excessive delay in the processing of the court-martial after the judgment was entered into the record under section 860c of this title (article 60c).

“(e) CONSIDERATION OF THE EVIDENCE.—

“(1) IN GENERAL.—In an appeal of a finding of guilty under paragraph (1)(A), (1)(B), (1)(C), (2), or (3) of subsection (b), the Court of Criminal Appeals, upon request of the accused, may consider the weight of the evidence upon a specific showing by the accused of deficiencies in proof. The Court may set aside and dismiss a finding if clearly convinced that the finding was against the weight of the evidence. The Court may affirm a lesser finding. A rehearing may not be ordered.
“(2) DEFERENCE IN CONSIDERATION.—When considering a case under paragraph (1)(A), (1)(B), (1)(C), (2), or (3) of subsection (b), the Court may weigh the evidence and determine controverted questions of fact, subject to—

“(A) appropriate deference to the fact that the court-martial saw and heard the witnesses and other evidence; and

“(B) appropriate deference to findings of fact entered into the record by the military judge.

“(f) CONSIDERATION OF SENTENCE.—

“(1) IN GENERAL.—In considering a sentence on appeal or review under subsection (b)(1) or (b)(3), the Court of Criminal Appeals may consider—

“(A) whether the sentence violates the law;

“(B) whether the sentence is inappropriately severe—

“(i) if the sentence is for an offense for which there is no sentencing parameter under section 856(d) of this title (article 56(d)); or

“(ii) in the case of an offense with a sentencing parameter under section 856(d)
of this title (article 56(d)), if the sentence
is above the upper range under paragraph
(2)(B)(iii) of such section (article).

“(C) in the case of a sentence for an of-
fense with a sentencing parameter under this
section, whether the sentence is a result of an
incorrect application of the parameter;

“(D) whether the sentence is plainly un-
reasonable; and

“(E) in review of a sentence to death or to
life in prison without eligibility for parole deter-
mined by the members in a capital case under
section 853(c) of this title (article 53(c)),
whether the sentence is otherwise appropriate,
under rules prescribed by the President.

“(2) RECORD ON APPEAL OR REVIEW.—In an
appeal or review under subsection (b)(1) or (b)(3),
the record on appeal or review shall consist of—

“(A) any portion of the record in the case
that is designated as pertinent by either of the
parties;

“(B) the information submitted during the
sentencing proceeding; and

“(C) any information required by rule or
order of the Court of Criminal Appeals.
“(g) Limits of Authority.—

“(1) Set aside of findings.—

“(A) In general.—If the Court of Criminal Appeals sets aside the findings, the Court—

“(i) may affirm any lesser included offense; and

“(ii) may, except when prohibited by section 844 of this title (article 44), order a rehearing.

“(B) Dismissal when no rehearing ordered.—If the Court of Criminal Appeals sets aside the findings and does not order a rehearing, the Court shall order that the charges be dismissed.

“(C) Dismissal when rehearing impracticable.—If the Court of Criminal Appeals orders a rehearing on a charge and the convening authority finds a rehearing impracticable, the convening authority may dismiss the charge.

“(2) Set aside of sentence.—If the Court of Criminal Appeals sets aside the sentence, the Court may—

“(A) modify the sentence to a lesser sentence; or
“(B) order a rehearing.

“(3) ADDITIONAL PROCEEDINGS.—If the Court determines that additional proceedings are warranted, the Court may order a hearing as may be necessary to address a substantial issue, subject to such limitations as the Court may direct and under such regulations as the President may prescribe.”.

(c) ACTION WHEN REHEARING IMPRACTICABLE AFTER REHEARING ORDER.—Subsection (h) of such section (article), as redesignated by subsection (b)(1) of this section, is amended—

(1) in the first sentence, by striking “convening authority” and inserting “appropriate authority”;

and

(2) by striking the last sentence.

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

“§ 866. Art. 66. Courts of Criminal Appeals”.

(e) SUBSECTION HEADING AMENDMENTS FOR STYLISTIC CONSISTENCY.—Such section (article) is further amended—

(1) in subsection (a), by inserting “COURTS OF CRIMINAL APPEALS.—” after “(a)”;

(2) in subsection (h), as redesignated by subsection (b)(1) of this section, by inserting “ACTION
IN ACCORDANCE WITH DECISIONS OF COURTS.—”

after “(h)”;

(3) in subsection (i), as so redesignated, by inserting “RULES OF PROCEDURE.—” after “(i)”;

(4) in subsection (j), as so redesignated, by inserting “PROHIBITION ON EVALUATION OF OTHER MEMBERS OF COURTS.—” after “(j)”;

(5) in subsection (k), as so redesignated, by inserting “INELIGIBILITY OF MEMBERS OF COURTS TO REVIEW RECORDS OF CASES INVOLVING CERTAIN PRIOR MEMBER SERVICE.—” after “(k)”.

SEC. 5291. REVIEW BY COURT OF APPEALS FOR THE ARMED FORCES.

(a) JAG NOTIFICATION.—Subsection (a)(2) of section 867 of title 10, United States Code (article 67 of the Uniform Code of Military Justice), is amended by inserting after “the Judge Advocate General” the following: “, after appropriate notification to the other Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps,”.

(b) BASIS FOR REVIEW.—Subsection (c) of such section (article) is amended—

(1) by inserting “(1)” after “(c)”;

(2) by designating the second sentence as paragraph (2);
(3) by designating the third sentence as paragraph (3);

(4) by designating the fourth sentence as paragraph (4); and

(5) in paragraph (1), as designated by paragraph (1) of this subsection, by striking “only with respect to” and all that follows through the end of the sentence and inserting “only with respect to—

“(A) the findings and sentence set forth in the entry of judgment, as affirmed or set aside as incorrect in law by the Court of Criminal Appeals; or

“(B) a decision, judgment, or order by a military judge, as affirmed or set aside as incorrect in law by the Court of Criminal Appeals.”.

SEC. 5292. SUPREME COURT REVIEW.

The second sentence of section 867a(a) of title 10, United States Code (article 67a(a) of the Uniform Code of Military Justice), is amended by inserting before “Court of Appeals” the following: “United States”.

SEC. 5293. REVIEW BY JUDGE ADVOCATE GENERAL.

Section 869 of title 10, United States Code (article 69 of the Uniform Code of Military Justice), is amended to read as follows:
§ 869. Art. 69. Review by Judge Advocate General

(a) In General.—Upon application by the accused and subject to subsections (b), (c), and (d), the Judge Advocate General may modify or set aside, in whole or in part, the findings and sentence in a court-martial that is not reviewed under section 866 of this title (article 66).

(b) Timing.—To qualify for consideration, an application under subsection (a) must be submitted to the Judge Advocate General not later than one year after the date of completion of review under section 864 or 865 of this title (article 64 or 65), as the case may be. The Judge Advocate General may, for good cause shown, extend the period for submission of an application, but may not consider an application submitted more than three years after such completion date.

(c) Scope.—(1)(A) In a case reviewed under section 864 or 865(d) of this title (article 64 or 65(d)), the Judge Advocate General may set aside the findings or sentence, in whole or in part, on the grounds of newly discovered evidence, fraud on the court, lack of jurisdiction over the accused or the offense, error prejudicial to the substantial rights of the accused, or the appropriateness of the sentence.

(B) In setting aside findings or sentence, the Judge Advocate General may order a rehearing, except that a
rehearing may not be ordered in violation of section 844
of this title (article 44).

"(C) If the Judge Advocate General sets aside find-
ings and sentence and does not order a rehearing, the
Judge Advocate General shall dismiss the charges.

"(D) If the Judge Advocate General sets aside find-
ings and orders a rehearing and the convening authority
determines that a rehearing would be impractical, the con-
vening authority shall dismiss the charges.

"(2) In a case reviewed under section 865(d) of this
title (article 65(d)), review under this section is limited
to the issue of whether the waiver, withdrawal, or failure
to file an appeal was invalid under the law. If the Judge
Advocate General determines that the waiver, withdrawal,
or failure to file an appeal was invalid, the Judge Advocate
General shall order appropriate corrective action under
rules prescribed by the President.

"(d) COURT OF CRIMINAL APPEALS.—(1) A Court
of Criminal Appeals may review the action taken by the
Judge Advocate General under subsection (c)—

"(A) in a case sent to the Court of Criminal
Appeals by order of the Judge Advocate General; or

"(B) in a case submitted to the Court of Crimi-
nal Appeals by the accused in an application for re-
view.
“(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 mat-
ters of law.”.

SEC. 5294. APPELLATE DEFENSE COUNSEL IN DEATH PEN-
ALTY 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 com-
pensated in accordance with regulations prescribed by the
Secretary of Defense.”.

SEC. 5295. AUTHORITY FOR HEARING ON VACATION OF
SUSPENSION OF SENTENCE TO BE CON-
DUCTED 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 ad-
vocate, who is certified under section 827(b) of this title
(article 27(b)), to conduct the hearing.”.
(b) TECHNICAL AMENDMENTS.—Such section (article) is further amended—

(1) in the last sentence of subsection (a), by striking “if he so desires” and inserting “if the probationer so desires”; and

(2) in the second sentence of subsection (b)—

(A) by striking “If he” and inserting “If the officer exercising general court-martial jurisdiction”; and

(B) by striking “section 871(c) of this title (article 71(c))” and inserting “section 857 of this title (article 57))”.

SEC. 5296. EXTENSION OF TIME FOR PETITION FOR NEW TRIAL.

The first sentence of section 873 of title 10, United States Code (article 73 of the Uniform Code of Military Justice), is amended by striking “two years after approval by the convening authority of a court-martial sentence” and inserting “three years after the date of the entry of judgment under section 860c of this title (article 60c)”.

SEC. 5297. RESTORATION.

Section 875 of title 10, United States Code (article 75 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:
“(d) The President shall prescribe regulations, with such limitations as the President considers appropriate, governing eligibility for pay and allowances for the period after the date on which an executed part of a court-martial sentence is set aside.”.

SEC. 5298. LEAVE REQUIREMENTS PENDING REVIEW OF CERTAIN COURT-MARTIAL CONVICTIONS.

Section 876a of title 10, United States Code (article 76a of the Uniform Code of Military Justice), is amended—

(1) in the first sentence, by striking “, as approved under section 860 of this title (article 60),”;

and

(2) in the second sentence, by striking “on which the sentence is approved under section 860 of this title (article 60)” and inserting “of the entry of judgment under section 860c of this title (article 60c)”.

TITLE LX—PUNITIVE ARTICLES

SEC. 5301. REORGANIZATION OF PUNITIVE ARTICLES.

Sections of subchapter X of chapter 47 of title 10, United States Code (articles of the Uniform Code of Military Justice), are transferred within subchapter X and redesignated as follows:
(1) **Enlistment and Separation.**—Sections 883 and 884 (articles 83 and 84) are transferred so as to appear (in that order) after section 904 (article 104) and are redesignated as sections 904a and 904b (articles 104a and 104b), respectively.

(2) **Resistance, Flight, Breach of Arrest, and Escape.**—Section 895 (article 95) is transferred so as to appear after section 887 (article 87) and is redesignated as section 887a (article 87a).

(3) **Noncompliance with Procedural Rules.**—Section 898 (article 98) is transferred so as to appear after section 931 (article 131) and is redesignated as section 931f (article 131f).

(4) **Captured or Abandoned Property.**—Section 903 (article 103) is transferred so as to appear after section 908 (article 108) and is redesignated as section 908a (article 108a).

(5) **Aiding the Enemy.**—Section 904 (article 104) is redesignated as section 903b (article 103b).

(6) **Misconduct as Prisoner.**—Section 905 (article 105) is transferred so as to appear after section 897 (article 97) and is redesignated as section 898 (article 98).

(7) **Spies; Espionage.**—Sections 906 and 906a (articles 106 and 106a) are transferred so as to ap-
pear (in that order) after section 902 (article 102) and are redesignated as sections 903 and 903a (articles 103 and 103a), respectively.

(8) Misbehavior of sentinel.—Section 913 (article 113) is transferred so as to appear after section 894 (article 94) and is redesignated as section 895 (article 95).

(9) Drunken or reckless operation of a vehicle, aircraft, or vessel.—Section 911 (article 111) is transferred so as to appear after section 912a (article 912a) and is redesignated as section 913 (article 113).

(10) Housebreaking.—Section 930 (article 130) is redesignated as section 929a (article 129a).

(11) Stalking.—Section 920a (article 120a) is transferred so as to appear after section 929a (article 129a), as redesignated by paragraph (10), and is redesignated as section 930 (article 130).

(12) Forgery.—Section 923 (article 123) is transferred so as to appear after section 904b (article 104b), as transferred and redesignated by paragraph (1), and is redesignated as section 905 (article 105).

(13) Maiming.—Section 924 (article 124) is transferred so as to appear after section 928 (article
1595

1  128) and is redesignated as section 928a (article
2  128a).
3
4 (14) Frauds against the United States.—
5  Section 932 of (article 132) is transferred so as to
6  appear after section 923a (article 123a) and is re-
7  designated as section 924 (article 124).

7 SEC. 5302. CONVICTION OF OFFENSE CHARGED, LESSER IN-
8  CLuded OFFENSES, AND ATTEMPTS.
9
10 Section 879 of title 10, United States Code (article
11 79 of the Uniform Code of Military Justice), is amended
12 to read as follows:

12 “§ 879. Art. 79. Conviction of offense charged, lesser
13 included offenses, and attempts
14  “(a) In General.—An accused may be found guilty
15 of any of the following:
16  “(1) The offense charged.
17  “(2) A lesser included offense.
18  “(3) An attempt to commit the offense charged.
19  “(4) An attempt to commit a lesser included of-
20  fense, if the attempt is an offense in its own right.
21  “(b) Lesser Included Offense Defined.—In
22  this section (article), the term ‘lesser included offense’
23  means—
24  “(1) an offense that is necessarily included in
25  the offense charged; and
“(2) any lesser included offense so designated by regulation prescribed by the President.

“(c) REGULATORY AUTHORITY.—Any designation of a lesser included offense in a regulation referred to in subsection (b) shall be reasonably included in the greater offense.”.

SEC. 5303. SOLICITING COMMISSION OF OFFENSES.

Section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 882. Art. 82. Soliciting commission of offenses

“(a) SOLICITING COMMISSION OF OFFENSES GENERALLY.—Any person subject to this chapter who solicits or advises another to commit an offense under this chapter (other than an offense specified in subsection (b)) shall be punished as a court-martial may direct.

“(b) SOLICITING DESERTION, MUTINY, SEDITION, OR MISBEHAVIOR BEFORE THE ENEMY.—Any person subject to this chapter who solicits or advises another to violate section 885 of this title (article 85), section 894 of this title (article 94), or section 99 of this title (article 99)—

“(1) if the offense solicited or advised is attempted or is committed, shall be punished with the
punishment provided for the commission of the of-

defense; and

“(2) if the offense solicited or advised is not at-

ttempted or committed, shall be punished as a court-
martial may direct.”.

SEC. 5304. MALINGERING.

Subchapter X of chapter 47 of title 10, United States
Code, is amended by inserting after section 882 (article
82 of the Uniform Code of Military Justice), as amended
by section 5303 of this Act, the following new section (ar-
ticle):

“§ 883. Art. 83. Malingering

“Any person subject to this chapter who, with the in-
tent to avoid work, duty, or service—

“(1) feigns illness, physical disablement, mental

lapse, or mental derangement; or

“(2) intentionally inflicts self-injury;

shall be punished as a court-martial may direct.”.

SEC. 5305. BREACH OF MEDICAL QUARANTINE.

Subchapter X of chapter 47 of title 10, United States
Code, is amended by inserting after section 883 (article
83 of the Uniform Code of Military Justice), as added by
section 5304 of this Act, the following new section (arti-
cle):
§ 884. Art. 84. Breach of medical quarantine

“Any person subject to this chapter—

“(1) who is ordered into medical quarantine by a person authorized to issue such order; and

“(2) who, with knowledge of the quarantine and the limits of the quarantine, goes beyond those limits before being released from the quarantine by proper authority;

shall be punished as a court-martial may direct.”.

SEC. 5306. MISSING MOVEMENT; JUMPING FROM VESSEL.

Section 887 of title 10, United States Code (article 87 of the Uniform Code of Military Justice), is amended to read as follows:

§ 887. Art. 87. Missing movement; jumping from vessel

“(a) Missing Movement.—Any person subject to this chapter who, through neglect or design, misses the movement of a ship, aircraft, or unit with which the person is required in the course of duty to move shall be punished as a court-martial may direct.

“(b) Jumping From Vessel Into the Water.—Any person subject to this chapter who wrongfully and intentionally jumps into the water from a vessel in use by the armed forces shall be punished as a court-martial may direct.”.
SEC. 5307. OFFENSES AGAINST CORRECTIONAL CUSTODY AND RESTRICTION.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 887a (article 87a of the Uniform Code of Military Justice), as transferred and redesignated by section 5301(2) of this Act, the following new section (article):

§ 887b. Art. 87b. Offenses against correctional custody and restriction

(a) Escape From Correctional Custody.—Any person subject to this chapter—

(1) who is placed in correctional custody by a person authorized to do so;

(2) who, while in correctional custody, is under physical restraint; and

(3) who escapes from the physical restraint before being released from the physical restraint by proper authority;

shall be punished as a court-martial may direct.

(b) Breach of Correctional Custody.—Any person subject to this chapter—

(1) who is placed in correctional custody by a person authorized to do so;

(2) who, while in correctional custody, is under restraint other than physical restraint; and
“(3) who goes beyond the limits of the restraint before being released from the correctional custody or relieved of the restraint by proper authority; shall be punished as a court-martial may direct.

“(c) BREACH OF RESTRICTION.—Any person subject to this chapter—

“(1) who is ordered to be restricted to certain limits by a person authorized to do so; and

“(2) who, with knowledge of the limits of the restriction, goes beyond those limits before being released by proper authority;

shall be punished as a court-martial may direct.”.

SEC. 5308. DISRESPECT TOWARD SUPERIOR COMMISSIONED OFFICER; ASSAULT OF SUPERIOR COMMISSIONED OFFICER.

Section 889 of title 10, United States Code (article 89 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 889. Art. 89. Disrespect toward superior commissioned officer; assault of superior commissioned officer

“(a) DISRESPECT.—Any person subject to this chapter who behaves with disrespect toward that person’s superior commissioned officer shall be punished as a court-martial may direct.
“(b) ASSAULT.—Any person subject to this chapter who strikes that person’s superior commissioned officer or draws or lifts up any weapon or offers any violence against that officer while the officer is in the execution of the officer’s office shall be punished—

“(1) if the offense is committed in time of war, by death or such other punishment as a court-martial may direct; and

“(2) if the offense is committed at any other time, by such punishment, other than death, as a court-martial may direct.”.

SEC. 5309. WILLFULLY DISOBEYING SUPERIOR COMMISSIONED OFFICER.

Section 890 of title 10, United States Code (article 90 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 890. Art. 90. Willfully disobeying superior commissioned officer

“Any person subject to this chapter who willfully disobeys a lawful command of that person’s superior commissioned officer shall be punished—

“(1) if the offense is committed in time of war, by death or such other punishment as a court-martial may direct; and
“(2) if the offense is committed at any other
time, by such punishment, other than death, as a
court-martial may direct.”.

SEC. 5310. PROHIBITED ACTIVITIES WITH MILITARY RE-
CRUIT 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 offi-
cer, 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 pro-
gram; 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 re-
spect to a specially protected junior member of the
armed forces, any of the following:

“(A) Any drill instructor position or other
leadership position in a basic training program,
an officer candidate school, a reserve officers’
training corps unit, a training program for
entry into the armed forces, or any program
that, by regulation prescribed by the Secretary
concerned, is identified as a training program
for initial career qualification.

“(B) Faculty and staff of the United
States Military Academy, the United States
Naval Academy, the United States Air Force
Academy, and the United States Coast Guard
Academy.

“(3) APPLICANT FOR MILITARY SERVICE.—The
term ‘applicant for military service’ means a person
who, under regulations prescribed by the Secretary concerned, is an applicant for original enlistment or appointment in the armed forces.

“(4) Prohibited sexual activity.—The term ‘prohibited sexual activity’ means, as specified in regulations prescribed by the Secretary concerned, inappropriate physical intimacy under circumstances described in such regulations.”.

SEC. 5311. OFFENSES BY SENTINEL OR LOOKOUT.

Section 895 of title 10, United States Code (article 95 of the Uniform Code of Military Justice), as transferred and redesignated by section 5301(8) of this Act, is amended to read as follows:

“§ 895. Art. 95. Offenses by sentinel or lookout

“(a) Drunk or sleeping on post, or leaving post before being relieved.—Any sentinel or lookout who is drunk on post, who sleeps on post, or who leaves post before being regularly relieved, shall be punished—

“(1) if the offense is committed in time of war, by death or such other punishment as a court-martial may direct; and

“(2) if the offense is committed other than in time of war, by such punishment, other than death, as a court-martial may direct.
“(b) Loitering or Wrongfully Sitting on Post.—Any sentinel or lookout who loiters or wrongfully sits down on post shall be punished as a court-martial may direct.”.

SEC. 5312. DISRESPECT TOWARD SENTINEL OR LOOKOUT.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 895 (article 95 of the Uniform Code of Military Justice), as amended by section 5311 of this Act, the following new section (article):

“§ 895a. Art. 95a. Disrespect toward sentinel or lookout

“(a) Disrespectful Language toward Sentinel or Lookout.—Any person subject to this chapter who, knowing that another person is a sentinel or lookout, uses wrongful and disrespectful language that is directed toward and within the hearing of the sentinel or lookout, who is in the execution of duties as a sentinel or lookout, shall be punished as a court-martial may direct.

“(b) Disrespectful Behavior toward Sentinel or Lookout.—Any person subject to this chapter who, knowing that another person is a sentinel or lookout, behaves in a wrongful and disrespectful manner that is directed toward and within the sight of the sentinel or look-
out, who is in the execution of duties as a sentinel or look-
out, shall be punished as a court-martial may direct.”.

SEC. 5313. RELEASE OF PRISONER WITHOUT AUTHORITY;

DRINKING WITH PRISONER.

Section 896 of title 10, United States Code (article
96 of the Uniform Code of Military Justice), is amended
to read as follows:

“§ 896. Art. 96. Release of prisoner without authority;

drinking with prisoner

“(a) RELEASE OF PRISONER WITHOUT AUTHOR-

ITY.—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 sub-

ject to this chapter who unlawfully drinks any alcoholic
beverage with a prisoner shall be punished as a court-mar-
tial may direct.”.

SEC. 5314. PENALTY FOR ACTING AS A SPY.

Section 903 of title 10, United States Code (article
103 of the Uniform Code of Military Justice), as trans-
ferred and redesignated by section 5301(7) of this Act, is amended by inserting before the period at the end of the first sentence the following: “or such other punishment as a court-martial or a military commission may direct”.

SEC. 5315. PUBLIC RECORDS OFFENSES.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 903b (article 103b of the Uniform Code of Military Justice), as redesignated by section 5301(5) of this Act, the following new section (article):

“§ 904. Art. 104. Public records offenses

“All person subject to this chapter who, willfully and unlawfully—

“(1) alters, conceals, removes, mutilates, obliterates, or destroys a public record; or

“(2) takes a public record with the intent to alter, conceal, remove, mutilate, obliterate, or destroy the public record;

shall be punished as a court-martial may direct.”.

SEC. 5316. FALSE OR UNAUTHORIZED PASS OFFENSES.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 905 (article 105 of the Uniform Code of Military Justice), as transferred and redesignated by section 5301(12) of this Act, the following new section (article):
§ 905a. Art. 105a. False or unauthorized pass offenses

“(a) Wrongful Making, Altering, etc.—Any person subject to this chapter who, wrongfully and falsely, makes, alters, counterfeits, or tampers with a military or official pass, permit, discharge certificate, or identification card shall be punished as a court-martial may direct.

“(b) Wrongful Sale, etc.—Any person subject to this chapter who wrongfully sells, gives, lends, or disposes of a false or unauthorized military or official pass, permit, discharge certificate, or identification card, knowing that the pass, permit, discharge certificate, or identification card is false or unauthorized, shall be punished as a court-martial may direct.

“(c) Wrongful Use or Possession.—Any person subject to this chapter who wrongfully uses or possesses a false or unauthorized military or official pass, permit, discharge certificate, or identification card, knowing that the pass, permit, discharge certificate, or identification card is false or unauthorized, shall be punished as a court-martial may direct.”.

SEC. 5317. IMPERSONATION OFFENSES.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 905a (article 105a of the Uniform Code of Military Justice), as added
by section 5316 of this Act, the following new section (article):

§ 906. Art. 106. Impersonation of officer, noncommissioned or petty officer, or agent or official

“(a) In General.—Any person subject to this chapter who, wrongfully and willfully, impersonates—

“(1) an officer, a noncommissioned officer, or a petty officer;

“(2) an agent of superior authority of one of the armed forces; or

“(3) an official of a government;

shall be punished as a court-martial may direct.

“(b) Impersonation With Intent to Defraud.—Any person subject to this chapter who, wrongfully, willfully, and with intent to defraud, impersonates any person referred to in paragraph (1), (2), or (3) of subsection (a) shall be punished as a court-martial may direct.

“(c) Impersonation of Government Official Without Intent to Defraud.—Any person subject to this chapter who, wrongfully, willfully, and without intent to defraud, impersonates an official of a government by committing an act that exercises or asserts the authority of the office that the person claims to have shall be punished as a court-martial may direct.”

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SEC. 5318. INSIGNIA OFFENSES.
1 Subchapter X of chapter 47 of title 10, United States
2 Code, is amended by inserting after section 906 (article
3 106 of the Uniform Code of Military Justice), as added
4 by section 5317 of this Act, the following new section (ar-
5 ticle):
6 “§ 906a. Art. 106a. Wearing unauthorized insignia,
7 decoration, badge, ribbon, device, or
8 lapel button
9 “Any person subject to this chapter—
10 “(1) who is not authorized to wear an insignia,
11 decoration, badge, ribbon, device, or lapel button;
12 and
13 “(2) who wrongfully wears such insignia, deco-
14 ration, badge, ribbon, device, or lapel button upon
15 the person’s uniform or civilian clothing;
16 shall be punished as a court-martial may direct.”.
17 SEC. 5319. FALSE OFFICIAL STATEMENTS; FALSE SWEAR-
18 ING.
19 Section 907 of title 10, United States Code (article
20 107 of the Uniform Code of Military Justice), is amended
21 to read as follows:
22 “§ 907. Art. 107. False official statements; false swear-
23 ing
24 “(a) False Official Statements.—Any person
25 subject to this chapter who, with intent to deceive—
“(1) signs any false record, return, regulation, order, or other official document, knowing it to be false; or
“(2) makes any other false official statement knowing it to be false;
shall be punished as a court-martial may direct.
“(b) FALSE SWEARING.—Any person subject to this chapter—
“(1) who takes an oath that—
“(A) is administered in a matter in which such oath is required or authorized by law; and
“(B) is administered by a person with authority to do so; and
“(2) who, upon such oath, makes or subscribes to a statement;
if the statement is false and at the time of taking the oath, the person does not believe the statement to be true, shall be punished as a court-martial may direct.”.

SEC. 5320. PAROLE VIOLATION.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 907 (article 107 of the Uniform Code of Military Justice), as amended by section 5319 of this Act, the following new section (article):
“§ 907a. Art. 107a. Parole violation

“Any person subject to this chapter—

“(1) who, having been a prisoner as the result of a court-martial conviction or other criminal proceeding, is on parole with conditions; and

“(2) who violates the conditions of parole;

shall be punished as a court-martial may direct.”.

SEC. 5321. WRONGFUL TAKING, OPENING, ETC. OF MAIL MATTER.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 909 (article 109 of the Uniform Code of Military Justice), the following new section (article):


“(a) TAKING.—Any person subject to this chapter who, with the intent to obstruct the correspondence of, or to pry into the business or secrets of, any person or organization, wrongfully takes mail matter before the mail matter is delivered to or received by the addressee shall be punished as a court-martial may direct.

“(b) OPENING, SECRETING, DESTROYING, STEALING.—Any person subject to this chapter who wrongfully opens, secretes, destroys, or steals mail matter before the mail matter is delivered to or received by the addressee shall be punished as a court-martial may direct.”.
SEC. 5322. IMPROPER HAZARDING OF VESSEL OR AIRCRAFT.

Section 910 of title 10, United States Code (article 110 of the Uniform Code of Military Justice), is amended to read as follows:

§ 910. Art. 110. Improper hazarding of vessel or aircraft

(a) Willful and wrongful hazarding.—Any person subject to this chapter who, willfully and wrongfully, hazards or suffers to be hazarded any vessel or aircraft of the armed forces shall be punished by death or such other punishment as a court-martial may direct.

(b) Negligent hazarding.—Any person subject to this chapter who negligently hazards or suffers to be hazarded any vessel or aircraft of the armed forces shall be punished as a court-martial may direct.”.

SEC. 5323. LEAVING SCENE OF VEHICLE ACCIDENT.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 910 (article 110 of the Uniform Code of Military Justice), as amended by section 5322 of this Act, the following new section (article):

§ 911. Art. 111. Leaving scene of vehicle accident

(a) Driver.—Any person subject to this chapter—
“(1) who is the driver of a vehicle that is involved in an accident that results in personal injury or property damage; and

“(2) who wrongfully leaves the scene of the accident—

“(A) without providing assistance to an injured person; or

“(B) without providing personal identification to others involved in the accident or to appropriate authorities;

shall be punished as a court-martial may direct.

“(b) SENIOR PASSENGER.—Any person subject to this chapter—

“(1) who is a passenger in a vehicle that is involved in an accident that results in personal injury or property damage;

“(2) who is the superior commissioned or 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. 5324. DRUNKENNESS AND OTHER INCAPACITATION OFFENSES.

Section 912 of title 10, United States Code (article 112 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 912. Art. 112. Drunkenness and other incapacitation offenses

“(a) Drunk on Duty.—Any person subject to this chapter who is drunk on duty shall be punished as a court-martial may direct.

“(b) Incapacitation for Duty From Drunkenness or Drug Use.—Any person subject to this chapter who, as a result of indulgence in any alcoholic beverage or any drug, is incapacitated for the proper performance of duty shall be punished as a court-martial may direct.

“(c) Drunk Prisoner.—Any person subject to this chapter who is a prisoner and, while in such status, is drunk shall be punished as a court-martial may direct.”.
SEC. 5325. LOWER BLOOD ALCOHOL CONTENT LIMITS FOR CONVICTION OF DRUNKEN OR RECKLESS OPERATION OF VEHICLE, AIRCRAFT, OR VESSEL.

Subsection (b)(3) of section 913 of title 10, United States Code (article 113 of the Uniform Code of Military Justice), as transferred and redesignated by section 5301(9) of this Act, is amended—

(1) by striking “0.10 grams” both places it appears and inserting “0.08 grams”; and

(2) by adding at the end the following new sentence: “The Secretary may by regulation prescribe limits that are lower than the limits specified in the preceding sentence, if such lower limits are based on scientific developments, as reflected in Federal law of general applicability.”.

SEC. 5326. ENDANGERMENT OFFENSES.

Section 914 of title 10, United States Code (article 114 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 914. Art. 114. Endangerment offenses

“(a) RECKLESS ENDANGERMENT.—Any person subject to this chapter who engages in conduct that—

“(1) is wrongful and reckless or is wanton; and

“(2) is likely to produce death or grievous bodily harm to another person;
shall be punished as a court-martial may direct.

“(b) DUELING.—Any person subject to this chapter—

“(1) who fights or promotes, or is concerned in or connives at fighting, a duel; or

“(2) who, having knowledge of a challenge sent or about to be sent, fails to report the facts promptly to the proper authority;

shall be punished as a court-martial may direct.

“(c) FIREARM DISCHARGE, ENDANGERING HUMAN LIFE.—Any person subject to this chapter who, willfully and wrongly, discharges a firearm, under circumstances such as to endanger human life shall be punished as a court-martial may direct.

“(d) CARRYING CONCEALED WEAPON.—Any person subject to this chapter who unlawfully carries a dangerous weapon concealed on or about his person shall be punished as a court-martial may direct.”.

SEC. 5327. COMMUNICATING THREATS.

Section 915 of title 10, United States Code (article 115 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 915. Art. 115. Communicating threats

“(a) COMMUNICATING THREATS GENERALLY.—Any person subject to this chapter who wrongfully commu-
nicates a threat to injure the person, property, or reputation of another shall be punished as a court-martial may direct.

“(b) Communicating Threat to Use Explosive, etc.—Any person subject to this chapter who wrongfully communicates a threat to injure the person or property of another by use of (1) an explosive, (2) a weapon of mass destruction, (3) a biological or chemical agent, substance, or weapon, or (4) a hazardous material, shall be punished as a court-martial may direct.

“(c) Communicating False Threat Concerning Use of Explosive, etc.—Any person subject to this chapter who maliciously communicates a false threat concerning injury to the person or property of another by use of (1) an explosive, (2) a weapon of mass destruction, (3) a biological or chemical agent, substance, or weapon, or (4) a hazardous material, shall be punished as a court-martial may direct. As used in the preceding sentence, the term ‘false threat’ means a threat that, at the time the threat is communicated, is known to be false by the person communicating the threat.”.
SEC. 5328. TECHNICAL AMENDMENT RELATING TO MURDER.

Section 918(4) of title 10, United States Code (article 118(4) of the Uniform Code of Military Justice), is amended by striking “forcible sodomy,”.

SEC. 5329. CHILD ENDANGERMENT.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 919a (article 119a of the Uniform Code of Military Justice), the following new section (article):

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§ 919b. Art. 119b. Child endangerment

“(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.”.
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SEC. 5330. RAPE AND SEXUAL ASSAULT OFFENSES.

(a) OFFENSE OF SEXUAL ASSAULT.—Subsection (b) of section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), is amended—

(1) in paragraph (1)—

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

(2) in paragraph (2)—

(A) by striking “another person when” and inserting “another person—

“(B) when”;

(B) by inserting before subparagraph (B), as added by subparagraph (A) of this paragraph, the following new subparagraph:

“(A) without the consent of the other person; or”; and

(C) in subparagraph (B), as so added, by striking “or” at the end; and

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

“(4) commits a sexual act upon another person by wrongfully using position, rank, or authority to coerce the acquiescence of the other person in the sexual act;”.

(b) DEFINITIONS.—

(1) SEXUAL ACT.—Paragraph (1) of subsection (g) of such section (article) is amended to read as follows:
“(1) **SEXUAL ACT.**—The term ‘sexual act’ means—

“(A) the penetration, however slight, of the penis into the vulva or anus or mouth;

“(B) contact between the mouth and the penis, vulva, serotum, 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, serotum, anus, groin, brest, inner thigh, or buttocks of any person, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person. Touching may be accomplished by any part of the body or an object.”.

(3) **REPEAL OF DEFINITION OF BODILY HARM.**—Such subsection is further amended—
(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively.

(4) CONSENT.—Paragraph (7) of such subsection, as redesignated by paragraph (3)(B) of this subsection, is further amended—

(A) in subparagraph (A)—

(i) in the second sentence, by striking “or submission resulting from the use of force, threat of force, or placing another in fear”; 

(ii) by inserting after the second sentence, as amended by clause (i) of this subparagraph the following new sentence: “Submission resulting from the use of force, threat of force, or placing another person in fear also does not constitute consent.”; and

(iii) in the last sentence, by striking “shall not” and inserting “does not”.

(B) in subparagraph (B), by striking “subparagraph (B) or (D)” and inserting “subparagraph (B) or (C)” ; and

(C) in subparagraph (C)—
(i) by striking the first sentence; and

(ii) in the last sentence, by striking ‘‘,
or whether’’ and all that follows and in-
serting a period.

(5) INCAPABLE OF CONSENTING.—Such sub-
section 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 par-
ticipation in, or communicating unwillingess to
engage in, the sexual act at issue.”.

(c) RAPE AND SEXUAL ASSAULT OF A CHILD.—Sub-
section (h)(1) of section 920b of title 10, United States
Code (article 120b of the Uniform Code of Military Jus-
tice), is amended by inserting before the period at the end
the following: ‘‘, except that the term ‘sexual act’ also in-
cludes the intentional touching, not through the clothing,
of the genitalia of another person who has not attained
the age of 16 years with an intent to abuse, humiliate,
harass, degrade, or arouse or gratify the sexual desire of
any person’’.
SEC. 5331. DEPOSIT OF OBSCENE MATTER IN THE MAIL.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 920 (article 120 of the Uniform Code of Military Justice), the following new section (article):

"§ 920a. Art. 120a. Mails: deposit of obscene matter

"Any person subject to this chapter who, wrongfully and knowingly, deposits obscene matter for mailing and delivery shall be punished as a court-martial may direct.".

SEC. 5332. FRAUDULENT USE OF CREDIT CARDS, DEBIT CARDS, AND OTHER ACCESS DEVICES.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 921 (article 121 of the Uniform Code of Military Justice), the following new section (article):

"§ 921a. Art. 121a. Fraudulent use of credit cards, debit cards, and other access devices

"(a) IN GENERAL.—Any person subject to this chapter who, knowingly and with intent to defraud, uses—

"(1) a stolen credit card, debit card, or other access device;

"(2) a revoked, cancelled, or otherwise invalid credit card, debit card, or other access device; or

"(3) a credit card, debit card, or other access device without the authorization of a person whose authorization is required for such use;
to obtain money, property, services, or anything else of value shall be punished as a court-martial may direct.

“(b) Access Device Defined.—In this section (article), the term ‘access device’ has the meaning given that term in section 1029 of title 18.”.

SEC. 5333. FALSE PRETENSES TO OBTAIN SERVICES.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 921a (article 121a of the Uniform Code of Military Justice), as added by section 5332 of this Act, the following new section (article):

“§ 921b. Art. 121b. False pretenses to obtain services

“Any person subject to this chapter who, with intent to defraud, knowingly uses false pretenses to obtain services shall be punished as a court-martial may direct.”.

SEC. 5334. ROBBERY.

Section 922 of title 10, United States Code (article 122 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 922. Art. 122. Robbery

“Any person subject to this chapter who takes anything of value from the person or in the presence of another, against his will, by means of force or violence or fear of immediate or future injury to his person or property or to the person or property of a relative or member
of his family or of anyone in his company at the time of
the robbery, is guilty of robbery and shall be punished as
a court-martial may direct.”.

SEC. 5335. RECEIVING STOLEN PROPERTY.

Subchapter X of chapter 47 of title 10, United States
Code, is amended by inserting after section 922 (article
122 of the Uniform Code of Military Justice), as amended
by section 5334 of this Act, the following new section (ar-
ticle):

"§ 922a. Art. 122a. Receiving stolen property

"Any person subject to this chapter who wrongfully
receives, buys, or conceals stolen property, knowing the
property to be stolen property, shall be punished as a
court-martial may direct.”.

SEC. 5336. OFFENSES CONCERNING GOVERNMENT COM-
PUTERS.

Subchapter X of chapter 47 of title 10, United States
Code, is amended by inserting after section 922a (article
122a of the Uniform Code of Military Justice), as added
by section 5335 of this Act, the following new section (ar-
ticle):

"§ 923. Art. 123. Offenses concerning Government
computers

“(a) IN GENERAL.—Any person subject to this chap-
ter who—
“(1) knowingly accesses a Government computer, with an unauthorized purpose, and by doing so obtains classified information, with reason to believe such information could be used to the injury of the United States, or to the advantage of any foreign nation, and intentionally communicates, delivers, transmits, or causes to be communicated, delivered, or transmitted such information to any person not entitled to receive it;

“(2) intentionally accesses a Government computer, with an unauthorized purpose, and thereby obtains classified or other protected information from any such Government computer; or

“(3) knowingly causes the transmission of a program, information, code, or command, and as a result of such conduct, intentionally causes damage without authorization, to a Government computer;

shall be punished as a court-martial may direct.

“(b) DEFINITIONS.—In this section:

“(1) The term ‘computer’ has the meaning given that term in section 1030 of title 18.

“(2) The term ‘Government computer’ means a computer owned or operated by or on behalf of the United States Government.
“(3) The term ‘damage’ has the meaning given that term in section 1030 of title 18.”.

SEC. 5337. BRIBERY.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 924 (article 124 of the Uniform Code of Military Justice), as transferred and redesignated by section 5301(14) of this Act, the following new section (article):

“§ 924a. Art. 124a. Bribery

“(a) ASKING, ACCEPTING, OR RECEIVING THING OF VALUE.—Any person subject to this chapter—

“(1) who occupies an official position or who has official duties; and

“(2) who wrongfully asks, accepts, or receives a thing of value with the intent to have the person’s decision or action influenced with respect to an official matter in which the United States is interested;

shall be punished as a court-martial may direct.

“(b) PROMISING, OFFERING, OR GIVING THING OF VALUE.—Any person subject to this chapter who wrongfully promises, offers, or gives a thing of value to another person, who occupies an official position or who has official duties, with the intent to influence the decision or action of the other person with respect to an official matter
in which the United States is interested, shall be punished as a court-martial may direct.”.

SEC. 5338. GRAFT.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 924a (article 124a of the Uniform Code of Military Justice), as added by section 5337 of this Act, the following new section (article):

“§ 924b. Art. 124b. Graft

“(a) Asking, Accepting, or Receiving Thing of Value.—Any person subject to this chapter—

“(1) who occupies an official position or who has official duties; and

“(2) who wrongfully asks, accepts, or receives a thing of value as compensation for or in recognition of services rendered or to be rendered by the person with respect to an official matter in which the United States is interested;

shall be punished as a court-martial may direct.

“(b) Promising, Offering, or Giving Thing of Value.—Any person subject to this chapter who wrongfully promises, offers, or gives a thing of value to another person, who occupies an official position or who has official duties, as compensation for or in recognition of services rendered or to be rendered by the other person with
respect to an official matter in which the United States
is interested, shall be punished as a court-martial may di-
rect.”.

SEC. 5339. KIDNAPPING.

Section 925 of title 10, United States Code (article
125 of the Uniform Code of Military Justice), is amended
to read as follows:

“§ 925. Art. 125. Kidnapping

“Any person subject to this chapter who wrongfully—
“(1) seizes, confines, inveigles, decoys, or car-
rries away another person; and
“(2) holds the other person against that per-
son’s will;
shall be punished as a court-martial may direct.”.

SEC. 5340. ARSON; BURNING PROPERTY WITH INTENT TO
DEFRAUD.

Section 926 of title 10, United States Code (article
126 of the Uniform Code of Military Justice), is amended
to read as follows:

“§ 926. Art. 126. Arson; burning property with intent
to defraud

“(a) AGGRAVATED ARSON.—Any person subject to
this chapter who, willfully and maliciously, burns or sets
on fire an inhabited dwelling, or any other structure, mov-
able or immovable, wherein, to the knowledge of that per-
son, there is at the time a human being, is guilty of aggra-
vated 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 De-
fraud.—Any person subject to this chapter who, willfully,
maliciously, and with intent to defraud, burns or sets fire
to any property shall be punished as a court-martial may
direct."

SEC. 5341. ASSAULT.

Section 928 of title 10, United States Code (article
128 of the Uniform Code of Military Justice), is amended
to read as follows:

"§ 928. Art. 128. Assault

"(a) Assault.—Any person subject to this chapter
who, unlawfully and with force or violence—

"(1) attempts to do bodily harm to another per-
son;

"(2) offers to do bodily harm to another person;
or

"(3) does bodily harm to another person;
is guilty of assault and shall be punished as a court-martial may direct.

“(b) AGGRAVATED ASSAULT.—Any person subject to this chapter—

“(1) who, with the intent to do bodily harm, offers to do bodily harm with a dangerous weapon; or

“(2) who, in committing an assault, inflicts substantial bodily harm, or grievous bodily harm on another person;

is guilty of aggravated assault and shall be punished as a court-martial may direct.

“(c) ASSAULT WITH INTENT TO COMMIT SPECIFIED OFFENSES.—

“(1) IN GENERAL.—Any person subject to this chapter who commits assault with intent to commit an offense specified in paragraph (2) shall be punished as a court-martial may direct.

“(2) OFFENSES SPECIFIED.—The offenses referred to in paragraph (1) are murder, voluntary manslaughter, rape, sexual assault, rape of a child, sexual assault of a child, robbery, arson, burglary, and kidnapping.”.

SEC. 5342. BURGLARY AND UNLAWFUL ENTRY.

Section 929 of title 10, United States Code (article 129 of the Uniform Code of Military Justice), and section
929a of such title (article 129a), as redesignated by section 5301(10) of this Act, are amended to read as follows:

“§ 929. Art. 129. Burglary; unlawful entry

“(a) BURGLARY.—Any person subject to this chapter who, with intent to commit an offense under this chapter, breaks and enters the building or structure of another shall be punished as a court-martial may direct.

“(b) UNLAWFUL ENTRY.—Any person subject to this chapter who unlawfully enters—

“(1) the real property of another; or

“(2) the personal property of another which amounts to a structure usually used for habitation or storage;

shall be punished as a court-martial may direct.”.

SEC. 5343. STALKING.

Section 930 of title 10, United States Code (article 130 of the Uniform Code of Military Justice), as transferred and redesignated by section 5301(11) of this Act, is amended to read as follows:

“§ 930. Art. 130. Stalking

“(a) IN GENERAL.—Any person subject to this chapter—

“(1) who wrongfully engages in a course of conduct directed at a specific person that would cause a reasonable person to fear death or bodily harm, in-
excluding 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 knowl-
edge, that the specific person will be placed in rea-
sonable fear of death or bodily harm, including sex-
ual 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, includ-
ing sexual assault, to himself or herself, to a mem-
ber of his or her immediate family, or to his or her
intimate partner;
is guilty of stalking and shall be punished as a court-mar-
tial 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 commu-
nication service, or an electronic communication sys-
tem.

“(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 per-
sons involved in the relationship.”.

SEC. 5344. SUBORNATION OF PERJURY.

Subchapter X of chapter 47 of title 10, United States
Code, is amended by inserting after section 931 (article
131 of the Uniform Code of Military Justice), the fol-
lowing new section (article):

“§ 931a. Art. 131a. Subornation of perjury

“(a) In general.—Any person subject to this chap-
ter 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 satis-
fied, 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 author-
ized by law.
“(2) The oath is administered by a person hav-
ing 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 per-
son do not believe that the statement is true.”.

SEC. 5345. OBSTRUCTING JUSTICE.

Subchapter X of chapter 47 of title 10, United States
Code, is amended by inserting after section 931a (article
131a of the Uniform Code of Military Justice), as added
by section 5344 of this Act, the following new section (ar-
ticle):

“§ 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 admin-
istration of justice shall be punished as a court-martial
may direct.”.

SEC. 5346. MISPRISION OF SERIOUS OFFENSE.

Subchapter X of chapter 47 of title 10, United States
Code, is amended by inserting after section 931b (article
131b of the Uniform Code of Military Justice), as added
by section 5345 of this Act, the following new section (article):

“§ 931c. Art. 131c. Misprision of serious offense

“Any person subject to this chapter—

“(1) who knows that another person has committed a serious offense; and

“(2) wrongfully conceals the commission of the offense and fails to make the commission of the offense known to civilian or military authorities as soon as possible;

shall be punished as a court-martial may direct.”.

SEC. 5347. WRONGFUL REFUSAL TO TESTIFY.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931c (article 131c of the Uniform Code of Military Justice), as added by section 5346 of this Act, the following new section (article):

“§ 931d. Art. 131d. Wrongful refusal to testify

“Any person subject to this chapter who, in the presence of a court-martial, a board of officers, a military commission, a court of inquiry, preliminary hearing, or an officer taking a deposition, of or for the United States, wrongfully refuses to qualify as a witness or to answer a question after having been directed to do so by the person presiding shall be punished as a court-martial may direct.”.
SEC. 5348. PREVENTION OF AUTHORIZED SEIZURE OF PROPERTY.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931d (article 131d of the Uniform Code of Military Justice), as added by section 5347 of this Act, the following new section (article):

“§ 931e. Art. 131e. Prevention of authorized seizure of property

“Any person subject to this chapter who, knowing that one or more persons authorized to make searches and seizures are seizing, are about to seize, or are endeavoring to seize property, destroys, removes, or otherwise disposes of the property with intent to prevent the seizure thereof shall be punished as a court-martial may direct.”.

SEC. 5349. WRONGFUL INTERFERENCE WITH ADVERSE ADMINISTRATIVE PROCEEDING.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931f (article 131f of the Uniform Code of Military Justice), as transferred and redesignated by section 5301(3) of this Act, the following new section (article):

“§ 931g. Art. 131g. Wrongful interference with adverse administrative proceeding

“Any person subject to this chapter who, having reason to believe that an adverse administrative proceeding
is pending against any person subject to this chapter,
wrongfully acts with the intent—
“(1) to influence, impede, or obstruct the con-
duct of the proceeding; or
“(2) otherwise to obstruct the due administra-
tion of justice;
shall be punished as a court-martial may direct.”.

SEC. 5350. RETALIATION.

Subchapter X of chapter 47 of title 10, United States
Code, is amended by inserting after section 931g (article
131g of the Uniform Code of Military Justice), as added
by section 5349 of this Act, the following new section (ar-
ticle):

“§ 932. Art. 132. Retaliation

“(a) IN GENERAL.—Any person subject to this chap-
ter 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 pro-
tected communication—
“(1) wrongfully takes or threatens to take an
adverse personnel action against any person; or
“(2) wrongfully withholds or threatens to withhold a favorable personnel action with respect to any person; shall be punished as a court-martial may direct.

“(b) DEFINITIONS.—In this section:

“(1) The term ‘protected communication’ means the following:

“(A) A lawful communication to a Member of Congress or an Inspector General.

“(B) A communication to a covered individual or organization in which a member of the armed forces complains of, or discloses information that the member reasonably believes constitutes evidence of, any of the following:

“(i) A violation of law or regulation, including a law or regulation prohibiting sexual harassment or unlawful discrimination.

“(ii) Gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

“(2) The term ‘Inspector General’ has the meaning given that term in section 1034(h) of this title.
“(3) The term ‘covered individual or organization’ means any recipient of a communication specified in clauses (i) through (v) of section 1034(b)(1)(B) of this title.

“(4) The term ‘unlawful discrimination’ means discrimination on the basis of race, color, religion, sex, or national origin.”.

SEC. 5351. EXTRATERRITORIAL APPLICATION OF CERTAIN OFFENSES.

Section 934 of title 10, United States Code (article 134 of the Uniform Code of Military Justice), is amended by adding at the end the following new sentence: “As used in the preceding sentence, the term ‘crimes and offenses not capital’ includes any conduct engaged in outside the United States, as defined in section 5 of title 18, that would constitute a crime or offense not capital if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States, as defined in section 7 of title 18.”.

SEC. 5352. TABLE OF SECTIONS.

The table of sections at the beginning of subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended to read as follows:

“SUBCHAPTER X—PUNITIVE ARTICLES

“Sec. Art.
877. Art. 77. Principals.
878. Art. 78. Accessory after the fact.
879. Art. 79. Conviction of offense charged, lesser included offenses, and attempts.
880. Art. 80. Attempts.
882. Art. 82. Soliciting commission of offenses.
884. Art. 84. Breach of medical quarantine.
886. Art. 86. Absence without leave.
887. Art. 87. Missing movement; jumping from vessel.
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.
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.
900. Art. 100. Subordinate compelling surrender.
902. Art. 102. Forcing a safeguard.
903. Art. 103. Spies.
903b. Art. 103b. Aiding the enemy.
904a. Art. 104a. Fraudulent enlistment, appointment, or separation.
904b. Art. 104b. Unlawful enlistment, appointment, or separation.
905a. Art. 105a. False or unauthorized pass offenses.
906. Art. 106. Impersonation of officer, noncommissioned officer, or agent or official.
906a. Art. 106a. Wearing unauthorized insignia, decoration, badge, ribbon, device, or lapel button.
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.
"917. Art. 117. Provoking speeches or gestures.
"918. Art. 118. Murder.
"919a. Art. 119a. Death or injury of an unborn child.
"920. Art. 120. Rape and sexual assault generally.
"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.
"923. Art. 123. Offenses concerning Government computers.
"923a. Art. 123a. Making, drawing, or uttering check, draft, or order without sufficient funds.
"926. Art. 126. Arson; burning property with intent to defraud.
"928. Art. 128. Assault.
"929. Art. 129. Burglary; unlawful entry.
"930. Art. 130. Stalking.
"931c. Art. 131c. Misprision of serious offense.
"931d. Art. 131d. Wrongful refusal to testify.
"931e. Art. 131e. Prevention of authorized seizure of property.
"931g. Art. 131g. Wrongful interference with adverse administrative proceeding.
"933. Art. 133. Conduct unbecoming an officer and a gentleman.
"934. Art. 134. General article."
TITLE LXI—MISCELLANEOUS PROVISIONS

SEC. 5401. TECHNICAL AMENDMENTS RELATING TO COURTS OF INQUIRY.

Section 935(c) of title 10, United States Code (article 135(c) of the Uniform Code of Military Justice), is amended—

(1) by striking “(c) Any person” and inserting “(c)(1) Any person”;

(2) by designating the second and third sentences as paragraphs (2) and (3), respectively; and

(3) in paragraph (2), as so designated, by striking “subject to this chapter or employed by the Department of Defense” and inserting “who is (A) subject to this chapter, (B) employed by the Department of Defense, or (C) employed by the Department of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, and”.

SEC. 5402. TECHNICAL AMENDMENT TO ARTICLE 136.

The heading of section 936 of title 10, United States Code (article 136 of the Uniform Code of Military Justice), is amended by striking the last five words.
SEC. 5403. ARTICLES OF UNIFORM CODE OF MILITARY JUSTICE TO BE EXPLAINED TO OFFICERS UPON COMMISSIONING.

Section 937 of title 10, United States Code (article 137 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a), by striking “(a)(1) The sections of this title (articles of the Uniform Code of Military Justice)” and inserting “(a) ENLISTED MEMBERS.—(1) The sections (articles) of this chapter (the Uniform Code of Military Justice)”;

(2) by striking subsection (b); and

(3) by adding after subsection (a) the following new subsections:

“(b) OFFICERS.—(1) The sections (articles) of this chapter (the Uniform Code of Military Justice) specified in paragraph (2) shall be carefully explained to each officer at the time of (or within six months after)—

“(A) the initial entrance of the officer on active duty as an officer; or

“(B) the initial commissioning of the officer in a reserve component.

“(2) This subsection applies with respect to the sections (articles) specified in subsection (a)(3) and such other sections (articles) as the Secretary concerned may prescribe by regulation.
“(c) Training for Certain Officers.—Under regulations prescribed by the Secretary concerned, officers with the authority to convene courts-martial or to impose non-judicial punishment shall receive periodic training regarding the purposes and administration of this chapter.

Under regulations prescribed by the Secretary of Defense, officers assigned to duty in a joint command or a combatant command, who have such authority, shall receive additional specialized training regarding the purposes and administration of this chapter with respect to joint commands and the combatant commands.

“(d) Availability and Maintenance of Text.—The text of this chapter (the Uniform Code of Military Justice) and the text of the regulations prescribed by the President under this chapter shall be—

“(1) made available to a member on active duty or to a member of a reserve component, upon request by the member, for the member’s personal examination; and

“(2) maintained by the Secretary of Defense in electronic formats that are updated periodically and made available on the Internet.”.
SEC. 5404. MILITARY JUSTICE CASE MANAGEMENT; DATA COLLECTION AND ACCESSIBILITY.

(a) In General.—Subchapter XI of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by adding at the end the following new section (article):

“§ 940a. Art. 140a. Case management; data collection and accessibility

“The Secretary of Defense shall prescribe uniform standards and criteria for conduct of each of the following functions at all stages of the military justice system, including pretrial, trial, post-trial, and appellate processes, using, insofar as practicable, the best practices of Federal and State courts:

“(1) Collection and analysis of data concerning substantive offenses and procedural matters in a manner that facilitates case management and decision making within the military justice system, and that enhances the quality of periodic reviews under section 946 of this title (article 146).

“(2) Case processing and management.

“(3) Timely, efficient, and accurate production and distribution of records of trial within the military justice system.

“(4) Facilitation of access to docket information, filings, and records, taking into consideration
restrictions appropriate to judicial proceedings and military records.”.

(b) IMPLEMENTATION.—

(1) IMPLEMENTATION.—The Secretary of Defense shall commence carrying out section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice), as added by subsection (a), by not later than two years after the date of the enactment of this Act.

(2) EFFECTIVE DATE OF STANDARDS AND CRITERIA.—The standards and criteria under section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice), as so added, shall take effect on such date, not later than four years after the date of the enactment of this Act, as the Secretary shall provide in implementing such section (article).

TITLE LXII—MILITARY JUSTICE REVIEW PANEL AND ANNUAL REPORTS

SEC. 5421. MILITARY JUSTICE REVIEW PANEL.

Section 946 of title 10, United States Code (article 146 of the Uniform Code of Military Justice), is amended to read as follows:
§946. Art. 146. Military Justice Review Panel

(a) Establishment.—The Secretary of Defense shall establish a panel to conduct independent periodic reviews and assessments of the operation of this chapter. The panel shall be known as the ‘Military Justice Review Panel’ (in this section referred to as the ‘Panel’).

(b) Members.—

(1) Number of Members.—The Panel shall be composed of thirteen members.

(2) Appointment of Certain Members.—Each of the following shall appoint one member of the Panel:

(A) The Secretary of Defense (in consultation with the Secretary of Homeland Security).

(B) The Attorney General.

(C) The Judge Advocates General of the Army, Navy, Air Force, and Coast Guard, and the Staff Judge Advocate to the Commandant of the Marine Corps.

(3) Appointment of Remaining Members by Secretary of Defense.—The Secretary of Defense shall appoint the remaining members of the Panel, taking into consideration recommendations made by each of the following:
“(A) The chairman and ranking minority member of the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

“(B) The Chief Justice of the United States.

“(C) The Chief Judge of the United States Court of Appeals for the Armed Forces.

“(e) QUALIFICATIONS OF MEMBERS.—The members of the Panel shall be appointed from among private United States citizens with expertise in criminal law, as well as appropriate and diverse experience in investigation, prosecution, defense, victim representation, or adjudication with respect to courts-martial, Federal civilian courts, or State courts.

“(d) CHAIR.—The Secretary of Defense shall select the chair of the Panel from among the members.

“(e) TERM; VACANCIES.—Each member shall be appointed for a term of eight years, and no member may serve more than one term. Any vacancy shall be filled in the same manner as the original appointment.

“(f) REVIEWS AND REPORTS.—

“(1) INITIAL REVIEW OF RECENT AMENDMENTS TO UCMJ.—During fiscal year 2020, the Panel shall conduct an initial review and assessment of the im-

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plementation of the amendments made to this chapter during the preceding five years. In conducting the initial review and assessment, the Panel may review such other aspects of the operation of this chapter as the Panel considers appropriate.

“(2) Periodic comprehensive reviews.—During fiscal year 2024 and every eight years thereafter, the Panel shall conduct a comprehensive review and assessment of the operation of this chapter.

“(3) Periodic interim reviews.—During fiscal year 2028 and every eight years thereafter, the Panel shall conduct an interim review and assessment of such other aspects of the operation of this chapter as the Panel considers appropriate. In addition, at the request of the Secretary of Defense, the Panel may, at any time, review and assess other specific matters relating to the operation of this chapter.

“(4) Reports.—Not later than December 31 of each year during which the Panel conducts a review and assessment under this subsection, the Panel shall submit a report on the results, including the Panel’s findings and recommendations, through the Secretary of Defense to the Committees on
Armed Services of the Senate and the House of Represenatives.

“(g) HEARINGS.—The Panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Panel considers appropriate to carry out its duties under this section.

“(h) INFORMATION FROM FEDERAL AGENCIES.—Upon request of the chair of the Panel, a department or agency of the Federal Government shall provide information that the Panel considers necessary to carry out its duties under this section.

“(i) ADMINISTRATIVE MATTERS.—

“(1) MEMBERS TO SERVE WITHOUT PAY.— Members of the Panel shall serve without pay, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of services for the Panel.

“(2) STAFFING AND RESOURCES.—The Secretary of Defense shall provide staffing and resources to support the Panel.
“(j) Federal Advisory Committee Act.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Panel.’’.

SEC. 5422. ANNUAL REPORTS.

Subchapter XII of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by adding at the end the following new section (article):

“§ 946. Art. 146a. Annual reports

“(a) Court of Appeals for the Armed Forces.—Not later than December 31 of each year, the Court of Appeals for the Armed Forces shall submit a report that, with respect to the previous fiscal year, provides information on the number and status of completed and pending cases before the Court, and such other matters as the Court considers appropriate regarding the operation of this chapter.

“(b) Service Reports.—Not later than December 31 of each year, the Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps shall each submit a report, with respect to the preceding fiscal year, containing the following:

“(1) Data on the number and status of pending cases.
“(2) Information on the appellate review process, including—

“(A) information on compliance with processing time goals;

“(B) descriptions of the circumstances surrounding cases in which general or special court-martial convictions were (i) reversed because of command influence or denial of the right to speedy review or (ii) otherwise remitted because of loss of records of trial or other administrative deficiencies; and

“(C) an analysis of each case in which a provision of this chapter was held unconstitutional.

“(3)(A) An explanation of measures implemented by the armed force concerned to ensure the ability of judge advocates—

“(i) to participate competently as trial counsel and defense counsel in cases under this chapter;

“(ii) to preside as military judges in cases under this chapter; and

“(iii) to perform the duties of Special Victims’ Counsel, when so designated under section 1044e of this title.
“(B) The explanation under subparagraph (A) shall specifically identify the measures that focus on capital cases, national security cases, sexual assault cases, and proceedings of military commissions.

“(4) The independent views of each Judge Advocate General and of the Staff Judge Advocate to the Commandant of the Marine Corps as to the sufficiency of resources available within the respective armed forces, including total workforce, funding, training, and officer and enlisted grade structure, to capably perform military justice functions.

“(5) Such other matters regarding the operation of this chapter as may be appropriate.

“(c) SUBMISSION.—Each report under this section shall be submitted—

“(1) to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives; and

“(2) to the Secretary of Defense, the Secretaries of the military departments, and the Secretary of Homeland Security.”.
TITLE LXIII—CONFORMING
AMENDMENTS AND EFFECTIVE DATES

SEC. 5441. AMENDMENTS TO UCMJ SUBCHAPTER TABLES
OF SECTIONS.

The tables of sections for the specified subchapters
of chapter 47 of title 10, United States Code (the Uniform
Code of Military Justice), are amended as follows:

(1) Subchapter II; Apprehension and Restraint.—The table of sections at the beginning of
subchapter II is amended—
(A) by striking the item relating to section
810 (article 10) and inserting the following new
item:
“810. Art. 10. Restraint of persons charged.”; and
(B) by striking the item relating to section
812 (article 12) and inserting the following new
item:
“812. Art. 12. Prohibition of confinement of members of the armed forces with
enemy prisoners and certain others.”.

(2) Subchapter V; Composition of Courts-Martial.—The table of sections at the beginning of
subchapter V is amended—
(A) by striking the item relating to section 825a (article 25a) and inserting the following new item:

"825. Art. 25a. Number of court-martial members in capital cases."

(B) by inserting after the item relating to section 826 (article 26) the following new item:

"826a. Art. 26a. Military magistrates."

and

(C) by striking the item relating to section 829 (article 29) and inserting the following new item:

"829. Art. 29. Assembly and impaneling of members; detail of new members and military judges."

(3) SUBCHAPTER VI; PRE-TRIAL PROCEDURE.—

The table of sections at the beginning of subchapter VI is amended—

(A) by inserting after the item relating to section 830 (article 30) the following new item:

"830. Art. 30a. Proceedings conducted before referral."

and

(B) by striking the items relating to sections 832 through 835 (articles 32 through 35) and inserting the following new items:

"832. Art. 32. Preliminary hearing required before referral to general court-martial.


"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:

“847. Art. 47. Refusal of person not subject to chapter to appear, testify, or produce evidence.
“848. Art. 48. Contempt.”;

(B) by striking the item relating to section 850 (article 50) and inserting the following new item:

“850. Art. 50. Admissibility of sworn testimony from records of courts of inquiry.”; and

(C) by striking the items relating to sections 852 and 853 (articles 52 and 53) and inserting the following new items:

“852. Art. 52. Votes required for conviction, sentencing, and other matters.
“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:

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''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.”;
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(B) by striking the items relating to sections 864 through 866 (articles 64 through 66) and inserting the following new items:

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''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.”;
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(C) by striking the item relating to section 869 (article 69) and inserting the following new item:

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''869. Art. 69. Review by Judge Advocate General.”;
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(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:


“946a. Art. 146a. Annual reports.”.

SEC. 5442. EFFECTIVE DATES.

(a) In General.—Except as otherwise provided in this division, the amendments made by this division shall take effect on the date designated by the President, which date shall be not later than the first day of the first calendar month that begins two years after the date of the enactment of this Act.

(b) Implementing Regulations.—The President shall prescribe regulations implementing this division and the amendments made by this division by not later than
one year after the date of the enactment of this Act, except as otherwise provided in this division.

(c) APPLICABILITY.—

(1) IN GENERAL.—Subject to the provisions of this division and the amendments made by this division, the President shall prescribe in regulations whether, and to what extent, the amendments made by this division shall apply to a case in which one or more actions under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), have been taken before the effective date of such amendments.

(2) INAPPLICABILITY TO CASES IN WHICH CHARGES ALREADY REFERRED TO TRIAL ON EFFECTIVE DATE.—Except as otherwise provided by this division or the amendments made by this division, the amendments made by this division shall not apply to any case in which charges are referred to trial by court-martial before the effective date of such amendments. Proceedings in any such case shall be held in the same manner and with the same effect as if such amendments had not been enacted.

(3) PUNITIVE ARTICLE AMENDMENTS.—

(A) IN GENERAL.—The amendments made by title LX shall not apply to any offense com-
mitted before the effective date of such amend-
ments.

(B) CONSTRUCTION.—Nothing in subpara-
graph (A) shall be construed to invalidate the
prosecution of any offense committed before the
effective date of such amendments.

(4) SENTENCING AMENDMENTS.—The regula-
tions prescribing the authorized punishments for any
offense committed before the effective date of the
amendments made by title LVIII shall apply the au-
thorized punishments for the offense, as in effect at
the time the offense is committed.
A BILL

[Report No. 114-255]

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.

MAY 18, 2016

Read twice and placed on the calendar