

114TH CONGRESS }
2d Session

HOUSE OF REPRESENTATIVES

{ REPORT
114-???

NATIONAL DEFENSE AUTHORIZATION ACT
FOR FISCAL YEAR 2017

CONFERENCE REPORT

TO ACCOMPANY

S. 2943



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NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR
2017

_____, 2016.—Ordered to be printed

Mr. THORNBERRY, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany S. 2943]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2943), to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

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

1 **SECTION 1. SHORT TITLE.**

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

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

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

8 (1) Division A—Department of Defense Au-
9 thorizations.

10 (2) Division B—Military Construction Author-
11 izations.

12 (3) Division C—Department of Energy Na-
13 tional Security Authorizations and Other Authoriza-
14 tions.

15 (4) Division D—Funding Tables.

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

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

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees.

Sec. 4. Budgetary effects of this Act.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

- Sec. 111. Multiyear procurement authority for AH-64E Apache helicopters.
Sec. 112. Multiyear procurement authority for UH-60M and HH-60M Black Hawk helicopters.
Sec. 113. Distributed Common Ground System—Army increment 1.
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Subtitle C—Navy Programs

- Sec. 121. Determination of vessel delivery dates.
Sec. 122. Incremental funding for detail design and construction of LHA replacement ship designated LHA 8.
Sec. 123. Littoral Combat Ship.
Sec. 124. Limitation on use of sole-source shipbuilding contracts for certain vessels.
Sec. 125. Limitation on availability of funds for the Advanced Arresting Gear Program.
Sec. 126. Limitation on availability of funds for procurement of U.S.S. Enterprise (CVN-80).
Sec. 127. Sense of Congress on aircraft carrier procurement schedules.
Sec. 128. Report on P-8 Poseidon aircraft.
Sec. 129. Design and construction of replacement dock landing ship designated LX(R) or amphibious transport dock designated LPD-29.

Subtitle D—Air Force Programs

- Sec. 131. EC-130H Compass Call recapitalization program.
Sec. 132. Repeal of requirement to preserve certain retired C-5 aircraft.
Sec. 133. Repeal of requirement to preserve F-117 aircraft in recallable condition.
Sec. 134. Prohibition on availability of funds for retirement of A-10 aircraft.
Sec. 135. Limitation on availability of funds for destruction of A-10 aircraft in storage status.
Sec. 136. Prohibition on availability of funds for retirement of Joint Surveillance Target Attack Radar System aircraft.
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Subtitle E—Defense-wide, Joint, and Multiservice Matters

- Sec. 141. Standardization of 5.56mm rifle ammunition.
Sec. 142. Fire suppressant and fuel containment standards for certain vehicles.
Sec. 143. Limitation on availability of funds for destruction of certain cluster munitions.
Sec. 144. Report on Department of Defense munitions strategy for the combatant commands.
Sec. 145. Modifications to reporting on use of combat mission requirements funds.
Sec. 146. Report on alternative management structures for the F-35 joint strike fighter program.
Sec. 147. Comptroller General review of F-35 Lightning II aircraft sustainment support.
Sec. 148. Briefing on acquisition strategy for Ground Mobility Vehicle.
Sec. 149. Study and report on optimal mix of aircraft capabilities for the Armed Forces.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 211. Laboratory quality enhancement program.
- Sec. 212. Modification of mechanisms to provide funds for defense laboratories for research and development of technologies for military missions.
- Sec. 213. Making permanent authority for defense research and development rapid innovation program.
- Sec. 214. Authorization for National Defense University and Defense Acquisition University to enter into cooperative research and development agreements.
- Sec. 215. Manufacturing Engineering Education Grant Program.
- Sec. 216. Notification requirement for certain rapid prototyping, experimentation, and demonstration activities.
- Sec. 217. Increased micro-purchase threshold for research programs and entities.
- Sec. 218. Improved biosafety for handling of select agents and toxins.
- Sec. 219. Designation of Department of Defense senior official with principal responsibility for directed energy weapons.
- Sec. 220. Restructuring of the distributed common ground system of the Army.
- Sec. 221. Limitation on availability of funds for the countering weapons of mass destruction system Constellation.
- Sec. 222. Limitation on availability of funds for Defense Innovation Unit Experimental.
- Sec. 223. Limitation on availability of funds for Joint Surveillance Target Attack Radar System (JSTARS) recapitalization program.
- Sec. 224. Acquisition program baseline and annual reports on follow-on modernization program for F-35 Joint Strike Fighter.

Subtitle C—Reports and Other Matters

- Sec. 231. Strategy for assured access to trusted microelectronics.
- Sec. 232. Pilot program on evaluation of commercial information technology.
- Sec. 233. Pilot program for the enhancement of the research, development, test, and evaluation centers of the Department of Defense.
- Sec. 234. Pilot program on modernization and fielding of electromagnetic spectrum warfare systems and electronic warfare capabilities.
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- Sec. 323. Pilot program for inclusion of certain industrial plants in the Armament Retooling and Manufacturing Support Initiative.
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- Sec. 325. Private sector port loading assessment.
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Subtitle D—Reports

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- Sec. 341. Air navigation matters.
- Sec. 342. Contract working dogs.
- Sec. 343. Plan, funding documents, and management review relating to explosive ordnance disposal.
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- Sec. 5410. Prohibited activities with military recruit or trainee by person in position of special trust.
- Sec. 5411. Offenses by sentinel or lookout.
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- Sec. 5419. False official statements; false swearing.
- Sec. 5420. Parole violation.

- Sec. 5421. Wrongful taking, opening, etc. of mail matter.
- Sec. 5422. Improper hazarding of vessel or aircraft.
- Sec. 5423. Leaving scene of vehicle accident.
- Sec. 5424. Drunkenness and other incapacitation offenses.
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- Sec. 5426. Endangerment offenses.
- Sec. 5427. Communicating threats.
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- Sec. 5429. Child endangerment.
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- Sec. 5440. Arson; burning property with intent to defraud.
- Sec. 5441. Assault.
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- Sec. 5501. Technical amendments relating to courts of inquiry.
- Sec. 5502. Technical amendment to Article 136.
- Sec. 5503. Articles of Uniform Code of Military Justice to be explained to officers upon commissioning.
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TITLE LXII—MILITARY JUSTICE REVIEW PANEL AND ANNUAL REPORTS

- Sec. 5521. Military Justice Review Panel.
- Sec. 5522. Annual reports.

TITLE LXIII—CONFORMING AMENDMENTS AND EFFECTIVE DATES

- Sec. 5541. Amendments to UCMJ subchapter tables of sections.
- Sec. 5542. Effective dates.

1 **SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.**

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

5 **SEC. 4. BUDGETARY EFFECTS OF THIS ACT.**

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

16 **DIVISION A—DEPARTMENT OF**
17 **DEFENSE AUTHORIZATIONS**
18 **TITLE I—PROCUREMENT**

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for AH-64E Apache helicopters.

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

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

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

Subtitle C—Navy Programs

Sec. 121. Determination of vessel delivery dates.

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

1 and the Marine Corps, the Air Force, and Defense-wide
2 activities, as specified in the funding table in section 4101.

3 **Subtitle B—Army Programs**

4 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR AH-** 5 **64E APACHE HELICOPTERS.**

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

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

18 **SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR UH-** 19 **60M AND HH-60M BLACK HAWK HELI-** 20 **COPTERS.**

21 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—
22 Subject to section 2306b of title 10, United States Code,
23 the Secretary of the Army may enter into one or more
24 multiyear contracts, beginning with the fiscal year 2017

1 program year, for the procurement of UH-60M and HH-
2 60M Black Hawk helicopters.

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

9 **SEC. 113. DISTRIBUTED COMMON GROUND SYSTEM—ARMY**
10 **INCREMENT 1.**

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

16 (b) FIELDING OF CAPABILITY.—

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

21 (2) COMMERCIALY AVAILABLE CAPABILI-
22 TIES.—In carrying out paragraph (1), the Secretary
23 shall procure commercially available off-the-shelf
24 technologies that—

1 (A) meet essential tactical requirements for
2 processing, analyzing, and displaying intel-
3 ligence information;

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

7 (C) are substantially easier for personnel
8 to use than the Distributed Common Ground
9 System–Army; and

10 (D) require less training than the Distrib-
11 uted Common Ground System–Army.

12 (c) LIMITATION ON THE AWARD OF CONTRACT.—

13 The Secretary may not enter into a contract for the de-
14 sign, development, or procurement of any data architec-
15 ture, data integration, or “cloud” capability, or any data
16 analysis or data visualization and workflow capability (in-
17 cluding warfighting function tools relating to increment 1
18 of the Distributed Common Ground System–Army) for
19 covered units unless the contract—

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

22 (2) is awarded in accordance with applicable
23 law and regulations providing for the use of competi-
24 tive procedures or procedures applicable to the pro-

1 curement of commercial items including parts 12
2 and 15 of the Federal Acquisition Regulation;

3 (3) is a fixed-price contract; and

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

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

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

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

14 (d) WAIVER.—

15 (1) IN GENERAL.—The Secretary of Defense
16 may waive the limitation in subsection (c) if the Sec-
17 retary submits to the appropriate congressional com-
18 mittees a written statement declaring that such limi-
19 tation would adversely affect ongoing operational ac-
20 tivities.

21 (2) NONDELEGATION.—The Secretary of De-
22 fense may not delegate the waiver authority under
23 paragraph (1).

24 (e) DEFINITIONS.—In this section:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the congressional defense committees;

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

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

9 (2) COVERED UNITS.—The term “covered
10 units” means military units that use increment 1 of
11 the Distributed Common Ground System—Army, in-
12 cluding tactical units and operators at the division,
13 brigade, and battalion levels, and tactical units below
14 the battalion level.

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

17 (a) ASSESSMENT.—The Secretary of Defense, in con-
18 sultation with the Secretary of the Army and the Chief
19 of Staff of the Army, shall conduct an assessment of the
20 following capabilities with respect to the Department of
21 the Army:

22 (1) The capacity of AH–64 Apache-equipped at-
23 tack reconnaissance battalions to meet future needs.

24 (2) Air defense artillery capacity and respon-
25 siveness, including—

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

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

8 (3) Chemical, biological, radiological, and nu-
9 clear capabilities and modernization needs.

10 (4) Field artillery capabilities, including—

11 (A) modernization needs;

12 (B) munitions inventory shortfalls; and

13 (C) changes in doctrine and war plans con-
14 sistent with the Memorandum of the Secretary
15 of Defense dated June 19, 2008, regarding the
16 Department of Defense policy on cluster muni-
17 tions and unintended harm to civilians.

18 (5) Fuel distribution and water purification ca-
19 pacity and responsiveness.

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

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

25 (8) Military police capacity.

1 (9) Tactical mobility and tactical wheeled vehi-
2 cle capacity, including heavy equipment prime mov-
3 ers.

4 (b) REPORT.—Not later than April 1, 2017, the Sec-
5 retary of Defense shall submit to the congressional defense
6 committees a report that includes—

7 (1) the assessment conducted under subsection

8 (a);

9 (2) recommendations for reducing or elimi-
10 nating shortfalls in responsiveness and capacity with
11 respect to each of the capabilities described in such
12 subsection; and

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

15 (c) FORM.—The report under subsection (b) shall be
16 submitted in unclassified form, but may include a classi-
17 fied annex.

18 **Subtitle C—Navy Programs**

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

20 (a) DETERMINATION OF VESSEL DELIVERY
21 DATES.—

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

1 **“§ 7301. Determination of vessel delivery dates**

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

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

6 “(2) custody of the vessel and all systems con-
7 tained in the vessel transfers to the Navy.

8 “(b) INCLUSION IN BUDGET AND ACQUISITION RE-
9 PORTS.—The delivery dates of covered vessels shall be in-
10 cluded—

11 “(1) in the materials submitted to Congress by
12 the Secretary of Defense in support of the budget of
13 the President for each fiscal year (as submitted to
14 Congress under section 1105(a) of title 31, United
15 States Code); and

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

19 “(c) COVERED VESSEL DEFINED.—In this section,
20 the term ‘covered vessel’ means any vessel of the Navy
21 that is under construction on or after the date of the en-
22 actment of this section using amounts authorized to be
23 appropriated for the Department of Defense for ship-
24 building and conversion, Navy.”.

25 (2) CLERICAL AMENDMENT.—The table of sec-
26 tions at the beginning of such chapter is amended

1 by inserting after the item relating to section 7300
2 the following new item:

“7301. Determination of vessel delivery dates.”.

3 (b) CERTIFICATION.—

4 (1) IN GENERAL.—Not later than January 1,
5 2017, the Secretary of the Navy shall certify to the
6 congressional defense committees that the delivery
7 dates of the following vessels have been adjusted in
8 accordance with section 7301 of title 10, United
9 States Code, as added by subsection (a):

10 (A) The U.S.S. John F. Kennedy (CVN–
11 79).

12 (B) The U.S.S. Zumwalt (DDG–1000).

13 (C) The U.S.S. Michael Monsoor (DDG–
14 1001).

15 (D) The U.S.S. Lyndon B. Johnson
16 (DDG–1002).

17 (E) Any other vessel of the Navy that is
18 under construction on the date of the enact-
19 ment of this Act.

20 (2) CONTENTS.—The certification under para-
21 graph (1) shall include—

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

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

1 **SEC. 122. INCREMENTAL FUNDING FOR DETAIL DESIGN**
2 **AND CONSTRUCTION OF LHA REPLACEMENT**
3 **SHIP DESIGNATED LHA 8.**

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

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

19 **SEC. 123. LITTORAL COMBAT SHIP.**

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

22 (1) **IN GENERAL.—**The Secretary of Defense
23 shall include in the materials submitted in support
24 of the budget of the President (as submitted to Con-
25 gress under section 1105(a) of title 31, United
26 States Code) for each fiscal year through fiscal year

1 2022 a report on Littoral Combat Ship mission
2 packages.

3 (2) ELEMENTS.—Each report under paragraph
4 (1) shall include, with respect to each Littoral Com-
5 bat Ship mission package and increment, the fol-
6 lowing:

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

10 (i) projected unit costs compared to
11 originally estimated unit costs for each sys-
12 tem that comprises the mission package;

13 (ii) projected development costs, pro-
14 curement costs, and 20-year sustainment
15 costs compared to original estimates of
16 such costs for each system that comprises
17 the mission package;

18 (iii) demonstrated performance com-
19 pared to required performance for each
20 system that comprises the mission package
21 and for the mission package as a whole;

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

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

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

8 (i) completed in the fiscal year pre-
9 ceding the fiscal year covered by the re-
10 port; and

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

14 (C) The date on which initial operational
15 capability is expected to be attained and a de-
16 scription of the performance level criteria that
17 must be demonstrated to declare that such ca-
18 pability has been attained.

19 (D) A description of—

20 (i) the systems that attained initial
21 operational capability in the fiscal year
22 preceding the fiscal year covered by the re-
23 port; and

24 (ii) the performance level dem-
25 onstrated by such systems compared to the

1 performance level required of such sys-
2 tems.

3 (E) The acquisition inventory objective for
4 each system.

5 (F) An identification of—

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

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

12 (G) An identification of—

13 (i) each location (including the city,
14 State, and country) to which systems are
15 projected to be delivered in the fiscal year
16 covered by the report and any of the fol-
17 lowing five fiscal years; and

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

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

22 (1) IN GENERAL.—The Under Secretary of De-
23 fense for Acquisition, Technology, and Logistics
24 shall include in the materials submitted in support
25 of the budget of the President (as submitted to Con-

1 gress under section 1105(a) of title 31, United
2 States Code) for fiscal year 2018 the certification
3 described in paragraph (2).

4 (2) CERTIFICATION.—The certification de-
5 scribed in this paragraph is a certification with re-
6 spect to Littoral Combat Ship mission packages that
7 includes, as of the fiscal year covered by the certifi-
8 cation, the program of record quantity for—

9 (A) surface warfare mission packages;

10 (B) anti-submarine warfare mission pack-
11 ages; and

12 (C) mine countermeasures mission pack-
13 ages.

14 (c) LIMITATIONS.—

15 (1) LIMITATION ON DEVIATION FROM ACQUISI-
16 TION STRATEGY.—

17 (A) IN GENERAL.—The Secretary of De-
18 fense may not revise or deviate from revision
19 three of the Littoral Combat Ship acquisition
20 strategy, until the date on which the Secretary
21 submits to the congressional defense committees
22 the certification described in subparagraph (B).

23 (B) CERTIFICATION.—The certification de-
24 scribed in this subparagraph is a certification
25 that includes—

1 (i) the rationale of the Secretary for
2 revising or deviating from revision three of
3 the Littoral Combat Ship acquisition strat-
4 egy;

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

7 (iii) the Littoral Combat Ship acquisi-
8 tion strategy that is in effect following the
9 implementation of such revisions or devi-
10 ations.

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

16 (A) is conducted using competitive proce-
17 dures and for the limited purpose of awarding
18 a contract or contracts for—

19 (i) an engineering change proposal for
20 a frigate class ship; or

21 (ii) the construction of a frigate class
22 ship; and

23 (B) occurs only after a frigate design
24 has—

- 1 (i) reached sufficient maturity and
2 completed a preliminary design review; or
3 (ii) demonstrated an equivalent level
4 of design completeness.

5 (d) DEFINITIONS.—In this section:

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

11 (2) MISSION MODULE.—The term “mission
12 module” means the mission systems (including vehi-
13 cles, communications, sensors, and weapons systems)
14 combined with support equipment (including support
15 containers and standard interfaces) and software
16 (including software relating to the computing envi-
17 ronment and multiple vehicle communications sys-
18 tem of the mission package).

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

1 (e) REPEAL OF QUARTERLY REPORTING REQUIRE-
2 MENT.—Section 126 of the National Defense Authoriza-
3 tion Act for Fiscal Year 2013 (Public Law 112–239; 126
4 Stat. 1657) is amended—

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

6 (2) by striking “(a) DESIGNATION RE-
7 QUIRED.—”.

8 **SEC. 124. LIMITATION ON USE OF SOLE-SOURCE SHIP-**
9 **BUILDING CONTRACTS FOR CERTAIN VES-**
10 **SELS.**

11 (a) LIMITATION.—None of the funds authorized to
12 be appropriated by this Act or otherwise made available
13 for the Department of Defense for fiscal year 2017 for
14 joint high speed vessels or expeditionary fast transports
15 may be used to enter into or prepare to enter into a con-
16 tract on a sole-source basis for the construction of such
17 vessels or transports unless the Secretary of the Navy sub-
18 mits to the congressional defense committees the certifi-
19 cation described in subsection (b) and the report described
20 in subsection (c).

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

24 (1) awarding a contract for the construction of
25 one or more joint high speed vessels or expeditionary

1 fast transports on a sole-source basis is in the na-
2 tional security interests of the United States;

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

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

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

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

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

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

20 (2) a description of—

21 (A) actions that may be carried out to en-
22 sure that, if additional ships in the class are
23 procured after the award of the contract re-
24 ferred to in paragraph (1), the contracts for the

1 ships shall be awarded using competitive proce-
2 dures; and

3 (B) with respect to each such action, an
4 implementation schedule and any associated
5 cost savings, as compared to a contract award-
6 ed on a sole-source basis.

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

9 (a) **ADVANCED ARRESTING GEAR FOR U.S.S. EN-**
10 **TERPRISE.**—None of the funds authorized to be appro-
11 priated by this Act or otherwise made available for fiscal
12 year 2017 for the research and development, design, pro-
13 curement, or advanced procurement of materials for ad-
14 vanced arresting gear for the U.S.S. Enterprise (CVN–
15 80) may be obligated or expended until the Secretary of
16 Defense submits to the congressional defense committees
17 the report described in section 2432 of title 10, United
18 States Code, for the most recently concluded fiscal quarter
19 for the Advanced Arresting Gear Program in accordance
20 with subsection (c)(1).

21 (b) **ADVANCED ARRESTING GEAR FOR U.S.S. JOHN**
22 **F. KENNEDY.**—None of the funds authorized to be appro-
23 priated by this Act or otherwise made available for fiscal
24 year 2017 for the research and development, design, pro-
25 curement, or advanced procurement of materials for ad-

1 vanced arresting gear for the U.S.S. John F. Kennedy
2 (CVN-79) may be obligated or expended unless—

3 (1) the decision to install advanced arresting
4 gear on the vessel is determined by the milestone de-
5 cision authority for the Program; and

6 (2) the milestone decision authority for the Pro-
7 gram submits notification of such determination to
8 the congressional defense committees.

9 (c) ADDITIONAL REQUIREMENTS.—

10 (1) TREATMENT OF BASELINE ESTIMATE.—The
11 Secretary of Defense shall deem the Baseline Esti-
12 mate for the Advanced Arresting Gear Program for
13 fiscal year 2009 as the original Baseline Estimate
14 for the Program.

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

17 (A) Subject to subparagraph (B), the Sec-
18 retary shall carry out sections 2433 and 2433a
19 of title 10, United States Code, with respect to
20 the Advanced Arresting Gear Program, as if
21 the Department had submitted a Selected Ac-
22 quisition Report for the Program that included
23 the Baseline Estimate for the Program for fis-
24 cal year 2009 as the original Baseline Estimate,
25 except that the Secretary shall not carry out

1 subparagraph (B) or subparagraph (C) of sec-
2 tion 2433a(c)(1) of such title with respect to
3 the Program.

4 (B) In carrying out the review required by
5 section 2433a of such title, the Secretary shall
6 not approve a contract, enter into a new con-
7 tract, exercise an option under a contract, or
8 otherwise extend the scope of a contract for ad-
9 vanced arresting gear for the U.S.S. Enterprise
10 (CVN-80), except to the extent determined nec-
11 essary by the milestone decision authority, on a
12 non-delegable basis, to ensure that the Program
13 can be restructured as intended by the Sec-
14 retary without unnecessarily wasting resources.

15 (d) DEFINITIONS.—In this section:

16 (1) BASELINE ESTIMATE.—The term “Baseline
17 Estimate” has the meaning given the term in section
18 2433(a)(2) of title 10, United States Code.

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

23 (3) ORIGINAL BASELINE ESTIMATE.—The term
24 “original Baseline Estimate” has the meaning given

1 the term in section 2435(d)(1) of title 10, United
2 States Code.

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

7 **SEC. 126. LIMITATION ON AVAILABILITY OF FUNDS FOR**
8 **PROCUREMENT OF U.S.S. ENTERPRISE (CVN-**
9 **80).**

10 (a) **LIMITATION.**—Of the funds authorized to be ap-
11 propriated by this Act or otherwise made available for fis-
12 cal year 2017 for advance procurement or procurement
13 for the U.S.S. Enterprise (CVN–80), not more than 25
14 percent may be obligated or expended until the date on
15 which the Secretary of the Navy and the Chief of Naval
16 Operations jointly submit to the congressional defense
17 committees the report under subsection (b).

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

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

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

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

6 (1) IN GENERAL.—Together with the budget of
7 the President for each fiscal year through fiscal year
8 2021 (as submitted to Congress under section
9 1105(a) of title 31, United States Code) the Sec-
10 retary of the Navy and the Chief of Naval Oper-
11 ations shall submit a report on the efforts of the
12 Navy to achieve the ship end costs described in sub-
13 section (b) for the CVN-79 and CVN-80.

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

17 (A) A description of the progress made to-
18 ward achieving the ship end costs described in
19 subsection (b), including realized cost savings.

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

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

25 (D) A schedule that includes—

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

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

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

7 (E) Instances of lower Government esti-
8 mates used in contract negotiations.

9 (F) A description of risks that may result
10 from achieving the procurement end costs speci-
11 fied in subsection (b).

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

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

18 (a) FINDINGS.—Congress finds the following:

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

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

5 (b) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that—

7 (1) the plan of the Department of the Navy to
8 schedule the procurement of one aircraft carrier
9 every five years will reduce the overall aircraft car-
10 rier inventory to 10 aircraft carriers, a level insuffi-
11 cient to meet peacetime and war plan requirements;
12 and

13 (2) to accommodate the required aircraft car-
14 rier force structure, the Department of the Navy
15 should—

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

19 (B) program the required advance procure-
20 ment activities to accommodate the construction
21 of such carrier.

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

23 (a) REPORT REQUIRED.—Not later than October 1,
24 2017, the Secretary of the Navy shall submit to the con-

1 gressional defense committees a report on potential up-
2 grades to the capabilities of the P-8 Poseidon aircraft.

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

6 (1) A review of potential upgrades to the sen-
7 sors onboard the aircraft, including upgrades to in-
8 telligence sensors, surveillance sensors, and recon-
9 naissance sensors such as those being fielded on
10 MQ-4 Global Hawk aircraft platforms.

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

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

19 (a) IN GENERAL.—The Secretary of the Navy may
20 enter into a contract, beginning with the fiscal year 2017
21 program year, for the design and construction of the re-
22 placement dock landing ship designated LX(R) or the am-
23 phibious transport dock designated LPD-29 using
24 amounts authorized to be appropriated for the Depart-
25 ment of Defense for Shipbuilding and Conversion, Navy.

1 (b) USE OF INCREMENTAL FUNDING.—With respect
2 to the contract entered into under subsection (a), the Sec-
3 retary may use incremental funding to make payments
4 under the contract.

5 (c) CONDITION FOR OUT-YEAR CONTRACT PAY-
6 MENTS.—The contract entered into under subsection (a)
7 shall provide that any obligation of the United States to
8 make a payment under such contract for any fiscal year
9 after fiscal year 2017 is subject to the availability of ap-
10 propriations for that purpose for such fiscal year.

11 **Subtitle D—Air Force Programs**

12 **SEC. 131. EC-130H COMPASS CALL RECAPITALIZATION PRO-** 13 **GRAM.**

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

19 (1) is more operationally effective and surviv-
20 able than the existing EC-130H Compass Call air-
21 craft platform; and

22 (2) meets the requirements of the combatant
23 commands.

24 (b) LIMITATION.—

1 (1) Except as provided in paragraph (2), none
2 of the funds authorized to be appropriated by this
3 Act or otherwise made available for fiscal year 2017
4 or any other fiscal year for procurement may be ob-
5 ligated or expended on the program under sub-
6 section (a) until the date on which the Secretary of
7 the Air Force determines that there is a high likeli-
8 hood that the program will meet the requirements of
9 the combatant commands.

10 (2) The limitation in paragraph (1)—

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

14 (B) shall not limit the authority of the
15 Secretary to enter into a contract that may in-
16 clude an option for the future production of air-
17 craft under the program if—

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

20 (ii) such option is not exercised until
21 the Secretary determines that there is a
22 high likelihood that the program will meet
23 the requirements of the combatant com-
24 mands.

1 **SEC. 132. REPEAL OF REQUIREMENT TO PRESERVE CER-**
2 **TAIN RETIRED C-5 AIRCRAFT.**

3 Section 141 of the National Defense Authorization
4 Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat.
5 1659) is amended by striking subsection (d).

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

8 Section 136 of the John Warner National Defense
9 Authorization Act for Fiscal Year 2007 (Public Law 109–
10 364; 120 Stat. 2114) is amended by striking subsection
11 (b).

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

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

20 (b) ADDITIONAL LIMITATION ON RETIREMENT.—In
21 addition to the prohibition in subsection (a), the Secretary
22 of the Air Force may not retire, prepare to retire, or place
23 in storage or on backup aircraft inventory status any A–
24 10 aircraft until a period of 90 days has elapsed following
25 the date on which the Secretary submits to the congres-

1 sional defense committees the report under subsection
2 (e)(2).

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

9 (d) MINIMUM INVENTORY REQUIREMENT.—The Sec-
10 retary of the Air Force shall ensure the Air Force main-
11 tains a minimum of 171 A–10 aircraft designated as pri-
12 mary mission aircraft inventory until a period of 90 days
13 has elapsed following the date on which the Secretary sub-
14 mits to the congressional defense committees the report
15 under subsection (e)(2).

16 (e) REPORTS REQUIRED.—

17 (1) The Director of Operational Test and Eval-
18 uation shall submit to the congressional defense
19 committees a report that includes—

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

23 (B) a comparison test and evaluation that
24 examines the capabilities of the F–35A and A–
25 10C aircraft in conducting close air support,

1 combat search and rescue, and forward air con-
2 troller airborne missions.

3 (2) Not later than 180 days after the date of
4 the submission of the report under paragraph (1),
5 the Secretary of the Air Force shall submit to the
6 congressional defense committees a report that in-
7 cludes—

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

14 (B) a plan for addressing any deficiencies
15 and carrying out any corrective actions identi-
16 fied in such report; and

17 (C) short-term and long-term strategies for
18 preserving the capability of the Air Force to
19 conduct close air support, combat search and
20 rescue, and forward air controller airborne mis-
21 sions.

22 (f) SPECIAL RULE.—

23 (1) Subject to paragraph (2), the Secretary of
24 the Air Force may carry out the transition of the A-
25 10 unit at Fort Wayne Air National Guard Base,

1 Indiana, to an F-16 unit as described by the Sec-
2 retary in the Force Structure Actions map sub-
3 mitted in support of the budget of the President for
4 fiscal year 2017 (as submitted to Congress under
5 section 1105(a) of title 31, United States Code).

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

9 **SEC. 135. LIMITATION ON AVAILABILITY OF FUNDS FOR DE-**
10 **STRUCTION OF A-10 AIRCRAFT IN STORAGE**
11 **STATUS.**

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

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

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

4 (2) certify that the A-10 aircraft subject to
5 such action does not have serviceable wings or other
6 components that could be used to prevent the per-
7 manent removal of any active inventory A-10 air-
8 craft from flyable status.

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

12 (1) include with the materials submitted to
13 Congress in support of the budget of the Depart-
14 ment of Defense for fiscal year 2018 (as submitted
15 with the budget of the President under section
16 1105(a) of title 31, United States Code) a plan to
17 prevent the permanent removal of any active inven-
18 tory A-10 aircraft from flyable status due to unserv-
19 iceable wings or any other required component dur-
20 ing the period covered by the future years defense
21 plan submitted to Congress under section 221 of
22 title 10, United States Code; and

23 (2) carry out such plan to prevent the perma-
24 nent removal of any active inventory A-10 aircraft
25 from flyable status.

1 (d) POTENTIAL DONOR A-10 AIRCRAFT DEFINED.—
2 In this section, the term “potential donor A-10 aircraft”
3 means any A-10 aircraft in any storage status in the
4 309th Aerospace Maintenance and Regeneration Group
5 that has serviceable wings or other components that could
6 be used to prevent any active inventory A-10 aircraft from
7 being permanently removed from flyable status due to un-
8 serviceable wings or other components.

9 **SEC. 136. PROHIBITION ON AVAILABILITY OF FUNDS FOR**
10 **RETIREMENT OF JOINT SURVEILLANCE TAR-**
11 **GET ATTACK RADAR SYSTEM AIRCRAFT.**

12 (a) PROHIBITION.—Except as provided by subsection
13 (b) and in addition to the prohibition under section 144
14 of the National Defense Authorization Act for Fiscal Year
15 2016 (Public Law 114-92; 129 Stat. 758), none of the
16 funds authorized to be appropriated or otherwise made
17 available for fiscal year 2018 for the Air Force may be
18 obligated or expended to retire, or prepare to retire, any
19 Joint Surveillance Target Attack Radar System aircraft.

20 (b) EXCEPTION.—The prohibition in subsection (a)
21 shall not apply to individual Joint Surveillance Target At-
22 tack Radar System aircraft that the Secretary of the Air
23 Force determines, on a case-by-case basis, to be non-oper-
24 ational because of mishaps, other damage, or being uneco-
25 nomical to repair.

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

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

5 (1) by striking subsection (e); and

6 (2) by redesignating subsection (f) as sub-
7 section (e).

8 **Subtitle E—Defense-wide, Joint,**
9 **and Multiservice Matters**

10 **SEC. 141. STANDARDIZATION OF 5.56MM RIFLE AMMUNI-**
11 **TION.**

12 (a) REPORT.—If, on the date that is 180 days after
13 the date of the enactment of this Act, the Army and the
14 Marine Corps are using in combat two different types of
15 enhanced 5.56mm rifle ammunition, the Secretary of De-
16 fense shall, on such date, submit to the congressional de-
17 fense committees a report explaining the reasons that the
18 Army and the Marine Corps are using different types of
19 such ammunition.

20 (b) STANDARDIZATION REQUIREMENT.—Except as
21 provided in subsection (c), not later than one year after
22 the date of the enactment of this Act, the Secretary of
23 Defense shall ensure that the Army and the Marine Corps
24 are using in combat one standard type of enhanced
25 5.56mm rifle ammunition.

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

3 (1) determines that a state of emergency re-
4 quires the Army and the Marine Corps to use in
5 combat different types of enhanced 5.56mm rifle
6 ammunition; and

7 (2) certifies to the congressional defense com-
8 mittees that such a determination has been made.

9 **SEC. 142. FIRE SUPPRESSANT AND FUEL CONTAINMENT**

10 **STANDARDS FOR CERTAIN VEHICLES.**

11 (a) GUIDANCE REQUIRED.—

12 (1) The Secretary of the Army shall issue guid-
13 ance regarding fire suppressant and fuel contain-
14 ment standards for covered vehicles of the Army.

15 (2) The Secretary of the Navy shall issue guid-
16 ance regarding fire suppressant and fuel contain-
17 ment standards for covered vehicles of the Marine
18 Corps.

19 (b) ELEMENTS.—The guidance regarding fire sup-
20 pressant and fuel containment standards issued pursuant
21 to subsection (a) shall—

22 (1) meet the survivability requirements applica-
23 ble to each class of covered vehicles;

1 (2) include standards for vehicle armor, vehicle
2 fire suppression systems, and fuel containment tech-
3 nologies in covered vehicles; and

4 (3) balance cost, survivability, and mobility.

5 (c) REPORT TO CONGRESS.—Not later than 180 days
6 after the date of the enactment of this Act, the Secretary
7 of the Army and the Secretary of the Navy shall each sub-
8 mit to the congressional defense committees a report that
9 includes—

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

13 (2) any other information the Secretaries deter-
14 mine to be appropriate.

15 (d) COVERED VEHICLES.—In this section, the term
16 “covered vehicles” means ground vehicles acquired on or
17 after October 1, 2018, under a major defense acquisition
18 program (as such term is defined in section 2430 of title
19 10, United States Code), including light tactical vehicles,
20 medium tactical vehicles, heavy tactical vehicles, and
21 ground combat vehicles.

1 **SEC. 143. LIMITATION ON AVAILABILITY OF FUNDS FOR DE-**
2 **STRUCTION OF CERTAIN CLUSTER MUNI-**
3 **TIONS.**

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

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

14 (1) are unserviceable as a result of an inspec-
15 tion, test, field incident, or other significant failure
16 to meet performance or logistics requirements; or

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

19 (c) **REPORT REQUIRED.**—

20 (1) **IN GENERAL.**—Not later than March 1,
21 2017, the Secretary of Defense shall submit to the
22 congressional defense committees a report that in-
23 cludes each of the following elements:

24 (A) A description of the policy of the De-
25 partment of Defense regarding the use of clus-
26 ter munitions, including an explanation of the

1 process through which commanders may seek
2 waivers to use such munitions.

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

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

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

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

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

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

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

15 **SEC. 144. REPORT ON DEPARTMENT OF DEFENSE MUNI-**
16 **TIONS STRATEGY FOR THE COMBATANT COM-**
17 **MANDS.**

18 (a) REPORT REQUIRED.—Not later than April 1,
19 2017, the Secretary of Defense shall submit to the con-
20 gressional defense committees a report on the munitions
21 strategy for the combatant commands for the six-year pe-
22 riod beginning on January 1, 2017.

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

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

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

6 (B) the inventory of each type of munition.

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

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

14 (4) An identification of limitations in relevant
15 industrial bases and a description of necessary muni-
16 tions investments.

17 (5) An assessment of how munitions capability
18 and capacity may be affected by changes consistent
19 with the memorandum of the Secretary of Defense
20 dated June 19, 2008, regarding the policy of the De-
21 partment of Defense on cluster munitions and unin-
22 tended harm to civilians.

23 (6) Any other matters the Secretary determines
24 appropriate.

1 **SEC. 145. MODIFICATIONS TO REPORTING ON USE OF COM-**
2 **BAT MISSION REQUIREMENTS FUNDS.**

3 Section 123 of the Ike Skelton National Defense Au-
4 thorization Act for Fiscal Year 2011 (Public Law 111-
5 383; 124 Stat. 4158; 10 U.S.C. 167 note) is amended—

6 (1) in the section heading, by striking “**QUAR-**
7 **TERLY**” and inserting “**ANNUAL**”;

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

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

13 **SEC. 146. REPORT ON ALTERNATIVE MANAGEMENT STRUC-**
14 **TURES FOR THE F-35 JOINT STRIKE FIGHTER**
15 **PROGRAM.**

16 (a) **IN GENERAL.**—Not later than March 31, 2017,
17 the Secretary of Defense shall submit to the congressional
18 defense committees a report on potential alternative man-
19 agement structures for the F-35 joint strike fighter pro-
20 gram.

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

23 (1) An analysis of potential alternative manage-
24 ment structures for the F-35 joint strike fighter
25 program, including—

1 (A) continuation of the joint program of-
2 fice for the program;

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

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

9 (D) division of responsibilities for the pro-
10 gram between a joint program office and the
11 military departments; and

12 (E) such other alternative management
13 structures as the Secretary determines to be ap-
14 propriate.

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

18 (A) cost;

19 (B) alignment of responsibility and ac-
20 countability; and

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

23 (c) FORM.—The report under subsection (a) shall be
24 submitted in unclassified form, but may include a classi-
25 fied annex.

1 **SEC. 147. COMPTROLLER GENERAL REVIEW OF F-35 LIGHT-**
2 **NING II AIRCRAFT SUSTAINMENT SUPPORT.**

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

8 (b) ELEMENTS.—The review under subsection (a)
9 shall include, with respect to the F-35 Lightning II air-
10 craft program, the following:

11 (1) The status of the sustainment support
12 strategy for the program, including goals for per-
13 sonnel training, required infrastructure, and fleet
14 readiness.

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

18 (3) Other information regarding sustainment
19 and logistics support for the program that the
20 Comptroller General determines to be of critical im-
21 portance to the long-term viability of the program.

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

24 (a) BRIEFING REQUIRED.—Not later than 180 days
25 after the date of the enactment of this Act, the Under
26 Secretary of Defense for Acquisition, Technology, and Lo-

1 gistics, in consultation with the Secretary of the Army,
2 shall provide a briefing to the congressional defense com-
3 mittees on the acquisition strategy for the Ground Mobil-
4 ity Vehicle for use with the Global Response Force of the
5 82nd Airborne Division.

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

8 (1) The feasibility of acquiring the Ground Mo-
9 bility Vehicle—

10 (A) as a commercially available off-the-
11 shelf item (as such term is defined in section
12 104 of title 41, United States Code); or

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

14 (2) Whether acquiring the Ground Mobility Ve-
15 hicle in a manner described in paragraph (1) would
16 satisfy the requirements of the program and reduce
17 the life-cycle cost of the program.

18 (3) Whether the acquisition strategy for the
19 Ground Mobility Vehicle meets the focus areas speci-
20 fied in the most recent version of the Better Buying
21 Power initiative of the Secretary of Defense.

22 (4) Whether including an active safety system
23 in the Ground Mobility Vehicle, such as the elec-
24 tronic stability control system used on the joint light

1 tactical vehicle, would reduce the risk of vehicle roll-
2 over.

3 **SEC. 149. STUDY AND REPORT ON OPTIMAL MIX OF AIR-**
4 **CRAFT CAPABILITIES FOR THE ARMED**
5 **FORCES.**

6 (a) STUDY.—

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

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

13 (B) an optimal mix of manned aerial plat-
14 forms and unmanned aerial platforms for the
15 use of the Armed Forces during such period;
16 and

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

20 (i) long-range, medium-range, and
21 short-range intelligence, surveillance, re-
22 connaissance, or strike aircraft, or com-
23 bination of such aircraft;

24 (ii) aircraft with varying observability
25 characteristics;

- 1 (iii) land-based and sea-based aircraft;
2 (iv) advanced legacy fourth-generation
3 aircraft platforms of proven design;
4 (v) next generation air superiority ca-
5 pabilities; and
6 (vi) advanced technology innovations.

7 (2) CONSIDERATIONS.—In making the deter-
8 minations under paragraph (1), the Secretary shall
9 consider defense strategy, critical assumptions, pri-
10 orities, force size, and cost.

11 (b) REPORT.—

12 (1) IN GENERAL.—Not later than April 14,
13 2017, the Secretary shall submit to the appropriate
14 congressional committees a report that includes the
15 following:

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

18 (B) A discussion of the specific assump-
19 tions, observations, conclusions, and rec-
20 ommendations of the study.

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

23 (D) A plan for fielding complementary air-
24 craft and capabilities identified as an optimal
25 mix in the study under subsection (a).

1 (E) A plan to meet objectives and fulfill
2 the warfighting capability and capacity require-
3 ments of the combatant commands using the
4 aircraft and capabilities described in subsection
5 (a).

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

9 (3) NONDUPLICATION OF EFFORT.—If any in-
10 formation required under paragraph (1) has been in-
11 cluded in another report or notification previously
12 submitted to any of the appropriate congressional
13 committees by law, the Secretary may provide a list
14 of such reports and notifications at the time of sub-
15 mitting the report required under such paragraph
16 instead of including such information in such report.

17 (4) DEFINITIONS.—In this subsection:

18 (A) The term “appropriate congressional
19 committees” means the congressional defense
20 committees, the Select Committee on Intel-
21 ligence of the Senate, and the Permanent Select
22 Committee on Intelligence of the House of Rep-
23 resentatives.

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

4 **TITLE II—RESEARCH, DEVELOP-**
5 **MENT, TEST, AND EVALUA-**
6 **TION**

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Laboratory quality enhancement program.

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

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

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

Sec. 215. Manufacturing Engineering Education Grant Program.

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

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

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

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

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

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

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

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

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

Subtitle C—Reports and Other Matters

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

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

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

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

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

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

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

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

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

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

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

1 **Subtitle A—Authorization of**
2 **Appropriations**

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

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2017 for the use of the Department of Defense
6 for research, development, test, and evaluation, as speci-
7 fied in the funding table in section 4201.

8 **Subtitle B—Program Require-**
9 **ments, Restrictions, and Limita-**
10 **tions**

11 **SEC. 211. LABORATORY QUALITY ENHANCEMENT PRO-**
12 **GRAM.**

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

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

1 (A) existing policies and practices affecting
2 the science and technology reinvention labora-
3 tories to improve the mission effectiveness of
4 such laboratories; and

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

7 (2) to support implementation of current and
8 future initiatives affecting the science and tech-
9 nology reinvention laboratories; and

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

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

15 (1) A panel on personnel, workforce develop-
16 ment, and talent management.

17 (2) A panel on facilities, equipment, and infra-
18 structure.

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

21 (4) A panel on governance and oversight proc-
22 esses.

23 (c) COMPOSITION OF PANELS.—(1) Each panel de-
24 scribed in paragraphs (1) through (3) of subsection (b)

1 may be composed of subject matter and technical manage-
2 ment experts from—

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

5 (B) appropriate Defense Agencies;

6 (C) the Office of the Assistant Secretary of De-
7 fense for Research and Engineering; and

8 (D) such other entities as the Secretary deter-
9 mines to be appropriate.

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

12 (A) the Director of the Army Research Labora-
13 tory;

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

16 (C) the Director of the Naval Research Labora-
17 tory;

18 (D) the Director of the Engineer Research and
19 Development Center of the Army Corps of Engi-
20 neers; and

21 (E) such other members as the Secretary deter-
22 mines to be appropriate.

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

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

7 (e) DISCHARGE OF CERTAIN AUTHORITIES TO CON-
8 DUCT PERSONNEL DEMONSTRATION PROJECTS.—Sub-
9 paragraph (C) of section 342(b)(3) of the National De-
10 fense Authorization Act for Fiscal Year 1995 (Public Law
11 103–337; 108 Stat. 2721), as added by section 1114(a)
12 of the Floyd D. Spence National Defense Authorization
13 Act for Fiscal Year 2001 (as enacted into law by Public
14 Law 106–398; 114 Stat. 1654A–315), is amended by in-
15 serting before the period at the end the following:
16 “through the Assistant Secretary of Defense for Research
17 and Engineering (who shall place an emphasis in the exer-
18 cise of such authorities on enhancing efficient operations
19 of the laboratory and who may, in exercising such authori-
20 ties, request administrative support from science and tech-
21 nology reinvention laboratories to review, research, and
22 adjudicate personnel demonstration project proposals)”.

23 (f) SCIENCE AND TECHNOLOGY REINVENTION LAB-
24 ORATORY DEFINED.—In this section, the term “science
25 and technology reinvention laboratory” means a science

1 and technology reinvention laboratory designated under
2 section 1105 of the National Defense Authorization Act
3 for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C.
4 2358 note), as amended.

5 **SEC. 212. MODIFICATION OF MECHANISMS TO PROVIDE**
6 **FUNDS FOR DEFENSE LABORATORIES FOR**
7 **RESEARCH AND DEVELOPMENT OF TECH-**
8 **NOLOGIES FOR MILITARY MISSIONS.**

9 (a) AMOUNT AUTHORIZED UNDER CURRENT MECH-
10 ANISM.—Paragraph (1) of subsection (a) of section 219
11 of the Duncan Hunter National Defense Authorization
12 Act for Fiscal Year 2009 (10 U.S.C. 2358 note) is amend-
13 ed in the matter before subparagraph (A) by striking “not
14 more than three percent” and inserting “not less two per-
15 cent and not more than four percent”.

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

19 “(3) FEE.—After consultation with the science
20 and technology executive of the military department
21 concerned, the director of a defense laboratory may
22 charge customer activities a fixed percentage fee, in
23 addition to normal costs of performance, in order to
24 obtain funds to carry out activities authorized by

1 this subsection. The fixed fee may not exceed four
2 percent of costs.”.

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

7 “(C) Section 2802 of such title, with re-
8 spect to construction projects that exceed the
9 cost specified in subsection (a)(2) of section
10 2805 of such title for certain unspecified minor
11 military construction projects for laboratories.”.

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

14 **SEC. 213. MAKING PERMANENT AUTHORITY FOR DEFENSE**
15 **RESEARCH AND DEVELOPMENT RAPID INNO-**
16 **VATION PROGRAM.**

17 Section 1073 of the Ike Skelton National Defense
18 Authorization Act for Fiscal Year 2011 (Public Law 111–
19 383; 10 U.S.C. 2359 note) is amended—

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

24 (2) by striking subsection (f).

1 **SEC. 214. AUTHORIZATION FOR NATIONAL DEFENSE UNI-**
2 **VERSITY AND DEFENSE ACQUISITION UNI-**
3 **VERSITY TO ENTER INTO COOPERATIVE RE-**
4 **SEARCH AND DEVELOPMENT AGREEMENTS.**

5 (a) NATIONAL DEFENSE UNIVERSITY.—Section
6 2165 of title 10, United States Code, is amended by add-
7 ing at the end the following new subsection:

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

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

20 (b) DEFENSE ACQUISITION UNIVERSITY.—Section
21 1746 of title 10, United States Code, is amended by add-
22 ing at the end the following new subsection:

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

1 pursuant to subsection (b)(1) of such section, the Sec-
2 retary may enter into such contract or cooperative agree-
3 ment or award such grant through the Defense Acquisi-
4 tion University.

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

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

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

13 **“§ 2196. Manufacturing engineering education pro-**
14 **gram**

15 “(a) ESTABLISHMENT OF MANUFACTURING ENGI-
16 NEERING EDUCATION PROGRAM.—(1) The Secretary of
17 Defense shall establish a program under which the Sec-
18 retary makes grants or other awards to support—

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

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

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

5 “(3) The Secretary shall establish the program in
6 consultation with the Secretary of Education, the Director
7 of the National Science Foundation, the Director of the
8 Office of Science and Technology Policy, and the secre-
9 taries of such other relevant Federal agencies as the Sec-
10 retary considers appropriate.

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

14 “(5) The program shall be known as the ‘Manufac-
15 turing Engineering Education Program’.

16 “(b) GEOGRAPHICAL DISTRIBUTION OF GRANTS AND
17 AWARDS.—In awarding grants and other awards under
18 this subsection, the Secretary shall, to the maximum ex-
19 tent practicable, avoid geographical concentration of
20 awards.

21 “(c) COVERED PROGRAMS.—A program of engineer-
22 ing education supported pursuant to this section shall
23 meet the requirements of this section.

24 “(d) COMPONENTS OF PROGRAM.—The program of
25 education for which such a grant is made shall be a con-

1 solidated and integrated multidisciplinary program of edu-
2 cation with an emphasis on the following components:

3 “(1) Multidisciplinary instruction that encom-
4 passes the total manufacturing engineering enter-
5 prise and that may include—

6 “(A) manufacturing engineering education
7 and training through classroom activities, lab-
8 oratory activities, thesis projects, individual or
9 team projects, internships, cooperative work-
10 study programs, and interactions with indus-
11 trial facilities, consortia, or such other activities
12 and organizations in the United States and for-
13 eign countries as the Secretary considers appro-
14 priate;

15 “(B) faculty development programs;

16 “(C) recruitment of educators highly quali-
17 fied in manufacturing engineering to teach or
18 develop manufacturing engineering courses;

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

22 “(E) activities involving interaction be-
23 tween students and industry, including pro-
24 grams for visiting scholars, personnel exchange,
25 or industry executives;

1 “(F) development of new, or updating and
2 modification of existing, manufacturing cur-
3 riculum, course offerings, and education pro-
4 grams;

5 “(G) establishment of programs in manu-
6 facturing workforce training;

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

10 “(I) expansion of manufacturing training
11 and education programs and outreach for mem-
12 bers of the armed forces, dependents and chil-
13 dren of such members, veterans, and employees
14 of the Department of Defense.

15 “(2) Opportunities for students to obtain work
16 experience in manufacturing through such activities
17 as internships, summer job placements, or coopera-
18 tive work-study programs.

19 “(3) Faculty and student engagement with in-
20 dustry that is directly related to, and supportive of,
21 the education of students in manufacturing engi-
22 neering because of—

23 “(A) the increased understanding of manu-
24 facturing engineering challenges and potential
25 solutions; and

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

4 “(e) PROPOSALS.—The Secretary of Defense shall so-
5 licit proposals for grants and other awards to be made
6 pursuant to this section for the support of programs of
7 manufacturing engineering education that are consistent
8 with the purposes of this section.

9 “(f) MERIT COMPETITION.—Applications for awards
10 shall be evaluated on the basis of merit pursuant to com-
11 petitive procedures prescribed by the Secretary.

12 “(g) SELECTION CRITERIA.—The Secretary may se-
13 lect a proposal for an award pursuant to this section if
14 the proposal, at a minimum, does each of the following:

15 “(1) Contains innovative approaches for im-
16 proving engineering education in manufacturing
17 technology.

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

22 “(3) Provides for effective engagement with in-
23 dustry or government organizations that supports
24 the instruction to be provided in the proposed pro-

1 gram and is likely to improve manufacturing engi-
2 neering and technology.

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

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

8 “(6) Proposes to involve fully qualified per-
9 sonnel who are experienced in manufacturing engi-
10 neering education and technology.

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

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

21 “(9) Trains students in advanced manufac-
22 turing and in relevant emerging technologies and
23 production processes.

24 “(h) INSTITUTION OF HIGHER EDUCATION DE-
25 FINED.—In this section, the term ‘institution of higher

1 education' has the meaning given such term in section
2 101(a) of the Higher Education Act of 1965 (20 U.S.C.
3 1001(a)).”.

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

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

13 (b) ELEMENTS OF NOTICE.—The notice described in
14 this subsection is a written notice of the intention of the
15 Secretary to initiate a covered activity. Each such notice
16 shall include the following:

17 (1) A description of the activity.

18 (2) Estimated costs and funding sources for the
19 activity, including a description of any cost-sharing
20 or in-kind support arrangements with other partici-
21 pants.

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

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

3 (c) COVERED ACTIVITY.—In this section, the term
4 “covered activity” means a rapid prototyping, experimen-
5 tation, or demonstration activity carried out under pro-
6 gram element 0603382N.

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

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

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

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

19 **“§ 2338. Micro-purchase threshold for basic research**
20 **programs and activities of the Depart-**
21 **ment of Defense science and technology**
22 **reinvention laboratories**

23 “Notwithstanding subsection (a) of section 1902 of
24 title 41, the micro-purchase threshold for the Department
25 of Defense for purposes of such section is \$10,000 for pur-

1 poses of basic research programs and for the activities of
2 the Department of Defense science and technology re-
3 invention laboratories.”.

4 (2) CLERICAL AMENDMENT.—The table of sec-
5 tions at the beginning of such chapter is amended
6 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.”.

7 (b) INCREASED MICRO-PURCHASE THRESHOLD FOR
8 UNIVERSITIES, INDEPENDENT RESEARCH INSTITUTES,
9 AND NONPROFIT RESEARCH ORGANIZATIONS.—Section
10 1902 of title 41, United States Code, is amended—

11 (1) in subsection (a)—

12 (A) by striking “For purposes” and insert-
13 ing “(1) Except as provided in section 2338 of
14 title 10 and paragraph (2) of this subsection,
15 for purposes”; and

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

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

1 “(A) \$10,000; or

2 “(B) such higher threshold as determined ap-
3 propriate by the head of the relevant executive agen-
4 cy and consistent with clean audit findings under
5 chapter 75 of title 31, internal institutional risk as-
6 sessment, or State law.”; and

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

10 **SEC. 218. IMPROVED BIOSAFETY FOR HANDLING OF SE-**
11 **LECT AGENTS AND TOXINS.**

12 (a) **QUALITY CONTROL AND QUALITY ASSURANCE**
13 **PROGRAM.**—The Secretary of Defense, acting through the
14 executive agent for the biological select agent and toxin
15 biosafety program of the Department of Defense, shall
16 carry out a program to implement certain quality control
17 and quality assurance measures at each covered facility.

18 (b) **QUALITY CONTROL AND QUALITY ASSURANCE**
19 **MEASURES.**—Subject to subsection (c), the quality control
20 and quality assurance measures implemented at each cov-
21 ered facility under subsection (a) shall include the fol-
22 lowing:

23 (1) Designation of an external manager to over-
24 see quality assurance and quality control.

25 (2) Environmental sampling and inspection.

1 (3) Production procedures that prohibit oper-
2 ations where live biological select agents and toxins
3 are used in the same laboratory where viability test-
4 ing is conducted.

5 (4) Production procedures that prohibit work
6 on multiple organisms or multiple strains of one or-
7 ganism within the same biosafety cabinet.

8 (5) A video surveillance program that uses
9 video monitoring as a tool to improve laboratory
10 practices in accordance with regulatory require-
11 ments.

12 (6) Formal, recurring data reviews of produc-
13 tion in an effort to identify data trends and non-
14 conformance issues before such issues affect end
15 products.

16 (7) Validated protocols for production processes
17 to ensure that process deviations are adequately vet-
18 ted prior to implementation.

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

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

25 (d) **STUDY AND REPORT REQUIRED.**—

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

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

6 (B) opportunities to partner with industry
7 for the production of biological select agents
8 and toxins and related services in lieu of main-
9 taining such capabilities within the Department
10 of the Army; and

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

17 (2) REPORT.—Not later than February 1,
18 2017, the Secretary shall submit to the congress-
19 sional defense committees a report on the results of
20 the study under paragraph (1).

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

25 (1) A review of—

1 (A) the actions taken by the Department
2 of Defense to address the findings and rec-
3 ommendations of the report of the Department
4 of the Army titled “Individual and Institutional
5 Accountability for the Shipment of Viable Bacil-
6 lus Anthracis from Dugway Proving Grounds”,
7 dated December 15, 2015, including any ac-
8 tions taken to address the culture of compla-
9 cency in the biological select agent and toxin
10 production program identified in such report;
11 and

12 (B) the progress of the Secretary in car-
13 rying out the program under subsection (a).

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

16 (f) DEFINITIONS.—In this section:

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

19 (A) section 331.3 of title 7, Code of Fed-
20 eral Regulations;

21 (B) section 121.3 or section 121.4 of title
22 9, Code of Federal Regulations; or

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

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

4 **SEC. 219. DESIGNATION OF DEPARTMENT OF DEFENSE**
5 **SENIOR OFFICIAL WITH PRINCIPAL RESPON-**
6 **SIBILITY FOR DIRECTED ENERGY WEAPONS.**

7 (a) DESIGNATION OF SENIOR OFFICIAL.—

8 (1) IN GENERAL.—Not later than 180 days
9 after the date of the enactment of this Act, the Sec-
10 retary of Defense shall designate a senior official al-
11 ready serving within the Department of Defense as
12 the official with principal responsibility for the devel-
13 opment and demonstration of directed energy weap-
14 ons for the Department.

15 (2) DEVELOPMENT OF STRATEGIC PLAN.—

16 (A) IN GENERAL.—The senior official des-
17 ignated under paragraph (1) shall develop a de-
18 tailed strategic plan to develop, mature, and
19 transition directed energy technologies to acqui-
20 sition programs of record.

21 (B) ROADMAP.—Such strategic plan shall
22 include a strategic roadmap for the development
23 and fielding of directed energy weapons and key
24 enabling capabilities for the Department, identi-
25 fying and coordinating efforts across military

1 departments to achieve overall joint mission ef-
2 fectiveness.

3 (3) ACCELERATION OF DEVELOPMENT AND
4 FIELDING OF DIRECTED ENERGY WEAPONS CAPA-
5 BILITIES.—

6 (A) IN GENERAL.—To the degree prac-
7 ticable, the senior official designated under
8 paragraph (1) shall use the flexibility of the
9 policies of the Department in effect on the day
10 before the date of the enactment of this Act, or
11 any successor policies, to accelerate the develop-
12 ment and fielding of directed energy capabili-
13 ties.

14 (B) ENGAGEMENT.—The Secretary shall
15 use the flexibility of the policies of the Depart-
16 ment in effect on the day before the date of the
17 enactment of this Act, or any successor policies,
18 to ensure engagement with defense and private
19 industries, research universities, and unaffili-
20 ated, nonprofit research institutions.

21 (4) ADVICE FOR EXERCISES AND DEMONSTRA-
22 TIONS.—The senior official designated under para-
23 graph (1) shall, to the degree practicable, provide
24 technical advice and support to entities in the De-
25 partment of Defense and the military departments

1 conducting exercises or demonstrations with the pur-
2 pose of improving the capabilities of or operational
3 viability of technical capabilities supporting directed
4 energy weapons, including supporting military utility
5 assessments of the relevant cost and benefits of di-
6 rected energy weapon systems.

7 (5) SUPPORT FOR DEVELOPMENT OF REQUIRE-
8 MENTS.—The senior official designated under para-
9 graph (1) shall coordinate with the military depart-
10 ments, Defense Agencies, and the Joint Directed
11 Energy Transition Office to define requirements for
12 directed energy capabilities that address the highest
13 priority warfighting capability gaps of the Depart-
14 ment.

15 (6) AVAILABILITY OF INFORMATION.—The Sec-
16 retary of Defense shall ensure that the senior official
17 designated under paragraph (1) has access to such
18 information on programs and activities of the mili-
19 tary departments and other defense agencies as the
20 Secretary considers appropriate to coordinate de-
21 partmental directed energy efforts.

22 (b) JOINT DIRECTED ENERGY TRANSITION OF-
23 FICE.—

24 (1) REDESIGNATION.—The High Energy Laser
25 Joint Technology Office of the Department of De-

1 fense is hereby redesignated as the “Joint Directed
2 Energy Transition Office” (in this subsection re-
3 ferred to as the “Office”), and shall report to the of-
4 ficial designated under subsection (a)(1).

5 (2) **ADDITIONAL FUNCTIONS.**—In addition to
6 the functions and duties of the Office in effect on
7 the day before the date of the enactment of this Act,
8 the Office shall assist the senior official designated
9 under paragraph (1) of subsection (a) in carrying
10 out paragraphs (2) through (5) of such subsection.

11 (3) **FUNDING.**—The Secretary may make avail-
12 able such funds to the Office for basic research, ap-
13 plied research, advanced technology development,
14 prototyping, studies and analyses, and organiza-
15 tional support as the Secretary considers appropriate
16 to support the efficient and effective development of
17 directed energy systems and technologies and transi-
18 tion of those systems and technologies into acquisi-
19 tion programs or operational use.

20 **SEC. 220. RESTRUCTURING OF THE DISTRIBUTED COMMON**
21 **GROUND SYSTEM OF THE ARMY.**

22 (a) **IN GENERAL.**—Not later than April 1, 2017, the
23 Secretary of the Army shall restructure versions of the dis-
24 tributed common ground system of the Army after Incre-
25 ment 1—

1 (1) by discontinuing development of new soft-
2 ware code, excluding the configuration and testing of
3 system interfaces to commercial, open source, and
4 existing Government off the shelf (GOTS) software,
5 of any component of the system for which there is
6 commercial, open source, or Government off the
7 shelf software that is capable of fulfilling at least 80
8 percent of the system requirements applicable to
9 such component; and

10 (2) by conducting a review of the acquisition
11 strategy of the program to ensure that procurement
12 of commercial software is the preferred method of
13 meeting program requirements for major system
14 components.

15 (b) LIMITATION.—The Secretary of the Army shall
16 not award any contract for the development of new compo-
17 nent software capability for the distributed common
18 ground system of the Army if such a capability is already
19 a commercial item or open source, except for configuration
20 of capabilities that are incidental to and necessary for the
21 proper functioning of the system.

22 (c) REPORT REQUIRED.—

23 (1) REQUIREMENT.—Not later than March 1,
24 2018, the Under Secretary of Defense for Acquisi-
25 tion, Technology and Logistics, in consultation with

1 the Director, Operational Test and Evaluation, shall
2 submit to the congressional defense committees a re-
3 port on the Increment 2 of the distributed common
4 ground system of the Army.

5 (2) ELEMENTS OF REPORT.—The report re-
6 quired by paragraph (1) shall include, at a min-
7 imum, the following:

8 (A) The overall assessment of the system
9 and each individual major component of the
10 system.

11 (B) The status of alignment with the Intel-
12 ligence Community Information Technology En-
13 terprise (IC-ITE).

14 (C) The ease of use of Increment 2 as
15 compared with Increment 1 for operators in de-
16 ployed environments.

17 (D) The extent to which a common, syn-
18 chronized view of all system data is globally
19 available to all system users, at all times.

20 (E) The level of maturity of the tech-
21 nologies underlying core system components
22 and application programming interfaces.

23 (F) The extent to which program operators
24 can move data seamlessly between different
25 components of the system.

1 **SEC. 221. LIMITATION ON AVAILABILITY OF FUNDS FOR**
2 **THE COUNTERING WEAPONS OF MASS DE-**
3 **STRUCTION SYSTEM CONSTELLATION.**

4 (a) **LIMITATION.**—Not more than 50 percent of the
5 funds authorized to be appropriated by this Act or other-
6 wise made available for fiscal year 2017 for the countering
7 weapons of mass destruction situational awareness infor-
8 mation system commonly known as “Constellation” may
9 be obligated or expended for research, development, or
10 prototyping for such system until the report required by
11 subsection (b)(4) has been delivered to the congressional
12 defense committees.

13 (b) **INDEPENDENT REVIEW AND ASSESSMENT.**—

14 (1) **IN GENERAL.**—The Secretary of Defense
15 shall provide for an independent review and assess-
16 ment of the requirements and implementation for re-
17 search, development, and prototyping for the Con-
18 stellation system prior to a Milestone A decision or
19 other operational use.

20 (2) **ELEMENTS OF INDEPENDENT REVIEW.**—
21 The independent review provided for under para-
22 graph (1) shall include the following:

23 (A) A review of the major software compo-
24 nents of the system and an explanation of the
25 requirements of the Department of Defense
26 with respect to each such component.

1 (B) A review of the requirements validated
2 in the Information System Initial Capabilities
3 Document (ISICD) and capability gaps identi-
4 fied for duplication and redundancy with other
5 validated information technology requirements
6 and capability gaps.

7 (C) Identification of elements and applica-
8 tions of the system that cannot be implemented
9 using the existing technical infrastructure and
10 tools of the Department of Defense or the in-
11 frastructure and tools in development.

12 (D) An overview of a security plan to
13 achieve an accredited cross-domain solution sys-
14 tem, including security milestones and proposed
15 security architecture to mitigate both insider
16 and outsider threats.

17 (E) Identification of the planned categories
18 of end-users of the system, linked to organiza-
19 tions, mission requirements, and concept of op-
20 erations, the expected total number of end-
21 users, and the associated permissions granted
22 to such users.

23 (3) ENTITY CONDUCTING INDEPENDENT RE-
24 VIEW AND ASSESSMENT.—The Secretary shall en-
25 sure that—

1 (A) the independent review and assessment
2 provided for under paragraph (1) is conducted
3 by a federally funded research and development
4 center selected (or entered into an arrangement
5 with) by the Secretary or such other entity as
6 the Secretary considers appropriate; and

7 (B) such center or entity provides periodic
8 updates to the congressional defense committees
9 on such independent review and assessment
10 prior to the completion of the independent re-
11 view and assessment.

12 (4) REPORT ON INDEPENDENT REVIEW AND
13 ASSESSMENT.—The Secretary shall submit to the
14 congressional defense committees a report con-
15 taining—

16 (A) the findings of the center or entity se-
17 lected (or entered into an arrangement with)
18 under paragraph (3)(A) with respect to the
19 independent review and assessment conducted
20 by such center or entity pursuant to such para-
21 graph; and

22 (B) an assessment of the need to continue
23 Constellation research, development, and proto-
24 typing.

1 **SEC. 222. LIMITATION ON AVAILABILITY OF FUNDS FOR DE-**
2 **FENSE INNOVATION UNIT EXPERIMENTAL.**

3 (a) LIMITATION.—

4 (1) OPERATION AND MAINTENANCE.—Of the
5 funds specified in subsection (c)(1), not more than
6 75 percent may be obligated or expended until the
7 date on which the Secretary of Defense submits to
8 the congressional defense committees the report
9 under subsection (b).

10 (2) RESEARCH, DEVELOPMENT, TEST, AND
11 EVALUATION.—Of the funds specified in subsection
12 (c)(2), not more than 25 percent may be obligated
13 or expended until the date on which the Secretary
14 submits to the congressional defense committees the
15 report under subsection (b).

16 (b) REPORT REQUIRED.—The Secretary of Defense
17 shall submit to the congressional defense committees a re-
18 port on the Defense Innovation Unit Experimental. Such
19 report shall include the following:

20 (1) The charter and mission statement of the
21 Unit.

22 (2) A description of—

23 (A) the management and operations of the
24 Unit, including—

25 (i) the governance structure of the
26 Unit;

1 (ii) the process for coordinating and
2 deconflicting the activities of the Unit with
3 similar activities of the Small Business In-
4 novation Research Program, military de-
5 partments, Defense Agencies, and other
6 departments and agencies of the Federal
7 Government, including activities carried
8 out by In-Q-Tel, the Defense Advanced Re-
9 search Projects Agency, and Department
10 of Defense laboratories;

11 (iii) the direct staffing requirements
12 of the Unit, including a description of the
13 desired skills and expertise of such staff at
14 each location;

15 (iv) the number of civilian and mili-
16 tary personnel provided by the military de-
17 partments and Defense Agencies to sup-
18 port the Unit; and

19 (v) any planned expansion to new
20 sites, the metrics used to identify such
21 sites, and an explanation of how such ex-
22 pansion will provide access to innovations
23 of nontraditional defense contractors (as
24 such term is defined in section 2302 of

1 title 10, United States Code) that are not
2 otherwise accessible; and

3 (B) policies and practices that will enable
4 the Unit to best support Department of De-
5 fense missions, including—

6 (i) the metrics used to measure the ef-
7 fectiveness of the Unit;

8 (ii) how compliance with Department
9 of Defense or Federal Government require-
10 ments could affect the ability of nontradi-
11 tional defense contractors (as such term is
12 defined in section 2302 of title 10, United
13 States Code) to market products and ob-
14 tain funding;

15 (iii) how to treat intellectual property
16 that has been developed with little or no
17 government funding;

18 (iv) detailed justification for the ex-
19 pansion of the mission of the Unit, includ-
20 ing authority to use research and develop-
21 ment agreements, contracts, and merit-
22 based prize competitions to explore emerg-
23 ing technologies and additional physical lo-
24 cations;

1 (v) a description of how existing De-
2 partment of Defense agencies, services, en-
3 tities, and other elements are authorized to
4 better use streamlined acquisition proce-
5 dures, research and development agree-
6 ments, contracts, and merit-based prize
7 competitions to explore emerging tech-
8 nologies, including modification of guid-
9 ance and procedures to permit effective
10 and streamlined implementation of au-
11 thorities provided by Congress for rapid
12 execution;

13 (vi) an account of the successes and
14 failures of contracts already awarded by
15 the unit;

16 (vii) recommendations on practices,
17 policies, and authorities that will permit in-
18 creased public-private partnership in fi-
19 nancing and funding of research and tech-
20 nology development efforts; and

21 (viii) a description of technology tran-
22 sition strategies to ensure that research
23 and technology programs funded by the
24 Unit will be effectively and efficiently
25 transitioned into operational use or acqui-

1 sition programs, including a description of
2 the role of Defense laboratories in such
3 technology transition efforts.

4 (3) Any other information the Secretary deter-
5 mines to be appropriate.

6 (c) FUNDS SPECIFIED.—The funds specified in this
7 subsection are as follows:

8 (1) Funds authorized to be appropriated by this
9 Act or otherwise made available for fiscal year 2017
10 for operation and maintenance, Defense-wide, for
11 the Defense Innovation Unit Experimental.

12 (2) Funds authorized to be appropriated by this
13 Act or otherwise made available for fiscal year 2017
14 for research, development, test, and evaluation, De-
15 fense-wide, for the Defense Innovation Unit Experi-
16 mental.

17 **SEC. 223. LIMITATION ON AVAILABILITY OF FUNDS FOR**
18 **JOINT SURVEILLANCE TARGET ATTACK**
19 **RADAR SYSTEM (JSTARS) RECAPITALIZATION**
20 **PROGRAM.**

21 (a) IN GENERAL.—Except as provided in subsection
22 (b), none of the funds authorized to be appropriated by
23 this Act or otherwise made available for fiscal year 2017
24 or any other fiscal year for the Air Force may be made
25 available for the Air Force's Joint Surveillance Target At-

1 tack Radar System (JSTARS) recapitalization program
2 unless the contract for engineering and manufacturing de-
3 velopment uses a firm fixed-price contract structure.

4 (b) NATIONAL SECURITY WAIVER AUTHORITY.—The
5 Secretary of Defense may waive the limitation in sub-
6 section (a) if the Secretary determines that such a waiver
7 is in the national security interests of the United States.

8 **SEC. 224. ACQUISITION PROGRAM BASELINE AND ANNUAL**
9 **REPORTS ON FOLLOW-ON MODERNIZATION**
10 **PROGRAM FOR F-35 JOINT STRIKE FIGHTER.**

11 (a) LIMITATION.—The Secretary of Defense may not
12 award any follow-on modernization development contracts
13 for the F-35 Joint Strike Fighter until the Secretary has
14 submitted the report required by subsection (b)(1) in ac-
15 cordance with such subsection.

16 (b) ACQUISITION PROGRAM BASELINE.—

17 (1) IN GENERAL.—Not later than March 31,
18 2017, the Secretary of Defense shall submit to the
19 congressional defense committees a report that con-
20 tains the basic elements of an acquisition program
21 baseline for Block 4 Modernization.

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

24 (A) Cost estimates for development, pro-
25 duction, and modification.

1 (B) Projected key schedule dates, including
2 dates for the completion of—

3 (i) a capabilities development docu-
4 ment;

5 (ii) an independent cost estimate;

6 (iii) an initial preliminary design re-
7 view;

8 (iv) a development contract award;

9 and

10 (v) a critical design review.

11 (C) Technical performance parameters.

12 (D) Technology readiness levels.

13 (E) Annual funding profiles for develop-
14 ment and procurement.

15 (c) REVIEW BY COMPTROLLER GENERAL OF THE
16 UNITED STATES.—Not later than 60 days after the date
17 on which the report required by subsection (b)(1) is sub-
18 mitted to the congressional defense committees in accord-
19 ance with such subsection, the Comptroller General of the
20 United States shall—

21 (1) review such report; and

22 (2) brief the congressional defense committees
23 on the findings of the Comptroller General with re-
24 spect to such review.

1 (d) ANNUAL REPORTS BY SECRETARY OF DE-
2 FENSE.—Not later than one year after the date on which
3 the Secretary awards a development contract for follow-
4 on modernization of the F-35 Joint Strike Fighter and
5 not less frequently than once each year thereafter until
6 March 31, 2023, the Secretary shall submit to the con-
7 gressional defense committees a report on the cost, sched-
8 ule, and performance progress against the baseline set
9 forth in the report submitted pursuant to subsection
10 (b)(1).

11 **Subtitle C—Reports and Other**
12 **Matters**

13 **SEC. 231. STRATEGY FOR ASSURED ACCESS TO TRUSTED**
14 **MICROELECTRONICS.**

15 (a) STRATEGY.—The Secretary of Defense shall de-
16 velop a strategy to ensure that the Department of Defense
17 has assured access to trusted microelectronics by not later
18 than September 30, 2019.

19 (b) ELEMENTS.—The strategy under subsection (a)
20 shall include the following:

21 (1) Definitions of the various levels of trust re-
22 quired by classes of Department of Defense systems.

23 (2) Means of classifying systems of the Depart-
24 ment of Defense based on the level of trust such sys-

1 tems are required to maintain with respect to micro-
2 electronics.

3 (3) Means by which trust in microelectronics
4 can be assured.

5 (4) Means to increase the supplier base for as-
6 sured microelectronics to ensure multiple supply
7 pathways.

8 (5) An assessment of the microelectronics needs
9 of the Department of Defense in future years, in-
10 cluding the need for trusted, radiation-hardened
11 microelectronics.

12 (6) An assessment of the microelectronic needs
13 of the Department of Defense that may not be ful-
14 filled by entities outside the Department of Defense.

15 (7) The resources required to assure access to
16 trusted microelectronics, including infrastructure,
17 workforce, and investments in science and tech-
18 nology.

19 (8) A research and development strategy to en-
20 sure that the Department of Defense can, to the
21 maximum extent practicable, use state of the art
22 commercial microelectronics capabilities or their
23 equivalent, while satisfying the needs for trust.

24 (9) Recommendations for changes in authori-
25 ties, regulations, and practices, including acquisition

1 policies, financial management, public-private part-
2 nership policies, or in any other relevant areas, that
3 would support the achievement of the goals of the
4 strategy.

5 (c) SUBMISSION AND UPDATES.—(1) Not later than
6 one year after the date of the enactment of this Act, the
7 Secretary shall submit to the congressional defense com-
8 mittees the strategy developed under subsection (a). The
9 strategy shall be submitted in unclassified form, but may
10 include a classified annex.

11 (2) Not later than two years after submitting the
12 strategy under paragraph (1) and not less frequently than
13 once every two years thereafter until September 30, 2024,
14 the Secretary shall update the strategy as the Secretary
15 considers appropriate to support Department of Defense
16 missions.

17 (d) DIRECTIVE REQUIRED.—Not later than Sep-
18 tember 30, 2019, the Secretary of Defense shall issue a
19 directive for the Department of Defense describing how
20 Department of Defense entities may access assured and
21 trusted microelectronics supply chains for Department of
22 Defense systems.

23 (e) REPORT AND CERTIFICATION.—Not later than
24 September 30, 2020, the Secretary of the Defense shall
25 submit to the congressional defense committees—

1 (1) a report on—

2 (A) the status of the implementation of the
3 strategy developed under subsection (a);

4 (B) the actions being taken to achieve full
5 implementation of such strategy, and a timeline
6 for such implementation; and

7 (C) the status of the implementation of the
8 directive required by subsection (d); and

9 (2) a certification of whether the Department of
10 Defense has an assured means for accessing a suffi-
11 cient supply of trusted microelectronics, as required
12 by the strategy developed under subsection (a).

13 (f) DEFINITIONS.—In this section:

14 (1) The term “assured” refers, with respect to
15 microelectronics, to the ability of the Department of
16 Defense to guarantee availability of microelectronics
17 parts at the necessary volumes and with the per-
18 formance characteristics required to meet the needs
19 of the Department of Defense.

20 (2) The terms “trust” and “trusted” refer, with
21 respect to microelectronics, to the ability of the De-
22 partment of Defense to have confidence that the
23 microelectronics function as intended and are free of
24 exploitable vulnerabilities, either intentionally or un-

1 intentionally designed or inserted as part of the sys-
2 tem at any time during its life cycle.

3 **SEC. 232. PILOT PROGRAM ON EVALUATION OF COMMER-**
4 **CIAL INFORMATION TECHNOLOGY.**

5 (a) PILOT PROGRAM.—The Director of the Defense
6 Information Systems Agency may carry out a pilot pro-
7 gram to evaluate commercially available information tech-
8 nology tools to better understand the potential impact of
9 such tools on networks and computing environments of the
10 Department of Defense.

11 (b) ACTIVITIES.—Activities under the pilot program
12 may include the following:

13 (1) Prototyping, experimentation, operational
14 demonstration, military user assessments, and other
15 means of obtaining quantitative and qualitative feed-
16 back on the commercial information technology
17 products.

18 (2) Engagement with the commercial informa-
19 tion technology industry to—

20 (A) forecast military requirements and
21 technology needs; and

22 (B) support the development of market
23 strategies and program requirements before fi-
24 nalizing acquisition decisions and strategies.

1 nology and management of functions at eligible cen-
2 ters.

3 (2) ELIGIBLE CENTERS.—For purposes of the
4 pilot program, the eligible centers are—

5 (A) the science and technology reinvention
6 laboratories, as specified in section 1105(a) of
7 the National Defense Authorization Act for Fis-
8 cal Year 2010 (10 U.S.C. 2358 note);

9 (B) the test and evaluation centers which
10 are activities specified as part of the Major
11 Range and Test Facility Base in Department of
12 Defense Directive 3200.11; and

13 (C) the Defense Advanced Research
14 Projects Agency.

15 (b) SELECTION.—

16 (1) IN GENERAL.—The secretaries described in
17 subsection (a) shall ensure that participation in the
18 pilot program includes—

19 (A) the Defense Advanced Research
20 Projects Agency; and

21 (B) in accordance with paragraph (2)—

22 (i) five additional eligible centers de-
23 scribed in subparagraph (A) of subsection
24 (a)(2) from each of the military depart-
25 ments; and

1 (ii) five additional eligible centers de-
2 scribed in subparagraph (B) of such sub-
3 section from each of the military depart-
4 ments.

5 (2) SELECTION PROCEDURES.—(A) The head of
6 an eligible center described in subparagraph (A) or
7 (B) of subsection (a)(2) seeking to participate in the
8 pilot program shall submit to the appropriate re-
9 viewer an application therefor at such time, in such
10 manner, and containing such information as the ap-
11 propriate reviewer shall specify.

12 (B) Not later than 120 days after the date of
13 the enactment of this Act, each appropriate reviewer
14 shall—

15 (i) evaluate each application received under
16 subparagraph (A); and

17 (ii) approve or disapprove of the applica-
18 tion.

19 (C) If the head of an eligible center submits an
20 application under subparagraph (A) in accordance
21 with the requirements specified by the appropriate
22 reviewer for purposes of such subparagraph and the
23 appropriate reviewer neither approves nor dis-
24 approves such application pursuant to subparagraph
25 (B)(ii) on or before the date that is 120 days after

1 the date of the enactment of this Act, such eligible
2 center shall be considered a participant in the pilot
3 program.

4 (D) For purposes of this paragraph, the appro-
5 priate reviewer is—

6 (i) in the case of an eligible center de-
7 scribed in subparagraph (A) of subsection
8 (a)(2), the Laboratory Quality Enhancement
9 Program; and

10 (ii) in the case of an eligible center de-
11 scribed in subparagraph (B) of such subsection,
12 the Director of the Test Resource Management
13 Center.

14 (c) PARTICIPATION IN PROGRAM.—

15 (1) IN GENERAL.—Subject to paragraph (2),
16 the head of each eligible center selected under sub-
17 section (b)(1) shall propose and implement alter-
18 native and innovative methods of effective manage-
19 ment and operations of eligible centers, rapid project
20 delivery, support, experimentation, prototyping, and
21 partnership with universities and private sector enti-
22 ties to—

23 (A) generate greater value and efficiencies
24 in research and development activities;

1 (B) enable more efficient and effective op-
2 erations of supporting activities, such as—

3 (i) facility management, construction,
4 and repair;

5 (ii) business operations;

6 (iii) personnel management policies
7 and practices; and

8 (iv) intramural and public outreach;
9 and

10 (C) enable more rapid deployment of
11 warfighter capabilities.

12 (2) IMPLEMENTATION.—(A) The head of an eli-
13 gible center described in subparagraph (A) or (B) of
14 subsection (a)(2) shall implement each method pro-
15 posed under paragraph (1) unless such method is
16 disapproved in writing by the Assistant Secretary
17 concerned within 60 days of receiving a proposal
18 from an eligible center selected under subsection
19 (b)(1) by such Assistant Secretary.

20 (B) The Director of the Defense Advanced Re-
21 search Projects Agency shall implement each method
22 proposed under paragraph (1) unless such method is
23 disapproved in writing by the Chief Management Of-
24 ficer within 60 days of receiving a proposal from the
25 Director.

1 (C) In this paragraph, the term “Assistant Sec-
2 retary concerned” means—

3 (i) the Assistant Secretary of the Air Force
4 for Acquisition, with respect to matters con-
5 cerning the Air Force;

6 (ii) the Assistant Secretary of the Army
7 for Acquisition, Technology, and Logistics, with
8 respect to matters concerning the Army; and

9 (iii) the Assistant Secretary of the Navy
10 for Research, Development, and Acquisition,
11 with respect to matters concerning the Navy.

12 (d) WAIVER AUTHORITY FOR DEMONSTRATION AND
13 IMPLEMENTATION.—Until the termination of the pilot
14 program under subsection (e), the head of an eligible cen-
15 ter selected under subsection (b)(1) may waive any regula-
16 tion, restriction, requirement, guidance, policy, procedure,
17 or departmental instruction that would affect the imple-
18 mentation of a method proposed under subsection (c)(1),
19 unless such implementation would be prohibited by a pro-
20 vision of a Federal statute or common law.

21 (e) TERMINATION.—The pilot program shall termi-
22 nate on September 30, 2022.

23 (f) REPORT.—

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

1 retary of Defense shall submit to the congressional
2 defense committees a report on the pilot program.

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

5 (A) Identification of the eligible centers
6 participating in the pilot program.

7 (B) Identification of the eligible centers
8 whose applications to participate in the pilot
9 program were disapproved under subsection (b),
10 including justifications for such disapprovals.

11 (C) A description of the methods imple-
12 mented pursuant to subsection (c).

13 (D) A description of the methods that were
14 proposed pursuant to paragraph (1) of sub-
15 section (c) but disapproved under paragraph (2)
16 of such subsection.

17 (E) An assessment of how methods imple-
18 mented pursuant to subsection (c) have contrib-
19 uted to the objectives identified in subpara-
20 graphs (A), (B), and (C) of paragraph (1) of
21 such subsection.

1 **SEC. 234. PILOT PROGRAM ON MODERNIZATION AND**
2 **FIELDING OF ELECTROMAGNETIC SPECTRUM**
3 **WARFARE SYSTEMS AND ELECTRONIC WAR-**
4 **FARE CAPABILITIES.**

5 (a) PILOT PROGRAM.—

6 (1) IN GENERAL.—The Secretary of Defense
7 may carry out a pilot program on the modernization
8 and fielding of electromagnetic spectrum warfare
9 systems and electronic warfare systems.

10 (2) SELECTION.—If the Secretary carries out
11 the pilot program under paragraph (1), the Elec-
12 tronic Warfare Executive Committee shall select
13 from the list described in section 240(b)(4) a total
14 of 10 electromagnetic spectrum warfare systems and
15 electronic warfare systems across at least two mili-
16 tary departments for modernization and fielding
17 under the pilot program.

18 (b) TERMINATION.—The pilot program authorized by
19 subsection (a) shall terminate on September 30, 2023.

20 (c) FUNDING.—For the purposes of this pilot pro-
21 gram, funds authorized to be appropriated for electro-
22 magnetic spectrum warfare and electronic warfare may be
23 used for the development and fielding of electromagnetic
24 spectrum warfare systems and electronic warfare capabili-
25 ties.

26 (d) DEFINITIONS.—In this section:

1 (1) The term “electromagnetic spectrum war-
2 fare” means electronic warfare that encompasses
3 military communications and sensing operations that
4 occur in the electromagnetic operational domain.

5 (2) The term “electronic warfare” means mili-
6 tary action involving the use of electromagnetic and
7 directed energy to control the electromagnetic spec-
8 trum or to attack the enemy.

9 **SEC. 235. PILOT PROGRAM ON DISCLOSURE OF CERTAIN**
10 **SENSITIVE INFORMATION TO FEDERALLY**
11 **FUNDED RESEARCH AND DEVELOPMENT**
12 **CENTERS.**

13 (a) IN GENERAL.—The Secretary of Defense shall
14 carry out a pilot program on—

15 (1) permitting officers and employees of the
16 Department of Defense to disclose sensitive informa-
17 tion to federally funded research and development
18 centers of the Department for the sole purpose of
19 the performance of administrative, technical, or pro-
20 fessional services under and within the scope of the
21 contracts with the parent organizations of such fed-
22 erally funded research and development centers; and

23 (2) appropriately protecting proprietary infor-
24 mation from unauthorized disclosure or use by such
25 centers.

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

5 (c) FFRDC PERSONNEL.—Sensitive information
6 may be disclosed to personnel of a federally funded re-
7 search and development center under the pilot program
8 only if such personnel and contractors agree to be subject
9 to, and comply with, appropriate ethics standards and re-
10 quirements applicable to Government personnel, including
11 the Ethics in Government Act of 1978, section 1905 of
12 title 18, United States Code, and chapter 21 of title 41,
13 United States Code.

14 (d) CONDITIONS ON DISCLOSURE.—Sensitive infor-
15 mation may be disclosed under the pilot program only if
16 the federally funded research and development center con-
17 cerned and its parent organization agree to and acknowl-
18 edge in the parent organization's contract with the De-
19 partment of Defense that—

20 (1) sensitive information furnished to the feder-
21 ally funded research and development center will be
22 accessed and used only for the purposes stated in
23 the contract between the parent organization of the
24 federally funded research and development center
25 and the Department of Defense;

1 (2) the federally funded research and develop-
2 ment center will take all precautions necessary to
3 prevent disclosure of the sensitive information fur-
4 nished to anyone not authorized access to the infor-
5 mation in order to perform the applicable contract;

6 (3) sensitive information furnished under the
7 pilot program shall not be used by the federally
8 funded research and development center or parent
9 organization to compete against a third party for a
10 Government or non-Government contract or funding,
11 or to support other current or future research or
12 technology development activities performed by the
13 federally funded research and development center;
14 and

15 (4) any personnel of a federally funded research
16 and development center participating in the pilot
17 program may not disclose or use any trade secrets
18 or any nonpublic information accessed under the
19 pilot program, unless specifically authorized by this
20 section.

21 (e) DURATION.—(1) The pilot program may com-
22 mence at any time after the review and issuance of policy
23 guidance, updated appropriately, pertaining to the identi-
24 fication, mitigation, and prevention of potentially unfair
25 competitive advantage conferred to federally funded re-

1 search and development center personnel with access to
2 sensitive information who serve as technical advisors to
3 acquisition programs.

4 (2) The pilot program shall terminate on the date
5 that is three years after the date of the commencement
6 of the pilot program.

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

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

1 sure under section 1832 or 1905 of title 18, United States
2 Code.

3 **SEC. 236. PILOT PROGRAM ON ENHANCED INTERACTION**
4 **BETWEEN THE DEFENSE ADVANCED RE-**
5 **SEARCH PROJECTS AGENCY AND THE SERV-**
6 **ICE ACADEMIES.**

7 (a) IN GENERAL.—The Secretary of Defense, acting
8 through the Director of the Defense Advanced Research
9 Projects Agency, shall carry out a pilot program to en-
10 hance interaction between the Defense Advanced Research
11 Projects Agency and the service academies to promote
12 technology transition, education, and training in science,
13 technology, engineering, and mathematics fields that are
14 relevant to the Department of Defense.

15 (b) AWARDS OF FUNDS.—(1) In carrying out the
16 pilot program, the Secretary, acting through the Director,
17 shall provide funds to contractors and grantees of the De-
18 fense Advanced Research Projects Agency in order to en-
19 courage such contractors and grantees to develop research
20 partnerships with the service academies to support more
21 efficient and effective technology transition of research
22 programs and products.

23 (2) It shall be the responsibility of the Director to
24 ensure that such funds are used effectively and that suffi-
25 cient efforts are made to build appropriate partnerships.

1 (c) SERVICE ACADEMY TECHNOLOGY TRANSITION
2 NETWORKS.—In carrying out the pilot program, the Di-
3 rector shall prioritize the leveraging of—

4 (1) the technology transition networks that
5 service academies maintain among their academic
6 departments and resident research centers; and

7 (2) partnerships with Department of Defense
8 laboratories, other Federal degree granting institu-
9 tions, academia, and industry.

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

12 (e) SERVICE ACADEMIES DEFINED.—In this section,
13 the term “service academies” means the following:

14 (1) The United States Military Academy.

15 (2) The United States Naval Academy.

16 (3) Th United States Air Force Academy.

17 (4) The United States Coast Guard Academy.

18 (5) The United States Merchant Marine Acad-
19 emy.

20 **SEC. 237. INDEPENDENT REVIEW OF F/A-18 PHYSIO-**
21 **LOGICAL EPISODES AND CORRECTIVE AC-**
22 **TIONS.**

23 (a) INDEPENDENT REVIEW REQUIRED.—The Sec-
24 retary of the Navy shall conduct an independent review

1 of the plans, programs, and research of the Department
2 of the Navy with respect to—

3 (1) physiological events affecting aircrew of the
4 F/A–18 Hornet and the F/A–18 Super Hornet air-
5 craft during the covered period; and

6 (2) the efforts of the Navy and Marine Corps
7 to prevent and mitigate the affects of such physio-
8 logical events.

9 (b) CONDUCT OF REVIEW.—In conducting the review
10 under subsection (a), the Secretary of the Navy shall—

11 (1) designate an appropriate senior official in
12 the Office of the Secretary of the Navy to oversee
13 the review; and

14 (2) consult experts from outside the Depart-
15 ment of Defense in appropriate technical and med-
16 ical fields.

17 (c) REVIEW ELEMENTS.—The review under sub-
18 section (a) shall include an evaluation of—

19 (1) any data of the Department of the Navy re-
20 lating to the increased frequency of physiological
21 events affecting aircrew of the F/A–18 Hornet and
22 the F/A–18 Super Hornet aircraft during the cov-
23 ered period;

24 (2) aircraft mishaps potentially related to such
25 physiological events;

1 (3) the cost and effectiveness of all material,
2 operational, maintenance, and other measures car-
3 ried out by the Department of the Navy to mitigate
4 such physiological events during the covered period;

5 (4) material, operational, maintenance, or other
6 measures that may reduce the rate of such physio-
7 logical events in the future; and

8 (5) the performance of—

9 (A) the onboard oxygen generation system
10 in the F/A-18 Super Hornet;

11 (B) the overall environmental control sys-
12 tem in the F/A-18 Hornet and F/A-18 Super
13 Hornet; and

14 (C) other relevant subsystems of the F/A-
15 18 Hornet and F/A-18 Super Hornet, as deter-
16 mined by the Secretary.

17 (d) REPORT REQUIRED.—Not later than December
18 1, 2017, the Secretary of Navy shall submit to the con-
19 gressional defense committees a report that includes the
20 results of the review under subsection (a).

21 (e) COVERED PERIOD.—In this section, the term
22 “covered period” means the period beginning on January
23 1, 2009, and ending on the date of the submission of the
24 report under subsection (d).

1 **SEC. 238. B-21 BOMBER DEVELOPMENT PROGRAM AC-**
2 **COUNTABILITY MATRICES.**

3 (a) SUBMITTAL OF MATRICES.—Concurrent with the
4 President’s annual budget request submitted to Congress
5 under section 1105 of title 31, United States Code, for
6 fiscal year 2018, the Secretary of the Air Forces shall sub-
7 mit to the congressional defense committees and the
8 Comptroller General of the United States the matrices de-
9 scribed in subsection (b) relating to the B-21 bomber air-
10 craft program.

11 (b) MATRICES DESCRIBED.—The matrices described
12 in this subsection are the following:

13 (1) EMD GOALS.—A matrix that identifies, in
14 six month increments, key milestones, development
15 events, and specific performance goals for the EMD
16 phase of the B-21 bomber aircraft program, which
17 shall be subdivided, at a minimum, according to the
18 following:

19 (A) Technology readiness levels of major
20 components and key demonstration events.

21 (B) Design maturity.

22 (C) Software maturity.

23 (D) Manufacturing readiness levels for
24 critical manufacturing operations and key dem-
25 onstration events.

26 (E) Manufacturing operations.

1 (F) System verification and key flight test
2 events.

3 (G) Reliability.

4 (2) COST.—A matrix expressing, in six month
5 increments, the total cost for the Air Force service
6 cost position for the EMD phase and low initial rate
7 of production lots of the B-21 bomber aircraft and
8 a matrix expressing the total cost for the prime con-
9 tractor's estimate for such EMD phase and produc-
10 tion lots, both of which shall be phased over the en-
11 tire EMD period and subdivided according to the
12 costs of the following:

13 (A) Air vehicle.

14 (B) Propulsion.

15 (C) Mission systems.

16 (D) Vehicle subsystems.

17 (E) Air vehicle software.

18 (F) Systems engineering.

19 (G) Program management.

20 (H) System test and evaluation.

21 (I) Support and training systems.

22 (J) Contract fee.

23 (K) Engineering changes.

24 (L) Direct mission support, including Con-
25 gressional General Reductions.

1 (M) Government testing.

2 (c) SEMIANNUAL UPDATE OF MATRICES.—

3 (1) IN GENERAL.—Not later than 180 days
4 after the date on which the Secretary of the Air
5 Force submits the matrices required by subsection
6 (a), concurrent with the submittal of each annual
7 budget request to Congress under section 1105 of
8 title 31, United States Code, thereafter, and not
9 later than 180 days after each such submittal, the
10 Secretary of the Air Force shall submit to the con-
11 gressional defense committees and the Comptroller
12 General of the United States updates to the matrices
13 described in subsection (b).

14 (2) ELEMENTS.—Each update submitted under
15 paragraph (1) shall detail progress made toward the
16 goals identified in the matrix described in subsection
17 (b)(1) and provide updated cost estimates.

18 (3) TREATMENT OF INITIAL MATRICES AS
19 BASELINE.—The matrices submitted pursuant to
20 subsection (a) shall be treated as the baseline for the
21 full EMD phase and low rate initial production of
22 the B-21 bomber aircraft program for purposes of
23 the updates submitted pursuant to paragraph (1) of
24 this subsection.

1 (d) ASSESSMENT BY COMPTROLLER GENERAL OF
2 THE UNITED STATES.—Not later than the date that is
3 45 days after the date on which the Comptroller General
4 of the United States receives an update to a matrix under
5 subsection (d)(1), the Comptroller General shall review the
6 sufficiency of such matrix and submit to the congressional
7 defense committees an assessment of such matrix, includ-
8 ing by identifying cost, schedule, or performance trends.

9 **SEC. 239. STUDY ON HELICOPTER CRASH PREVENTION AND**
10 **MITIGATION TECHNOLOGY.**

11 (a) STUDY REQUIRED.—The Secretary of Defense
12 shall seek to enter into a contract with a federally funded
13 research and development center to conduct a study on
14 technologies with the potential to prevent and mitigate
15 helicopter crashes.

16 (b) ELEMENTS.—The study required under sub-
17 section (a) shall include the following:

18 (1) Identification of technologies with the po-
19 tential—

20 (A) to prevent helicopter crashes (such as
21 collision avoidance technologies and battle space
22 and terrain situational awareness technologies);
23 and

24 (B) to improve survivability among individ-
25 uals involved in such crashes (such as adaptive

1 flight control technologies and improved energy
2 absorbing technologies).

3 (2) A cost-benefit analysis of each technology
4 identified under paragraph (1) that takes into ac-
5 count the cost of developing and deploying the tech-
6 nology compared to the potential of the technology
7 to prevent casualties or injuries.

8 (3) A list that ranks the technologies identified
9 under paragraph (1) based on—

10 (A) the results of the cost-benefit analysis
11 under paragraph (2); and

12 (B) the readiness level of each technology.

13 (4) An analysis of helicopter crashes that—

14 (A) compares the casualty rates of cockpit
15 occupants to the casualty rates of occupants of
16 cargo compartments and troop seats; and

17 (B) identifies the root causes of the casual-
18 ties described in subparagraph (A).

19 (c) BRIEFING.—Not later than one year after the
20 date of the enactment of this Act, the Secretary shall pro-
21 vide to the Committees on Armed Services of the Senate
22 and the House of Representatives (and the other congres-
23 sional defense committees on request) a briefing that in-
24 cludes—

1 (1) the results of the study required under sub-
2 section (a); and

3 (2) the list described in subsection (b)(3).

4 **SEC. 240. STRATEGY FOR IMPROVING ELECTRONIC AND**
5 **ELECTROMAGNETIC SPECTRUM WARFARE**
6 **CAPABILITIES.**

7 (a) STRATEGY REQUIRED.—Not later than April 1,
8 2017, the Under Secretary of Defense for Acquisition,
9 Technology and Logistics, acting through the Electronic
10 Warfare Executive Committee, shall submit to the con-
11 gressional defense committees a strategy on the electronic
12 and electromagnetic spectrum warfare capabilities of the
13 Department of Defense.

14 (b) ELEMENTS.—The strategy required by subsection
15 (a) shall include the following:

16 (1) A strategy for advancing and accelerating
17 research, development, test, and evaluation, and
18 fielding, of electronic warfare capabilities to meet
19 current and projected requirements, including intra-
20 service ground and air interoperabilities, as well as
21 recommendations for streamlining acquisition proc-
22 esses with respect to such capabilities.

23 (2) A methodology for synchronizing and over-
24 seeing electronic warfare strategies, operational con-
25 cepts, and programs across the Department of De-

1 fense, including electronic warfare programs that
2 support or enable cyber operations.

3 (3) A description of the training and oper-
4 ational support required for fielding and sustaining
5 current and planned investments in electronic war-
6 fare capabilities, including the requirements for con-
7 ducting large-scale simulated exercises and training
8 in contested electronic warfare environments.

9 (4) A comprehensive list of investments of the
10 Department of Defense in electronic warfare capa-
11 bilities, including the capabilities to be developed,
12 procured, or sustained in—

13 (A) the budget of the President for fiscal
14 year 2018 submitted to Congress under section
15 1105(a) of title 31, United States Code; and

16 (B) the future-years defense program sub-
17 mitted to Congress under section 221 of title
18 10, United States Code, for that fiscal year.

19 (5) A description of the threat environment for
20 electromagnetic spectrum for current and future
21 warfare needs.

22 (6) An assessment of progress on increasing
23 interoperability between Services and Agencies, as
24 well as increasing application of innovative electro-
25 magnetic spectrum warfighting methods and oper-

1 ational concepts that provide advantages within the
2 electromagnetic spectrum operational domain.

3 (7) Specific attributes needed in future elec-
4 tronic and electromagnetic spectrum warfare capa-
5 bilities, such as networking, adaptability, agility,
6 multifunctionality, and miniaturization, and progress
7 toward incorporating such attributes in new elec-
8 tronic warfare systems.

9 (8) Capability gaps with respect to asymmetric
10 and near-peer adversaries identified pursuant to a
11 capability gap assessment.

12 (9) A joint strategy on achieving near real-time
13 system adaption to rapidly advancing modern digital
14 electronics.

15 (10) Any other information the Secretary deter-
16 mines to be appropriate.

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

20 (d) ELECTRONIC WARFARE EXECUTIVE COMMITTEE
21 DEFINED.—In this section the term “Electronic Warfare
22 Executive Committee” means the committee established
23 on March 17, 2015, and chartered on August 11, 2015,
24 by the Deputy Secretary of Defense to serve as the prin-
25 cipal forum within the Department of Defense to inform,

1 coordinate, and evaluate electronic warfare matters to
2 maintain a strong technological advantage in United
3 States capabilities.

4 **SEC. 241. SENSE OF CONGRESS ON DEVELOPMENT AND**
5 **FIELDING OF FIFTH GENERATION AIRBORNE**
6 **SYSTEMS.**

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

9 (1) The term “fifth generation”, with respect to
10 airborne systems, means those airborne systems ca-
11 pable of operating effectively in highly contested bat-
12 tle spaces defined by the most capable currently
13 fielded threats, and those reasonably expected to be
14 operational in the foreseeable future.

15 (2) Continued modernization of Department of
16 Defense airborne systems such as fighters, bombers,
17 and intelligence, surveillance, and reconnaissance
18 (ISR) aircraft with fifth generation capabilities is re-
19 quired because—

20 (A) adversary integrated air defense sys-
21 tems (IADS) have created regions where fourth
22 generation airborne systems may be limited in
23 their ability to effectively operate;

24 (B) adversary aircraft, air-to-air missiles,
25 and airborne electronic attack or electronic pro-

1 tection systems are advancing beyond the capa-
2 bilities of fourth generation airborne systems;
3 and

4 (C) fifth generation airborne systems pro-
5 vide a wider variety of options for a given
6 warfighting challenge, preserve the technological
7 advantage of the United States over near-peer
8 threats, and serve as a force multiplier by in-
9 creasing situational awareness and combat ef-
10 fectiveness of fourth generation airborne sys-
11 tems.

12 (b) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that development and fielding of fifth generation air-
14 borne system systems should include the following:

15 (1) Multispectral (radar, infrared, visual, emis-
16 sions) low observable (LO) design features, self-pro-
17 tection jamming, and other capabilities that signifi-
18 cantly delay or deny threat system detection, track-
19 ing, and engagement.

20 (2) Integrated avionics that autonomously fuse
21 and prioritize onboard multispectral sensors and
22 offboard information data to provide an accurate
23 realtime operating picture and data download for
24 postmission exploitation and analysis.

1 (3) Resilient communications, navigation, and
2 identification techniques designed to effectively
3 counter adversary attempts to deny or confuse
4 friendly systems.

5 (4) Robust and secure networks linking indi-
6 vidual platforms to create a common, accurate, and
7 highly integrated picture of the battle space for
8 friendly forces.

9 (5) Advanced onboard diagnostics capable of
10 monitoring system health, accurately reporting sys-
11 tem faults, and increasing overall system perform-
12 ance and reliability.

13 (6) Integrated platform and subsystem designs
14 to maximize lethality and survivability while enabling
15 decision superiority.

16 (7) Maximum consideration for the fielding of
17 unmanned platforms either employed in concert with
18 fifth generation manned platforms or as standalone
19 unmanned platforms, to increase warfighting effec-
20 tiveness and reduce risk to personnel during high
21 risk missions.

22 (8) Advanced air-to-air, air-to-ground, and
23 other weapons able to leverage fifth generation capa-
24 bilities.

1 (9) Comprehensive and high-fidelity live, vir-
2 tual, and constructive training systems, updated
3 range infrastructure, and sufficient threat-represent-
4 ative adversary training assets to maximize fifth
5 generation force proficiency, effectiveness, and readi-
6 ness while protecting sensitive capabilities.

7 **TITLE III—OPERATION AND**
8 **MAINTENANCE**

 Subtitle A—Authorization of Appropriations

Sec. 301. Authorization of appropriations.

 Subtitle B—Energy and Environment

Sec. 311. Modified reporting requirement related to installations energy man-
 agement.

Sec. 312. Waiver authority for alternative fuel procurement requirement.

Sec. 313. Utility data management for military facilities.

Sec. 314. Alternative technologies for munitions disposal.

Sec. 315. Report on efforts to reduce high energy costs at military installations.

Sec. 316. Sense of Congress on funding decisions relating to climate change.

 Subtitle C—Logistics and Sustainment

Sec. 321. Revision of deployability rating system and planning reform.

Sec. 322. Revision of guidance relating to corrosion control and prevention ex-
 ecutives.

Sec. 323. Pilot program for inclusion of certain industrial plants in the Arma-
 ment Retooling and Manufacturing Support Initiative.

Sec. 324. Repair, recapitalization, and certification of dry docks at naval ship-
 yards.

Sec. 325. Private sector port loading assessment.

Sec. 326. Strategy on revitalizing Army organic industrial base.

 Subtitle D—Reports

Sec. 331. Modifications to Quarterly Readiness Report to Congress.

Sec. 332. Report on average travel costs of members of the reserve components.

Sec. 333. Report on HH-60G sustainment and Combat Rescue Helicopter pro-
 gram.

 Subtitle E—Other Matters

Sec. 341. Air navigation matters.

Sec. 342. Contract working dogs.

Sec. 343. Plan, funding documents, and management review relating to explo-
 sive ordnance disposal.

Sec. 344. Process for communicating availability of surplus ammunition.

- Sec. 345. Mitigation of risks posed by window coverings with accessible cords in certain military housing units.
- Sec. 346. Access to military installations by transportation companies.
- Sec. 347. Access to wireless high-speed Internet and network connections for certain members of the Armed Forces.
- Sec. 348. Limitation on availability of funds for Office of the Under Secretary of Defense for Intelligence.
- Sec. 349. Limitation on development and fielding of new camouflage and utility uniforms.
- Sec. 350. Plan for improved dedicated adversary air training enterprise of the Air Force.
- Sec. 351. Independent review and assessment of the Ready Aircrew Program of the Air Force.
- Sec. 352. Study on space-available travel system of the Department of Defense.
- Sec. 353. Evaluation of motor carrier safety performance and safety technology.

1 **Subtitle A—Authorization of**
2 **Appropriations**

3 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2017 for the use of the Armed Forces and other
6 activities and agencies of the Department of Defense for
7 expenses, not otherwise provided for, for operation and
8 maintenance, as specified in the funding table in section
9 4301.

10 **Subtitle B—Energy and**
11 **Environment**

12 **SEC. 311. MODIFIED REPORTING REQUIREMENT RELATED**
13 **TO INSTALLATIONS ENERGY MANAGEMENT.**

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

16 (1) in the subsection heading, by inserting “,
17 RESILIENCY, AND MISSION ASSURANCE” after “AN-

1 ANNUAL REPORT RELATED TO INSTALLATIONS EN-
2 ERGY MANAGEMENT”;

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

5 (3) by redesignating paragraphs (9) and (11)
6 as paragraphs (3), and (4), respectively; and

7 (4) by inserting after paragraph (1), the fol-
8 lowing:

9 “(2) A description of the energy savings, return
10 on investment, and enhancements to installation
11 mission assurance realized by the fulfillment of the
12 goals described in paragraph (1).”.

13 **SEC. 312. WAIVER AUTHORITY FOR ALTERNATIVE FUEL**
14 **PROCUREMENT REQUIREMENT.**

15 (a) IN GENERAL.—The Secretary of Defense may
16 waive the requirement under section 526 of the Energy
17 Independence and Security Act of 2007 (Public Law 110–
18 140; 42 U.S.C. 17142) if the Secretary determines it is
19 in the national security interest of the United States.

20 (b) NOTIFICATION REQUIREMENT.—The Secretary
21 of Defense shall notify the congressional defense commit-
22 tees not later than 15 days after exercising the waiver au-
23 thority under subsection (a).

1 **SEC. 313. UTILITY DATA MANAGEMENT FOR MILITARY FA-**
2 **CILITIES.**

3 (a) PILOT PROGRAM.—The Secretary of Defense, in
4 consultation with the Secretary of Energy, may carry out
5 a pilot program to investigate the use of utility data man-
6 agement services to perform utility bill aggregation, anal-
7 ysis, third-party payment, storage, and distribution for the
8 Department of Defense.

9 (b) USE OF FUNDS.—Of the funds authorized to be
10 appropriated by this Act or otherwise made available for
11 fiscal year 2017 for operation and maintenance, Navy, for
12 enterprise information, not more than \$250,000 may be
13 obligated or expended to carry out the pilot program under
14 subsection (a).

15 **SEC. 314. ALTERNATIVE TECHNOLOGIES FOR MUNITIONS**
16 **DISPOSAL.**

17 In carrying out the disposal of munitions in the stock-
18 pile of conventional munitions awaiting demilitarization
19 and disposal, the Secretary of the Army may use cost-com-
20 petitive technologies that minimize waste generation and
21 air emissions as alternatives to disposal by open burning,
22 open detonation, direct contact combustion, and inciner-
23 ation.

24 **SEC. 315. REPORT ON EFFORTS TO REDUCE HIGH ENERGY**
25 **COSTS AT MILITARY INSTALLATIONS.**

26 (a) REPORT.—

1 (1) REPORT REQUIRED.—Not later than 270
2 days after the date of the enactment of this Act, the
3 Under Secretary of Defense for Acquisition, Tech-
4 nology, and Logistics, in conjunction with the assist-
5 ant secretaries responsible for installations and envi-
6 ronment for the military services and the Defense
7 Logistics Agency, shall submit to the congressional
8 defense committees a report detailing the efforts to
9 achieve cost savings at military installations with
10 high levels of energy intensity.

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

13 (A) A comprehensive, installation-specific
14 assessment of feasible and mission-appropriate
15 energy initiatives supporting energy production
16 and consumption at military installations with
17 high levels of energy intensity.

18 (B) An assessment of current sources of
19 energy in areas with high energy costs and po-
20 tential future sources that are technologically
21 feasible, cost-effective, and mission-appropriate
22 for military installations.

23 (C) A comprehensive implementation strat-
24 egy to include required investment for feasible
25 energy efficiency options determined to be the

1 most beneficial and cost-effective, where appro-
2 priate, and consistent with Department of De-
3 fense priorities.

4 (D) An explanation of how military serv-
5 ices are working collaboratively in order to le-
6 verage lessons learned on potential energy effi-
7 ciency solutions.

8 (E) An assessment of the extent to which
9 activities administered under the Federal En-
10 ergy Management Program could be used to as-
11 sist with the implementation strategy.

12 (F) An assessment of State and local part-
13 nership opportunities that could achieve effi-
14 ciency and cost savings, and any legislative au-
15 thorities required to carry out such partner-
16 ships or agreements.

17 (3) COORDINATION WITH STATE AND LOCAL
18 AND OTHER ENTITIES.—In preparing the report re-
19 quired under paragraph (1), the Under Secretary
20 may work in conjunction and coordinate with the
21 States containing areas of high levels of energy in-
22 tensity, local communities, and other Federal depart-
23 ments and agencies.

24 (b) DEFINITIONS.—In this section, the term “high
25 levels of energy intensity” means costs for the provision

1 of energy by kilowatt of electricity or British thermal unit
2 of heat or steam for a military installation in the United
3 States that is in the highest 20 percent of all military in-
4 stallations for a military department.

5 **SEC. 316. SENSE OF CONGRESS ON FUNDING DECISIONS**
6 **RELATING TO CLIMATE CHANGE.**

7 It is the sense of Congress that—

8 (1) decisions relating to the funding of the De-
9 partment of Defense for fiscal year 2017 should
10 prioritize the support and enhancement of the com-
11 bat capabilities of the Department, in addition to
12 seeking efficiency and efficacy;

13 (2) funds should be allocated among the pro-
14 grams of the Department in the manner that best
15 serves the national security interests of the United
16 States; and

17 (3) decisions relating to energy efficiency, en-
18 ergy use, and climate change should adhere to the
19 principles described in paragraphs (1) and (2).

20 **Subtitle C—Logistics and**
21 **Sustainment**

22 **SEC. 321. REVISION OF DEPLOYABILITY RATING SYSTEM**
23 **AND PLANNING REFORM.**

24 (a) DEPLOYMENT PRIORITIZATION AND READI-
25 NESS.—

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

4 **“§ 10102a. Deployment prioritization and readiness of**
5 **Army components**

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

10 “(b) DEPLOYABILITY READINESS RATING.—The
11 Secretary of the Army shall maintain a readiness rating
12 system for units of all components of the Army that pro-
13 vides an accurate assessment of the deployability of a unit
14 and those shortfalls of a unit that require the provision
15 of additional resources. The system shall ensure—

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

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

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

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

6 “(A) documents all equipment required for
7 deployment;

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

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

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

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

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

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

1 **SEC. 322. REVISION OF GUIDANCE RELATING TO CORRO-**
2 **SION CONTROL AND PREVENTION EXECU-**
3 **TIVES.**

4 (a) IN GENERAL.—Not later than 90 days after the
5 date of the enactment of this Act, the Under Secretary
6 of Defense for Acquisition, Technology, and Logistics, in
7 coordination with the Director of Corrosion Policy and
8 Oversight for the Department of Defense, shall revise
9 guidance relating to corrosion control and prevention ex-
10 ecutives to—

11 (1) clarify the role of each such executive with
12 respect to assisting the Office of Corrosion Policy
13 and Oversight in holding the appropriate project
14 management office in each military department ac-
15 countable for submitting the annual report required
16 under section 903(b)(5) of the Duncan Hunter Na-
17 tional Defense Authorization Act for Fiscal Year
18 2009 (Public Law 110–417; 10 U.S.C. 2228 note);
19 and

20 (2) ensure that corrosion control and prevention
21 executives emphasize the reduction of corrosion and
22 the effects of corrosion on the military equipment
23 and infrastructure of the Department of Defense, as
24 required in the long-term strategy of the Depart-
25 ment of Defense under section 2228(d) of title 10,
26 United States Code.

1 (b) CORROSION CONTROL AND PREVENTION EXECU-
2 TIVE DEFINED.—In this section, the term “corrosion con-
3 trol and prevention executive” means the employee of a
4 military department designated as the corrosion control
5 and prevention executive of the department under section
6 903(a) of the Duncan Hunter National Defense Author-
7 ization Act for Fiscal Year 2009 (Public Law 110–417;
8 10 U.S.C. 2228 note).

9 **SEC. 323. PILOT PROGRAM FOR INCLUSION OF CERTAIN IN-**
10 **DUSTRIAL PLANTS IN THE ARMAMENT RE-**
11 **TOOLING AND MANUFACTURING SUPPORT**
12 **INITIATIVE.**

13 During the five-year period beginning on the date of
14 the enactment of this Act, the Secretary of Defense may
15 treat a Government-owned, contractor-operated industrial
16 plant of the Department of Defense as an eligible facility
17 under section 4551(2) of title 10, United States Code.

18 **SEC. 324. REPAIR, RECAPITALIZATION, AND CERTIFI-**
19 **CATION OF DRY DOCKS AT NAVAL SHIP-**
20 **YARDS.**

21 (a) SPECIAL AUTHORITY TO TRANSFER AUTHORIZA-
22 TIONS.—In addition to the authority to transfer funds
23 provided under section 1001, the Secretary of Defense
24 may transfer not more than \$250,000,000 of authoriza-
25 tions made available to the Department of Defense in this

1 Act for fiscal year 2017 to the Department of the Navy
2 for the repair, recapitalization, and certification of dry
3 docks at Government-owned, Government-operated ship-
4 yards of the Navy.

5 (b) NOTICE TO CONGRESS.—The Secretary shall
6 promptly notify Congress of each transfer made under
7 subsection (a).

8 (c) TERMS AND CONDITIONS.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), transfers under this section shall be sub-
11 ject to the same terms and conditions as transfers
12 under section 1001.

13 (2) EFFECT ON DOLLAR LIMIT.—A transfer of
14 funds under this section shall not be counted toward
15 the dollar limitation described in section 1001(a)(2).

16 **SEC. 325. PRIVATE SECTOR PORT LOADING ASSESSMENT.**

17 (a) ASSESSMENTS REQUIRED.—During the period
18 beginning on the date of the enactment of this Act and
19 ending on the date of the final briefing under subsection
20 (c), the Secretary of the Navy shall conduct quarterly as-
21 sessments of naval ship maintenance and loading activities
22 carried out by private sector entities at each covered port.

23 (b) ELEMENTS OF ASSESSMENTS.—Each assessment
24 under subsection (a) shall include, with respect to each
25 covered port, the following:

1 (1) Resources per day, including daily ship
2 availabilities and the workforce available to carry out
3 maintenance and loading activities, for the fiscal
4 year preceding the quarter covered by the assess-
5 ment through the end of such quarter.

6 (2) Projected resources per day, including daily
7 ship availabilities and the workforce available to
8 carry out maintenance and loading activities,
9 through the end of the second fiscal year beginning
10 after the quarter covered by the assessment.

11 (3) A description of the methods by which the
12 Secretary communicates projected workloads to pri-
13 vate sector entities engaged in ship maintenance ac-
14 tivities and ship loading activities.

15 (4) A description of any processes that have
16 been implemented to allow for timely feedback from
17 private sector entities engaged in ship maintenance
18 activities and ship loading activities.

19 (c) BRIEFINGS REQUIRED.—Not later than 30 days
20 after the date of the enactment of this Act, and on a quar-
21 terly basis thereafter until September 30, 2021, the Sec-
22 retary shall provide to the Committees on Armed Services
23 of the Senate and House of Representatives (and other
24 congressional defense committees on request)—

1 (1) a briefing on the results of the assessments
2 conducted under subsection (a); and

3 (2) a chart depicting the information described
4 in paragraphs (1) and (2) of subsection (b) with re-
5 spect to each covered port.

6 (d) COVERED PORTS.—In this section, the term “cov-
7 ered ports” means port facilities used by the Department
8 of Defense in each of the following locations:

9 (1) Mayport, Florida.

10 (2) Norfolk, Virginia.

11 (3) Pearl Harbor, Hawaii.

12 (4) Puget Sound, Washington.

13 (5) San Diego, California.

14 **SEC. 326. STRATEGY ON REVITALIZING ARMY ORGANIC IN-**
15 **DUSTRIAL BASE.**

16 (a) STRATEGY.—Not later than October 1, 2017, the
17 Secretary of Army shall submit to the congressional de-
18 fense committees a strategy to revitalize the organic indus-
19 trial base of the Army.

20 (b) ELEMENTS.—The strategy under subsection (a)
21 shall include, with respect to the organic industrial base
22 of the Army, the following:

23 (1) A plan to ensure the long-term viability of
24 the organic industrial base.

1 (2) An assessment of legacy items of the Army
2 that are sustained by the Defense Logistics Agency.

3 (3) A description of how the organic industrial
4 base may be used to address diminishing manufac-
5 turing sources and material shortages.

6 (4) A description of critical capabilities that are
7 required across the organic industrial base.

8 (5) An assessment of infrastructure across the
9 organic industrial base.

10 (6) An assessment of manufacturing sources in
11 the organic industrial base and the private sector.

12 (7) An explanation of how contracting may be
13 used to meet organic industrial base requirements.

14 (8) An assessment of current and future work-
15 loads across the organic industrial base.

16 (9) An assessment of the processes used to
17 identify critical capabilities for the organic industrial
18 base and the methods used to determine workloads.

19 (10) An assessment of existing labor rates.

20 (11) A description of manufacturing skills that
21 are needed to sustain readiness.

22 (12) A description of how public-private part-
23 nerships may be used to improve the organic indus-
24 trial base.

1 (13) A description of how working capital funds
2 may be used to improve the organic industrial base.

3 (14) An assessment of operating expenses and
4 the potential for reducing or recovering such ex-
5 penses.

6 (15) Identification of the tooling, equipment,
7 and facilities upgrades necessary for a facility in the
8 organic industrial base to manufacture the legacy
9 items of the Defense Logistics Agency, including
10 items described in section 333(a) of the National
11 Defense Authorization Act for Fiscal Year 2016
12 (Public Law 114–92; 129 Stat. 792).

13 (16) An assessment of the suitability of manu-
14 facturing the legacy items of the Defense Logistics
15 Agency in a facility in the organic industrial base.

16 (c) DEFINITIONS.—In this section:

17 (1) LEGACY ITEMS.—The term “legacy items”
18 means manufactured items that are no longer pro-
19 duced by the private sector but continue to be used
20 for weapons systems of the Department of Defense,
21 but does not include information systems and infor-
22 mation technology (as those terms are defined in
23 section 11101 of title 40, United States Code).

24 (2) ORGANIC INDUSTRIAL BASE.—The term
25 “organic industrial base” means United States mili-

1 tary facilities, including arsenals, depots, munition
2 plants and centers, and storage sites, that advance
3 a vital national security interest by producing, main-
4 taining, repairing, and storing materiel, munitions,
5 and hardware.

6 **Subtitle D—Reports**

7 **SEC. 331. MODIFICATIONS TO QUARTERLY READINESS RE-** 8 **PORT TO CONGRESS.**

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

14 (b) ELIMINATION OF REPORTING REQUIREMENTS
15 RELATED TO PREPOSITIONED STOCKS AND NATIONAL
16 GUARD CIVIL SUPPORT MISSION READINESS.—Such sec-
17 tion is further amended—

18 (1) in subsection (a), by striking “subsections
19 (b), (d), (e), (f), (g), (h), and (i)” and inserting
20 “subsections (b), (d), (e), (f), and (g)”;

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

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

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

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

10 **SEC. 332. REPORT ON AVERAGE TRAVEL COSTS OF MEM-**
11 **BERS OF THE RESERVE COMPONENTS.**

12 Not later than 180 days after the date of the enact-
13 ment of this Act, the Comptroller General of the United
14 States shall submit to the congressional defense commit-
15 tees a report on the travel expenses of members of reserve
16 components associated with performing active duty serv-
17 ice, active service, full-time National Guard duty, active
18 Guard and Reserve duty, and inactive-duty training, as
19 such terms are defined in section 101(d) of title 10,
20 United States Code. Such report shall include the average
21 annual cost for all travel expenses for a member of a re-
22 serve component.

1 **SEC. 333. REPORT ON HH-60G SUSTAINMENT AND COMBAT**
2 **RESCUE HELICOPTER PROGRAM.**

3 (a) REPORT ON SUSTAINMENT PLAN.—Not later
4 than one year after the date of the enactment of this Act,
5 the Secretary of Defense shall submit to the congressional
6 defense committees a report that sets forth a plan to mod-
7 ernize, sustain training, and conduct depot-level mainte-
8 nance and repair for all components of the HH-60 heli-
9 copter fleet until total force combat rescue units have been
10 fully equipped with HH-60W Combat Rescue Helicopters.

11 (b) ELEMENTS.—The report required by subsection
12 (a) shall include a description of the plans of the Air
13 Force—

14 (1) to modernize legacy HH-60G combat res-
15 cue helicopters;

16 (2) to maintain the training pipeline for the
17 HH-60G aircrew and the maintenance force re-
18 quired to maintain full readiness through the end of
19 fiscal year 2029; and

20 (3) to carry out depot-level maintenance and re-
21 pair (as that term is defined in section 2460 of title
22 10, United States Code) to ensure the legacy HH-
23 60G fleet of helicopters is maintained to meet readi-
24 ness rates through the end of fiscal year 2029.

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

4 **Subtitle E—Other Matters**

5 **SEC. 341. AIR NAVIGATION MATTERS.**

6 (a) EXPANSION OF DEFINITION OF STRUCTURES
7 INTERFERING WITH AIR COMMERCE AND NATIONAL DE-
8 FENSE.—

9 (1) NOTICE.—Section 44718(a) of title 49,
10 United States Code, is amended—

11 (A) in paragraph (1), by striking “and” at
12 the end;

13 (B) in paragraph (2), by striking the pe-
14 riod at the end and inserting “; or”; and

15 (C) by adding at the end the following:

16 “(3) the interests of national security, as deter-
17 mined by the Secretary of Defense.”.

18 (2) STUDIES.—Section 44718(b) of title 49,
19 United States Code, is amended to read as follows:

20 “(b) STUDIES.—

21 “(1) IN GENERAL.—Under regulations pre-
22 scribed by the Secretary, if the Secretary decides
23 that constructing or altering a structure may result
24 in an obstruction of the navigable airspace, an inter-
25 ference with air navigation facilities and equipment

1 or the navigable airspace, or, after consultation with
2 the Secretary of Defense, an adverse impact on mili-
3 tary operations and readiness, the Secretary of
4 Transportation shall conduct an aeronautical study
5 to decide the extent of any adverse impact on the
6 safe and efficient use of the airspace, facilities, or
7 equipment. In conducting the study, the Secretary
8 shall—

9 “(A) consider factors relevant to the effi-
10 cient and effective use of the navigable airspace,
11 including—

12 “(i) the impact on arrival, departure,
13 and en route procedures for aircraft oper-
14 ating under visual flight rules;

15 “(ii) the impact on arrival, departure,
16 and en route procedures for aircraft oper-
17 ating under instrument flight rules;

18 “(iii) the impact on existing public-use
19 airports and aeronautical facilities;

20 “(iv) the impact on planned public-use
21 airports and aeronautical facilities;

22 “(v) the cumulative impact resulting
23 from the proposed construction or alter-
24 ation of a structure when combined with

1 the impact of other existing or proposed
2 structures; and

3 “(vi) other factors relevant to the effi-
4 cient and effective use of navigable air-
5 space; and

6 “(B) include the finding made by the Sec-
7 retary of Defense under subsection (f).

8 “(2) REPORT.—On completing the study, the
9 Secretary of Transportation shall issue a report dis-
10 closing the extent of the—

11 “(A) adverse impact on the safe and effi-
12 cient use of the navigable airspace that the Sec-
13 retary finds will result from constructing or al-
14 tering the structure; and

15 “(B) unacceptable risk to the national se-
16 curity of the United States, as determined by
17 the Secretary of Defense under subsection (f).

18 “(3) SEVERABILITY.—A determination by the
19 Secretary of Transportation on hazard to air naviga-
20 tion under this section shall remain independent of
21 a determination of unacceptable risk to the national
22 security of the United States by the Secretary of De-
23 fense under subsection (f).”.

24 (3) NATIONAL SECURITY FINDING; DEFINI-
25 TIONS.—Section 44718 of title 49, United States

1 Code, is amended by adding at the end the fol-
2 lowing:

3 “(f) NATIONAL SECURITY FINDING.—As part of an
4 aeronautical study conducted under subsection (b), the
5 Secretary of Defense shall—

6 “(1) make a finding on whether the construc-
7 tion, alteration, establishment, or expansion of a
8 structure or sanitary landfill included in the study
9 would result in an unacceptable risk to the national
10 security of the United States; and

11 “(2) transmit the finding to the Secretary of
12 Transportation for inclusion in the report required
13 under subsection (b)(2).

14 “(g) DEFINITIONS.—In this section, the following
15 definitions apply:

16 “(1) ADVERSE IMPACT ON MILITARY OPER-
17 ATIONS AND READINESS.—The term ‘adverse impact
18 on military operations and readiness’ has the mean-
19 ing given the term in section 211.3 of title 32, Code
20 of Federal Regulations, as in effect on January 6,
21 2014.

22 “(2) UNACCEPTABLE RISK TO THE NATIONAL
23 SECURITY OF THE UNITED STATES.—The term ‘un-
24 acceptable risk to the national security of the United
25 States’ has the meaning given the term in section

1 211.3 of title 32, Code of Federal Regulations, as in
2 effect on January 6, 2014.”.

3 (4) CONFORMING AMENDMENTS.—

4 (A) SECTION HEADING.—Section 44718 of
5 title 49, United States Code, is amended in the
6 section heading by inserting “**or national se-**
7 **curity**” after “**air commerce**”.

8 (B) CLERICAL AMENDMENT.—The table of
9 sections at the beginning of chapter 447 of title
10 49, United States Code, is amended by striking
11 the item relating to section 44718 and inserting
12 the following:

“44718. Structures interfering with air commerce or national security.”.

13 (b) PERFORMANCE-BASED NAVIGATION.—Section
14 213(c) of the FAA Modernization and Reform Act of 2012
15 (Public Law 112–95; 49 U.S.C. 40101 note) is amended
16 by adding at the end the following:

17 “(3) NOTIFICATIONS AND CONSULTATIONS.—
18 Not later than 90 days before applying a categorical
19 exclusion under this subsection to a new procedure
20 at an OEP airport, the Administrator shall—

21 “(A) notify and consult with the operator
22 of the airport at which the procedure would be
23 implemented; and

24 “(B) consider consultations or other en-
25 gagement with the community in the which the

1 airport is located to inform the public of the
2 procedure.

3 “(4) REVIEW OF CERTAIN CATEGORICAL EX-
4 CLUSIONS.—

5 “(A) IN GENERAL.—The Administrator
6 shall review any decision of the Administrator
7 made on or after February 14, 2012, and be-
8 fore the date of the enactment of this para-
9 graph to grant a categorical exclusion under
10 this subsection with respect to a procedure to
11 be implemented at an OEP airport that was a
12 material change from procedures previously in
13 effect at the airport to determine if the imple-
14 mentation of the procedure had a significant ef-
15 fect on the human environment in the commu-
16 nity in which the airport is located.

17 “(B) CONTENT OF REVIEW.—If, in con-
18 ducting a review under subparagraph (A) with
19 respect to a procedure implemented at an OEP
20 airport, the Administrator, in consultation with
21 the operator of the airport, determines that im-
22 plementing the procedure had a significant ef-
23 fect on the human environment in the commu-
24 nity in which the airport is located, the Admin-
25 istrator shall—

1 “(i) consult with the operator of the
2 airport to identify measures to mitigate the
3 effect of the procedure on the human envi-
4 ronment; and

5 “(ii) in conducting such consultations,
6 consider the use of alternative flight paths
7 that do not substantially degrade the effi-
8 ciencies achieved by the implementation of
9 the procedure being reviewed.

10 “(C) HUMAN ENVIRONMENT DEFINED.—
11 In this paragraph, the term ‘human environ-
12 ment’ has the meaning given such term in sec-
13 tion 1508.14 of title 40, Code of Federal Regu-
14 lations (as in effect on the day before the date
15 of the enactment of this paragraph).”.

16 **SEC. 342. CONTRACT WORKING DOGS.**

17 (a) REQUIRED CONTRACT CLAUSE.—

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

21 **“§ 2410r. Contract working dogs: requirement to**
22 **transfer animals to 341st Training Squad-**
23 **ron after service life**

24 “(a) IN GENERAL.—Each contract entered into by
25 the Secretary of Defense for the provision of a contract

1 working dog shall require that the dog be transferred to
2 the 341st Training Squadron after the service life of the
3 dog has terminated as described in subsection (b) for re-
4 classification as a military animal and placement for adop-
5 tion in accordance with section 2583 of this title.

6 “(b) SERVICE LIFE.—The service life of a contract
7 working dog has terminated and the dog is available for
8 transfer to the 341st Training Squadron pursuant to a
9 contract under subsection (a) only if the contracting offi-
10 cer concerned has determined that—

11 “(1) the final contractual obligation of the dog
12 preceding such transfer is with the Department of
13 Defense; and

14 “(2) the dog cannot be used by another depart-
15 ment or agency of the Federal Government due to
16 age, injury, or performance.

17 “(c) CONTRACT WORKING DOG.—In this section, the
18 term ‘contract working dog’ means a dog—

19 “(1) that performs a service for the Depart-
20 ment of Defense pursuant to a contract; and

21 “(2) that is trained and kenneled by an entity
22 that provides such a dog pursuant to such a con-
23 tract.”.

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

 “2410r. Contract working dogs: requirement to transfer animals to 341st Train-
 ing Squadron after service life.”.

4 (b) INCLUSION IN DEFINITION OF MILITARY ANI-
5 MAL.—Paragraph (1) of section 2583(h) of title 10,
6 United States Code, is amended to read as follows:

7 “(1) A military working dog, which may include
8 a contract working dog (as such term is defined in
9 section 2410r) that has been transferred to the
10 341st Training Squadron.”.

11 **SEC. 343. PLAN, FUNDING DOCUMENTS, AND MANAGEMENT**
12 **REVIEW RELATING TO EXPLOSIVE ORD-**
13 **NANCE DISPOSAL.**

14 (a) PLAN REQUIRED.—

15 (1) IN GENERAL.—The Secretary of Defense
16 shall develop a plan to establish an explosive ord-
17 nance disposal program in the Department of De-
18 fense to ensure close and continuous coordination
19 among the military departments on matters relating
20 to explosive ordnance disposal.

21 (2) ROLES, RESPONSIBILITIES, AND AUTHORI-
22 TIES.—The plan under paragraph (1) shall include
23 provisions under which—

24 (A) the Secretary of Defense shall—

1 (i) assign responsibility for the coordi-
2 nation and integration of explosive ord-
3 nance disposal to a joint office or entity in
4 the Office of the Secretary of Defense; and

5 (ii) designate the Secretary of the
6 Navy (or a designee of the Secretary of the
7 Navy) as the executive agent for the De-
8 partment of Defense to coordinate and in-
9 tegrate research, development, test, and
10 evaluation activities and procurement ac-
11 tivities of the military departments relating
12 to explosive ordnance disposal; and

13 (B) the Secretary of each military depart-
14 ment shall assess the needs of the military de-
15 partment concerned with respect to explosive
16 ordnance disposal and may carry out research,
17 development, test, and evaluation activities and
18 procurement activities to address such needs.

19 (b) ANNUAL EXPLOSIVE ORDNANCE DISPOSAL
20 FUNDING DOCUMENTS.—

21 (1) IN GENERAL.—The Secretary of Defense
22 shall submit to Congress, as a part of the defense
23 budget materials for each fiscal year after fiscal year
24 2017, a consolidated funding display, in classified
25 and unclassified form, that identifies the funding

1 source for all explosive ordnance disposal activities
2 within the Department of Defense.

3 (2) ELEMENTS.—The funding display under
4 paragraph (1) for a fiscal year shall include a single
5 program element from each military department for
6 each of the following:

7 (A) Research, development, test, and eval-
8 uation.

9 (B) Procurement.

10 (C) Operation and maintenance.

11 (D) Any other program element used to
12 fund explosive ordnance disposal activities (but
13 not including any program element relating to
14 military construction).

15 (c) MANAGEMENT REVIEW AND ASSESSMENT.—

16 (1) IN GENERAL.—The Secretary of Defense
17 shall review and assess the effectiveness of current
18 management structures in supporting the explosive
19 ordnance disposal needs of the combatant commands
20 and the military departments.

21 (2) ELEMENTS.—The review and assessment
22 under paragraph (1) shall include the following:

23 (A) A review of the organizational struc-
24 tures and responsibilities within the Office of
25 the Secretary of Defense that provide policy

1 and oversight of the policies, programs, acquisi-
2 tion activities, and personnel of the military de-
3 partments relating to explosive ordnance dis-
4 posal.

5 (B) A review of the organizational struc-
6 tures and responsibilities within the military de-
7 partments that—

8 (i) man, equip, and train explosive
9 ordnance disposal forces; and

10 (ii) support such forces with man-
11 power, technology, equipment, and readi-
12 ness.

13 (C) A review of the organizational struc-
14 tures and responsibilities of the Secretary of the
15 Navy as the executive agent for explosive ord-
16 nance disposal technology and training.

17 (D) Budget displays for each military de-
18 partment that support research, development,
19 test, and evaluation; procurement; and oper-
20 ation and maintenance, relating to explosive
21 ordnance disposal.

22 (E) An assessment of the adequacy of the
23 organizational structures and responsibilities
24 and the alignment of funding within the mili-
25 tary departments in supporting the needs of the

1 combatant commands and the military depart-
2 ments with respect to explosive ordnance dis-
3 posal.

4 (d) BRIEFING.—Not later than March 1, 2017, the
5 Secretary shall provide to the Committees on Armed Serv-
6 ices of the Senate and the House of Representatives a
7 briefing that includes—

8 (1) details of the plan required under sub-
9 section (a);

10 (2) the results of the review and assessment
11 under subsection (c);

12 (3) a description of any measures undertaken to
13 improve joint coordination, oversight, and manage-
14 ment of programs relating to explosive ordnance dis-
15 posal;

16 (4) recommendations to the Secretary to im-
17 prove the capabilities and readiness of explosive ord-
18 nance disposal forces; and

19 (5) an explanation of the advantages and dis-
20 advantages of assigning responsibility for the coordi-
21 nation and integration of explosive ordnance disposal
22 to a single joint office or entity in the Office of the
23 Secretary of Defense.

24 (e) DEFINITIONS.—In this section:

1 (1) EXPLOSIVE ORDNANCE.—The term “explo-
2 sive ordnance” means any munition containing ex-
3 plosives, nuclear fission or fusion materials, or bio-
4 logical or chemical agents, including—

5 (A) bombs and warheads;

6 (B) guided and ballistic missiles;

7 (C) artillery, mortar, rocket, and small
8 arms munitions;

9 (D) mines, torpedoes, and depth charges;

10 (E) demolition charges;

11 (F) pyrotechnics;

12 (G) clusters and dispensers;

13 (H) cartridge and propellant actuated de-
14 vices;

15 (I) electro-explosive devices; and

16 (J) clandestine and improvised explosive
17 devices.

18 (2) DISPOSAL.—The term “disposal” means,
19 with respect to explosive ordnance, the detection,
20 identification, field evaluation, defeat, disablement,
21 or rendering safe, recovery and exploitation, and
22 final disposition of the ordnance.

1 **SEC. 344. PROCESS FOR COMMUNICATING AVAILABILITY**
2 **OF SURPLUS AMMUNITION.**

3 (a) IN GENERAL.—The Secretary of Defense shall
4 implement a formal process to provide Federal Govern-
5 ment agencies outside the Department of Defense with in-
6 formation on the availability of surplus, serviceable ammu-
7 nition from the Department of Defense for the purpose
8 of reducing costs relating to the storage and disposal of
9 such ammunition.

10 (b) IMPLEMENTATION DEADLINE.—The Secretary
11 shall implement the process described in subsection (a) be-
12 ginning not later than 180 days after the date of the en-
13 actment of this Act.

14 **SEC. 345. MITIGATION OF RISKS POSED BY WINDOW COV-**
15 **ERINGS WITH ACCESSIBLE CORDS IN CER-**
16 **TAIN MILITARY HOUSING UNITS.**

17 (a) REMOVAL OF CERTAIN WINDOW COVERINGS.—
18 Not later than three years after the date of enactment
19 of this Act, the Secretary of Defense shall remove and re-
20 place disqualified window coverings from—

21 (1) military housing units owned by the Depart-
22 ment of Defense in which children under the age of
23 9 may reside; and

24 (2) military housing units leased by the Depart-
25 ment of Defense in which children under the age of

1 9 may reside if the lease for such units requires the
2 Department to provide window coverings.

3 (b) PROHIBITION ON DISQUALIFIED WINDOW COV-
4 ERINGS IN MILITARY HOUSING UNITS ACQUIRED OR
5 CONSTRUCTED BY CONTRACT.—All contracts entered into
6 by the Secretary of Defense after September 30, 2017,
7 for the acquisition or construction of military family hous-
8 ing, including military family housing acquired or con-
9 structed pursuant to subchapter IV of chapter 169 of title
10 10, United States Code, shall prohibit the use of disquali-
11 fied window coverings in such housing.

12 (c) DISQUALIFIED WINDOW COVERING DEFINED.—
13 In this section, the term “disqualified window covering”
14 means—

15 (1) a window covering with an accessible cord
16 that exceeds 8 inches in length; or

17 (2) a window covering with an accessible contin-
18 uous loop cord that does not have a cord tension de-
19 vice that prevents operation when the cord is not an-
20 chored to the wall.

21 **SEC. 346. ACCESS TO MILITARY INSTALLATIONS BY TRANS-**
22 **PORTATION COMPANIES.**

23 (a) IN GENERAL.—Not later than one year after the
24 date of the enactment of this Act, the Secretary of Defense

1 shall establish policies under which covered drivers may
2 be authorized to access military installations.

3 (b) ELEMENTS.—The policies established under sub-
4 section (a)—

5 (1) shall include the terms and conditions under
6 which a covered driver may be authorized to access
7 a military installation;

8 (2) may require a transportation company and
9 a covered driver to enter into a written agreement
10 with the Department of Defense as a precondition
11 for obtaining authorization to access a military in-
12 stallation;

13 (3) shall be consistent across military installa-
14 tions, to the extent practicable;

15 (4) shall be designed to promote the expeditious
16 entry of covered drivers onto military installations
17 for purposes of providing commercial transportation
18 services;

19 (5) shall place appropriate restrictions on entry
20 into sensitive areas of military installations;

21 (6) shall be designed, to the extent practicable,
22 to give covered drivers access to barracks areas,
23 housing areas, temporary lodging facilities, hospitals,
24 and community support facilities;

25 (7) shall require transportation companies—

1 (A) to track, in real-time, the location of
2 the entry and exit of covered drivers onto and
3 off of military installations; and

4 (B) to provide, on demand, the information
5 described in subparagraph (A) to appropriate
6 personnel and agencies of the Department; and

7 (8) shall take into account force protection re-
8 quirements and ensure the protection and safety of
9 members of the Armed Forces, civilian employees of
10 the Department of Defense, and the families of such
11 members and employees.

12 (c) CONFIDENTIALITY OF INFORMATION.—The Sec-
13 retary shall ensure that any information provided to the
14 Department by a transportation company under sub-
15 section (b)(7)—

16 (1) is treated as confidential and proprietary in-
17 formation of the company that is exempt from public
18 disclosure pursuant to section 552 of title 5, United
19 States Code (commonly known as the “Freedom of
20 Information Act”); and

21 (2) except as provided in subsection (b)(7), is
22 not disclosed to any person or entity without the ex-
23 press written consent of the company unless disclo-
24 sure of such information is required by a court
25 order.

1 (d) DEFINITIONS.—In this section:

2 (1) TRANSPORTATION COMPANY.—The term
3 “transportation company” means a corporation,
4 partnership, sole proprietorship, or other entity out-
5 side of the Department of Defense that provides a
6 commercial transportation service to a rider, includ-
7 ing a company that uses a digital network to connect
8 riders to covered drivers for the purpose of providing
9 such transportation service.

10 (2) COVERED DRIVER.—The term “covered
11 driver”—

12 (A) means an individual—

13 (i) who is an employee of a transpor-
14 tation company or who is affiliated with a
15 transportation company; and

16 (ii) who provides a commercial trans-
17 portation service to a rider; and

18 (B) includes a vehicle operated by such in-
19 dividual for the purpose of providing such serv-
20 ice.

21 **SEC. 347. ACCESS TO WIRELESS HIGH-SPEED INTERNET**
22 **AND NETWORK CONNECTIONS FOR CERTAIN**
23 **MEMBERS OF THE ARMED FORCES.**

24 (a) IN GENERAL.—In providing members of the
25 Armed Forces with access to high-speed wireless Internet

1 and network connections at military installations outside
2 the United States, the Secretary of Defense may provide
3 such access without charge to the members and their de-
4 pendants.

5 (b) CONTRACT AUTHORITY.—The Secretary may
6 enter into contracts for the purpose of carrying out sub-
7 section (a).

8 **SEC. 348. LIMITATION ON AVAILABILITY OF FUNDS FOR OF-**
9 **FICE OF THE UNDER SECRETARY OF DE-**
10 **FENSE FOR INTELLIGENCE.**

11 Of the funds authorized to be appropriated by this
12 Act or otherwise made available for fiscal year 2017 for
13 Operation and Maintenance, Defense-wide, for the Office
14 of the Under Secretary of Defense for Intelligence, not
15 more than 90 percent may be obligated or expended until
16 the Secretary of Defense issues guidance on the process
17 by which members of the Armed Forces may carry an ap-
18 propriate firearm on a military installation, as required
19 by section 526 of the National Defense Authorization Act
20 for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 813;
21 10 U.S.C. 2672 note).

1 **SEC. 349. LIMITATION ON DEVELOPMENT AND FIELDING**
2 **OF NEW CAMOUFLAGE AND UTILITY UNI-**
3 **FORMS.**

4 None of the funds authorized to be appropriated by
5 this Act or otherwise made available for the Department
6 of Defense may be obligated or expended to develop or
7 field new camouflage uniforms, new utility uniforms, or
8 new families of uniforms until the date that is one year
9 after the date on which the Secretary of Defense submits
10 to the congressional defense committees notice of the in-
11 tent of the Secretary to develop or field such uniforms.

12 **SEC. 350. PLAN FOR IMPROVED DEDICATED ADVERSARY**
13 **AIR TRAINING ENTERPRISE OF THE AIR**
14 **FORCE.**

15 (a) IN GENERAL.—The Chief of Staff of the Air
16 Force shall develop a plan for an improved dedicated ad-
17 versary air training enterprise for the Air Force—

18 (1) to maximize warfighting effectiveness and
19 synergies of the current and planned fourth and
20 fifth generation combat air forces through optimized
21 training and readiness;

22 (2) to harness intelligence analysis, emerging
23 live-virtual-constructive training technologies, range
24 infrastructure improvements, and results of experi-
25 mentation and prototyping efforts in operational
26 concept development;

1 (3) to challenge the combat air forces of the Air
2 Force with threat representative adversary-to-friend-
3 ly aircraft ratios, known and emerging adversary
4 tactics, and high fidelity replication of threat air-
5 borne and ground capabilities; and

6 (4) to achieve training and readiness goals and
7 objectives of the Air Force with demonstrated insti-
8 tutional commitment to the adversary air training
9 enterprise through the application of Air Force pol-
10 icy and resources, partnering with the other Armed
11 Forces, allies, and friends, and employing the use of
12 industry contracted services.

13 (b) ELEMENTS.—The plan under subsection (a) shall
14 include, with respect to an improved dedicated adversary
15 air training enterprise, the following:

16 (1) Goals and objectives.

17 (2) Concepts of operations.

18 (3) Timelines for the phased implementation of
19 the enterprise.

20 (4) Analysis of readiness improvements that
21 may result from the enterprise.

22 (5) Prioritized resource requirements.

23 (6) Such other matters as the Chief of Staff
24 considers appropriate.

1 (c) WRITTEN PLAN AND BRIEFING.—Not later than
2 March 3, 2017, the Chief of Staff shall provide to the
3 Committees on Armed Services of the Senate and the
4 House of Representatives—

5 (1) a written version of the plan developed
6 under subsection (a); and

7 (2) a briefing on such plan.

8 **SEC. 351. INDEPENDENT REVIEW AND ASSESSMENT OF THE**
9 **READY AIRCREW PROGRAM OF THE AIR**
10 **FORCE.**

11 (a) INDEPENDENT REVIEW AND ASSESSMENT.—The
12 Secretary of the Air Force shall enter into a contract with
13 an independent entity with appropriate expertise—

14 (1) to conduct a review and assessment of—

15 (A) the assumptions underlying the annual
16 continuation training requirements of the Air
17 Force; and

18 (B) the overall effectiveness of the Ready
19 Aircrew Program of the Air Force in managing
20 aircrew training requirements; and

21 (2) to make recommendations for the improved
22 management of such training requirements.

23 (b) REPORT.—

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

1 retary of the Air Force shall submit to the congres-
2 sional defense committees a report on the review and
3 assessment conducted under subsection (a).

4 (2) ELEMENTS.—The report under paragraph
5 (1) shall include an examination of the following:

6 (A) For the aircrews of each type of com-
7 bat aircraft and by mission type—

8 (i) the number of sorties required to
9 reach minimum and optimal levels of pro-
10 ficiency, respectively;

11 (ii) the optimal mix of live and virtual
12 training sorties; and

13 (iii) the optimal mix of experienced
14 aircrews versus inexperienced aircrews.

15 (B) The availability of assets and infra-
16 structure to support the achievement of aircrew
17 proficiency levels and an explanation of any re-
18 quirements relating to such assets and infra-
19 structure.

20 (C) The accumulated flying hours or other
21 measurements used to determine if an aircrew
22 qualifies for designation as an experienced air-
23 crew, and whether different measurements
24 should be used.

1 (D) Any actions taken or planned to be
2 taken to implement recommendations resulting
3 from the independent review and assessment
4 under subsection (a), including an estimate of
5 the resources required to implement such rec-
6 ommendations.

7 (E) Any other matters the Secretary deter-
8 mines are appropriate to ensure a comprehen-
9 sive review and assessment.

10 (c) COMPTROLLER GENERAL REVIEW.—

11 (1) IN GENERAL.—The Comptroller General of
12 the United States shall submit to the congressional
13 defense committees a review of the report described
14 in subsection (b). Such review shall include an as-
15 sessment of—

16 (A) the extent to which the report ad-
17 dressed the elements described in paragraph (2)
18 of such subsection;

19 (B) the adequacy and completeness of the
20 assumptions reviewed to establish the annual
21 training requirements of the Air Force;

22 (C) any actions the Air Force plans to
23 carry out to incorporate the results of the re-
24 port into annual training documents; and

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

3 (2) BRIEFING.—Not later than 60 days after
4 the date on which the Secretary of the Air Force
5 submits the report under subsection (b) and prior to
6 submitting the review required under paragraph (1),
7 the Comptroller General shall provide a briefing to
8 the congressional defense committees on the prelimi-
9 nary results of the review conducted under such
10 paragraph.

11 **SEC. 352. STUDY ON SPACE-AVAILABLE TRAVEL SYSTEM OF**
12 **THE DEPARTMENT OF DEFENSE.**

13 (a) STUDY REQUIRED.—Not later than 90 days after
14 the date of the enactment of this Act, the Secretary of
15 Defense shall seek to enter into a contract with a federally
16 funded research and development center to conduct an
17 independent study on the space-available travel system of
18 the Department of Defense.

19 (b) REPORT REQUIRED.—Not later than 180 days
20 after entering into a contract with a federally funded re-
21 search and development center under subsection (a), the
22 Secretary shall submit to the congressional defense com-
23 mittees a report summarizing the results of the study con-
24 ducted under such subsection.

1 (c) ELEMENTS.—The report under subsection (b)
2 shall include, with respect to the space-available travel sys-
3 tem, the following:

4 (1) A determination of—

5 (A) the capacity of the system as of the
6 date of the enactment of this Act;

7 (B) the projected capacity of the system
8 for the 10-year period following such date of
9 enactment; and

10 (C) the projected number of reserve retir-
11 ees, active duty retirees, and dependents of
12 such retirees that will exist by the end of such
13 10-year period.

14 (2) Estimates of system capacity based the pro-
15 jections described in paragraph (1).

16 (3) A discussion of the efficiency of the system
17 and data regarding the use of available space with
18 respect to each category of passengers eligible for
19 space-available travel under existing regulations.

20 (4) A description of the effect on system capac-
21 ity if eligibility for space-available travel is extended
22 to—

23 (A) drilling reserve component personnel
24 and dependents of such personnel on inter-
25 national flights;

1 (B) dependents of reserve component retir-
2 ees who are less than 60 years of age;

3 (C) retirees who are less than 60 years of
4 age on international flights;

5 (D) drilling reserve component personnel
6 traveling to drilling locations; and

7 (E) members or former members of the
8 Armed Forces who have a disability rated as
9 total, if space-available travel is provided to
10 such members on the same basis as such travel
11 is provided to members of the Armed Forces
12 entitled to retired or retainer pay.

13 (5) A discussion of logistical and management
14 problems, including congestion at terminals, waiting
15 times, lodging availability, and personal hardships
16 experienced by travelers.

17 (6) An evaluation of the cost of the system and
18 whether space-available travel is and can remain
19 cost-neutral.

20 (7) An evaluation of the feasibility of expanding
21 the categories of passengers eligible for space-avail-
22 able travel to include—

23 (A) in the case of overseas travel, retired
24 members of an active or reserve component, in-
25 cluding retired members of reserve components,

1 who, but for being under the eligibility age ap-
2 plicable to the member under section 12731 of
3 title 10, United States Code, would be eligible
4 for retired pay under chapter 1223 of such
5 title;

6 (B) unremarried widows and widowers of
7 active or reserve component members of the
8 Armed Forces; and

9 (C) members or former members of the
10 Armed Forces who have a disability rated as
11 total, if space-available travel is provided to
12 such members on the same basis as such travel
13 is provided to members of the Armed Forces
14 entitled to retired or retainer pay.

15 (8) Such other factors relating to the efficiency
16 and cost of the system as the Secretary determines
17 to be appropriate.

18 (d) ADDITIONAL RESPONSIBILITIES.—In addition to
19 carrying out subsections (a) through (c), the Secretary of
20 Defense shall—

21 (1) analyze the methods used to prioritize
22 among the categories of individuals eligible for
23 space-available travel and make recommendations
24 for—

1 (A) re-ordering the priority of such cat-
2 egories; and

3 (B) adding additional categories of eligible
4 individuals; and

5 (2) collect data on travelers who request but do
6 not obtain available travel spaces under the space-
7 available travel system.

8 (e) **DISABILITY RATED AS TOTAL DEFINED.**—In this
9 section, the term “disability rated as total” has the mean-
10 ing given the term in section 1414(e)(3) of title 10, United
11 States Code.

12 **SEC. 353. EVALUATION OF MOTOR CARRIER SAFETY PER-**
13 **FORMANCE AND SAFETY TECHNOLOGY.**

14 (a) **IN GENERAL.**—The Secretary of Defense shall
15 evaluate the need for proven safety technology in vehicles
16 transporting shipments under the Transportation Protec-
17 tive Services program of the United States Transportation
18 Command, including—

19 (1) electronic logging devices;

20 (2) roll stability control;

21 (3) forward collision avoidance systems;

22 (4) lane departure warning systems; and

23 (5) speed limiters.

24 (b) **CONSIDERATIONS.**—In carrying out subsection
25 (a), the Secretary shall—

1 (1) consider the need to avoid catastrophic acci-
2 dents and exposure of security-sensitive materials;
3 and

4 (2) take into the account the findings of the
5 Government Accountability Office report numbered
6 GAO-16-82 and titled “Defense Transportation;
7 DoD Needs to Improve the Evaluation of Safety and
8 Performance Information for Carriers Transporting
9 Security-Sensitive Materials”.

10 **TITLE IV—MILITARY** 11 **PERSONNEL AUTHORIZATIONS**

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

Sec. 402. Revisions in permanent active duty end strength minimum levels.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.

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

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

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

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

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

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

12 **Subtitle A—Active Forces**

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

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

16 (1) The Army, 476,000.

17 (2) The Navy, 323,900.

1 (3) The Marine Corps, 185,000.

2 (4) The Air Force, 321,000.

3 **SEC. 402. REVISIONS IN PERMANENT ACTIVE DUTY END**
4 **STRENGTH MINIMUM LEVELS.**

5 Section 691(b) of title 10, United States Code, is
6 amended by striking paragraphs (1) through (4) and in-
7 serting the following new paragraphs:

8 “(1) For the Army, 476,000.

9 “(2) For the Navy, 323,900.

10 “(3) For the Marine Corps, 185,000.

11 “(4) For the Air Force, 321,000.”.

12 **Subtitle B—Reserve Forces**

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

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

17 (1) The Army National Guard of the United
18 States, 343,000.

19 (2) The Army Reserve, 199,000.

20 (3) The Navy Reserve, 58,000.

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

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

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

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

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

- 5 (1) the total authorized strength of units orga-
6 nized to serve as units of the Selected Reserve of
7 such component which are on active duty (other
8 than for training) at the end of the fiscal year; and
9 (2) the total number of individual members not
10 in units organized to serve as units of the Selected
11 Reserve of such component who are on active duty
12 (other than for training or for unsatisfactory partici-
13 pation in training) without their consent at the end
14 of the fiscal year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (b) VARIANCE.—Notwithstanding section 115 of title
6 10, United States Code, the end strength prescribed by
7 subsection (a) for a reserve component specified in that
8 subsection may be increased—

9 (1) by 3 percent, upon determination by the
10 Secretary of Defense that such action is in the na-
11 tional interest; and

12 (2) by 2 percent, upon determination by the
13 Secretary of the military department concerned that
14 such action would enhance manning and readiness in
15 essential units or in critical specialties or ratings.

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

18 (a) LIMITATIONS.—

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

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

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

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

6 (3) AIR FORCE RESERVE.—The number of non-
7 dual status technicians employed by the Air Force
8 Reserve as of September 30, 2017, may not exceed
9 90.

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

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

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

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

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

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

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

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

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

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

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

9 (1) in subsection (b)(1)—

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

12 (B) in subparagraph (C), by striking
13 “502(f)(2)” and inserting “502(f)(1)(B)”; and

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

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

18 **SEC. 421. MILITARY PERSONNEL.**

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

1 (b) CONSTRUCTION OF AUTHORIZATION.—The au-
2 thorization of appropriations in subsection (a) supersedes
3 any other authorization of appropriations (definite or in-
4 definite) for such purpose for fiscal year 2017.

5 **TITLE V—MILITARY PERSONNEL**
6 **POLICY**

Subtitle A—Officer Personnel Policy

- Sec. 501. Reduction in number of general and flag officers on active duty and authorized strength after December 31, 2022, of such general and flag officers.
- Sec. 502. Repeal of statutory specification of general or flag officer grade for various positions in the Armed Forces.
- Sec. 503. Number of Marine Corps general officers.
- Sec. 504. Promotion eligibility period for officers whose confirmation of appointment is delayed due to nonavailability to the Senate of probative information under control of non-Department of Defense agencies.
- Sec. 505. Continuation of certain officers on active duty without regard to requirement for retirement for years of service.
- Sec. 506. Equal consideration of officers for early retirement or discharge.
- Sec. 507. Modification of authority to drop from rolls a commissioned officer.
- Sec. 508. Extension of force management authorities allowing enhanced flexibility for officer personnel management.
- Sec. 509. Pilot programs on direct commissions to cyber positions.
- Sec. 510. Length of joint duty assignments.
- Sec. 510A. Revision of definitions used for joint officer management.

Subtitle B—Reserve Component Management

- Sec. 511. Authority for temporary waiver of limitation on term of service of Vice Chief of the National Guard Bureau.
- Sec. 512. Rights and protections available to military technicians.
- Sec. 513. Inapplicability of certain laws to National Guard technicians performing active Guard and Reserve duty.
- Sec. 514. Extension of removal of restrictions on the transfer of officers between the active and inactive National Guard.
- Sec. 515. Extension of temporary authority to use Air Force reserve component personnel to provide training and instruction regarding pilot training.
- Sec. 516. Expansion of eligibility for deputy commander of combatant command having United States among geographic area of responsibility to include officers of the Reserves.

Subtitle C—General Service Authorities

- Sec. 521. Matters relating to provision of leave for members of the Armed Forces, including prohibition on leave not expressly authorized by law.

- Sec. 522. Transfer of provision relating to expenses incurred in connection with leave canceled due to contingency operations.
- Sec. 523. Expansion of authority to execute certain military instruments.
- Sec. 524. Medical examination before administrative separation for members with post-traumatic stress disorder or traumatic brain injury in connection with sexual assault.
- Sec. 525. Reduction of tenure on the temporary disability retired list.
- Sec. 526. Technical correction to voluntary separation pay and benefits.
- Sec. 527. Consolidation of Army marketing and pilot program on consolidated Army recruiting.

Subtitle D—Member Whistleblower Protections and Correction of Military Records

- Sec. 531. Improvements to whistleblower protection procedures.
- Sec. 532. Modification of whistleblower protection authorities to restrict contrary findings of prohibited personnel action by the Secretary concerned.
- Sec. 533. Availability of certain Correction of Military Records and Discharge Review Board information through the Internet.
- Sec. 534. Improvements to authorities and procedures for the correction of military records.
- Sec. 535. Treatment by discharge review boards of claims asserting post-traumatic stress disorder or traumatic brain injury in connection with combat or sexual trauma as a basis for review of discharge.
- Sec. 536. Comptroller General of the United States review of integrity of Department of Defense whistleblower program.

Subtitle E—Military Justice and Legal Assistance Matters

- Sec. 541. United States Court of Appeals for the Armed Forces.
- Sec. 542. Effective prosecution and defense in courts-martial and pilot programs on professional military justice development for judge advocates.
- Sec. 543. Inclusion in annual reports on sexual assault prevention and response efforts of the Armed Forces of information on complaints of retaliation in connection with reports of sexual assault in the Armed Forces.
- Sec. 544. Extension of the requirement for annual report regarding sexual assaults and coordination with release of Family Advocacy Program report.
- Sec. 545. Metrics for evaluating the efforts of the Armed Forces to prevent and respond to retaliation in connection with reports of sexual assault in the Armed Forces.
- Sec. 546. Training for Department of Defense personnel who investigate claims of retaliation.
- Sec. 547. Notification to complainants of resolution of investigations into retaliation.
- Sec. 548. Modification of definition of sexual harassment for purposes of investigations by commanding officers of complaints of harassment.
- Sec. 549. Improved Department of Defense prevention of and response to hazing in the Armed Forces.

Subtitle F—National Commission on Military, National, and Public Service

- Sec. 551. Purpose, scope, and definitions.
- Sec. 552. Preliminary report on purpose and utility of registration system under Military Selective Service Act.
- Sec. 553. National Commission on Military, National, and Public Service.
- Sec. 554. Commission hearings and meetings.
- Sec. 555. Principles and procedure for Commission recommendations.
- Sec. 556. Executive Director and staff.
- Sec. 557. Termination of Commission.

Subtitle G—Member Education, Training, Resilience, and Transition

- Sec. 561. Modification of program to assist members of the Armed Forces in obtaining professional credentials.
- Sec. 562. Inclusion of alcohol, prescription drug, opioid, and other substance abuse counseling as part of required preseparation counseling.
- Sec. 563. Inclusion of information in Transition Assistance Program regarding effect of receipt of both veteran disability compensation and voluntary separation pay.
- Sec. 564. Training under Transition Assistance Program on career and employment opportunities associated with transportation security cards.
- Sec. 565. Extension of suicide prevention and resilience program.
- Sec. 566. Congressional notification in advance of appointments to service academies.
- Sec. 567. Report and guidance on Job Training, Employment Skills Training, Apprenticeships, and Internships and SkillBridge initiatives for members of the Armed Forces who are being separated.
- Sec. 568. Military-to-mariner transition.

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

- Sec. 571. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
- Sec. 572. One-year extension of authorities relating to the transition and support of military dependent students to local educational agencies.
- Sec. 573. Annual notice to members of the Armed Forces regarding child custody protections guaranteed by the Servicemembers Civil Relief Act.
- Sec. 574. Requirement for annual Family Advocacy Program report regarding child abuse and domestic violence.
- Sec. 575. Reporting on allegations of child abuse in military families and homes.
- Sec. 576. Repeal of Advisory Council on Dependents' Education.
- Sec. 577. Support for programs providing camp experience for children of military families.
- Sec. 578. Comptroller General of the United States assessment and report on Exceptional Family Member Programs.
- Sec. 579. Impact aid amendments.

Subtitle I—Decorations and Awards

- Sec. 581. Posthumous advancement of Colonel George E. "Bud" Day, United States Air Force, on the retired list.

1 requirements of this paragraph, by not later than
2 December 31, 2022, the Secretary of Defense shall
3 reduce the number of general and flag officers on
4 active duty by 110 from the aggregate authorized
5 number of general and flag officers authorized by
6 sections 525 and 526 of title 10, United States
7 Code, as of December 31, 2015.

8 (2) DISTRIBUTION OF AUTHORIZED POSI-
9 TIONS.—Effective as of December 31, 2022, and re-
10 flecting the reduction required by paragraph (1), au-
11 thORIZED general and flag officer positions shall be
12 distributed among the Army, Navy, Air Force, Ma-
13 rine Corps, and joint pool as follows:

14 (A) The Army is authorized 220 positions
15 in the general officer grades.

16 (B) The Navy is authorized 151 positions
17 in the flag officer grades.

18 (C) The Air Force is authorized 187 posi-
19 tions in the general officer grades.

20 (D) The Marine Corps is authorized 62 po-
21 sitions in the general officer grades.

22 (E) The joint pool is authorized 232 posi-
23 tions in the general or flag officer grades, to be
24 distributed as follows:

1 (i) 82 positions in the general officer
2 grades from the Army.

3 (ii) 60 positions in the flag officer
4 grades from the Navy.

5 (iii) 69 positions in the general officer
6 grades from the Air Force.

7 (iv) 21 positions in the general officer
8 grades from the Marine Corps.

9 (3) TEMPORARY ADDITIONAL JOINT POOL AL-
10 LOCATION.—In addition to the positions authorized
11 by paragraph (2), the 30 general and flag officer po-
12 sitions designated for overseas contingency oper-
13 ations are authorized as an additional maximum
14 temporary allocation to the joint pool.

15 (b) PLAN TO ACHIEVE REQUIRED REDUCTION AND
16 DISTRIBUTION.—

17 (1) PLAN REQUIRED.—Utilizing the study con-
18 ducted under subsection (c), the Secretary of De-
19 fense shall develop a plan to achieve, by the date
20 specified in subsection (a)(1)—

21 (A) the reduction required by such sub-
22 section in the number of general and flag offi-
23 cers; and

24 (B) the distribution of authorized positions
25 required by subsection (a)(2).

1 (2) SUBMISSION OF PLAN.—When the budget
2 for the Department of Defense for fiscal year 2019
3 is submitted to Congress pursuant to section 1105
4 of title 31, United States Code, the Secretary of De-
5 fense shall submit to the Committees on Armed
6 Services of the Senate and the House of Representa-
7 tives a report setting forth the plan developed under
8 this subsection.

9 (3) PROGRESS REPORTS.—The Secretary of De-
10 fense shall include with the budget for the Depart-
11 ment of Defense for each of fiscal years 2020, 2021,
12 and 2022 a report describing and assessing the
13 progress of the Secretary in implementing the plan
14 developed under this subsection.

15 (c) STUDY FOR PURPOSES OF PLAN.—

16 (1) STUDY REQUIRED.—For purposes of com-
17 plying with subsection (a) and preparing the plan re-
18 quired by subsection (b), the Secretary of Defense
19 shall conduct a comprehensive and deliberate global
20 manpower study of requirements for general and
21 flag officers with the goal of identifying—

22 (A) the requirement justification for each
23 general or flag officer position in terms of over-
24 all force structure, scope of responsibility, com-

1 mand and control requirements, and force read-
2 iness and execution;

3 (B) an additional 10 percent reduction in
4 the aggregate number of authorized general of-
5 ficer and flag officer positions after the reduc-
6 tions required by subsection (a); and

7 (C) an appropriate redistribution of all
8 general officer and flag officer positions within
9 the reductions so identified.

10 (2) SUBMISSION OF STUDY RESULTS.—Not
11 later than April 1, 2017, the Secretary of Defense
12 shall submit to the Committees on Armed Services
13 of the Senate and the House of Representatives a
14 report setting forth the results of the study con-
15 ducted under this subsection, including the justifica-
16 tion for general and flag officer position to be re-
17 tained and the reductions identified by general and
18 flag officer position.

19 (3) INTERIM REPORT.—If practicable before the
20 date specified in paragraph (2), the Secretary of De-
21 fense shall submit to the Committees on Armed
22 Services of the Senate and the House of Representa-
23 tives an interim report describing the progress made
24 toward the completion of the study under this sub-
25 section, including—

1 (A) the specific general and flag officer po-
2 sitions that have been evaluated;

3 (B) the results of that evaluation; and

4 (C) recommendations for achieving the ad-
5 ditional 10 percent reduction in the aggregate
6 number of authorized general officer and flag
7 officer positions to be identified under para-
8 graph (1)(C) and recommendations for redis-
9 tribution of general and flag officer positions
10 that have been developed to that point.

11 (d) EXCLUSIONS.—

12 (1) RELATED TO JOINT DUTY ASSIGNMENTS.—

13 For purposes of complying with subsection (a), the
14 Secretary of Defense may exclude—

15 (A) a general or flag officer released from
16 a joint duty assignment, but only during the
17 60-day period beginning on the date the officer
18 departs the joint duty assignment, except that
19 the Secretary may authorize the Secretary of a
20 military department to extend the 60-day pe-
21 riod by an additional 120 days, but not more
22 than three officers on active duty from each
23 Armed Force may be covered by the additional
24 extension at the same time; and

1 (B) the number of officers required to
2 serve in joint duty assignments for each Armed
3 Force as authorized by the Secretary under sec-
4 tion 526a(b) of title 10, United States Code, as
5 added by subsection (h) of this section.

6 (2) RELATED TO RELIEF FROM CHIEF OF
7 STAFF DUTY.—For purposes of complying with sub-
8 section (a), the Secretary of Defense may exclude an
9 officer who continues to hold the grade of general or
10 admiral under section 601(b)(5) of title 10, United
11 States Code, after relief from the position of Chair-
12 man of the Joint Chiefs of Staff, Chief of Staff of
13 the Army, Chief of Naval Operations, Chief of Staff
14 of the Air Force, or Commandant of the Marine
15 Corps.

16 (3) RELATED TO RETIREMENT, SEPARATION,
17 RELEASE, OR RELIEF.—For purposes of complying
18 with subsection (a), the Secretary of Defense may
19 exclude the following officers:

20 (A) An officer of an Armed Force in the
21 grade of brigadier general or above or, in the
22 case of the Navy, in the grade of rear admiral
23 (lower half) or above, who is on leave pending
24 the retirement, separation, or release of that of-
25 ficer from active duty, but only during the 60-

1 day period beginning on the date of the com-
2 mencement of such leave of such officer.

3 (B) An officer of an Armed Force who has
4 been relieved from a position designated under
5 section 601(a) of title 10, United States Code,
6 or by law to carry one of the grades specified
7 in such section, but only during the 60-day pe-
8 riod beginning on the date on which the assign-
9 ment of the officer to the first position is termi-
10 nated or until the officer is assigned to a sec-
11 ond such position, whichever occurs first.

12 (e) SECRETARIAL AUTHORITY TO GRANT EXCEP-
13 TIONS TO LIMITATIONS.—

14 (1) IN GENERAL.—Subject to paragraph (2),
15 the Secretary of Defense may alter the reduction
16 otherwise required by subsection (a)(1) in the num-
17 ber of general and flag officer or the distribution of
18 authorized positions otherwise required by sub-
19 section (a)(2) in the interest of the national security
20 of the United States.

21 (2) NOTICE TO CONGRESS OF EXCEPTIONS.—
22 Not later than 30 days after authorizing a number
23 of general or flag officers in excess of the number
24 required as a result of the reduction required by
25 subsection (a)(1) or altering the distribution of au-

1 thorized positions under subsection (a)(2), the Sec-
2 retary of Defense shall submit to the Committees on
3 Armed Services of the Senate and the House of Rep-
4 resentatives written notice of such exception, includ-
5 ing a statement of the reason for such exception and
6 the anticipated duration of the exception.

7 (f) ORDERLY TRANSITION FOR OFFICERS RECENTLY
8 ASSIGNED TO POSITIONS TO BE ELIMINATED.—

9 (1) COVERED OFFICERS.—In order to provide
10 an orderly transition for personnel in general or flag
11 officer positions to be eliminated pursuant to the
12 plan prepared under subsection (b), any general or
13 flag officer who has not completed, as of December
14 31, 2022, at least 24 months in a position to be
15 eliminated pursuant to the plan may remain in the
16 position until the last day of the month that is 24
17 months after the month in which the officer as-
18 sumed the duties of the position.

19 (2) REPORT TO CONGRESS ON COVERED OFFI-
20 CERS.—The Secretary of Defense shall include in
21 the annual report required by section 526(j) of title
22 10, United States Code, in 2020 a description of the
23 positions in which an officer will remain pursuant to
24 paragraph (1), including the latest date on which the

1 officer may remain in such position pursuant to that
2 paragraph.

3 (3) NOTICE TO CONGRESS ON DETACHMENT OF
4 COVERED OFFICERS.—The Secretary of Defense
5 shall submit to the Committees on Armed Services
6 of the Senate and the House of Representatives a
7 notice on the date on which each officer covered by
8 paragraph (1) is detached from the officer's position
9 pursuant to such paragraph.

10 (g) RELATION TO SUBSEQUENT GENERAL OR FLAG
11 NOMINATIONS.—

12 (1) NOTICE TO SENATE WITH NOMINATION.—

13 In order to help achieve the requirements of the plan
14 required by subsection (b), effective 30 days after
15 the commencement of the implementation of the
16 plan, the Secretary of Defense shall include with
17 each nomination of an officer to a grade above colo-
18 nel or captain (in the case of the Navy) that is for-
19 warded by the President to the Senate for appoint-
20 ment, by and with the advice and consent of the
21 Senate, a certification to the Committee on Armed
22 Services of the Senate that the appointment of the
23 officer to the grade concerned will not interfere with
24 achieving the reduction required by subsection (a)(1)
25 in the number of general and flag officer positions

1 or the distribution of authorized positions required
2 by subsection (a)(2).

3 (2) IMPLEMENTATION.—Not later than 120
4 days after the date of the submission of the plan re-
5 quired by subsection (b), the Secretary of Defense
6 shall revise applicable guidance of the Department of
7 Defense on general and flag officer authorizations in
8 order to ensure that—

9 (A) the achievement of the reductions re-
10 quired pursuant to subsection (a) is incor-
11 porated into the planning for the execution of
12 promotions by the military departments and for
13 the joint pool;

14 (B) to the extent practicable, the resulting
15 grades for general and flag officer positions are
16 uniformly applied to positions of similar duties
17 and responsibilities across the military depart-
18 ments and the joint pool; and

19 (C) planning achieves a reduction in the
20 headquarters functions and administrative and
21 support activities and staffs of the Department
22 of Defense and the military departments com-
23 mensurate with the achievement of the reduc-
24 tions required pursuant to subsection (a).

1 (h) AUTHORIZED STRENGTH AFTER DECEMBER 31,
2 2022, OF GENERAL AND FLAG OFFICERS ON ACTIVE
3 DUTY.—

4 (1) IN GENERAL.—Chapter 32 of title 10,
5 United States Code, is amended by inserting after
6 section 526 the following new section:

7 **“§ 526a. Authorized strength after December 31, 2022:**
8 **general officers and flag officers on ac-**
9 **tive duty**

10 “(a) LIMITATIONS.—The number of general officers
11 on active duty in the Army, Air Force, and Marine Corps,
12 and the number of flag officers on active duty in the Navy,
13 after December 31, 2022, may not exceed the number
14 specified for the armed force concerned as follows:

15 “(1) For the Army, 220.

16 “(2) For the Navy, 151.

17 “(3) For the Air Force, 187.

18 “(4) For the Marine Corps, 62.

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

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

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

7 “(A) For the Army, 75.

8 “(B) For the Navy, 53.

9 “(C) For the Air Force, 68.

10 “(D) For the Marine Corps, 17.

11 “(c) EXCLUSION OF CERTAIN OFFICERS PENDING
12 SEPARATION OR RETIREMENT OR BETWEEN SENIOR PO-
13 SITIONS.—The limitations of this section do not apply
14 to—

15 “(1) an officer of an armed force in the grade
16 of brigadier general or above or, in the case of the
17 Navy, in the grade of rear admiral (lower half) or
18 above, who is on leave pending the retirement, sepa-
19 ration, or release of that officer from active duty,
20 but only during the 60-day period beginning on the
21 date of the commencement of such leave of such offi-
22 cer; or

23 “(2) an officer of an armed force who has been
24 relieved from a position designated under section
25 601(a) of this title or by law to carry one of the

1 grades specified in such section, but only during the
2 60-day period beginning on the date on which the
3 assignment of the officer to the first position is ter-
4 minated or until the officer is assigned to a second
5 such position, whichever occurs first.

6 “(d) TEMPORARY EXCLUSION FOR ASSIGNMENT TO
7 CERTAIN TEMPORARY BILLETS.—

8 “(1) IN GENERAL.—The limitations in sub-
9 section (a) do not apply to a general officer or flag
10 officer assigned to a temporary joint duty assign-
11 ment designated by the Secretary of Defense.

12 “(2) DURATION OF EXCLUSION.—A general of-
13 ficer or flag officer assigned to a temporary joint
14 duty assignment as described in paragraph (1) may
15 not be excluded under this subsection from the limi-
16 tations in subsection (a) for a period of longer than
17 one year.

18 “(e) EXCLUSION OF OFFICERS DEPARTING FROM
19 JOINT DUTY ASSIGNMENTS.—The limitations in sub-
20 section (a) do not apply to an officer released from a joint
21 duty assignment, but only during the 60-day period begin-
22 ning on the date the officer departs the joint duty assign-
23 ment. The Secretary of Defense may authorize the Sec-
24 retary of a military department to extend the 60-day pe-
25 riod by an additional 120 days, except that not more than

1 three officers on active duty from each armed force may
2 be covered by the additional extension at the same time.

3 “(f) ACTIVE-DUTY BASELINE.—

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

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

21 “(A) the statutory limit of general officers
22 or flag officers of that armed force under sub-
23 section (a); or

24 “(B) the actual number of general officers
25 or flag officers of that armed force who, as of

1 January 1, 2023, counted toward the statutory
2 limit of general officers or flag officers of that
3 armed force under subsection (a).

4 “(g) JOINT DUTY ASSIGNMENT BASELINE.—

5 “(1) NOTICE AND WAIT REQUIREMENT.—If the
6 Secretary of Defense, the Secretary of a military de-
7 partment, or the Chairman of the Joint Chiefs of
8 Staff proposes an action that would increase above
9 the baseline the number of general officers and flag
10 officers of the armed forces in joint duty assign-
11 ments who count against the statutory limit under
12 subsection (b)(1), the action shall not take effect
13 until after the end of the 60-calendar day period be-
14 ginning on the date on which such Secretary or the
15 Chairman, as the case may be, provides notice of the
16 proposed action, including the rationale for the ac-
17 tion, to the Committees on Armed Services of the
18 Senate and the House of Representatives.

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

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

24 “(B) the actual number of general officers
25 and flag officers who, as of January 1, 2023,

1 were in joint duty assignments counted toward
2 the statutory limit under subsection (b)(1).

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

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

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

15 (2) CONFORMING AMENDMENT.—Section 526
16 of title 10, United States Code, is amended by add-
17 ing at the end the following new subsection:

18 “(k) CESSATION OF APPLICABILITY.—The provisions
19 of this section shall not apply to number of general officers
20 and flag officers in the armed forces after December 31,
21 2022. For provisions applicable to the number of such offi-
22 cers after that date, see section 526a of this title.”.

23 (3) CLERICAL AMENDMENT.—The table of sec-
24 tions at the beginning of chapter 32 of title 10,
25 United States Code, is amended by inserting after

1 the item relating to section 526 the following new
2 item:

“526a. Authorized strength after December 31, 2022: general officers and flag officers on active duty.”.

3 **SEC. 502. REPEAL OF STATUTORY SPECIFICATION OF GEN-**
4 **ERAL OR FLAG OFFICER GRADE FOR VAR-**
5 **IOUS POSITIONS IN THE ARMED FORCES.**

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

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

10 (2) CLERICAL AMENDMENT.—The table of sec-
11 tions at the beginning of chapter 5 of such title is
12 amended by striking the item relating to section
13 155a.

14 (b) LEGAL COUNSEL TO CJCS.—Section 156 of title
15 10, United States Code, is amended—

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

17 (2) by redesignating subsection (d) as sub-
18 section (c).

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

23 (d) DIRECTOR OF MISSILE DEFENSE AGENCY.—

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

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions at the beginning of chapter 8 of such title is
5 amended by striking the item relating to section
6 203.

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

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

13 (g) CHIEF OF STAFF TO PRESIDENT.—

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

16 (2) CLERICAL AMENDMENT.—The table of sec-
17 tions at the beginning of chapter 41 of such title is
18 amended by striking the item relating to section
19 720.

20 (h) ATTENDING PHYSICIAN TO CONGRESS.—

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

23 (2) CLERICAL AMENDMENT.—The table of sec-
24 tions at the beginning of chapter 41 of such title is

1 amended by striking the item relating to section
2 722.

3 (i) PHYSICIAN TO WHITE HOUSE.—

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

6 (2) CLERICAL AMENDMENT.—The table of sec-
7 tions at the beginning of chapter 43 of such title is
8 amended by striking the item relating to section
9 744.

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

13 (k) CHIEFS OF BRANCHES OF THE ARMY.—Section
14 3036(b) of title 10, United States Code, is amended in
15 the flush matter following paragraph (2)—

16 (1) by striking the first sentence; and

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

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

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

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

3 (2) by striking “(1)”; and

4 (3) by striking paragraph (2).

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

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

9 (2) CLERICAL AMENDMENT.—The table of sec-
10 tions at the beginning of chapter 305 of such title
11 is amended by striking the item relating to section
12 3039.

13 (o) CHIEF OF ARMY NURSE CORPS.—Section
14 3069(b) of title 10, United States Code, is amended by
15 striking the second sentence.

16 (p) ASSISTANT CHIEFS OF ARMY MEDICAL SPE-
17 CIALIST CORPS.—

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

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

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

23 (C) by redesignating subsection (d) as sub-
24 section (e).

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

3 **“§ 3070. Army Medical Specialist Corps: organization;
4 Chief”.**

5 (3) CLERICAL AMENDMENT.—The table of sec-
6 tions at the beginning of chapter 307 of such title
7 is amended by striking the item relating to section
8 3070 and inserting the following new item:

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

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

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

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

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

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

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

21 **“§ 3084. Chief of Veterinary Corps”.**

22 (3) CLERICAL AMENDMENT.—The table of sec-
23 tions at the beginning of chapter 307 of such title

1 is amended by striking the item relating to section
2 3084 and inserting the following new item:

“3084. Chief of Veterinary Corps.”.

3 (s) ARMY AIDES.—

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

6 (2) CLERICAL AMENDMENT.—The table of sec-
7 tions at the beginning of chapter 343 of such title
8 is amended by striking the item relating to section
9 3543.

10 (t) PRINCIPAL MILITARY DEPUTY TO ASSISTANT
11 SECRETARY OF THE NAVY FOR RD&A.—Section
12 5016(b)(4)(B) of title 10, United States Code, is amended
13 by striking “a vice admiral of the Navy or a lieutenant
14 general of the Marine Corps” and inserting “an officer
15 of the Navy or the Marine Corps”.

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

18 (1) by striking “(1)”; and

19 (2) by striking paragraph (2).

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

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

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

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

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

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

10 (z) BUREAU CHIEFS OF THE NAVY.—

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

13 (2) CLERICAL AMENDMENT.—The table of sec-
14 tions at the beginning of chapter 513 of such title
15 is amended by striking the item relating to section
16 5133.

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

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

21 (2) in subsection (c), by striking the first sen-
22 tence.

23 (bb) BUREAU OF NAVAL PERSONNEL.—

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

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

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

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

7 **“§ 5141. Chief of Naval Personnel; Deputy Chief of
8 Naval Personnel”.**

9 (3) CLERICAL AMENDMENT.—The table of sec-
10 tions at the beginning of chapter 513 of such title
11 is amended by striking the item relating to section
12 5141 and inserting the following new item:

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

13 (cc) CHIEF OF CHAPLAINS OF THE NAVY.—Section
14 5142 of title 10, United States Code, is amended by strik-
15 ing subsection (e).

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

18 (1) in the subsection heading, by striking “;
19 GRADE”;

20 (2) by striking “(1)”; and

21 (3) by striking paragraph (2).

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

24 (1) in the subsection heading, by striking “;
25 GRADE”;

1 (2) by striking “(1)”; and

2 (3) by striking paragraph (2).

3 (ff) JUDGE ADVOCATE GENERAL OF THE NAVY.—

4 Section 5148(b) of title 10, United States Code, is amend-
5 ed by striking the last sentence.

6 (gg) DEPUTY AND ASSISTANT JUDGE ADVOCATES

7 GENERAL OF THE NAVY.—Section 5149 of title 10,

8 United States Code, is amended—

9 (1) in subsection (a)(1)—

10 (A) in the first sentence, by striking “, by

11 and with the advice and consent of the Sen-

12 ate,”; and

13 (B) by striking the second sentence; and

14 (2) in each of subsections (b) and (c), by strik-

15 ing the second and last sentences.

16 (hh) CHIEFS OF STAFF CORPS OF THE NAVY.—Sec-

17 tion 5150 of title 10, United States Code, is amended—

18 (1) in subsection (b)(2), by striking “Subject to

19 subsection (c), the Secretary” and inserting “The

20 Secretary”; and

21 (2) by striking subsection (c).

22 (ii) PRINCIPAL MILITARY DEPUTY TO ASSISTANT

23 SECRETARY OF THE AIR FORCE FOR ACQUISITION.—Sec-

24 tion 8016(b)(4)(B) of title 10, United States Code, is

1 amended by striking “a lieutenant general” and inserting
2 “an officer”.

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

6 (kk) JUDGE ADVOCATE GENERAL AND DEPUTY
7 JUDGE ADVOCATE GENERAL OF THE AIR FORCE.—Sec-
8 tion 8037 of title 10, United States Code, is amended—
9 (1) in subsection (a), by striking the last sen-
10 tence; and

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

13 (ll) CHIEF OF THE AIR FORCE RESERVE.—Section
14 8038(c) of title 10, United States Code, is amended—

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

17 (2) by striking “(1)”; and

18 (3) by striking paragraph (2).

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

22 (1) in subsection (a)(1)—

23 (A) by striking subparagraph (A); and

1 (B) by redesignating subparagraphs (B)
2 and (C) as subparagraphs (A) and (B), respec-
3 tively; and

4 (2) by striking subsection (c).

5 (nn) CHIEF OF AIR FORCE NURSES.—

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

8 (A) in subsection (a)—

9 (i) in the subsection heading, by strik-
10 ing “POSITIONS OF CHIEF AND ASSISTANT
11 CHIEF” and inserting “POSITION OF
12 CHIEF”; and

13 (ii) by striking “and assistant chief”;

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

16 (C) by striking subsection (c).

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

19 **“§ 8069. Air Force nurses: Chief; appointment”.**

20 (3) CLERICAL AMENDMENT.—The table of sec-
21 tions at the beginning of chapter 807 of such title
22 is amended by striking the item relating to section
23 8069 and inserting the following new item:

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

24 (oo) ASSISTANT SURGEON GENERAL FOR DENTAL
25 SERVICES OF THE AIR FORCE.—Section 8081 of title 10,

1 United States Code, is amended by striking the second
2 sentence.

3 (pp) AIR FORCE AIDES.—

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

6 (2) CLERICAL AMENDMENT.—The table of sec-
7 tions at the beginning of chapter 843 of such title
8 is amended by striking the item relating to section
9 8543.

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

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

16 (1) in subsection (a)(1)—

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

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

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

22 (2) by striking subsection (c).

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

1 (1) by striking “general”; and

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

4 **SEC. 503. NUMBER OF MARINE CORPS GENERAL OFFICERS.**

5 (a) DISTRIBUTION OF COMMISSIONED OFFICERS ON
6 ACTIVE DUTY IN GENERAL OFFICER AND FLAG OFFICER
7 GRADES.—Section 525(a)(4) of title 10, United States
8 Code, is amended—

9 (1) in subparagraph (B), by striking “15” and
10 inserting “17”; and

11 (2) in subparagraph (C), by striking “23” and
12 inserting “22”.

13 (b) GENERAL AND FLAG OFFICERS ON ACTIVE
14 DUTY.—Section 526(a)(4) of such title is amended by
15 striking “61” and inserting “62”.

16 (c) DEPUTY COMMANDANTS.—Section 5045 of such
17 title is amended by striking “six” and inserting “seven”.

18 **SEC. 504. PROMOTION ELIGIBILITY PERIOD FOR OFFICERS**
19 **WHOSE CONFIRMATION OF APPOINTMENT IS**
20 **DELAYED DUE TO NONAVAILABILITY TO THE**
21 **SENATE OF PROBATIVE INFORMATION**
22 **UNDER CONTROL OF NON-DEPARTMENT OF**
23 **DEFENSE AGENCIES.**

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

1 (1) by redesignating paragraph (3) as para-
2 graph (4); and

3 (2) by inserting after paragraph (2) the fol-
4 lowing new paragraph (3):

5 “(3) Paragraph (1) does not apply when the Senate
6 is not able to obtain information necessary to give its ad-
7 vice and consent to the appointment concerned because
8 that information is under the control of a department or
9 agency of the Federal Government other than the Depart-
10 ment of Defense.”.

11 **SEC. 505. CONTINUATION OF CERTAIN OFFICERS ON AC-**
12 **TIVE DUTY WITHOUT REGARD TO REQUIRE-**
13 **MENT FOR RETIREMENT FOR YEARS OF**
14 **SERVICE.**

15 (a) **AUTHORITY FOR CONTINUATION ON ACTIVE**
16 **DUTY.—**

17 (1) **IN GENERAL.—**Subchapter IV of chapter 36
18 of title 10, United States Code, is amended by in-
19 serting after section 637 the following new section:

20 **“§ 637a. Continuation on active duty: officers in cer-**
21 **tain military specialties and career**
22 **tracks**

23 “(a) **IN GENERAL.—**The Secretary of the military de-
24 partment concerned may authorize an officer in a grade
25 above grade O–4 to remain on active duty after the date

1 otherwise provided for the retirement of the officer in sec-
2 tion 633, 634, 635, or 636 of this title, as applicable, if
3 the officer has a military occupational specialty, rating,
4 or specialty code in a military specialty designated pursu-
5 ant to subsection (b).

6 “(b) MILITARY SPECIALTIES.—Each Secretary of a
7 military department shall designate the military specialties
8 in which a military occupational specialty, rating, or spe-
9 cialty code, as applicable, assigned to members of the
10 armed forces under the jurisdiction of such Secretary au-
11 thorizes the members to be eligible for continuation on ac-
12 tive duty as provided in subsection (a).

13 “(c) DURATION OF CONTINUATION.—An officer con-
14 tinued on active duty pursuant to this section shall, if not
15 earlier retired, be retired on the first day of the month
16 after the month in which the officer completes 40 years
17 of active service.

18 “(d) REGULATIONS.—The Secretaries of the military
19 departments shall carry out this section in accordance
20 with regulations prescribed by the Secretary of Defense.
21 The regulations shall specify the criteria to be used by
22 the Secretaries of the military departments in designating
23 military specialities for purposes of subsection (b).”.

24 (2) CLERICAL AMENDMENT.—The table of sec-
25 tions at the beginning of subchapter IV of chapter

1 36 of title 10, United States Code, is amended by
2 inserting after the item relating to section 637 the
3 following new item:

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

4 (b) CONFORMING AMENDMENTS.—The following pro-
5 visions of title 10, United States Code, are amended by
6 inserting “or 637a” after “637(b)”:

7 (1) Section 633(a).

8 (2) Section 634(a).

9 (3) Section 635.

10 (4) Section 636(a).

11 **SEC. 506. EQUAL CONSIDERATION OF OFFICERS FOR**
12 **EARLY RETIREMENT OR DISCHARGE.**

13 Section 638a of title 10, United States Code, is
14 amended—

15 (1) in subsection (b), by adding at the end the
16 following new paragraph:

17 “(4) Convening selection boards under section
18 611(b) of this title to consider for early retirement
19 or discharge regular officers on the active-duty list
20 in a grade below lieutenant colonel or commander—

21 “(A) who have served at least one year of
22 active duty in the grade currently held; and

23 “(B) whose names are not on a list of offi-
24 cers recommended for promotion.”;

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

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

5 “(e)(1) In the case of action under subsection (b)(4),
6 the Secretary of the military department concerned shall
7 specify the total number of officers described in that sub-
8 section that a selection board convened under section
9 611(b) of this title pursuant to the authority of that sub-
10 section may recommend for early retirement or discharge.
11 Officers who are eligible, or are within two years of becom-
12 ing eligible, to be retired under any provision of law (other
13 than by reason of eligibility pursuant to section 4403 of
14 the National Defense Authorization Act for Fiscal Year
15 1993 (Public Law 102–484)), if selected by the board,
16 shall be retired or retained until becoming eligible to retire
17 under section 3911, 6323, or 8911 of this title, and those
18 officers who are otherwise ineligible to retire under any
19 provision of law shall, if selected by the board, be dis-
20 charged.

21 “(2) In the case of action under subsection (b)(4),
22 the Secretary of the military department concerned may
23 submit to a selection board convened pursuant to that sub-
24 section—

1 the case of a commissioned officer of the Coast Guard,
2 the Secretary of the department in which the Coast Guard
3 is operating when it is not operating in the Navy,” after
4 “President”.

5 **SEC. 508. EXTENSION OF FORCE MANAGEMENT AUTHORI-**
6 **TIES ALLOWING ENHANCED FLEXIBILITY**
7 **FOR OFFICER PERSONNEL MANAGEMENT.**

8 (a) TEMPORARY EARLY RETIREMENT AUTHORITY.—
9 Section 4403(i) of the National Defense Authorization Act
10 for Fiscal Year 1993 (10 U.S.C. 1293 note) is amended
11 by striking “December 31, 2018” and inserting “Decem-
12 ber 31, 2025”.

13 (b) CONTINUATION ON ACTIVE DUTY.—Section
14 638a(a)(2) of title 10, United States Code, is amended
15 by striking “December 31, 2018” and inserting “Decem-
16 ber 31, 2025”.

17 (c) VOLUNTARY SEPARATION PAY.—Section
18 1175a(k)(1) of such title is amended by striking “Decem-
19 ber 31, 2018” and inserting “December 31, 2025”.

20 (d) SERVICE-IN-GRADE WAIVERS.—Section
21 1370(a)(2)(F) of such title is amended by striking “2018”
22 and inserting “2025”.

1 **SEC. 509. PILOT PROGRAMS ON DIRECT COMMISSIONS TO**
2 **CYBER POSITIONS.**

3 (a) PILOT PROGRAMS AUTHORIZED.—Each Sec-
4 retary of a military department may carry out a pilot pro-
5 gram to improve the ability of an Armed Force under the
6 jurisdiction of the Secretary to recruit cyber professionals.

7 (b) ELEMENTS.—Under a pilot program established
8 under this section, an individual who meets educational,
9 physical, and other requirements determined appropriate
10 by the Secretary of the military department concerned
11 may receive an original appointment as a commissioned
12 officer in a cyber specialty.

13 (c) CONSULTATION.—In developing a pilot program
14 for the Army or the Air Force under this section, the Sec-
15 retary of the Army and the Secretary of the Air Force
16 may consult with the Secretary of the Navy with respect
17 to an existing, similar program carried out by the Sec-
18 retary of the Navy.

19 (d) DURATION.—

20 (1) COMMENCEMENT.—The Secretary of a mili-
21 tary department may commence a pilot program
22 under this section on or after January 1, 2017.

23 (2) TERMINATION.—All pilot programs under
24 this section shall terminate no later than December
25 31, 2022.

1 (e) STATUS REPORT.—Not later than January 1,
2 2020, each Secretary of a military department who con-
3 ducts a pilot program under this section shall submit to
4 the Committees on Armed Services of the Senate and the
5 House of Representatives a report containing an evalua-
6 tion of the success of the program in obtaining skilled
7 cyber personnel for the Armed Forces.

8 **SEC. 510. LENGTH OF JOINT DUTY ASSIGNMENTS.**

9 (a) IN GENERAL.—Subsection (a) of section 664 of
10 title 10, United States Code, is amended by striking “as-
11 signment—” and all that follows and inserting “assign-
12 ment shall be not less than two years.”.

13 (b) REPEAL OF AUTHORITY FOR SHORTER LENGTH
14 FOR OFFICERS INITIALLY ASSIGNED TO CRITICAL OCCU-
15 PATIONAL SPECIALTIES.—Such section is further amend-
16 ed by striking subsection (c).

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

19 (1) in the matter preceding paragraph (1), by
20 striking “the standards prescribed in subsection (a)”
21 and inserting “the requirement in subsection (a)”;

22 (2) in paragraph (1)(D), by striking “assign-
23 ment—” and all that follows and inserting “assign-
24 ment as prescribed by the Secretary of Defense in
25 regulations.”;

1 (3) by striking paragraph (2);

2 (4) by redesignating paragraph (3) as para-
3 graph (2); and

4 (5) in paragraph (2), as redesignated by para-
5 graph (4) of this subsection, by striking “the appli-
6 cable standard prescribed in subsection (a)” and in-
7 serting “the requirement in subsection (a)”.

8 (d) REPEAL OF AVERAGE TOUR LENGTH REQUIRE-
9 MENTS.—Such section is further amended by striking sub-
10 section (e).

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

13 (1) in paragraph (1), by striking “standards
14 prescribed in subsection (a)” and inserting “the re-
15 quirement in subsection (a)”;

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

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

19 (4) in paragraph (4), as redesignated by para-
20 graph (3) of this subsection, by striking “, but not
21 less than two years”.

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

24 (1) by striking “(1)”;

1 (2) by striking “accord” and inserting “award”;

2 and

3 (3) by striking paragraph (2).

4 (g) CONFORMING AMENDMENTS.—Such section is

5 further amended—

6 (1) by redesignating subsections (d), (f), (g),

7 and (h), as amended by this section, as subsections

8 (c), (d), (e), and (f), respectively;

9 (2) in paragraph (2) of subsection (c), as so re-
10 designated and amended, by striking “subsection
11 (f)(3)” and inserting “subsection (d)(2)”.

12 (3) paragraph (2) of subsection (d), as so re-
13 designated and amended, by striking “subsection
14 (g)” and inserting “subsection (e)”;

15 (4) in subsection (e), as so redesignated and
16 amended, by striking “subsection (f)(3)” and insert-
17 ing “subsection (d)(2)”; and

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

21 **SEC. 510A. REVISION OF DEFINITIONS USED FOR JOINT OF-**
22 **FICER MANAGEMENT.**

23 (a) DEFINITION OF JOINT MATTERS.—Paragraph
24 (1) of section 668(a) of title 10, United States Code, is
25 amended to read as follows:

1 “(1) In this chapter, the term ‘joint matters’ means
2 matters related to any of the following:

3 “(A) The development or achievement of stra-
4 tegic objectives through the synchronization, coordi-
5 nation, and organization of integrated forces in oper-
6 ations conducted across domains, such as land, sea,
7 or air, in space, or in the information environment,
8 including matters relating to any of the following:

9 “(i) National military strategy.

10 “(ii) Strategic planning and contingency
11 planning.

12 “(iii) Command and control, intelligence,
13 fires, movement and maneuver, protection or
14 sustainment of operations under unified com-
15 mand.

16 “(iv) National security planning with other
17 departments and agencies of the United States.

18 “(v) Combined operations with military
19 forces of allied nations.

20 “(B) Acquisition matters conducted by mem-
21 bers of the armed forces and covered under chapter
22 87 of this title involved in developing, testing, con-
23 tracting, producing, or fielding of multi-service pro-
24 grams or systems.

1 “(C) Other matters designated in regulation by
2 the Secretary of Defense in consultation with the
3 Chairman of the Joint Chiefs of Staff.”.

4 (b) DEFINITION OF INTEGRATED FORCES.—Section
5 668(a)(2) of title 10, United States Code, is amended in
6 the matter preceding subparagraph (A)—

7 (1) by striking “integrated military forces” and
8 inserting “integrated forces”; and

9 (2) by striking “the planning or execution (or
10 both) of operations involving” and inserting “achiev-
11 ing unified action with”.

12 (c) DEFINITION OF JOINT DUTY ASSIGNMENT.—Sec-
13 tion 668(b)(1) of title 10, United States Code, is amended
14 by striking subparagraph (A) and inserting the following
15 new subparagraph:

16 “(A) shall be limited to assignments in which—

17 “(i) the preponderance of the duties of the
18 officer involve joint matters and

19 “(ii) the officer gains significant experience
20 in joint matters; and”.

21 (d) REPEAL OF DEFINITION OF CRITICAL OCCUPA-
22 TIONAL SPECIALITY.—Section 668 of title 10, United
23 States Code, is amended by striking subsection (d).

1 **Subtitle B—Reserve Component**
2 **Management**

3 **SEC. 511. AUTHORITY FOR TEMPORARY WAIVER OF LIMITA-**
4 **TION ON TERM OF SERVICE OF VICE CHIEF**
5 **OF THE NATIONAL GUARD BUREAU.**

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

10 **SEC. 512. RIGHTS AND PROTECTIONS AVAILABLE TO MILI-**
11 **TARY TECHNICIANS.**

12 (a) IN GENERAL.—Section 709 of title 32, United
13 States Code, is amended—

14 (1) in subsection (f)—

15 (A) in paragraph (4), by striking “; and”
16 and inserting “when the appeal concerns activ-
17 ity occurring while the member is in a military
18 pay status, or concerns fitness for duty in the
19 reserve components;”;

20 (B) by redesignating paragraph (5) as
21 paragraph (6); and

22 (C) by inserting after paragraph (4) the
23 following new paragraph (5):

24 “(5) with respect to an appeal concerning any
25 activity not covered by paragraph (4), the provisions

1 of sections 7511, 7512, and 7513 of title 5, and sec-
2 tion 717 of the Civil Rights Act of 1991 (42 U.S.C.
3 2000e–16) shall apply; and”;

4 (2) in subsection (g), by striking “Sections”
5 and inserting “Except as provided in subsection (f),
6 sections”.

7 (b) DEFINITIONS.—Section 709 of title 32, United
8 States Code, is further amended by adding at the end the
9 following new subsection:

10 “(j) In this section:

11 “(1) The term ‘military pay status’ means a pe-
12 riod of service where the amount of pay payable to
13 a technician for that service is based on rates of
14 military pay provided for under title 37.

15 “(2) The term ‘fitness for duty in the reserve
16 components’ refers only to military-unique service
17 requirements that attend to military service gen-
18 erally, including service in the reserve components or
19 service on active duty.”.

20 (c) CONFORMING AMENDMENT.—Section 7511 of
21 title 5, United States Code, is amended by striking para-
22 graph (5).

1 **SEC. 513. INAPPLICABILITY OF CERTAIN LAWS TO NA-**
2 **TIONAL GUARD TECHNICIANS PERFORMING**
3 **ACTIVE GUARD AND RESERVE DUTY.**

4 Section 709(g) of title 32, United States Code, as
5 amended by section 512(a)(2), is further amended—

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

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

9 “(2) In addition to the sections referred to in para-
10 graph (1), section 6323(a)(1) of title 5 also does not apply
11 to a person employed under this section who is performing
12 active Guard and Reserve duty (as that term is defined
13 in section 101(d)(6) of title 10).”.

14 **SEC. 514. EXTENSION OF REMOVAL OF RESTRICTIONS ON**
15 **THE TRANSFER OF OFFICERS BETWEEN THE**
16 **ACTIVE AND INACTIVE NATIONAL GUARD.**

17 Section 512 of the National Defense Authorization
18 Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat.
19 752; 32 U.S.C. prec. 301 note) is amended—

20 (1) in subsection (a) in the matter preceding
21 paragraph (1), by striking “December 31, 2016”
22 and inserting “December 31, 2019”; and

23 (2) in subsection (b) in the matter preceding
24 paragraph (1), by striking “December 31, 2016”
25 and inserting “December 31, 2019”.

1 **SEC. 515. EXTENSION OF TEMPORARY AUTHORITY TO USE**
2 **AIR FORCE RESERVE COMPONENT PER-**
3 **SONNEL TO PROVIDE TRAINING AND IN-**
4 **STRUCTION REGARDING PILOT TRAINING.**

5 Section 514(a)(1) of the National Defense Authoriza-
6 tion Act for Fiscal Year 2016 (Public Law 114–92; 129
7 Stat. 810) is amended by inserting “and fiscal year 2017”
8 after “During fiscal year 2016”.

9 **SEC. 516. EXPANSION OF ELIGIBILITY FOR DEPUTY COM-**
10 **MANDER OF COMBATANT COMMAND HAVING**
11 **UNITED STATES AMONG GEOGRAPHIC AREA**
12 **OF RESPONSIBILITY TO INCLUDE OFFICERS**
13 **OF THE RESERVES.**

14 Section 164(e)(4) of title 10, United States Code, is
15 amended—

16 (1) by striking “the National Guard” and in-
17 sserting “a reserve component of the armed forces”;
18 and

19 (2) by striking “a National Guard officer” and
20 inserting “a reserve component officer”.

1 **Subtitle C—General Service**
2 **Authorities**

3 **SEC. 521. MATTERS RELATING TO PROVISION OF LEAVE**
4 **FOR MEMBERS OF THE ARMED FORCES, IN-**
5 **CLUDING PROHIBITION ON LEAVE NOT EX-**
6 **PRESSLY AUTHORIZED BY LAW.**

7 (a) PRIMARY AND SECONDARY CAREGIVER LEAVE.—

8 Section 701 of title 10, United States Code, is amended—

9 (1) by striking subsections (i) and (j); and

10 (2) by inserting after subsection (h) the fol-
11 lowing new subsections (i) and (j):

12 “(i)(1)(A) Under regulations prescribed by the Sec-
13 retary of Defense, a member of the armed forces described
14 in paragraph (2) who is the primary caregiver in the case
15 of the birth of a child is allowed up to twelve weeks of
16 total leave, including up to six weeks of medical convales-
17 cent leave, to be used in connection with such birth.

18 “(B) Under the regulations prescribed for purposes
19 of this subsection, a member of the armed forces described
20 in paragraph (2) who is the primary caregiver in the case
21 of the adoption of a child is allowed up to six weeks of
22 total leave to be used in connection with such adoption.

23 “(2) Paragraph (1) applies to the following members:

24 “(A) A member on active duty.

1 “(B) A member of a reserve component per-
2 forming active Guard and Reserve duty.

3 “(C) A member of a reserve component subject
4 to an active duty recall or mobilization order in ex-
5 cess of 12 months.

6 “(3) The Secretary shall prescribe in the regulations
7 referred to in paragraph (1) a definition of the term ‘pri-
8 mary caregiver’ for purposes of this subsection.

9 “(4) Notwithstanding paragraph (1)(A), a member
10 may receive more than six weeks of medical convalescent
11 leave in connection with the birth of a child, but only if
12 the additional medical convalescent leave—

13 “(A) is specifically recommended, in writing, by
14 the medical provider of the member to address a di-
15 agnosed medical condition; and

16 “(B) is approved by the commander of the
17 member.

18 “(5) Any leave taken by a member under this sub-
19 section, including leave under paragraphs (1) and (4), may
20 be taken only in one increment in connection with such
21 birth or adoption.

22 “(6)(A) Any leave authorized by this subsection that
23 is not taken within one year of such birth or adoption shall
24 be forfeited.

1 “(B) Any leave authorized by this subsection for a
2 member of a reserve component on active duty that is not
3 taken by the time the member is separated from active
4 duty shall be forfeited at that time.

5 “(7) The period of active duty of a member of a re-
6 serve component may not be extended in order to permit
7 the member to take leave authorized by this subsection.

8 “(8) Under the regulations prescribed for purposes
9 of this subsection, a member taking leave under paragraph
10 (1) may, as a condition for taking such leave, be re-
11 quired—

12 “(A) to accept an extension of the member’s
13 current service obligation, if any, by one week for
14 every week of leave taken under paragraph (1); or

15 “(B) to incur a reduction in the member’s leave
16 account by one week for every week of leave taken
17 under paragraph (1).

18 “(9)(A) Leave authorized by this subsection is in ad-
19 dition to any other leave provided under other provisions
20 of this section.

21 “(B) Medical convalescent leave under paragraph (4)
22 is in addition to any other leave provided under other pro-
23 visions of this subsection.

24 “(10)(A) Subject to subparagraph (B), a member
25 taking leave under paragraph (1) during a period of obli-

1 gated service shall not be eligible for terminal leave, or
2 to sell back leave, at the end such period of obligated serv-
3 ice.

4 “(B) Under the regulations for purposes of this sub-
5 section, the Secretary concerned may waive, whether in
6 whole or in part, the applicability of subparagraph (A) to
7 a member who reenlists at the end of the member’s period
8 of obligated service described in that subparagraph if the
9 Secretary determines that the waiver is in the interests
10 of the armed force concerned.

11 “(j)(1) Under regulations prescribed by the Secretary
12 of Defense, a member of the armed forces described in
13 subsection (i)(2) who is the secondary caregiver in the case
14 of the birth of a child or the adoption of a child is allowed
15 up to 21 days of leave to be used in connection with such
16 birth or adoption.

17 “(2) The Secretary shall prescribe in the regulations
18 referred to in paragraph (1) a definition of the term ‘sec-
19 ondary caregiver’ for purposes of this subsection.

20 “(3) Any leave taken by a member under this sub-
21 section may be taken only in one increment in connection
22 with such birth or adoption.

23 “(4) Under the regulations prescribed for purposes
24 of this subsection, paragraphs (6) through (10) of sub-
25 section (i) (other than paragraph (9)(B) of such sub-

1 section) shall apply to leave, and the taking of leave, au-
2 thorized by this subsection.”.

3 (b) PROHIBITION ON LEAVE NOT EXPRESSLY AU-
4 THORIZED BY LAW.—

5 (1) PROHIBITION.—Chapter 40 of title 10,
6 United States Code, is amended by inserting after
7 section 704 the following new section:

8 **“§ 704a. Administration of leave: prohibition on au-**
9 **thorizing, granting, or assigning leave**
10 **not expressly authorized by law**

11 “No member or category of members of the armed
12 forces may be authorized, granted, or assigned leave, in-
13 cluding uncharged leave, not expressly authorized by a
14 provision of this chapter or another statute unless ex-
15 pressly authorized by an Act of Congress enacted after
16 the date of the enactment of the National Defense Author-
17 ization Act for Fiscal Year 2017.”.

18 (2) CLERICAL AMENDMENT.—The table of sec-
19 tions at the beginning of chapter 40 of title 10,
20 United States Code, is amended by inserting after
21 the item relating to section 704 the following new
22 item:

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

1 **SEC. 522. TRANSFER OF PROVISION RELATING TO EX-**
2 **PENSES INCURRED IN CONNECTION WITH**
3 **LEAVE CANCELED DUE TO CONTINGENCY OP-**
4 **ERATIONS.**

5 (a) ENACTMENT IN TITLE 10, UNITED STATES
6 CODE, OF AUTHORITY FOR REIMBURSEMENT OF EX-
7 PENSES.—Chapter 40 of title 10, United States Code, is
8 amended by inserting after section 709 the following new
9 section:

10 **“§ 709a. Expenses incurred in connection with leave**
11 **canceled due to contingency operations:**
12 **reimbursement**

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

19 “(1) the leave is canceled in connection with the
20 member’s participation in a contingency operation;
21 and

22 “(2) the cancellation occurs within 48 hours of
23 the time the leave would have commenced.

24 “(b) REGULATIONS.—The Secretary of Defense and,
25 in the case of the Coast Guard when it is not operating
26 as a service in the Navy, the Secretary of Homeland Secu-

1 rity shall prescribe regulations to establish the criteria for
2 the applicability of subsection (a).

3 “(c) CONCLUSIVENESS OF SETTLEMENT.—The set-
4 tlement of an application for reimbursement under sub-
5 section (a) is final and conclusive.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of chapter 40 of such title is amended
8 by inserting after the item relating to section 709 the fol-
9 lowing new item:

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

10 (c) REPEAL OF SUPERSEDED AUTHORITY.—Section
11 453 of title 37, United States Code, is amended by strik-
12 ing subsection (g).

13 **SEC. 523. EXPANSION OF AUTHORITY TO EXECUTE CER-**
14 **TAIN MILITARY INSTRUMENTS.**

15 (a) EXPANSION OF AUTHORITY TO EXECUTE MILI-
16 TARY TESTAMENTARY INSTRUMENTS.—Section 1044d(c)
17 of title 10, United States Code, is amended—

18 (1) by striking paragraph (2) and inserting the
19 following:

20 “(2) the execution of the instrument is nota-
21 rized by—

22 “(A) a military legal assistance counsel;

1 “(B) a person who is authorized to act as
2 a notary under section 1044a of this title
3 who—

4 “(i) is not an attorney; and

5 “(ii) is supervised by a military legal
6 assistance counsel; or

7 “(C) a State-licensed notary employed by a
8 military department or the Coast Guard who is
9 supervised by a military legal assistance coun-
10 sel;” and

11 (2) in paragraph (3), by striking “presiding at-
12 torney” and inserting “person notarizing the instru-
13 ment in accordance with paragraph (2)”.

14 (b) EXPANSION OF AUTHORITY TO NOTARIZE DOCU-
15 MENTS TO CIVILIANS SERVING IN MILITARY LEGAL AS-
16 SISTANCE OFFICES.—Section 1044a(b) of title 10, United
17 States Code, is amended by adding at the end the fol-
18 lowing new paragraph:

19 “(6) All civilian paralegals serving at military
20 legal assistance offices, supervised by a military legal
21 assistance counsel (as defined in section 1044d(g) of
22 this title).”.

1 **SEC. 524. MEDICAL EXAMINATION BEFORE ADMINISTRA-**
2 **TIVE SEPARATION FOR MEMBERS WITH**
3 **POST-TRAUMATIC STRESS DISORDER OR**
4 **TRAUMATIC BRAIN INJURY IN CONNECTION**
5 **WITH SEXUAL ASSAULT.**

6 Section 1177(a)(1) of title 10, United States Code,
7 is amended—

8 (1) by inserting “, or sexually assaulted,” after
9 “deployed overseas in support of a contingency oper-
10 ation”; and

11 (2) by inserting “or based on such sexual as-
12 sault,” after “while deployed.”.

13 **SEC. 525. REDUCTION OF TENURE ON THE TEMPORARY**
14 **DISABILITY RETIRED LIST.**

15 (a) REDUCTION OF TENURE.—Section 1210 of title
16 10, United States Code, is amended—

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

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

21 (b) APPLICABILITY.—The amendments made by sub-
22 section (a) shall take effect on January 1, 2017, and shall
23 apply to members of the Armed Forces whose names are
24 placed on the temporary disability retired list on or after
25 that date.

1 **SEC. 526. TECHNICAL CORRECTION TO VOLUNTARY SEPA-**
2 **RATION PAY AND BENEFITS.**

3 Section 1175a(j) of title 10, United States Code, is
4 amended—

5 (1) in paragraph (2)—

6 (A) by striking “or 12304” and inserting
7 “12304, 12304a, or 12304b”; and

8 (B) by striking “502(f)(1)” and inserting
9 “502(f)(1)(A)”; and

10 (2) in paragraph (3), by striking “502(f)(2)”
11 and inserting “502(f)(1)(B)”.

12 **SEC. 527. CONSOLIDATION OF ARMY MARKETING AND**
13 **PILOT PROGRAM ON CONSOLIDATED ARMY**
14 **RECRUITING.**

15 (a) CONSOLIDATION OF ARMY MARKETING.—Not
16 later than October 1, 2017, the Secretary of the Army
17 shall consolidate into a single organization within the De-
18 partment of the Army all functions relating to the mar-
19 keting of the Army and each of the components of the
20 Army in order to assure unity of effort and cost effective-
21 ness in the marketing of the Army and each of the compo-
22 nents of the Army.

23 (b) PILOT PROGRAM ON CONSOLIDATED ARMY RE-
24 CRUITING.—

25 (1) PILOT PROGRAM REQUIRED.—Not later
26 than 180 days after the date of the enactment of

1 this Act, the Secretary of the Army shall carry out
2 a pilot program to consolidate the recruiting efforts
3 of the Regular Army, Army Reserve, and Army Na-
4 tional Guard under which a recruiter in one of the
5 components participating in the pilot program may
6 recruit individuals to enlist in any of the components
7 regardless of the funding source of the recruiting ac-
8 tivity.

9 (2) CREDIT TOWARD ENLISTMENT GOALS.—

10 Under the pilot program, a recruiter shall receive
11 credit toward periodic enlistment goals for each en-
12 listment regardless of the component in which the
13 individual enlists.

14 (3) DURATION.—The Secretary shall carry out
15 the pilot program for a period of not less than three
16 years.

17 (c) BRIEFING AND REPORTS.—

18 (1) BRIEFING ON CONSOLIDATION PLAN.—Not
19 later than March 1, 2017, the Secretary of the Army
20 shall provide to the Committees on Armed Services
21 of the Senate and the House of Representatives a
22 briefing on the Secretary's plan to carry out the
23 Army marketing consolidation required by sub-
24 section (a).

25 (2) INTERIM REPORT ON PILOT PROGRAM.—

1 (A) IN GENERAL.—Not later than one year
2 after the date on which the pilot program under
3 subsection (b) commences, the Secretary shall
4 submit to the congressional committees speci-
5 fied in paragraph (1) a report on the pilot pro-
6 gram.

7 (B) ELEMENTS.—The report under sub-
8 paragraph (A) shall include each of the fol-
9 lowing:

10 (i) An analysis of the effects that con-
11 solidated recruiting efforts has on the over-
12 all ability of recruiters to attract and place
13 qualified candidates.

14 (ii) A determination of the extent to
15 which consolidating recruiting efforts af-
16 fects efficiency and recruiting costs.

17 (iii) An analysis of any challenges as-
18 sociated with a recruiter working to recruit
19 individuals to enlist in a component in
20 which the recruiter has not served.

21 (iv) An analysis of the satisfaction of
22 recruiters and the component recruiting
23 commands with the pilot program.

24 (3) FINAL REPORT ON PILOT PROGRAM.—Not
25 later than 180 days after the date on which the pilot

1 program is completed, the Secretary shall submit to
2 the congressional committees specified in paragraph
3 (1) a final report on the pilot program. The final re-
4 port shall include any recommendations of the Sec-
5 retary with respect to extending or making perma-
6 nent the pilot program and a description of any re-
7 lated legislative actions that the Secretary considers
8 appropriate.

9 **Subtitle D—Member Whistleblower**
10 **Protections and Correction of**
11 **Military Records**

12 **SEC. 531. IMPROVEMENTS TO WHISTLEBLOWER PROTEC-**
13 **TION PROCEDURES.**

14 (a) ACTIONS TREATABLE AS PROHIBITED PER-
15 SONNEL ACTIONS.—Paragraph (2) of section 1034(b) of
16 title 10, United States Code, is amended to read as fol-
17 lows:

18 “(2)(A) The actions considered for purposes of this
19 section to be a personnel action prohibited by this sub-
20 section shall include any action prohibited by paragraph
21 (1), including any of the following:

22 “(i) The threat to take any unfavorable action.

23 “(ii) The withholding, or threat to withhold,
24 any favorable action.

1 “(iii) The making of, or threat to make, a sig-
2 nificant change in the duties or responsibilities of a
3 member of the armed forces not commensurate with
4 the member’s grade.

5 “(iv) The failure of a superior to respond to
6 any retaliatory action or harassment (of which the
7 superior had actual knowledge) taken by one or
8 more subordinates against a member.

9 “(v) The conducting of a retaliatory investiga-
10 tion of a member.

11 “(B) In this paragraph, the term ‘retaliatory inves-
12 tigation’ means an investigation requested, directed, initi-
13 ated, or conducted for the primary purpose of punishing,
14 harassing, or ostracizing a member of the armed forces
15 for making a protected communication.

16 “(C) Nothing in this paragraph shall be construed to
17 limit the ability of a commander to consult with a superior
18 in the chain of command, an inspector general, or a judge
19 advocate general on the disposition of a complaint against
20 a member of the armed forces for an allegation of collat-
21 eral misconduct or for a matter unrelated to a protected
22 communication. Such consultation shall provide an affirm-
23 ative defense against an allegation that a member re-
24 quested, directed, initiated, or conducted a retaliatory in-
25 vestigation under this section.”.

1 (b) ACTION IN RESPONSE TO HARDSHIP IN CONNEC-
2 TION WITH PERSONNEL ACTIONS.—Section 1034 of title
3 10, United States Code, is amended—

4 (1) in subsection (c)(4)—

5 (A) by redesignating subparagraph (E) as
6 subparagraph (F); and

7 (B) by inserting after subparagraph (D)
8 the following new subparagraph (E):

9 “(E) If the Inspector General makes a preliminary
10 determination in an investigation under subparagraph (D)
11 that, more likely than not, a personnel action prohibited
12 by subsection (b) has occurred and the personnel action
13 will result in an immediate hardship to the member alleg-
14 ing the personnel action, the Inspector General shall
15 promptly notify the Secretary of the military department
16 concerned or the Secretary of Homeland Security, as ap-
17 plicable, of the hardship, and such Secretary shall take
18 such action as such Secretary considers appropriate.”; and

19 (2) in subsection (e)(1), by striking “subsection
20 (c)(4)(E)” and inserting “subsection (c)(4)(F)”.

21 (c) PERIODIC NOTICE TO MEMBERS ON PROGRESS
22 OF INSPECTOR GENERAL INVESTIGATIONS.—Paragraph
23 (3) of section 1034(e) of title 10, United States Code, is
24 amended to read as follows:

1 “(3)(A) Not later than 180 days after the commence-
2 ment of an investigation of an allegation under subsection
3 (c)(4), and every 180 days thereafter until the trans-
4 mission of the report on the investigation under paragraph
5 (1) to the member concerned, the Inspector General con-
6 ducting the investigation shall submit a notice on the in-
7 vestigation described in subparagraph (B) to the following:

8 “(i) The member.

9 “(ii) The Secretary of Defense.

10 “(iii) The Secretary of the military department
11 concerned, or the Secretary of Homeland Security in
12 the case of a member of the Coast Guard when the
13 Coast Guard is not operating as a service in the
14 Navy.

15 “(B) Each notice on an investigation under subpara-
16 graph (A) shall include the following:

17 “(i) A description of the current progress of the
18 investigation.

19 “(ii) An estimate of the time remaining until
20 the completion of the investigation and the trans-
21 mittal of the report required by paragraph (1) to the
22 member concerned.”.

23 (d) CORRECTION OF RECORDS.—Paragraph (2) of
24 section 1034(g) of title 10, United States Code, is amend-
25 ed to read as follows:

1 “(2) In resolving an application described in para-
2 graph (1) for which there is a report of the Inspector Gen-
3 eral under subsection (e)(1), a correction board—

4 “(A) shall review the report of the Inspector
5 General;

6 “(B) may request the Inspector General to
7 gather further evidence;

8 “(C) may receive oral argument, examine and
9 cross-examine witnesses, and take depositions; and

10 “(D) shall consider a request by a member or
11 former member in determining whether to hold an
12 evidentiary hearing.”.

13 (e) UNIFORM STANDARDS FOR INSPECTOR GENERAL
14 INVESTIGATIONS OF PROHIBITED PERSONNEL ACTIONS
15 AND OTHER MATTERS.—

16 (1) IN GENERAL.—Not later than one year
17 after the date of the enactment of this Act, the In-
18 spector General of the Department of Defense shall
19 prescribe uniform standards for the following:

20 (A) The investigation of allegations of pro-
21 hibited personnel actions under section 1034 of
22 title 10, United States Code (as amended by
23 this section), by the Inspector General and the
24 Inspectors General of the military departments.

1 (B) The training of the staffs of the In-
2 spectors General referred to in subparagraph
3 (A) on the conduct of investigations described
4 in that subparagraph.

5 (2) USE.—Commencing 180 days after pre-
6 scription of the standards required by paragraph
7 (1), the Inspectors General referred to in that para-
8 graph shall comply with such standards in the con-
9 duct of investigations described in that paragraph
10 and in the training of the staffs of such Inspectors
11 General in the conduct of such investigations.

12 **SEC. 532. MODIFICATION OF WHISTLEBLOWER PROTEC-**
13 **TION AUTHORITIES TO RESTRICT CONTRARY**
14 **FINDINGS OF PROHIBITED PERSONNEL AC-**
15 **TION BY THE SECRETARY CONCERNED.**

16 (a) IN GENERAL.—Section 1034(f) of title 10, United
17 States Code, is amended—

18 (1) in the subsection heading, by striking “VIO-
19 LATIONS” and inserting “SUBSTANTIATED VIOLA-
20 TIONS”; and

21 (2) in paragraph (1), by striking “there is suffi-
22 cient basis” and all that follows and inserting “cor-
23 rective or disciplinary action should be taken. If the
24 Secretary concerned determines that corrective or
25 disciplinary action should be taken, the Secretary

1 shall take appropriate corrective or disciplinary ac-
2 tion.”.

3 (b) ACTIONS FOLLOWING DETERMINATIONS.—Para-
4 graph (2) of such section is amended—

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

6 (A) by striking “the Secretary concerned
7 determines under paragraph (1)” and inserting
8 “the Inspector General determines”; and

9 (B) by striking “the Secretary shall” and
10 inserting “the Secretary concerned shall”;

11 (2) in subparagraph (A), by inserting “, includ-
12 ing referring the report to the appropriate board for
13 the correction of military records” before the semi-
14 colon; and

15 (3) by striking subparagraph (B) and inserting
16 the following new subparagraph (B):

17 “(B) submit to the Inspector General a report
18 on the actions taken by the Secretary pursuant to
19 this paragraph, and provide for the inclusion of a
20 summary of the report under this subparagraph
21 (with any personally identifiable information re-
22 dacted) in the semiannual report to Congress of the
23 Inspector General of the Department of Defense or
24 the Inspector General of the Department of Home-

1 land Security, as applicable, under section 5 of the
2 Inspector General Act of 1978 (5 U.S.C. App.).”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect on the date of the enactment
5 of this Act, and shall apply with respect to reports received
6 by the Secretaries of the military departments and the
7 Secretary of Homeland Security under section 1034(e) of
8 title 10, United States Code, on or after that date.

9 **SEC. 533. AVAILABILITY OF CERTAIN CORRECTION OF MILI-**
10 **TARY RECORDS AND DISCHARGE REVIEW**
11 **BOARD INFORMATION THROUGH THE INTER-**
12 **NET.**

13 (a) BOARD FOR THE CORRECTION OF MILITARY
14 RECORDS.—Section 1552 of title 10, United States Code,
15 is amended—

16 (1) by redesignating subsection (h) as sub-
17 section (i); and

18 (2) by inserting after subsection (g) the fol-
19 lowing new subsection (h):

20 “(h) Each board established under this section shall
21 make available to the public each calender quarter, on an
22 Internet website of the military department concerned or
23 the Department of Homeland Security, as applicable, that
24 is available to the public the following:

1 “(1) The number of claims considered by such
2 board during the calendar quarter preceding the cal-
3 ender quarter in which such information is made
4 available, including cases in which a mental health
5 condition of the claimant, including post-traumatic
6 stress disorder or traumatic brain injury, is alleged
7 to have contributed, whether in whole or part, to the
8 original characterization of the discharge or release
9 of the claimant.

10 “(2) The number of claims submitted during
11 the calendar quarter preceding the calender quarter
12 in which such information is made available that re-
13 late to service by a claimant during a war or contin-
14 gency operation, catalogued by each war or contin-
15 gency operation.

16 “(3) The number of military records corrected
17 pursuant to the consideration described in para-
18 graph (1) to upgrade the characterization of dis-
19 charge or release of claimants.”.

20 (b) DISCHARGE REVIEW BOARD.—Section 1553 of
21 title 10, United States Code, is amended by adding at the
22 end the following new subsection:

23 “(f) Each board established under this section shall
24 make available to the public each calender quarter, on an
25 Internet website of the military department concerned or

1 the Department of Homeland Security, as applicable, that
2 is available to the public the following:

3 “(1) The number of motions or requests for re-
4 view considered by such board during the calendar
5 quarter preceding the calender quarter in which such
6 information is made available, including cases in
7 which a mental health condition of the former mem-
8 ber, including post-traumatic stress disorder or trau-
9 matic brain injury, is alleged to have contributed,
10 whether in whole or part, to the original character-
11 ization of the discharge or dismissal of the former
12 member.

13 “(2) The number of claims submitted during
14 the calendar quarter preceding the calender quarter
15 in which such information is made available that re-
16 late to service by a claimant during a war or contin-
17 gency operation, catalogued by each war or contin-
18 gency operation.

19 “(3) The number of discharges or dismissals
20 corrected pursuant to the consideration described in
21 paragraph (1) to upgrade the characterization of
22 discharge or dismissal of former members.”.

1 **SEC. 534. IMPROVEMENTS TO AUTHORITIES AND PROCE-**
2 **DURES FOR THE CORRECTION OF MILITARY**
3 **RECORDS.**

4 (a) PROCEDURES OF BOARDS.—Paragraph (3) of
5 section 1552(a) of title 10, United States Code, is amend-
6 ed—

7 (1) by inserting “(A)” after “(3)”; and

8 (2) by adding at the end the following new sub-
9 paragraphs:

10 “(B) If a board makes a preliminary determination
11 that a claim under this section lacks sufficient information
12 or documents to support the claim, the board shall notify
13 the claimant, in writing, indicating the specific informa-
14 tion or documents necessary to make the claim complete
15 and reviewable by the board.

16 “(C) If a claimant is unable to provide military per-
17 sonnel or medical records applicable to a claim under this
18 section, the board shall make reasonable efforts to obtain
19 the records. A claimant shall provide the board with docu-
20 mentary evidence of the efforts of the claimant to obtain
21 such records. The board shall inform the claimant of the
22 results of the board’s efforts, and shall provide the claim-
23 ant copies of any records so obtained upon request of the
24 claimant.

25 “(D) Any request for reconsideration of a determina-
26 tion of a board under this section, no matter when filed,

1 shall be reconsidered by a board under this section if sup-
2 ported by materials not previously presented to or consid-
3 ered by the board in making such determination.”.

4 (b) PUBLICATION OF FINAL DECISIONS OF
5 BOARDS.—Such section is further amended by adding at
6 the end the following new paragraph:

7 “(5) Each final decision of a board under this sub-
8 section shall be made available to the public in electronic
9 form on a centralized Internet website. In any decision so
10 made available to the public there shall be redacted all
11 personally identifiable information.”.

12 (c) TRAINING OF MEMBERS OF BOARDS.—

13 (1) IN GENERAL.—Not later than one year
14 after the date of the enactment of this Act, each
15 Secretary concerned shall develop and implement a
16 comprehensive training curriculum for members of
17 boards for the correction of military records under
18 the jurisdiction of such Secretary in the duties of
19 such boards under section 1552 of title 10, United
20 States Code. The curriculum shall address all areas
21 of administrative law applicable to the duties of such
22 boards.

23 (2) UNIFORM CURRICULA.—The Secretary of
24 Defense and the Secretary of Homeland Security
25 shall jointly ensure that the curricula developed and

1 implemented pursuant to this subsection are, to the
2 extent practicable, uniform.

3 (3) TRAINING.—

4 (A) IN GENERAL.—Each member of a
5 board for the correction of military records
6 shall undergo retraining (consistent with the
7 curriculum developed and implemented pursu-
8 ant to this subsection) regarding the duties of
9 boards for the correction of military records
10 under section 1552 of title 10, United States
11 Code, at least once every five years during the
12 member's tenure on the board.

13 (B) CURRENT MEMBERS.—Each member
14 of a board for the correction of military records
15 as of the date of the implementation of the cur-
16 riculum required by paragraph (1) (in this
17 paragraph referred to as the “curriculum imple-
18 mentation date”) shall undergo training de-
19 scribed in subparagraph (A) not later than 90
20 days after the curriculum implementation date.

21 (C) NEW MEMBERS.—Each individual who
22 becomes a member of a board for the correction
23 of military records after the curriculum imple-
24 mentation date shall undergo training described
25 in subparagraph (A) by not later than 90 days

1 after the date on which such individual becomes
2 a member of the board.

3 (4) REPORTS.—Not later than 18 months after
4 the date of the enactment of this Act, each Secretary
5 concerned shall submit to Congress a report setting
6 forth the following:

7 (A) A description and assessment of the
8 progress made by such Secretary in imple-
9 menting training requirements for members of
10 boards for the correction of military records
11 under the jurisdiction of such Secretary.

12 (B) A detailed description of the training
13 curriculum required of such Secretary by para-
14 graph (1).

15 (C) A description and assessment of any
16 impediments to the implementation of training
17 requirements for members of boards for the
18 correction of military records under the juris-
19 diction of such Secretary.

20 (5) SECRETARY CONCERNED DEFINED.—In this
21 subsection, the term “Secretary concerned” means a
22 “Secretary concerned” as that term is used in sec-
23 tion 1552 of title 10, United States Code.

1 **SEC. 535. TREATMENT BY DISCHARGE REVIEW BOARDS OF**
2 **CLAIMS ASSERTING POST-TRAUMATIC**
3 **STRESS DISORDER OR TRAUMATIC BRAIN IN-**
4 **JURY IN CONNECTION WITH COMBAT OR SEX-**
5 **UAL TRAUMA AS A BASIS FOR REVIEW OF**
6 **DISCHARGE.**

7 Section 1553(d) of title 10, United States Code, is
8 amended by adding at the end the following new para-
9 graph:

10 “(3)(A) In addition to the requirements of para-
11 graphs (1) and (2), in the case of a former member de-
12 scribed in subparagraph (B), the Board shall—

13 “(i) review medical evidence of the Secretary of
14 Veterans Affairs or a civilian health care provider
15 that is presented by the former member; and

16 “(ii) review the case with liberal consideration
17 to the former member that post-traumatic stress dis-
18 order or traumatic brain injury potentially contrib-
19 uted to the circumstances resulting in the discharge
20 of a lesser characterization.

21 “(B) A former member described in this subpara-
22 graph is a former member described in paragraph (1) or
23 a former member whose application for relief is based in
24 whole or in part on matters relating to post-traumatic
25 stress disorder or traumatic brain injury as supporting ra-
26 tionale, or as justification for priority consideration, whose

1 post-traumatic stress disorder or traumatic brain injury
2 is related to combat or military sexual trauma, as deter-
3 mined by the Secretary concerned.”.

4 **SEC. 536. COMPTROLLER GENERAL OF THE UNITED**
5 **STATES REVIEW OF INTEGRITY OF DEPART-**
6 **MENT OF DEFENSE WHISTLEBLOWER PRO-**
7 **GRAM.**

8 (a) REPORT REQUIRED.—Not later than 18 months
9 after the date of the enactment of this Act, the Comp-
10 troller General of the United States shall submit to the
11 Committees on Armed Services of the Senate and the
12 House of Representatives a report setting forth a review
13 of the integrity of the Department of Defense whistle-
14 blower program.

15 (b) ELEMENTS.—The review for purposes of the re-
16 port required by subsection (a) shall include the following
17 elements:

18 (1) An assessment of the extent to which the
19 Department of Defense whistleblower program meets
20 executive branch policies and goals for whistleblower
21 protections.

22 (2) An assessment of the adequacy of proce-
23 dures to handle and address complaints submitted
24 by employees in the Office of the Inspector General
25 of the Department of Defense to ensure that such

1 employees themselves are able to disclose a sus-
2 pected violation of law, rule, or regulation without
3 fear of reprisal.

4 (3) An assessment of the extent to which there
5 have been violations of standards used in regard to
6 the protection of confidentiality provided to whistle-
7 blowers by the Inspector General of the Department
8 of Defense.

9 (4) An assessment of the extent to which there
10 have been incidents of retaliatory investigations
11 against whistleblowers within the Office of the In-
12 spector General.

13 (5) An assessment of the extent to which the
14 Inspector General of the Department of Defense has
15 thoroughly investigated and substantiated allegations
16 within the past 10 years against civilian officials of
17 the Department of Defense appointed to their posi-
18 tions by and with the advice and consent of the Sen-
19 ate, and whether Congress has been notified of the
20 results of such investigations.

21 (6) An assessment of the ability of the Inspec-
22 tor General of the Department of Defense and the
23 Inspectors General of the military departments to
24 access agency information necessary to the execution
25 of their duties, including classified and other sen-

1 sitive information, and an assessment of the ade-
2 quacy of security procedures to safeguard such clas-
3 sified or sensitive information when so accessed.

4 **Subtitle E—Military Justice and**
5 **Legal Assistance Matters**

6 **SEC. 541. UNITED STATES COURT OF APPEALS FOR THE**
7 **ARMED FORCES.**

8 (a) CLARIFICATION OF AUTHORITY OF JUDGES OF
9 THE COURT TO ADMINISTER OATHS AND ACKNOWLEDG-
10 MENTS.—Subsection (c) of section 936 of title 10, United
11 States Code (article 136 of the Uniform Code of Military
12 Justice), is amended to read as follows:

13 “(c) Each judge and senior judge of the United
14 States Court of Appeals for the Armed Forces shall have
15 the powers relating to oaths, affirmations, and acknowl-
16 edgments provided to justices and judges of the United
17 States by section 459 of title 28.”.

18 (b) MODIFICATION OF TERM OF JUDGES OF THE
19 COURT TO RESTORE ROTATION OF JUDGES.—

20 (1) EARLY RETIREMENT AUTHORIZED FOR ONE
21 CURRENT JUDGE.—If the judge of the United States
22 Court of Appeals for the Armed Forces who is the
23 junior in seniority of the two judges of the court
24 whose terms of office under section 942(b)(2) of title
25 10, United States Code (article 142(b)(2) of the

1 Uniform Code of Military Justice), expire on July
2 31, 2021, chooses to retire one year early, that
3 judge—

4 (A) may retire from service on the court
5 effective August 1, 2020; and

6 (B) shall be treated, upon such retirement,
7 for all purposes as having completed a term of
8 service for which the judge was appointed as a
9 judge of the court.

10 (2) STAGGERING OF FUTURE APPOINTMENTS.—

11 Section 942(b)(2) of title 10, United States Code
12 (article 142(b)(2) of the Uniform Code of Military
13 Justice), is amended—

14 (A) by inserting “(A)” after “(2)”;

15 (B) by redesignating subparagraphs (A)
16 and (B) as clauses (i) and (ii), respectively; and

17 (C) by adding at the end the following new
18 subparagraph:

19 “(B) If at the time of the appointment of a judge
20 the date that is otherwise applicable under subparagraph
21 (A) for the expiration of the term of service of the judge
22 is the same as the date for the expiration of the term of
23 service of a judge already on the court, then the term of
24 the judge being appointed shall expire on the first July

1 31 after such date on which no term of service of a judge
2 already on the court will expire.”.

3 (3) APPLICATION OF AMENDMENTS.—The
4 amendments made by paragraph (2) shall apply with
5 respect to appointments to the United States Court
6 of Appeals for the Armed Forces that are made on
7 or after the date of the enactment of this Act.

8 (c) REPEAL OF REQUIREMENT RELATING TO POLITI-
9 CIAL PARTY STATUS OF JUDGES OF THE COURT.—Sec-
10 tion 942(b)(3) of title 10, United States Code (article
11 142(b)(3) of the Uniform Code of Military Justice), is
12 amended by striking “Not more than three of the judges
13 of the court may be appointed from the same political
14 party, and no” and by inserting “No”.

15 (d) MODIFICATION OF DAILY RATE OF COMPENSA-
16 TION FOR SENIOR JUDGES PERFORMING JUDICIAL DU-
17 TIES WITH THE COURT.—Section 942(e)(2) of title 10,
18 United States Code (article 142(e)(2) of the Uniform Code
19 of Military Justice), is amended by striking “equal to” and
20 all that follows and inserting “equal to the difference be-
21 tween—

22 “(A) the daily equivalent of the annual rate of
23 pay provided for a judge of the court; and

24 “(B) the daily equivalent of the annuity of the
25 judge under section 945 of this title (article 145),

1 the applicable provisions of title 5, or any other re-
2 tirement system for employees of the Federal Gov-
3 ernment under which the senior judge receives an
4 annuity.”.

5 (e) REPEAL OF DUAL COMPENSATION PROVISION
6 RELATING TO JUDGES OF THE COURT.—Section 945 of
7 title 10, United States Code (article 145 of the Uniform
8 Code of Military Justice), is amended—

9 (1) in subsection (d), by striking “subsection
10 (g)(1)(B)” and inserting “subsection (f)(1)(B)”;

11 (2) by striking subsection (f); and

12 (3) by redesignating subsections (g), (h), and
13 (i) as subsections (f), (g), and (h), respectively.

14 **SEC. 542. EFFECTIVE PROSECUTION AND DEFENSE IN**
15 **COURTS-MARTIAL AND PILOT PROGRAMS ON**
16 **PROFESSIONAL MILITARY JUSTICE DEVEL-**
17 **OPMENT FOR JUDGE ADVOCATES.**

18 (a) PROGRAM FOR EFFECTIVE PROSECUTION AND
19 DEFENSE.—The Secretary concerned shall carry out a
20 program to ensure that—

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

1 (2) a deliberate professional developmental
2 process is in place to ensure effective prosecution
3 and defense in all courts-martial.

4 (b) **MILITARY JUSTICE EXPERIENCE DESIGNATORS**
5 **OR SKILL IDENTIFIERS.**—The Secretary concerned shall
6 establish and use a system of military justice experience
7 designators or skill identifiers for purposes of identifying
8 judge advocates with skill and experience in military jus-
9 tice proceedings in order to ensure that judge advocates
10 with experience and skills identified through such experi-
11 ence designators or skill identifiers are assigned to develop
12 less experienced judge advocates in the prosecution and
13 defense in courts-martial under a program carried out
14 pursuant to subsection (a).

15 (c) **PILOT PROGRAMS ON PROFESSIONAL DEVELOP-**
16 **MENTAL PROCESS FOR JUDGE ADVOCATES.**—

17 (1) **PURPOSE.**—The Secretary concerned shall
18 carry out a pilot program to assess the feasibility
19 and advisability of establishing a deliberate profes-
20 sional developmental process for judge advocates
21 under the jurisdiction of the Secretary that leads to
22 judge advocates with military justice expertise serv-
23 ing as military justice practitioners capable of pros-
24 ecuting and defending complex cases in military
25 courts-martial.

1 (2) ADDITIONAL MATTERS.—A pilot program
2 may also assess such other matters related to profes-
3 sional military justice development for judge advo-
4 cates as the Secretary concerned considers appro-
5 priate.

6 (3) DURATION.—Each pilot program shall be
7 for a period of five years.

8 (4) REPORT.—Not later than four years after
9 the date of the enactment of this Act, the Secretary
10 concerned shall submit to the Committees on Armed
11 Services of the Senate and the House of Representa-
12 tives a report on the pilot programs conducted under
13 this section. The report shall include the following:

14 (A) A description and assessment of each
15 pilot program.

16 (B) Such recommendations as the Sec-
17 retary considers appropriate in light of the pilot
18 programs, including whether any pilot program
19 should be extended or made permanent.

20 (d) SECRETARY CONCERNED DEFINED.—In this sec-
21 tion, the term “Secretary concerned” has the meaning
22 given that term in section 101(a)(9) of title 10, United
23 States Code.

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

7 Section 1631(b) of the Ike Skelton National Defense
8 Authorization Act for Fiscal Year 2011 (Public Law 111–
9 383; 10 U.S.C. 1561 note) is amended by adding at the
10 end the following new paragraph:

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

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

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

20 “(C) The gender of the complainant.

21 “(D) The gender of the individual claimed
22 to have committed the retaliation.

23 “(E) The nature of the relationship be-
24 tween the complainant and the individual
25 claimed to have committed the retaliation.

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

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

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

10 “(I) The current status of the investiga-
11 tion.

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

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

1 **SEC. 544. EXTENSION OF THE REQUIREMENT FOR ANNUAL**
2 **REPORT REGARDING SEXUAL ASSAULTS AND**
3 **COORDINATION WITH RELEASE OF FAMILY**
4 **ADVOCACY PROGRAM REPORT.**

5 Section 1631 of the Ike Skelton National Defense
6 Authorization Act for Fiscal Year 2011 (Public Law 111–
7 383; 124 Stat. 4433; 10 U.S.C. 1561 note) is amended—

8 (1) in subsection (a), by striking “March 1,
9 2017” and inserting “March 1, 2021”; and

10 (2) by adding at the end the following new sub-
11 section:

12 “(g) COORDINATION OF RELEASE DATE BETWEEN
13 ANNUAL REPORTS REGARDING SEXUAL ASSAULTS AND
14 FAMILY ADVOCACY REPORT.—The Secretary of Defense
15 shall ensure that the reports required under subsection (a)
16 for a given year are delivered to the Committees on Armed
17 Services of the Senate and House of Representatives si-
18 multaneously with the Family Advocacy Program report
19 for that year regarding child abuse and domestic violence,
20 as required by section 574 of the National Defense Au-
21 thorization Act for Fiscal Year 2017.”.

1 **SEC. 545. METRICS FOR EVALUATING THE EFFORTS OF THE**
2 **ARMED FORCES TO PREVENT AND RESPOND**
3 **TO RETALIATION IN CONNECTION WITH RE-**
4 **PORTS OF SEXUAL ASSAULT IN THE ARMED**
5 **FORCES.**

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

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

20 **SEC. 546. TRAINING FOR DEPARTMENT OF DEFENSE PER-**
21 **SONNEL WHO INVESTIGATE CLAIMS OF RE-**
22 **TALIATION.**

23 (a) TRAINING REGARDING NATURE AND CON-
24 SEQUENCES OF RETALIATION.—The Secretary of Defense
25 shall ensure that the personnel of the Department of De-
26 fense specified in subsection (b) who investigate claims of

1 retaliation receive training on the nature and con-
2 sequences of retaliation, and, in cases involving reports of
3 sexual assault, the nature and consequences of sexual as-
4 sault trauma. The training shall include such elements as
5 the Secretary shall specify for purposes of this section.

6 (b) COVERED PERSONNEL.—The personnel of the
7 Department of Defense covered by subsection (a) are the
8 following:

9 (1) Personnel of military criminal investigation
10 services.

11 (2) Personnel of Inspectors General offices.

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

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

22 **SEC. 547. NOTIFICATION TO COMPLAINANTS OF RESOLU-**
23 **TION OF INVESTIGATIONS INTO RETALIA-**
24 **TION.**

25 (a) NOTIFICATION REQUIRED.—

1 (1) MEMBERS OF THE ARMY, NAVY, AIR FORCE,
2 AND MARINE CORPS.—Under regulations prescribed
3 by the Secretary of Defense, upon the conclusion of
4 an investigation by an office, element, or personnel
5 of the Department of Defense or of the Armed
6 Forces of a complaint by a member of the Armed
7 Forces of retaliation, the member shall be informed
8 in writing of the results of the investigation, includ-
9 ing whether the complaint was substantiated, unsub-
10 stantiated, or dismissed.

11 (2) MEMBERS OF COAST GUARD.—The Sec-
12 retary of Homeland Security shall provide in a simi-
13 lar manner for notification in writing of the results
14 of investigations by offices, elements, or personnel of
15 the Department of Homeland Security or of the
16 Coast Guard of complaints of retaliation made by
17 members of the Coast Guard when it is not oper-
18 ating as a service in the Navy.

19 (b) RETALIATION DEFINED.—In this section, the
20 term “retaliation” has the meaning given the term by the
21 Secretary of Defense in the strategy required by section
22 539 of the National Defense Authorization Act of Fiscal
23 Year 2016 (Public Law 114–92; 129 Stat. 818) or a sub-
24 sequent meaning specified by the Secretary.

1 **SEC. 548. MODIFICATION OF DEFINITION OF SEXUAL HAR-**
2 **ASSMENT FOR PURPOSES OF INVESTIGA-**
3 **TIONS BY COMMANDING OFFICERS OF COM-**
4 **PLAINTS OF HARASSMENT.**

5 (a) IN GENERAL.—Section 1561(e) of title 10,
6 United States Code, is amended—

7 (1) in paragraph (1)—

8 (A) in the matter preceding subparagraph
9 (A), by striking “(constituting a form of sex
10 discrimination)”; and

11 (B) in subparagraph (B), by striking “the
12 work environment” and inserting “the environ-
13 ment”; and

14 (2) in paragraph (3), by striking “in the work-
15 place”.

16 (b) EFFECTIVE DATE.—The amendments made by
17 subsection (a) shall take effect on the date of the enact-
18 ment of this Act, and shall apply with respect to com-
19 plaints described in section 1561 of title 10, United States
20 Code, that are first received by a commanding officer or
21 officer in charge on or after that date.

22 **SEC. 549. IMPROVED DEPARTMENT OF DEFENSE PREVEN-**
23 **TION OF AND RESPONSE TO HAZING IN THE**
24 **ARMED FORCES.**

25 (a) ANTI-HAZING DATABASE.—The Secretary of De-
26 fense shall provide for the establishment and use of a com-

1 prehensive and consistent data-collection system for the
2 collection of reports, including anonymous reports, of inci-
3 dents of hazing involving a member of the Armed Forces.
4 The Secretary shall issue department-wide guidance re-
5 garding the availability and use of the database, including
6 information on protected classes, such as race and reli-
7 gion, who are often the victims of hazing.

8 (b) IMPROVED TRAINING.—Each Secretary of a mili-
9 tary department, in consultation with the Chief of Staff
10 of each Armed Force under the jurisdiction of such Sec-
11 retary, shall seek to improve training to assist members
12 of the Armed Forces better recognize, prevent, and re-
13 spond to hazing at all command levels.

14 (c) ANNUAL REPORTS ON HAZING.—

15 (1) REPORT REQUIRED.—Not later than Janu-
16 ary 31 of each year through January 31, 2021, each
17 Secretary of a military department, in consultation
18 with the Chief of Staff of each Armed Force under
19 the jurisdiction of such Secretary, shall submit to
20 the Committees on Armed Services of the Senate
21 and the House of Representatives a report con-
22 taining a description of efforts during the previous
23 year—

1 (A) to prevent and to respond to incidents
2 of hazing involving members of the Armed
3 Forces;

4 (B) to track and encourage reporting, in-
5 cluding reporting anonymously, incidents of
6 hazing in the Armed Force; and

7 (C) to ensure the consistent implementa-
8 tion of anti-hazing policies.

9 (2) **ADDITIONAL ELEMENTS.**—Each report re-
10 quired by this subsection also shall address the same
11 elements originally addressed in the anti-hazing re-
12 ports required by section 534 of the National De-
13 fense Authorization Act for Fiscal Year 2013 (Pub-
14 lic Law 112–239; 126 Stat. 1726).

15 **Subtitle F—National Commission**
16 **on Military, National, and Pub-**
17 **lic Service**

18 **SEC. 551. PURPOSE, SCOPE, AND DEFINITIONS.**

19 (a) **PURPOSE.**—The purpose of this subtitle is to es-
20 tablish the National Commission on Military, National,
21 and Public Service to—

22 (1) conduct a review of the military selective
23 service process (commonly referred to as “the
24 draft”); and

1 (2) consider methods to increase participation
2 in military, national, and public service in order to
3 address national security and other public service
4 needs of the Nation.

5 (b) SCOPE OF REVIEW.—In order to provide the full-
6 est understanding of the matters required under the re-
7 view under subsection (a), the Commission shall con-
8 sider—

9 (1) the need for a military selective service
10 process, including the continuing need for a mecha-
11 nism to draft large numbers of replacement combat
12 troops;

13 (2) means by which to foster a greater attitude
14 and ethos of service among United States youth, in-
15 cluding an increased propensity for military service;

16 (3) the feasibility and advisability of modifying
17 the military selective service process in order to ob-
18 tain for military, national, and public service individ-
19 uals with skills (such as medical, dental, and nursing
20 skills, language skills, cyber skills, and science, tech-
21 nology, engineering, and mathematics (STEM)
22 skills) for which the Nation has a critical need, with-
23 out regard to age or sex; and

24 (4) the feasibility and advisability of including
25 in the military selective service process, as so modi-

1 fied, an eligibility or entitlement for the receipt of
2 one or more Federal benefits (such as educational
3 benefits, subsidized or secured student loans, grants
4 or hiring preferences) specified by the Commission
5 for purposes of the review.

6 (c) DEFINITIONS.—In this subtitle:

7 (1) The term “military service” means active
8 service (as that term is defined in subsection (d)(3)
9 of section 101 of title 10, United States Code) in
10 one of the uniformed services (as that term is de-
11 fined in subsection (a)(5) of such section).

12 (2) The term “national service” means civilian
13 employment in Federal or State Government in a
14 field in which the Nation and the public have critical
15 needs.

16 (3) The term “public service” means civilian
17 employment in any non-governmental capacity, in-
18 cluding with private for-profit organizations and
19 non-profit organizations (including with appropriate
20 faith-based organizations), that pursues and en-
21 hances the common good and meets the needs of
22 communities, the States, or the Nation in sectors re-
23 lated to security, health, care for the elderly, and
24 other areas considered appropriate by the Commis-
25 sion for purposes of this subtitle.

1 **SEC. 552. PRELIMINARY REPORT ON PURPOSE AND UTIL-**
2 **ITY OF REGISTRATION SYSTEM UNDER MILI-**
3 **TARY SELECTIVE SERVICE ACT.**

4 (a) REPORT REQUIRED.—To assist the Commission
5 in carrying out its duties under this subtitle, the Secretary
6 of Defense shall—

7 (1) submit, not later than July 1, 2017, to the
8 Committees on Armed Services of the Senate and
9 the House of Representatives and to the Commission
10 a report on the current and future need for a cen-
11 tralized registration system under the Military Selec-
12 tive Service Act (50 U.S.C. 3801 et seq.); and

13 (2) provide a briefing on the results of the re-
14 port.

15 (b) ELEMENTS OF REPORT.—The report required by
16 subsection (a) shall include the following:

17 (1) A detailed analysis of the current benefits
18 derived, both directly and indirectly, from the Mili-
19 tary Selective Service System, including—

20 (A) the extent to which mandatory reg-
21 istration benefits military recruiting;

22 (B) the extent to which a national registra-
23 tion capability serves as a deterrent to potential
24 enemies of the United States; and

1 (C) the extent to which expanding registra-
2 tion to include women would impact these bene-
3 fits.

4 (2) An analysis of the functions currently per-
5 formed by the Selective Service System that would
6 be assumed by the Department of Defense in the ab-
7 sence of a national registration capability.

8 (3) An analysis of the systems, manpower, and
9 facilities that would be needed by the Department to
10 physically mobilize inductees in the absence of the
11 Selective Service System.

12 (4) An analysis of the feasibility and utility of
13 eliminating the current focus on mass mobilization
14 of primarily combat troops in favor of a system that
15 focuses on mobilization of all military occupational
16 specialties, and the extent to which such a change
17 would impact the need for both male and female in-
18 ductees.

19 (5) A detailed analysis of the Department's per-
20 sonnel needs in the event of an emergency requiring
21 mass mobilization, including—

22 (A) a detailed timeline, along with the fac-
23 tors considered in arriving at this timeline, of
24 when the Department would require—

1 (i) the first inductees to report for
2 service;

3 (ii) the first 100,000 inductees to re-
4 port for service; and

5 (iii) the first medical personnel to re-
6 port for service; and

7 (B) an analysis of any additional critical
8 skills that would be needed in the event of a na-
9 tional emergency, and a timeline for when the
10 Department would require the first inductees to
11 report for service.

12 (6) A list of the assumptions used by the De-
13 partment when conducting its analysis in preparing
14 the report.

15 (c) COMPTROLLER GENERAL REVIEW.—Not later
16 than December 1, 2017, the Comptroller General of the
17 United States shall submit to the Committees on Armed
18 Services of the Senate and the House of Representatives
19 and to the Commission a review of the procedures used
20 by the Department of Defense in evaluating selective serv-
21 ice requirements.

22 **SEC. 553. NATIONAL COMMISSION ON MILITARY, NATIONAL,**
23 **AND PUBLIC SERVICE.**

24 (a) ESTABLISHMENT.—There is established in the ex-
25 ecutive branch an independent commission to be known

1 as the National Commission on Military, National, and
2 Public Service (in this subtitle referred to as the “Com-
3 mission”). The Commission shall be considered an inde-
4 pendent establishment of the Federal Government as de-
5 fined by section 104 of title 5, United States Code, and
6 a temporary organization under section 3161 of such title.

7 (b) MEMBERSHIP.—

8 (1) NUMBER AND APPOINTMENT.—The Com-
9 mission shall be composed of 11 members appointed
10 as follows:

11 (A) The President shall appoint three
12 members.

13 (B) The Majority Leader of the Senate
14 shall appoint one member.

15 (C) The Minority Leader of the Senate
16 shall appoint one member.

17 (D) The Speaker of the House of Rep-
18 resentatives shall appoint one member.

19 (E) The Minority Leader of the House of
20 Representatives shall appoint one member.

21 (F) The Chairman of the Committee on
22 Armed Services of the Senate shall appoint one
23 member.

1 (G) The ranking minority member of the
2 Committee on Armed Services of the Senate
3 shall appoint one member.

4 (H) The Chairman of the Committee on
5 Armed Services of the House of Representatives
6 shall appoint one member.

7 (I) The ranking minority member of the
8 Committee on Armed Services of the House of
9 Representatives shall appoint one member.

10 (2) DEADLINE FOR APPOINTMENT.—Members
11 shall be appointed to the Commission under para-
12 graph (1) not later than 90 days after the Commis-
13 sion establishment date.

14 (3) EFFECT OF LACK OF APPOINTMENT BY AP-
15 POINTMENT DATE.—If one or more appointments
16 under subparagraph (A) of paragraph (1) is not
17 made by the appointment date specified in para-
18 graph (2), the authority to make such appointment
19 or appointments shall expire, and the number of
20 members of the Commission shall be reduced by the
21 number equal to the number of appointments so not
22 made. If an appointment under subparagraph (B),
23 (C), (D), (E), (F), (G), (H), or (I) of paragraph (1)
24 is not made by the appointment date specified in
25 paragraph (2), the authority to make an appoint-

1 ment under such subparagraph shall expire, and the
2 number of members of the Commission shall be re-
3 duced by the number equal to the number otherwise
4 appointable under such subparagraph.

5 (c) CHAIR AND VICE CHAIR.—The Commission shall
6 elect a Chair and Vice Chair from among its members.

7 (d) TERMS.—Members shall be appointed for the life
8 of the Commission. A vacancy in the Commission shall not
9 affect its powers, and shall be filled in the same manner
10 as the original appointment was made.

11 (e) STATUS AS FEDERAL EMPLOYEES.—Notwith-
12 standing the requirements of section 2105 of title 5,
13 United States Code, including the required supervision
14 under subsection (a)(3) of such section, the members of
15 the Commission shall be deemed to be Federal employees.

16 (f) PAY FOR MEMBERS OF THE COMMISSION.—

17 (1) IN GENERAL.—Each member, other than
18 the Chair, of the Commission shall be paid at a rate
19 equal to the daily equivalent of the annual rate of
20 basic pay payable for level IV of the Executive
21 Schedule under section 5315 of title 5, United
22 States Code, for each day (including travel time)
23 during which the member is engaged in the actual
24 performance of duties vested in the Commission.

1 (2) CHAIR.—The Chair of the Commission shall
2 be paid at a rate equal to the daily equivalent of the
3 annual rate of basic pay payable for level III of the
4 Executive Schedule under section 5314, of title 5,
5 United States Code, for each day (including travel
6 time) during which the member is engaged in the ac-
7 tual performance of duties vested in the Commis-
8 sion.

9 (g) USE OF GOVERNMENT INFORMATION.—The
10 Commission may secure directly from any department or
11 agency of the Federal Government such information as the
12 Commission considers necessary to carry out its duties.
13 Upon such request of the chair of the Commission, the
14 head of such department or agency shall furnish such in-
15 formation to the Commission.

16 (h) POSTAL SERVICES.—The Commission may use
17 the United States mails in the same manner and under
18 the same conditions as departments and agencies of the
19 United States.

20 (i) AUTHORITY TO ACCEPT GIFTS.—The Commis-
21 sion may accept, use, and dispose of gifts or donations
22 of services, goods, and property from non-Federal entities
23 for the purposes of aiding and facilitating the work of the
24 Commission. The authority in this subsection does not ex-
25 tend to gifts of money.

1 (j) PERSONAL SERVICES.—

2 (1) AUTHORITY TO PROCURE.—The Commis-
3 sion may—

4 (A) procure the services of experts or con-
5 sultants (or of organizations of experts or con-
6 sultants) in accordance with the provisions of
7 section 3109 of title 5, United States Code; and

8 (B) pay in connection with such services
9 travel expenses of individuals, including trans-
10 portation and per diem in lieu of subsistence,
11 while such individuals are traveling from their
12 homes or places of business to duty stations.

13 (2) LIMITATION.—The total number of experts
14 or consultants procured pursuant to paragraph (1)
15 may not exceed five experts or consultants.

16 (3) MAXIMUM DAILY PAY RATES.—The daily
17 rate paid an expert or consultant procured pursuant
18 to paragraph (1) may not exceed the daily rate paid
19 a person occupying a position at level IV of the Ex-
20 ecutive Schedule under section 5315 of title 5,
21 United States Code.

22 (k) FUNDING.—Of the amounts authorized to be ap-
23 propriated by this Act for fiscal year 2017 for the Depart-
24 ment of Defense, up to \$15,000,000 shall be made avail-
25 able to the Commission to carry out its duties under this

1 subtitle. Funds made available to the Commission under
2 the preceding sentence shall remain available until ex-
3 pended.

4 **SEC. 554. COMMISSION HEARINGS AND MEETINGS.**

5 (a) IN GENERAL.—The Commission shall conduct
6 hearings on the recommendations it is taking under con-
7 sideration. Any such hearing, except a hearing in which
8 classified information is to be considered, shall be open
9 to the public. Any hearing open to the public shall be an-
10 nounced on a Federal website at least 14 days in advance.
11 For all hearings open to the public, the Commission shall
12 release an agenda and a listing of materials relevant to
13 the topics to be discussed. The Commission is authorized
14 and encouraged to hold hearings and meetings in various
15 locations throughout the country to provide maximum op-
16 portunity for public comment and participation in the
17 Commission's execution of its duties.

18 (b) MEETINGS.—

19 (1) INITIAL MEETING.—The Commission shall
20 hold its initial meeting not later than 30 days after
21 the date as of which all members have been ap-
22 pointed.

23 (2) SUBSEQUENT MEETINGS.—After its initial
24 meeting, the Commission shall meet upon the call of
25 the chair or a majority of its members.

1 (3) PUBLIC MEETINGS.—Each meeting of the
2 Commission shall be held in public unless any mem-
3 ber objects or classified information is to be consid-
4 ered.

5 (c) QUORUM.—Six members of the Commission shall
6 constitute a quorum, but a lesser number may hold hear-
7 ings or meetings.

8 (d) PUBLIC COMMENTS.—

9 (1) SOLICITATION.—The Commission shall seek
10 written comments from the general public and inter-
11 ested parties on matters of the Commission’s review
12 under this subtitle. Comments shall be requested
13 through a solicitation in the Federal Register and
14 announcement on the Internet website of the Com-
15 mission.

16 (2) PERIOD FOR SUBMITTAL.—The period for
17 the submittal of comments pursuant to the solicita-
18 tion under paragraph (1) shall end not earlier than
19 30 days after the date of the solicitation and shall
20 end on or before the date on which recommendations
21 are transmitted to the Commission under section
22 555(d).

23 (3) USE BY COMMISSION.—The Commission
24 shall consider the comments submitted under this
25 subsection when developing its recommendations.

1 (e) SPACE FOR USE OF COMMISSION.—Not later
2 than 90 days after the date of the enactment of this Act,
3 the Administrator of General Services, in consultation
4 with the Secretary, shall identify and make available suit-
5 able excess space within the Federal space inventory to
6 house the operations of the Commission. If the Adminis-
7 trator is not able to make such suitable excess space avail-
8 able within such 90-day period, the Commission may lease
9 space to the extent the funds are available.

10 (f) CONTRACTING AUTHORITY.—The Commission
11 may acquire administrative supplies and equipment for
12 Commission use to the extent funds are available.

13 **SEC. 555. PRINCIPLES AND PROCEDURE FOR COMMISSION**
14 **RECOMMENDATIONS.**

15 (a) CONTEXT OF COMMISSION REVIEW.—The Com-
16 mission shall—

17 (1) conduct a review of the military selective
18 service process; and

19 (2) consider methods to increase participation
20 in military, national, and public service opportunities
21 to address national security and other public service
22 needs of the Nation.

23 (b) DEVELOPMENT OF COMMISSION RECOMMENDA-
24 TIONS.—The Commission shall develop recommendations
25 on the matters subject to its review under subsection (a)

1 that are consistent with the principles established by the
2 President under subsection (c).

3 (c) PRESIDENTIAL PRINCIPLES.—

4 (1) IN GENERAL.—Not later than three months
5 after the Commission establishment date, the Presi-
6 dent shall establish and transmit to the Commission
7 and Congress principles for reform of the military
8 selective service process, including means by which
9 to best acquire for the Nation skills necessary to
10 meet the military, national, and public service re-
11 quirements of the Nation in connection with that
12 process.

13 (2) ELEMENTS.—The principles required under
14 this subsection shall address the following:

15 (A) Whether, in light of the current and
16 predicted global security environment and the
17 changing nature of warfare, there continues to
18 be a continuous or potential need for a military
19 selective service process designed to produce
20 large numbers of combat members of the
21 Armed Forces, and if so, whether such a system
22 should include mandatory registration by all
23 citizens and residents, regardless of sex.

24 (B) The need, and how best to meet the
25 need, of the Nation, the military, the Federal

1 civilian sector, and the private sector (including
2 the non-profit sector) for individuals possessing
3 critical skills and abilities, and how best to em-
4 ploy individuals possessing those skills and
5 abilities for military, national, or public service.

6 (C) How to foster within the Nation, par-
7 ticularly among United States youth, an in-
8 creased sense of service and civic responsibility
9 in order to enhance the acquisition by the Na-
10 tion of critically needed skills through education
11 and training, and how best to acquire those
12 skills for military, national, or public service.

13 (D) How to increase a propensity among
14 United States youth for service in the military,
15 or alternatively in national or public service, in-
16 cluding how to increase the pool of qualified ap-
17 plicants for military service.

18 (E) The need in Government, including the
19 military, and in the civilian sector to increase
20 interest, education, and employment in certain
21 critical fields, including science, technology, en-
22 gineering, and mathematics (STEM), national
23 security, cyber, linguistics and foreign language,
24 education, health care, and the medical profes-
25 sions.

1 (F) How military, national, and public
2 service may be incentivized, including through
3 educational benefits, grants, federally-insured
4 loans, Federal or State hiring preferences, or
5 other mechanisms that the President considers
6 appropriate.

7 (G) Any other matters the President con-
8 siders appropriate for purposes of this subtitle.

9 (d) CABINET RECOMMENDATIONS.—Not later than
10 seven months after the Commission establishment date,
11 the Secretary of Defense, the Attorney General, the Sec-
12 retary of Homeland Security, the Secretary of Labor, and
13 such other Government officials, and such experts, as the
14 President shall designate for purposes of this subsection
15 shall jointly transmit to the Commission and Congress rec-
16 ommendations for the reform of the military selective serv-
17 ice process and military, national, and public service in
18 connection with that process.

19 (e) COMMISSION REPORT AND RECOMMENDA-
20 TIONS.—

21 (1) REPORT.—Not later than 30 months after
22 the Commission establishment date, the Commission
23 shall transmit to the President and Congress a re-
24 port containing the findings and conclusions of the
25 Commission, together with the recommendations of

1 the Commission regarding the matters reviewed by
2 the Commission pursuant to this subtitle. The Com-
3 mission shall include in the report legislative lan-
4 guage and recommendations for administrative ac-
5 tion to implement the recommendations of the Com-
6 mission. The findings and conclusions in the report
7 shall be based on the review and analysis by the
8 Commission of the recommendations made under
9 subsection (d).

10 (2) REQUIREMENT FOR APPROVAL.—The rec-
11 ommendations of the Commission must be approved
12 by at least five members of the Commission before
13 the recommendations may be transmitted to the
14 President and Congress under paragraph (1).

15 (3) PUBLIC AVAILABILITY.—The Commission
16 shall publish a copy of the report required by para-
17 graph (1) on an Internet website available to the
18 public on the same date on which it transmits that
19 report to the President and Congress under that
20 paragraph.

21 (f) JUDICIAL REVIEW PRECLUDED.—Actions under
22 this section of the President, the officials specified or des-
23 ignated under subsection (d), and the Commission shall
24 not be subject to judicial review.

1 **SEC. 556. EXECUTIVE DIRECTOR AND STAFF.**

2 (a) EXECUTIVE DIRECTOR.—The Commission shall
3 appoint and fix the rate of basic pay for an Executive Di-
4 rector in accordance with section 3161 of title 5, United
5 States Code.

6 (b) STAFF.—Subject to subsections (c) and (d), the
7 Executive Director, with the approval of the Commission,
8 may appoint and fix the rate of basic pay for additional
9 personnel as staff of the Commission in accordance with
10 section 3161 of title 5, United States Code.

11 (c) LIMITATIONS ON STAFF.—

12 (1) NUMBER OF DETAILEES FROM EXECUTIVE
13 DEPARTMENTS.—Not more than one-third of the
14 personnel employed by or detailed to the Commission
15 may be on detail from the Department of Defense
16 and other executive branch departments.

17 (2) PRIOR DUTIES WITHIN EXECUTIVE
18 BRANCH.—A person may not be detailed from the
19 Department of Defense or other executive branch
20 department to the Commission if, in the year before
21 the detail is to begin, that person participated per-
22 sonally and substantially in any matter concerning
23 the preparation of recommendations for the military
24 selective service process and military and public
25 service in connection with that process.

1 (d) LIMITATIONS ON PERFORMANCE REVIEWS.—No
2 member of the uniformed services, and no officer or em-
3 ployee of the Department of Defense or other executive
4 branch department (other than a member of the uni-
5 formed services or officer or employee who is detailed to
6 the Commission), may—

7 (1) prepare any report concerning the effective-
8 ness, fitness, or efficiency of the performance of the
9 staff of the Commission or any person detailed to
10 that staff;

11 (2) review the preparation of such a report
12 (other than for administrative accuracy); or

13 (3) approve or disapprove such a report.

14 **SEC. 557. TERMINATION OF COMMISSION.**

15 Except as otherwise provided in this subtitle, the
16 Commission shall terminate not later than 36 months
17 after the Commission establishment date.

1 **Subtitle G—Member Education,**
2 **Training, Resilience, and Tran-**
3 **sition**

4 **SEC. 561. MODIFICATION OF PROGRAM TO ASSIST MEM-**
5 **BERS OF THE ARMED FORCES IN OBTAINING**
6 **PROFESSIONAL CREDENTIALS.**

7 (a) SCOPE OF PROGRAM.—Section 2015(a)(1) of title
8 10, United States Code, is amended by striking “incident
9 to the performance of their military duties”.

10 (b) QUALITY ASSURANCE OF CERTIFICATION PRO-
11 GRAMS AND STANDARDS.—Section 2015(c) of title 10,
12 United States Code, is amended—

13 (1) in paragraph (1), by striking “is accredited
14 by an accreditation body that” and all that follows
15 and inserting “meets one of the requirements speci-
16 fied in paragraph (2).”; and

17 (2) by striking paragraph (2) and inserting the
18 following new paragraph (2):

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

22 “(A) is accredited by a nationally-recog-
23 nized, third-party personnel certification pro-
24 gram accreditor;

1 “(B)(i) is sought or accepted by employers
2 within the industry or sector involved as a re-
3 cognized, preferred, or required credential for re-
4 cruitment, screening, hiring, retention, or ad-
5 vancement purposes; and

6 “(ii) where appropriate, is endorsed by a
7 nationally-recognized trade association or orga-
8 nization representing a significant part of the
9 industry or sector;

10 “(C) grants licenses that are recognized by
11 the Federal Government or a State government;
12 or

13 “(D) meets credential standards of a Fed-
14 eral agency.”.

15 **SEC. 562. INCLUSION OF ALCOHOL, PRESCRIPTION DRUG,**
16 **OPIOID, AND OTHER SUBSTANCE ABUSE**
17 **COUNSELING AS PART OF REQUIRED**
18 **PRESEPARATION COUNSELING.**

19 Section 1142(b)(11) of title 10, United States Code,
20 is amended by inserting before the period the following:
21 “and information concerning the availability of treatment
22 options and resources to address substance abuse, includ-
23 ing alcohol, prescription drug, and opioid abuse”.

1 **SEC. 563. INCLUSION OF INFORMATION IN TRANSITION AS-**
2 **SISTANCE PROGRAM REGARDING EFFECT OF**
3 **RECEIPT OF BOTH VETERAN DISABILITY**
4 **COMPENSATION AND VOLUNTARY SEPARA-**
5 **TION PAY.**

6 Section 1144(b) of title 10, United States Code, is
7 amended by adding at the end the following new para-
8 graph:

9 “(10) Provide information regarding the re-
10 quired deduction, pursuant to subsection (h) of sec-
11 tion 1175a of this title, from disability compensation
12 paid by the Secretary of Veterans Affairs of
13 amounts equal to any voluntary separation pay re-
14 ceived by the member under such section.”.

15 **SEC. 564. TRAINING UNDER TRANSITION ASSISTANCE PRO-**
16 **GRAM ON CAREER AND EMPLOYMENT OP-**
17 **PORTUNITIES ASSOCIATED WITH TRANSPOR-**
18 **TATION SECURITY CARDS.**

19 (a) IN GENERAL.—Section 1144(b) of title 10,
20 United States Code, as amended by section 563, is further
21 amended by adding at the end the following new para-
22 graph:

23 “(11) Acting through the Secretary of the de-
24 partment in which the Coast Guard is operating,
25 provide information on career and employment op-
26 portunities available to members with transportation

1 security cards issued under section 70105 of title
2 46.”.

3 (b) DEADLINE FOR IMPLEMENTATION.—The pro-
4 gram carried out under section 1144 of title 10, United
5 States Code, shall satisfy the requirements of subsection
6 (b)(11) of such section (as added by subsection (a) of this
7 section) by not later than 180 days after the date of the
8 enactment of this Act.

9 **SEC. 565. EXTENSION OF SUICIDE PREVENTION AND RESIL-**
10 **IENCE PROGRAM.**

11 Section 10219(g) of title 10, United States Code, is
12 amended by striking “October 1, 2017” and inserting
13 “October 1, 2018”.

14 **SEC. 566. CONGRESSIONAL NOTIFICATION IN ADVANCE OF**
15 **APPOINTMENTS TO SERVICE ACADEMIES.**

16 (a) UNITED STATES MILITARY ACADEMY.—Section
17 4342(a) of title 10, United States Code, is amended in
18 the matter after paragraph (10) by adding at the end the
19 following new sentence: “When a nominee of a Senator,
20 Representative, or Delegate is selected for appointment as
21 a cadet, the Senator, Representative, or Delegate shall be
22 notified at least 48 hours before the official notification
23 or announcement of the appointment is made.”.

24 (b) UNITED STATES NAVAL ACADEMY.—Section
25 6954(a) of title 10, United States Code, is amended in

1 the matter after paragraph (10) by adding at the end the
2 following new sentence: “When a nominee of a Senator,
3 Representative, or Delegate is selected for appointment as
4 a midshipman, the Senator, Representative, or Delegate
5 shall be notified at least 48 hours before the official notifi-
6 cation or announcement of the appointment is made.”.

7 (c) UNITED STATES AIR FORCE ACADEMY.—Section
8 9342(a) of title 10, United States Code, is amended in
9 the matter after paragraph (10) by adding at the end the
10 following new sentence: “When a nominee of a Senator,
11 Representative, or Delegate is selected for appointment as
12 a cadet, the Senator, Representative, or Delegate shall be
13 notified at least 48 hours before the official notification
14 or announcement of the appointment is made.”.

15 (d) UNITED STATES MERCHANT MARINE ACAD-
16 EMY.—Section 51302 of title 46, United States Code, is
17 amended by adding at the end the following:

18 “(e) CONGRESSIONAL NOTIFICATION IN ADVANCE OF
19 APPOINTMENTS.—When a nominee of a Senator, Rep-
20 resentative, or Delegate is selected for appointment as a
21 cadet, the Senator, Representative, or Delegate shall be
22 notified at least 48 hours before the official notification
23 or announcement of the appointment is made.”.

24 (e) APPLICATION OF AMENDMENTS.—The amend-
25 ments made by this section shall apply with respect to the

1 appointment of cadets and midshipmen to the United
2 States Military Academy, the United States Naval Acad-
3 emy, the United States Air Force Academy, and the
4 United States Merchant Marine Academy for classes en-
5 tering these service academies after January 1, 2018.

6 **SEC. 567. REPORT AND GUIDANCE ON JOB TRAINING, EM-**
7 **PLOYMENT SKILLS TRAINING, APPRENTICE-**
8 **SHIPS, AND INTERNSHIPS AND SKILLBRIDGE**
9 **INITIATIVES FOR MEMBERS OF THE ARMED**
10 **FORCES WHO ARE BEING SEPARATED.**

11 (a) REPORT REQUIRED.—Not later than 180 days
12 after the date of the enactment of this Act, the Under
13 Secretary of Defense for Personnel and Readiness shall
14 submit to the Committees on Armed Services of the Sen-
15 ate and the House of Representatives, and make available
16 to the public, a report evaluating the success of the Job
17 Training, Employment Skills Training, Apprenticeships,
18 and Internships (known as JTEST–AI) and SkillBridge
19 initiatives, under which civilian businesses and companies
20 make available to members of the Armed Forces who are
21 being separated from the Armed Forces training or intern-
22 ship opportunities that offer a high probability of employ-
23 ment for the members after their separation.

24 (b) ELEMENTS.—In preparing the report required by
25 subsection (a), the Under Secretary of Defense for Per-

1 sonnel and Readiness shall use the effectiveness metrics
2 described in Enclosure 5 of Department of Defense In-
3 struction No. 1322.29. The report shall include the fol-
4 lowing:

5 (1) An assessment of the successes of the Job
6 Training, Employment Skills Training, Apprentices-
7 ships, and Internships and SkillBridge initiatives.

8 (2) Recommendations by the Under Secretary
9 on ways in which the administration of the initia-
10 tives could be improved.

11 (3) Recommendations by civilian companies
12 participating in the initiatives on ways in which the
13 administration of the initiatives could be improved.

14 **SEC. 568. MILITARY-TO-MARINER TRANSITION.**

15 (a) REPORT.—Not later than 180 days after the date
16 of the enactment of this Act, the Secretary of Defense and
17 the Secretary of the department in which the Coast Guard
18 is operating shall jointly report to the Committee on
19 Armed Services and the Committee on Transportation and
20 Infrastructure of the House of Representatives and the
21 Committee on Armed Services and the Committee on
22 Commerce, Science, and Transportation of the Senate on
23 steps the Departments of Defense and Homeland Security
24 have taken or intend to take—

1 (1) to maximize the extent to which United
2 States Armed Forces service, training, and qualifica-
3 tions are creditable toward meeting the laws and
4 regulations governing United States merchant mar-
5 iner license, certification, and document laws and
6 the International Convention on Standards of Train-
7 ing, Certification and Watchkeeping for Seafarers,
8 1978, including steps to enhance interdepartmental
9 coordination; and

10 (2) to promote better awareness among Armed
11 Forces personnel who serve in vessel operating posi-
12 tions of the requirements for postservice use of
13 Armed Forces training, education, and practical ex-
14 perience in satisfaction of requirements for merchant
15 mariner credentials under section 11.213 of title 46,
16 Code of Federal Regulations, and the need to docu-
17 ment such service in a manner suitable for post-serv-
18 ice use.

19 (b) LIST OF TRAINING PROGRAMS.—The report
20 under subsection (a) shall include a list of Army, Navy,
21 and Coast Guard training programs open to Army, Navy,
22 and Coast Guard vessel operators, respectively, that
23 shows—

24 (1) which programs have been approved for
25 credit toward merchant mariner credentials;

1 (2) which programs are under review for such
2 approval;

3 (3) which programs are not relevant to the
4 training needed for merchant mariner credentials;
5 and

6 (4) which programs could become eligible for
7 credit toward merchant mariner credentials with
8 minor changes.

9 **Subtitle H—Defense Dependents’**
10 **Education and Military Family**
11 **Readiness Matters**

12 **SEC. 571. CONTINUATION OF AUTHORITY TO ASSIST LOCAL**
13 **EDUCATIONAL AGENCIES THAT BENEFIT DE-**
14 **PENDENTS OF MEMBERS OF THE ARMED**
15 **FORCES AND DEPARTMENT OF DEFENSE CI-**
16 **VILIAN EMPLOYEES.**

17 (a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT
18 NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the
19 amount authorized to be appropriated for fiscal year 2017
20 by section 301 and available for operation and mainte-
21 nance for Defense-wide activities as specified in the fund-
22 ing table in division D, \$30,000,000 shall be available only
23 for the purpose of providing assistance to local educational
24 agencies under subsection (a) of section 572 of the Na-

1 tional Defense Authorization Act for Fiscal Year 2006
2 (Public Law 109–163; 20 U.S.C. 7703b).

3 (b) IMPACT AID FOR CHILDREN WITH SEVERE DIS-
4 ABILITIES.—Of the amount authorized to be appropriated
5 for fiscal year 2017 by section 301 and available for oper-
6 ation and maintenance for Defense-wide activities as spec-
7 ified in the funding table in section 4301, \$5,000,000 shall
8 be available for payments under section 363 of the Floyd
9 D. Spence National Defense Authorization Act for Fiscal
10 Year 2001 (as enacted into law by Public Law 106–398;
11 114 Stat. 1654A–77; 20 U.S.C. 7703a).

12 (c) LOCAL EDUCATIONAL AGENCY DEFINED.—In
13 this section, the term “local educational agency” has the
14 meaning given that term in section 8013(9) of the Ele-
15 mentary and Secondary Education Act of 1965 (20 U.S.C.
16 7713(9)).

17 **SEC. 572. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
18 **ING TO THE TRANSITION AND SUPPORT OF**
19 **MILITARY DEPENDENT STUDENTS TO LOCAL**
20 **EDUCATIONAL AGENCIES.**

21 (a) EXTENSION.—Section 574(c)(3) of the John
22 Warner National Defense Authorization Act for Fiscal
23 Year 2007 (20 U.S.C. 7703b note) is amended by striking
24 “September 30, 2016” and inserting “September 30,
25 2017”.

1 (b) INFORMATION TO BE INCLUDED WITH FUTURE
2 REQUESTS FOR EXTENSION.—The budget justification
3 materials that accompany any budget of the President for
4 a fiscal year after fiscal year 2017 (as submitted to Con-
5 gress pursuant to section 1105 of title 31, United States
6 Code) that includes a request for the extension of section
7 574(c) of the John Warner National Defense Authoriza-
8 tion Act for Fiscal Year 2007 shall include the following:

9 (1) A full accounting of the expenditure of
10 funds pursuant to such section 574(c) during the
11 last fiscal year ending before the date of the sub-
12 mittal of the budget.

13 (2) An assessment of the impact of the expendi-
14 ture of such funds on the quality of opportunities for
15 elementary and secondary education made available
16 for military dependent students.

17 **SEC. 573. ANNUAL NOTICE TO MEMBERS OF THE ARMED**
18 **FORCES REGARDING CHILD CUSTODY PRO-**
19 **TECTIONS GUARANTEED BY THE**
20 **SERVICEMEMBERS CIVIL RELIEF ACT.**

21 The Secretaries of each of the military departments
22 shall ensure that each member of the Armed Forces with
23 dependents receives annually, and prior to each deploy-
24 ment, notice of the child custody protections afforded to

1 members of the Armed Forces under the Servicemembers
2 Civil Relief Act (50 U.S.C. 3901 et seq.).

3 **SEC. 574. REQUIREMENT FOR ANNUAL FAMILY ADVOCACY**
4 **PROGRAM REPORT REGARDING CHILD**
5 **ABUSE AND DOMESTIC VIOLENCE.**

6 (a) ANNUAL REPORT ON CHILD ABUSE AND DOMES-
7 TIC VIOLENCE.—Not later than April 30, 2017, and annu-
8 ally thereafter through April 30, 2021, the Secretary of
9 Defense shall submit to the Committees on Armed Serv-
10 ices of the House of Representatives and the Senate a re-
11 port on the child abuse and domestic abuse incident data
12 from the Department of Defense Family Advocacy Pro-
13 gram central registry of child abuse and domestic abuse
14 incidents for the preceding calendar year.

15 (b) CONTENTS.—The report shall contain each of the
16 following:

17 (1) The number of incidents reported during
18 the year covered by the report involving—

19 (A) spouse physical or sexual abuse;

20 (B) intimate partner physical or sexual
21 abuse;

22 (C) child physical or sexual abuse; and

23 (D) child or domestic abuse resulting in a
24 fatality.

1 (2) An analysis of the number of such incidents
2 that met the criteria for substantiation.

3 (3) An analysis of—

4 (A) the types of abuse reported;

5 (B) for cases involving children as the re-
6 ported victims of the abuse, the ages of the
7 abused children; and

8 (C) other relevant characteristics of the re-
9 ported victims.

10 (4) An analysis of the military status, sex, and
11 pay grade of the alleged perpetrator of the child or
12 domestic abuse.

13 (5) An analysis of the effectiveness of the Fam-
14 ily Advocacy Program.

15 (c) COORDINATION OF RELEASE DATE BETWEEN
16 ANNUAL REPORTS REGARDING SEXUAL ASSAULTS AND
17 FAMILY ADVOCACY PROGRAM REPORT.—The Secretary of
18 Defense shall ensure that the sexual assault reports re-
19 quired to be submitted under section 1631(d) of the Ike
20 Skelton National Defense Authorization Act for Fiscal
21 Year 2011 (Public Law 111–383; 10 U.S.C. 1561 note)
22 for a year are delivered to the Committees on Armed Serv-
23 ices of the House of Representatives and the Senate simul-
24 taneously with the report for that year required under this
25 section.

1 **SEC. 575. REPORTING ON ALLEGATIONS OF CHILD ABUSE**
2 **IN MILITARY FAMILIES AND HOMES.**

3 (a) REPORTS TO FAMILY ADVOCACY PROGRAM OF-
4 FICES.—

5 (1) IN GENERAL.—The following information
6 shall be reported immediately to the Family Advoca-
7 cy Program office at the military installation to
8 which the member of the Armed Forces concerned is
9 assigned:

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

16 (B) Information, learned by a member of
17 the Armed Forces engaged in a profession or
18 activity described in section 226(b) of the Vic-
19 tims of Child Abuse Act of 1990 (42 U.S.C.
20 13031(b)) for members of the Armed Forces
21 and their dependents, that gives reason to sus-
22 pect that a child in the family or home of the
23 member has suffered an incident of child abuse.

24 (2) REGULATIONS.—The Secretary of Defense
25 and the Secretary of Homeland Security (with re-
26 spect to the Coast Guard when it is not operating

1 as a service in the Navy) shall jointly prescribe regu-
2 lations to carry out this subsection.

3 (3) CHILD ABUSE DEFINED.—In this sub-
4 section, the term “child abuse” has the meaning
5 given that term in section 226(c) of the Victims of
6 Child Abuse Act of 1990 (42 U.S.C. 13031(c)).

7 (b) REPORTS TO STATE CHILD WELFARE SERV-
8 ICES.—Section 226 of the Victims of Child Abuse Act of
9 1990 (42 U.S.C. 13031) is amended—

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

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

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

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

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

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

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

20 **SEC. 576. REPEAL OF ADVISORY COUNCIL ON DEPEND-**
21 **ENTS’ EDUCATION.**

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

1 **SEC. 577. SUPPORT FOR PROGRAMS PROVIDING CAMP EX-**
2 **PERIENCE FOR CHILDREN OF MILITARY FAM-**
3 **ILIES.**

4 (a) **AUTHORITY TO PROVIDE SUPPORT.**—The Sec-
5 retary of Defense may provide financial or non-monetary
6 support to qualified nonprofit organizations in order to as-
7 sist such organizations in carrying out programs to sup-
8 port the attendance at a camp, or camp-like setting, of
9 children of military families who have experienced the
10 death of a family member or other loved one or who have
11 another family member living with a substance use dis-
12 order or post-traumatic stress disorder.

13 (b) **APPLICATION FOR SUPPORT.**—

14 (1) **IN GENERAL.**—Each organization seeking
15 support pursuant to subsection (a) shall submit to
16 the Secretary of Defense an application therefor con-
17 taining such information as the Secretary shall
18 specify for purposes of this section.

19 (2) **CONTENTS.**—Each application submitted
20 under paragraph (1) shall include the following:

21 (A) A description of the program for which
22 support is being sought, including the location
23 of the setting or settings under the program,
24 the duration of such setting or settings, any
25 local partners participating in or contributing to
26 the program, and the ratio of counselors,

1 trained volunteers, or both to children at such
2 setting or settings.

3 (B) An estimate of the number of children
4 of military families to be supported using the
5 support sought.

6 (C) A description of the type of activities
7 that will be conducted using the support
8 sought, including the manner in which activities
9 are particularly supportive to children of mili-
10 tary families described in subsection (a).

11 (D) A description of the outreach con-
12 ducted or to be conducted by the organization
13 to military families regarding the program.

14 (e) USE OF SUPPORT.—Support provided by the Sec-
15 retary of Defense to an organization pursuant to sub-
16 section (a) shall be used by the organization to support
17 attendance at a camp, or camp-like setting, of children
18 of military families described in subsection (a).

19 **SEC. 578. COMPTROLLER GENERAL OF THE UNITED**
20 **STATES ASSESSMENT AND REPORT ON EX-**
21 **CEPTIONAL FAMILY MEMBER PROGRAMS.**

22 (a) ASSESSMENT AND REPORT REQUIRED.—

23 (1) ASSESSMENT.—The Comptroller General of
24 the United States shall conduct an assessment on

1 the effectiveness of each Exceptional Family Mem-
2 ber Program of the Armed Forces.

3 (2) REPORT.—Not later than December 31,
4 2017, the Comptroller General shall submit to the
5 Committees on Armed Services of the Senate and
6 the House of Representatives a report containing the
7 results of the assessment conducted under this sub-
8 section.

9 (b) ELEMENTS.—The assessment and report under
10 subsection (a) shall address the following:

11 (1) The differences between each Exceptional
12 Family Member Program of the Armed Forces.

13 (2) The manner in which Exceptional Family
14 Member Programs are implemented on joint bases
15 and installations.

16 (3) The extent to which military family mem-
17 bers are screened for potential coverage under an
18 Exceptional Family Member Program and the man-
19 ner of such screening.

20 (4) The degree to which conditions of military
21 family members who qualify for coverage under an
22 Exceptional Family Member Program are taken into
23 account in making assignments of military per-
24 sonnel.

1 (5) The types of services provided to address
2 the needs of military family members who qualify for
3 coverage under an Exceptional Family Member Pro-
4 gram.

5 (6) The extent to which the Department of De-
6 fense has implemented specific directives for pro-
7 viding family support and enhanced case manage-
8 ment services, such as special needs navigators, to
9 military families with special needs children.

10 (7) The extent to which the Department has
11 conducted periodic reviews of best practices in the
12 United States for the provision of medical and edu-
13 cational services to military family members with
14 special needs.

15 (8) The necessity in the Department for an ad-
16 visory panel on community support for military fam-
17 ilies members with special needs.

18 (9) The development and implementation of the
19 uniform policy for the Department regarding fami-
20 lies with special needs required by section 1781c(e)
21 of title 10, United States Code.

22 (10) The implementation by each Armed Force
23 of the recommendations in the Government Account-
24 ability Report entitled “Military Dependent Stu-

1 dents, Better Oversight Needed to Improve Services
2 for Children with Special Needs” (GAO–12–680).

3 **SEC. 579. IMPACT AID AMENDMENTS.**

4 (a) MILITARY “BUILD TO LEASE” PROGRAM HOUS-
5 ING.—Notwithstanding section 5(d) of the Every Student
6 Succeeds Act (Public Law 114–95; 129 Stat. 1806), the
7 amendment made by section 7004(1) of such Act (Public
8 Law 114–95; 129 Stat. 2077)—

9 (1) for fiscal year 2016—

10 (A) shall be applied as if amending section
11 8003(a)(5)(A) of the Elementary and Sec-
12 ondary Education Act of 1965, as in effect on
13 the day before the date of enactment of the
14 Every Student Succeeds Act (Public Law 114–
15 95; 129 Stat. 1802); and

16 (B) shall be applicable with respect to ap-
17 propriations for use under title VIII of the Ele-
18 mentary and Secondary Education Act of 1965
19 (Public Law 114–95; 129 Stat. 1802); and

20 (2) for fiscal year 2017 and each succeeding fis-
21 cal year, shall be in effect with respect to appropria-
22 tions for use under title VII of the Elementary and
23 Secondary Education Act of 1965, as amended by
24 the Every Student Succeeds Act (Public Law 114–
25 95; 129 Stat. 1802).

1 (b) ELIGIBILITY FOR HEAVILY IMPACTED LOCAL
2 EDUCATIONAL AGENCIES.—

3 (1) AMENDMENT.—Subclause (I) of section
4 7003(b)(2)(B)(i) of the Elementary and Secondary
5 Education Act of 1965 (20 U.S.C.
6 7703(b)(2)(B)(i)(I)) is amended to read as follows:

7 “(I) is a local educational agen-
8 cy—

9 “(aa) whose boundaries are
10 the same as a Federal military
11 installation; or

12 “(bb)(AA) whose boundaries
13 are the same as an island prop-
14 erty designated by the Secretary
15 of the Interior to be property
16 that is held in trust by the Fed-
17 eral Government; and

18 “(BB) that has no taxing
19 authority;”.

20 (2) EFFECTIVE DATE.—The amendment made
21 by paragraph (1) shall take effect with respect to
22 appropriations for use under title VII of the Elemen-
23 tary and Secondary Education Act of 1965, as
24 amended by the Every Student Succeeds Act (Public
25 Law 114–95; 129 Stat. 1802), beginning with fiscal

1 year 2017 and as if enacted as part of title VII of
2 the Every Student Succeeds Act.

3 (c) SPECIAL RULE REGARDING THE PER-PUPIL EX-
4 PENDITURE REQUIREMENT.—

5 (1) REFERENCES.—Except as otherwise ex-
6 pressly provided, any reference in this subsection to
7 a section or other provision of title VII of the Ele-
8 mentary and Secondary Education Act of 1965 shall
9 be considered to be a reference to the section or
10 other provision of such title VII as amended by the
11 Every Student Succeeds Act (Public Law 114–95;
12 129 Stat. 1802).

13 (2) IN GENERAL.—Notwithstanding section
14 5(d) of the Every Student Succeeds Act (Public Law
15 114–95; 129 Stat. 1806) or section 7003(b)(2) of
16 the Elementary and Secondary Education Act of
17 1965 (20 U.S.C. 7703(b)(2)), with respect to any
18 application submitted under section 7005 of such
19 Act (20 U.S.C. 7705) for eligibility consideration
20 under subclause (II) or (V) of section
21 7003(b)(2)(B)(i) of such Act for fiscal year 2017,
22 2018, or 2019, the Secretary of Education shall de-
23 termine that a local educational agency meets the
24 per-pupil expenditure requirement for purposes of
25 such subclause (II) or (V), as applicable, only if—

1 (A) in the case of a local educational agen-
2 cy that received a basic support payment for
3 fiscal year 2001 under section 8003(b)(2)(B) of
4 the Elementary and Secondary Education Act
5 of 1965 (20 U.S.C. 7703(b)(2)(B)) (as such
6 section was in effect for such fiscal year), the
7 agency, for the year for which the application is
8 submitted, has a per-pupil expenditure that is
9 less than the average per-pupil expenditure of
10 the State in which the agency is located or the
11 average per-pupil expenditure of all States
12 (whichever average per-pupil expenditure is
13 greater), except that a local educational agency
14 with a total student enrollment of less than 350
15 students shall be deemed to have satisfied such
16 per-pupil expenditure requirement; or

17 (B) in the case of a local educational agen-
18 cy that did not receive a basic support payment
19 for fiscal year 2015 under such section
20 8003(b)(2)(B), as so in effect, the agency, for
21 the year for which the application is sub-
22 mitted—

23 (i) has a total student enrollment of
24 350 or more students and a per-pupil ex-
25 penditure that is less than the average per-

1 pupil expenditure of the State in which the
2 agency is located; or

3 (ii) has a total student enrollment of
4 less than 350 students and a per-pupil ex-
5 penditure that is less than the average per-
6 pupil expenditure of a comparable local
7 educational agency or 3 comparable local
8 educational agencies (whichever average
9 per-pupil expenditure is greater), in the
10 State in which the agency is located.

11 (d) PAYMENTS FOR ELIGIBLE FEDERALLY CON-
12 NECTED CHILDREN.—

13 (1) AMENDMENTS.—Section 7003(b)(2) of the
14 Elementary and Secondary Education Act of 1965
15 (20 U.S.C. 7703(b)(2)), as amended by subsection
16 (b) and sections 7001 and 7004 of the Every Stu-
17 dent Succeeds Act (Public Law 114–95; 129 Stat.
18 2074, 2077), is further amended—

19 (A) in subclause (IV) of subparagraph
20 (B)(i)—

21 (i) in the matter preceding item (aa),
22 by inserting “received a payment for fiscal
23 year 2015 under section 8003(b)(2)(E) (as
24 such section was in effect for such fiscal
25 year) and” before “has”;

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

3 (iii) by striking item (bb) and insert-
4 ing the following:

5 “(bb)(AA) not less than
6 3,500 of such children are chil-
7 dren described in subparagraphs
8 (A) and (B) of subsection (a)(1);
9 or

10 “(BB) not less than 7,000
11 of such children are children de-
12 scribed in subparagraph (D) of
13 subsection (a)(1);” and

14 (B) in subparagraph (D)—

15 (i) in clause (i)—

16 (I) in subclause (I), by striking
17 “clause (ii)” and inserting “clauses
18 (ii), (iii), and (iv)” and

19 (II) in subclause (II)—

20 (aa) by inserting “received a
21 payment for fiscal year 2015
22 under section 8003(b)(2)(E) (as
23 such section was in effect for
24 such fiscal year) and” after
25 “agency that”;

1 (bb) by striking “50 per-
2 cent” and inserting “35 per-
3 cent”;

4 (cc) by striking “subsection
5 (a)(1) and not less than 5,000”
6 and inserting the following: “sub-
7 section (a)(1) and—

8 “(aa) not less than 3,500”;
9 and

10 (dd) by striking “subsection
11 (a)(1).” and inserting the fol-
12 lowing: “subsection (a)(1); or

13 “(bb) not less than 7,000 of
14 such children are children de-
15 scribed in subparagraph (D) of
16 subsection (a)(1).”;

17 (ii) in clause (ii), by striking “shall be
18 1.35.” and inserting the following: “shall
19 be—

20 “(I) for fiscal year 2016, 1.35;

21 “(II) for each of fiscal years
22 2017 and 2018, 1.38;

23 “(III) for fiscal year 2019, 1.40;

24 “(IV) for fiscal year 2020, 1.42;

25 and

1 “(V) for fiscal year 2021 and
2 each fiscal year thereafter, 1.45.”;
3 and

4 (iii) by adding at the end the fol-
5 lowing:

6 “(iii) FACTOR FOR CHILDREN WHO
7 LIVE OFF BASE.—For purposes of calcu-
8 lating the maximum amount described in
9 clause (i), the factor used in determining
10 the weighted student units under sub-
11 section (a)(2) with respect to children de-
12 scribed in subsection (a)(1)(D) shall be—

13 “(I) for fiscal year 2016, .20;

14 “(II) for each of fiscal years
15 2017 and 2018, .22;

16 “(III) for each of fiscal years
17 2019 and 2020, .25; and

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

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

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

1 “(iv) SPECIAL RULE.—Notwith-
2 standing clauses (ii) and (iii), for fiscal
3 year 2020 or any succeeding fiscal year, if
4 the number of students who are children
5 described in subparagraphs (A) and (B) of
6 subsection (a)(1) for a local educational
7 agency subject to this subparagraph ex-
8 ceeds 7,000 for such year or the number of
9 students who are children described in sub-
10 section (a)(1)(D) for such local educational
11 agency exceeds 12,750 for such year,
12 then—

13 “(I) the factor used, for the fiscal
14 year for which the determination is
15 being made, to determine the weight-
16 ed student units under subsection
17 (a)(2) with respect to children de-
18 scribed in subparagraphs (A) and (B)
19 of subsection (a)(1) shall be 1.40; and

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

1 (2) EFFECTIVE DATE.—The amendments made
2 by paragraph (1) shall take effect with respect to
3 appropriations for use under title VII of the Elemen-
4 tary and Secondary Education Act of 1965 begin-
5 ning with fiscal year 2017 and as if enacted as part
6 of title VII of the Every Student Succeeds Act (Pub-
7 lic Law 114–95; 129 Stat. 2074).

8 (3) SPECIAL RULES.—

9 (A) APPLICABILITY FOR FISCAL YEAR
10 2016.—Notwithstanding any other provision of
11 law, in making basic support payments under
12 section 8003(b)(2) of the Elementary and Sec-
13 ondary Education Act of 1965 (20 U.S.C.
14 7703(b)(2)) for fiscal year 2016, the Secretary
15 of Education shall carry out subparagraphs
16 (B)(i) and (E) of such section as if the amend-
17 ments made to subparagraphs (B)(i)(IV) and
18 (D) of section 7003(b)(2) of such Act (as
19 amended and redesignated by this subsection
20 and the Every Student Succeeds Act (Public
21 Law 114–95; 129 Stat. 1802)) had also been
22 made to the corresponding provisions of section
23 8003(b)(2) of the Elementary and Secondary
24 Education Act of 1965, as in effect on the day

1 before the date of enactment of the Every Stu-
2 dent Succeeds Act.

3 (B) LOSS OF ELIGIBILITY.—For fiscal year
4 2016 or any succeeding fiscal year, if a local
5 educational agency is eligible for a basic sup-
6 port payment under subclause (IV) of section
7 7003(b)(2)(B)(i) of the Elementary and Sec-
8 ondary Education Act of 1965 (as amended by
9 this section and the Every Student Succeeds
10 Act (Public Law 114–95; 129 Stat. 1802)) or
11 through a corresponding provision under sub-
12 paragraph (A), such local educational agency
13 shall be ineligible to apply for a payment for
14 such fiscal year under any other subclause of
15 such section (or, for fiscal year 2016, any other
16 item of section 8003(b)(2)(B)(i)(II) of the Ele-
17 mentary and Secondary Education Act of
18 1965).

19 (C) PAYMENT AMOUNTS.—If, before the
20 date of enactment of this Act, a local edu-
21 cational agency receives 1 or more payments
22 under section 8003(b)(2)(E) of the Elementary
23 and Secondary Education Act of 1965 (20
24 U.S.C. 7703(b)(2)(E)) for fiscal year 2016, the
25 sum of which is greater than the amount the

1 Secretary of Education determines the local
2 educational agency is entitled to receive under
3 such section in accordance with subparagraph
4 (A)—

5 (i) the Secretary shall allow the local
6 educational agency to retain the larger
7 amount; and

8 (ii) such local educational agency shall
9 not be eligible to receive any additional
10 payment under such section for fiscal year
11 2016.

12 **Subtitle I—Decorations and** 13 **Awards**

14 **SEC. 581. POSTHUMOUS ADVANCEMENT OF COLONEL** 15 **GEORGE E. “BUD” DAY, UNITED STATES AIR** 16 **FORCE, ON THE RETIRED LIST.**

17 (a) **ADVANCEMENT.**—Colonel George E. “Bud” Day,
18 United States Air Force (retired), is entitled to hold the
19 rank of brigadier general while on the retired list of the
20 Air Force.

21 (b) **ADDITIONAL BENEFITS NOT TO ACCRUE.**—The
22 advancement of George E. “Bud” Day on the retired list
23 of the Air Force under subsection (a) shall not affect the
24 retired pay or other benefits from the United States to
25 which George E. “Bud” Day would have been entitled

1 based upon his military service or affect any benefits to
2 which any other person may become entitled based on his
3 military service.

4 **SEC. 582. AUTHORIZATION FOR AWARD OF MEDALS FOR**
5 **ACTS OF VALOR DURING CERTAIN CONTIN-**
6 **GENCY OPERATIONS.**

7 (a) AUTHORIZATION.—Notwithstanding the time lim-
8 itations specified in sections 3744, 6248, and 8744 of title
9 10, United States Code, or any other time limitation with
10 respect to the awarding of certain medals to persons who
11 served in the Armed Forces, the President may award a
12 medal specified in subsection (c) to a member or former
13 member of the Armed Forces identified as warranting
14 award of that medal pursuant to the review of valor award
15 nominations for Operation Enduring Freedom, Operation
16 Iraqi Freedom, Operation New Dawn, Operation Free-
17 dom’s Sentinel, and Operation Inherent Resolve that was
18 directed by the Secretary of Defense on January 7, 2016.

19 (b) AWARD OF MEDAL OF HONOR.—If, pursuant to
20 the review referred to in subsection (a), the President de-
21 cides to award to a member or former member of the
22 Armed Forces the Medal of Honor, the medal may only
23 be awarded after the Secretary of Defense submits to the
24 Committees on Armed Services of the Senate and the
25 House of Representatives a letter identifying the intended

1 recipient of the Medal of Honor and the rationale for
2 awarding the Medal of Honor to such intended recipient.

3 (c) MEDALS.—The medals covered by subsection (a)
4 are any of the following:

5 (1) The Medal of Honor under section 3741,
6 6241, or 8741 of title 10, United States Code.

7 (2) The Distinguished-Service Cross under sec-
8 tion 3742 of such title.

9 (3) The Navy Cross under section 6242 of such
10 title.

11 (4) The Air Force Cross under section 8742 of
12 such title.

13 (5) The Silver Star under section 3746, 6244,
14 or 8746 of such title.

15 (d) TERMINATION.—No medal may be awarded
16 under the authority of this section after December 31,
17 2019.

18 **SEC. 583. AUTHORIZATION FOR AWARD OF THE MEDAL OF**
19 **HONOR TO GARY M. ROSE AND JAMES C.**
20 **MCCLOUGHAN FOR ACTS OF VALOR DURING**
21 **THE VIETNAM WAR.**

22 (a) GARY M. ROSE.—

23 (1) AUTHORIZATION.—Notwithstanding the
24 time limitations specified in section 3744 of title 10,
25 United States Code, or any other time limitation

1 with respect to the awarding of certain medals to
2 persons who served in the Armed Forces, the Presi-
3 dent is authorized to award the Medal of Honor
4 under section 3741 of such title to Gary M. Rose for
5 the acts of valor described in paragraph (2).

6 (2) ACTS OF VALOR DESCRIBED.—The acts of
7 valor referred to in paragraph (1) are the actions of
8 Gary M. Rose in Laos from September 11 through
9 14, 1970, during the Vietnam War while a member
10 of the United States Army, Military Assistance
11 Command Vietnam-Studies and Observation Group
12 (MACVSOG).

13 (b) JAMES C. MCCLOUGHAN.—

14 (1) AUTHORIZATION.—Notwithstanding the
15 time limitations specified in section 3744 of title 10,
16 United States Code, or any other time limitation
17 with respect to the awarding of certain medals to
18 persons who served in the Armed Forces, the Presi-
19 dent is authorized to award the Medal of Honor
20 under section 3741 of such title to James C.
21 McCloughan for the acts of valor described in para-
22 graph (2).

23 (2) ACTS OF VALOR DESCRIBED.—The acts of
24 valor referred to in paragraph (1) are the actions of
25 James C. McCloughan during combat operations be-

1 tween May 13, 1969, and May 15, 1969, while serv-
2 ing as a Combat Medic with Company C, 3d Bat-
3 talion, 21st Infantry, 196th Light Infantry Brigade,
4 American Division, Republic of Vietnam, for which
5 he was previously awarded the Bronze Star Medal
6 with “V” Device.

7 **SEC. 584. AUTHORIZATION FOR AWARD OF DISTINGUISHED-**
8 **SERVICE CROSS TO FIRST LIEUTENANT MEL-**
9 **VIN M. SPRUIELL FOR ACTS OF VALOR DUR-**
10 **ING WORLD WAR II.**

11 (a) WAIVER OF TIME LIMITATIONS.—Notwith-
12 standing the time limitations specified in section 3744 of
13 title 10, United States Code, or any other time limitation
14 with respect to the awarding of certain medals to persons
15 who served in the Armed Forces, the Secretary of the
16 Army may award the Distinguished-Service Cross under
17 section 3742 of such title to First Lieutenant Melvin M.
18 Spruiell of the Army for the acts of valor during World
19 War II described in subsection (b).

20 (b) ACTS OF VALOR DESCRIBED.—The acts of valor
21 referred to in subsection (a) are the actions of First Lieu-
22 tenant Melvin M. Spruiell on June 10 and 11, 1944, as
23 a member of the Army serving in France with the 377th
24 Parachute Field Artillery, 101st Airborne Division.

1 **SEC. 585. AUTHORIZATION FOR AWARD OF THE DISTIN-**
2 **GUISHED SERVICE CROSS TO CHAPLAIN**
3 **(FIRST LIEUTENANT) JOSEPH VERBIS LA-**
4 **FLEUR FOR ACTS OF VALOR DURING WORLD**
5 **WAR II.**

6 (a) AUTHORIZATION.—Notwithstanding the time lim-
7 itations specified in section 3744 of title 10, United States
8 Code, or any other time limitation with respect to the
9 awarding of certain medals to persons who served in the
10 Armed Forces, the Secretary of the Army may award the
11 Distinguished Service Cross under section 3742 of that
12 title to Chaplain (First Lieutenant) Joseph Verbis La-
13 Fleur for the acts of valor referred to in subsection (b).

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

19 **SEC. 586. REVIEW REGARDING AWARD OF MEDAL OF**
20 **HONOR TO CERTAIN ASIAN AMERICAN AND**
21 **NATIVE AMERICAN PACIFIC ISLANDER WAR**
22 **VETERANS.**

23 (a) REVIEW REQUIRED.—The Secretary of each mili-
24 tary department shall review the service records of each
25 Asian American and Native American Pacific Islander war

1 veteran described in subsection (b) to determine whether
2 that veteran should be awarded the Medal of Honor.

3 (b) COVERED VETERANS.—The Asian American and
4 Native American Pacific Islander war veterans whose serv-
5 ice records are to be reviewed under subsection (a) are
6 any former members of the Armed Forces whose service
7 records identify them as an Asian American or Native
8 American Pacific Islander war veteran who was awarded
9 the Distinguished-Service Cross, the Navy Cross, or the
10 Air Force Cross during the Korean War or the Vietnam
11 War.

12 (c) CONSULTATIONS.—In carrying out the review
13 under subsection (a), the Secretary of each military de-
14 partment shall consult with such veterans service organi-
15 zations as the Secretary considers appropriate.

16 (d) RECOMMENDATIONS BASED ON REVIEW.—If the
17 Secretary concerned determines, based upon the review
18 under subsection (a) of the service records of any Asian
19 American or Native American Pacific Islander war vet-
20 eran, that the award of the Medal of Honor to that veteran
21 is warranted, the Secretary shall submit to the President
22 a recommendation that the President award the Medal of
23 Honor to that veteran.

24 (e) AUTHORITY TO AWARD MEDAL OF HONOR.—A
25 Medal of Honor may be awarded to an Asian American

1 or Native American Pacific Islander war veteran in ac-
2 cordance with a recommendation of the Secretary con-
3 cerned under subsection (d).

4 (f) CONGRESSIONAL NOTIFICATION.—No Medal of
5 Honor may be awarded pursuant to subsection (e) until
6 the Secretary of Defense submits to the Committees on
7 Armed Services of the Senate and the House of Represent-
8 atives notice of the recommendations under subsection (d),
9 including the name of each Asian American or Native
10 American Pacific Islander war veteran recommended to be
11 awarded a Medal of Honor and the rationale for such rec-
12 ommendation.

13 (g) WAIVER OF TIME LIMITATIONS.—An award of
14 the Medal of Honor may be made under subsection (e)
15 without regard to—

16 (1) section 3744, 6248, or 8744 of title 10,
17 United States Code, as applicable; and

18 (2) any regulation or other administrative re-
19 striction on—

20 (A) the time for awarding the Medal of
21 Honor; or

22 (B) the awarding of the Medal of Honor
23 for service for which a Distinguished-Service
24 Cross, Navy Cross, or Air Force Cross has been
25 awarded.

1 (h) DEFINITION.—In this section, the term “Native
2 American Pacific Islander” means a Native Hawaiian or
3 Native American Pacific Islander, as those terms are de-
4 fined in section 815 of the Native American Programs Act
5 of 1974 (42 U.S.C. 2992c).

6 **Subtitle J—Miscellaneous Reports**
7 **and Other Matters**

8 **SEC. 591. REPEAL OF REQUIREMENT FOR A CHAPLAIN AT**
9 **THE UNITED STATES AIR FORCE ACADEMY**
10 **APPOINTED BY THE PRESIDENT.**

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

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

16 **SEC. 592. EXTENSION OF LIMITATION ON REDUCTION IN**
17 **NUMBER OF MILITARY AND CIVILIAN PER-**
18 **SONNEL ASSIGNED TO DUTY WITH SERVICE**
19 **REVIEW AGENCIES.**

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

1 **SEC. 593. ANNUAL REPORTS ON PROGRESS OF THE ARMY**
2 **AND THE MARINE CORPS IN INTEGRATING**
3 **WOMEN INTO MILITARY OCCUPATIONAL SPE-**
4 **CIALITIES AND UNITS RECENTLY OPENED TO**
5 **WOMEN.**

6 (a) REPORTS REQUIRED.—Not later than April 1,
7 2017, and each year thereafter through 2020, the Chief
8 of Staff of the Army and the Commandant of the Marine
9 Corps shall each submit to the Committees on Armed
10 Services of the Senate and the House of Representatives
11 a report on the current status of the implementation by
12 the Army and the Marine Corps, respectively, of the policy
13 of Secretary of Defense dated March 9, 2016, to open to
14 women military occupational specialties and units pre-
15 viously closed to women.

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

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

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

24 (3) Success rates in Initial Screening Tests and
25 Military Occupational Speciality (MOS) Classifica-

1 tion Standards for newly-opened ground combat
2 military occupational specialties, by gender.

3 (4) Attrition rates and the top three causes of
4 attrition throughout the Entry Level Training con-
5 tinuum, by gender and military occupational spe-
6 cialty.

7 (5) Reclassification rates and the top three
8 causes of reclassification throughout the Entry Level
9 Training continuum, by gender and military occupa-
10 tional specialty.

11 (6) Injury rates and the top five causes of in-
12 jury throughout the Entry Level Training con-
13 tinuum, by gender and military occupational spe-
14 cialty.

15 (7) Injury rates and nondeployability rates in
16 newly-opened ground combat military occupational
17 specialties, by gender and military occupational spe-
18 cialty.

19 (8) Lateral move approval rates into newly-
20 opened military occupational specialties, by gender
21 and military occupational specialty.

22 (9) Reenlistment and retention rates in newly-
23 opened ground combat military occupational special-
24 ties, by gender and military occupational specialty.

1 on the feasibility of establishing an electronic means by
2 which members of the Ready Reserve of the Armed Forces
3 can track their operational active-duty service performed
4 after January 28, 2008, under section 12301(a),
5 12301(d), 12301(g), 12302, or 12304 of title 10, United
6 States Code. The means assessed for purposes of the re-
7 port shall include a tour calculator that specifies early re-
8 tirement credit authorized for each qualifying tour of ac-
9 tive duty, as well as cumulative early reserve retirement
10 credit authorized to date under section 12731(f) of such
11 title.

12 **SEC. 595. REPORT ON DISCHARGE BY WARRANT OFFICERS**
13 **OF PILOT AND OTHER FLIGHT OFFICER POSI-**
14 **TIONS IN THE NAVY, MARINE CORPS, AND AIR**
15 **FORCE CURRENTLY DISCHARGED BY COM-**
16 **MISSIONED OFFICERS.**

17 (a) REPORT REQUIRED.—Not later than 180 days
18 after the date of the enactment of this Act, the Secretary
19 of the Navy and the Secretary of the Air Force shall each
20 submit to the Committees on Armed Services of the Sen-
21 ate and the House of Representatives a report on the fea-
22 sibility and advisability of the discharge by warrant offi-
23 cers of pilot and other flight officer positions in the Armed
24 Forces under the jurisdiction of such Secretary that are
25 currently discharged by commissioned officers.

1 (b) ELEMENTS.—Each report under subsection (a)
2 shall set forth, for each Armed Force covered by such re-
3 port, the following:

4 (1) An assessment of the feasibility and advis-
5 ability of the discharge by warrant officers of pilot
6 and other flight officer positions that are currently
7 discharged by commissioned officers.

8 (2) An identification of each such position, if
9 any, for which the discharge by warrant officers is
10 assessed to be feasible and advisable.

11 **SEC. 596. BODY MASS INDEX TEST.**

12 (a) REVIEW REQUIRED.—Each Secretary of a mili-
13 tary department shall review—

14 (1) the current body mass index test procedure
15 used by each Armed Force under the jurisdiction of
16 that Secretary; and

17 (2) other methods to measure body fat with a
18 more holistic health and wellness approach.

19 (b) ELEMENTS.—The review required under sub-
20 section (a) shall—

21 (1) address nutrition counseling;

22 (2) determine the best methods to be used by
23 the Armed Forces to assess body fat percentages;
24 and

1 (3) improve the accuracy of body fat measure-
2 ments.

3 **SEC. 597. REPORT ON CAREER PROGRESSION TRACKS OF**
4 **THE ARMED FORCES FOR WOMEN IN COMBAT**
5 **ARMS UNITS.**

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

10 (1) The career progression track for entry level
11 women as officers in combat arms units of such
12 Armed Force.

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

16 (3) The career progression track for entry level
17 women as enlisted members in combat arms units of
18 such Armed Force.

19 (4) The career progression track for laterally
20 transferred women as enlisted members in combat
21 arms units of such Armed Force.

22 **TITLE VI—COMPENSATION AND**
23 **OTHER PERSONNEL BENEFITS**

 Subtitle A—Pay and Allowances

 Sec. 601. Fiscal year 2017 increase in military basic pay.

- Sec. 602. Publication by Department of Defense of actual rates of basic pay payable to members of the Armed Forces by pay grade for annual or other pay periods.
- Sec. 603. Extension of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances.
- Sec. 604. Reports on a new single-salary pay system for members of the Armed Forces.

Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
- Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.
- Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
- Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.
- Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pays.
- Sec. 616. Aviation incentive pay and bonus matters.
- Sec. 617. Conforming amendment to consolidation of special pay, incentive pay, and bonus authorities.
- Sec. 618. Technical amendments relating to 2008 consolidation of certain special pay authorities.

Subtitle C—Travel and Transportation Allowances

- Sec. 621. Maximum reimbursement amount for travel expenses of members of the Reserves attending inactive duty training outside of normal commuting distances.

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

PART I—AMENDMENTS IN CONNECTION WITH RETIRED PAY REFORM

- Sec. 631. Election period for members in the service academies and inactive Reserves to participate in the modernized retirement system.
- Sec. 632. Effect of separation of members from the uniformed services on participation in the Thrift Savings Plan.
- Sec. 633. Continuation pay for full Thrift Savings Plan members who have completed 8 to 12 years of service.
- Sec. 634. Combat-related special compensation coordinating amendment.

PART II—OTHER MATTERS

- Sec. 641. Use of member's current pay grade and years of service and retired pay cost-of-living adjustments, rather than final retirement pay grade and years of service, in a division of property involving disposable retired pay.
- Sec. 642. Equal benefits under Survivor Benefit Plan for survivors of reserve component members who die in the line of duty during inactive-duty training.
- Sec. 643. Authority to deduct Survivor Benefit Plan premiums from combat-related special compensation when retired pay not sufficient.

Sec. 644. Extension of allowance covering monthly premium for Servicemembers' Group Life Insurance while in certain overseas areas to cover members in any combat zone or overseas direct support area.

Sec. 645. Authority for payment of pay and allowances and retired and retainer pay pursuant to power of attorney.

Sec. 646. Extension of authority to pay special survivor indemnity allowance under the Survivor Benefit Plan.

Sec. 647. Repeal of obsolete authority for combat-related injury rehabilitation pay.

Sec. 648. Independent assessment of the Survivor Benefit Plan.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 661. Protection and enhancement of access to and savings at commissaries and exchanges.

Sec. 662. Acceptance of Military Star Card at commissaries.

Subtitle F—Other Matters

Sec. 671. Recovery of amounts owed to the United States by members of the uniformed services.

Sec. 672. Modification of flat rate per diem requirement for personnel on long-term temporary duty assignments.

1 **Subtitle A—Pay and Allowances**

2 **SEC. 601. FISCAL YEAR 2017 INCREASE IN MILITARY BASIC**

3 **PAY.**

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

9 (b) **INCREASE IN BASIC PAY.**—Effective on January
10 1, 2017, the rates of monthly basic pay for members of
11 the uniformed services are increased by 2.1 percent.

1 **SEC. 602. PUBLICATION BY DEPARTMENT OF DEFENSE OF**
2 **ACTUAL RATES OF BASIC PAY PAYABLE TO**
3 **MEMBERS OF THE ARMED FORCES BY PAY**
4 **GRADE FOR ANNUAL OR OTHER PAY PERI-**
5 **ODS.**

6 Any pay table published or otherwise issued by the
7 Department of Defense to indicate the rates of basic pay
8 of the Armed Forces in effect for members of the Armed
9 Forces for a calendar year or other period shall state the
10 rate of basic pay to be received by members in each pay
11 grade for such year or period as specified or otherwise pro-
12 vided by applicable law, including any rate to be so re-
13 ceived pursuant during such year or period by the oper-
14 ation of a ceiling under section 203(a)(2) of title 37,
15 United States Code, or a similar provision in an annual
16 defense authorization Act.

17 **SEC. 603. EXTENSION OF AUTHORITY TO PROVIDE TEM-**
18 **PORARY INCREASE IN RATES OF BASIC AL-**
19 **LOWANCE FOR HOUSING UNDER CERTAIN**
20 **CIRCUMSTANCES.**

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

1 **SEC. 604. REPORTS ON A NEW SINGLE-SALARY PAY SYSTEM**
2 **FOR MEMBERS OF THE ARMED FORCES.**

3 (a) REPORT ON PLAN TO IMPLEMENT NEW PAY
4 STRUCTURE.—Not later than March 1, 2017, the Sec-
5 retary of Defense shall submit to the Committees on
6 Armed Services of the Senate and the House of Represent-
7 ative a report that sets forth the following:

8 (1) The military pay tables as of January 1,
9 2017, reflecting the Regular Military Compensation
10 of members of the Armed Forces as of that date in
11 the range of grades, dependency statuses, and as-
12 signment locations.

13 (2) A comprehensive description of the manner
14 in which the Department of Defense would begin, by
15 not later than January 1, 2018, to implement a
16 transition between the current pay structure for
17 members of the Armed Forces and a new pay struc-
18 ture for members of the Armed Forces as provided
19 for by this section.

20 (b) REPORT ON ELEMENTS OF NEW PAY STRUC-
21 TURE.—Not later than January 1, 2018, the Secretary
22 shall submit to the Committees on Armed Services of the
23 Senate and the House of Representative a report that sets
24 forth the following:

25 (1) A description and comparison of the current
26 pay structure for members of the Armed Forces and

1 a new pay structure for members of the Armed
2 Forces, including new pay tables, that uses a single-
3 salary pay system (as adjusted by the same cost-of-
4 living adjustment that the Department of Defense
5 uses worldwide for civilian employees) based on the
6 assumptions in subsection (c).

7 (2) A proposal for such legislative and adminis-
8 trative action as the Secretary considers appropriate
9 to implement the new pay structure, and to provide
10 for a transition between the current pay structure
11 and the new pay structure.

12 (3) A comprehensive schedule for the implemen-
13 tation of the new pay structure and for the transi-
14 tion between the current pay structure and the new
15 pay structure, including all significant deadlines.

16 (c) NEW PAY STRUCTURE.—The new pay structure
17 described pursuant to subsection (b)(1) shall assume the
18 repeal of the basic allowance for housing and basic allow-
19 ance subsistence for members of the Armed Forces in
20 favor of a single-salary pay system, and shall include the
21 following:

22 (1) A statement of pay comparability with the
23 civilian sector adequate to effectively recruit and re-
24 tain a high-quality All-Volunteer Force.

1 (2) The level of pay necessary by grade and
2 years of service to meet pay comparability as de-
3 scribed in paragraph (1) in order to recruit and re-
4 tain a high-quality All-Volunteer Force.

5 (3) Necessary modifications to the military re-
6 tirement system, including the retired pay multiplier,
7 to ensure that members of the Armed Forces under
8 the pay structure are situated similarly to where
9 they would otherwise be under the military retire-
10 ment system that will take effect on January 1,
11 2018, by reason part I of subtitle D of the National
12 Defense Authorization Act for Fiscal Year 2016
13 (Public Law 114–92; 129 Stat. 842), and the
14 amendments made by that part.

15 (d) COST CONTAINMENT.—The single-salary pay sys-
16 tem under the new pay structure provided for by this sec-
17 tion shall be a single-salary pay system that will result
18 in no or minimal additional costs to the Government, both
19 in terms of annual discretionary outlays and entitlements,
20 when compared with the continuation of the current pay
21 system for members of the Armed Forces.

1 **Subtitle B—Bonuses and Special**
2 **and Incentive Pays**

3 **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
4 **SPECIAL PAY AUTHORITIES FOR RESERVE**
5 **FORCES.**

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

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

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

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

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

19 (5) Section 308h(e), relating to Ready Reserve
20 enlistment and reenlistment bonus for persons with
21 prior service.

22 (6) Section 308i(f), relating to Selected Reserve
23 enlistment and reenlistment bonus for persons with
24 prior service.

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

4 (8) Section 910(g), relating to income replace-
5 ment payments for reserve component members ex-
6 periencing extended and frequent mobilization for
7 active duty service.

8 **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
9 **SPECIAL PAY AUTHORITIES FOR HEALTH**
10 **CARE PROFESSIONALS.**

11 (a) TITLE 10 AUTHORITIES.—The following sections
12 of title 10, United States Code, are amended by striking
13 “December 31, 2016” and inserting “December 31,
14 2017”:

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

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

20 (b) TITLE 37 AUTHORITIES.—The following sections
21 of title 37, United States Code, are amended by striking
22 “December 31, 2016” and inserting “December 31,
23 2017”:

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

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

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

5 (4) Section 302g(e), relating to special pay for
6 Selected Reserve health professionals in critically
7 short wartime specialties.

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

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

12 (7) Section 302k(f), relating to accession bonus
13 for medical officers in critically short wartime spe-
14 cialties.

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

18 **SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND**
19 **BONUS AUTHORITIES FOR NUCLEAR OFFI-**
20 **CERS.**

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

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

4 (2) Section 312b(c), relating to nuclear career
5 accession bonus.

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

8 **SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
9 **ING TO TITLE 37 CONSOLIDATED SPECIAL**
10 **PAY, INCENTIVE PAY, AND BONUS AUTHORI-**
11 **TIES.**

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

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

17 (2) Section 332(g), relating to general bonus
18 authority for officers.

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

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

23 (5) Section 335(k), relating to special bonus
24 and incentive pay authorities for officers in health
25 professions.

1 (6) Section 336(g), relating to contracting
2 bonus for cadets and midshipmen enrolled in the
3 Senior Reserve Officers' Training Corps.

4 (7) Section 351(h), relating to hazardous duty
5 pay.

6 (8) Section 352(g), relating to assignment pay
7 or special duty pay.

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

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

13 **SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
14 **ING TO PAYMENT OF OTHER TITLE 37 BO-**
15 **NUSES AND SPECIAL PAYS.**

16 The following sections of title 37, United States
17 Code, are amended by striking “December 31, 2016” and
18 inserting “December 31, 2017”:

19 (1) Section 301b(a), relating to aviation officer
20 retention bonus.

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

23 (3) Section 308(g), relating to reenlistment
24 bonus for active members.

1 (4) Section 309(e), relating to enlistment
2 bonus.

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

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

8 (7) Section 326(g), relating to incentive bonus
9 for conversion to military occupational specialty to
10 ease personnel shortage.

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

13 (9) Section 330(f), relating to accession bonus
14 for officer candidates.

15 **SEC. 616. AVIATION INCENTIVE PAY AND BONUS MATTERS.**

16 (a) MAXIMUM INCENTIVE PAY AND BONUS
17 AMOUNTS.—Paragraph (1) of section 334(e) of title 37,
18 United States Code, is amended by striking subpara-
19 graphs (A) and (B) and inserting the following new sub-
20 paragraphs:

21 “(A) aviation incentive pay under sub-
22 section (a) shall be paid at a monthly rate not
23 to exceed \$1,000 per month; and

24 “(B) an aviation bonus under subsection
25 (b) may not exceed \$35,000 for each 12-month

1 period of obligated service agreed to under sub-
2 section (d).”.

3 (b) ANNUAL BUSINESS CASE FOR PAYMENT OF
4 AVIATION BONUS.—Such section is further amended—

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

7 (2) by inserting after paragraph (1) the fol-
8 lowing new paragraph (2):

9 “(2) ANNUAL BUSINESS CASE FOR PAYMENT OF
10 AVIATION BONUS AMOUNTS.—

11 “(A) IN GENERAL.—The Secretary con-
12 cerned shall determine the amount of the avia-
13 tion bonus payable under paragraph (1)(B)
14 under agreements entered into under subsection
15 (d) during a fiscal year solely through a busi-
16 ness case analysis of the amount required to be
17 paid under such agreements in order to address
18 anticipated manning shortfalls for such fiscal
19 year by aircraft type category.

20 “(B) BUDGET JUSTIFICATION DOCU-
21 MENTS.—The budget justification documents in
22 support of the budget of the President for a fis-
23 cal year (as submitted to Congress pursuant to
24 section 1105 of title 31) shall set forth for each
25 uniformed service the following:

1 “(i) The amount requested for the
2 payment of aviation bonuses under sub-
3 section (b) using amounts authorized to be
4 appropriated for the fiscal year concerned
5 by aircraft type category.

6 “(ii) The business case analysis sup-
7 porting the amount so requested by air-
8 craft type category.

9 “(iii) For each aircraft type category,
10 whether or not the amount requested will
11 permit the payment during the fiscal year
12 concerned of the maximum amount of the
13 aviation bonus authorized by paragraph
14 (1)(B).

15 “(iv) If any amount requested is to
16 address manning shortfalls, a description
17 of any plans of the Secretary concerned to
18 address such shortfalls by nonmonetary
19 means.”.

20 **SEC. 617. CONFORMING AMENDMENT TO CONSOLIDATION**
21 **OF SPECIAL PAY, INCENTIVE PAY, AND**
22 **BONUS AUTHORITIES.**

23 Section 332(c)(1)(B) of title 37, United States Code,
24 is amended by striking “\$12,000” and inserting
25 “\$20,000”.

1 **SEC. 618. TECHNICAL AMENDMENTS RELATING TO 2008**
2 **CONSOLIDATION OF CERTAIN SPECIAL PAY**
3 **AUTHORITIES.**

4 (a) FAMILY CARE PLANS.—Section 586 of the Na-
5 tional Defense Authorization Act for Fiscal Year 2008
6 (Public Law 110–181; 10 U.S.C. 991 note) is amended
7 by inserting “or 351” after “section 310”.

8 (b) DEPENDENTS’ MEDICAL CARE.—Section
9 1079(g)(1) of title 10, United States Code, is amended
10 by inserting “or 351” after “section 310”.

11 (c) RETENTION ON ACTIVE DUTY DURING DIS-
12 ABILITY EVALUATION PROCESS.—Section 1218(d)(1) of
13 title 10, United States Code, is amended by inserting “or
14 351” after “section 310”.

15 (d) STORAGE SPACE.—Section 362(1) of the John
16 Warner National Defense Authorization Act for Fiscal
17 Year 2007 (Public Law 109–364; 10 U.S.C. 2825 note)
18 is amended by inserting “, or paragraph (1) or (3) of sec-
19 tion 351(a),” after “section 310”.

20 (e) STUDENT ASSISTANCE PROGRAMS.—Sections
21 455(o)(3)(B) and 465(a)(2)(D) of the Higher Education
22 Act of 1965 (20 U.S.C. 1087e(o)(3)(B), 1087ee(a)(2)(D))
23 are amended by inserting “, or paragraph (1) or (3) of
24 section 351(a),” after “section 310”.

25 (f) ARMED FORCES RETIREMENT HOME.—Section
26 1512(a)(3)(A) of the Armed Forces Retirement Home Act

1 of 1991 (24 U.S.C. 412(a)(3)(A)) is amended by inserting
2 “or 351” after “section 310”.

3 (g) VETERANS OF FOREIGN WARS MEMBERSHIP.—
4 Section 230103(3) of title 36, United States Code, is
5 amended by inserting “or 351” after “section 310”.

6 (h) MILITARY PAY AND ALLOWANCES.—Title 37,
7 United States Code, is amended—

8 (1) in section 212(a), by inserting “, or para-
9 graph (1) or (3) of section 351(a),” after “section
10 310”;

11 (2) in section 402a(b)(3)(B), by inserting “or
12 351” after “section 310”;

13 (3) in section 481a(a), by inserting “or 351”
14 after “section 310”;

15 (4) in section 907(d)(1)(H), by inserting “or
16 351” after “section 310”; and

17 (5) in section 910(b)(2)(B), by inserting “, or
18 paragraph (1) or (3) of section 351(a),” after “sec-
19 tion 310”.

20 (i) EXCLUSIONS FROM INCOME FOR PURPOSE OF
21 SUPPLEMENTAL SECURITY INCOME.—Section
22 1612(b)(20) of the Social Security Act (42 U.S.C.
23 1382a(b)(20)) is amended by inserting “, or paragraph
24 (1) or (3) of section 351(a),” after “section 310”.

1 (j) EXCLUSIONS FROM INCOME FOR PURPOSE OF
2 HEAD START PROGRAM.—Section 645(a)(3)(B)(i) of the
3 Head Start Act (42 U.S.C. 9840(a)(3)(B)(i)) is amended
4 by inserting “or 351” after “section 310”.

5 (k) EXCLUSIONS FROM GROSS INCOME FOR FED-
6 ERAL INCOME TAX PURPOSES.—Section 112(c)(5)(B) of
7 the Internal Revenue Code of 1986 is amended by insert-
8 ing “, or paragraph (1) or (3) of section 351(a),” after
9 “section 310”.

10 **Subtitle C—Travel and** 11 **Transportation Allowances**

12 **SEC. 621. MAXIMUM REIMBURSEMENT AMOUNT FOR TRAV-** 13 **EL EXPENSES OF MEMBERS OF THE RE-** 14 **SERVES ATTENDING INACTIVE DUTY TRAIN-** 15 **ING OUTSIDE OF NORMAL COMMUTING DIS-** 16 **TANCES.**

17 Section 478a(e) of title 37, United States Code, is
18 amended—

19 (1) by striking “The amount” and inserting the
20 following: “(1) Except as provided by paragraph (2),
21 the amount”; and

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

1 “(2) The Secretary concerned may authorize, on a
2 case-by-case basis, a higher reimbursement amount for a
3 member under subsection (a) when the member—

4 “(A) resides—

5 “(i) in the same State as the training loca-
6 tion; and

7 “(ii) outside of an urbanized area with a
8 population of 50,000 or more, as determined by
9 the Bureau of the Census; and

10 “(B) is required to commute to a training loca-
11 tion—

12 “(i) using an aircraft or boat on account of
13 limited or nonexistent vehicular routes to the
14 training location or other geographical chal-
15 lenges; or

16 “(ii) from a permanent residence located
17 more than 75 miles from the training loca-
18 tion.”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (a) CONTINUATION PAY.—Subsection (a) of section
14 356 of title 37, United States Code, is amended—

15 (1) by striking paragraph (1) and inserting the
16 following new paragraph (1):

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

20 (2) in paragraph (2), by striking “an additional
21 4 years” and inserting “not less than 3 additional
22 years”.

23 (b) PAYMENT AMOUNT.—Subsection (b) of such sec-
24 tion is amended by striking all the matter preceding para-
25 graph (1) and inserting the following:

1 “(b) PAYMENT AMOUNT.—The Secretary concerned
2 shall determine the payment amount under this section
3 as a multiple of a full TSP member’s monthly basic pay.
4 The multiple for a full TSP member who is a member
5 of a regular component or a reserve component, if the
6 member is performing active Guard and Reserve duty (as
7 defined in section 101(d)(6) of title 10), shall not be less
8 than 2.5 times the member’s monthly basic pay. The mul-
9 tiple for a full TSP member who is a member of a reserve
10 component not performing active Guard or Reserve duty
11 (as so defined) shall not be less than 0.5 times the monthly
12 basic pay to which the member would be entitled if the
13 member were a member of a regular component. The max-
14 imum amount the Secretary concerned may pay a member
15 under this section is—”.

16 (c) TIMING OF PAYMENT.—Subsection (d) of such
17 section is amended to read as follows:

18 “(d) TIMING OF PAYMENT.—The Secretary con-
19 cerned shall pay continuation pay under subsection (a) to
20 a full TSP member when the member has completed not
21 less than 8 and not more than 12 years of service in a
22 uniformed service.”.

23 (d) CONFORMING AND CLERICAL AMENDMENTS.—

24 (1) HEADING.—The heading of such section is
25 amended to read as follows:

1 **“§ 356. Continuation pay: full TSP members with 8 to**
2 **12 years of service”.**

3 (2) TABLE OF SECTIONS.—The table of sections
4 at the beginning of chapter 5 of such title is amend-
5 ed by striking the item relating to section 356 and
6 inserting the following new item:

“356. Continuation pay: full TSP members with 8 to 12 years of service.”.

7 (e) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect on January 1, 2018, imme-
9 diately after the coming into effect of the amendments
10 providing for section 356 of title 37, United States Code,
11 to which the amendments made by this section relate.

12 **SEC. 634. COMBAT-RELATED SPECIAL COMPENSATION CO-**
13 **ORDINATING AMENDMENT.**

14 (a) IN GENERAL.—Section 1413a(b)(3)(B) of title
15 10, United States Code, is amended by striking “2½ per-
16 cent” and inserting “the retired pay percentage (deter-
17 mined for the member under section 1409(b) of this
18 title)”.

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

1 **PART II—OTHER MATTERS**

2 **SEC. 641. USE OF MEMBER’S CURRENT PAY GRADE AND**

3 **YEARS OF SERVICE AND RETIRED PAY COST-**

4 **OF-LIVING ADJUSTMENTS, RATHER THAN**

5 **FINAL RETIREMENT PAY GRADE AND YEARS**

6 **OF SERVICE, IN A DIVISION OF PROPERTY IN-**

7 **VOLVING DISPOSABLE RETIRED PAY.**

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

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

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

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

16 (4) by adding at the end the following new sub-
17 paragraph:

18 “(B) For purposes of subparagraph (A), the
19 total monthly retired pay to which a member is enti-
20 tled shall be—

21 “(i) the amount of basic pay payable to the
22 member for the member’s pay grade and years
23 of service at the time of the court order, as in-
24 creased by

25 “(ii) each cost-of-living adjustment that oc-
26 curs under section 1401a(b) of this title be-

1 tween the time of the court order and the time
2 of the member's retirement using the adjust-
3 ment provisions under that section applicable to
4 the member upon retirement.”.

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

12 **SEC. 642. EQUAL BENEFITS UNDER SURVIVOR BENEFIT**
13 **PLAN FOR SURVIVORS OF RESERVE COMPO-**
14 **NENT MEMBERS WHO DIE IN THE LINE OF**
15 **DUTY DURING INACTIVE-DUTY TRAINING.**

16 (a) TREATMENT OF INACTIVE-DUTY TRAINING IN
17 SAME MANNER AS ACTIVE DUTY.—Section 1451(c)(1)(A)
18 of title 10, United States Code, is amended—

19 (1) in clause (i)—

20 (A) by inserting “or 1448(f)” after “sec-
21 tion 1448(d)”; and

22 (B) by inserting “or (iii)” after “clause
23 (ii)”; and

24 (2) in clause (iii)—

1 (A) by striking “section 1448(f) of this
2 title” and inserting “section 1448(f)(1)(A) of
3 this title by reason of the death of a member
4 or former member not in line of duty”; and

5 (B) by striking “active service” and insert-
6 ing “service”.

7 (b) CONSISTENT TREATMENT OF DEPENDENT CHIL-
8 DREN.—Paragraph (2) of section 1448(f) of title 10,
9 United States Code, is amended to read as follows:

10 “(2) DEPENDENT CHILDREN ANNUITY.—

11 “(A) ANNUITY WHEN NO ELIGIBLE SUR-
12 VIVING SPOUSE.—In the case of a person de-
13 scribed in paragraph (1), the Secretary con-
14 cerned shall pay an annuity under this sub-
15 chapter to the dependent children of that per-
16 son under section 1450(a)(2) of this title as ap-
17 plicable.

18 “(B) OPTIONAL ANNUITY WHEN THERE IS
19 AN ELIGIBLE SURVIVING SPOUSE.—The Sec-
20 retary may pay an annuity under this sub-
21 chapter to the dependent children of a person
22 described in paragraph (1) under section
23 1450(a)(3) of this title, if applicable, instead of
24 paying an annuity to the surviving spouse
25 under paragraph (1), if the Secretary con-

1 cerned, in consultation with the surviving
2 spouse, determines it appropriate to provide an
3 annuity for the dependent children under this
4 paragraph instead of an annuity for the sur-
5 viving spouse under paragraph (1).”.

6 (c) DEEMED ELECTIONS.—Section 1448(f) of title
7 10, United States Code, is further amended by adding at
8 the end the following new paragraph:

9 “(5) DEEMED ELECTION TO PROVIDE AN AN-
10 NUITY FOR DEPENDENT.—Paragraph (6) of sub-
11 section (d) shall apply in the case of a member de-
12 scribed in paragraph (1) who dies after November
13 23, 2003, when no other annuity is payable on be-
14 half of the member under this subchapter.”.

15 (d) AVAILABILITY OF SPECIAL SURVIVOR INDEMNITY
16 ALLOWANCE.—Section 1450(m)(1)(B) of title 10, United
17 States Code, is amended by inserting “or (f)” after “sub-
18 section (d)”.

19 (e) APPLICATION OF AMENDMENTS.—

20 (1) PAYMENT.—No annuity benefit under sub-
21 chapter II of chapter 73 of title 10, United States
22 Code, shall accrue to any person by reason of the
23 amendments made by this section for any period be-
24 fore the date of the enactment of this Act.

1 (2) ELECTIONS.—For any death that occurred
2 before the date of the enactment of this Act with re-
3 spect to which an annuity under such subchapter is
4 being paid (or could be paid) to a surviving spouse,
5 the Secretary concerned may, within six months of
6 that date and in consultation with the surviving
7 spouse, determine it appropriate to provide an annu-
8 ity for the dependent children of the decedent under
9 paragraph 1448(f)(2)(B) of title 10, United States
10 Code, as added by subsection (b), instead of an an-
11 nuity for the surviving spouse. Any such determina-
12 tion and resulting change in beneficiary shall be ef-
13 fective as of the first day of the first month fol-
14 lowing the date of the determination.

15 **SEC. 643. AUTHORITY TO DEDUCT SURVIVOR BENEFIT**
16 **PLAN PREMIUMS FROM COMBAT-RELATED**
17 **SPECIAL COMPENSATION WHEN RETIRED**
18 **PAY NOT SUFFICIENT.**

19 (a) AUTHORITY.—Subsection (d) of section 1452 of
20 title 10, United States Code, is amended—

21 (1) by redesignating paragraph (2) as para-
22 graph (3); and

23 (2) by inserting after paragraph (1) the fol-
24 lowing new paragraph (2):

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

14 (b) CONFORMING AMENDMENTS TO SECTION
15 1452.—

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

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

20 (B) in paragraph (1), by inserting before
21 the period at the end the following: “, except to
22 the extent that the required deduction is made
23 pursuant to paragraph (2)”; and

24 (C) in paragraph (3), as redesignated by
25 subsection (a)(1), by striking “Paragraph (1)

1 does not” and inserting “Paragraphs (1) and
2 (2) do not”.

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

6 (3) Subsection (g)(4) of such section is amend-
7 ed—

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

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

12 (c) CONFORMING AMENDMENTS TO OTHER PROVI-
13 SIONS OF SBP STATUTE.—

14 (1) Section 1449(b)(2) of such title is amend-
15 ed—

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

18 (B) by inserting “or combat-related special
19 compensation” after “from retired pay”.

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

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

23 (B) in paragraph (1), by inserting “or
24 combat-related special compensation” after
25 “from the retired pay”.

1 **SEC. 644. EXTENSION OF ALLOWANCE COVERING MONTHLY**
2 **PREMIUM FOR SERVICEMEMBERS' GROUP**
3 **LIFE INSURANCE WHILE IN CERTAIN OVER-**
4 **SEAS AREAS TO COVER MEMBERS IN ANY**
5 **COMBAT ZONE OR OVERSEAS DIRECT SUP-**
6 **PORT AREA.**

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

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

10 (2) by striking “who serves in the theater of op-
11 erations for Operation Enduring Freedom or Oper-
12 ation Iraqi Freedom” and inserting “who serves in
13 a designated duty assignment”; and

14 (3) by adding at the end the following new
15 paragraph:

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

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

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

23 (b) **CONFORMING AMENDMENTS.**—

24 (1) **CROSS-REFERENCE.**—Subsection (b) of
25 such section is amended by striking “theater of op-

1 erations” and inserting “designated duty assign-
2 ment”.

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

5 **“§ 437. Allowance to cover monthly premiums for**
6 **Servicemembers’ Group Life Insurance:**
7 **members serving in a designated duty as-**
8 **ignment”.**

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

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

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

19 **SEC. 645. AUTHORITY FOR PAYMENT OF PAY AND ALLOW-**
20 **ANCES AND RETIRED AND RETAINER PAY**
21 **PURSUANT TO POWER OF ATTORNEY.**

22 Section 602 of title 37, United States Code, is
23 amended—

24 (1) in subsection (a)—

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

3 (B) by striking “use or benefit” and all
4 that follows through “any person designated”
5 and inserting the following: “use or benefit to—

6 “(1) a legal committee, guardian, or other rep-
7 resentative that has been appointed by a court of
8 competent jurisdiction;

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

13 “(3) any person designated”;

14 (2) in subsection (b)—

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

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

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

1 (4) in subsection (d), by inserting “, unless a
2 court of competent jurisdiction orders payment of
3 such fee, commission, or other charge” before the
4 period;

5 (5) by striking subsection (e);

6 (6) by redesignating subsection (f) as sub-
7 section (e); and

8 (7) in subsection (e), as redesignated by para-
9 graph (6)—

10 (A) by inserting “under subsection (a)(3)”
11 after “who is designated”; and

12 (B) by striking “\$1,000” and inserting
13 “\$25,000”.

14 **SEC. 646. EXTENSION OF AUTHORITY TO PAY SPECIAL SUR-**
15 **VIVOR INDEMNITY ALLOWANCE UNDER THE**
16 **SURVIVOR BENEFIT PLAN.**

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

19 (1) in paragraph (2)(I), by striking “fiscal year
20 2017” and inserting “each of fiscal years 2017 and
21 2018”; and

22 (2) in paragraph (6)—

23 (A) by striking “September 30, 2017” and
24 inserting “May 31, 2018”; and

1 (B) by striking “October 1, 2017” both
2 places it appears and inserting “June 1, 2018”.

3 **SEC. 647. REPEAL OF OBSOLETE AUTHORITY FOR COMBAT-**
4 **RELATED INJURY REHABILITATION PAY.**

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

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

10 **SEC. 648. INDEPENDENT ASSESSMENT OF THE SURVIVOR**
11 **BENEFIT PLAN.**

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

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

20 (1) The purposes of the Survivor Benefit Plan,
21 the manner in which the Plan interacts with other
22 Federal programs to provide financial stability and
23 resources for survivors of members of the Armed
24 Forces and military retirees, and a comparison be-
25 tween the benefits available under the Plan, on the

1 one hand, and benefits available to Government and
2 private sector employees, on the other hand, in-
3 tended to provide financial stability and resources
4 for spouses and other dependents when a primary
5 family earner dies.

6 (2) The effectiveness of the Survivor Benefit
7 Plan in providing survivors with intended benefits,
8 including the provision of survivor benefits for sur-
9 vivors of members of the Armed Forces dying on ac-
10 tive duty and members dying while in reserve active-
11 status.

12 (3) The feasibility and advisability of providing
13 survivor benefits through alternative insurance prod-
14 ucts available commercially for similar purposes, the
15 extent to which the Government could subsidize such
16 products at no cost in excess of the costs of the Sur-
17 vivor Benefit Plan, and the extent to which such
18 products might meet the needs of survivors, espe-
19 cially those on fixed incomes, to maintain financial
20 stability.

21 (c) REPORT.—Not later than one year after the date
22 of the enactment of this Act, the Secretary shall submit
23 to the Committees on Armed Services of the Senate and
24 the House of Representatives a report setting forth the
25 results of the assessment conducted pursuant to sub-

1 section (a), together with such recommendations as the
2 Secretary considers appropriate for legislative or adminis-
3 tration action in light of the results of the assessment.

4 **Subtitle E—Commissary and Non-**
5 **appropriated Fund Instrumen-**
6 **tality Benefits and Operations**

7 **SEC. 661. PROTECTION AND ENHANCEMENT OF ACCESS TO**
8 **AND SAVINGS AT COMMISSARIES AND EX-**
9 **CHANGES.**

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

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

22 “(B) The Secretary shall ensure that savings gen-
23 erated due to such optimization practices are shared by
24 the defense commissary system and the exchange system
25 through contracts or agreements that appropriately reflect

1 the participation of the systems in the development and
2 implementation of such practices.

3 “(C) If the Secretary determines that the reduced re-
4 liance on appropriated funding pursuant to subparagraph
5 (A) is insufficient to maintain the benefits to the patrons
6 of the defense commissary system, and if the Secretary
7 converts the defense commissary system to a non-
8 appropriated fund entity or instrumentality pursuant to
9 paragraph (1) of section 2484(j) of this title, the Secretary
10 shall transfer appropriated funds pursuant to paragraph
11 (2) of such section to ensure the maintenance of such ben-
12 efits.

13 “(4) On not less than a quarterly basis, the Secretary
14 shall provide to the congressional defense committees a
15 briefing on the defense commissary system, including—

16 “(A) an assessment of the savings the system
17 provides patrons;

18 “(B) the status of implementing section 2484(i)
19 of this title;

20 “(C) the status of implementing section 2484(j)
21 of this title, including whether the system requires
22 any appropriated funds pursuant to paragraph (2)
23 of such section;

24 “(D) the status of carrying out a program for
25 such system to sell private label merchandise; and

1 “(E) any other matters the Secretary considers
2 appropriate.”.

3 (b) AUTHORIZATION TO SUPPLEMENT APPROPRIA-
4 TIONS THROUGH BUSINESS OPTIMIZATION.—Section
5 2483(c) of such title is amended by adding at the end the
6 following new sentence: “Such appropriated amounts may
7 also be supplemented with additional funds derived from
8 improved management practices implemented pursuant to
9 sections 2481(c)(3) and 2487(c) of this title and the vari-
10 able pricing program implemented pursuant to section
11 2484(i) of this title.”.

12 (c) VARIABLE PRICING PILOT PROGRAM.—Section
13 2484 of such title is amended by adding at the end the
14 following new subsections:

15 “(i) VARIABLE PRICING PROGRAM.—(1) Notwith-
16 standing subsection (e), and subject to subsection (k), the
17 Secretary of Defense may establish a variable pricing pro-
18 gram pursuant to which prices may be established in re-
19 sponse to market conditions and customer demand, in ac-
20 cordance with the requirements of this subsection. Not-
21 withstanding the amount of the uniform surcharge as-
22 sessed in subsection (d), the Secretary may provide for
23 an alternative surcharge of not more than five percent of
24 sales proceeds under the variable pricing program to be
25 made available for the purposes specified in subsection (h).

1 “(2) Subject to subsection (k), before establishing a
2 variable pricing program under this subsection, the Sec-
3 retary shall establish the following:

4 “(A) Specific, measurable benchmarks for suc-
5 cess in the provision of high quality grocery mer-
6 chandise, discount savings to patrons, and levels of
7 customer satisfaction while achieving savings for the
8 Department of Defense.

9 “(B) A baseline of overall savings to patrons
10 achieved by commissary stores prior to the initiation
11 of the variable pricing program, based on a compari-
12 son of prices charged by those stores on a regional
13 basis with prices charged by relevant local competi-
14 tors for a representative market basket of goods.

15 “(3) The Secretary shall ensure that the defense com-
16 missary system implements the variable pricing program
17 by conducting price comparisons using the methodology
18 established for paragraph (2)(B) and adjusting pricing as
19 necessary to ensure that pricing in the variable pricing
20 program achieves overall savings to patrons that are con-
21 sistent with the baseline savings established for the rel-
22 evant region pursuant to such paragraph.

23 “(j) CONVERSION TO NONAPPROPRIATED FUND EN-
24 TITY OR INSTRUMENTALITY.—(1) Subject to subsection
25 (k), if the Secretary of Defense determines that the vari-

1 able pricing program has met the benchmarks for success
2 established pursuant to paragraph (2)(A) of subsection (i)
3 and the savings requirements established pursuant to
4 paragraph (3) of such subsection over a period of at least
5 six months, the Secretary may convert the defense com-
6 missary system to a nonappropriated fund entity or in-
7 strumentality, with operating expenses financed in whole
8 or in part by receipts from the sale of products and the
9 sale of services. Upon such conversion, appropriated funds
10 shall be transferred to the defense commissary system only
11 in accordance with paragraph (2) or section 2491 of this
12 title. The requirements of section 2483 of this title shall
13 not apply to the defense commissary system operating as
14 a nonappropriated fund entity or instrumentality.

15 “(2) If the Secretary determines that the defense
16 commissary system operating as a nonappropriated fund
17 entity or instrumentality is likely to incur a loss in any
18 fiscal year as a result of compliance with the savings re-
19 quirement established in subsection (i), the Secretary shall
20 authorize a transfer of appropriated funds available for
21 such purpose to the commissary system in an amount suf-
22 ficient to offset the anticipated loss. Any funds so trans-
23 ferred shall be considered to be nonappropriated funds for
24 such purpose.

1 “(3)(A) The Secretary may identify positions of em-
2 ployees in the defense commissary system who are paid
3 with appropriated funds whose status may be converted
4 to the status of an employee of a nonappropriated fund
5 entity or instrumentality.

6 “(B) The status and conversion of employees in a po-
7 sition identified by the Secretary under subparagraph (A)
8 shall be addressed as provided in section 2491(c) of this
9 title for employees in morale, welfare, and recreation pro-
10 grams, including with respect to requiring the consent of
11 such employee to be so converted.

12 “(C) No individual who is an employee of the defense
13 commissary system as of the date of the enactment of this
14 subsection shall suffer any loss of or decrease in pay as
15 a result of a conversion made under this paragraph.

16 “(k) OVERSIGHT REQUIRED TO ENSURE CONTINUED
17 BENEFIT TO PATRONS.—(1) With respect to each action
18 described in paragraph (2), the Secretary of Defense may
19 not carry out such action until—

20 “(A) the Secretary provides to the congressional
21 defense committees a briefing on such action, includ-
22 ing a justification for such action; and

23 “(B) a period of 30 days has elapsed following
24 such briefing.

1 “(2) The actions described in this paragraph are the
2 following:

3 “(A) Establishing the representative market
4 basket of goods pursuant to subsection (i)(2)(B).

5 “(B) Establishing the variable pricing program
6 under subsection (i)(1).

7 “(C) Converting the defense commissary system
8 to a nonappropriated fund entity or instrumentality
9 under subsection (j)(1).”.

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

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

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

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

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

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

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

4 “(A) for products and services that are shared
5 by the defense commissary system and the exchange
6 system; and

7 “(B) for the acquisition of supplies, resale
8 goods, and services on behalf of both the defense
9 commissary system and the exchange system.

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

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

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

1 (e) AUTHORITY FOR EXPERT COMMERCIAL AD-
2 VICE.—Section 2485 of such title is amended by adding
3 at the end the following new subsection:

4 “(i) EXPERT COMMERCIAL ADVICE.—The Secretary
5 of Defense may enter into a contract with an entity to
6 obtain expert commercial advice, commercial assistance, or
7 other similar services not otherwise carried out by the De-
8 fense Commissary Agency, to implement section 2481(c),
9 subsections (i) and (j) of section 2484, and section
10 2487(c) of this title.”.

11 (f) CLARIFICATION OF REFERENCES TO “THE EX-
12 CHANGE SYSTEM”.—Section 2481(a) of such title is
13 amended by adding at the end the following new sentence:
14 “Any reference in this chapter to ‘the exchange system’
15 shall be treated as referring to each separate administra-
16 tive entity within the Department of Defense through
17 which the Secretary has implemented the requirement
18 under this subsection for a world-wide system of exchange
19 stores.”.

20 (g) OPERATION OF DEFENSE COMMISSARY SYSTEM
21 AS A NONAPPROPRIATED FUND ENTITY.—In the event
22 that the defense commissary system is converted to a non-
23 appropriated fund entity or instrumentality as authorized
24 by section 2484(j)(1) of title 10, United States Code, as

1 added by subsection (c) of this section, the Secretary of
2 Defense may—

3 (1) provide for the transfer of commissary as-
4 sets, including inventory and available funds, to the
5 nonappropriated fund entity or instrumentality; and

6 (2) ensure that revenues accruing to the de-
7 fense commissary system are appropriately credited
8 to the nonappropriated fund entity or instrumen-
9 tality.

10 (h) CONFORMING CHANGE.—Section 2643(b) of such
11 title is amended by adding at the end the following new
12 sentence: “Such appropriated funds may be supplemented
13 with additional funds derived from improved management
14 practices implemented pursuant to sections 2481(c)(3)
15 and 2487(c) of this title.”.

16 **SEC. 662. ACCEPTANCE OF MILITARY STAR CARD AT COM-**
17 **MISSARIES.**

18 (a) IN GENERAL.—The Secretary of Defense shall
19 ensure that—

20 (1) commissary stores accept as payment the
21 Military Star Card; and

22 (2) any financial liability of the United States
23 relating to such acceptance as payment be assumed
24 by the Army and Air Force Exchange Service.

1 (b) MILITARY STAR CARD DEFINED.—In this sec-
2 tion, the term “Military Star Card” means a credit card
3 administered under the Exchange Credit Program by the
4 Army and Air Force Exchange Service.

5 **Subtitle F—Other Matters**

6 **SEC. 671. RECOVERY OF AMOUNTS OWED TO THE UNITED** 7 **STATES BY MEMBERS OF THE UNIFORMED** 8 **SERVICES.**

9 (a) STATUTE OF LIMITATIONS.—Section 1007(c)(3)
10 of title 37, United States Code, is amended by adding at
11 the end the following new subparagraphs:

12 “(C)(i) In accordance with clause (ii), if the indebted-
13 ness of a member of the uniformed services to the United
14 States occurs, through no fault of the member, as a result
15 of the overpayment of pay or allowances to the member
16 or upon the settlement of the member’s accounts, the Sec-
17 retary concerned may not recover the indebtedness from
18 the member, including a retired or former member, using
19 deductions from the pay of the member, deductions from
20 retired or separation pay, or any other collection method
21 unless recovery of the indebtedness commences before the
22 end of the 10-year period beginning on the date on which
23 the indebtedness was incurred.

1 “(ii) Clause (i) applies with respect to indebtedness
2 incurred on or after the date of the enactment of the Na-
3 tional Defense Authorization Act for Fiscal Year 2017.

4 “(D)(i) Not later than January 1 of each of 2017
5 through 2027, the Director of the Defense Finance and
6 Accounting Service shall review all cases occurring during
7 the 10-year period prior to the date of the review of in-
8 debtedness of a member of the uniformed services, includ-
9 ing a retired or former member, to the United States in
10 which—

11 “(I) the recovery of the indebtedness com-
12 menced after the end of the 10-year period begin-
13 ning on the date on which the indebtedness was in-
14 curred; or

15 “(II) the Director did not otherwise notify the
16 member of such indebtedness during such 10-year
17 period.

18 “(ii) The Director shall submit to the congressional
19 defense committees and the Committees on Veterans’ Af-
20 fairs of the House of Representatives and the Senate each
21 review conducted under clause (i), including the amounts
22 owed to the United States by the members included in
23 such review.”.

24 (b) REMISSION OR CANCELLATION OF INDEBTED-
25 NESS OF RESERVES NOT ON ACTIVE DUTY.—

1 (1) ARMY.—Section 4837(a) of title 10, United
2 States Code, is amended by striking “on active duty
3 as a member of the Army” and inserting “as a
4 member of the Army, whether as a regular or a re-
5 serve in active status”.

6 (2) NAVY.—Section 6161(a) of such title is
7 amended by striking “on active duty as a member
8 of the naval service” and inserting “as a member of
9 the naval service, whether as a regular or a reserve
10 in active status”.

11 (3) AIR FORCE.—Section 9837(a) of such title
12 is amended by striking “on active duty as a member
13 of the Air Force” and inserting “as a member of the
14 Air Force, whether as a regular or a reserve in ac-
15 tive status”.

16 (4) COAST GUARD.—Section 461(1) of title 14,
17 United States Code, is amended by striking “on ac-
18 tive duty as a member of the Coast Guard” and in-
19 serting “as a member of the Coast Guard, whether
20 as a regular or a reserve in active status”.

21 (5) EFFECTIVE DATE.—The amendments made
22 by this subsection shall take effect on the date of the
23 enactment of this Act, and shall apply with respect
24 to debt incurred on or after October 7, 2001.

1 (c) BENEFITS PAID TO MEMBERS OF CALIFORNIA
2 NATIONAL GUARD.—

3 (1) REVIEW OF CERTAIN BENEFITS PAID.—

4 (A) IN GENERAL.—The Secretary of De-
5 fense shall conduct a review of all bonus pays,
6 special pays, student loan repayments, and
7 similar special payments that were paid to
8 members of the National Guard of the State of
9 California during the period beginning on Janu-
10 ary 1, 2004, and ending on December 31, 2015.

11 (B) EXCEPTION.—A review is not required
12 under this paragraph for benefits paid as de-
13 scribed in subparagraph (A) that were reviewed
14 before the date of the enactment of this Act
15 and in which fraud or other ineligibility was
16 identified in connection with payment.

17 (C) CONDUCT OF REVIEW.—The Secretary
18 shall establish a process to expedite the review
19 required by this paragraph. The Secretary shall
20 allocate appropriate personnel and other re-
21 sources of the Department of Defense for the
22 process, and for such other purposes as the
23 Secretary considers appropriate, in order to
24 achieve the completion of the review by the date
25 specified in subparagraph (D).

1 (D) COMPLETION.—The review required
2 by this paragraph shall be completed by not
3 later than July 30, 2017.

4 (2) REVIEW.—

5 (A) IN GENERAL.—In conducting the re-
6 view of benefits paid to members of the Na-
7 tional Guard of the State of California pursuant
8 to paragraph (1), the board of review concerned
9 shall—

10 (i) carry out a complete review of all
11 bonus pay and special pay contracts
12 awarded to such members during the pe-
13 riod described in paragraph (1)(A) for
14 which the Department has reason to be-
15 lieve a recoupment of pay may be war-
16 ranted in order to determine whether such
17 members were eligible for the contracts so
18 awarded and whether the contracts so
19 awarded accurately specified the amounts
20 of pay for which members were eligible;

21 (ii) carry out a complete review of all
22 student loan repayment contracts awarded
23 to such members during the period for
24 which the Department has reason to be-
25 lieve a recoupment of payment may be

1 warranted in order to determine whether
2 such members were eligible for the con-
3 tracts so awarded and whether the con-
4 tracts so awarded accurately specified the
5 amounts of payment for which members
6 were eligible;

7 (iii) carry out a complete review of
8 any other similar special payments paid to
9 such members during the period for which
10 the Department has reason to believe a
11 recoupment of payments may be warranted
12 in order to determine whether such mem-
13 bers were eligible for payment and in such
14 amount;

15 (iv) if any member is determined not
16 to have been eligible for a bonus pay, spe-
17 cial pay, student loan repayment, or other
18 special payment paid, determine whether
19 waiver of recoupment is warranted; and

20 (v) if any bonus pay, special pay, stu-
21 dent loan repayment, or other special pay-
22 ment paid to any such member during the
23 period has been recouped, determine
24 whether the recoupment was unwarranted.

1 (B) WAIVER OF RECOUPMENT.—For pur-
2 poses of clause (iv) of subparagraph (A), the
3 board of review shall determine that waiver of
4 recoupment is warranted with respect to a par-
5 ticular member unless the board makes an af-
6 firmative determination, by a preponderance of
7 the evidence, that the member knew or reason-
8 ably should have known that the member was
9 ineligible for the bonus pay, special pay, student
10 loan repayment, or other special payment other-
11 wise subject to recoupment.

12 (C) PROPRIETY OF RECOUPMENT.—For
13 purposes of clause (v) of subparagraph (A), the
14 board of review shall determine that
15 recoupment was unwarranted with respect to a
16 particular member unless the board makes an
17 affirmative determination, by a preponderance
18 of the evidence, that the member knew or rea-
19 sonably should have known that the member
20 was ineligible for the bonus pay, special pay,
21 student loan repayment, or other special pay-
22 ment recouped.

23 (D) STANDARD OF REVIEW.—In applying
24 subparagraph (B) or (C) in making a deter-
25 mination under clause (iv) or (v) of subpara-

1 graph (A), as applicable, with respect to a
2 member, the board of review shall evaluate the
3 evidence in a light most favorable to the mem-
4 ber.

5 (3) PARTICIPATION OF MEMBERS.—

6 (A) IN GENERAL.—A member subject to a
7 determination under clause (iv) or (v) of para-
8 graph (2)(A) may submit to the board of review
9 concerned such documentary and other evidence
10 as the member considers appropriate to assist
11 the board of review in the determination.

12 (B) NOTICE.—The Secretary shall notify,
13 in writing, each member subject to a determina-
14 tion under clause (iv) or (v) of paragraph
15 (2)(A) of the review under paragraph (1) and
16 the applicability of the determination process
17 under such clause to such member. The notice
18 shall be provided at a time designed to give
19 each member a reasonable opportunity to sub-
20 mit documentary and other evidence as author-
21 ized by subparagraph (A). The notice shall pro-
22 vide each member the following:

23 (i) Notice of the opportunity for such
24 member to submit evidence to assist the
25 board of review.

1 (ii) A description of resources avail-
2 able to such member to submit such evi-
3 dence.

4 (C) CONSIDERATION.—In making a deter-
5 mination under clause (iv) or (v) of paragraph
6 (2)(A) with respect to a member, the board of
7 review shall undertake a comprehensive review
8 of any submissions made by the member pursu-
9 ant to this paragraph.

10 (4) ACTIONS FOLLOWING REVIEW.—

11 (A) WAIVER OF RECOUPMENT.—Upon
12 completion of a review pursuant to paragraph
13 (2)(A)(iv) with respect to a member—

14 (i) the board of review shall submit to
15 the Secretary concerned a notice setting
16 forth—

17 (I) the determination of the
18 board pursuant to that paragraph
19 with respect to the member; and

20 (II) the recommendation of the
21 board whether or not the recoupment
22 of the bonus pay, special pay, student
23 loan repayment, or other special pay-
24 ment covered by the determination
25 should be waived; and

1 (ii) the Secretary may waive
2 recoupment of the pay, repayment, or
3 other payment from the member.

4 (B) REPAYMENT OF AMOUNT RE-
5 COUPED.—Upon completion of a review pursu-
6 ant to paragraph (2)(A)(v) with respect to a
7 member—

8 (i) the board of review shall submit to
9 the Secretary concerned a notice setting
10 forth—

11 (I) the determination of the
12 board pursuant to that paragraph
13 with respect to the member; and

14 (II) the recommendation of the
15 board whether or not the recouped
16 bonus pay, special pay, student loan
17 repayment, or other special payment
18 covered by the determination should
19 be repaid the member; and

20 (ii) the Secretary may repay the mem-
21 ber the amount so recouped.

22 (C) CONSUMER CREDIT AND RELATED
23 MATTERS.—If the Secretary concerned waives
24 recoupment of a bonus pay, special pay, student
25 loan repayment, or other special payment paid

1 a member pursuant to paragraph (4)(A)(ii), or
2 repays a member an amount of a bonus pay,
3 special pay, student loan repayment, or other
4 special payment recouped pursuant to para-
5 graph (4)(B)(ii), the Secretary shall—

6 (i) in the event the Secretary had pre-
7 viously notified a consumer reporting agen-
8 cy of the existence of the debt subject to
9 the relief granted the member pursuant to
10 this paragraph, notify such consumer re-
11 porting agency that such debt was never
12 valid; and

13 (ii) if the member is experiencing or
14 has experienced financial hardship as a re-
15 sult of the actions of the United States to
16 obtain recoupment of such debt, assist the
17 member, to the extent practicable, in ad-
18 dressing such financial hardship in accord-
19 ance with such mechanisms as the Sec-
20 retary shall develop for purposes of this
21 clause.

22 (D) EFFECT OF CONSUMER CREDIT NOTI-
23 FICATION.—A consumer reporting agency noti-
24 fied of the invalidity of a debt pursuant to sub-
25 paragraph (C)(i) may not, after the date of the

1 notice, make any consumer report containing
2 any information relating to the debt.

3 (E) DEFINITIONS.—In this paragraph, the
4 terms “consumer reporting agency” and “con-
5 sumer report” have the meaning given such
6 terms in section 603 of the Fair Credit Report-
7 ing Act (15 U.S.C. 1681a).

8 (5) FUNDING.—Amounts for activities under
9 this subsection, including for the conduct of the re-
10 view required by paragraph (1), for activities in con-
11 nection with the review, for repayments pursuant to
12 paragraph (4)(B), and for activities under para-
13 graph (4)(C), shall be derived from amounts avail-
14 able for the National Guard of the United States for
15 the State of California.

16 (6) SECRETARY OF DEFENSE REPORT.—

17 (A) IN GENERAL.—Not later than August
18 1, 2017, the Secretary of Defense shall submit
19 to the Committees on Armed Services of the
20 Senate and the House of Representatives a re-
21 port on the review conducted pursuant to para-
22 graph (1).

23 (B) ELEMENTS.—The report under this
24 paragraph shall include the following:

1 (i) The total amount of bonus pays,
2 special pays, student loan repayments, and
3 other special pays paid to members of the
4 National Guard of the State of California
5 during the period beginning on September
6 1, 2001, and ending on December 31,
7 2015.

8 (ii) The number of bonus pay and
9 special pay contracts reviewed pursuant to
10 paragraph (2)(A)(i), and the amounts of
11 such pays paid under each such contract.

12 (iii) The number of student loan re-
13 payment contracts reviewed pursuant to
14 paragraph (2)(A)(ii), and the amounts of
15 such payments made pursuant to each
16 such contract.

17 (iv) The number of other special pay
18 payments reviewed pursuant to paragraph
19 (2)(A)(iii), and the amounts of such pay-
20 ments made to each particular member so
21 paid.

22 (v) The number of bonus pay and spe-
23 cial pay contracts, student loan repay-
24 ments, and other special pay payments
25 that were determined pursuant to the re-

1 view to be paid in error, and the total
2 amount, if any, recouped from each mem-
3 ber concerned.

4 (vi) Any additional fraud or other in-
5 eligibility identified in the course of the re-
6 view in the payment of bonus pays, special
7 pays, student loan repayments, and other
8 special pays paid to the members of the
9 National Guard of the State of California
10 during the period beginning on September
11 1, 2001, and ending on December 31,
12 2015.

13 (7) COMPTROLLER GENERAL REPORT.—

14 (A) IN GENERAL.—Not later than one year
15 after the date of the enactment of this Act, the
16 Comptroller General of the United States shall
17 submit to the Committees on Armed Services of
18 the Senate and the House of Representatives a
19 report on the actions of the National Guard of
20 the State of California relating to the payment
21 of bonus pays, special pays, student loan repay-
22 ments, and other special pays from 2004
23 through 2015.

24 (B) ELEMENTS.—The report under this
25 paragraph shall include the following:

1 (i) An assessment whether the Na-
2 tional Guard of the State of California and
3 the National Guard Bureau have estab-
4 lished policies and procedures that will
5 minimize the chance of improper payment
6 of such pays and repayments and of mana-
7 gerial abuse in the payment of such pays
8 and repayments.

9 (ii) An assessment whether the proce-
10 dures, processes, and resources of the De-
11 fense Finance and Accounting Service and
12 the Defense Office of Hearings and Ap-
13 peals were appropriate to identify and re-
14 spond to fraud or other ineligibility in con-
15 nection with the payment of such pays and
16 repayments, and to do so in a timely man-
17 ner.

18 (iii) Any recommendations the Comp-
19 troller General considers appropriate to
20 streamline the procedures and processes
21 for the waiver of recoupment of the pay-
22 ment of such pays and repayments by the
23 United States when recoupment is unwar-
24 ranted.

1 **SEC. 672. MODIFICATION OF FLAT RATE PER DIEM RE-**
2 **QUIREMENT FOR PERSONNEL ON LONG-**
3 **TERM TEMPORARY DUTY ASSIGNMENTS.**

4 (a) MODIFICATION OF FLAT RATE.—

5 (1) IN GENERAL.—The Secretary of Defense
6 shall take such action as may be necessary to pro-
7 vide that, to the extent that regulations imple-
8 menting travel and transportation authorities for
9 military and civilian personnel of the Department of
10 Defense impose a flat rate per diem for meals and
11 incidental expenses for authorized travelers on long-
12 term temporary duty assignments that is at a re-
13 duced rate compared to the per diem rate otherwise
14 applicable, the Secretary concerned may waive the
15 applicability of such reduced rate and pay such trav-
16 elers actual expenses up to the full per diem rate for
17 such travel in any case when the Secretary con-
18 cerned determines that the reduced flat rate per
19 diem for meals and incidental expenses is not suffi-
20 cient under the circumstances of the temporary duty
21 assignment.

22 (2) APPLICABILITY.—The Secretary concerned
23 may exercise the authority provided pursuant to
24 paragraph (1) with respect to per diem payable for
25 any day on or after the date of the enactment of this
26 Act.

1 (b) DELEGATION OF AUTHORITY.—The authority
2 pursuant to subsection (a) may be delegated by the Sec-
3 retary concerned to an officer at the level of lieutenant
4 general or vice admiral, or above. Such authority may not
5 be delegated to an officer below that level.

6 (c) WAIVER OF COLLECTION OF RECEIPTS.—The
7 Secretary concerned or an officer to whom the authority
8 pursuant to subsection (a) is delegated pursuant to sub-
9 section (b) may waive any requirement for the submittal
10 of receipts by travelers on long-term temporary duty as-
11 signments for the purpose of receiving the full per diem
12 rate pursuant to subsection (a) if the Secretary concerned
13 or officer, as described in subsection (b), personally cer-
14 tifies that requiring travelers to submit receipts for that
15 purpose will negatively affect mission performance or cre-
16 ate an undue administrative burden.

17 (d) SECRETARY CONCERNED DEFINED.—In this sec-
18 tion, the term “Secretary concerned” has the meaning
19 given that term in section 101 of title 37, United States
20 Code.

21 **TITLE VII—HEALTH CARE**

22 **PROVISIONS**

Subtitle A—Reform of TRICARE and Military Health System

Sec. 701. TRICARE Select and other TRICARE reform.

Sec. 702. Reform of administration of the Defense Health Agency and military
medical treatment facilities.

Sec. 703. Military medical treatment facilities.

Sec. 704. Access to urgent and primary care under TRICARE program.

- Sec. 705. Value-based purchasing and acquisition of managed care support contracts for TRICARE program.
- Sec. 706. Establishment of high performance military-civilian integrated health delivery systems.
- Sec. 707. Joint Trauma System.
- Sec. 708. Joint Trauma Education and Training Directorate.
- Sec. 709. Standardized system for scheduling medical appointments at military treatment facilities.

Subtitle B—Other Health Care Benefits

- Sec. 711. Extended TRICARE program coverage for certain members of the National Guard and dependents during certain disaster response duty.
- Sec. 712. Continuity of health care coverage for Reserve Components.
- Sec. 713. Provision of hearing aids to dependents of retired members.
- Sec. 714. Coverage of medically necessary food and vitamins for certain conditions under the TRICARE program.
- Sec. 715. Eligibility of certain beneficiaries under the TRICARE program for participation in the Federal Employees Dental and Vision Insurance Program.
- Sec. 716. Applied behavior analysis.
- Sec. 717. Evaluation and treatment of veterans and civilians at military treatment facilities.
- Sec. 718. Enhancement of use of telehealth services in military health system.
- Sec. 719. Authorization of reimbursement by Department of Defense to entities carrying out State vaccination programs for costs of vaccines provided to covered beneficiaries.

Subtitle C—Health Care Administration

- Sec. 721. Authority to convert military medical and dental positions to civilian medical and dental positions.
- Sec. 722. Prospective payment of funds necessary to provide medical care for the Coast Guard.
- Sec. 723. Reduction of administrative requirements relating to automatic renewal of enrollments in TRICARE Prime.
- Sec. 724. Modification of authority of Uniformed Services University of the Health Sciences to include undergraduate and other medical education and training programs.
- Sec. 725. Adjustment of medical services, personnel authorized strengths, and infrastructure in military health system to maintain readiness and core competencies of health care providers.
- Sec. 726. Program to eliminate variability in health outcomes and improve quality of health care services delivered in military medical treatment facilities.
- Sec. 727. Acquisition strategy for health care professional staffing services.
- Sec. 728. Adoption of core quality performance metrics.
- Sec. 729. Improvement of health outcomes and control of costs of health care under TRICARE program through programs to involve covered beneficiaries.
- Sec. 730. Accountability for the performance of the military health system of certain leaders within the system.
- Sec. 731. Establishment of advisory committees for military treatment facilities.

Subtitle D—Reports and Other Matters

- Sec. 741. Extension of authority for joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund and report on implementation of information technology capabilities.
- Sec. 742. Pilot program on expansion of use of physician assistants to provide mental health care to members of the Armed Forces.
- Sec. 743. Pilot program for prescription drug acquisition cost parity in the TRICARE pharmacy benefits program.
- Sec. 744. Pilot program on display of wait times at urgent care clinics and pharmacies of military medical treatment facilities.
- Sec. 745. Requirement to review and monitor prescribing practices at military treatment facilities of pharmaceutical agents for treatment of post-traumatic stress.
- Sec. 746. Department of Defense study on preventing the diversion of opioid medications.
- Sec. 747. Incorporation into survey by Department of Defense of questions on experiences of members of the Armed Forces with family planning services and counseling.
- Sec. 748. Assessment of transition to TRICARE program by families of members of reserve components called to active duty and elimination of certain charges for such families.
- Sec. 749. Oversight of graduate medical education programs of military departments.
- Sec. 750. Study on health of helicopter and tiltrotor pilots.
- Sec. 751. Comptroller General reports on health care delivery and waste in military health system.

1 **Subtitle A—Reform of TRICARE**
2 **and Military Health System**

3 **SEC. 701. TRICARE SELECT AND OTHER TRICARE REFORM.**

4 (a) ESTABLISHMENT OF TRICARE SELECT.—

5 (1) IN GENERAL.—Chapter 55 of title 10,
6 United States Code, is amended by inserting after
7 section 1074n the following new section:

8 **“§ 1075. TRICARE Select**

9 “(a) ESTABLISHMENT.—(1) Not later than January
10 1, 2018, the Secretary of Defense shall establish a self-
11 managed, preferred-provider network option under the

1 TRICARE program. Such option shall be known as
2 ‘TRICARE Select’.

3 “(2) The Secretary shall establish TRICARE Select
4 in all areas. Under TRICARE Select, eligible beneficiaries
5 will not have restrictions on the freedom of choice of the
6 beneficiary with respect to health care providers.

7 “(b) ENROLLMENT ELIGIBILITY.—(1) The bene-
8 ficiary categories for purposes of eligibility to enroll in
9 TRICARE Select and cost-sharing requirements applica-
10 ble to such category are as follows:

11 “(A) An ‘active-duty family member’ category
12 that consists of beneficiaries who are covered by sec-
13 tion 1079 of this title (as dependents of active duty
14 members).

15 “(B) A ‘retired’ category that consists of bene-
16 ficiaries covered by subsection (c) of section 1086 of
17 this title, other than Medicare-eligible beneficiaries
18 described in subsection (d)(2) of such section.

19 “(C) A ‘reserve and young adult’ category that
20 consists of beneficiaries who are covered by—

21 “(i) section 1076d of this title;

22 “(ii) section 1076e; or

23 “(iii) section 1110b.

1 “(2) A covered beneficiary who elects to participate
2 in TRICARE Select shall enroll in such option under sec-
3 tion 1099 of this title.

4 “(c) COST-SHARING REQUIREMENTS.—The cost-
5 sharing requirements under TRICARE Select are as fol-
6 lows:

7 “(1) With respect to beneficiaries in the active-
8 duty family member category or the retired category
9 by reason of being a member or former member of
10 the uniformed services who originally enlists or is
11 appointed in the uniformed services on or after Jan-
12 uary 1, 2018, or by reason of being a dependent of
13 such a member, the cost-sharing requirements shall
14 be calculated pursuant to subsection (d)(1).

15 “(2)(A) Except as provided by subsection (e),
16 with respect to beneficiaries described in subpara-
17 graph (B) in the active-duty family member category
18 or the retired category, the cost-sharing require-
19 ments shall be calculated as if the beneficiary were
20 enrolled in TRICARE Extra or TRICARE Standard
21 as if TRICARE Extra or TRICARE Standard, as
22 the case may be, were still being carried out by the
23 Secretary.

24 “(B) Beneficiaries described in this subpara-
25 graph are beneficiaries who are eligible to enroll in

1 the TRICARE program by reason of being a mem-
 2 ber or former member of the uniformed services who
 3 originally enlists or is appointed in the uniformed
 4 services before January 1, 2018, or by reason of
 5 being a dependent of such a member.

6 “(3) With respect to beneficiaries in the reserve
 7 and young adult category, the cost-sharing require-
 8 ments shall be calculated pursuant to subsection
 9 (d)(1) as if the beneficiary were in the active-duty
 10 family member category or the retired category, as
 11 applicable, except that the premiums calculated pur-
 12 suant to section 1076d, 1076e, or 1110b of this
 13 title, as the case may be, shall apply instead of any
 14 enrollment fee required under this section.

15 “(d) COST-SHARING AMOUNTS FOR CERTAIN BENE-
 16 FICIARIES.—(1) Beneficiaries described in subsection
 17 (c)(1) enrolled in TRICARE Select shall be subject to
 18 cost-sharing requirements in accordance with the amounts
 19 and percentages under the following table during calendar
 20 year 2018 and as such amounts are adjusted under para-
 21 graph (2) for subsequent years:

“TRICARE Select	Active-Duty Family Member (Individual/Family)	Retired (Individual/Family)
Annual Enrollment	\$0	\$450 / \$900
Annual deductible	E4 & below: \$50 / \$100	\$150 / \$300 Network

“TRICARE Select	Active-Duty Family Member (Individual/Family)	Retired (Individual/Family)
	E5 & above: \$150 / \$300	\$300 / \$600 out of network
Annual catastrophic cap	\$1,000	\$3,500
Outpatient visit civilian network	\$15 primary care \$25 specialty care Out of network: 20%	\$25 primary care \$40 specialty care 25% of out of network
ER visit civilian network	\$40 network 20% out of network	\$80 network 25% out of network
Urgent care civilian network	\$20 network 20% out of network	\$40 network 25% out of network
Ambulatory surgery civilian network	\$25 network 20% out of network	\$95 network 25% out of network
Ambulance civilian network	\$15	\$60
Durable medical equipment civilian network	10% of negotiated fee	20% network
Inpatient visit civilian network	\$60 per network admission 20% out of network	\$175 per admission network 25% out of network
Inpatient skilled nursing/rehab civilian	\$25 per day network \$50 per day out of network	\$50 per day network Lesser of \$300 per day or 20% of billed charges out of network

1 “(2) Each dollar amount expressed as a fixed dollar
2 amount in the table set forth in paragraph (1), and the
3 amounts specified under paragraphs (1) and (2) of sub-
4 section (e), shall be annually indexed to the amount by
5 which retired pay is increased under section 1401a of this
6 title, rounded to the next lower multiple of \$1. The re-

1 maining amount above such multiple of \$1 shall be carried
2 over to, and accumulated with, the amount of the increase
3 for the subsequent year or years and made when the ag-
4 gregate amount of increases carried over under this clause
5 for a year is \$1 or more.

6 “(3) Enrollment fees, deductible amounts, and cata-
7 strophic caps under this section are on a calendar-year
8 basis.

9 “(e) EXCEPTIONS TO CERTAIN COST-SHARING
10 AMOUNTS FOR CERTAIN BENEFICIARIES ELIGIBLE PRIOR
11 TO 2018.—(1) Subject to paragraph (4), and in accord-
12 ance with subsection (d)(2), the Secretary shall establish
13 an annual enrollment fee for beneficiaries described in
14 subsection (c)(2)(B) in the retired category who enroll in
15 TRICARE Select (other than such beneficiaries covered
16 by paragraph (3)). Such enrollment fee shall be \$150 for
17 an individual and \$300 for a family.

18 “(2) For the calendar year for which the Secretary
19 first establishes the annual enrollment fee under para-
20 graph (1), the Secretary shall adjust the catastrophic cap
21 amount to be \$3,500 for beneficiaries described in sub-
22 section (c)(2)(B) in the retired category who are enrolled
23 in TRICARE Select (other than such beneficiaries covered
24 by paragraph (3)).

1 “(3) The enrollment fee established pursuant to para-
2 graph (1) and the catastrophic cap adjusted under para-
3 graph (2) for beneficiaries described in subsection
4 (c)(2)(B) in the retired category shall not apply with re-
5 spect to the following beneficiaries:

6 “(A) Retired members and the family members
7 of such members covered by paragraph (1) of section
8 1086(e) of this title by reason of being retired under
9 chapter 61 of this title or being a dependent of such
10 a member.

11 “(B) Survivors covered by paragraph (2) of
12 such section 1086(e).

13 “(4) The Secretary may not establish an annual en-
14 rollment fee under paragraph (1) until 90 days has
15 elapsed following the date on which the Comptroller Gen-
16 eral of the United States is required to submit the review
17 under paragraph (5).

18 “(5) Not later than February 1, 2020, the Comp-
19 troller General of the United States shall submit to the
20 Committees on Armed Services of the House of Represent-
21 atives and the Senate a review of the following:

22 “(A) Whether health care coverage for covered
23 beneficiaries has changed since the enactment of this
24 section.

1 “(B) Whether covered beneficiaries are able to
2 obtain appointments for health care according to the
3 access standards established by the Secretary of De-
4 fense.

5 “(C) The percent of network providers that ac-
6 cept new patients under the TRICARE program.

7 “(D) The satisfaction of beneficiaries under
8 TRICARE Select.

9 “(f) EXCEPTION TO COST-SHARING REQUIREMENTS
10 FOR TRICARE FOR LIFE BENEFICIARIES.—A beneficiary
11 enrolled in TRICARE for Life is subject to cost-sharing
12 requirements pursuant to section 1086(d)(3) of this title
13 and calculated as if the beneficiary were enrolled in
14 TRICARE Standard as if TRICARE Standard were still
15 being carried out by the Secretary.

16 “(g) CONSTRUCTION.—Nothing in this section may
17 be construed as affecting the availability of TRICARE
18 Prime and TRICARE for Life or the cost-sharing require-
19 ments for TRICARE for Life under section 1086(d)(3)
20 of this title.

21 “(h) DEFINITIONS.—In this section:

22 “(1) The terms ‘active-duty family member cat-
23 egory’, ‘retired category’, and ‘reserve and young
24 adult category’ mean the respective categories of

1 TRICARE Select enrollment described in subsection
2 (b).

3 “(2) The term ‘network’ means—

4 “(A) with respect to health care services,
5 such services provided to beneficiaries by
6 TRICARE-authorized civilian health care pro-
7 viders who have entered into a contract under
8 this chapter with a contractor under the
9 TRICARE program; and

10 “(B) with respect to providers, civilian
11 health care providers who have agreed to accept
12 a pre-negotiated rate as the total charge for
13 services provided by the provider and to file
14 claims for beneficiaries.

15 “(3) The term ‘out-of-network’ means, with re-
16 spect to health care services, such services provided
17 by TRICARE-authorized civilian providers who have
18 not entered into a contract under this chapter with
19 a contractor under the TRICARE program.”.

20 (2) CLERICAL AMENDMENT.—The table of sec-
21 tions at the beginning of chapter 55 of title 10,
22 United States Code, is amended by inserting after
23 the item relating to section 1074n, the following new
24 item:

“1075. TRICARE Select.”.

25 (b) TRICARE PRIME COST SHARING.—

1 (1) IN GENERAL.—Chapter 55 of title 10,
2 United States Code, is amended by inserting after
3 section 1075, as added by subsection (a), the fol-
4 lowing new section:

5 **“§ 1075a. TRICARE Prime: cost sharing**

6 “(a) COST-SHARING REQUIREMENTS.—The cost-
7 sharing requirements under TRICARE Prime are as fol-
8 lows:

9 “(1) There are no cost-sharing requirements for
10 beneficiaries who are covered by section 1074(a) of
11 this title.

12 “(2) With respect to beneficiaries in the active-
13 duty family member category or the retired category
14 (as described in section 1075(b)(1) of this title) by
15 reason of being a member or former member of the
16 uniformed services who originally enlists or is ap-
17 pointed in the uniformed services on or after Janu-
18 ary 1, 2018, or by reason of being a dependent of
19 such a member, the cost-sharing requirements shall
20 be calculated pursuant to subsection (b)(1).

21 “(3)(A) With respect to beneficiaries described
22 in subparagraph (B) in the active-duty family mem-
23 ber category or the retired category (as described in
24 section 1075(b)(1) of this title), the cost-sharing re-
25 quirements shall be calculated in accordance with

1 the other provisions of this chapter without regard
2 to subsection (b).

3 “(B) Beneficiaries described in this subpara-
4 graph are beneficiaries who are eligible to enroll in
5 the TRICARE program by reason of being a mem-
6 ber or former member of the uniformed services who
7 originally enlists or is appointed in the uniformed
8 services before January 1, 2018, or by reason of
9 being a dependent of such a member.

10 “(b) COST-SHARING AMOUNTS.—(1) Beneficiaries
11 described in subsection (a)(2) enrolled in TRICARE
12 Prime shall be subject to cost-sharing requirements in ac-
13 cordance with the amounts and percentages under the fol-
14 lowing table during calendar year 2018 and as such
15 amounts are adjusted under paragraph (2) for subsequent
16 years:

“TRICARE Prime	Active-Duty Family Member (Individual/Family)	Retired (Individual/Family)
Annual Enrollment	\$0	\$350 / \$700
Annual deductible	No	No
Annual catastrophic cap	\$1,000	\$3,500
Outpatient visit civilian network	\$0	\$20 primary care
		\$30 specialty care
ER visit civilian network	\$0	\$60 network
Urgent care civilian network	\$0	\$30 network

“TRICARE Prime	Active-Duty Family Member (Individual/Family)	Retired (Individual/Family)
Ambulatory surgery civilian network	\$0	\$60 network
Ambulance civilian network	\$0	\$40
Durable medical equipment civilian network	\$0	20% of negotiated fee, network
Inpatient visit civilian network	\$0	\$150 per admission
Inpatient skilled nursing/rehab civilian	\$0	\$30 per day network

1 “(2) Each dollar amount expressed as a fixed dollar
2 amount in the table set forth in paragraph (1) shall be
3 annually indexed to the amount by which retired pay is
4 increased under section 1401a of this title, rounded to the
5 next lower multiple of \$1. The remaining amount above
6 such multiple of \$1 shall be carried over to, and accumu-
7 lated with, the amount of the increase for the subsequent
8 year or years and made when the aggregate amount of
9 increases carried over under this clause for a year is \$1
10 or more.

11 “(3) Enrollment fees, deductible amounts, and cata-
12 strophic caps under this section are on a calendar-year
13 basis.

14 “(c) SPECIAL RULE FOR AMOUNTS WITHOUT RE-
15 FERRALS.—Notwithstanding subsection (b)(1), the cost-
16 sharing amount for a beneficiary enrolled in TRICARE

1 Prime who does not obtain a referral for care under para-
2 graph (1) of section 1075f(a) of this title (or a waiver pur-
3 suant to paragraph (2) of such section for such care) shall
4 be an amount equal to 50 percent of the allowed point-
5 of-service charge for such care.”.

6 (2) CLERICAL AMENDMENT.—The table of sec-
7 tions at the beginning of chapter 55 of title 10,
8 United States Code, is amended by inserting after
9 the item relating to section 1075, as added by sub-
10 section (a), the following new item:

“1075a. TRICARE Prime: cost sharing.”.

11 (c) REFERRALS AND PREAUTHORIZATION FOR
12 TRICARE PRIME.—Section 1095f of title 10, United
13 States Code, is amended to read as follows:

14 **“§ 1095f. TRICARE program: referrals and**
15 **preauthorizations under TRICARE Prime**

16 “(a) REFERRALS.—(1) Except as provided by para-
17 graph (2), a beneficiary enrolled in TRICARE Prime shall
18 be required to obtain a referral for care through a des-
19 ignated primary care manager (or other care coordinator)
20 prior to obtaining care under the TRICARE program.

21 “(2) The Secretary may waive the referral require-
22 ment in paragraph (1) in such circumstances as the Sec-
23 retary may establish for purposes of this subsection.

24 “(3) The cost-sharing amounts for a beneficiary en-
25 rolled in TRICARE Prime who does not obtain a referral

1 for care under paragraph (1) (or a waiver pursuant to
2 paragraph (2) for such care) shall be determined under
3 section 1075a(c) of this title.

4 “(b) PREAUTHORIZATION.—A beneficiary enrolled in
5 TRICARE Prime shall be required to obtain
6 preauthorization only with respect to a referral for the fol-
7 lowing:

8 “(1) Inpatient hospitalization.

9 “(2) Inpatient care at a skilled nursing facility.

10 “(3) Inpatient care at a rehabilitation facility.

11 “(c) PROHIBITION REGARDING PRIOR AUTHORIZA-
12 TION FOR CERTAIN REFERRALS.—The Secretary of De-
13 fense shall ensure that no contract for managed care sup-
14 port under the TRICARE program includes any require-
15 ment that a managed care support contractor require a
16 primary care or specialty care provider to obtain prior au-
17 thorization before referring a patient to a specialty care
18 provider that is part of the network of health care pro-
19 viders or institutions of the contractor.”.

20 (d) ENROLLMENT PERIODS.—

21 (1) ANNUAL PERIODS AND QUALIFYING
22 EVENTS.—Section 1099(b) of title 10, United States
23 Code, is amended by amending paragraph (1) to
24 read as follows:

1 “(1) allow covered beneficiaries to elect to enroll
2 in a health care plan, or modify a previous election,
3 from eligible health care plans designated by the
4 Secretary of Defense during—

5 “(A) an annual open enrollment period;
6 and

7 “(B) any period based on a qualifying
8 event experienced by the beneficiary, as deter-
9 mined appropriate by the Secretary; or”.

10 (2) APPLICATION.—The Secretary of Defense
11 shall implement the initial annual open enrollment
12 period pursuant to section 1099(b)(1) of title 10,
13 United States Code, as amended by paragraph (1),
14 during 2018.

15 (3) GRACE PERIOD DURING FIRST YEAR.—

16 (A) At any time during the one-year period
17 beginning on the date on which the initial an-
18 nual open enrollment period begins pursuant to
19 section 1099(b)(1) of title 10, United States
20 Code, as amended by paragraph (1), a covered
21 beneficiary may make an election, or modify
22 such an election, described in such section.

23 (B) If during such one-year period an indi-
24 vidual who is eligible to enroll in the TRICARE
25 program, but does not elect to enroll in such

1 program, receives health care services for an
2 episode of care that would be covered under the
3 TRICARE program if such individual were en-
4 rolled in the TRICARE program, the Sec-
5 retary—

6 (i) shall pay the out-of-network fees
7 only for the first episode of care and in-
8 form the individual of the opportunity to
9 enroll in the TRICARE program; and

10 (ii) may not pay any costs relating to
11 any subsequent episode of care if such in-
12 dividual is not enrolled in the TRICARE
13 program.

14 (4) TRANSITION PLAN.—Not later than March
15 1, 2017, the Secretary shall provide to the Commit-
16 tees on Armed Services of the Senate and the House
17 of Representatives a briefing on the transition plan
18 of the Department of Defense for implementing an
19 annual enrollment period for TRICARE Prime and
20 TRICARE Select pursuant to section 1099(b)(1) of
21 title 10, United States Code, as amended by para-
22 graph (1). Such plan shall include strategies to no-
23 tify each beneficiary of the changes to the
24 TRICARE options and the changes to the enroll-
25 ment process.

1 (e) TERMINATION OF TRICARE STANDARD AND
2 TRICARE EXTRA.—Beginning on January 1, 2018, the
3 Secretary of Defense may not carry out TRICARE Stand-
4 ard and TRICARE Extra under the TRICARE program.
5 The Secretary shall ensure that any individual who is cov-
6 ered under TRICARE Standard or TRICARE Extra as
7 of December 31, 2017, enrolls in TRICARE Prime or
8 TRICARE Select, as the case may be, as of January 1,
9 2018, for the individual to continue coverage under the
10 TRICARE program.

11 (f) IMPLEMENTATION PLAN.—

12 (1) IN GENERAL.—Not later than June 1,
13 2017, the Secretary of Defense shall submit to the
14 Committees on Armed Services of the House of Rep-
15 resentatives and the Senate an implementation plan
16 to improve access to health care for TRICARE bene-
17 ficiaries pursuant to the amendments made by this
18 section.

19 (2) ELEMENTS.—The plan under paragraph (1)
20 shall—

21 (A) ensure that at least 85 percent of the
22 beneficiary population under TRICARE Select
23 is covered by the network by January 1, 2018;

24 (B) ensure access standards for appoint-
25 ments for health care that meet or exceed those

1 of high-performing health care systems in the
2 United States, as determined by the Secretary;

3 (C) establish mechanisms for monitoring
4 compliance with access standards;

5 (D) establish health care provider-to-bene-
6 ficiary ratios;

7 (E) monitor on a monthly basis complaints
8 by beneficiaries with respect to network ade-
9 quacy and the availability of health care pro-
10 viders;

11 (F) establish requirements for mechanisms
12 to monitor the responses to complaints by bene-
13 ficiaries;

14 (G) establish mechanisms to evaluate the
15 quality metrics of the network providers estab-
16 lished under section 728;

17 (H) include any recommendations for legis-
18 lative action the Secretary determines necessary
19 to carry out the plan; and

20 (I) include any other elements the Sec-
21 retary determines appropriate.

22 (g) GAO REVIEWS.—

23 (1) IMPLEMENTATION PLAN.—Not later than
24 December 1, 2017, the Comptroller General of the
25 United States shall submit to the Committees on

1 Armed Services of the House of Representatives and
2 the Senate a review of the implementation plan of
3 the Secretary under paragraph (1) of subsection (f),
4 including an assessment of the adequacy of the plan
5 in meeting the elements specified in paragraph (2)
6 of such subsection.

7 (2) NETWORK.—Not later than September 1,
8 2017, the Comptroller General shall submit to the
9 Committees on Armed Services of the House of Rep-
10 resentatives and the Senate a review of the network
11 established under TRICARE Extra, including the
12 following:

13 (A) An identification of the percent of
14 beneficiaries who are covered by the network.

15 (B) An assessment of the extent to which
16 beneficiaries are able to obtain appointments
17 under TRICARE Extra.

18 (C) The percent of network providers
19 under TRICARE Extra that accept new pa-
20 tients under the TRICARE program.

21 (D) An assessment of the satisfaction of
22 beneficiaries under TRICARE Extra.

23 (h) PILOT PROGRAM ON INCORPORATION OF VALUE-
24 BASED HEALTH CARE IN PURCHASED CARE COMPONENT
25 OF TRICARE PROGRAM.—

1 (1) IN GENERAL.—Not later than January 1,
2 2018, the Secretary of Defense shall carry out a
3 pilot program to demonstrate and assess the feasi-
4 bility of incorporating value-based health care meth-
5 odology in the purchased care component of the
6 TRICARE program by reducing copayments or cost
7 shares for targeted populations of covered bene-
8 ficiaries in the receipt of high-value medications and
9 services and the use of high-value providers under
10 such purchased care component, including by ex-
11 empting certain services from deductible require-
12 ments.

13 (2) REQUIREMENTS.—In carrying out the pilot
14 program under paragraph (1), the Secretary shall—

15 (A) identify each high-value medication
16 and service that is covered under the purchased
17 care component of the TRICARE program for
18 which a reduction or elimination of the copay-
19 ment or cost share for such medication or serv-
20 ice would encourage covered beneficiaries to use
21 the medication or service;

22 (B) reduce or eliminate copayments or cost
23 shares for covered beneficiaries to receive high-
24 value medications and services;

1 (C) reduce or eliminate copayments or cost
2 shares for covered beneficiaries to receive health
3 care services from high-value providers;

4 (D) credit the amount of any reduction or
5 elimination of a copayment or cost share under
6 subparagraph (B) or (C) for a covered bene-
7 ficiary towards meeting a deductible applicable
8 to the covered beneficiary in the purchased care
9 component of the TRICARE program to the
10 same extent as if such reduction or elimination
11 had not applied; and

12 (E) develop a process to reimburse high-
13 value providers at rates higher than those rates
14 for health care providers that are not high-value
15 providers.

16 (3) REPORT ON VALUE-BASED HEALTH CARE
17 METHODOLOGY.—Not later than 180 days after the
18 date of the enactment of this Act, the Secretary
19 shall submit to the Committees on Armed Services
20 of the Senate and the House of Representatives a
21 report that includes the following:

22 (A) A list of each high-value medication
23 and service identified under paragraph (2)(A)
24 for which the copayment or cost share amount
25 will be reduced or eliminated under the pilot

1 program to encourage covered beneficiaries to
2 use such medications and services through the
3 purchased care component of the TRICARE
4 program.

5 (B) For each high-value medication and
6 service identified under paragraph (2)(A), the
7 amount of the copayment or cost share required
8 under the purchased care component of the
9 TRICARE program and the amount of any re-
10 duction or elimination of such copayment or
11 cost share pursuant to the pilot program.

12 (C) A description of a plan to identify and
13 communicate to covered beneficiaries, through
14 multiple communication media—

15 (i) the list of high-value medications
16 and services described in subparagraph
17 (A); and

18 (ii) a list of high-value providers.

19 (D) A description of modifications, if any,
20 to existing health care contracts that may be
21 required to implement value-based health care
22 methodology in the purchased care component
23 of the TRICARE program under the pilot pro-
24 gram and the estimated costs of those contract
25 modifications.

1 (4) COMPTROLLER GENERAL PRELIMINARY RE-
2 VIEW AND ASSESSMENT.—

3 (A) Not later than March 1, 2021, the
4 Comptroller General of the United States shall
5 submit to the Committees on Armed Services of
6 the Senate and the House of Representatives a
7 review and assessment of the preliminary re-
8 sults of the pilot program.

9 (B) The review and assessment required
10 under subparagraph (A) shall include the fol-
11 lowing:

12 (i) An assessment of the extent of the
13 use of value-based health care methodology
14 in the purchased care component of the
15 TRICARE program under the pilot pro-
16 gram.

17 (ii) An analysis demonstrating how re-
18 ducing or eliminating the copayment or
19 cost share for each high-value medication
20 and service identified under paragraph
21 (2)(A) resulted in—

22 (I) increased adherence to medi-
23 cation regimens;

24 (II) improvement of quality
25 measures;

1 (III) improvement of health out-
2 comes;

3 (IV) reduction of number of
4 emergency room visits or hospitaliza-
5 tions; and

6 (V) enhancement of experience of
7 care for covered beneficiaries.

8 (iii) Such recommendations for
9 incentivizing the use of high-value medica-
10 tions and services to improve health out-
11 comes and the experience of care for bene-
12 ficiaries as the Comptroller General con-
13 siders appropriate.

14 (5) REVIEW AND ASSESSMENT OF PILOT PRO-
15 GRAM.—

16 (A) Not later than January 1, 2023, the
17 Secretary shall submit to the Committees on
18 Armed Services of the Senate and the House of
19 Representatives a review and assessment of the
20 pilot program.

21 (B) The review and assessment required
22 under subparagraph (A) shall include the fol-
23 lowing:

24 (i) An assessment of the extent of the
25 use of value-based health care methodology

1 in the purchased care component of the
2 TRICARE program under the pilot pro-
3 gram.

4 (ii) An analysis demonstrating how re-
5 ducing or eliminating the copayment or
6 cost share for each high-value medication
7 and service identified under paragraph
8 (2)(A) resulted in—

9 (I) increased adherence to medi-
10 cation regimens;

11 (II) improvement of quality
12 measures;

13 (III) improvement of health out-
14 comes; and

15 (IV) enhancement of experience
16 of care for covered beneficiaries.

17 (iii) A cost-benefit analysis of the im-
18 plementation of value-based health care
19 methodology in the purchased care compo-
20 nent of the TRICARE program under the
21 pilot program.

22 (iv) Such recommendations for
23 incentivizing the use of high-value medica-
24 tions and services to improve health out-
25 comes and the experience of care for cov-

1 ered beneficiaries as the Secretary con-
2 siders appropriate.

3 (6) TERMINATION.—The Secretary may not
4 carry out the pilot program after December 31,
5 2022.

6 (i) DEFINITIONS.—In this section:

7 (1) The terms “uniformed services”, “covered
8 beneficiary”, “TRICARE Extra”, “TRICARE for
9 Life”, “TRICARE Prime”, and “TRICARE Stand-
10 ard”, have the meaning given those terms in section
11 1072 of title 10, United States Code, as amended by
12 subsection (j).

13 (2) The term “TRICARE Select” means the
14 self-managed, preferred-provider network option
15 under the TRICARE program established by section
16 1075 of such title, as added by subsection (a).

17 (3) The term “chronic conditions” includes dia-
18 betes, chronic obstructive pulmonary disease, asth-
19 ma, congestive heart failure, hypertension, history of
20 stroke, coronary artery disease, mood disorders, and
21 such other diseases or conditions as the Secretary
22 considers appropriate.

23 (4) The term “high-value medications and serv-
24 ices” means prescription medications and clinical
25 services for the management of chronic conditions

1 that the Secretary determines would improve health
2 outcomes and create health value for covered bene-
3 ficiaries (such as preventive care, primary and spe-
4 cialty care, diagnostic tests, procedures, and durable
5 medical equipment).

6 (5) The term “high-value provider” means an
7 individual or institutional health care provider that
8 provides health care under the purchased care com-
9 ponent of the TRICARE program and that consist-
10 ently improves the experience of care, meets estab-
11 lished quality of care and effectiveness metrics, and
12 reduces the per capita costs of health care.

13 (6) The term “value-based health care method-
14 ology” means a methodology for identifying specific
15 prescription medications and clinical services pro-
16 vided under the TRICARE program for which re-
17 duction of copayments, cost shares, or both, would
18 improve the management of specific chronic condi-
19 tions because of the high value and clinical effective-
20 ness of such medications and services for such
21 chronic conditions.

22 (j) CONFORMING AMENDMENTS.—

23 (1) IN GENERAL.—Title 10, United States
24 Code, is amended as follows:

25 (A) Section 1072 is amended—

1 (i) by striking paragraph (7) and in-
2 serting the following:

3 “(7) The term ‘TRICARE program’ means the
4 various programs carried out by the Secretary of
5 Defense under this chapter and any other provision
6 of law providing for the furnishing of medical and
7 dental care and health benefits to members and
8 former members of the uniformed services and their
9 dependents, including the following health plan op-
10 tions:

11 “(A) TRICARE Prime.

12 “(B) TRICARE Select.

13 “(C) TRICARE for Life.”; and

14 (ii) by adding at the end the following
15 new paragraphs:

16 “(11) The term ‘TRICARE Extra’ means the
17 preferred-provider option of the TRICARE program
18 made available prior to January 1, 2018, under
19 which TRICARE Standard beneficiaries may obtain
20 discounts on cost sharing as a result of using
21 TRICARE network providers.

22 “(12) The term ‘TRICARE Select’ means the
23 self-managed, preferred-provider network option
24 under the TRICARE program established by section
25 1075 of this title.

1 “(13) The term ‘TRICARE for Life’ means the
2 Medicare wraparound coverage option of the
3 TRICARE program made available to the bene-
4 ficiary by reason of section 1086(d) of this title.

5 “(14) The term ‘TRICARE Prime’ means the
6 managed care option of the TRICARE program.

7 “(15) The term ‘TRICARE Standard’ means
8 the TRICARE program made available prior to Jan-
9 uary 1, 2018, covering—

10 “(A) medical care to which a dependent
11 described in section 1076(a)(2) of this title is
12 entitled; and

13 “(B) health benefits contracted for under
14 the authority of section 1079(a) of this title and
15 subject to the same rates and conditions as
16 apply to persons covered under that section.”.

17 (B) Section 1076d is amended—

18 (i) in subsection (d)(1), by inserting
19 after “coverage.” the following: “Such pre-
20 mium shall apply instead of any enrollment
21 fees required under section 1075 of this
22 section.”; and

23 (ii) in subsection (f), by striking para-
24 graph (2) and inserting the following new
25 paragraph:

1 “(2) The term ‘TRICARE Reserve Select’
2 means the TRICARE Select self-managed, pre-
3 ferred-provider network option under section 1075
4 made available to beneficiaries by reason of this sec-
5 tion and in accordance with subsection (d)(1).”;

6 (iii) by striking “TRICARE Stand-
7 ard” each place it appears (including in
8 the heading of such section) and inserting
9 “TRICARE Reserve Select”.

10 (C) Section 1076e is amended—

11 (i) in subsection (d)(1), by inserting
12 after “coverage.” the following: “Such pre-
13 mium shall apply instead of any enrollment
14 fees required under section 1075 of this
15 section.”; and

16 (ii) in subsection (f), by striking para-
17 graph (2) and inserting the following new
18 paragraph:

19 “(2) The term ‘TRICARE Retired Reserve’
20 means the TRICARE Select self-managed, pre-
21 ferred-provider network option under section 1075
22 made available to beneficiaries by reason of this sec-
23 tion and in accordance with subsection (d)(1).”;

1 (iii) in subsection (b), by striking
2 “TRICARE Standard coverage at” and in-
3 serting “TRICARE coverage at”; and

4 (iv) by striking “TRICARE Stand-
5 ard” each place it appears (including in
6 the heading of such section) and inserting
7 “TRICARE Retired Reserve”.

8 (D) Section 1079a is amended—

9 (i) in the section heading, by striking
10 “**CHAMPUS**” and inserting
11 “**TRICARE program**”; and

12 (ii) by striking “the Civilian Health
13 and Medical Program of the Uniformed
14 Services” and inserting “the TRICARE
15 program”.

16 (E) Section 1099(c) is amended by strik-
17 ing paragraph (2) and inserting the following
18 new paragraph:

19 “(2) A plan under the TRICARE program.”.

20 (F) Section 1110b(c)(1) is amended by in-
21 serting after “(b).” the following: “Such pre-
22 mium shall apply instead of any enrollment fees
23 required under section 1075 of this section.”.

1 (2) CLERICAL AMENDMENTS.—The table of sec-
2 tions at the beginning of chapter 55 of title 10,
3 United States Code, is further amended—

4 (A) in the item relating to section 1076d,
5 by striking “TRICARE Standard” and insert-
6 ing “TRICARE Reserve Select”;

7 (B) in the item relating to section 1076e,
8 by striking “TRICARE Standard” and insert-
9 ing “TRICARE Retired Reserve”;

10 (C) in the item relating to section 1079a,
11 by striking “CHAMPUS” and inserting
12 “TRICARE program”; and

13 (D) in the item relating to section 1095f,
14 by striking “for specialty health care” and in-
15 serting “and preauthorizations under
16 TRICARE Prime”.

17 (3) CONFORMING STYLE.—Any new language
18 inserted or added to title 10, United States Code, by
19 an amendment made by this subsection shall con-
20 form to the typeface and typestyle of the matter in
21 which the language is so inserted or added.

22 (k) APPLICATION.—The amendments made by this
23 section shall apply with respect to the provision of health
24 care under the TRICARE program beginning on January
25 1, 2018.

1 **SEC. 702. REFORM OF ADMINISTRATION OF THE DEFENSE**
2 **HEALTH AGENCY AND MILITARY MEDICAL**
3 **TREATMENT FACILITIES.**

4 (a) ADMINISTRATION.—

5 (1) IN GENERAL.—Chapter 55 of title 10,
6 United States Code, is amended by inserting after
7 section 1073b the following new section:

8 **“§ 1073c. Administration of Defense Health Agency**
9 **and military medical treatment facilities**

10 “(a) ADMINISTRATION OF MILITARY MEDICAL
11 TREATMENT FACILITIES.—(1) Beginning October 1,
12 2018, the Director of the Defense Health Agency shall be
13 responsible for the administration of each military medical
14 treatment facility, including with respect to—

15 “(A) budgetary matters;

16 “(B) information technology;

17 “(C) health care administration and manage-
18 ment;

19 “(D) administrative policy and procedure;

20 “(E) military medical construction; and

21 “(F) any other matters the Secretary of De-
22 fense determines appropriate.

23 “(2) The commander of each military medical treat-
24 ment facility shall be responsible for—

1 “(A) ensuring the readiness of the members of
2 the armed forces and civilian employees at such fa-
3 cility; and

4 “(B) furnishing the health care and medical
5 treatment provided at such facility.

6 “(3) The Secretary of Defense shall establish within
7 the Defense Health Agency a professional staff to provide
8 policy, oversight, and direction to carry out subsection (a).
9 The Secretary shall carry out this paragraph by appoint-
10 ing the positions specified in subsections (b) and (c).

11 “(b) DHA ASSISTANT DIRECTOR.—(1) There is in
12 the Defense Health Agency an Assistant Director for
13 Health Care Administration. The Assistant Director
14 shall—

15 “(A) be a career appointee within the Depart-
16 ment; and

17 “(B) report directly to the Director of the De-
18 fense Health Agency.

19 “(2) The Assistant Director shall be appointed from
20 among individuals who have equivalent education and ex-
21 perience as a chief executive officer leading a large, civilian
22 health care system.

23 “(3) The Assistant Director shall be responsible for
24 the following:

1 “(A) Establishing priorities for health care ad-
2 ministration and management.

3 “(B) Establishing policies, procedures, and di-
4 rection for the provision of direct care at military
5 medical treatment facilities.

6 “(C) Establishing priorities for budgeting mat-
7 ters with respect to the provision of direct care at
8 military medical treatment facilities.

9 “(D) Establishing policies, procedures, and di-
10 rection for clinic management and operations at
11 military medical treatment facilities.

12 “(E) Establishing priorities for information
13 technology at and between the military medical
14 treatment facilities.

15 “(c) DHA DEPUTY ASSISTANT DIRECTORS.—(1)(A)
16 There is in the Defense Health Agency a Deputy Assistant
17 Director for Information Operations.

18 “(B) The Deputy Assistant Director for Information
19 Operations shall be responsible for policies, management,
20 and execution of information technology operations at and
21 between the military medical treatment facilities.

22 “(2)(A) There is in the Defense Health Agency a
23 Deputy Assistant Director for Financial Operations.

24 “(B) The Deputy Assistant Director for Financial
25 Operations shall be responsible for the policy, procedures,

1 and direction of budgeting matters and financial manage-
2 ment with respect to the provision of direct care across
3 the military health system.

4 “(3)(A) There is in the Defense Health Agency a
5 Deputy Assistant Director for Health Care Operations.

6 “(B) The Deputy Assistant Director for Health Care
7 Operations shall be responsible for the policy, procedures,
8 and direction of health care administration in the military
9 medical treatment facilities.

10 “(4)(A) There is in the Defense Health Agency a
11 Deputy Assistant Director for Medical Affairs.

12 “(B) The Deputy Assistant Director for Medical Af-
13 fairs shall be responsible for policy, procedures, and direc-
14 tion of clinical quality and process improvement, patient
15 safety, infection control, graduate medical education, clin-
16 ical integration, utilization review, risk management, pa-
17 tient experience, and civilian physician recruiting.

18 “(5) Each Deputy Assistant Director appointed
19 under paragraphs (1) through (4) shall report directly to
20 the Assistant Director for Health Care Administration.

21 “(d) CERTAIN RESPONSIBILITIES OF DHA DIREC-
22 TOR.—(1) In addition to the other duties of the Director
23 of the Defense Health Agency, the Director shall coordi-
24 nate with the Joint Staff Surgeon to ensure that the Di-
25 rector most effectively carries out the responsibilities of

1 the Defense Health Agency as a combat support agency
2 under section 193 of this title.

3 “(2) The responsibilities of the Director shall include
4 the following:

5 “(A) Ensuring that the Defense Health Agency
6 meets the operational needs of the commanders of
7 the combatant commands.

8 “(B) Coordinating with the military depart-
9 ments to ensure that the staffing at the military
10 medical treatment facilities supports readiness re-
11 quirements for members of the armed forces and
12 health care personnel.

13 “(e) DEFINITIONS.—In this section:

14 “(1) The term ‘career appointee’ has the mean-
15 ing given that term in section 3132(a)(4) of title 5.

16 “(2) The term ‘Defense Health Agency’ means
17 the Defense Agency established pursuant to Depart-
18 ment of Defense Directive 5136.13, or such suc-
19 cessor Defense Agency.”.

20 (2) CLERICAL AMENDMENT.—The table of sec-
21 tions at the beginning of such chapter is amended
22 by inserting after the item relating to section 1073b
23 the following new item:

“1073c. Administration of Defense Health Agency and military medical treat-
ment facilities.”.

1 (b) POSITIONS OF SURGEON GENERAL IN THE
2 ARMED FORCES.—

3 (1) SURGEON GENERAL OF THE ARMY.—Sec-
4 tion 3036 of title 10, United States Code, is amend-
5 ed—

6 (A) in subsection (d), by striking “(1)”;

7 (B) by redesignating subsection (e) as sub-
8 section (g);

9 (C) by inserting after subsection (d) a new
10 subsection (e);

11 (D) by transferring paragraphs (2) and (3)
12 of subsection (d) to subsection (e), as added by
13 subparagraph (C), and redesignating such para-
14 graphs as paragraphs (1) and (2), respectively;
15 and

16 (E) by adding after subsection (e), as
17 added by subparagraph (C), the following new
18 subsection (f):

19 “(f)(1) The Surgeon General serves as the principal
20 advisor to the Secretary of the Army and the Chief of
21 Staff of the Army on all health and medical matters of
22 the Army, including strategic planning and policy develop-
23 ment relating to such matters.

24 “(2) The Surgeon General serves as the chief medical
25 advisor of the Army to the Director of the Defense Health

1 Agency on matters pertaining to military health readiness
2 requirements and safety of members of the Army.

3 “(3) The Surgeon General, acting under the author-
4 ity, direction, and control of the Secretary of the Army,
5 shall recruit, organize, train, and equip, medical personnel
6 of the Army.”.

7 (2) SURGEON GENERAL OF THE NAVY.—

8 (A) IN GENERAL.—Section 5137 of title
9 10, United States Code, is amended to read as
10 follows:

11 **“§ 5137. Surgeon General: appointment; duties**

12 “(a) APPOINTMENT.—The Surgeon General of the
13 Navy shall be appointed by the President, by and with the
14 advice and consent of the Senate, for a term of four years,
15 from officers on the active-duty list of the Navy in any
16 corps of the Navy Medical Department.

17 “(b) DUTIES.—(1) The Surgeon General serves as
18 the Chief of the Bureau of Medicine and Surgery and
19 serves as the principal advisor to the Secretary of the
20 Navy and the Chief of Naval Operations on all health and
21 medical matters of the Navy and the Marine Corps, in-
22 cluding strategic planning and policy development relating
23 to such matters.

24 “(2) The Surgeon General serves as the chief medical
25 advisor of the Navy and the Marine Corps to the Director

1 of the Defense Health Agency on matters pertaining to
2 military health readiness requirements and safety of mem-
3 bers of the Navy and the Marine Corps.

4 “(3) The Surgeon General, acting under the author-
5 ity, direction, and control of the Secretary of the Navy,
6 shall recruit, organize, train, and equip, medical personnel
7 of the Navy and the Marine Corps.”.

8 (B) CLERICAL AMENDMENT.—The table of
9 sections at the beginning of chapter 513 of such
10 title is amended by striking the item relating to
11 section 5137 and inserting the following new
12 item:

“5137. Surgeon General: appointment; duties.”.

13 (3) SURGEON GENERAL OF THE AIR FORCE.—

14 (A) IN GENERAL.—Section 8036 of title
15 10, United States Code, is amended to read as
16 follows:

17 **“§ 8036. Surgeon General: appointment; duties**

18 “(a) APPOINTMENT.—The Surgeon General of the
19 Air Force shall be appointed by the President, by and with
20 the advice and consent of the Senate from officers of the
21 Air Force who are in the Air Force medical department.

22 “(b) DUTIES.—(1) The Surgeon General serves as
23 the principal advisor to the Secretary of the Air Force and
24 the Chief of Staff of the Air Force on all health and med-

1 ical matters of the Air Force, including strategic planning
2 and policy development relating to such matters.

3 “(2) The Surgeon General serves as the chief medical
4 advisor of the Air Force to the Director of the Defense
5 Health Agency on matters pertaining to military health
6 readiness requirements and safety of members of the Air
7 Force.

8 “(3) The Surgeon General, acting under the author-
9 ity, direction, and control of the Secretary of the Air
10 Force, shall recruit, organize, train, and equip, medical
11 personnel of the Air Force.”.

12 (B) CLERICAL AMENDMENT.—The table of
13 sections at the beginning of chapter 805 of such
14 title is amended by striking the item relating to
15 section 8036 and inserting the following new
16 item:

“8036. Surgeon General: appointment; duties.”.

17 (c) APPOINTMENTS.—The Secretary of Defense shall
18 make appointments of the positions under section 1073c
19 of title 10, United States Code, as added by subsection
20 (a)—

21 (1) by not later than October 1, 2018; and

22 (2) by not increasing the number of full-time
23 equivalent employees of the Defense Health Agency.

24 (d) IMPLEMENTATION PLAN.—

1 (1) IN GENERAL.—The Secretary of Defense
2 shall develop a plan to implement section 1073c of
3 title 10, United States Code, as added by subsection
4 (a).

5 (2) ELEMENTS.—The plan developed under
6 paragraph (1) shall include the following:

7 (A) How the Secretary will carry out sub-
8 section (a) of such section 1073c.

9 (B) Efforts to eliminate duplicative activi-
10 ties carried out by the elements of the Defense
11 Health Agency and the military departments.

12 (C) Efforts to maximize efficiencies in the
13 activities carried out by the Defense Health
14 Agency.

15 (D) How the Secretary will implement
16 such section 1073c in a manner that reduces
17 the number of members of the Armed Forces,
18 civilian employees who are full-time equivalent
19 employees, and contractors relating to the head-
20 quarters activities of the military health system,
21 as of the date of the enactment of this Act.

22 (e) REPORTS.—

23 (1) INTERIM REPORT.—Not later than March
24 1, 2017, the Secretary shall submit to the Commit-

1 tees on Armed Services of the House of Representa-
2 tives and the Senate a report containing—

3 (A) a preliminary draft of the plan devel-
4 oped under subsection (d)(1); and

5 (B) any recommendations for legislative
6 actions the Secretary determines necessary to
7 carry out the plan.

8 (2) FINAL REPORT.—Not later than March 1,
9 2018, the Secretary shall submit to the Committees
10 on Armed Services of the House of Representatives
11 and the Senate a report containing the final version
12 of the plan developed under subsection (d)(1).

13 (3) COMPTROLLER GENERAL REVIEWS.—

14 (A) The Comptroller General of the United
15 States shall submit to the Committees on
16 Armed Services of the House of Representatives
17 and the Senate—

18 (i) a review of the preliminary draft of
19 the plan submitted under paragraph (1) by
20 not later than September 1, 2017; and

21 (ii) a review of the final version of the
22 plan submitted under paragraph (2) by not
23 later than September 1, 2018.

24 (B) Each review of the plan conducted
25 under subparagraph (A) shall determine wheth-

1 er the Secretary has addressed the required ele-
2 ments for the plan under subsection (d)(2).

3 **SEC. 703. MILITARY MEDICAL TREATMENT FACILITIES.**

4 (a) ADMINISTRATION.—

5 (1) IN GENERAL.—Chapter 55 of title 10,
6 United States Code, as amended by section 702, is
7 further amended by inserting after section 1073c the
8 following new section:

9 **“§ 1073d. Military medical treatment facilities**

10 “(a) IN GENERAL.—To support the medical readi-
11 ness of the armed forces and the readiness of medical per-
12 sonnel, the Secretary of Defense, in consultation with the
13 Secretaries of the military departments, shall maintain the
14 military medical treatment facilities described in sub-
15 sections (b), (c), and (d).

16 “(b) MEDICAL CENTERS.—(1) The Secretary of De-
17 fense shall maintain medical centers in areas with a large
18 population of members of the armed forces and covered
19 beneficiaries.

20 “(2) Medical centers shall serve as referral facilities
21 for members and covered beneficiaries who require com-
22 prehensive health care services that support medical readi-
23 ness.

24 “(3) Medical centers shall consist of the following:

1 “(A) Inpatient and outpatient tertiary care fa-
2 cilities that incorporate specialty and subspecialty
3 care.

4 “(B) Graduate medical education programs.

5 “(C) Residency training programs.

6 “(D) Level one or level two trauma care capa-
7 bilities.

8 “(4) The Secretary may designate a medical center
9 as a regional center of excellence for unique and highly
10 specialized health care services, including with respect to
11 polytrauma, organ transplantation, and burn care.

12 “(c) HOSPITALS.—(1) The Secretary of Defense shall
13 maintain hospitals in areas where civilian health care fa-
14 cilities are unable to support the health care needs of
15 members of the armed forces and covered beneficiaries.

16 “(2) Hospitals shall provide—

17 “(A) inpatient and outpatient health services to
18 maintain medical readiness; and

19 “(B) such other programs and functions as the
20 Secretary determines appropriate.

21 “(3) Hospitals shall consist of inpatient and out-
22 patient care facilities with limited specialty care that the
23 Secretary determines—

24 “(A) is cost effective; or

1 “(B) is not available at civilian health care fa-
2 cilities in the area of the hospital.

3 “(d) AMBULATORY CARE CENTERS.—(1) The Sec-
4 retary of Defense shall maintain ambulatory care centers
5 in areas where civilian health care facilities are able to
6 support the health care needs of members of the armed
7 forces and covered beneficiaries.

8 “(2) Ambulatory care centers shall provide the out-
9 patient health services required to maintain medical readi-
10 ness, including with respect to partnerships established
11 pursuant to section 706 of the National Defense Author-
12 ization Act for Fiscal Year 2017.

13 “(3) Ambulatory care centers shall consist of out-
14 patient care facilities with limited specialty care that the
15 Secretary determines—

16 “(A) is cost effective; or

17 “(B) is not available at civilian health care fa-
18 cilities in the area of the ambulatory care center.”.

19 (2) CLERICAL AMENDMENT.—The table of sec-
20 tions at the beginning of such chapter, as amended
21 by section 702, is further amended by inserting after
22 the item relating to section 1073c the following new
23 item:

 “1073d. Military medical treatment facilities.”.

24 (3) SATELLITE CENTERS.—In addition to the
25 centers of excellence designated under section

1 1073d(b)(4) of title 10, United States Code, as
2 added by paragraph (1), the Secretary of Defense
3 may establish satellite centers of excellence to pro-
4 vide specialty care for certain conditions, including
5 with respect to—

6 (A) post-traumatic stress;

7 (B) traumatic brain injury; and

8 (C) such other conditions as the Secretary
9 considers appropriate.

10 (b) EXCEPTION.—In carrying out section 1073d of
11 title 10, United States Code, as added by subsection
12 (a)(1), the Secretary of Defense may not restructure or
13 realign the infrastructure of, or modify the health care
14 services provided by, a military medical treatment facility
15 unless the Secretary determines that, if such a restruc-
16 ture, realignment, or modification will eliminate the ability
17 of a covered beneficiary to access health care services at
18 a military medical treatment facility, the covered bene-
19 ficiary will be able to access such health care services
20 through the purchased care component of the TRICARE
21 program.

22 (c) UPDATE OF STUDY.—

23 (1) IN GENERAL.—The Secretary of Defense, in
24 collaboration with the Secretaries of the military de-
25 partments, shall update the report described in para-

1 graph (2) to address the restructuring or realign-
2 ment of military medical treatment facilities pursu-
3 ant to section 1073d of title 10, United States Code,
4 as added by subsection (a), including with respect to
5 any expansions or consolidations of such facilities.

6 (2) REPORT DESCRIBED.—The report described
7 in this paragraph is the Military Health System
8 Modernization Study dated May 29th, 2015, re-
9 quired by section 713(a)(2) of the Carl Levin and
10 Howard P. “Buck” McKeon National Defense Au-
11 thorization Act for Fiscal Year 2015 (Public Law
12 113–291; 128 Stat. 3414).

13 (3) SUBMISSION.—Not later than 270 days
14 after the date of the enactment of this Act, the Sec-
15 retary of Defense shall submit to the congressional
16 defense committees the updated report under para-
17 graph (1).

18 (d) IMPLEMENTATION PLAN.—

19 (1) IN GENERAL.—Not later than two years
20 after the date of the enactment of this Act, the Sec-
21 retary of Defense shall submit to the congressional
22 defense committees an implementation plan to re-
23 structure or realign the military medical treatment
24 facilities pursuant to section 1073d of title 10,
25 United States Code, as added by subsection (a).

1 (2) ELEMENTS.—The implementation plan
2 under paragraph (1) shall include the following:

3 (A) With respect to each military medical
4 treatment facility—

5 (i) whether the facility will be re-
6 aligned or restructured under the plan;

7 (ii) whether the functions of such fa-
8 cility will be expanded or consolidated;

9 (iii) the costs of such realignment or
10 restructuring;

11 (iv) a description of any changes to
12 the military and civilian personnel assigned
13 to such facility as of the date of the plan;

14 (v) a timeline for such realignment or
15 restructuring;

16 (vi) the justifications for such realign-
17 ment or restructuring, including an assess-
18 ment of the capacity of the civilian health
19 care facilities located near such facility;

20 (vii) a comprehensive assessment of
21 the health care services provided at the fa-
22 cility;

23 (viii) a description of the current ac-
24 cessibility of covered beneficiaries to health
25 care services provided at the facility and

1 proposed modifications to that accessi-
2 bility, including with respect to types of
3 services provided;

4 (ix) a description of the current avail-
5 ability of urgent care, emergent care, and
6 specialty care at the facility and in the
7 TRICARE provider network in the area in
8 which the facility is located, and proposed
9 modifications to the availability of such
10 care;

11 (x) a description of the current level
12 of coordination between the facility and
13 local health care providers in the area in
14 which the facility is located and proposed
15 modifications to such level of coordination;
16 and

17 (xi) a description of any unique chal-
18 lenges to providing health care at the facil-
19 ity, with a focus on challenges relating to
20 rural, remote, and insular areas, as appro-
21 priate.

22 (B) A description of the relocation of the
23 graduate medical education programs and the
24 residency programs.

1 (C) A description of the plans to assist
2 members of the Armed Forces and covered
3 beneficiaries with travel and lodging, if nec-
4 essary, in connection with the receipt of spe-
5 cialty care services at regional centers of excel-
6 lence designated under subsection (b)(4) of
7 such section 1073d.

8 (D) A description of how the Secretary will
9 carry out subsection (b).

10 (3) GAO REPORT.—Not later than 60 days
11 after the date on which the Secretary of Defense
12 submits the report under paragraph (1), the Comp-
13 troller General of the United States shall submit to
14 the Committees on Armed Services of the Senate
15 and the House of Representatives a review of such
16 report.

17 (e) DEFINITIONS.—In this section, the terms “cov-
18 ered beneficiary” and “TRICARE program” have the
19 meaning given those terms in section 1072 of title 10,
20 United States Code.

21 **SEC. 704. ACCESS TO URGENT AND PRIMARY CARE UNDER**
22 **TRICARE PROGRAM.**

23 (a) IN GENERAL.—Chapter 55 of title 10, United
24 States Code, is amended by inserting after section 1077
25 the following new section:

1 **“§ 1077a. Access to military medical treatment facili-**
2 **ties and other facilities**

3 “(a) URGENT CARE.—(1) The Secretary of Defense
4 shall ensure that military medical treatment facilities, at
5 locations the Secretary determines appropriate, provide
6 urgent care services for members of the armed forces and
7 covered beneficiaries until 11:00 p.m. each day.

8 “(2) With respect to areas in which a military med-
9 ical treatment facility covered by paragraph (1) is not lo-
10 cated, the Secretary shall ensure that members of the
11 armed forces and covered beneficiaries may access urgent
12 care clinics through the health care provider network
13 under the TRICARE program.

14 “(3) A covered beneficiary may access urgent care
15 services without the need for preauthorization for such
16 services.

17 “(4) The Secretary shall—

18 “(A) publish information about changes in ac-
19 cess to urgent care under the TRICARE program—

20 “(i) on the primary publicly available
21 Internet website of the Department; and

22 “(ii) on the primary publicly available
23 Internet website of each military medical treat-
24 ment facility; and

25 “(B) ensure that such information is made
26 available on the publicly available Internet website of

1 each current managed care support contractor that
2 has established a health care provider network under
3 the TRICARE program.

4 “(b) NURSE ADVICE LINE.—The Secretary shall en-
5 sure that the nurse advice line of the Department directs
6 covered beneficiaries seeking access to care to the source
7 of the most appropriate level of health care required to
8 treat the medical conditions of the beneficiaries, including
9 urgent care services described in subsection (a).

10 “(c) PRIMARY CARE CLINICS.—(1) The Secretary
11 shall ensure that primary care clinics at military medical
12 treatment facilities are available for members of the armed
13 forces and covered beneficiaries between the hours deter-
14 mined appropriate under paragraph (2), including with re-
15 spect to expanded hours described in subparagraph (B)
16 of such paragraph.

17 “(2)(A) The Secretary shall determine the hours that
18 each primary care clinic at a military medical treatment
19 facility is available for members of the armed forces and
20 covered beneficiaries based on—

21 “(i) the needs of the military medical treatment
22 facility to meet the access standards under the
23 TRICARE Prime program; and

1 “(ii) the primary care utilization patterns of
2 members and covered beneficiaries at such military
3 medical treatment facility.

4 “(B) The primary care clinic hours at a military med-
5 ical treatment facility determined under subparagraph (A)
6 shall include expanded hours beyond regular business
7 hours during weekdays and the weekend if the Secretary
8 determines under such subparagraph that sufficient de-
9 mand exists at the military medical treatment facility for
10 such expanded primary care clinic hours.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 at the beginning of such chapter is amended by inserting
13 after the item relating to section 1077 the following new
14 item:

 “1077a. Access to military medical treatment facilities and other facilities”.

15 (c) IMPLEMENTATION.—The Secretary of Defense
16 shall implement—

17 (1) subsection (a) of section 1077a of title 10,
18 United States Code, as added by subsection (a) of
19 this section, by not later than one year after the
20 date of the enactment of this Act; and

21 (2) subsection (c) of such section by not later
22 than 180 days after the date of the enactment of
23 this Act.

1 **SEC. 705. VALUE-BASED PURCHASING AND ACQUISITION OF**
2 **MANAGED CARE SUPPORT CONTRACTS FOR**
3 **TRICARE PROGRAM.**

4 (a) VALUE-BASED HEALTH CARE.—

5 (1) IN GENERAL.—The Secretary of Defense
6 shall develop and implement value-based incentive
7 programs as part of any contract awarded under
8 chapter 55 of title 10, United States Code, for the
9 provision of health care services to covered bene-
10 ficiaries to encourage health care providers under
11 the TRICARE program (including physicians, hos-
12 pitals, and other persons and facilities involved in
13 providing such health care services) to improve the
14 following:

15 (A) The quality of health care provided to
16 covered beneficiaries under the TRICARE pro-
17 gram.

18 (B) The experience of covered beneficiaries
19 in receiving health care under the TRICARE
20 program.

21 (C) The health of covered beneficiaries.

22 (2) VALUE-BASED INCENTIVE PROGRAMS.—

23 (A) DEVELOPMENT.—In developing value-
24 based incentive programs under paragraph (1),
25 the Secretary shall—

1 (i) link payments to health care pro-
2 viders under the TRICARE program to
3 improved performance with respect to
4 quality, cost, and reducing the provision of
5 inappropriate care;

6 (ii) consider the characteristics of the
7 population of covered beneficiaries affected
8 by the value-based incentive program;

9 (iii) consider how the value-based in-
10 centive program would affect the receipt of
11 health care under the TRICARE program
12 by such covered beneficiaries;

13 (iv) establish or maintain an assur-
14 ance that such covered beneficiaries will
15 have timely access to health care during
16 the operation of the value-based incentive
17 program;

18 (v) ensure that such covered bene-
19 ficiaries do not incur any additional costs
20 by reason of the value-based incentive pro-
21 gram; and

22 (vi) consider such other factors as the
23 Secretary considers appropriate.

24 (B) SCOPE AND METRICS.—With respect
25 to a value-based incentive program developed

1 and implemented under paragraph (1), the Sec-
2 retary shall ensure that—

3 (i) the size, scope, and duration of the
4 value-based incentive program is reason-
5 able in relation to the purpose of the value-
6 based incentive program; and

7 (ii) the value-based incentive program
8 relies on the core quality performance
9 metrics adopted pursuant to section 728.

10 (3) USE OF EXISTING MODELS.—In developing
11 a value-based incentive program under paragraph
12 (1), the Secretary may adapt a value-based incentive
13 program conducted by a TRICARE managed care
14 support contractor, the Centers for Medicare & Med-
15 icaid Services, or any other Federal Government,
16 State government, or commercial health care pro-
17 gram.

18 (b) TRANSFER OF CONTRACTING RESPONSIBILITY.—
19 With respect to the acquisition of any managed care sup-
20 port contracts under the TRICARE program initiated
21 after the date of the enactment of this Act, the Secretary
22 of Defense shall transfer contracting responsibility for the
23 solicitation and award of such contracts from the Defense
24 Health Agency to the Office of the Under Secretary of
25 Defense for Acquisition, Technology, and Logistics.

1 (c) ACQUISITION OF CONTRACTS.—

2 (1) STRATEGY.—Not later than January 1,
3 2018, the Secretary of Defense shall develop and im-
4 plement a strategy to ensure that managed care sup-
5 port contracts under the TRICARE program en-
6 tered into with private sector entities, other than
7 overseas medical support contracts—

8 (A) improve access to health care for cov-
9 ered beneficiaries;

10 (B) improve health outcomes for covered
11 beneficiaries;

12 (C) improve the quality of health care re-
13 ceived by covered beneficiaries;

14 (D) enhance the experience of covered
15 beneficiaries in receiving health care; and

16 (E) lower per capita costs to the Depart-
17 ment of Defense of health care provided to cov-
18 ered beneficiaries.

19 (2) APPLICABILITY OF STRATEGY.—

20 (A) IN GENERAL.—The strategy required
21 by paragraph (1) shall apply to all managed
22 care support contracts under the TRICARE
23 program entered into with private sector enti-
24 ties.

1 (B) MODIFICATION OF CONTRACTS.—Con-
2 tracts entered into prior to the implementation
3 of the strategy required by paragraph (1) shall
4 be modified to ensure consistency with such
5 strategy.

6 (3) LOCAL, REGIONAL, AND NATIONAL HEALTH
7 PLANS.—In developing and implementing the strat-
8 egy required by paragraph (1), the Secretary shall
9 ensure that local, regional, and national health plans
10 have an opportunity to participate in the competition
11 for managed care support contracts under the
12 TRICARE program.

13 (4) CONTINUOUS INNOVATION.—The strategy
14 required by paragraph (1) shall include incentives
15 for the incorporation of innovative ideas and solu-
16 tions into managed care support contracts under the
17 TRICARE program through the use of teaming
18 agreements, subcontracts, and other contracting
19 mechanisms that can be used to develop and con-
20 tinuously refresh high-performing networks of health
21 care providers at the national, regional, and local
22 level.

23 (5) ELEMENTS OF STRATEGY.—The strategy
24 required by paragraph (1) shall provide for the fol-

1 lowing with respect to managed care support con-
2 tracts under the TRICARE program:

3 (A) The maximization of flexibility in the
4 design and configuration of networks of indi-
5 vidual and institutional health care providers,
6 including a focus on the development of high-
7 performing networks of health care providers.

8 (B) The establishment of an integrated
9 medical management system between military
10 medical treatment facilities and health care pro-
11 viders in the private sector that, when appro-
12 priate, effectively coordinates and integrates
13 health care across the continuum of care.

14 (C) With respect to telehealth services—

15 (i) the maximization of the use of
16 such services to provide real-time inter-
17 active communications between patients
18 and health care providers and remote pa-
19 tient monitoring; and

20 (ii) the use of standardized payment
21 methods to reimburse health care providers
22 for the provision of such services.

23 (D) The use of value-based reimbursement
24 methodologies, including through the use of
25 value-based incentive programs under sub-

1 section (a), that transfer financial risk to health
2 care providers and managed care support con-
3 tractors.

4 (E) The use of financial incentives for con-
5 tractors and health care providers to receive an
6 equitable share in the cost savings to the De-
7 partment resulting from improvement in health
8 outcomes for covered beneficiaries and the expe-
9 rience of covered beneficiaries in receiving
10 health care.

11 (F) The use of incentives that emphasize
12 prevention and wellness for covered bene-
13 ficiaries receiving health care services from pri-
14 vate sector entities to seek such services from
15 high-value health care providers.

16 (G) The adoption of a streamlined process
17 for enrollment of covered beneficiaries to receive
18 health care and timely assignment of primary
19 care managers to covered beneficiaries.

20 (H) The elimination of the requirement for
21 a referral to be authorized prior receiving spe-
22 cialty care services at a facility of the Depart-
23 ment of Defense or through the TRICARE pro-
24 gram.

1 (I) The use of incentives to encourage cov-
2 ered beneficiaries to participate in medical and
3 lifestyle intervention programs.

4 (6) RURAL, REMOTE, AND ISOLATED AREAS.—
5 In developing and implementing the strategy re-
6 quired by paragraph (1), the Secretary shall—

7 (A) assess the unique characteristics of
8 providing health care services in Alaska, Ha-
9 waii, and the territories and possessions of the
10 United States, and in rural, remote, or isolated
11 locations in the contiguous 48 States;

12 (B) consider the various challenges inher-
13 ent in developing robust networks of health care
14 providers in those locations;

15 (C) develop a provider reimbursement rate
16 structure in those locations that ensures—

17 (i) timely access of covered bene-
18 ficiaries to health care services;

19 (ii) the delivery of high-quality pri-
20 mary and specialty care;

21 (iii) improvement in health outcomes
22 for covered beneficiaries; and

23 (iv) an enhanced experience of care
24 for covered beneficiaries; and

1 (D) ensure that managed care support
2 contracts under the TRICARE program in
3 those locations will—

4 (i) establish individual and institu-
5 tional provider networks that will provide
6 timely access to care for covered bene-
7 ficiaries, including pursuant to such net-
8 works relating to an Indian tribe or tribal
9 organization that is party to the Alaska
10 Native Health Compact with the Indian
11 Health Service or has entered into a con-
12 tract with the Indian Health Service to
13 provide health care in rural Alaska or
14 other locations in the United States; and

15 (ii) deliver high-quality care, better
16 health outcomes, and a better experience of
17 care for covered beneficiaries.

18 (d) REPORT PRIOR TO CERTAIN CONTRACT MODI-
19 FICATIONS.—Not later than 60 days before the date on
20 which the Secretary of Defense first modifies a contract
21 awarded under chapter 55 of title 10, United States Code,
22 to implement a value-based incentive program under sub-
23 section (a), or the managed care support contract acquisi-
24 tion strategy under subsection (c), the Secretary shall sub-
25 mit to the Committees on Armed Services of the Senate

1 and the House of Representatives a report on any imple-
2 mentation plan of the Secretary with respect to such
3 value-based incentive program or managed care support
4 contract acquisition strategy.

5 (e) COMPTROLLER GENERAL REPORT.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date on which the Secretary submits the
8 report under subsection (d), the Comptroller General
9 of the United States shall submit to the Committees
10 on Armed Services of the Senate and the House of
11 Representatives a report that assesses the compli-
12 ance of the Secretary of Defense with the require-
13 ments of subsection (a) and subsection (c).

14 (2) ELEMENTS.—The report required by para-
15 graph (1) shall include an assessment of the fol-
16 lowing:

17 (A) Whether the approach of the Depart-
18 ment of Defense for acquiring managed care
19 support contracts under the TRICARE pro-
20 gram—

21 (i) improves access to care;

22 (ii) improves health outcomes;

23 (iii) improves the experience of care

24 for covered beneficiaries; and

1 (iv) lowers per capita health care
2 costs.

3 (B) Whether the Department has, in its
4 requirements for managed care support con-
5 tracts under the TRICARE program, allowed
6 for—

7 (i) maximum flexibility in network de-
8 sign and development;

9 (ii) integrated medical management
10 between military medical treatment facili-
11 ties and network providers;

12 (iii) the maximum use of the full
13 range of telehealth services;

14 (iv) the use of value-based reimburse-
15 ment methods that transfer financial risk
16 to health care providers and managed care
17 support contractors;

18 (v) the use of prevention and wellness
19 incentives to encourage covered bene-
20 ficiaries to seek health care services from
21 high-value providers;

22 (vi) a streamlined enrollment process
23 and timely assignment of primary care
24 managers;

1 (vii) the elimination of the require-
2 ment to seek authorization for referrals for
3 specialty care services;

4 (viii) the use of incentives to encour-
5 age covered beneficiaries to engage in med-
6 ical and lifestyle intervention programs;
7 and

8 (ix) the use of financial incentives for
9 contractors and health care providers to
10 receive an equitable share in cost savings
11 resulting from improvements in health out-
12 comes and the experience of care for cov-
13 ered beneficiaries.

14 (C) Whether the Department has consid-
15 ered, in developing requirements for managed
16 care support contracts under the TRICARE
17 program, the following:

18 (i) The unique characteristics of pro-
19 viding health care services in Alaska, Ha-
20 waii, and the territories and possessions of
21 the United States, and in rural, remote, or
22 isolated locations in the contiguous 48
23 States;

1 (ii) The various challenges inherent in
2 developing robust networks of health care
3 providers in those locations.

4 (iii) A provider reimbursement rate
5 structure in those locations that ensures—

6 (I) timely access of covered bene-
7 ficiaries to health care services;

8 (II) the delivery of high-quality
9 primary and specialty care;

10 (III) improvement in health out-
11 comes for covered beneficiaries; and

12 (IV) an enhanced experience of
13 care for covered beneficiaries.

14 (f) DEFINITIONS.—In this section:

15 (1) The terms “covered beneficiary” and
16 “TRICARE program” have the meaning given those
17 terms in section 1072 of title 10, United States
18 Code.

19 (2) The term “high-performing networks of
20 health care providers” means networks of health
21 care providers that, in addition to such other re-
22 quirements as the Secretary of Defense may specify
23 for purposes of this section, do the following:

24 (A) Deliver high quality health care as
25 measured by leading health quality measure-

1 ment organizations such as the National Com-
2 mittee for Quality Assurance and the Agency
3 for Healthcare Research and Quality.

4 (B) Achieve greater efficiency in the deliv-
5 ery of health care by identifying and imple-
6 menting within such network improvement op-
7 portunities that guide patients through the en-
8 tire continuum of care, thereby reducing vari-
9 ations in the delivery of health care and pre-
10 venting medical errors and duplication of med-
11 ical services.

12 (C) Improve population-based health out-
13 comes by using a team approach to deliver case
14 management, prevention, and wellness services
15 to high-need and high-cost patients.

16 (D) Focus on preventive care that empha-
17 sizes—

18 (i) early detection and timely treat-
19 ment of disease;

20 (ii) periodic health screenings; and

21 (iii) education regarding healthy life-
22 style behaviors.

23 (E) Coordinate and integrate health care
24 across the continuum of care, connecting all as-

1 pects of the health care received by the patient,
2 including the patient's health care team.

3 (F) Facilitate access to health care pro-
4 viders, including—

5 (i) after-hours care;

6 (ii) urgent care; and

7 (iii) through telehealth appointments,
8 when appropriate.

9 (G) Encourage patients to participate in
10 making health care decisions.

11 (H) Use evidence-based treatment proto-
12 cols that improve the consistency of health care
13 and eliminate ineffective, wasteful health care
14 practices.

15 **SEC. 706. ESTABLISHMENT OF HIGH PERFORMANCE MILI-**
16 **TARY-CIVILIAN INTEGRATED HEALTH DELIV-**
17 **ERY SYSTEMS.**

18 (a) IN GENERAL.—Not later than January 1, 2018,
19 the Secretary of Defense shall establish military-civilian
20 integrated health delivery systems through partnerships
21 with other health systems, including local or regional
22 health systems in the private sector—

23 (1) to improve access to health care for covered
24 beneficiaries;

1 (2) to enhance the experience of covered bene-
2 ficiaries in receiving health care;

3 (3) to improve health outcomes for covered
4 beneficiaries;

5 (4) to share resources between the Department
6 of Defense and the private sector, including such
7 staff, equipment, and training assets as may be re-
8 quired to carry out such integrated health delivery
9 systems;

10 (5) to maintain services within military treat-
11 ment facilities that are essential for the maintenance
12 of operational medical force readiness skills of health
13 care providers of the Department; and

14 (6) to provide members of the Armed Forces
15 with additional training opportunities to maintain
16 such readiness skills.

17 (b) ELEMENTS OF SYSTEMS.—Each military-civilian
18 integrated health delivery system established under sub-
19 section (a) shall—

20 (1) deliver high quality health care as measured
21 by leading national health quality measurement or-
22 ganizations;

23 (2) achieve greater efficiency in the delivery of
24 health care by identifying and implementing within
25 each such system improvement opportunities that

1 guide patients through the entire continuum of care,
2 thereby reducing variations in the delivery of health
3 care and preventing medical errors and duplication
4 of medical services;

5 (3) improve population-based health outcomes
6 by using a team approach to deliver case manage-
7 ment, prevention, and wellness services to high-need
8 and high-cost patients;

9 (4) focus on preventive care that emphasizes—

10 (A) early detection and timely treatment of
11 disease;

12 (B) periodic health screenings; and

13 (C) education regarding healthy lifestyle
14 behaviors;

15 (5) coordinate and integrate health care across
16 the continuum of care, connecting all aspects of the
17 health care received by the patient, including the pa-
18 tient's health care team;

19 (6) facilitate access to health care providers, in-
20 cluding—

21 (A) after-hours care;

22 (B) urgent care; and

23 (C) through telehealth appointments, when
24 appropriate;

1 (7) encourage patients to participate in making
2 health care decisions;

3 (8) use evidence-based treatment protocols that
4 improve the consistency of health care and eliminate
5 ineffective, wasteful health care practices; and

6 (9) improve coordination of behavioral health
7 services with primary health care.

8 (c) AGREEMENTS.—

9 (1) IN GENERAL.—In establishing military-civil-
10 ian integrated health delivery systems through part-
11 nerships under subsection (a), the Secretary shall
12 seek to enter into memoranda of understanding or
13 contracts between military treatment facilities and
14 health maintenance organizations, health care cen-
15 ters of excellence, public or private academic medical
16 institutions, regional health organizations, integrated
17 health systems, accountable care organizations, and
18 such other health systems as the Secretary considers
19 appropriate.

20 (2) PRIVATE SECTOR CARE.—Memoranda of
21 understanding and contracts entered into under
22 paragraph (1) shall ensure that covered beneficiaries
23 are eligible to enroll in and receive medical services
24 under the private sector components of military-civil-

1 ian integrated health delivery systems established
2 under subsection (a).

3 (3) VALUE-BASED REIMBURSEMENT METH-
4 ODOLOGIES.—The Secretary shall incorporate value-
5 based reimbursement methodologies, such as
6 capitated payments, bundled payments, or pay for
7 performance, into memoranda of understanding and
8 contracts entered into under paragraph (1) to reim-
9 burse entities for medical services provided to cov-
10 ered beneficiaries under such memoranda of under-
11 standing and contracts.

12 (4) QUALITY OF CARE.—Each memorandum of
13 understanding or contract entered into under para-
14 graph (1) shall ensure that the quality of services re-
15 ceived by covered beneficiaries through a military-ci-
16 vilian integrated health delivery system under such
17 memorandum of understanding or contract is at
18 least comparable to the quality of services received
19 by covered beneficiaries from a military treatment
20 facility.

21 (d) COVERED BENEFICIARY DEFINED.—In this sec-
22 tion, the term “covered beneficiary” has the meaning
23 given that term in section 1072 of title 10, United States
24 Code.

1 **SEC. 707. JOINT TRAUMA SYSTEM.**

2 (a) PLAN.—

3 (1) IN GENERAL.—Not later than 180 days
4 after the date of the enactment of this Act, the Sec-
5 retary of Defense shall submit to the Committees on
6 Armed Services of the House of Representatives and
7 the Senate an implementation plan to establish a
8 Joint Trauma System within the Defense Health
9 Agency that promotes improved trauma care to
10 members of the Armed Forces and other individuals
11 who are eligible to be treated for trauma at a mili-
12 tary medical treatment facility.

13 (2) IMPLEMENTATION.—The Secretary shall
14 implement the plan under paragraph (1) after a 90-
15 day period has elapsed following the date on which
16 the Comptroller General of the United States is re-
17 quired to submit to the Committees on Armed Serv-
18 ices of the House of Representatives and the Senate
19 the review under subsection (c). In implementing
20 such plan, the Secretary shall take into account any
21 recommendation made by the Comptroller General
22 under such review.

23 (b) ELEMENTS.—The Joint Trauma System de-
24 scribed in subsection (a)(1) shall include the following ele-
25 ments:

1 (1) Serve as the reference body for all trauma
2 care provided across the military health system.

3 (2) Establish standards of care for trauma
4 services provided at military medical treatment fa-
5 cilities.

6 (3) Coordinate the translation of research from
7 the centers of excellence of the Department of De-
8 fense into standards of clinical trauma care.

9 (4) Coordinate the incorporation of lessons
10 learned from the trauma education and training
11 partnerships pursuant to section 709 into clinical
12 practice.

13 (c) REVIEW.—Not later than 180 days after the date
14 on which the Secretary submits to the Committees on
15 Armed Services of the House of Representatives and the
16 Senate the implementation plan under subsection (a)(1),
17 the Comptroller General of the United States shall submit
18 to such committees a review of such plan to determine if
19 each element under subsection (b) is included in such plan.

20 (d) REVIEW OF MILITARY TRAUMA SYSTEM.—In es-
21 tablishing a Joint Trauma System, the Secretary of De-
22 fense may seek to enter into an agreement with a non-
23 governmental entity with subject matter experts to—

24 (1) conduct a system-wide review of the military
25 trauma system, including a comprehensive review of

1 combat casualty care and wartime trauma systems
2 during the period beginning on January 1, 2001,
3 and ending on the date of the review, including an
4 assessment of lessons learned to improve combat
5 casualty care in future conflicts; and

6 (2) make publicly available a report containing
7 such review and recommendations to establish a
8 comprehensive trauma system for the Armed Forces.

9 **SEC. 708. JOINT TRAUMA EDUCATION AND TRAINING DI-**
10 **RECTORATE.**

11 (a) ESTABLISHMENT.—The Secretary of Defense
12 shall establish a Joint Trauma Education and Training
13 Directorate (in this section referred to as the “Direc-
14 torate”) to ensure that the traumatologists of the Armed
15 Forces maintain readiness and are able to be rapidly de-
16 ployed for future armed conflicts. The Secretary shall
17 carry out this section in collaboration with the Secretaries
18 of the military departments.

19 (b) DUTIES.—The duties of the Directorate are as
20 follows:

21 (1) To enter into and coordinate the partner-
22 ships under subsection (c).

23 (2) To establish the goals of such partnerships
24 necessary for trauma teams led by traumatologists
25 to maintain professional competency in trauma care.

1 (3) To establish metrics for measuring the per-
2 formance of such partnerships in achieving such
3 goals.

4 (4) To develop methods of data collection and
5 analysis for carrying out paragraph (3).

6 (5) To communicate and coordinate lessons
7 learned from such partnerships with the Joint Trau-
8 ma System established under section 707.

9 (6) To develop standardized combat casualty
10 care instruction for all members of the Armed
11 Forces, including the use of standardized trauma
12 training platforms.

13 (7) To develop a comprehensive trauma care
14 registry to compile relevant data from point of in-
15 jury through rehabilitation of members of the Armed
16 Forces.

17 (8) To develop quality of care outcome meas-
18 ures for combat casualty care.

19 (9) To direct the conduct of research on the
20 leading causes of morbidity and mortality of mem-
21 bers of the Armed Forces in combat.

22 (c) PARTNERSHIPS.—

23 (1) IN GENERAL.—The Secretary may enter
24 into partnerships with civilian academic medical cen-
25 ters and large metropolitan teaching hospitals that

1 have level I civilian trauma centers to provide inte-
2 grated combat trauma teams, including forward sur-
3 gical teams, with maximum exposure to a high vol-
4 ume of patients with critical injuries.

5 (2) TRAUMA TEAMS.—Under the partnerships
6 entered into with civilian academic medical centers
7 and large metropolitan teaching hospitals under
8 paragraph (1), trauma teams of the Armed Forces
9 led by traumatologists of the Armed Forces shall
10 embed within the trauma centers of the medical cen-
11 ters and hospitals on an enduring basis.

12 (3) SELECTION.—The Secretary shall select ci-
13 vilian academic medical centers and large metropoli-
14 tan teaching hospitals to enter into partnerships
15 under paragraph (1) based on patient volume, acu-
16 ity, and other factors the Secretary determines nec-
17 essary to ensure that the traumatologists of the
18 Armed Forces and the associated clinical support
19 teams have adequate and continuous exposure to
20 critically injured patients.

21 (4) CONSIDERATION.—In entering into partner-
22 ships under paragraph (1), the Secretary may con-
23 sider the experiences and lessons learned by the mili-
24 tary departments that have entered into memoranda

1 of understanding with civilian medical centers for
2 trauma care.

3 (d) PERSONNEL MANAGEMENT PLAN.—

4 (1) PLAN.—The Secretary shall establish a per-
5 sonnel management plan for the following wartime
6 medical specialties:

7 (A) Emergency medical services and
8 prehospital care.

9 (B) Trauma surgery.

10 (C) Critical care.

11 (D) Anesthesiology.

12 (E) Emergency medicine.

13 (F) Other wartime medical specialties the
14 Secretary determines appropriate for purposes
15 of the plan.

16 (2) ELEMENTS.—The elements of the plan es-
17 tablished under paragraph (1) shall include, at a
18 minimum, the following:

19 (A) An accession plan for the number of
20 qualified medical personnel to maintain wartime
21 medical specialties on an annual basis in order
22 to maintain the required number of trauma
23 teams as determined by the Secretary.

24 (B) The number of positions required in
25 each such medical specialty.

1 (C) Crucial organizational and operational
2 assignments for personnel in each such medical
3 specialty.

4 (D) Career pathways for personnel in each
5 such medical specialty.

6 (3) IMPLEMENTATION.—The Secretaries of the
7 military departments shall carry out the plan estab-
8 lished under paragraph (1).

9 (e) IMPLEMENTATION PLAN.—Not later than July 1,
10 2017, the Secretary of Defense shall submit to the Com-
11 mittees on Armed Services of the House of Representa-
12 tives and the Senate an implementation plan for estab-
13 lishing the Joint Trauma Education and Training Direc-
14 torate under subsection (a), entering into partnerships
15 under subsection (c), and establishing the plan under sub-
16 section (d).

17 (f) LEVEL I CIVILIAN TRAUMA CENTER DEFINED.—
18 In this section, the term “level I civilian trauma center”
19 means a comprehensive regional resource that is a tertiary
20 care facility central to the trauma system and is capable
21 of providing total care for every aspect of injury from pre-
22 vention through rehabilitation.

1 **SEC. 709. STANDARDIZED SYSTEM FOR SCHEDULING MED-**
2 **ICAL APPOINTMENTS AT MILITARY TREAT-**
3 **MENT FACILITIES.**

4 (a) STANDARDIZED SYSTEM.—

5 (1) IN GENERAL.—Not later than January 1,
6 2018, the Secretary of Defense shall implement a
7 system for scheduling medical appointments at mili-
8 tary treatment facilities that is standardized
9 throughout the military health system to enable
10 timely access to care for covered beneficiaries.

11 (2) LACK OF VARIANCE.—The system imple-
12 mented under paragraph (1) shall ensure that the
13 appointment scheduling processes and procedures
14 used within the military health system do not vary
15 among military treatment facilities.

16 (b) SOLE SYSTEM.—Upon implementation of the sys-
17 tem under subsection (a), no military treatment facility
18 may use an appointment scheduling process other than
19 such system.

20 (c) SCHEDULING OF APPOINTMENTS.—

21 (1) IN GENERAL.—Under the system imple-
22 mented under subsection (a), each military treat-
23 ment facility shall use a centralized appointment
24 scheduling capability for covered beneficiaries that
25 includes the ability to schedule appointments manu-
26 ally via telephone as described in paragraph (2) or

1 automatically via a device that is connected to the
2 Internet through an online scheduling system de-
3 scribed in paragraph (3).

4 (2) TELEPHONE APPOINTMENT PROCESS.—

5 (A) IN GENERAL.—In the case of a covered
6 beneficiary who contacts a military treatment
7 facility via telephone to schedule an appoint-
8 ment under the system implemented under sub-
9 section (a), the Secretary shall implement
10 standard processes to ensure that the needs of
11 the covered beneficiary are met during the first
12 such telephone call.

13 (B) MATTERS INCLUDED.—The standard
14 processes implemented under subparagraph (A)
15 shall include the following:

16 (i) The ability of a covered bene-
17 ficiary, during the telephone call to sched-
18 ule an appointment, to also schedule
19 wellness visits or follow-up appointments
20 during the 180-day period beginning on
21 the date of the request for the visit or ap-
22 pointment.

23 (ii) The ability of a covered bene-
24 ficiary to indicate the process through
25 which the covered beneficiary prefers to be

1 reminded of future appointments, which
2 may include reminder telephone calls,
3 emails, or cellular text messages to the
4 covered beneficiary at specified intervals
5 prior to appointments.

6 (3) ONLINE SYSTEM.—

7 (A) IN GENERAL.—The Secretary shall im-
8 plement an online scheduling system that is
9 available 24 hours per day, seven days per
10 week, for purposes of scheduling appointments
11 under the system implemented under subsection
12 (a).

13 (B) CAPABILITIES OF ONLINE SYSTEM.—
14 The online scheduling system implemented
15 under subparagraph (A) shall have the fol-
16 lowing capabilities:

17 (i) An ability to send automated email
18 and text message reminders, including re-
19 peat reminders, to patients regarding up-
20 coming appointments.

21 (ii) An ability to store appointment
22 records to ensure rapid access by medical
23 personnel to appointment data.

24 (d) STANDARDS FOR PRODUCTIVITY OF HEALTH
25 CARE PROVIDERS.—

1 (1) IN GENERAL.—The Secretary shall imple-
2 ment standards for the productivity of health care
3 providers at military treatment facilities.

4 (2) MATTERS CONSIDERED.—In developing
5 standards under paragraph (1), the Secretary shall
6 consider—

7 (A) civilian benchmarks for measuring the
8 productivity of health care providers;

9 (B) the optimal number of medical ap-
10 pointments for each health care provider that
11 would be required, as determined by the Sec-
12 retary, to maintain access of covered bene-
13 ficiaries to health care from the Department;
14 and

15 (C) the readiness requirements of the
16 Armed Forces.

17 (e) PLAN.—

18 (1) IN GENERAL.—Not later than January 1,
19 2017, the Secretary shall submit to the Committees
20 on Armed Services of the Senate and the House of
21 Representatives a comprehensive plan to implement
22 the system required under subsection (a).

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

1 (A) A description of the manual appoint-
2 ment process to be used at military treatment
3 facilities under the system required under sub-
4 section (a).

5 (B) A description of the automated ap-
6 pointment process to be used at military treat-
7 ment facilities under such system.

8 (C) A timeline for the full implementation
9 of such system throughout the military health
10 system.

11 (f) BRIEFING.—Not later than February 1, 2018, the
12 Secretary shall brief the Committees on Armed Services
13 of the Senate and the House of Representatives on the
14 implementation of the system required under subsection
15 (a) and the standards for the productivity of health care
16 providers required under subsection (d).

17 (g) REPORT ON MISSED APPOINTMENTS.—

18 (1) IN GENERAL.—Not later than March 1 each
19 year, the Secretary of Defense shall submit to the
20 Committees on Armed Services of the Senate and
21 the House of Representatives a report on the total
22 number of medical appointments at military treat-
23 ment facilities for which a covered beneficiary failed
24 to appear without prior notification during the one-
25 year period preceding the submittal of the report.

1 (2) ELEMENTS.—Each report under paragraph
2 (1) shall include for each military treatment facility
3 the following:

4 (A) An identification of the top five rea-
5 sons for a covered beneficiary missing an ap-
6 pointment.

7 (B) A comparison of the number of missed
8 appointments for specialty care versus primary
9 care.

10 (C) An estimate of the cost to the Depart-
11 ment of Defense of missed appointments.

12 (D) An assessment of strategies to reduce
13 the number of missed appointments.

14 (h) COVERED BENEFICIARY DEFINED.—In this sec-
15 tion, the term “covered beneficiary” has the meaning
16 given that term in section 1072 of title 10, United States
17 Code.

1 **Subtitle B—Other Health Care**
2 **Benefits**

3 **SEC. 711. EXTENDED TRICARE PROGRAM COVERAGE FOR**
4 **CERTAIN MEMBERS OF THE NATIONAL**
5 **GUARD AND DEPENDENTS DURING CERTAIN**
6 **DISASTER RESPONSE DUTY.**

7 (a) IN GENERAL.—Chapter 55 of title 10, United
8 States Code, is amended by inserting after section 1076e
9 the following new section:

10 **“§ 1076f. TRICARE program: extension of coverage**
11 **for certain members of the National**
12 **Guard and dependents during certain**
13 **disaster response duty**

14 “(a) EXTENDED COVERAGE.—During a period in
15 which a member of the National Guard is performing dis-
16 aster response duty, the member may be treated as being
17 on active duty for a period of more than 30 days for pur-
18 poses of the eligibility of the member and dependents of
19 the member for health care benefits under the TRICARE
20 program if such period immediately follows a period in
21 which the member served on full-time National Guard
22 duty under section 502(f) of title 32, including pursuant
23 to chapter 9 of such title, unless the Governor of the State
24 (or, with respect to the District of Columbia, the mayor
25 of the District of Columbia) determines that such ex-

1 tended eligibility is not in the best interest of the member
2 or the State.

3 “(b) CONTRIBUTION BY STATE.—(1) The Secretary
4 shall charge a State for the costs of providing coverage
5 under the TRICARE program to members of the National
6 Guard of the State and the dependents of the members
7 pursuant to subsection (a). Such charges shall be paid
8 from the funds of the State or from any other non-Federal
9 funds.

10 “(2) Any amounts received by the Secretary under
11 paragraph (1) shall be credited to the appropriation avail-
12 able for the Defense Health Program Account under sec-
13 tion 1100 of this title, shall be merged with sums in such
14 Account that are available for the fiscal year in which col-
15 lected, and shall be available under subsection (b) of such
16 section, including to carry out subsection (a) of this sec-
17 tion.

18 “(c) DEFINITIONS.—In this section:

19 “(1) The term ‘disaster response duty’ means
20 duty performed by a member of the National Guard
21 in State status pursuant to an emergency declara-
22 tion by the Governor of the State (or, with respect
23 to the District of Columbia, the mayor of the Dis-
24 trict of Columbia) in response to a disaster or in
25 preparation for an imminent disaster.

1 (2) ELEMENTS.—The study under paragraph
2 (1) shall address the following:

3 (A) Whether to allow current and former
4 members of the Selected Reserve to participate
5 in the Federal Employees Health Benefit Pro-
6 gram.

7 (B) Whether to pay a stipend to current
8 and former members to continue coverage in a
9 health plan obtained by the member.

10 (C) Whether to allow current and former
11 members to participate in the TRICARE pro-
12 gram under section 1076d of title 10, United
13 States Code.

14 (D) Whether to amend section 1076f of
15 title 10, United States Code, as added by sec-
16 tion 711, to require the extension of TRICARE
17 program coverage for members of the National
18 Guard assigned to Homeland Response Force
19 Units mobilized for a State emergency pursuant
20 to chapter 9 of title 32, United States Code.

21 (E) The findings and recommendations
22 under section 748.

23 (F) Any other options for providing health
24 care coverage to current and former members

1 of the Selected Reserve the Secretary considers
2 appropriate.

3 (3) CONSULTATION.—In carrying out the study
4 under paragraph (1), the Secretary shall consult
5 with, and obtain the opinions of, current and former
6 members of the Selected Reserve, including the lead-
7 ership of the Selected Reserve.

8 (4) SUBMISSION.—

9 (A) REPORT.—Not later than 180 days
10 after the date of the enactment of this Act, the
11 Secretary shall submit to the congressional de-
12 fense committees a report on the study under
13 paragraph (1).

14 (B) MATTERS INCLUDED.—The report
15 under subparagraph (A) shall include the fol-
16 lowing:

17 (i) A description of the health care
18 coverage options addressed by the Sec-
19 retary under paragraph (2).

20 (ii) Identification of such health care
21 coverage option that the Secretary rec-
22 ommends as the best option.

23 (iii) The justifications for such rec-
24 ommended best option.

1 (iv) The number and proportion of the
2 current and former members of the Se-
3 lected Reserve projected to participate in
4 such recommended best option.

5 (v) A determination of the appropriate
6 cost sharing for such recommended best
7 option with respect to the percentage con-
8 tribution as a monthly premium for cur-
9 rent members of the Selected Reserve.

10 (vi) An estimate of the cost of imple-
11 menting such recommended best option.

12 (vii) Any legislative language required
13 to implement such recommended best op-
14 tion.

15 (b) PILOT PROGRAM.—

16 (1) AUTHORIZATION.—The Secretary of De-
17 fense and the Director may jointly carry out a pilot
18 program, at the election of the Secretary, under
19 which the Director provides commercial health insur-
20 ance coverage to eligible reserve component members
21 who enroll in a health benefits plan under paragraph
22 (4) as an individual, for self plus one coverage, or
23 for self and family coverage.

24 (2) ELEMENTS.—The pilot program shall—

1 (A) provide for enrollment by eligible re-
2 serve component members, at the election of the
3 member, in a health benefits plan under para-
4 graph (4) during an open enrollment period es-
5 tablished by the Director for purposes of this
6 subsection;

7 (B) include a variety of national and re-
8 gional health benefits plans that—

9 (i) meet the requirements of this sub-
10 section;

11 (ii) are broadly representative of the
12 health benefits plans available in the com-
13 mercial market; and

14 (iii) do not contain unnecessary re-
15 strictions, as determined by the Director;
16 and

17 (C) offer a sufficient number of health
18 benefits plans in order to provide eligible re-
19 serve component beneficiaries with an ample
20 choice of health benefits plans, as determined
21 by the Director.

22 (3) DURATION.—If the Secretary elects to carry
23 out the pilot program, the Secretary and the Direc-
24 tor shall carry out the pilot program for not less
25 than five years.

1 (4) HEALTH BENEFITS PLANS.—

2 (A) IN GENERAL.—In providing health in-
3 surance coverage under the pilot program, the
4 Director shall contract with qualified carriers
5 for a variety of health benefits plans.

6 (B) DESCRIPTION OF PLANS.—Health ben-
7 efits plans contracted for under this sub-
8 section—

9 (i) may vary by type of plan design,
10 covered benefits, geography, and price;

11 (ii) shall include maximum limitations
12 on out-of-pocket expenses paid by an eligi-
13 ble reserve component beneficiary for the
14 health care provided; and

15 (iii) may not exclude an eligible re-
16 serve component member who chooses to
17 enroll.

18 (C) QUALITY OF PLANS.—The Director
19 shall ensure that each health benefits plan of-
20 fered under this subsection offers a high degree
21 of quality, as determined by criteria that in-
22 clude—

23 (i) access to an ample number of med-
24 ical providers, as determined by the Direc-
25 tor;

1 (ii) adherence to industry-accepted
2 quality measurements, as determined by
3 the Director;

4 (iii) access to benefits described in
5 paragraph (5), including ease of referral
6 for health care services; and

7 (iv) inclusion in the services covered
8 by the plan of advancements in medical
9 treatments and technology as soon as prac-
10 ticable in accordance with generally accept-
11 ed standards of medicine.

12 (5) BENEFITS.—A health benefits plan offered
13 by the Director under this subsection shall include,
14 at a minimum, the following benefits:

15 (A) The health care benefits provided
16 under chapter 55 of title 10, United States
17 Code, excluding pharmaceutical, dental, and ex-
18 tended health care option benefits.

19 (B) Such other benefits as the Director de-
20 termines appropriate.

21 (6) CARE AT FACILITIES OF UNIFORMED SERV-
22 ICES.—

23 (A) IN GENERAL.—If an eligible reserve
24 component beneficiary receives benefits de-
25 scribed in paragraph (5) at a facility of the uni-

1 formed services, the health benefits plan under
2 which the beneficiary is covered shall be treated
3 as a third-party payer under section 1095 of
4 title 10, United States Code, and shall pay
5 charges for such benefits as determined by the
6 Secretary.

7 (B) MILITARY MEDICAL TREATMENT FA-
8 CILITIES.—The Secretary, in consultation with
9 the Director—

10 (i) may contract with qualified car-
11 riers with which the Director has con-
12 tracted under paragraph (4) to provide
13 health insurance coverage for health care
14 services provided at military treatment fa-
15 cilities under this subsection; and

16 (ii) may receive payments under sec-
17 tion 1095 of title 10, United States Code,
18 from qualified carriers for health care serv-
19 ices provided at military medical treatment
20 facilities under this subsection.

21 (7) SPECIAL RULE RELATING TO ACTIVE DUTY
22 PERIOD.—

23 (A) IN GENERAL.—An eligible reserve com-
24 ponent member may not receive benefits under
25 a health benefits plan under this subsection

1 during any period in which the member is serv-
2 ing on active duty for more than 30 days.

3 (B) TREATMENT OF DEPENDENTS.—Sub-
4 paragraph (A) does not affect the coverage
5 under a health benefits plan of any dependent
6 of an eligible reserve component member.

7 (8) ELIGIBILITY FOR FEDERAL EMPLOYEES
8 HEALTH BENEFITS PROGRAM.—An individual is not
9 eligible to enroll in or be covered under a health ben-
10 efits plan under this subsection if the individual is
11 eligible to enroll in a health benefits plan under the
12 Federal Employees Health Benefits Program.

13 (9) COST SHARING.—

14 (A) RESPONSIBILITY FOR PAYMENT.—

15 (i) IN GENERAL.—Except as provided
16 in clause (ii), an eligible reserve component
17 member shall pay an annual premium
18 amount calculated under subparagraph (B)
19 for coverage under a health benefits plan
20 under this subsection and additional
21 amounts described in subparagraph (C) for
22 health care services in connection with
23 such coverage.

24 (ii) ACTIVE DUTY PERIOD.—

1 (I) IN GENERAL.—During any
2 period in which an eligible reserve
3 component member is serving on ac-
4 tive duty for more than 30 days, the
5 eligible reserve component member is
6 not responsible for paying any pre-
7 mium amount under subparagraph
8 (B) or additional amounts under sub-
9 paragraph (C).

10 (II) COVERAGE OF DEPEND-
11 ENTS.—With respect to a dependent
12 of an eligible reserve component mem-
13 ber that is covered under a health
14 benefits plan under this subsection,
15 during any period described in sub-
16 clause (I) with respect to the member,
17 the Secretary shall, on behalf of the
18 dependent, pay 100 percent of the
19 total annual amount of a premium for
20 coverage of the dependent under the
21 plan and such cost-sharing amounts
22 as may be applicable under the plan.

23 (B) PREMIUM AMOUNT.—

24 (i) IN GENERAL.—The annual pre-
25 mium calculated under this subparagraph

1 is an amount equal to 28 percent of the
2 total annual amount of a premium under
3 the health benefits plan selected.

4 (ii) TYPES OF COVERAGE.—The pre-
5 mium amounts calculated under this sub-
6 paragraph shall include separate calcula-
7 tions for—

8 (I) coverage as an individual;

9 (II) self plus one coverage; and

10 (III) self and family coverage.

11 (C) ADDITIONAL AMOUNTS.—The addi-
12 tional amounts described in this subparagraph
13 with respect to an eligible reserve component
14 member are such cost-sharing amounts as may
15 be applicable under the health benefits plan
16 under which the member is covered.

17 (10) CONTRACTING.—

18 (A) IN GENERAL.—In contracting for
19 health benefits plans under paragraph (4), the
20 Director may contract with qualified carriers in
21 a manner similar to the manner in which the
22 Director contracts with carriers under section
23 8902 of title 5, United States Code, including
24 that—

1 (i) a contract under this subsection
2 shall be for a uniform term of not less
3 than one year, but may be made automati-
4 cally renewable from term to term in the
5 absence of notice of termination by either
6 party;

7 (ii) a contract under this subsection
8 shall contain a detailed statement of bene-
9 fits offered and shall include such maxi-
10 mums, limitations, exclusions, and other
11 definitions of benefits determined by the
12 Director in accordance with paragraph (5);

13 (iii) a contract under this subsection
14 shall ensure that an eligible reserve compo-
15 nent member who is eligible to enroll in a
16 health benefits plan pursuant to such con-
17 tract is able to enroll in such plan; and

18 (iv) the terms of a contract under this
19 subsection relating to the nature, provi-
20 sion, or extent of coverage or benefits (in-
21 cluding payments with respect to benefits)
22 shall supersede and preempt any con-
23 flicting State or local law.

24 (B) EVALUATION OF FINANCIAL SOL-
25 VENCY.—The Director shall perform a thorough

1 evaluation of the financial solvency of an insur-
2 ance carrier before entering into a contract with
3 the insurance carrier under subparagraph (A).

4 (11) RECOMMENDATIONS AND DATA.—

5 (A) IN GENERAL.—The Secretary of De-
6 fense, in consultation with the Secretary of
7 Homeland Security, shall provide recommenda-
8 tions and data to the Director with respect to—

9 (i) matters involving military medical
10 treatment facilities;

11 (ii) matters unique to eligible reserve
12 component members and dependents of
13 such members; and

14 (iii) such other strategic guidance nec-
15 essary for the Director to administer this
16 subsection as the Secretary of Defense, in
17 consultation with the Secretary of Home-
18 land Security, considers appropriate.

19 (B) LIMITATION ON IMPLEMENTATION.—
20 The Director shall not implement any rec-
21 ommendation provided by the Secretary of De-
22 fense under subparagraph (A) if the Director
23 determines that the implementation of the rec-
24 ommendation would result in eligible reserve
25 components beneficiaries receiving less generous

1 health benefits under this subsection than the
2 health benefits commonly available to individ-
3 uals under the Federal Employees Health Bene-
4 fits Program during the same period.

5 (12) TRANSMISSION OF INFORMATION.—On an
6 annual basis during each year in which the pilot pro-
7 gram is carried out, the Director shall provide the
8 Secretary with information on the use of health care
9 benefits under the pilot program, including—

10 (A) the number of eligible reserve compo-
11 nent beneficiaries participating in the pilot pro-
12 gram, listed by the health benefits plan under
13 which the beneficiary is covered;

14 (B) the number of health benefits plans of-
15 fered under the pilot program and a description
16 of each such plan; and

17 (C) the costs of the health care provided
18 under the plans.

19 (13) FUNDING.—

20 (A) IN GENERAL.—The Secretary of De-
21 fense and the Director shall jointly establish an
22 appropriate mechanism to fund the pilot pro-
23 gram.

24 (B) AVAILABILITY OF AMOUNTS.—
25 Amounts shall be made available to the Direc-

1 tor pursuant to the mechanism established
2 under subparagraph (A), without fiscal year
3 limitation—

4 (i) for payments to health benefits
5 plans under this subsection; and

6 (ii) to pay the costs of administering
7 this subsection.

8 (14) REPORTS.—

9 (A) INITIAL REPORTS.—Not later than one
10 year after the date on which the Secretary es-
11 tablishes the pilot program, and annually there-
12 after for the following three years, the Sec-
13 retary shall submit to the Committees on
14 Armed Services of the Senate and the House of
15 Representatives a report on the pilot program.

16 (B) MATTERS INCLUDED.—The report
17 under subparagraph (A) shall include, with re-
18 spect to the year covered by the report, the fol-
19 lowing:

20 (i) The number of eligible reserve
21 component beneficiaries participating in
22 the pilot program, listed by the health ben-
23 efits plan under which the beneficiary is
24 covered.

1 (ii) The number of health benefits
2 plans offered under the pilot program.

3 (iii) The cost of the pilot program to
4 the Department of Defense.

5 (iv) The estimated cost savings, if
6 any, to the Department of Defense.

7 (v) The average cost to the eligible re-
8 serve component beneficiary.

9 (vi) The effect of the pilot program on
10 the medical readiness of the members of
11 the reserve components.

12 (vii) The effect of the pilot program
13 on access to health care for members of
14 the reserve components.

15 (C) FINAL REPORT.—Not later than 180
16 days before the date on which the pilot program
17 will terminate pursuant to paragraph (3), the
18 Secretary shall submit to the Committees on
19 Armed Services of the Senate and the House of
20 Representatives a report on the pilot program
21 that includes—

22 (i) the matters specified under sub-
23 paragraph (B); and

24 (ii) the recommendation of the Sec-
25 retary regarding whether to make the pilot

1 program permanent or to terminate the
2 pilot program.

3 (c) DEFINITIONS.—In this section:

4 (1) The term “Director” means the Director of
5 the Office of Personnel Management.

6 (2) The term “eligible reserve component bene-
7 ficiary” means an eligible reserve component mem-
8 ber enrolled in, or a dependent of such a member de-
9 scribed in subparagraph (A), (D), or (I) of section
10 1072(2) of title 10, United States Code, covered
11 under, a health benefits plan under subsection (b).

12 (3) The term “eligible reserve component mem-
13 ber” means a member of the Selected Reserve of the
14 Ready Reserve of an Armed Force.

15 (4) The term “extended health care option”
16 means the program of extended benefits under sub-
17 sections (d) and (e) of section 1079 of title 10,
18 United States Code.

19 (5) The term “Federal Employees Health Bene-
20 fits Program” means the health insurance program
21 under chapter 89 of title 5, United States Code.

22 (6) The term “qualified carrier” means an in-
23 surance carrier that is licensed to issue group health
24 insurance in any State, the District of Columbia, the
25 Commonwealth of Puerto Rico, the Commonwealth

1 of the Northern Mariana Islands, Guam, and any
2 territory or possession of the United States.

3 **SEC. 713. PROVISION OF HEARING AIDS TO DEPENDENTS**
4 **OF RETIRED MEMBERS.**

5 Section 1077 of title 10, United States Code, is
6 amended—

7 (1) in subsection (a)(16), by striking “A hear-
8 ing aid” and inserting “Except as provided by sub-
9 section (g), a hearing aid”; and

10 (2) by adding at the end the following new sub-
11 section:

12 “(g) In addition to the authority to provide a hearing
13 aid under subsection (a)(16), hearing aids may be sold
14 under this section to dependents of former members of
15 the uniformed services at cost to the United States.”.

16 **SEC. 714. COVERAGE OF MEDICALLY NECESSARY FOOD**
17 **AND VITAMINS FOR CERTAIN CONDITIONS**
18 **UNDER THE TRICARE PROGRAM.**

19 (a) IN GENERAL.—Section 1077 of title 10, United
20 States Code, as amended by section 713, is further amend-
21 ed—

22 (1) in subsection (a)—

23 (A) in paragraph (3), by inserting before
24 the period at the end the following: “, includ-

1 ing, in accordance with subsection (g), medi-
2 cally necessary vitamins”; and

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

5 “(18) In accordance with subsection (g), medi-
6 cally necessary food and the medical equipment and
7 supplies necessary to administer such food (other
8 than durable medical equipment and supplies).”; and

9 (2) by adding at the end the following new sub-
10 section:

11 “(h)(1) Vitamins that may be provided under sub-
12 section (a)(3) are vitamins used for the management of
13 a covered disease or condition pursuant to the prescrip-
14 tion, order, or recommendation (as applicable) of a physi-
15 cian or other health care professional qualified to make
16 such prescription, order, or recommendation.

17 “(2) Medically necessary food that may be provided
18 under subsection (a)(18)—

19 (A) is food, including a low protein modified
20 food product or an amino acid preparation product,
21 that is—

22 (i) furnished pursuant to the prescription,
23 order, or recommendation (as applicable) of a
24 physician or other health care professional
25 qualified to make such prescription, order, or

1 recommendation, for the dietary management of
2 a covered disease or condition;

3 “(ii) a specially formulated and processed
4 product (as opposed to a naturally occurring
5 foodstuff used in its natural state) for the par-
6 tial or exclusive feeding of an individual by
7 means of oral intake or enteral feeding by tube;

8 “(iii) intended for the dietary management
9 of an individual who, because of therapeutic or
10 chronic medical needs, has limited or impaired
11 capacity to ingest, digest, absorb, or metabolize
12 ordinary foodstuffs or certain nutrients, or who
13 has other special medically determined nutrient
14 requirements, the dietary management of which
15 cannot be achieved by the modification of the
16 normal diet alone;

17 “(iv) intended to be used under medical
18 supervision, which may include in a home set-
19 ting; and

20 “(v) intended only for an individual receiv-
21 ing active and ongoing medical supervision
22 under which the individual requires medical
23 care on a recurring basis for, among other
24 things, instructions on the use of the food; and

25 “(B) may not include—

1 “(i) food taken as part of an overall diet
2 designed to reduce the risk of a disease or med-
3 ical condition or as weight-loss products, even if
4 the food is recommended by a physician or
5 other health care professional;

6 “(ii) food marketed as gluten-free for the
7 management of celiac disease or non-celiac glu-
8 ten sensitivity;

9 “(iii) food marketed for the management
10 of diabetes; or

11 “(iv) such other products as the Secretary
12 determines appropriate.

13 “(3) In this subsection, the term ‘covered disease or
14 condition’ means—

15 “(A) inborn errors of metabolism;

16 “(B) medical conditions of malabsorption;

17 “(C) pathologies of the alimentary tract or the
18 gastrointestinal tract;

19 “(D) a neurological or physiological condition;

20 and

21 “(E) such other diseases or conditions the Sec-
22 retary determines appropriate.”.

23 (b) **EFFECTIVE DATE.**—The amendments made by
24 subsection (a) shall apply to health care provided under

1 chapter 55 of such title on or after the date that is one
2 year after the date of the enactment of this Act.

3 **SEC. 715. ELIGIBILITY OF CERTAIN BENEFICIARIES UNDER**
4 **THE TRICARE PROGRAM FOR PARTICIPATION**
5 **IN THE FEDERAL EMPLOYEES DENTAL AND**
6 **VISION INSURANCE PROGRAM.**

7 (a) IN GENERAL.—

8 (1) DENTAL BENEFITS.—Section 8951 of title
9 5, United States Code, is amended—

10 (A) in paragraph (3), by striking “para-
11 graph (1) or (2)” and inserting “paragraph (1),
12 (2), or (8)”; and

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

15 “(8) The term ‘covered TRICARE-eligible indi-
16 vidual’ means an individual entitled to dental care
17 under chapter 55 of title 10, pursuant to section
18 1076e of such title, who the Secretary of Defense
19 determines should be an eligible individual for pur-
20 poses of this chapter.”.

21 (2) VISION BENEFITS.—Section 8981 of title 5,
22 United States Code, is amended—

23 (A) in paragraph (3), by striking “para-
24 graph (1) or (2)” and inserting “paragraph (1),
25 (2), or (8)”; and

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

3 “(8)(A) The term ‘covered TRICARE-eligible
4 individual’—

5 “(i) means an individual entitled to med-
6 ical care under chapter 55 of title 10, pursuant
7 to section 1076d, 1076e, 1079(a), 1086(c), or
8 1086(d) of such title, who the Secretary of De-
9 fense determines in accordance with an agree-
10 ment entered into under subparagraph (B)
11 should be an eligible individual for purposes of
12 this chapter; and

13 “(ii) does not include an individual covered
14 under section 1110b of title 10.

15 “(B) The Secretary of Defense shall enter into
16 an agreement with the Director of the Office relat-
17 ing to classes of individuals described in subpara-
18 graph (A)(i) who should be eligible individuals for
19 purposes of this chapter.”.

20 (b) CONFORMING AMENDMENTS.—

21 (1) DENTAL BENEFITS.—Section 8958(c) of
22 title 5, United States Code, is amended—

23 (A) in paragraph (1), by striking “or” at
24 the end;

1 (B) in paragraph (2), by striking the pe-
2 riod at the end and inserting a semicolon; and

3 (C) by adding at the end the following new
4 paragraphs:

5 “(3) in the case of a covered TRICARE-eligible
6 individual who receives pay from the Federal Gov-
7 ernment or an annuity from the Federal Govern-
8 ment due to the death of a member of the uniformed
9 services (as defined in section 101 of title 10), and
10 is not a former spouse of a member of the uniformed
11 services, be withheld from—

12 “(A) the pay (including retired pay) of
13 such individual; or

14 “(B) the annuity paid to such individual;
15 or

16 “(4) in the case of a covered TRICARE-eligible
17 individual who is not described in paragraph (3), be
18 billed to such individual directly.”.

19 (2) VISION BENEFITS.—Section 8988(c) of title
20 5, United States Code, is amended—

21 (A) in paragraph (1), by striking “or” at
22 the end;

23 (B) in paragraph (2), by striking the pe-
24 riod at the end and inserting a semicolon; and

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

3 “(3) in the case of a covered TRICARE-eligible
4 individual who receives pay from the Federal Gov-
5 ernment or an annuity from the Federal Govern-
6 ment due to the death of a member of the uniformed
7 services (as defined in section 101 of title 10), and
8 is not a former spouse of a member of the uniformed
9 services, be withheld from—

10 “(A) the pay (including retired pay) of
11 such individual; or

12 “(B) the annuity paid to such individual;
13 or

14 “(4) in the case of a covered TRICARE-eligible
15 individual who is not described in paragraph (3), be
16 billed to such individual directly.”.

17 (3) PLAN FOR DENTAL INSURANCE FOR CER-
18 TAIN RETIREES, SURVIVING SPOUSES, AND OTHER
19 DEPENDENTS.—Subsection (a) of section 1076c of
20 title 10, United States Code, is amended to read as
21 follows:

22 “(a) REQUIREMENT FOR PLAN.—(1) The Secretary
23 of Defense shall establish a dental insurance plan for retir-
24 ees of the uniformed services, certain unremarried sur-

1 living spouses, and dependents in accordance with this
2 section.

3 “(2) The Secretary may satisfy the requirement
4 under paragraph (1) by entering into an agreement with
5 the Director of the Office of Personnel Management to
6 allow persons described in subsection (b) to enroll in an
7 insurance plan under chapter 89A of title 5 that provides
8 benefits similar to those benefits required to be provided
9 under subsection (d).”.

10 (c) APPLICABILITY.—The amendments made by this
11 section shall apply with respect to the first contract year
12 for chapter 89A or 89B of title 5, United States Code,
13 as applicable, that begins on or after January 1, 2018.

14 **SEC. 716. APPLIED BEHAVIOR ANALYSIS.**

15 (a) RATES OF REIMBURSEMENT.—

16 (1) IN GENERAL.—In furnishing applied behav-
17 ior analysis under the TRICARE program to indi-
18 viduals described in paragraph (2) during the period
19 beginning on the date of the enactment of this Act
20 and ending on December 31, 2018, the Secretary of
21 Defense shall ensure that the reimbursement rates
22 for providers of applied behavior analysis are not
23 less than the rates that were in effect on March 31,
24 2016.

1 (2) INDIVIDUALS DESCRIBED.—Individuals de-
2 scribed in this paragraph are individuals who are
3 covered beneficiaries by reason of being a member or
4 former member of the Army, Navy, Air Force, or
5 Marine Corps, including the reserve components
6 thereof, or a dependent of such a member or former
7 member.

8 (b) ANALYSIS.—

9 (1) IN GENERAL.—Upon the completion of the
10 Department of Defense Comprehensive Autism Care
11 Demonstration, the Assistant Secretary of Defense
12 for Health Affairs shall conduct an analysis to—

13 (A) use data gathered during the dem-
14 onstration to set future reimbursement rates for
15 providers of applied behavior analysis under the
16 TRICARE program;

17 (B) review comparative commercial insur-
18 ance claims for purposes of setting such future
19 rates, including by—

20 (i) conducting an analysis of the com-
21 parative total of commercial insurance
22 claims billed for applied behavior analysis;
23 and

24 (ii) reviewing any covered beneficiary
25 limitations on access to applied behavior

1 analysis services at various military instal-
2 lations throughout the United States; and
3 (C) determine whether the use of applied
4 behavioral analysis under the demonstration has
5 improved outcomes for covered beneficiaries
6 with autism spectrum disorder.

7 (2) SUBMISSION.—The Assistant Secretary
8 shall submit to the Committees on Armed Services
9 of the Senate and the House of Representatives the
10 analysis conducted under paragraph (1).

11 (c) DEFINITIONS.—In this section, the terms “cov-
12 ered beneficiary” and “TRICARE program” have the
13 meaning given those terms in section 1072 of title 10,
14 United States Code.

15 **SEC. 717. EVALUATION AND TREATMENT OF VETERANS**
16 **AND CIVILIANS AT MILITARY TREATMENT FA-**
17 **CILITIES.**

18 (a) IN GENERAL.—The Secretary of Defense shall
19 authorize a veteran (in consultation with the Secretary of
20 Veterans Affairs) or civilian to be evaluated and treated
21 at a military treatment facility if the Secretary of Defense
22 determines that—

23 (1) the evaluation and treatment of the indi-
24 vidual is necessary to attain the relevant mix and
25 volume of medical casework required to maintain

1 medical readiness skills and competencies of health
2 care providers at the facility;

3 (2) the health care providers at the facility have
4 the competencies, skills, and abilities required to
5 treat the individual; and

6 (3) the facility has available space, equipment,
7 and materials to treat the individual.

8 (b) PRIORITY OF COVERED BENEFICIARIES.—The
9 evaluation and treatment of covered beneficiaries at mili-
10 tary treatment facilities shall be prioritized ahead of the
11 evaluation and treatment of veterans and civilians at such
12 facilities under subsection (a).

13 (c) REIMBURSEMENT FOR TREATMENT.—

14 (1) CIVILIANS.—A military treatment facility
15 that evaluates or treats an individual (other than an
16 individual described in paragraph (2)) under sub-
17 section (a) shall bill the individual and accept reim-
18 bursement from the individual or a third-party payer
19 (as that term is defined in section 1095(h) of title
20 10, United States Code) on behalf of such individual
21 for the costs of any health care services provided to
22 the individual under such subsection.

23 (2) VETERANS.—The Secretary of Defense
24 shall enter into a memorandum of agreement with
25 the Secretary of Veterans Affairs under which the

1 Secretary of Veterans Affairs will pay a military
2 treatment facility using a prospective payment meth-
3 odology (including interagency transfers of funds or
4 obligational authority and similar transactions) for
5 the costs of any health care services provided at the
6 facility under subsection (a) to individuals eligible
7 for such health care services from the Department
8 of Veterans Affairs.

9 (3) USE OF AMOUNTS.—The Secretary of De-
10 fense shall make available to a military treatment
11 facility any amounts collected by such facility under
12 paragraph (1) or (2) for health care services pro-
13 vided to an individual under subsection (a).

14 (d) COVERED BENEFICIARY DEFINED.—In this sec-
15 tion, the term “covered beneficiary” has the meaning
16 given that term in section 1072 of title 10, United States
17 Code.

18 **SEC. 718. ENHANCEMENT OF USE OF TELEHEALTH SERV-**
19 **ICES IN MILITARY HEALTH SYSTEM.**

20 (a) INCORPORATION OF TELEHEALTH.—

21 (1) IN GENERAL.—Not later than 18 months
22 after the date of the enactment of this Act, the Sec-
23 retary of Defense shall incorporate, throughout the
24 direct care and purchased care components of the

1 military health system, the use of telehealth services,
2 including mobile health applications—

3 (A) to improve access to primary care, ur-
4 gent care, behavioral health care, and specialty
5 care;

6 (B) to perform health assessments;

7 (C) to provide diagnoses, interventions,
8 and supervision;

9 (D) to monitor individual health outcomes
10 of covered beneficiaries with chronic diseases or
11 conditions;

12 (E) to improve communication between
13 health care providers and patients; and

14 (F) to reduce health care costs for covered
15 beneficiaries and the Department of Defense.

16 (2) TYPES OF TELEHEALTH SERVICES.—The
17 telehealth services required to be incorporated under
18 paragraph (1) shall include those telehealth services
19 that—

20 (A) maximize the use of secure messaging
21 between health care providers and covered bene-
22 ficiaries to improve the access of covered bene-
23 ficiaries to health care and reduce the number
24 of visits to medical facilities for health care
25 needs;

1 (B) allow covered beneficiaries to schedule
2 appointments; and

3 (C) allow health care providers, through
4 video conference, telephone or tablet applica-
5 tions, or home health monitoring devices—

6 (i) to assess and evaluate disease
7 signs and symptoms;

8 (ii) to diagnose diseases;

9 (iii) to supervise treatments; and

10 (iv) to monitor health outcomes.

11 (b) COVERAGE OF ITEMS OR SERVICES.—An item or
12 service furnished to a covered beneficiary via a tele-
13 communications system shall be covered under the
14 TRICARE program to the same extent as the item or
15 service would be covered if furnished in the location of the
16 covered beneficiary.

17 (c) REIMBURSEMENT RATES FOR TELEHEALTH
18 SERVICES.—The Secretary shall develop standardized
19 payment methods to reimburse health care providers for
20 telehealth services provided to covered beneficiaries in the
21 purchased care component of the TRICARE program, in-
22 cluding by using reimbursement rates that incentivize the
23 provision of telehealth services.

24 (d) REDUCTION OR ELIMINATION OF COPAY-
25 MENTS.—The Secretary shall reduce or eliminate, as the

1 Secretary considers appropriate, copayments or cost
2 shares for covered beneficiaries in connection with the re-
3 ceipt of telehealth services under the purchased care com-
4 ponent of the TRICARE program.

5 (e) REPORTS.—

6 (1) INITIAL REPORT.—

7 (A) IN GENERAL.—Not later than 180
8 days after the date of the enactment of this
9 Act, the Secretary shall submit to the Commit-
10 tees on Armed Services of the Senate and the
11 House of Representatives a report describing
12 the full range of telehealth services to be avail-
13 able in the direct care and purchased care com-
14 ponents of the military health system and the
15 copayments and cost shares, if any, associated
16 with those services.

17 (B) REIMBURSEMENT PLAN.—The report
18 required under subparagraph (A) shall include
19 a plan to develop standardized payment meth-
20 ods to reimburse health care providers for tele-
21 health services provided to covered beneficiaries
22 in the purchased care component of the
23 TRICARE program, as required under sub-
24 section (c).

25 (2) FINAL REPORT.—

1 (A) IN GENERAL.—Not later than three
2 years after the date on which the Secretary be-
3 gins incorporating, throughout the direct care
4 and purchased care components of the military
5 health system, the use of telehealth services as
6 required under subsection (a), the Secretary
7 shall submit to the Committees on Armed Serv-
8 ices of the Senate and the House of Represent-
9 atives a report describing the impact made by
10 the use of telehealth services, including mobile
11 health applications, to carry out the actions
12 specified in subparagraphs (A) through (F) of
13 subsection (a)(1).

14 (B) ELEMENTS.—The report required
15 under subparagraph (A) shall include an assess-
16 ment of the following:

17 (i) The satisfaction of covered bene-
18 ficiaries with telehealth services furnished
19 by the Department of Defense.

20 (ii) The satisfaction of health care
21 providers in providing telehealth services
22 furnished by the Department.

23 (iii) The effect of telehealth services
24 furnished by the Department on the fol-
25 lowing:

1 (I) The ability of covered bene-
2 ficiaries to access health care services
3 in the direct care and purchased care
4 components of the military health sys-
5 tem.

6 (II) The frequency of use of tele-
7 health services by covered bene-
8 ficiaries.

9 (III) The productivity of health
10 care providers providing care fur-
11 nished by the Department.

12 (IV) The reduction, if any, in the
13 use by covered beneficiaries of health
14 care services in military treatment fa-
15 cilities or medical facilities in the pri-
16 vate sector.

17 (V) The number and types of ap-
18 pointments for the receipt of tele-
19 health services furnished by the De-
20 partment.

21 (VI) The savings, if any, realized
22 by the Department by furnishing tele-
23 health services to covered bene-
24 ficiaries.

25 (f) REGULATIONS.—

1 (1) INTERIM FINAL RULE.—Not later than 180
2 days after the date of the enactment of this Act, the
3 Secretary shall prescribe an interim final rule to im-
4 plement this section.

5 (2) FINAL RULE.—Not later than 180 days
6 after prescribing the interim final rule under para-
7 graph (1) and considering public comments with re-
8 spect to such interim final rule, the Secretary shall
9 prescribe a final rule to implement this section.

10 (3) OBJECTIVES.—The regulations prescribed
11 under paragraphs (1) and (2) shall accomplish the
12 objectives set forth in subsection (a) and ensure
13 quality of care, patient safety, and the integrity of
14 the TRICARE program.

15 (g) DEFINITIONS.—In this section, the terms “cov-
16 ered beneficiary” and “TRICARE program” have the
17 meaning given those terms in section 1072 of title 10,
18 United States Code.

19 **SEC. 719. AUTHORIZATION OF REIMBURSEMENT BY DE-**
20 **PARTMENT OF DEFENSE TO ENTITIES CAR-**
21 **RYING OUT STATE VACCINATION PROGRAMS**
22 **FOR COSTS OF VACCINES PROVIDED TO COV-**
23 **ERED BENEFICIARIES.**

24 (a) REIMBURSEMENT.—

1 (1) IN GENERAL.—The Secretary of Defense
2 may reimburse an amount determined under para-
3 graph (2) to an entity carrying out a State vaccina-
4 tion program for the cost of vaccines provided to
5 covered beneficiaries through such program.

6 (2) AMOUNT OF REIMBURSEMENT.—

7 (A) IN GENERAL.—Except as provided in
8 subparagraph (B), the amount determined
9 under this paragraph with respect to a State
10 vaccination program shall be the amount as-
11 sessed by the entity carrying out such program
12 to purchase vaccines provided to covered bene-
13 ficiaries through such program.

14 (B) LIMITATION.—The amount determined
15 under this paragraph to provide vaccines to cov-
16 ered beneficiaries through a State vaccination
17 program may not exceed the amount that the
18 Department would reimburse an entity under
19 the TRICARE program for providing vaccines
20 to the number of covered beneficiaries who were
21 involved in the applicable State vaccination pro-
22 gram.

23 (b) DEFINITIONS.—In this section:

24 (1) COVERED BENEFICIARY; TRICARE PRO-
25 GRAM.—The terms “covered beneficiary” and

1 “TRICARE program” have the meanings given
2 those terms in section 1072 of title 10, United
3 States Code.

4 (2) STATE VACCINATION PROGRAM.—The term
5 “State vaccination program” means a vaccination
6 program that provides vaccinations to individuals in
7 a State and is carried out by an entity (including an
8 agency of the State) within the State.

9 **Subtitle C—Health Care**

10 **Administration**

11 **SEC. 721. AUTHORITY TO CONVERT MILITARY MEDICAL** 12 **AND DENTAL POSITIONS TO CIVILIAN MED-** 13 **ICAL AND DENTAL POSITIONS.**

14 (a) LIMITED AUTHORITY FOR CONVERSION.—

15 (1) AUTHORITY.—Chapter 49 of title 10,
16 United States Code, is amended by inserting after
17 section 976 the following new section:

18 **“§ 977. Conversion of military medical and dental po-** 19 **sitions to civilian medical and dental po-** 20 **sitions: limitation**

21 “(a) PROCESS.—The Secretary of Defense, in col-
22 laboration with the Secretaries of the military depart-
23 ments, shall establish a process to define the military med-
24 ical and dental personnel requirements necessary to meet
25 operational medical force readiness requirements.

1 “(b) REQUIREMENTS RELATING TO CONVERSION.—

2 A military medical or dental position within the Depart-
3 ment of Defense may be converted to a civilian medical
4 or dental position if the Secretary determines that the po-
5 sition is not necessary to meet operational medical force
6 readiness requirements, as determined pursuant to sub-
7 section (a).

8 “(c) GRADE OR LEVEL CONVERTED.—In carrying
9 out a conversion under subsection (b), the Secretary of
10 Defense—

11 “(1) shall convert the applicable military posi-
12 tion to a civilian position with a level of compensa-
13 tion commensurate with the skills and experience
14 necessary to carry out the duties of such civilian po-
15 sition; and

16 “(2) may not place any limitation on the grade
17 or level to which the military position is so con-
18 verted.

19 “(d) DEFINITIONS.—In this section:

20 “(1) The term ‘military medical or dental posi-
21 tion’ means a position for the performance of health
22 care functions within the armed forces held by a
23 member of the armed forces.

24 “(2) The term ‘civilian medical or dental posi-
25 tion’ means a position for the performance of health

1 care functions within the Department of Defense
2 held by an employee of the Department or of a con-
3 tractor of the Department.

4 “(3) The term ‘conversion’, with respect to a
5 military medical or dental position, means a change
6 of the position to a civilian medical or dental posi-
7 tion, effective as of the date of the manning author-
8 ization document of the military department making
9 the change (through a change in designation from
10 military to civilian in the document, the elimination
11 of the listing of the position as a military position
12 in the document, or through any other means indi-
13 cating the change in the document or otherwise).”.

14 (2) CLERICAL AMENDMENT.—The table of sec-
15 tions at the beginning of chapter 49 of such title is
16 amended by inserting after the item relating to sec-
17 tion 976 the following new item:

“977. Conversion of military medical and dental positions to civilian medical and
dental positions: limitation.”.

18 (3) EFFECTIVE DATE OF CONVERSION AUTHOR-
19 ITY.—The Secretary of Defense may not carry out
20 section 977(b) of title 10, United States Code, as
21 added by paragraph (1), until the date that is 180
22 days after the date on which the Secretary submits
23 the report under subsection (b).

1 (b) REPORT.—Not later than 90 days after the date
2 of the enactment of this Act, the Secretary of Defense
3 shall submit to the Committees on Armed Services of the
4 Senate and the House of Representatives a report that
5 includes the following:

6 (1) A description of the process established
7 under section 977(a) of title 10, United States Code,
8 as added by subsection (a), to define the military
9 medical and dental personnel requirements necessary
10 to meet operational medical force readiness require-
11 ments.

12 (2) A complete list, by position, of the military
13 medical and dental personnel requirements necessary
14 to meet operational medical force readiness require-
15 ments.

16 (c) CONFORMING REPEAL.—Section 721 of the Na-
17 tional Defense Authorization Act for Fiscal Year 2008
18 (Public Law 110–181; 122 Stat. 198; 10 U.S.C. 129c
19 note) is repealed.

20 **SEC. 722. PROSPECTIVE PAYMENT OF FUNDS NECESSARY**
21 **TO PROVIDE MEDICAL CARE FOR THE COAST**
22 **GUARD.**

23 (a) IN GENERAL.—Chapter 13 of title 14, United
24 States Code, is amended by adding at the end the fol-
25 lowing:

1 **“§ 520. Prospective payment of funds necessary to**
2 **provide medical care**

3 “(a) PROSPECTIVE PAYMENT REQUIRED.—In lieu of
4 the reimbursement required under section 1085 of title 10,
5 the Secretary of Homeland Security shall make a prospec-
6 tive payment to the Secretary of Defense of an amount
7 that represents the actuarial valuation of treatment or
8 care—

9 “(1) that the Department of Defense shall pro-
10 vide to members of the Coast Guard, former mem-
11 bers of the Coast Guard, and dependents of such
12 members and former members (other than former
13 members and dependents of former members who
14 are a Medicare-eligible beneficiary or for whom the
15 payment for treatment or care is made from the
16 Medicare-Eligible Retiree Health Care Fund) at fa-
17 cilities under the jurisdiction of the Department of
18 Defense or a military department; and

19 “(2) for which a reimbursement would other-
20 wise be made under section 1085.

21 “(b) AMOUNT.—The amount of the prospective pay-
22 ment under subsection (a) shall be—

23 “(1) in the case of treatment or care to be pro-
24 vided to members of the Coast Guard and their de-
25 pendents, derived from amounts appropriated for the
26 operating expenses of the Coast Guard;

1 “(2) in the case of treatment or care to be pro-
2 vided former members of the Coast Guard and their
3 dependents, derived from amounts appropriated for
4 retired pay;

5 “(3) determined under procedures established
6 by the Secretary of Defense;

7 “(4) paid during the fiscal year in which treat-
8 ment or care is provided; and

9 “(5) subject to adjustment or reconciliation as
10 the Secretaries determine appropriate during or
11 promptly after such fiscal year in cases in which the
12 prospective payment is determined excessive or in-
13 sufficient based on the services actually provided.

14 “(c) NO PROSPECTIVE PAYMENT WHEN SERVICE IN
15 NAVY.—No prospective payment shall be made under this
16 section for any period during which the Coast Guard oper-
17 ates as a service in the Navy.

18 “(d) RELATIONSHIP TO TRICARE.—This section
19 shall not be construed to require a payment for, or the
20 prospective payment of an amount that represents the
21 value of, treatment or care provided under any TRICARE
22 program.”.

23 (b) CLERICAL AMENDMENT.—The analysis for chap-
24 ter 13 of title 14, United States Code, is amended by add-
25 ing at the end the following:

“520. Prospective payment of funds necessary to provide medical care.”.

1 (c) REPEAL.—Section 217 of the Coast Guard Au-
2 thorization Act of 2016 (Public Law 114–120), as amend-
3 ed by section 3503, and the item relating to that section
4 in the table of contents in section 2 of such Act, are re-
5 pealed.

6 **SEC. 723. REDUCTION OF ADMINISTRATIVE REQUIRE-**
7 **MENTS RELATING TO AUTOMATIC RENEWAL**
8 **OF ENROLLMENTS IN TRICARE PRIME.**

9 Section 1097a(b) of title 10, United States Code, is
10 amended—

11 (1) in paragraph (1), by striking “(1) An” and
12 inserting “An”; and

13 (2) by striking paragraph (2).

14 **SEC. 724. MODIFICATION OF AUTHORITY OF UNIFORMED**
15 **SERVICES UNIVERSITY OF THE HEALTH**
16 **SCIENCES TO INCLUDE UNDERGRADUATE**
17 **AND OTHER MEDICAL EDUCATION AND**
18 **TRAINING PROGRAMS.**

19 (a) IN GENERAL.—Section 2112(a) of title 10,
20 United States Code, is amended to read as follows:

21 “(a)(1) There is established a Uniformed Services
22 University of the Health Sciences (in this chapter referred
23 to as the ‘University’) with authority to grant appropriate
24 certificates, certifications, undergraduate degrees, and ad-
25 vanced degrees.

1 “(2) The University shall be so organized as to grad-
2 uate not fewer than 100 medical students annually.

3 “(3) The headquarters of the University shall be at
4 a site or sites selected by the Secretary of Defense within
5 25 miles of the District of Columbia.”.

6 (b) ADMINISTRATION.—Section 2113 of such title is
7 amended—

8 (1) in subsection (d)—

9 (A) in the first sentence, by striking “lo-
10 cated in or near the District of Columbia”;

11 (B) in the third sentence, by striking “in
12 or near the District of Columbia”; and

13 (C) by striking the fifth sentence; and

14 (2) in subsection (e)(3), by inserting after “pro-
15 grams” the following: “, including certificate, certifi-
16 cation, and undergraduate degree programs,”.

17 (c) REPEAL OF EXPIRED PROVISION.—Section
18 2112a of such title is amended—

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

20 (2) in subsection (a), by striking “(a) CLOSURE
21 PROHIBITED.—”.

1 **SEC. 725. ADJUSTMENT OF MEDICAL SERVICES, PER-**
2 **SONNEL AUTHORIZED STRENGTHS, AND IN-**
3 **FRASTRUCTURE IN MILITARY HEALTH SYS-**
4 **TEM TO MAINTAIN READINESS AND CORE**
5 **COMPETENCIES OF HEALTH CARE PRO-**
6 **VIDERS.**

7 (a) IN GENERAL.—Except as provided by subsection
8 (c), not later than one year after the date of the enactment
9 of this Act, the Secretary of Defense shall implement
10 measures to maintain the critical wartime medical readi-
11 ness skills and core competencies of health care providers
12 within the Armed Forces.

13 (b) MEASURES.—The measures under subsection (a)
14 shall include measures under which the Secretary ensures
15 the following:

16 (1) Medical services provided through the mili-
17 tary health system at military medical treatment fa-
18 cilities—

19 (A) maintain the critical wartime medical
20 readiness skills and core competencies of health
21 care providers within the Armed Forces; and

22 (B) ensure the medical readiness of the
23 Armed Forces.

24 (2) The authorized strengths for military and
25 civilian personnel throughout the military health sys-
26 tem—

1 (A) maintain the critical wartime medical
2 readiness skills and core competencies of health
3 care providers within the Armed Forces; and

4 (B) ensure the medical readiness of the
5 Armed Forces.

6 (3) The infrastructure in the military health
7 system, including infrastructure of military medical
8 treatment facilities—

9 (A) maintains the critical wartime medical
10 readiness skills and core competencies of health
11 care providers within the Armed Forces; and

12 (B) ensures the medical readiness of the
13 Armed Forces.

14 (4) Any covered beneficiary who may be af-
15 fected by the measures implemented under sub-
16 section (a) will be able to receive through the pur-
17 chased care component of the TRICARE program
18 any medical services that will not be available to
19 such covered beneficiary at a military medical treat-
20 ment facility by reason of such measures.

21 (c) EXCEPTION.—The Secretary is not required to
22 implement measures under subsection (a)(1) with respect
23 to military medical treatment facilities located in a foreign
24 country if the Secretary determines that providing medical
25 services in addition to the medical services described in

1 such subsection is necessary to ensure that covered bene-
2 ficiaries located in that foreign country have access to a
3 similar level of care available to covered beneficiaries lo-
4 cated in the United States.

5 (d) DEFINITIONS.—In this section:

6 (1) The term “clinical and logistical capabili-
7 ties” means those capabilities relating to the provi-
8 sion of health care that are necessary to accomplish
9 operational requirements, including—

10 (A) combat casualty care;

11 (B) medical response to and treatment of
12 injuries sustained from chemical, biological, ra-
13 diological, nuclear, or explosive incidents;

14 (C) diagnosis and treatment of infectious
15 diseases;

16 (D) aerospace medicine;

17 (E) undersea medicine;

18 (F) diagnosis, treatment, and rehabilita-
19 tion of specialized medical conditions;

20 (G) diagnosis and treatment of diseases
21 and injuries that are not related to battle; and

22 (H) humanitarian assistance.

23 (2) The terms “covered beneficiary” and
24 “TRICARE program” have the meanings given

1 those terms in section 1072 of title 10, United
2 States Code.

3 (3) The term “critical wartime medical readi-
4 ness skills and core competencies” means those es-
5 sential medical capabilities, including clinical and
6 logistical capabilities, that are—

7 (A) necessary to be maintained by health
8 care providers within the Armed Forces for na-
9 tional security purposes; and

10 (B) vital to the provision of effective and
11 timely health care during contingency oper-
12 ations.

13 **SEC. 726. PROGRAM TO ELIMINATE VARIABILITY IN**
14 **HEALTH OUTCOMES AND IMPROVE QUALITY**
15 **OF HEALTH CARE SERVICES DELIVERED IN**
16 **MILITARY MEDICAL TREATMENT FACILITIES.**

17 (a) PROGRAM.—Beginning not later than January 1,
18 2018, the Secretary of Defense shall implement a pro-
19 gram—

20 (1) to establish best practices for the delivery of
21 health care services for certain diseases or conditions
22 at military medical treatment facilities, as selected
23 by the Secretary;

24 (2) to incorporate such best practices into the
25 daily operations of military medical treatment facili-

1 ties selected by the Secretary for purposes of the
2 program, with priority in selection given to facilities
3 that provide specialty care; and

4 (3) to eliminate variability in health outcomes
5 and to improve the quality of health care services de-
6 livered at military medical treatment facilities se-
7 lected by the Secretary for purposes of the program.

8 (b) USE OF CLINICAL PRACTICE GUIDELINES.—In
9 carrying out the program under subsection (a), the Sec-
10 retary shall develop, implement, monitor, and update clin-
11 ical practice guidelines reflecting the best practices estab-
12 lished under paragraph (1) of such subsection.

13 (c) DEVELOPMENT.—In developing the clinical prac-
14 tice guidelines under subsection (b), the Secretary shall
15 ensure that such development includes a baseline assess-
16 ment of health care delivery and outcomes at military
17 medical treatment facilities to evaluate and determine evi-
18 dence-based best practices, within the direct care compo-
19 nent of the military health system and the private sector,
20 for treating the diseases or conditions selected by the Sec-
21 retary under subsection (a)(1).

22 (d) IMPLEMENTATION.—The Secretary shall imple-
23 ment the clinical practice guidelines under subsection (b)
24 in military medical treatment facilities selected by the Sec-
25 retary under subsection (a)(2) using means determined

1 appropriate by the Secretary, including by communicating
2 with the relevant health care providers of the evidence
3 upon which the guidelines are based and by providing edu-
4 cation and training on the most appropriate implementa-
5 tion of the guidelines.

6 (e) MONITORING.—The Secretary shall monitor the
7 implementation of the clinical practice guidelines under
8 subsection (b) using appropriate means, including by mon-
9 itoring the results in clinical outcomes based on specific
10 metrics included as part of the guidelines.

11 (f) UPDATING.—The Secretary shall periodically up-
12 date the clinical practice guidelines under subsection (b)
13 based on the results of monitoring conducted under sub-
14 section (e) and by continuously assessing evidence-based
15 best practices within the direct care component of the mili-
16 tary health system and the private sector.

17 (g) CONTINUOUS CYCLE.—The Secretary shall estab-
18 lish a continuous cycle of carrying out subsections (c)
19 through (f) with respect to the clinical practice guidelines
20 established under subsection (a).

21 **SEC. 727. ACQUISITION STRATEGY FOR HEALTH CARE PRO-**
22 **FESSIONAL STAFFING SERVICES.**

23 (a) ACQUISITION STRATEGY.—

24 (1) IN GENERAL.—The Secretary of Defense
25 shall develop and carry out a performance-based,

1 strategic sourcing acquisition strategy with respect
2 to entering into contracts for the services of health
3 care professional staff at military medical treatment
4 facilities located in a State.

5 (2) ELEMENTS.—The acquisition strategy
6 under paragraph (1) shall include the following:

7 (A) Except as provided by subparagraph
8 (B), a requirement that all the military medical
9 treatment facilities that provide direct care use
10 contracts described under paragraph (1).

11 (B) A process for a military medical treat-
12 ment facility to obtain a waiver of the require-
13 ment under subparagraph (A) in order to use
14 an acquisition strategy not described in para-
15 graph (1).

16 (C) Identification of the responsibilities of
17 the military departments and the elements of
18 the Department of Defense in carrying out such
19 strategy.

20 (D) Projection of the demand by covered
21 beneficiaries for health care services, including
22 with respect to primary care and expanded-
23 hours urgent care services.

24 (E) Estimation of the workload gaps at
25 military medical treatment facilities for health

1 care services, including with respect to primary
2 care and expanded-hours urgent care services.

3 (F) Methods to analyze, using reliable and
4 detailed data covering the entire direct care
5 component of the military health system, the
6 amount of funds expended on contracts for the
7 services of health care professional staff.

8 (G) Methods to identify opportunities to
9 consolidate requirements for such services and
10 reduce cost.

11 (H) Methods to measure cost savings that
12 are realized by using such contracts instead of
13 purchased care.

14 (I) Metrics to determine the effectiveness
15 of such strategy.

16 (J) Metrics to evaluate the success of the
17 strategy in achieving its objectives, including
18 metrics to assess the effects of the strategy on
19 the timeliness of beneficiary access to profes-
20 sional health care services in military medical
21 treatment facilities.

22 (K) Such other matters as the Secretary
23 considers appropriate.

24 (b) REPORT.—Not later than July 1, 2017, the Sec-
25 retary shall submit to the Committees on Armed Services

1 of the Senate and the House of Representatives a report
2 on the status of implementing the acquisition strategy
3 under paragraph (1) of subsection (a), including how each
4 element under subparagraphs (A) through (K) of para-
5 graph (2) of such subsection is being carried out.

6 (c) DEFINITIONS.—In this section:

7 (1) The term “covered beneficiary” has the
8 meaning given that term in section 1072 of title 10,
9 United States Code.

10 (2) The term “State” means the several States
11 and the District of Columbia.

12 (d) CONFORMING REPEAL.—Section 725 of the Carl
13 Levin and Howard P. “Buck” McKeon National Defense
14 Authorization Act for Fiscal Year 2015 (Public Law 113–
15 291; 10 U.S.C. 1091 note) is repealed.

16 **SEC. 728. ADOPTION OF CORE QUALITY PERFORMANCE**
17 **METRICS.**

18 (a) ADOPTION.—

19 (1) IN GENERAL.—Not later than 180 days
20 after the date of the enactment of this Act, the Sec-
21 retary of Defense shall adopt, to the extent appro-
22 priate, the core quality performance metrics agreed
23 upon by the Core Quality Measures Collaborative for
24 use by the military health system and in contracts
25 awarded to carry out the TRICARE program.

1 (2) CORE MEASURES.—The core quality per-
2 formance metrics described in paragraph (1) shall
3 include the following sets:

4 (A) Accountable care organizations, patient
5 centered medical homes, and primary care.

6 (B) Cardiology.

7 (C) Gastroenterology.

8 (D) HIV and hepatitis C.

9 (E) Medical oncology.

10 (F) Obstetrics and gynecology.

11 (G) Orthopedics.

12 (H) Such other sets of core quality per-
13 formance metrics released by the Core Quality
14 Measures Collaborative as the Secretary con-
15 siders appropriate.

16 (b) PUBLICATION.—

17 (1) ONLINE AVAILABILITY.—Section 1073b of
18 title 10, United States Code, is amended—

19 (A) in paragraph (1)—

20 (i) by striking “Not later than” and
21 all that follows through “2016, the Sec-
22 retary” and inserting “The Secretary”;
23 and

24 (ii) by adding at the end the following
25 new sentence: “Such data shall include the

1 core quality performance metrics adopted
2 by the Secretary under section 728 of the
3 National Defense Authorization Act for
4 Fiscal Year 2017.”; and

5 (B) in the section heading, by inserting
6 **“and publication of certain data”** after
7 **“reports”**.

8 (2) CLERICAL AMENDMENT.—The table of sec-
9 tions at the beginning of chapter 55 of title 10,
10 United States Code, is amended by striking the item
11 relating to section 1073b and inserting the following:

“1073b. Recurring reports and publication of certain data.”.

12 (c) DEFINITIONS.—In this section:

13 (1) The term “Core Quality Measures Collabo-
14 rative” means the collaboration between the Centers
15 for Medicare & Medicaid Services, major health in-
16 surance companies, national physician organizations,
17 and other entities to reach consensus on core per-
18 formance measures reported by health care pro-
19 viders.

20 (2) The term “TRICARE program” has the
21 meaning given that term in section 1072 of title 10,
22 United States Code.

1 **SEC. 729. IMPROVEMENT OF HEALTH OUTCOMES AND CON-**
2 **TROL OF COSTS OF HEALTH CARE UNDER**
3 **TRICARE PROGRAM THROUGH PROGRAMS TO**
4 **INVOLVE COVERED BENEFICIARIES.**

5 (a) MEDICAL INTERVENTION INCENTIVE PRO-
6 GRAM.—

7 (1) IN GENERAL.—The Secretary of Defense
8 shall establish a program to incentivize covered
9 beneficiaries to participate in medical intervention
10 programs established by the Secretary, such as com-
11 prehensive disease management programs, that may
12 include lowering fees for enrollment in the
13 TRICARE program by a certain percentage or low-
14 ering copayment and cost-share amounts for health
15 care services during a particular year for covered
16 beneficiaries with chronic diseases or conditions de-
17 scribed in paragraph (2) who met participation mile-
18 stones, as determined by the Secretary, in the pre-
19 vious year in such medical intervention programs.

20 (2) CHRONIC DISEASES OR CONDITIONS DE-
21 SCRIBED.—Chronic diseases or conditions described
22 in this paragraph may include diabetes, chronic ob-
23 structive pulmonary disease, asthma, congestive
24 heart failure, hypertension, history of stroke, coro-
25 nary artery disease, mood disorders, obesity, and

1 such other diseases or conditions as the Secretary
2 determines appropriate.

3 (b) LIFESTYLE INTERVENTION INCENTIVE PRO-
4 GRAM.—The Secretary shall establish a program to
5 incentivize lifestyle interventions for covered beneficiaries,
6 such as smoking cessation and weight reduction, that may
7 include lowering fees for enrollment in the TRICARE pro-
8 gram by a certain percentage or lowering copayment and
9 cost share amounts for health care services during a par-
10 ticular year for covered beneficiaries who met participation
11 milestones, as determined by the Secretary, in the previous
12 year with respect to such lifestyle interventions, such as
13 quitting smoking or achieving a lower body mass index
14 by a certain percentage.

15 (c) HEALTHY LIFESTYLE MAINTENANCE INCENTIVE
16 PROGRAM.—The Secretary shall establish a program to
17 incentivize the maintenance of a healthy lifestyle among
18 covered beneficiaries, such as exercise and weight mainte-
19 nance, that may include lowering fees for enrollment in
20 the TRICARE program by a certain percentage or low-
21 ering copayment and cost-share amounts for health care
22 services during a particular year for covered beneficiaries
23 who met participation milestones, as determined by the
24 Secretary, in the previous year with respect to the mainte-

1 nance of a healthy lifestyle, such as maintaining smoking
2 cessation or maintaining a normal body mass index.

3 (d) REPORT.—

4 (1) IN GENERAL.—Not later than January 1,
5 2020, the Secretary shall submit to the Committees
6 on Armed Services of the Senate and the House of
7 Representatives a report on the implementation of
8 the programs established under subsections (a), (b),
9 and (c).

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

12 (A) A detailed description of the programs
13 implemented under subsections (a), (b), and (c).

14 (B) An assessment of the impact of such
15 programs on—

16 (i) improving health outcomes for cov-
17 ered beneficiaries; and

18 (ii) lowering per capita health care
19 costs for the Department of Defense.

20 (e) REGULATIONS.—Not later than January 1, 2018,
21 the Secretary shall prescribe an interim final rule to carry
22 out this section.

23 (f) DEFINITIONS.—In this section, the terms “cov-
24 ered beneficiary” and “TRICARE program” have the

1 meaning given those terms in section 1072 of title 10,
2 United States Code.

3 **SEC. 730. ACCOUNTABILITY FOR THE PERFORMANCE OF**
4 **THE MILITARY HEALTH SYSTEM OF CERTAIN**
5 **LEADERS WITHIN THE SYSTEM.**

6 (a) IN GENERAL.—Commencing not later than 180
7 days after the date of the enactment of this Act, the Sec-
8 retary of Defense, in consultation with the Secretaries of
9 the military departments, shall incorporate into the annual
10 performance review of each military and civilian leader in
11 the military health system, as determined by the Secretary
12 of Defense, measures of accountability for the perform-
13 ance of the military health system described in subsection
14 (b).

15 (b) MEASURES OF ACCOUNTABILITY FOR PERFORM-
16 ANCE.—The measures of accountability for the perform-
17 ance of the military health system incorporated into the
18 annual performance review of an individual pursuant to
19 this section shall include measures to assess performance
20 and assure accountability for the following:

- 21 (1) Quality of care.
- 22 (2) Access of beneficiaries to care.
- 23 (3) Improvement in health outcomes for bene-
24 ficiaries.
- 25 (4) Patient safety.

1 (5) Such other matters as the Secretary of De-
2 fense, in consultation with the Secretaries of the
3 military departments, considers appropriate.

4 (c) REPORT ON IMPLEMENTATION.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of the enactment of this Act, the Sec-
7 retary of Defense shall submit to the Committees on
8 Armed Services of the Senate and the House of Rep-
9 resentatives a report on the incorporation of meas-
10 ures of accountability for the performance of the
11 military health system into the annual performance
12 reviews of individuals as required by this section.

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

15 (A) A comprehensive plan for the use of
16 measures of accountability for performance in
17 annual performance reviews pursuant to this
18 section as a means of assessing and assuring
19 accountability for the performance of the mili-
20 tary health system.

21 (B) The identification of each leadership
22 position in the military health system deter-
23 mined under subsection (a) and a description of
24 the specific measures of accountability for per-
25 formance to be incorporated into the annual

1 performance reviews of each such position pur-
2 suant to this section.

3 **SEC. 731. ESTABLISHMENT OF ADVISORY COMMITTEES FOR**
4 **MILITARY TREATMENT FACILITIES.**

5 (a) IN GENERAL.—The Secretary of Defense shall es-
6 tablish, under such regulations as the Secretary may pre-
7 scribe, an advisory committee for each military treatment
8 facility.

9 (b) STATUS OF CERTAIN MEMBERS OF ADVISORY
10 COMMITTEES.—A member of an advisory committee es-
11 tablished under subsection (a) who is not a member of
12 the Armed Forces on active duty or an employee of the
13 Federal Government shall, with the approval of the com-
14 manding officer or director of the military treatment facil-
15 ity concerned, be treated as a volunteer under section
16 1588 of title 10, United States Code, in carrying out the
17 duties of the member under this section.

18 (c) DUTIES.—Each advisory committee established
19 under subsection (a) for a military treatment facility shall
20 provide to the commanding officer or director of such fa-
21 cility advice on the administration and activities of such
22 facility as it relates to the experience of care for bene-
23 ficiaries at such facility.

1 **Subtitle D—Reports and Other**
2 **Matters**

3 **SEC. 741. EXTENSION OF AUTHORITY FOR JOINT DEPART-**
4 **MENT OF DEFENSE-DEPARTMENT OF VET-**
5 **ERANS AFFAIRS MEDICAL FACILITY DEM-**
6 **ONSTRATION FUND AND REPORT ON IMPLE-**
7 **MENTATION OF INFORMATION TECHNOLOGY**
8 **CAPABILITIES.**

9 (a) IN GENERAL.—Section 1704(e) of the National
10 Defense Authorization Act for Fiscal Year 2010 (Public
11 Law 111–84; 123 Stat. 2573), as amended by section 722
12 of the Carl Levin and Howard P. “Buck” McKeon Na-
13 tional Defense Authorization Act for Fiscal Year 2015
14 (Public Law 113–291) and section 723 of the National
15 Defense Authorization Act for Fiscal Year 2016 (Public
16 Law 114–92), is further amended by striking “September
17 30, 2017” and inserting “September 30, 2018”.

18 (b) REPORT ON IMPLEMENTATION OF INFORMATION
19 TECHNOLOGY CAPABILITIES.—Not later than March 30,
20 2017, the Secretary of Defense shall submit to the Com-
21 mittees on Armed Services of the Senate and the House
22 of Representatives a report on plans to implement all in-
23 formation technology capabilities required by the executive
24 agreement entered into under section 1701(a) of the Na-
25 tional Defense Authorization Act for Fiscal Year 2010

1 (Public Law 111–84; 123 Stat. 2567) that remain
2 unimplemented as of the date of the report.

3 **SEC. 742. PILOT PROGRAM ON EXPANSION OF USE OF PHY-**
4 **SICIAN ASSISTANTS TO PROVIDE MENTAL**
5 **HEALTH CARE TO MEMBERS OF THE ARMED**
6 **FORCES.**

7 (a) IN GENERAL.—The Secretary of Defense may
8 conduct a pilot program to assess the feasibility and advis-
9 ability of expanding the use by the Department of Defense
10 of physician assistants specializing in psychiatric medicine
11 at medical facilities of the Department of Defense in order
12 to meet the increasing demand for mental health care pro-
13 viders at such facilities through the use of a psychiatry
14 fellowship program for physician assistants.

15 (b) REPORT ON PILOT PROGRAM.—

16 (1) IN GENERAL.—If the Secretary conducts
17 the pilot program under this section, not later than
18 90 days after the date on which the Secretary com-
19 pletes the conduct of the pilot program, the Sec-
20 retary shall submit to the Committees on Armed
21 Services of the Senate and the House of Representa-
22 tives a report on the pilot program.

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

1 (A) A description of the implementation of
2 the pilot program, including a detailed descrip-
3 tion of the education and training provided
4 under the pilot program.

5 (B) An assessment of potential cost sav-
6 ings, if any, to the Department of Defense re-
7 sulting from the pilot program.

8 (C) A description of improvements, if any,
9 to the access of members of the Armed Forces
10 to mental health care resulting from the pilot
11 program.

12 (D) A recommendation as to the feasibility
13 and advisability of extending or expanding the
14 pilot program.

15 **SEC. 743. PILOT PROGRAM FOR PRESCRIPTION DRUG AC-**
16 **QUISITION COST PARITY IN THE TRICARE**
17 **PHARMACY BENEFITS PROGRAM.**

18 (a) **AUTHORITY TO ESTABLISH PILOT PROGRAM.—**
19 The Secretary of Defense may conduct a pilot program
20 to evaluate whether, in carrying out the TRICARE phar-
21 macy benefits program under section 1074g of title 10,
22 United States Code, extending additional discounts for
23 prescription drugs filled at retail pharmacies will maintain
24 or reduce prescription drug costs for the Department of
25 Defense.

1 (b) ELEMENTS OF PILOT PROGRAM.—In carrying
2 out the pilot program under subsection (a), the Secretary
3 shall require that for prescription medications, including
4 non-generic maintenance medications, that are dispensed
5 to TRICARE beneficiaries that are not Medicare eligible,
6 through any TRICARE participating retail pharmacy, in-
7 cluding small business pharmacies, manufacturers shall
8 pay rebates such that those medications are available to
9 the Department at the lowest rate available. In addition
10 to utilizing the authority under section 1074g(f) of title
11 10, United States Code, the Secretary shall have the au-
12 thority to enter into a blanket purchase agreement with
13 prescription drug manufacturers for supplemental dis-
14 counts for prescription drugs dispensed in the pilot to be
15 paid in the form of manufacturer’s rebates.

16 (c) CONSULTATION.—The Secretary shall develop the
17 pilot program in consultation with—

18 (1) the Secretaries of the military departments;

19 (2) the Chief of the Pharmacy Operations Divi-
20 sion of the Defense Health Agency; and

21 (3) stakeholders, including TRICARE bene-
22 ficiaries and retail pharmacies.

23 (d) DURATION OF PILOT PROGRAM.—If the Sec-
24 retary carries out the pilot program under subsection (a),
25 the Secretary shall commence such pilot program no later

1 than October 1, 2017, and shall terminate such program
2 no later than September 30, 2018.

3 (e) REPORTS.—If the Secretary carries out the pilot
4 program under subsection (a), the Secretary of Defense
5 shall submit to the Committees on Armed Services of the
6 Senate and the House of Representatives reports on the
7 pilot program as follows:

8 (1) Not later than 90 days after the date of the
9 enactment of this Act, a report containing an imple-
10 mentation plan for the pilot program.

11 (2) Not later than 180 days after the date on
12 which the pilot program commences, an interim re-
13 port on the pilot program.

14 (3) Not later than 90 days after the date on
15 which the pilot program terminates, a final report
16 describing the results of the pilot program, includ-
17 ing—

18 (A) any recommendations of the Secretary
19 to expand such program;

20 (B) an analysis of the changes in prescrip-
21 tion drug costs for the Department of Defense
22 relating to the pilot program;

23 (C) an analysis of the impact on bene-
24 ficiary access to prescription drugs;

1 (D) a survey of beneficiary satisfaction
2 with the pilot program; and

3 (E) a summary of any fraud and abuse ac-
4 tivities related to the pilot and actions taken in
5 response by the Department.

6 **SEC. 744. PILOT PROGRAM ON DISPLAY OF WAIT TIMES AT**
7 **URGENT CARE CLINICS AND PHARMACIES OF**
8 **MILITARY MEDICAL TREATMENT FACILITIES.**

9 (a) PILOT PROGRAM AUTHORIZED.—Beginning not
10 later than one year after the date of the enactment of this
11 Act, the Secretary of Defense shall carry out a pilot pro-
12 gram for the display of wait times in urgent care clinics
13 and pharmacies of military medical treatment facilities se-
14 lected under subsection (b).

15 (b) SELECTION OF FACILITIES.—

16 (1) CATEGORIES.—The Secretary shall select
17 not fewer than four military medical treatment fa-
18 cilities from each of the following categories to par-
19 ticipate in the pilot program:

20 (A) Medical centers.

21 (B) Hospitals.

22 (C) Ambulatory care centers.

23 (2) OCONUS LOCATIONS.—Of the military
24 medical treatment facilities selected under each cat-
25 egory described in subparagraphs (A) through (C) of

1 paragraph (1), not fewer than one shall be located
2 outside of the continental United States.

3 (3) CONTRACTOR-OPERATED FACILITIES.—The
4 Secretary may select Government-owned, contractor-
5 operated facilities among those military medical
6 treatment facilities selected under paragraph (1).

7 (c) URGENT CARE CLINICS.—

8 (1) PLACEMENT.—With respect to each mili-
9 tary medical treatment facility participating in the
10 pilot program with an urgent care clinic, the Sec-
11 retary shall place in a conspicuous location at the
12 urgent care clinic an electronic sign that displays the
13 current average wait time determined under para-
14 graph (2) for a patient to be seen by a qualified
15 medical professional.

16 (2) DETERMINATION.—In carrying out para-
17 graph (1), every 30 minutes, the Secretary shall de-
18 termine the average wait time to display under such
19 paragraph by calculating, for the four-hour period
20 preceding the calculation, the average length of time
21 beginning at the time of the arrival of a patient at
22 the urgent care clinic and ending at the time at
23 which the patient is first seen by a qualified medical
24 professional.

25 (d) PHARMACIES.—

1 (1) PLACEMENT.—With respect to each mili-
2 tary medical treatment facility participating in the
3 pilot program with a pharmacy, the Secretary shall
4 place in a conspicuous location at the pharmacy an
5 electronic sign that displays the current average wait
6 time to receive a filled prescription for a pharma-
7 ceutical agent.

8 (2) DETERMINATION.—In carrying out para-
9 graph (1), every 30 minutes, the Secretary shall de-
10 termine the average wait time to display under such
11 paragraph by calculating, for the four-hour period
12 preceding the calculation, the average length of time
13 beginning at the time of submission by a patient of
14 a prescription for a pharmaceutical agent and end-
15 ing at the time at which the pharmacy dispenses the
16 pharmaceutical agent to the patient.

17 (e) DURATION.—The Secretary shall carry out the
18 pilot program for a period that is not more than two years.

19 (f) REPORT.—

20 (1) SUBMISSION.—Not later than 90 days after
21 the completion of the pilot program, the Secretary
22 shall submit to the Committees on Armed Services
23 of the House of Representatives and the Senate a
24 report on the pilot program.

1 (2) ELEMENTS.—The report under paragraph

2 (1) shall include—

3 (A) the costs for displaying the wait times
4 under subsections (c) and (d);

5 (B) any changes in patient satisfaction;

6 (C) any changes in patient behavior with
7 respect to using urgent care and pharmacy
8 services;

9 (D) any changes in pharmacy operations
10 and productivity;

11 (E) a cost-benefit analysis of posting such
12 wait times; and

13 (F) the feasibility of expanding the posting
14 of wait times in emergency departments in mili-
15 tary medical treatment facilities.

16 (g) QUALIFIED MEDICAL PROFESSIONAL DE-
17 FINED.—In this section, the term “qualified medical pro-
18 fessional” means a doctor of medicine, a doctor of osteop-
19 athy, a physician assistant, or an advanced registered
20 nurse practitioner.

1 **SEC. 745. REQUIREMENT TO REVIEW AND MONITOR PRE-**
2 **SCRIBING PRACTICES AT MILITARY TREAT-**
3 **MENT FACILITIES OF PHARMACEUTICAL**
4 **AGENTS FOR TREATMENT OF POST-TRAU-**
5 **MATIC STRESS.**

6 (a) IN GENERAL.—Not later than 180 days after the
7 date of the enactment of this Act, the Secretary of Defense
8 shall—

9 (1) conduct a comprehensive review of the pre-
10 scribing practices at military treatment facilities of
11 pharmaceutical agents for the treatment of post-
12 traumatic stress;

13 (2) implement a process or processes to monitor
14 the prescribing practices at military treatment facili-
15 ties of pharmaceutical agents that are discouraged
16 from use under the VA/DOD Clinical Practice
17 Guideline for Management of Post-Traumatic
18 Stress; and

19 (3) implement a plan to address any deviations
20 from such guideline in prescribing practices of phar-
21 maceutical agents for management of post-traumatic
22 stress at such facilities.

23 (b) PHARMACEUTICAL AGENT DEFINED.—In this
24 section, the term “pharmaceutical agent” has the meaning
25 given that term in section 1074g(g) of title 10, United
26 States Code.

1 **SEC. 746. DEPARTMENT OF DEFENSE STUDY ON PRE-**
2 **VENTING THE DIVERSION OF OPIOID MEDI-**
3 **CATIONS.**

4 (a) STUDY.—The Secretary of Defense shall conduct
5 a study on the feasibility and effectiveness in preventing
6 the diversion of opioid medications of the following meas-
7 ures:

8 (1) Requiring that, in appropriate cases, opioid
9 medications be dispensed in vials using affordable
10 technologies designed to prevent access to the medi-
11 cations by anyone other than the intended patient,
12 such as a vial with a locking-cap closure mechanism.

13 (2) Providing education on the risks of opioid
14 medications to individuals for whom such medica-
15 tions are prescribed, and to their families, with spe-
16 cial consideration given to raising awareness among
17 adolescents on such risks.

18 (b) BRIEFING.—

19 (1) IN GENERAL.—Not later than one year
20 after the date of the enactment of this Act, the Sec-
21 retary shall provide to the Committees on Armed
22 Services of the Senate and the House of Representa-
23 tives a briefing on the results of the study conducted
24 under subsection (a).

1 (2) ELEMENTS.—The briefing under paragraph
2 (1) shall include an assessment of the cost effective-
3 ness of the measures studied under subsection (a).

4 **SEC. 747. INCORPORATION INTO SURVEY BY DEPARTMENT**
5 **OF DEFENSE OF QUESTIONS ON EXPERI-**
6 **ENCES OF MEMBERS OF THE ARMED FORCES**
7 **WITH FAMILY PLANNING SERVICES AND**
8 **COUNSELING.**

9 Not later than 90 days after the date of the enact-
10 ment of this Act, the Secretary of Defense shall initiate
11 action to integrate into the Health Related Behavior Sur-
12 vey of Active Duty Military Personnel questions designed
13 to obtain information on the experiences of members of
14 the Armed Forces—

15 (1) in accessing family planning services and
16 counseling; and

17 (2) in using family planning methods, including
18 information on which method was preferred and
19 whether deployment conditions affected the decision
20 on which family planning method or methods to be
21 used.

1 **SEC. 748. ASSESSMENT OF TRANSITION TO TRICARE PRO-**
2 **GRAM BY FAMILIES OF MEMBERS OF RE-**
3 **SERVE COMPONENTS CALLED TO ACTIVE**
4 **DUTY AND ELIMINATION OF CERTAIN**
5 **CHARGES FOR SUCH FAMILIES.**

6 (a) ASSESSMENT OF TRANSITION TO TRICARE
7 PROGRAM.—

8 (1) IN GENERAL.—Not later than 180 days
9 after the date of the enactment of this Act, the Sec-
10 retary of Defense shall complete an assessment of
11 the extent to which families of members of the re-
12 serve components of the Armed Forces serving on
13 active duty pursuant to a call or order to active duty
14 for a period of more than 30 days experience dif-
15 ficulties in transitioning from health care arrange-
16 ments relied upon when the member is not in such
17 an active duty status to health care benefits under
18 the TRICARE program.

19 (2) ELEMENTS.—The assessment under para-
20 graph (1) shall address the following:

21 (A) The extent to which family members of
22 members of the reserve components of the
23 Armed Forces are required to change health
24 care providers when they become eligible for
25 health care benefits under the TRICARE pro-
26 gram.

1 (B) The extent to which health care pro-
2 viders in the private sector with whom such
3 family members have established relationships
4 when not covered under the TRICARE program
5 are providers who—

6 (i) are in a preferred provider network
7 under the TRICARE program;

8 (ii) are participating providers under
9 the TRICARE program; or

10 (iii) will agree to treat covered bene-
11 ficiaries at a rate not to exceed 115 per-
12 cent of the maximum allowable charge
13 under the TRICARE program.

14 (C) The extent to which such family mem-
15 bers encounter difficulties associated with a
16 change in health care claims administration,
17 health care authorizations, or other administra-
18 tive matters when transitioning to health care
19 benefits under the TRICARE program.

20 (D) Any particular reasons for, or cir-
21 cumstances that explain, the conditions de-
22 scribed in subparagraphs (A), (B), and (C).

23 (E) The effects of the conditions described
24 in subparagraphs (A), (B), and (C) on the
25 health care experience of such family members.

1 (F) Recommendations for changes in poli-
2 cies and procedures under the TRICARE pro-
3 gram, or other administrative action by the Sec-
4 retary, to remedy or mitigate difficulties faced
5 by such family members in transitioning to
6 health care benefits under the TRICARE pro-
7 gram.

8 (G) Recommendations for legislative action
9 to remedy or mitigate such difficulties.

10 (H) Such other matters as the Secretary
11 determines relevant to the assessment.

12 (3) REPORT.—

13 (A) IN GENERAL.—Not later than 180
14 days after completing the assessment under
15 paragraph (1), the Secretary shall submit to the
16 Committees on Armed Services of the Senate
17 and the House of Representatives a report de-
18 tailing the results of the assessment.

19 (B) ANALYSIS OF RECOMMENDATIONS.—
20 The report required by subparagraph (A) shall
21 include an analysis of each recommendation for
22 legislative action addressed under paragraph
23 (2)(G), together with a cost estimate for imple-
24 menting each such action.

1 (b) EXPANSION OF AUTHORITY TO ELIMINATE BAL-
2 ANCE BILLING.—Section 1079(h)(4)(C)(ii) of title 10,
3 United States Code, is amended by striking “in support
4 of a contingency operation under a provision of law re-
5 ferred to in section 101(a)(13)(B) of this title”.

6 (c) DEFINITIONS.—In this section, the terms “cov-
7 ered beneficiary” and “TRICARE program” have the
8 meanings given those terms in section 1072 of title 10,
9 United States Code.

10 **SEC. 749. OVERSIGHT OF GRADUATE MEDICAL EDUCATION**
11 **PROGRAMS OF MILITARY DEPARTMENTS.**

12 (a) PROCESS.—Not later than one year after the date
13 of the enactment of this Act, the Secretary of Defense
14 shall establish and implement a process to provide over-
15 sight of the graduate medical education programs of the
16 military departments to ensure that such programs fully
17 support the operational medical force readiness require-
18 ments for health care providers of the Armed Forces and
19 the medical readiness of the Armed Forces. The process
20 shall include the following:

21 (1) A process to review such programs to en-
22 sure, to the extent practicable, that such programs
23 are—

24 (A) conducted jointly among the military
25 departments; and

1 (B) focused on, and related to, operational
2 medical force readiness requirements.

3 (2) A process to minimize duplicative programs
4 relating to such programs among the military de-
5 partments.

6 (3) A process to ensure that—

7 (A) assignments of faculty, support staff,
8 and students within such programs are coordi-
9 nated among the military departments; and

10 (B) the Secretary optimizes resources by
11 using military medical treatment facilities as
12 training platforms when and where most appro-
13 priate.

14 (4) A process to review and, if necessary, re-
15 structure or realign, such programs to sustain and
16 improve operational medical force readiness.

17 (b) REPORT.—Not later than 30 days after the date
18 on which the Secretary establishes the process under sub-
19 section (a), the Secretary shall submit to the Committees
20 on Armed Services of the Senate and the House of Rep-
21 resentatives a report that describes such process. The re-
22 port shall include a description of each graduate medical
23 education program of the military departments, cat-
24 egorized by the following:

1 (1) Programs that provide direct support to
2 operational medical force readiness.

3 (2) Programs that provide indirect support to
4 operational medical force readiness.

5 (3) Academic programs that provide other med-
6 ical support.

7 (c) COMPTROLLER GENERAL REVIEW AND RE-
8 PORT.—

9 (1) REVIEW.—The Comptroller General of the
10 United States shall conduct a review of the process
11 established under subsection (a), including with re-
12 spect to each process described in paragraphs (1)
13 through (4) of such subsection.

14 (2) REPORT.—Not later than 180 days after
15 the date on which the Secretary submits the report
16 under subsection (b), the Comptroller General shall
17 submit to the Committees on Armed Services of the
18 Senate and the House of Representatives the review
19 conducted under paragraph (1), including an assess-
20 ment of the elements of the process established
21 under subsection (a).

22 **SEC. 750. STUDY ON HEALTH OF HELICOPTER AND**
23 **TILTROTOR PILOTS.**

24 (a) STUDY REQUIRED.—The Secretary of Defense
25 shall carry out a study of career helicopter and tiltrotor

1 pilots to assess potential links between the operation of
2 helicopter and tiltrotor aircraft and acute and chronic
3 medical conditions experienced by such pilots.

4 (b) ELEMENTS.—The study under subsection (a)
5 shall include the following:

6 (1) A study of career helicopter and tiltrotor pi-
7 lots compared to a control population that—

8 (A) takes into account the amount of time
9 such pilots operated aircraft;

10 (B) examines the severity and rates of
11 acute and chronic injuries experienced by such
12 pilots; and

13 (C) determines whether such pilots experi-
14 ence a higher degree of acute and chronic med-
15 ical conditions than the control population.

16 (2) If a higher degree of acute and chronic
17 medical conditions is observed among such pilots, an
18 explanation of—

19 (A) the specific causes of the conditions
20 (such as whole body vibration, seat and cockpit
21 ergonomics, landing loads, hard impacts, and
22 pilot-worn gear); and

23 (B) any costs associated with treating the
24 conditions if the causes are not mitigated.

1 (3) A review of relevant scientific literature and
2 prior research.

3 (4) Such other information as the Secretary de-
4 termines to be appropriate.

5 (c) DURATION.—The duration of the study under
6 subsection (a) shall be not more than two years.

7 (d) REPORT.—Not later than 30 days after the com-
8 pletion of the study under subsection (a), the Secretary
9 shall submit to the Committees on Armed Services of the
10 Senate and the House of Representatives a report on the
11 study.

12 **SEC. 751. COMPTROLLER GENERAL REPORTS ON HEALTH**
13 **CARE DELIVERY AND WASTE IN MILITARY**
14 **HEALTH SYSTEM.**

15 (a) IN GENERAL.—Not later than one year after the
16 date of the enactment of this Act, and not less frequently
17 than once each year thereafter for four years, the Comp-
18 troller General of the United States shall submit to the
19 Committees on Armed Services of the Senate and the
20 House of Representatives a report assessing the delivery
21 of health care in the military health system, with an em-
22 phasis on identifying potential waste and inefficiency.

23 (b) ELEMENTS.—

24 (1) IN GENERAL.—The reports submitted under
25 subsection (a) shall, within the direct and purchased

1 care components of the military health system,
2 evaluate the following:

3 (A) Processes for ensuring that health care
4 providers adhere to clinical practice guidelines.

5 (B) Processes for reporting and resolving
6 adverse medical events.

7 (C) Processes for ensuring program integ-
8 rity by identifying and resolving medical fraud
9 and waste.

10 (D) Processes for coordinating care within
11 and between the direct and purchased care
12 components of the military health system.

13 (E) Procedures for administering the
14 TRICARE program.

15 (F) Processes for assessing and overseeing
16 the efficiency of clinical operations of military
17 hospitals and clinics, including access to care
18 for covered beneficiaries at such facilities.

19 (2) ADDITIONAL INFORMATION.—The reports
20 submitted under subsection (a) may include, if the
21 Comptroller General considers feasible—

22 (A) an estimate of the costs to the Depart-
23 ment of Defense relating to any waste or ineffi-
24 ciency identified in the report; and

1 (B) such recommendations for action by
2 the Secretary of Defense as the Comptroller
3 General considers appropriate, including elimi-
4 nating waste and inefficiency in the direct and
5 purchased care components of the military
6 health system.

7 (c) DEFINITIONS.—In this section, the terms “cov-
8 ered beneficiary” and “TRICARE program” have the
9 meaning given those terms in section 1072 of title 10,
10 United States Code.

11 **TITLE VIII—ACQUISITION POL-**
12 **ICY, ACQUISITION MANAGE-**
13 **MENT, AND RELATED MAT-**
14 **TERS**

Subtitle A—Acquisition Policy and Management

- Sec. 801. Rapid acquisition authority amendments.
- Sec. 802. Authority for temporary service of Principal Military Deputies to the Assistant Secretaries of the military departments for acquisition as Acting Assistant Secretaries.
- Sec. 803. Modernization of services acquisition.
- Sec. 804. Defense Modernization Account amendments.

Subtitle B—Department of Defense Acquisition Agility

- Sec. 805. Modular open system approach in development of major weapon systems.
- Sec. 806. Development, prototyping, and deployment of weapon system components or technology.
- Sec. 807. Cost, schedule, and performance of major defense acquisition programs.
- Sec. 808. Transparency in major defense acquisition programs.
- Sec. 809. Amendments relating to technical data rights.

Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations

- Sec. 811. Modified restrictions on undefinitized contractual actions.
- Sec. 812. Amendments relating to inventory and tracking of purchases of services.

- Sec. 813. Use of lowest price technically acceptable source selection process.
- Sec. 814. Procurement of personal protective equipment.
- Sec. 815. Amendments related to detection and avoidance of counterfeit electronic parts.
- Sec. 816. Amendments to special emergency procurement authority.
- Sec. 817. Compliance with domestic source requirements for footwear furnished to enlisted members of the Armed Forces upon their initial entry into the Armed Forces.
- Sec. 818. Extension of authority for enhanced transfer of technology developed at Department of Defense laboratories.
- Sec. 819. Modified notification requirement for exercise of waiver authority to acquire vital national security capabilities.
- Sec. 820. Defense cost accounting standards.
- Sec. 821. Increased micro-purchase threshold applicable to Department of Defense procurements.
- Sec. 822. Enhanced competition requirements.
- Sec. 823. Revision to effective date of senior executive benchmark compensation for allowable cost limitations.
- Sec. 824. Treatment of independent research and development costs on certain contracts.
- Sec. 825. Exception to requirement to include cost or price to the Government as a factor in the evaluation of proposals for certain multiple-award task or delivery order contracts.
- Sec. 826. Extension of program for comprehensive small business contracting plans.
- Sec. 827. Treatment of side-by-side testing of certain equipment, munitions, and technologies manufactured and developed under cooperative research and development agreements as use of competitive procedures.
- Sec. 828. Defense Acquisition Challenge Program amendments.
- Sec. 829. Preference for fixed-price contracts.
- Sec. 830. Requirement to use firm fixed-price contracts for foreign military sales.
- Sec. 831. Preference for performance-based contract payments.
- Sec. 832. Contractor incentives to achieve savings and improve mission performance.
- Sec. 833. Sunset and repeal of certain contracting provisions.
- Sec. 834. Flexibility in contracting award program.
- Sec. 835. Protection of task order competition.
- Sec. 836. Contract closeout authority.
- Sec. 837. Closeout of old Department of the Navy contracts.

Subtitle D—Provisions Relating to Major Defense Acquisition Programs

- Sec. 841. Change in date of submission to Congress of Selected Acquisition Reports.
- Sec. 842. Amendments relating to independent cost estimation and cost analysis.
- Sec. 843. Revisions to Milestone B determinations.
- Sec. 844. Review and report on sustainment planning in the acquisition process.
- Sec. 845. Revision to distribution of annual report on operational test and evaluation.
- Sec. 846. Repeal of major automated information systems provisions.
- Sec. 847. Revisions to definition of major defense acquisition program.

- Sec. 848. Acquisition strategy.
- Sec. 849. Improved life-cycle cost control.
- Sec. 850. Authority to designate increments or blocks of items delivered under major defense acquisition programs as major subprograms for purposes of acquisition reporting.
- Sec. 851. Reporting of small business participation on Department of Defense programs.
- Sec. 852. Waiver of congressional notification for acquisition of tactical missiles and munitions greater than quantity specified in law.
- Sec. 853. Multiple program multiyear contract pilot demonstration program.
- Sec. 854. Key performance parameter reduction pilot program.
- Sec. 855. Mission integration management.

Subtitle E—Provisions Relating to Acquisition Workforce

- Sec. 861. Project management.
- Sec. 862. Authority to waive tenure requirement for program managers for program definition and program execution periods.
- Sec. 863. Purposes for which the Department of Defense Acquisition Workforce Development Fund may be used; advisory panel amendments.
- Sec. 864. Department of Defense Acquisition Workforce Development Fund determination adjustment.
- Sec. 865. Limitations on funds used for staff augmentation contracts at management headquarters of the Department of Defense and the military departments.
- Sec. 866. Senior Military Acquisition Advisors in the Defense Acquisition Corps.
- Sec. 867. Authority of the Secretary of Defense under the acquisition demonstration project.

Subtitle F—Provisions Relating to Commercial Items

- Sec. 871. Market research for determination of price reasonableness in acquisition of commercial items.
- Sec. 872. Value analysis for the determination of price reasonableness.
- Sec. 873. Clarification of requirements relating to commercial item determinations.
- Sec. 874. Inapplicability of certain laws and regulations to the acquisition of commercial items and commercially available off-the-shelf items.
- Sec. 875. Use of commercial or non-Government standards in lieu of military specifications and standards.
- Sec. 876. Preference for commercial services.
- Sec. 877. Treatment of commingled items purchased by contractors as commercial items.
- Sec. 878. Treatment of services provided by nontraditional contractors as commercial items.
- Sec. 879. Defense pilot program for authority to acquire innovative commercial items, technologies, and services using general solicitation competitive procedures.
- Sec. 880. Pilot programs for authority to acquire innovative commercial items using general solicitation competitive procedures.

Subtitle G—Industrial Base Matters

- Sec. 881. Greater integration of the national technology and industrial base.

1 (A) in subparagraph (A), by striking “;
2 or” and inserting a semicolon;

3 (B) in subparagraph (B), by striking “;
4 and” and inserting “; or”; and

5 (C) by adding at the end the following new
6 subparagraph:

7 “(C) developed or procured under the rapid
8 fielding or rapid prototyping acquisition pathways
9 under section 804 of the National Defense Author-
10 ization Act for Fiscal Year 2016 (Public Law 114–
11 92; 10 U.S.C. 2302 note); and”;

12 (2) in subsection (b), by adding at the end the
13 following new paragraph:

14 “(3) Specific procedures in accordance with the
15 guidance developed under section 804(a) of the Na-
16 tional Defense Authorization Act for Fiscal Year
17 2016 (Public Law 114–92; 10 U.S.C. 2302 note).”;
18 and

19 (3) in subsection (c)—

20 (A) in paragraph (2)(A)—

21 (i) by striking “Whenever the Sec-
22 retary” and inserting “(i) Except as pro-
23 vided under clause (ii), whenever the Sec-
24 retary”; and

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

3 “(ii) Clause (i) does not apply to acquisitions
4 initiated in the case of a determination by the Sec-
5 retary that funds are necessary to immediately ini-
6 tiate a project under the rapid fielding or rapid
7 prototyping acquisition pathways under section 804
8 of the National Defense Authorization Act for Fiscal
9 Year 2016 (Public Law 114–92; 10 U.S.C. 2302
10 note) if the designated official for acquisitions using
11 such pathways is the service acquisition executive.”;

12 (B) in paragraph (3)—

13 (i) in subparagraph (A), by inserting
14 “or upon the Secretary making a deter-
15 mination that funds are necessary to im-
16 mediately initiate a project under the rapid
17 fielding or rapid prototyping acquisition
18 pathways under section 804 of the Na-
19 tional Defense Authorization Act for Fiscal
20 Year 2016 (Public Law 114–92; 10 U.S.C.
21 2302 note) based on a compelling national
22 security need,” after “of paragraph (1),”;

23 (ii) in subparagraph (B)—

24 (I) by striking “The authority”
25 and inserting “Except as provided

1 under subparagraph (C), the author-
2 ity”;

3 (II) in clause (ii), by striking “;
4 and” and inserting a semicolon;

5 (III) in clause (iii), by striking
6 the period at the end and inserting “;
7 and”; and

8 (IV) by adding at the end the fol-
9 lowing new clause:

10 “(iv) in the case of a determination by the
11 Secretary that funds are necessary to imme-
12 diately initiate a project under the rapid field-
13 ing or rapid prototyping acquisition pathways
14 under section 804 of the National Defense Au-
15 thorization Act for Fiscal Year 2016 (Public
16 Law 114–92; 10 U.S.C. 2302 note), in an
17 amount not more than \$200,000,000 during
18 any fiscal year.”; and

19 (iii) by adding at the end the fol-
20 lowing new subparagraph:

21 “(C) For each of fiscal years 2017 and 2018,
22 the limits set forth in clauses (i) and (ii) of subpara-
23 graph (B) do not apply to the exercise of authority
24 under such clauses provided that the total amount of
25 supplies and associated support services acquired as

1 provided under such subparagraph does not exceed
2 \$800,000,000 during such fiscal year.”;

3 (C) in paragraph (4)—

4 (i) by redesignating subparagraphs
5 (C), (D), and (E) as subparagraphs (D),
6 (E), and (F), respectively; and

7 (ii) by inserting after subparagraph
8 (B) the following new subparagraph:

9 “(C) In the case of a determination by the Sec-
10 retary under paragraph (3)(A) that funds are nec-
11 essary to immediately initiate a project under the
12 rapid fielding or rapid prototyping acquisition path-
13 ways under section 804 of the National Defense Au-
14 thorization Act for Fiscal Year 2016 (Public Law
15 114–92; 10 U.S.C. 2302 note), the Secretary shall
16 notify the congressional defense committees of the
17 determination within 10 days after the date of the
18 use of such funds.”; and

19 (D) in paragraph (5)—

20 (i) by striking “Any acquisition” and
21 inserting “(A) Any acquisition”; and

22 (ii) by adding at the end the following
23 new subparagraph:

24 “(B) Subparagraph (A) does not apply to ac-
25 quisitions initiated in the case of a determination by

1 the Secretary that funds are necessary to imme-
2 diately initiate a project under the rapid fielding or
3 rapid prototyping acquisition pathways under section
4 804 of the National Defense Authorization Act for
5 Fiscal Year 2016 (Public Law 114–92; 10 U.S.C.
6 2302 note).”.

7 **SEC. 802. AUTHORITY FOR TEMPORARY SERVICE OF PRIN-**
8 **CIPAL MILITARY DEPUTIES TO THE ASSIST-**
9 **ANT SECRETARIES OF THE MILITARY DE-**
10 **PARTMENTS FOR ACQUISITION AS ACTING**
11 **ASSISTANT SECRETARIES.**

12 (a) ASSISTANT SECRETARY OF THE ARMY FOR AC-
13 QUISTION, LOGISTICS, AND TECHNOLOGY.—Section
14 3016(b)(5)(B) of title 10, United States Code, is amended
15 by adding at the end the following new sentence: “In the
16 event of a vacancy in the position of Assistant Secretary
17 of the Army for Acquisition, Logistics, and Technology,
18 the Principal Military Deputy may serve as Acting Assist-
19 ant Secretary for a period of not more than one year.”.

20 (b) ASSISTANT SECRETARY OF THE NAVY FOR RE-
21 SEARCH, DEVELOPMENT, AND ACQUISITION.—Section
22 5016(b)(4)(B) of such title is amended by adding at the
23 end the following new sentence: “In the event of a vacancy
24 in the position of Assistant Secretary of the Navy for Re-
25 search, Development, and Acquisition, the Principal Mili-

1 tary Deputy may serve as Acting Assistant Secretary for
2 a period of not more than one year.”.

3 (c) ASSISTANT SECRETARY OF THE AIR FORCE FOR
4 ACQUISITION.—Section 8016(b)(4)(B) of such title is
5 amended by adding at the end the following new sentence:
6 “In the event of a vacancy in the position of Assistant
7 Secretary of the Air Force for Acquisition, the Principal
8 Military Deputy may serve as Acting Assistant Secretary
9 for a period of not more than one year.”.

10 **SEC. 803. MODERNIZATION OF SERVICES ACQUISITION.**

11 (a) REVIEW OF SERVICES ACQUISITION CAT-
12 EGORIES.—Not later than 180 days after the date of the
13 enactment of this Act, the Secretary of Defense shall re-
14 view and, if necessary, revise Department of Defense In-
15 struction 5000.74, dated January 5, 2016 (in this section
16 referred to as the “Acquisition of Services Instruction”),
17 and other guidance pertaining to the acquisition of serv-
18 ices. In conducting the review, the Secretary shall exam-
19 ine—

20 (1) how the acquisition community should con-
21 sider the changing nature of the technology and pro-
22 fessional services markets, particularly the conver-
23 gence of hardware and services; and

24 (2) the services acquisition portfolio groups ref-
25 erenced in the Acquisition of Services Instruction

1 and other guidance in order to ensure the portfolio
2 groups are fully reflective of changes to the tech-
3 nology and professional services market.

4 (b) GUIDANCE REGARDING TRAINING AND DEVEL-
5 OPMENT OF THE ACQUISITION WORKFORCE.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of the enactment of this Act, the Sec-
8 retary of Defense shall issue guidance addressing
9 the training and development of the Department of
10 Defense workforce engaged in the procurement of
11 services, including those personnel not designated as
12 members of the acquisition workforce.

13 (2) IDENTIFICATION OF TRAINING AND PRO-
14 FESSIONAL DEVELOPMENT OPPORTUNITIES AND AL-
15 TERNATIVES.—The guidance required under para-
16 graph (1) shall identify training and professional de-
17 velopment opportunities and alternatives, not limited
18 to existing Department of Defense institutions, that
19 focus on and provide relevant training and profes-
20 sional development in commercial business models
21 and contracting.

22 (3) TREATMENT OF TRAINING AND PROFES-
23 SIONAL DEVELOPMENT.—Any training and profes-
24 sional development provided pursuant to this sub-
25 section outside Department of Defense institutions

1 shall be deemed to be equivalent to similar training
2 certified or provided by the Defense Acquisition Uni-
3 versity.

4 **SEC. 804. DEFENSE MODERNIZATION ACCOUNT AMEND-**
5 **MENTS.**

6 (a) FUNDS AVAILABLE FOR ACCOUNT.—Section
7 2216(b)(1) of title 10, United States Code, is amended
8 by striking “commencing”.

9 (b) TRANSFERS TO ACCOUNT.—Section 2216(c) of
10 such title is amended—

11 (1) in paragraph (1)(A)—

12 (A) by striking “or the Secretary of De-
13 fense with respect to Defense-wide appropria-
14 tions accounts” and inserting “, or the Sec-
15 retary of Defense with respect to Defense-wide
16 appropriations accounts,”; and

17 (B) by striking “that Secretary” and in-
18 serting “the Secretary concerned”;

19 (2) in paragraph (1)(B)—

20 (A) by inserting after “following funds”
21 the following: “that have been appropriated for
22 fiscal years after fiscal year 2016 and are”;

23 (B) in clause (i)—

24 (i) by striking “for procurement” and
25 inserting “for new obligations”;

1 (ii) by striking “a particular procure-
2 ment” and inserting “an acquisition pro-
3 gram”; and

4 (iii) by striking “that procurement”
5 and inserting “that program”;

6 (C) by striking clause (ii); and

7 (D) by redesignating clause (iii) as clause
8 (ii);

9 (3) in paragraph (2)—

10 (A) by striking “, other than funds re-
11 ferred to in subparagraph (B)(iii) of such para-
12 graph,”; and

13 (B) by striking “if—” and all that follows
14 through “(B) the balance of funds” and insert-
15 ing “if the balance of funds”;

16 (4) in paragraph (3)—

17 (A) by striking “credited to” both places it
18 appears and inserting “deposited in”; and

19 (B) by inserting “and obligation” after
20 “available for transfer”; and

21 (5) by striking paragraph (4).

22 (c) AUTHORIZED USE OF FUNDS.—Section 2216(d)
23 of such title is amended—

24 (1) in paragraph (1)—

25 (A) by striking “commencing”; and

1 (B) by striking “Secretary of Defense”
2 and inserting “Secretary concerned”;

3 (2) in paragraph (2), by striking “a procure-
4 ment program” and inserting “an acquisition pro-
5 gram”;

6 (3) by amending paragraph (3) to read as fol-
7 lows:

8 “(3) For research, development, test, and eval-
9 uation, for procurement, and for sustainment activi-
10 ties necessary for paying costs of unforeseen contin-
11 gencies that are approved by the milestone decision
12 authority concerned, that could prevent an ongoing
13 acquisition program from meeting critical schedule
14 or performance requirements.”; and

15 (4) by inserting at the end the following new
16 paragraph:

17 “(4) For paying costs of changes to program
18 requirements or system configuration that are ap-
19 proved by the configuration steering board for a
20 major defense acquisition program.”.

21 (d) LIMITATIONS.—Section 2216(e) of such title is
22 amended—

23 (1) in paragraph (1), by striking “procurement
24 program” both places it appears and inserting “ac-
25 quisition program”; and

1 (2) in paragraph (2), by striking “authorized
2 appropriations” and inserting “authorized appro-
3 priations, unless the procedures for initiating a new
4 start program are complied with”.

5 (e) TRANSFER OF FUNDS.—Section 2216(f)(1) of
6 such title is amended by striking “Secretary of Defense”
7 and inserting “Secretary of a military department, or the
8 Secretary of Defense with respect to Defense-wide appro-
9 priations accounts,”.

10 (f) AVAILABILITY OF FUNDS BY APPROPRIATION.—
11 Section 2216(g) of such title is amended—

12 (1) by striking “in accordance with the provi-
13 sions of appropriations Acts”; and

14 (2) by adding at the end the following: “Funds
15 deposited in the Defense Modernization Account
16 shall remain available for obligation until the end of
17 the third fiscal year that follows the fiscal year in
18 which the amounts are deposited in the account.”.

19 (g) SECRETARY TO ACT THROUGH COMPTROLLER.—
20 Section 2216(h)(2) of such title is amended—

21 (1) by redesignating subparagraphs (A), (B),
22 and (C) as subparagraphs (B), (C), and (D), respec-
23 tively;

24 (2) by inserting before subparagraph (B), as so
25 redesignated, the following new subparagraph (A):

1 “(A) the establishment and management of
2 subaccounts for each of the military depart-
3 ments and Defense Agencies concerned for the
4 use of funds in the Defense Modernization Ac-
5 count, consistent with each military depart-
6 ment’s or Defense Agency’s deposits in the Ac-
7 count;”;

8 (3) in subparagraph (C), as so redesignated, by
9 inserting “and subaccounts” after “Account”; and

10 (4) in subparagraph (D), as so redesignated, by
11 striking “subsection (c)(1)(B)(iii)” and inserting
12 “subsection (c)(1)(B)(ii)”.

13 (h) DEFINITIONS.—Paragraph (1) of section 2216(i)
14 of such title is amended to read as follows:

15 “(1) The term ‘major defense acquisition pro-
16 gram’ has the meaning given the term in section
17 2430(a) of this title.”.

18 (j) EXPIRATION OF AUTHORITY.—Section 2216(j)(1)
19 of such title is amended by striking “terminates at the
20 close of September 30, 2006” and inserting “terminates
21 at the close of September 30, 2022”.

1 **Subtitle B—Department of Defense**
2 **Acquisition Agility**

3 **SEC. 805. MODULAR OPEN SYSTEM APPROACH IN DEVEL-**
4 **OPMENT OF MAJOR WEAPON SYSTEMS.**

5 (a) MODULAR OPEN SYSTEM APPROACH.—

6 (1) IN GENERAL.—Part IV of subtitle A of title
7 10, United States Code, is amended by inserting
8 after chapter 144A the following new chapter:

9 **“CHAPTER 144B—WEAPON SYSTEMS**
10 **DEVELOPMENT AND RELATED MATTERS**

“Subchapter	Sec.
“I. Modular Open System Approach in Development of Weapon Systems	2446a
“II. Development, Prototyping, and Deployment of Weapon System Components and Tech- nology	2447a
“III. Cost, Schedule, and Performance of Major Defense Acquisition Programs	2448a

11 **“SUBCHAPTER I—MODULAR OPEN SYSTEM AP-**
12 **PROACH IN DEVELOPMENT OF WEAPON**
13 **SYSTEMS**

- “Sec.
“2446a. Requirement for modular open system approach in major defense ac-
quisition programs; definitions.
“2446b. Requirement to address modular open system approach in program ca-
pabilities development and acquisition weapon system design.
“2446c. Requirements relating to availability of major system interfaces and
support for modular open system approach.

1 **“§ 2446a. Requirement for modular open system ap-**
2 **proach in major defense acquisition pro-**
3 **grams; definitions**

4 “(a) MODULAR OPEN SYSTEM APPROACH REQUIRE-
5 MENT.—A major defense acquisition program that re-
6 ceives Milestone A or Milestone B approval after January
7 1, 2019, shall be designed and developed, to the maximum
8 extent practicable, with a modular open system approach
9 to enable incremental development and enhance competi-
10 tion, innovation, and interoperability.

11 “(b) DEFINITIONS.—In this chapter:

12 “(1) The term ‘modular open system approach’
13 means, with respect to a major defense acquisition
14 program, an integrated business and technical strat-
15 egy that—

16 “(A) employs a modular design that uses
17 major system interfaces between a major sys-
18 tem platform and a major system component,
19 between major system components, or between
20 major system platforms;

21 “(B) is subjected to verification to ensure
22 major system interfaces comply with, if avail-
23 able and suitable, widely supported and con-
24 sensus-based standards;

25 “(C) uses a system architecture that allows
26 severable major system components at the ap-

1 appropriate level to be incrementally added, re-
2 moved, or replaced throughout the life cycle of
3 a major system platform to afford opportunities
4 for enhanced competition and innovation while
5 yielding—

6 “(i) significant cost savings or avoid-
7 ance;

8 “(ii) schedule reduction;

9 “(iii) opportunities for technical up-
10 grades;

11 “(iv) increased interoperability, in-
12 cluding system of systems interoperability
13 and mission integration; or

14 “(v) other benefits during the
15 sustainment phase of a major weapon sys-
16 tem; and

17 “(D) complies with the technical data
18 rights set forth in section 2320 of this title.

19 “(2) The term ‘major system platform’ means
20 the highest level structure of a major weapon system
21 that is not physically mounted or installed onto a
22 higher level structure and on which a major system
23 component can be physically mounted or installed.

24 “(3) The term ‘major system component’—

1 “(A) means a high level subsystem or as-
2 sembly, including hardware, software, or an in-
3 tegrated assembly of both, that can be mounted
4 or installed on a major system platform through
5 well-defined major system interfaces; and

6 “(B) includes a subsystem or assembly
7 that is likely to have additional capability re-
8 quirements, is likely to change because of evol-
9 ving technology or threat, is needed for inter-
10 operability, facilitates incremental deployment
11 of capabilities, or is expected to be replaced by
12 another major system component.

13 “(4) The term ‘major system interface’—

14 “(A) means a shared boundary between a
15 major system platform and a major system
16 component, between major system components,
17 or between major system platforms, defined by
18 various physical, logical, and functional charac-
19 teristics, such as electrical, mechanical, fluidic,
20 optical, radio frequency, data, networking, or
21 software elements; and

22 “(B) is characterized clearly in terms of
23 form, function, and the content that flows
24 across the interface in order to enable techno-

1 logical innovation, incremental improvements,
2 integration, and interoperability.

3 “(5) The term ‘program capability document’
4 means, with respect to a major defense acquisition
5 program, a document that specifies capability re-
6 quirements for the program, such as a capability de-
7 velopment document or a capability production docu-
8 ment.

9 “(6) The terms ‘program cost targets’ and
10 ‘fielding target’ have the meanings provided in sec-
11 tion 2448a(a) of this title.

12 “(7) The term ‘major defense acquisition pro-
13 gram’ has the meaning provided in section 2430 of
14 this title.

15 “(8) The term ‘major weapon system’ has the
16 meaning provided in section 2379(f) of this title.

17 **“§ 2446b. Requirement to address modular open sys-**
18 **tem approach in program capabilities de-**
19 **velopment and acquisition weapon sys-**
20 **tem design**

21 “(a) PROGRAM CAPABILITY DOCUMENT.—A program
22 capability document for a major defense acquisition pro-
23 gram shall identify and characterize—

24 “(1) the extent to which requirements for sys-
25 tem performance are likely to evolve during the life

1 cycle of the system because of evolving technology,
2 threat, or interoperability needs; and

3 “(2) for requirements that are expected to
4 evolve, the minimum acceptable capability that is
5 necessary for initial operating capability of the
6 major defense acquisition program.

7 “(b) ANALYSIS OF ALTERNATIVES.—The Director of
8 Cost Assessment and Performance Evaluation, in formu-
9 lating study guidance for analyses of alternatives for
10 major defense acquisition programs and performing such
11 analyses under section 139a(d)(4) of this title, shall en-
12 sure that any such analysis for a major defense acquisition
13 program includes consideration of evolutionary acquisi-
14 tion, prototyping, and a modular open system approach.

15 “(c) ACQUISITION STRATEGY.—In the case of a
16 major defense acquisition program that uses a modular
17 open system approach, the acquisition strategy required
18 under section 2431a of this title shall—

19 “(1) clearly describe the modular open system
20 approach to be used for the program;

21 “(2) differentiate between the major system
22 platform and major system components being devel-
23 oped under the program, as well as major system
24 components developed outside the program that will

1 be integrated into the major defense acquisition pro-
2 gram;

3 “(3) clearly describe the evolution of major sys-
4 tem components that are anticipated to be added,
5 removed, or replaced in subsequent increments;

6 “(4) identify additional major system compo-
7 nents that may be added later in the life cycle of the
8 major system platform;

9 “(5) clearly describe how intellectual property
10 and related issues, such as technical data
11 deliverables, that are necessary to support a modular
12 open system approach, will be addressed; and

13 “(6) clearly describe the approach to systems
14 integration and systems-level configuration manage-
15 ment to ensure mission and information assurance.

16 “(d) REQUEST FOR PROPOSALS.—The milestone de-
17 cision authority for a major defense acquisition program
18 that uses a modular open system approach shall ensure
19 that a request for proposals for the development or pro-
20 duction phases of the program shall describe the modular
21 open system approach and the minimum set of major sys-
22 tem components that must be included in the design of
23 the major defense acquisition program.

24 “(e) MILESTONE B.—A major defense acquisition
25 program may not receive Milestone B approval under sec-

1 tion 2366b of this title until the milestone decision author-
2 ity determines in writing that—

3 “(1) in the case of a program that uses a mod-
4 ular open system approach—

5 “(A) the program incorporates clearly de-
6 fined major system interfaces between the
7 major system platform and major system com-
8 ponents, between major system components,
9 and between major system platforms;

10 “(B) such major system interfaces are con-
11 sistent with the widely supported and con-
12 sensus-based standards that exist at the time of
13 the milestone decision, unless such standards
14 are unavailable or unsuitable for particular
15 major system interfaces; and

16 “(C) the Government has arranged to ob-
17 tain appropriate and necessary intellectual
18 property rights with respect to such major sys-
19 tem interfaces upon completion of the develop-
20 ment of the major system platform; or

21 “(2) in the case of a program that does not use
22 a modular open system approach, that the use of a
23 modular open system approach is not practicable.

1 **“§ 2446c. Requirements relating to availability of**
2 **major system interfaces and support for**
3 **modular open system approach**

4 “The Secretary of each military department shall—

5 “(1) coordinate with the other military depart-
6 ments, the defense agencies, defense and other pri-
7 vate sector entities, national standards-setting orga-
8 nizations, and, when appropriate, with elements of
9 the intelligence community with respect to the speci-
10 fication, identification, development, and mainte-
11 nance of major system interfaces and standards for
12 use in major system platforms, where practicable;

13 “(2) ensure that major system interfaces incor-
14 porate commercial standards and other widely sup-
15 ported consensus-based standards that are validated,
16 published, and maintained by recognized standards
17 organizations to the maximum extent practicable;

18 “(3) ensure that sufficient systems engineering
19 and development expertise and resources are avail-
20 able to support the use of a modular open system
21 approach in requirements development and acquisi-
22 tion program planning;

23 “(4) ensure that necessary planning, program-
24 ming, and budgeting resources are provided to speci-
25 fy, identify, develop, and sustain the modular open
26 system approach, associated major system inter-

1 faces, systems integration, and any additional pro-
2 gram activities necessary to sustain innovation and
3 interoperability; and

4 “(5) ensure that adequate training in the use of
5 a modular open system approach is provided to
6 members of the requirements and acquisition work-
7 force.”.

8 (2) CLERICAL AMENDMENT.—The table of
9 chapters for title 10, United States Code, is amend-
10 ed by adding after the item relating to chapter 144A
11 the following new item:

**“144B. Weapon Systems Development and Related Mat-
ters2446a”.**

12 (3) CONFORMING AMENDMENT.—Section
13 2366b(a)(3) of such title is amended—

14 (A) by striking “and” at the end of sub-
15 paragraph (K); and

16 (B) by inserting after subparagraph (L)
17 the following new subparagraph:

18 “(M) the requirements of section 2446b(e)
19 of this title are met; and”.

20 (4) EFFECTIVE DATE.—Subchapter I of chap-
21 ter 144B of title 10, United States Code, as added
22 by paragraph (1), shall take effect on January 1,
23 2017.

1 (b) REQUIREMENT TO INCLUDE MODULAR OPEN
2 SYSTEM APPROACH IN SELECTED ACQUISITION RE-
3 PORTS.—Section 2432(c)(1) of such title is amended—

4 (1) by striking “and” at the end of subpara-
5 graph (F);

6 (2) by redesignating subparagraph (G) as sub-
7 paragraph (H); and

8 (3) by inserting after subparagraph (F) the fol-
9 lowing new subparagraph (G):

10 “(G) for each major defense acquisition pro-
11 gram that receives Milestone B approval after Janu-
12 ary 1, 2019, a brief summary description of the key
13 elements of the modular open system approach as
14 defined in section 2446a of this title or, if a modular
15 open system approach was not used, the rationale
16 for not using such an approach; and”.

17 **SEC. 806. DEVELOPMENT, PROTOTYPING, AND DEPLOY-**
18 **MENT OF WEAPON SYSTEM COMPONENTS OR**
19 **TECHNOLOGY.**

20 (a) DEVELOPMENT, PROTOTYPING, AND DEPLOY-
21 MENT OF WEAPON SYSTEM COMPONENTS OR TECH-
22 NOLOGY.—

23 (1) IN GENERAL.—Chapter 144B of title 10,
24 United States Code, as added by section 805, is fur-

1 ther amended by adding at the end the following
2 new subchapter:

3 “SUBCHAPTER II—DEVELOPMENT, PROTO-
4 TYPING, AND DEPLOYMENT OF WEAPON
5 SYSTEM COMPONENTS OR TECHNOLOGY

“Sec.

“2447a. Weapon system component or technology prototype projects: display of budget information.

“2447b. Weapon system component or technology prototype projects: oversight.

“2447c. Requirements and limitations for weapon system component or technology prototype projects.

“2447d. Mechanisms to speed deployment of successful weapon system component or technology prototypes.

“2447e. Definition of weapon system component.

6 “§ 2447a. **Weapon system component or technology**
7 **prototype projects: display of budget in-**
8 **formation**

9 “(a) REQUIREMENTS FOR BUDGET DISPLAY.—In the
10 defense budget materials for any fiscal year after fiscal
11 year 2017, the Secretary of Defense shall, with respect
12 to advanced component development and prototype activi-
13 ties (within the research, development, test, and evaluation
14 budget), set forth the amounts requested for each of the
15 following:

16 “(1) Acquisition programs of record.

17 “(2) Development, prototyping, and experimen-
18 tation of weapon system components or other tech-
19 nologies, including those based on commercial items
20 and technologies, separate from acquisition pro-
21 grams of record.

1 “(b) MEMBERSHIP.—Each oversight board shall be
2 comprised of senior officials with—

3 “(1) expertise in requirements; research, devel-
4 opment, test, and evaluation; acquisition;
5 sustainment; or other relevant areas within the mili-
6 tary department concerned;

7 “(2) awareness of technology development ac-
8 tivities and opportunities in the Department of De-
9 fense, industry, and other sources; and

10 “(3) awareness of the component capability re-
11 quirements of major weapon systems, including
12 scheduling and fielding goals for such component ca-
13 pabilities.

14 “(c) FUNCTIONS.—The functions of each oversight
15 board are as follows:

16 “(1) To issue a strategic plan every three years
17 that prioritizes the capability and weapon system
18 component portfolio areas for conducting prototype
19 projects, based on assessments of—

20 “(A) high priority warfighter needs;

21 “(B) capability gaps or readiness issues
22 with major weapon systems;

23 “(C) opportunities to incrementally inte-
24 grate new components into major weapon sys-
25 tems based on commercial technology or science

1 and technology efforts that are expected to be
2 sufficiently mature to prototype within three
3 years; and

4 “(D) opportunities to reduce operation and
5 support costs of major weapon systems.

6 “(2) To annually recommend funding levels for
7 weapon system component or technology develop-
8 ment and prototype projects across capability or
9 weapon system component portfolios.

10 “(3) To annually recommend to the service ac-
11 quisition executive of the military department con-
12 cerned specific weapon system component or tech-
13 nology development and prototype projects, subject
14 to the requirements and limitations in section 2447c
15 of this title.

16 “(4) To ensure projects are managed by experts
17 within the Department of Defense who are knowl-
18 edgeable in research, development, test, and evalua-
19 tion and who are aware of opportunities for incre-
20 mental deployment of component capabilities and
21 other technologies to major weapon systems or di-
22 rectly to support warfighting capabilities.

23 “(5) To ensure projects are conducted in a
24 manner that allows for appropriate experimentation
25 and technology risk.

1 “(6) To ensure projects have a plan for tech-
2 nology transition of the prototype into a fielded sys-
3 tem, program of record, or operational use, as ap-
4 propriate, upon successful achievement of technical
5 and project goals.

6 “(7) To ensure necessary technical, contracting,
7 and financial management resources are available to
8 support each project.

9 “(8) To submit to the congressional defense
10 committees a semiannual notification that includes
11 the following:

12 “(A) each weapon system component or
13 technology prototype project initiated during
14 the preceding six months, including an expla-
15 nation of each project and its required funding.

16 “(B) the results achieved from weapon sys-
17 tem component prototype and technology
18 projects completed and tested during the pre-
19 ceding six months.

20 **“§ 2447c. Requirements and limitations for weapon**
21 **system component or technology proto-**
22 **type projects**

23 “(a) LIMITATION ON PROTOTYPE PROJECT DURA-
24 TION.—A prototype project shall be completed within two
25 years of its initiation.

1 “(b) MERIT-BASED SELECTION PROCESS.—A proto-
2 type project shall be selected by the service acquisition ex-
3 ecutive of the military department concerned through a
4 merit-based selection process that identifies the most
5 promising, innovative, and cost-effective prototypes that
6 address one or more of the elements set forth in subsection
7 (c)(1) of section 2447b of this title and are expected to
8 be successfully demonstrated in a relevant environment.

9 “(c) TYPE OF TRANSACTION.—Prototype projects
10 shall be funded through contracts, cooperative agree-
11 ments, or other transactions.

12 “(d) FUNDING LIMIT.—(1) Each prototype project
13 may not exceed a total amount of \$10,000,000 (based on
14 fiscal year 2017 constant dollars), unless—

15 “(A) the Secretary of the military department,
16 or the Secretary’s designee, approves a larger
17 amount of funding for the project, not to exceed
18 \$50,000,000; and

19 “(B) the Secretary, or the Secretary’s designee,
20 submits to the congressional defense committees,
21 within 30 days after approval of such funding for
22 the project, a notification that includes—

23 “(i) the project;

24 “(ii) expected funding for the project; and

1 “(iii) a statement of the anticipated out-
2 come of the project.

3 “(2) The Secretary of Defense may adjust the
4 amounts (and the base fiscal year) provided in paragraph
5 (1) on the basis of Department of Defense escalation
6 rates.

7 “(e) RELATED PROTOTYPE AUTHORITIES.—Proto-
8 type projects that exceed the duration and funding limits
9 established in this section shall be pursued under the rapid
10 prototyping process established by section 804 of the Na-
11 tional Defense Authorization Act for Fiscal Year 2016
12 (Public Law 114–92; 10 U.S.C. 2302 note). In addition,
13 nothing in this subchapter shall affect the authority to
14 carry out prototype projects under section 2371b or any
15 other section of this title related to prototyping.

16 **“§ 2447d. Mechanisms to speed deployment of suc-**
17 **cessful weapon system component or**
18 **technology prototypes**

19 “(a) SELECTION OF PROTOTYPE PROJECT FOR PRO-
20 Duction AND RAPID FIELDING.—A weapon system com-
21 ponent or technology prototype project may be selected by
22 the service acquisition executive of the military depart-
23 ment concerned for a follow-on production contract or
24 other transaction without the use of competitive proce-

1 dures, notwithstanding the requirements of section 2304
2 of this title, if—

3 “(1) the follow-on production project addresses
4 a high priority warfighter need or reduces the costs
5 of a weapon system;

6 “(2) competitive procedures were used for the
7 selection of parties for participation in the original
8 prototype project;

9 “(3) the participants in the original prototype
10 project successfully completed the requirements of
11 the project; and

12 “(4) a prototype of the system to be procured
13 was demonstrated in a relevant environment.

14 “(b) SPECIAL TRANSFER AUTHORITY.—(1) The Sec-
15 retary of a military department may, as specified in ad-
16 vance by appropriations Acts, transfer funds that remain
17 available for obligation in procurement appropriation ac-
18 counts of the military department to fund the low-rate ini-
19 tial production of the rapid fielding project until required
20 funding for full-rate production can be submitted and ap-
21 proved through the regular budget process of the Depart-
22 ment of Defense.

23 “(2) The funds transferred under this subsection to
24 fund the low-rate initial production of a rapid fielding
25 project shall be for a period not to exceed two years, the

1 amount for such period may not exceed \$50,000,000, and
2 the special transfer authority provided in this subsection
3 may not be used more than once to fund procurement of
4 a particular new or upgraded system.

5 “(3) The special transfer authority provided in this
6 subsection is in addition to any other transfer authority
7 available to the Department of Defense.

8 “(c) NOTIFICATION TO CONGRESS.—Within 30 days
9 after the service acquisition executive of a military depart-
10 ment selects a weapon system component or technology
11 project for a follow-on production contract or other trans-
12 action, the service acquisition executive shall notify the
13 congressional defense committees of the selection and pro-
14 vide a brief description of the rapid fielding project.

15 **“§ 2447e. Definition of weapon system component**

16 “In this subchapter, the term ‘weapon system compo-
17 nent’ has the meaning given the term ‘major system com-
18 ponent’ in section 2446a of this title.”.

19 (2) EFFECTIVE DATE.—Subchapter II of chap-
20 ter 144B of title 10, United States Code, as added
21 by paragraph (1), shall take effect on January 1,
22 2017.

23 (b) ADDITION TO REQUIREMENTS NEEDED BEFORE
24 MILESTONE A APPROVAL.—Section 2366a(b) of such title
25 is amended—

1 (1) by striking “and” at the end of paragraph
2 (7);

3 (2) by redesignating paragraph (8) as para-
4 graph (9); and

5 (3) by inserting after paragraph (7) the fol-
6 lowing new paragraph (8):

7 “(8) that, with respect to a program initiated
8 after January 1, 2019, technology shall be developed
9 in the program (after Milestone A approval) only if
10 the milestone decision authority determines with a
11 high degree of confidence that such development will
12 not delay the fielding target of the program, or, if
13 the milestone decision authority does not make such
14 determination for a major system component being
15 developed under the program, the milestone decision
16 authority ensures that the technology related to the
17 major system component shall be sufficiently ma-
18 tured and demonstrated in a relevant environment
19 (after Milestone A approval) separate from the pro-
20 gram using the prototyping authorities in subchapter
21 II of chapter 144B of this title or other authorities,
22 as appropriate, and have an effective plan for adop-
23 tion or insertion by the relevant program; and”.

1 **SEC. 807. COST, SCHEDULE, AND PERFORMANCE OF MAJOR**
2 **DEFENSE ACQUISITION PROGRAMS.**

3 (a) COST, SCHEDULE, AND PERFORMANCE OF
4 MAJOR DEFENSE ACQUISITION PROGRAMS.—

5 (1) IN GENERAL.—Chapter 144B of title 10,
6 United States Code, as added by section 805, is
7 amended by adding at the end the following new
8 subchapter:

9 “SUBCHAPTER III—COST, SCHEDULE, AND PER-
10 FORMANCE OF MAJOR DEFENSE ACQUI-
11 TION PROGRAMS

“Sec.

“2448a. Program cost, fielding, and performance goals in planning major de-
fense acquisition programs.

“2448b. Independent technical risk assessments.

12 “§ 2448a. **Program cost, fielding, and performance**
13 **goals in planning major defense acquisi-**
14 **tion programs**

15 “(a) PROGRAM COST AND FIELDING TARGETS.—(1)
16 Before funds are obligated for technology development,
17 systems development, or production of a major defense ac-
18 quisition program, the Secretary of Defense shall ensure,
19 by establishing the goals described in paragraph (2), that
20 the milestone decision authority for the major defense ac-
21 quisition program approves a program that will—

22 “(A) be affordable;

1 “(B) incorporate program planning that antici-
2 pates the evolution of capabilities to meet changing
3 threats, technology insertion, and interoperability;
4 and

5 “(C) be fielded when needed.

6 “(2) The goals described in this paragraph are goals
7 for—

8 “(A) the procurement unit cost and
9 sustainment cost (referred to in this section as the
10 ‘program cost targets’);

11 “(B) the date for initial operational capability
12 (referred to in this section as the ‘fielding target’);
13 and

14 “(C) technology maturation, prototyping, and a
15 modular open system approach to evolve system ca-
16 pabilities and improve interoperability.

17 “(b) DELEGATION.—The responsibilities of the Sec-
18 retary of Defense in subsection (a) may be delegated only
19 to the Deputy Secretary of Defense.

20 “(c) DEFINITIONS.—In this section:

21 “(1) The term ‘procurement unit cost’ has the
22 meaning provided in section 2432(a)(2) of this title.

23 “(2) The term ‘initial capabilities document’
24 has the meaning provided in section 2366a(d)(2) of
25 this title.

1 **“§ 2448b. Independent technical risk assessments**

2 “(a) IN GENERAL.—With respect to a major defense
3 acquisition program, the Secretary of Defense shall ensure
4 that an independent technical risk assessment is con-
5 ducted—

6 “(1) before any decision to grant Milestone A
7 approval for the program pursuant to section 2366a
8 of this title, that identifies critical technologies and
9 manufacturing processes that need to be matured;
10 and

11 “(2) before any decision to grant Milestone B
12 approval for the program pursuant to section 2366b
13 of this title, any decision to enter into low-rate ini-
14 tial production or full-rate production, or at any
15 other time considered appropriate by the Secretary,
16 that includes the identification of any critical tech-
17 nologies or manufacturing processes that have not
18 been successfully demonstrated in a relevant envi-
19 ronment.

20 “(b) CATEGORIZATION OF TECHNICAL RISK LEV-
21 ELS.—The Secretary shall issue guidance and a frame-
22 work for categorizing the degree of technical and manufac-
23 turing risk in a major defense acquisition program.”.

24 (2) EFFECTIVE DATE.—Subchapter III of chap-
25 ter 144B of title 10, United States Code, as added
26 by paragraph (1), shall apply with respect to major

1 defense acquisition programs that reach Milestone A
2 after October 1, 2017.

3 (b) MODIFICATION OF MILESTONE DECISION AU-
4 THORITY.—Effective January 1, 2017, subsection (d) of
5 section 2430 of title 10, United States Code, as added by
6 section 825(a) of the National Defense Authorization Act
7 for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 907),
8 is amended—

9 (1) in paragraph (2)(A), by inserting “subject
10 to paragraph (5),” before “the Secretary deter-
11 mines”; and

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

14 “(5) The authority of the Secretary of Defense to
15 designate an alternative milestone decision authority for
16 a program with respect to which the Secretary determines
17 that the program is addressing a joint requirement, as set
18 forth in paragraph (2)(A), shall apply only for a major
19 defense acquisition program that reaches Milestone A
20 after October 1, 2016, and before October 1, 2019.”.

21 (c) ADHERENCE TO REQUIREMENTS IN MAJOR DE-
22 FENSE ACQUISITION PROGRAMS.—Section 2547 of title
23 10, United States Code, is amended—

24 (1) by redesignating subsections (b) and (c) as
25 subsections (c) and (d), respectively;

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

3 “(b) ADHERENCE TO REQUIREMENTS IN MAJOR DE-
4 FENSE ACQUISITION PROGRAMS.—The Secretary of the
5 military department concerned shall ensure that the pro-
6 gram capability document supporting a Milestone B or
7 subsequent decision for a major defense acquisition pro-
8 gram may not be approved until the chief of the armed
9 force concerned determines in writing that the require-
10 ments in the document are necessary and realistic in rela-
11 tion to the program cost and fielding targets established
12 under section 2448a(a) of this title.”; and

13 (3) by adding at the end of subsection (d), as
14 so redesignated, the following new paragraph:

15 “(3) The term ‘program capability document’
16 has the meaning provided in section 2446a(b)(5) of
17 this title.”.

18 (d) AMENDMENT RELATING TO DETERMINATION RE-
19 QUIRED BEFORE MILESTONE A APPROVAL.—Section
20 2366a(b)(4) of title 10, United States Code, is amended
21 by inserting after “areas of risk” the following: “, includ-
22 ing risks determined by the identification of critical tech-
23 nologies required under section 2448b(a)(1) of this title
24 or any other risk assessment”.

1 (e) AMENDMENT RELATING TO CERTIFICATION RE-
2 QUIRED BEFORE MILESTONE B APPROVAL.—Section
3 2366b(a) of title 10, United States Code, is amended—

4 (1) in paragraph (2), by striking “assessment
5 by the Assistant Secretary” and all that follows
6 through “Test and Evaluation” and inserting “tech-
7 nical risk assessment conducted under section 2448b
8 of this title”; and

9 (2) in paragraph (3), as amended by section
10 805(a)(3)(B)—

11 (A) by striking “and” at the end of sub-
12 paragraph (C);

13 (B) by redesignating subparagraphs (D)
14 through (M) as subparagraphs (E) through
15 (N), respectively; and

16 (C) by inserting after subparagraph (C)
17 the following new subparagraph (D):

18 “(D) the estimated procurement unit cost
19 for the program and the estimated date for ini-
20 tial operational capability for the baseline de-
21 scription for the program (established under
22 section 2435) do not exceed the program cost
23 and fielding targets established under section
24 2448a(a) of this title, or, if such estimated cost
25 is higher than the program cost targets or if

1 such estimated date is later than the fielding
2 target, the program cost targets have been in-
3 creased or the fielding target has been delayed
4 by the Secretary of Defense after a request for
5 such increase or delay by the milestone decision
6 authority;”.

7 **SEC. 808. TRANSPARENCY IN MAJOR DEFENSE ACQUI-
8 TION PROGRAMS.**

9 (a) MILESTONE A REPORT.—

10 (1) IN GENERAL.—Section 2366a(c) of title 10,
11 United States Code, is amended to read as follows:

12 “(c) SUBMISSIONS TO CONGRESS ON MILESTONE
13 A.—

14 “(1) BRIEF SUMMARY REPORT.—Not later than
15 15 days after granting Milestone A approval for a
16 major defense acquisition program, the milestone de-
17 cision authority for the program shall provide to the
18 congressional defense committees and, in the case of
19 intelligence or intelligence-related activities, the con-
20 gressional intelligence committees a brief summary
21 report that contains the following elements:

22 “(A) The program cost and fielding targets
23 established by the Secretary of Defense under
24 section 2448a(a) of this title.

1 “(B) The estimated cost and schedule for
2 the program established by the military depart-
3 ment concerned, including—

4 “(i) the dollar values estimated for
5 the program acquisition unit cost and total
6 life-cycle cost; and

7 “(ii) the planned dates for each pro-
8 gram milestone and initial operational ca-
9 pability.

10 “(C) The independent estimated cost for
11 the program established pursuant to section
12 2334(a)(6) of this title, and any independent
13 estimated schedule for the program, including—

14 “(i) as assessment of the major con-
15 tributors to the program acquisition unit
16 cost and total life-cycle cost; and

17 “(ii) the planned dates for each pro-
18 gram milestone and initial operational ca-
19 pability.

20 “(D) A summary of the technical or manu-
21 facturing risks associated with the program, as
22 determined by the military department con-
23 cerned, including identification of any critical
24 technologies or manufacturing processes that
25 need to be matured.

1 “(E) A summary of the independent tech-
2 nical risk assessment conducted or approved
3 under section 2448b of this title, including
4 identification of any critical technologies or
5 manufacturing processes that need to be ma-
6 tured.

7 “(F) A summary of any sufficiency review
8 conducted by the Director of Cost Assessment
9 and Program Evaluation of the analysis of al-
10 ternatives performed for the program (as re-
11 ferred to in section 2366a(b)(6) of this title).

12 “(G) Any other information the milestone
13 decision authority considers relevant.

14 “(2) ADDITIONAL INFORMATION.—(A) At the
15 request of any of the congressional defense commit-
16 tees or, in the case of intelligence or intelligence-re-
17 lated activities, the congressional intelligence com-
18 mittees, the milestone decision authority shall sub-
19 mit to the committee an explanation of the basis for
20 a determination made under subsection (b) with re-
21 spect to a major defense acquisition program, to-
22 gether with a copy of the written determination, or
23 further information or underlying documentation for
24 the information in a brief summary report submitted
25 under paragraph (1), including the independent cost

1 and schedule estimates and the independent tech-
2 nical risk assessments referred to in that paragraph.

3 “(B) The explanation or information shall be
4 submitted in unclassified form, but may include a
5 classified annex.”.

6 (2) DEFINITIONS.—Section 2366a(d) of such
7 title is amended by adding at the end the following
8 new paragraphs:

9 “(8) The term ‘fielding target’ has the meaning
10 given that term in section 2448a(a) of this title.

11 “(9) The term ‘major system component’ has
12 the meaning given that term in section 2446a(b)(3)
13 of this title.

14 “(10) The term ‘congressional intelligence com-
15 mittees’ has the meaning given that term in section
16 437(c) of this title.”.

17 (b) MILESTONE B REPORT.—

18 (1) IN GENERAL.—Section 2366b(c) of title 10,
19 United States Code, is amended to read as follows:

20 “(c) SUBMISSIONS TO CONGRESS ON MILESTONE
21 B.—

22 “(1) BRIEF SUMMARY REPORT.—Not later than
23 15 days after granting Milestone B approval for a
24 major defense acquisition program, the milestone de-
25 cision authority for the program shall provide to the

1 congressional defense committees and, in the case of
2 intelligence or intelligence-related activities, the con-
3 gressional intelligence committees a brief summary
4 report that contains the following elements:

5 “(A) The program cost and fielding targets
6 established by the Secretary of Defense under
7 section 2448a(a) of this title.

8 “(B) The estimated cost and schedule for
9 the program established by the military depart-
10 ment concerned, including—

11 “(i) the dollar values estimated for
12 the program acquisition unit cost, average
13 procurement unit cost, and total life-cycle
14 cost; and

15 “(ii) the planned dates for each pro-
16 gram milestone, initial operational test and
17 evaluation, and initial operational capa-
18 bility.

19 “(C) The independent estimated cost for
20 the program established pursuant to section
21 2334(a)(6) of this title, and any independent
22 estimated schedule for the program, including—

23 “(i) the dollar values and ranges esti-
24 mated for the program acquisition unit

1 cost, average procurement unit cost, and
2 total life-cycle cost; and

3 “(ii) the planned dates for each pro-
4 gram milestone, initial operational test and
5 evaluation, and initial operational capa-
6 bility.

7 “(D) A summary of the technical and
8 manufacturing risks associated with the pro-
9 gram, as determined by the military department
10 concerned, including identification of any crit-
11 ical technologies or manufacturing processes
12 that have not been successfully demonstrated in
13 a relevant environment.

14 “(E) A summary of the independent tech-
15 nical risk assessment conducted or approved
16 under section 2448b of this title, including
17 identification of any critical technologies or
18 manufacturing processes that have not been
19 successfully demonstrated in a relevant environ-
20 ment.

21 “(F) A statement of whether a modular
22 open system approach is being used for the pro-
23 gram.

24 “(G) Any other information the milestone
25 decision authority considers relevant.

1 “(2) CERTIFICATIONS AND DETERMINATIONS.—

2 (A) The certifications and determination under sub-
3 section (a) with respect to a major defense acquisi-
4 tion program shall be submitted to the congressional
5 defense committees with the first Selected Acquisi-
6 tion Report submitted under section 2432 of this
7 title after completion of the certification.

8 “(B) The milestone decision authority shall re-
9 tain records of the basis for the certifications and
10 determination under paragraphs (1), (2), and (3) of
11 subsection (a).

12 “(3) ADDITIONAL INFORMATION.—(A) At the
13 request of any of the congressional defense commit-
14 tees or, in the case of intelligence or intelligence-re-
15 lated activities, the congressional intelligence com-
16 mittees, the milestone decision authority shall sub-
17 mit to the committee an explanation of the basis for
18 the certifications and determination under para-
19 graphs (1), (2), and (3) of subsection (a) with re-
20 spect to a major defense acquisition program or fur-
21 ther information or underlying documentation for
22 the information in a brief summary report submitted
23 under paragraph (1), including the independent cost
24 and schedule estimates and the independent tech-
25 nical risk assessments referred to in that paragraph.

1 “(B) The explanation or information shall be
2 submitted in unclassified form, but may include a
3 classified annex.”.

4 (2) DEFINITIONS.—Section 2366b(g) of such
5 title is amended by adding at the end the following
6 new paragraphs:

7 “(6) The term ‘fielding target’ has the meaning
8 given that term in section 2448a(a) of this title.

9 “(7) The term ‘major system component’ has
10 the meaning given that term in section 2446a(b)(3)
11 of this title.

12 “(8) The term ‘congressional intelligence com-
13 mittees’ has the meaning given that term in section
14 437(c) of this title.”.

15 (c) MILESTONE C REPORT.—

16 (1) IN GENERAL.—Chapter 139 of such title is
17 amended by inserting after section 2366b the fol-
18 lowing new section:

19 “**§ 2366c. Major defense acquisition programs: sub-**
20 **missions to Congress on Milestone C**

21 “(a) BRIEF SUMMARY REPORT.—Not later than 15
22 days after granting Milestone C approval for a major de-
23 fense acquisition program, the milestone decision author-
24 ity for the program shall provide to the congressional de-
25 fense committees and, in the case of intelligence or intel-

1 ligence-related activities, the congressional intelligence
2 committees a brief summary report that contains the fol-
3 lowing:

4 “(1) The estimated cost and schedule for the
5 program established by the military department con-
6 cerned, including—

7 “(A) the dollar values estimated for the
8 program acquisition unit cost, average procure-
9 ment unit cost, and total life-cycle cost; and

10 “(B) the planned dates for initial oper-
11 ational test and evaluation and initial oper-
12 ational capability.

13 “(2) The independent estimated cost for the
14 program established pursuant to section 2334(a)(6)
15 of this title, and any independent estimated schedule
16 for the program, including—

17 “(A) the dollar values estimated for the
18 program acquisition unit cost, average procure-
19 ment unit cost, and total life-cycle cost; and

20 “(B) the planned dates for initial oper-
21 ational test and evaluation and initial oper-
22 ational capability.

23 “(3) A summary of any production, manufac-
24 turing, and fielding risks associated with the pro-
25 gram.

1 “(b) ADDITIONAL INFORMATION.—At the request of
2 any of the congressional defense committees or, in the case
3 of intelligence or intelligence-related activities, the con-
4 gressional intelligence committees, the milestone decision
5 authority shall submit to the committee further informa-
6 tion or underlying documentation for the information in
7 a brief summary report submitted under subsection (a),
8 including the independent cost and schedule estimates and
9 the independent technical risk assessments referred to in
10 that subsection.

11 “(c) CONGRESSIONAL INTELLIGENCE COMMITTEES
12 DEFINED.—In this section, the term ‘congressional intel-
13 ligence committees’ has the meaning given that term in
14 section 437(c) of this title.”.

15 (2) CLERICAL AMENDMENT.—The table of sec-
16 tions at the beginning of such chapter is amended
17 by inserting after the item relating to section 2366b
18 the following new item:

“2366c. Major defense acquisition programs: submissions to Congress on Mile-
stone C.”.

19 **SEC. 809. AMENDMENTS RELATING TO TECHNICAL DATA**
20 **RIGHTS.**

21 (a) RIGHTS RELATING TO ITEM OR PROCESS DEVEL-
22 OPED EXCLUSIVELY AT PRIVATE EXPENSE.—Subsection
23 (a)(2)(C)(iii) of section 2320 of title 10, United States
24 Code, is amended by inserting after “or process data” the

1 following: “, including such data pertaining to a major
2 system component”.

3 (b) RIGHTS RELATING TO INTERFACE OR MAJOR
4 SYSTEM INTERFACE.—Subsection (a)(2) of section 2320
5 of such title is further amended—

6 (1) by redesignating subparagraphs (F) and
7 (G) as subparagraphs (H) and (I), respectively;

8 (2) in subparagraph (B), by striking “Except
9 as provided in subparagraphs (C) and (D),” and in-
10 sserting “Except as provided in subparagraphs (C),
11 (D), and (G),”;

12 (3) in subparagraph (D)(i)(II), by striking “is
13 necessary” and inserting “is a release, disclosure, or
14 use of technical data pertaining to an interface be-
15 tween an item or process and other items or proc-
16 esses necessary”;

17 (4) in subparagraph (E)—

18 (A) by striking “In the case” and inserting
19 “Except as provided in subparagraphs (F) and
20 (G), in the case”; and

21 (B) by striking “negotiations). The United
22 States shall have” and all that follows through
23 “such negotiated rights shall” and inserting the
24 following: “negotiations) and shall be based on
25 negotiations between the United States and the

1 contractor, except in any case in which the Sec-
2 retary of Defense determines, on the basis of
3 criteria established in the regulations, that ne-
4 gotiations would not be practicable. The estab-
5 lishment of such rights shall”; and

6 (5) by inserting after subparagraph (E) the fol-
7 lowing new subparagraphs (F) and (G):

8 “(F) INTERFACES DEVELOPED WITH MIXED
9 FUNDING.—Notwithstanding subparagraph (E), the
10 United States shall have government purpose rights
11 in technical data pertaining to an interface between
12 an item or process and other items or processes that
13 was developed in part with Federal funds and in
14 part at private expense, except in any case in which
15 the Secretary of Defense determines, on the basis of
16 criteria established in the regulations, that negotia-
17 tion of different rights in such technical data would
18 be in the best interest of the United States.

19 “(G) MAJOR SYSTEM INTERFACES DEVELOPED
20 EXCLUSIVELY AT PRIVATE EXPENSE OR WITH MIXED
21 FUNDING.—Notwithstanding subparagraphs (B) and
22 (E), the United States shall have government pur-
23 pose rights in technical data pertaining to a major
24 system interface developed exclusively at private ex-
25 pense or in part with Federal funds and in part at

1 private expense and used in a modular open system
2 approach pursuant to section 2446a of this title, ex-
3 cept in any case in which the Secretary of Defense
4 determines that negotiation of different rights in
5 such technical data would be in the best interest of
6 the United States. Such major system interface shall
7 be identified in the contract solicitation and the con-
8 tract. For technical data pertaining to a major sys-
9 tem interface developed exclusively at private ex-
10 pense for which the United States asserts govern-
11 ment purpose rights, the Secretary of Defense shall
12 negotiate with the contractor the appropriate and
13 reasonable compensation for such technical data.”.

14 (c) AMENDMENT RELATING TO DEFERRED ORDER-
15 ING.—Subsection (b)(9) of section 2320 of such title is
16 amended—

17 (1) by striking “at any time” and inserting “,
18 until the date occurring six years after acceptance of
19 the last item (other than technical data) under a
20 contract or the date of contract termination, which-
21 ever is later,”;

22 (2) by striking “or utilized in the performance
23 of a contract” and inserting “in the performance of
24 the contract”; and

1 (3) by striking clause (ii) of subparagraph (B)
2 and inserting the following:

3 “(ii) is described in subparagraphs
4 (D)(i)(II), (F), and (G) of subsection
5 (a)(2); and”.

6 (d) DEFINITIONS.—Section 2320 of such title is fur-
7 ther amended—

8 (1) in subsection (f), by inserting “COVERED
9 GOVERNMENT SUPPORT CONTRACTOR DEFINED.—”
10 before “In this section”; and

11 (2) by adding at the end the following new sub-
12 section:

13 “(g) ADDITIONAL DEFINITIONS.—In this section, the
14 terms ‘major system component’, ‘major system interface’,
15 and ‘modular open system approach’ have the meanings
16 provided in section 2446a of this title.”.

17 (e) AMENDMENTS TO ADD CERTAIN HEADINGS FOR
18 READABILITY.—Section 2320(a) of such title is further
19 amended—

20 (1) in subparagraph (A) of paragraph (2), by
21 inserting after “(A)” the following: “DEVELOPMENT
22 EXCLUSIVELY WITH FEDERAL FUNDS.—”;

23 (2) in subparagraph (B) of such paragraph, by
24 inserting after “(B)” the following: “DEVELOPMENT
25 EXCLUSIVELY AT PRIVATE EXPENSE.—”;

1 (3) in subparagraph (C) of such paragraph, by
2 inserting after “(C)” the following: “EXCEPTION TO
3 SUBPARAGRAPH (B).—”;

4 (4) in subparagraph (D) of such paragraph, by
5 inserting after “(D)” the following: “EXCEPTION TO
6 SUBPARAGRAPH (B).—”; and

7 (5) in subparagraph (E) of such paragraph, by
8 inserting after “(E)” the following: “DEVELOPMENT
9 WITH MIXED FUNDING.—”.

10 (f) GOVERNMENT-INDUSTRY ADVISORY PANEL
11 AMENDMENTS.—Section 813(b) of the National Defense
12 Authorization Act for Fiscal Year 2016 (Public Law 114–
13 92; 129 Stat. 892) is amended—

14 (1) by adding at the end of paragraph (1) the
15 following: “The panel shall develop recommendations
16 for changes to sections 2320 and 2321 of title 10,
17 United States Code, and the regulations imple-
18 menting such sections.”;

19 (2) in paragraph (3)—

20 (A) by redesignating subparagraphs (D)
21 and (E) as subparagraphs (E) and (F), respec-
22 tively; and

23 (B) by inserting after subparagraph (C)
24 the following new subparagraph (D):

1 “(D) Ensuring that the Department of De-
2 fense and Department of Defense contractors
3 have the technical data rights necessary to sup-
4 port the modular open system approach require-
5 ment set forth in section 2446a of title 10,
6 United States Code, taking into consideration
7 the distinct characteristics of major system
8 platforms, major system interfaces, and major
9 system components developed exclusively with
10 Federal funds, exclusively at private expense,
11 and with a combination of Federal funds and
12 private expense.”; and

13 (3) by amending paragraph (4) to read as fol-
14 lows:

15 “(4) FINAL REPORT.—Not later than February
16 1, 2017, the advisory panel shall submit its final re-
17 port and recommendations to the Secretary of De-
18 fense and the congressional defense committees. Not
19 later than 60 days after receiving the report, the
20 Secretary shall submit any comments or rec-
21 ommendations to the congressional defense commit-
22 tees.”.

1 **Subtitle C—Amendments to Gen-**
2 **eral Contracting Authorities,**
3 **Procedures, and Limitations**

4 **SEC. 811. MODIFIED RESTRICTIONS ON UNDEFINITIZED**
5 **CONTRACTUAL ACTIONS.**

6 Section 2326 of title 10, United States Code, is
7 amended—

8 (1) in subsection (e)—

9 (A) by redesignating paragraphs (1) and
10 (2) as subparagraphs (A) and (B);

11 (B) by inserting “(1)” before “The head”;
12 and

13 (C) by adding at the end the following new
14 paragraph:

15 “(2) If a contractor submits a qualifying proposal to
16 definitize an undefinitized contractual action and the con-
17 tracting officer for such action definitizes the contract
18 after the end of the 180-day period beginning on the date
19 on which the contractor submitted the qualifying proposal,
20 the head of the agency concerned shall ensure that the
21 profit allowed on the contract accurately reflects the cost
22 risk of the contractor as such risk existed on the date the
23 contractor submitted the qualifying proposal.”;

24 (2) by redesignating subsections (f) and (g) as
25 subsections (h) and (i), respectively;

1 (3) by inserting after subsection (e) the fol-
2 lowing new subsections:

3 “(f) TIME LIMIT.—No undefinitized contractual ac-
4 tion may extend beyond 90 days without a written deter-
5 mination by the Secretary of the military department con-
6 cerned, the head of the Defense Agency concerned, the
7 commander of the combatant command concerned, or the
8 Under Secretary of Defense for Acquisition, Technology,
9 and Logistics (as applicable) that it is in the best interests
10 of the military department, the Defense Agency, the com-
11 batant command, or the Department of Defense, respec-
12 tively, to continue the action.

13 “(g) FOREIGN MILITARY CONTRACTS.—(1) Except
14 as provided in paragraph (2), a contracting officer of the
15 Department of Defense may not enter into an
16 undefinitized contractual action for a foreign military sale
17 unless the contractual action provides for agreement upon
18 contractual terms, specifications, and price by the end of
19 the 180-day period described in subsection (b)(1)(A).

20 “(2) The requirement under paragraph (1) may be
21 waived in accordance with subsection (b)(4).”; and

22 (4) in subsection (i), as redesignated by para-
23 graph (2)—

24 (A) in paragraph (1)—

25 (i) by striking subparagraph (A); and

1 (ii) by redesignating subparagraphs
2 (B), (C), and (D) as subparagraphs (A),
3 (B), and (C), respectively; and
4 (B) in paragraph (2), by striking “com-
5 plete and meaningful audits” and all that fol-
6 lows through the period and inserting “a mean-
7 ingful audit of the information contained in the
8 proposal.”.

9 **SEC. 812. AMENDMENTS RELATING TO INVENTORY AND**
10 **TRACKING OF PURCHASES OF SERVICES.**

11 (a) **INCREASED THRESHOLD.**—Subsection (a) of sec-
12 tion 2330a of title 10, United States Code, is amended
13 by striking “in excess of the simplified acquisition thresh-
14 old” and inserting “in excess of \$3,000,000”.

15 (b) **SPECIFICATION OF SERVICES.**—Subsection (a) of
16 such section is further amended by striking the period at
17 the end and inserting the following: “, for services in the
18 following service acquisition portfolio groups:

19 “(1) Logistics management services.

20 “(2) Equipment related services.

21 “(3) Knowledge-based services.

22 “(4) Electronics and communications services.”.

23 (c) **INVENTORY SUMMARY.**—Subsection (c) of such
24 section is amended—

1 (1) by striking “(c) INVENTORY.—” and insert-
2 ing “(c) INVENTORY SUMMARY.—”; and

3 (2) in paragraph (1), by striking “submit to
4 Congress an annual inventory” and all that follows
5 through “for or on behalf” and inserting “prepare
6 an annual inventory, and submit to Congress a sum-
7 mary of the inventory, of activities performed during
8 the preceding fiscal year pursuant to staff aug-
9 mentation contracts on behalf”.

10 (d) ELIMINATION OF CERTAIN REQUIREMENTS.—

11 Such section is further amended—

12 (1) by striking subsections (d), (g), and (h);
13 and

14 (2) by redesignating subsections (e), (f), (i),
15 and (j) as subsections (d), (e), (g), and (h), respec-
16 tively.

17 (e) SPECIFICATION OF SERVICES TO BE RE-
18 VIEWED.—Subsection (d), as so redesignated, of such sec-

19 tion, is amended in paragraph (1) by inserting after “re-
20 sponsible” the following: “, with particular focus and at-

21 tention on the following categories of high-risk product
22 service codes (also referred to as Federal supply codes):

23 “(A) Special studies or analysis that is not
24 research and development.

1 “(B) Information technology and tele-
2 communications.

3 “(C) Support, including professional, ad-
4 ministrative, and management.”.

5 (f) COMPROLLER GENERAL REPORT.—Such section
6 is further amended by inserting after subsection (e), as
7 so redesignated, the following new subsection (f):

8 “(f) COMPROLLER GENERAL REPORT.—Not later
9 than March 31, 2018, the Comptroller General of the
10 United States shall submit to the congressional defense
11 committees a report on the status of the data collection
12 required in subsection (a) and an assessment of the efforts
13 by the Department of Defense to implement subsection
14 (e).”.

15 (g) DEFINITIONS.—Subsection (h), as so redesi-
16 gnated, of such section is amended by adding at the end
17 the following new paragraphs:

18 “(6) The term ‘service acquisition portfolio
19 groups’ means the groups identified in Department
20 of Defense Instruction 5000.74, Defense Acquisition
21 of Services (January 5, 2016) or successor guidance.

22 “(7) The term ‘staff augmentation contracts’
23 means services contracts for personnel who are phys-
24 ically present in a Government work space on a full-
25 time or permanent part-time basis, for the purpose

1 of advising on, providing support to, or assisting a
2 Government agency in the performance of the agen-
3 cy's missions, including authorized personal services
4 contracts (as that term is defined in section
5 2330a(g)(5) of this title).”.

6 **SEC. 813. USE OF LOWEST PRICE TECHNICALLY ACCEPT-**
7 **ABLE SOURCE SELECTION PROCESS.**

8 (a) STATEMENT OF POLICY.—It shall be the policy
9 of the Department of Defense to avoid using lowest price
10 technically acceptable source selection criteria in cir-
11 cumstances that would deny the Department the benefits
12 of cost and technical tradeoffs in the source selection proc-
13 ess.

14 (b) REVISION OF DEFENSE FEDERAL ACQUISITION
15 REGULATION SUPPLEMENT.—Not later than 120 days
16 after the date of the enactment of this Act, the Secretary
17 of Defense shall revise the Defense Federal Acquisition
18 Regulation Supplement to require that, for solicitations
19 issued on or after the date that is 120 days after the date
20 of the enactment of this Act, lowest price technically ac-
21 ceptable source selection criteria are used only in situa-
22 tions in which—

23 (1) the Department of Defense is able to com-
24 prehensively and clearly describe the minimum re-
25 quirements expressed in terms of performance objec-

1 tives, measures, and standards that will be used to
2 determine acceptability of offers;

3 (2) the Department of Defense would realize
4 no, or minimal, value from a contract proposal ex-
5 ceeding the minimum technical or performance re-
6 quirements set forth in the request for proposal;

7 (3) the proposed technical approaches will re-
8 quire no, or minimal, subjective judgment by the
9 source selection authority as to the desirability of
10 one offeror's proposal versus a competing proposal;

11 (4) the source selection authority has a high de-
12 gree of confidence that a review of technical pro-
13 posals of offerors other than the lowest bidder would
14 not result in the identification of factors that could
15 provide value or benefit to the Department;

16 (5) the contracting officer has included a jus-
17 tification for the use of a lowest price technically ac-
18 ceptable evaluation methodology in the contract file;
19 and

20 (6) the Department of Defense has determined
21 that the lowest price reflects full life-cycle costs, in-
22 cluding for operations and support.

23 (c) AVOIDANCE OF USE OF LOWEST PRICE TECH-
24 NICALLY ACCEPTABLE SOURCE SELECTION CRITERIA IN
25 CERTAIN PROCUREMENTS.—To the maximum extent

1 practicable, the use of lowest price technically acceptable
2 source selection criteria shall be avoided in the case of a
3 procurement that is predominately for the acquisition of—

4 (1) information technology services, cybersecu-
5 rity services, systems engineering and technical as-
6 sistance services, advanced electronic testing, audit
7 or audit readiness services, or other knowledge-based
8 professional services;

9 (2) personal protective equipment; or

10 (3) knowledge-based training or logistics serv-
11 ices in contingency operations or other operations
12 outside the United States, including in Afghanistan
13 or Iraq.

14 (d) REPORTING.—Not later than December 1, 2017,
15 and annually thereafter for three years, the Comptroller
16 General of the United States shall submit to the congres-
17 sional defense committees a report on the number of in-
18 stances in which lowest price technically acceptable source
19 selection criteria is used for a contract exceeding
20 \$10,000,000, including an explanation of how the situa-
21 tions listed in subsection (b) were considered in making
22 a determination to use lowest price technically acceptable
23 source selection criteria.

1 **SEC. 814. PROCUREMENT OF PERSONAL PROTECTIVE**
2 **EQUIPMENT.**

3 (a) LIMITATION.—Not later than 90 days after the
4 date of the enactment of this Act, the Defense Federal
5 Acquisition Regulation Supplement shall be revised—

6 (1) to prohibit the use by the Department of
7 Defense of reverse auctions or lowest price tech-
8 nically acceptable contracting methods for the pro-
9 curement of personal protective equipment if the
10 level of quality or failure of the item could result in
11 combat casualties; and

12 (2) to establish a preference for the use of best
13 value contracting methods for the procurement of
14 such equipment.

15 (b) CONFORMING AMENDMENT.—Section 884 of the
16 National Defense Authorization Act for Fiscal Year 2016
17 (Public Law 114–92; 129 Stat. 948; 10 U.S.C. 2302 note)
18 is hereby repealed.

19 **SEC. 815. AMENDMENTS RELATED TO DETECTION AND**
20 **AVOIDANCE OF COUNTERFEIT ELECTRONIC**
21 **PARTS.**

22 Section 818 of the National Defense Authorization
23 Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C.
24 2302 note) is amended—

25 (1) in paragraph (3) of subsection (c)—

1 (A) by striking the heading and inserting
2 “SUPPLIERS MEETING ANTICOUNTERFEITING
3 REQUIREMENTS.—”;

4 (B) in subparagraph (A)(i), by striking
5 “trusted suppliers in accordance with regula-
6 tions issued pursuant to subparagraph (C) or
7 (D) who” and inserting “suppliers that meet
8 anticounterfeiting requirements in accordance
9 with regulations issued pursuant to subpara-
10 graph (C) or (D) and that”;

11 (C) in subparagraphs (A)(ii) and (A)(iii),
12 by striking “trusted suppliers” each place it ap-
13 pears and inserting “suppliers that meet
14 anticounterfeiting requirements”;

15 (D) in subparagraph (C), by striking “as
16 trusted suppliers those” and inserting “sup-
17 pliers”;

18 (E) in subparagraph (D) in the matter
19 preceding clause (i), by striking “trusted sup-
20 pliers” and inserting “suppliers that meet
21 anticounterfeiting requirements”; and

22 (F) in subparagraphs (D)(i) and (D)(iii),
23 by striking “trusted” each place it appears; and
24 (2) in subsection (e)(2)(A)(v), by striking “use
25 of trusted suppliers” and inserting “the use of sup-

1 pliers that meet applicable anticounterfeiting re-
2 quirements”.

3 **SEC. 816. AMENDMENTS TO SPECIAL EMERGENCY PRO-**
4 **CUREMENT AUTHORITY.**

5 Section 1903(a) of title 41, United States Code, is
6 amended—

7 (1) by striking “or” at the end of paragraph
8 (1);

9 (2) by striking the period at the end of para-
10 graph (2) and inserting a semicolon; and

11 (3) by adding after paragraph (2) the following
12 new paragraphs:

13 “(3) in support of a request from the Secretary
14 of State or the Administrator of the United States
15 Agency for International Development to facilitate
16 the provision of international disaster assistance
17 pursuant to chapter 9 of part I of the Foreign As-
18 sistance Act of 1961 (22 U.S.C. 2292 et seq.); or

19 “(4) in support of an emergency or major dis-
20 aster (as those terms are defined in section 102 of
21 the Robert T. Stafford Disaster Relief and Emer-
22 gency Assistance Act (42 U.S.C. 5122)).”.

1 **SEC. 817. COMPLIANCE WITH DOMESTIC SOURCE REQUIRE-**
2 **MENTS FOR FOOTWEAR FURNISHED TO EN-**
3 **LISTED MEMBERS OF THE ARMED FORCES**
4 **UPON THEIR INITIAL ENTRY INTO THE**
5 **ARMED FORCES.**

6 Section 418 of title 37, United States Code, is
7 amended by adding at the end the following new sub-
8 section:

9 “(d)(1) In the case of athletic footwear needed by
10 members of the Army, Navy, Air Force, or Marine Corps
11 upon their initial entry into the armed forces, the Sec-
12 retary of Defense shall furnish such footwear directly to
13 the members instead of providing a cash allowance to the
14 members for the purchase of such footwear.

15 “(2) In procuring athletic footwear to comply with
16 paragraph (1), the Secretary of Defense shall—

17 “(A) procure athletic footwear that complies
18 with the requirements of section 2533a of title 10,
19 without regard to the applicability of any simplified
20 acquisition threshold under chapter 137 of title 10
21 (or any other provision of law); and

22 “(B) procure additional athletic footwear, for
23 two years following the date of the enactment of the
24 National Defense Authorization Act for Fiscal Year
25 2017, that is necessary to provide a member de-
26 scribed in paragraph (1) with sufficient choices in

1 athletic shoes so as to minimize the incidence of ath-
2 letic injuries and potential unnecessary harm and
3 risk to the safety and well-being of members in ini-
4 tial entry training.

5 “(3) This subsection does not prohibit the provision
6 of a cash allowance to a member described in paragraph
7 (1) for the purchase of athletic footwear if such foot-
8 wear—

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

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

13 **SEC. 818. EXTENSION OF AUTHORITY FOR ENHANCED**
14 **TRANSFER OF TECHNOLOGY DEVELOPED AT**
15 **DEPARTMENT OF DEFENSE LABORATORIES.**

16 Section 801(e) of the National Defense Authorization
17 Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat.
18 804; 10 U.S.C. 2514 note) is amended by striking “2017”
19 and inserting “2021”.

20 **SEC. 819. MODIFIED NOTIFICATION REQUIREMENT FOR EX-**
21 **ERCISE OF WAIVER AUTHORITY TO ACQUIRE**
22 **VITAL NATIONAL SECURITY CAPABILITIES.**

23 Subsection (d) of section 806 of the National Defense
24 Authorization Act for Fiscal Year 2016 (Public Law 114–
25 92; 10 U.S.C. 2302 note) is amended to read as follows:

1 “(d) NOTIFICATION REQUIREMENT.—Not later than
2 10 days after exercising the waiver authority under sub-
3 section (a), the Secretary of Defense shall provide a writ-
4 ten notification to Congress providing the details of the
5 waiver and the expected benefits it provides to the Depart-
6 ment of Defense.”.

7 **SEC. 820. DEFENSE COST ACCOUNTING STANDARDS.**

8 (a) AMENDMENTS TO THE COST ACCOUNTING
9 STANDARDS BOARD.—

10 (1) IN GENERAL.—Section 1501 of title 41,
11 United States Code, is amended—

12 (A) in subsection (b)(1)(B)(ii), by inserting
13 “and, if possible, is a representative of a public
14 accounting firm” after “systems”;

15 (B) by redesignating subsections (c)
16 through (f) as subsections (f) through (i), re-
17 spectively;

18 (C) by inserting after subsection (b) the
19 following new subsections:

20 “(c) DUTIES.—The Board shall—

21 “(1) ensure that the cost accounting standards
22 used by Federal contractors rely, to the maximum
23 extent practicable, on commercial standards and ac-
24 counting practices and systems;

1 “(2) within one year after the date of enact-
2 ment of this subsection, and on an ongoing basis
3 thereafter, review any cost accounting standards es-
4 tablished under section 1502 of this title and con-
5 form such standards, where practicable, to Generally
6 Accepted Accounting Principles; and

7 “(3) annually review disputes involving such
8 standards brought to the boards established in sec-
9 tion 7105 of this title or Federal courts, and con-
10 sider whether greater clarity in such standards could
11 avoid such disputes.

12 “(d) MEETINGS.—The Board shall meet not less than
13 once each quarter and shall publish in the Federal Reg-
14 ister notice of each meeting and its agenda before such
15 meeting is held.

16 “(e) REPORT.—The Board shall annually submit a
17 report to the congressional defense committees, the Com-
18 mittee on Oversight and Government Reform of the House
19 of Representatives, and the Committee on Homeland Se-
20 curity and Governmental Affairs of the Senate describing
21 the actions taken during the prior year—

22 “(1) to conform the cost accounting standards
23 established under section 1502 of this title with
24 Generally Accepted Accounting Principles; and

1 “(2) to minimize the burden on contractors
2 while protecting the interests of the Federal Govern-
3 ment.”; and

4 (D) by amending subsection (f) (as so re-
5 designated) to read as follows:

6 “(f) SENIOR STAFF.—The Administrator, after con-
7 sultation with the Board—

8 “(1) without regard to the provisions of title 5
9 governing appointments in the competitive service—

10 “(A) shall appoint an executive secretary;
11 and

12 “(B) may appoint, or detail pursuant to
13 section 3341 of title 5, two additional staff
14 members; and

15 “(2) may pay those employees without regard
16 to the provisions of chapter 51 and subchapter III
17 of chapter 53 of title 5 relating to classification and
18 General Schedule pay rates, except that those em-
19 ployees may not receive pay in excess of the max-
20 imum rate of basic pay payable for level IV of the
21 Executive Schedule.”.

22 (2) VALUE OF CONTRACTS ELIGIBLE FOR WAIV-
23 ER.—Section 1502(b)(3)(A) of title 41, United
24 States Code, is amended by striking “\$15,000,000”
25 and inserting “\$100,000,000”.

1 (3) CONFORMING AMENDMENTS.—Section
2 1501(i) of title 41, United States Code (as redesign-
3 nated by paragraph (1)), is amended—

4 (A) in paragraph (1), by striking “sub-
5 section (e)(1)” and inserting “subsection
6 (h)(1)”; and

7 (B) in paragraph (3), by striking “sub-
8 section (e)(2)” and inserting “subsection
9 (h)(2)”.

10 (b) DEFENSE COST ACCOUNTING STANDARDS
11 BOARD.—

12 (1) IN GENERAL.—Chapter 7 of title 10, United
13 States Code, is amended by adding at the end the
14 following new section:

15 **“§ 190. Defense Cost Accounting Standards Board**

16 “(a) ORGANIZATION.—The Defense Cost Accounting
17 Standards Board is an independent board in the Office
18 of the Secretary of Defense.

19 “(b) MEMBERSHIP.—(1) The Board consists of seven
20 members. One member is the Chief Financial Officer of
21 the Department of Defense or a designee of the Chief Fi-
22 nancial Officer, who serves as Chairman. The other six
23 members, all of whom shall have experience in contract
24 pricing, finance, or cost accounting, are as follows:

1 “(A) Three representatives of the Department
2 of Defense appointed by the Secretary of Defense;
3 and

4 “(B) Three individuals from the private sector,
5 each of whom is appointed by the Secretary of De-
6 fense, and—

7 “(i) one of whom is a representative of a
8 nontraditional defense contractor (as defined in
9 section 2302(9) of this title); and

10 “(ii) one of whom is a representative from
11 a public accounting firm.

12 “(2) A member appointed under paragraph (1)(A)
13 may not continue to serve after ceasing to be an officer
14 or employee of the Department of Defense.

15 “(c) DUTIES OF THE CHAIRMAN.—The Chief Finan-
16 cial Officer of the Department of Defense, after consulta-
17 tion with the Defense Cost Accounting Standards Board,
18 shall prescribe rules and procedures governing actions of
19 the Board under this section.

20 “(d) DUTIES.—The Defense Cost Accounting Stand-
21 ards Board—

22 “(1) shall review cost accounting standards es-
23 tablished under section 1502 of title 41 and rec-
24 ommend changes to such cost accounting standards

1 to the Cost Accounting Standards Board established
2 under section 1501 of such title;

3 “(2) has exclusive authority, with respect to the
4 Department of Defense, to implement such cost ac-
5 counting standards to achieve uniformity and con-
6 sistency in the standards governing measurement,
7 assignment, and allocation of costs to contracts with
8 the Department of Defense; and

9 “(3) shall develop standards to ensure that
10 commercial operations performed by Government
11 employees at the Department of Defense adhere to
12 cost accounting standards (based on cost accounting
13 standards established under section 1502 of title 41
14 or Generally Accepted Accounting Principles) that
15 inform managerial decisionmaking.

16 “(e) COMPENSATION.—(1) Members of the Defense
17 Cost Accounting Standards Board who are officers or em-
18 ployees of the Department of Defense shall not receive ad-
19 ditional compensation for services but shall continue to be
20 compensated by the Department of Defense.

21 “(2) Each member of the Board appointed from the
22 private sector shall receive compensation at a rate not to
23 exceed the daily equivalent of the rate for level IV of the
24 Executive Schedule for each day (including travel time)

1 in which the member is engaged in the actual performance
2 of duties vested in the Board.

3 “(3) While serving away from home or regular place
4 of business, Board members and other individuals serving
5 on an intermittent basis shall be allowed travel expenses
6 in accordance with section 5703 of title 5.

7 “(f) AUDITING REQUIREMENTS.—(1) Notwith-
8 standing any other provision of law, contractors with the
9 Department of Defense may present, and the Defense
10 Contract Audit Agency shall accept without performing
11 additional audits, a summary of audit findings prepared
12 by a commercial auditor if—

13 “(A) the auditor previously performed an audit
14 of the allowability, measurement, assignment to ac-
15 counting periods, and allocation of indirect costs of
16 the contractor; and

17 “(B) such audit was performed using relevant
18 commercial accounting standards (such as Generally
19 Accepted Accounting Principles) and relevant com-
20 mercial auditing standards established by the com-
21 mercial auditing industry for the relevant accounting
22 period.

23 “(2) The Defense Contract Audit Agency may audit
24 direct costs of Department of Defense cost contracts and
25 shall rely on commercial audits of indirect costs without

1 performing additional audits, except that in the case of
2 companies or business units that have a predominance of
3 cost-type contracts as a percentage of sales, the Defense
4 Contract Audit Agency may audit both direct and indirect
5 costs.”.

6 (2) CLERICAL AMENDMENT.—The table of sec-
7 tions at the beginning of chapter 7 of such title is
8 amended by adding after the item relating to section
9 189 the following new item:

“190. Defense Cost Accounting Standards Board.”.

10 (c) REPORT.—Not later than December 31, 2019, the
11 Comptroller General of the United States shall submit to
12 the congressional defense committees a report on the ade-
13 quacy of the method used by the Cost Accounting Stand-
14 ards Board established under section 1501 of title 41,
15 United States Code, to apply cost accounting standards
16 to indirect and fixed price incentive contracts.

17 (d) EFFECTIVE DATE.—The amendments made by
18 this section shall take effect on October 1, 2018.

19 **SEC. 821. INCREASED MICRO-PURCHASE THRESHOLD AP-**
20 **PLICABLE TO DEPARTMENT OF DEFENSE**
21 **PROCUREMENTS.**

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

1 **“§ 2338. Micro-purchase threshold**

2 “Notwithstanding subsection (a) of section 1902 of
3 title 41, the micro-purchase threshold for the Department
4 of Defense for purposes of such section is \$5,000.”.

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

“2338. Micro-purchase threshold.”.

8 **SEC. 822. ENHANCED COMPETITION REQUIREMENTS.**

9 Section 2306a of title 10, United States Code, is
10 amended—

11 (1) in subsection (a)(1)(A), by inserting “that
12 is only expected to receive one bid” after “entered
13 into using procedures other than sealed-bid proce-
14 dures”; and

15 (2) in subsection (b)—

16 (A) in paragraph (1)(A)(i), by striking
17 “price competition” and inserting “competition
18 that results in at least two or more responsive
19 and viable competing bids”; and

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

22 “(6) DETERMINATION BY PRIME CON-
23 TRACTOR.—A prime contractor required to submit
24 certified cost or pricing data under subsection (a)
25 with respect to a prime contract shall be responsible

1 for determining whether a subcontract under such
2 contract qualifies for an exception under paragraph
3 (1)(A) from such requirement.”.

4 **SEC. 823. REVISION TO EFFECTIVE DATE OF SENIOR EXEC-**
5 **UTIVE BENCHMARK COMPENSATION FOR AL-**
6 **LOWABLE COST LIMITATIONS.**

7 (a) **REPEAL OF RETROACTIVE APPLICABILITY.**—Sec-
8 tion 803(c) of the National Defense Authorization Act for
9 Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1485;
10 10 U.S.C. 2324 note) is amended by striking “amend-
11 ments made by” and all that follows and inserting
12 “amendments made by this section shall apply with re-
13 spect to costs of compensation incurred after January 1,
14 2012, under contracts entered into on or after December
15 31, 2011.”.

16 (b) **APPLICABILITY.**—The amendment made by sub-
17 section (a) shall take effect as of December 31, 2011, and
18 shall apply as if included in the National Defense Author-
19 ization Act for Fiscal Year 2012 as enacted.

20 **SEC. 824. TREATMENT OF INDEPENDENT RESEARCH AND**
21 **DEVELOPMENT COSTS ON CERTAIN CON-**
22 **TRACTS.**

23 (a) **INDEPENDENT RESEARCH AND DEVELOPMENT**
24 **COSTS: ALLOWABLE COSTS.**—

1 (1) IN GENERAL.—Section 2372 of title 10,
2 United States Code, is amended to read as follows:

3 **“§ 2372. Independent research and development**
4 **costs: allowable costs**

5 “(a) REGULATIONS.—The Secretary of Defense shall
6 prescribe regulations governing the payment by the De-
7 partment of Defense of expenses incurred by contractors
8 for independent research and development costs. Such reg-
9 ulations shall provide that expenses incurred for inde-
10 pendent research and development shall be reported inde-
11 pendently from other allowable indirect costs.

12 “(b) COSTS TREATED AS FAIR AND REASONABLE,
13 AND ALLOWABLE, EXPENSES.—The regulations pre-
14 scribed under subsection (a) shall provide that inde-
15 pendent research and development costs shall be consid-
16 ered a fair and reasonable, and allowable, indirect expense
17 on Department of Defense contracts.

18 “(c) ADDITIONAL CONTROLS.—Subject to subsection
19 (d), the regulations prescribed under subsection (a) may
20 include the following provisions:

21 “(1) Controls on the reimbursement of costs to
22 the contractor for expenses incurred for independent
23 research and development to ensure that such costs
24 were incurred for independent research and develop-
25 ment.

1 “(2) Implementation of regular methods for
2 transmission—

3 “(A) from the Department of Defense to
4 contractors, in a reasonable manner, of timely
5 and comprehensive information regarding
6 planned or expected needs of the Department of
7 Defense for future technology and advanced ca-
8 pability; and

9 “(B) from contractors to the Department
10 of Defense, in a reasonable manner, of informa-
11 tion regarding progress by the contractor on the
12 independent research and development pro-
13 grams of the contractor.

14 “(d) LIMITATIONS ON REGULATIONS.—Regulations
15 prescribed under subsection (a) may not include provisions
16 that would infringe on the independence of a contractor
17 to choose which technologies to pursue in its independent
18 research and development program if the chief executive
19 officer of the contractor determines that expenditures will
20 advance the needs of the Department of Defense for fu-
21 ture technology and advanced capability as transmitted
22 pursuant to subsection (c)(3)(A).

23 “(e) EFFECTIVE DATE.—The regulations prescribed
24 under subsection (a) shall apply to indirect costs incurred
25 on or after October 1, 2017.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of chapter 139 is amended by
3 striking the item relating to section 2372 and insert-
4 ing the following new item:

“2372. Independent research and development costs: allowable costs”.

5 (b) BID AND PROPOSAL COSTS: ALLOWABLE
6 COSTS.—

7 (1) IN GENERAL.—Chapter 139 of title 10,
8 United States Code, is amended by inserting after
9 section 2372 the following new section:

10 **“§ 2372a. Bid and proposal costs: allowable costs**

11 “(a) REGULATIONS.—The Secretary of Defense shall
12 prescribe regulations governing the payment by the De-
13 partment of Defense of expenses incurred by contractors
14 for bid and proposal costs. Such regulations shall provide
15 that expenses incurred for bid and proposal costs shall be
16 reported independently from other allowable indirect costs.

17 “(b) COSTS ALLOWABLE AS INDIRECT EXPENSES.—
18 The regulations prescribed under subsection (a) shall pro-
19 vide that bid and proposal costs shall be allowable as indi-
20 rect expenses on covered contracts, as defined in section
21 2324(l) of this title, to the extent that those costs are allo-
22 cable, reasonable, and not otherwise unallowable by law
23 or under the Federal Acquisition Regulation.

24 “(c) GOAL FOR REIMBURSABLE BID AND PROPOSAL
25 COSTS.—The Secretary shall establish a goal each fiscal

1 year limiting the amount of reimbursable bid and proposal
2 costs paid by the Department of Defense to an amount
3 equal to not more than one percent of the total aggregate
4 industry sales to the Department of Defense. To achieve
5 such goal, the Secretary may not limit the payment of al-
6 lowable bid and proposal costs for the covered year.

7 “(d) PANEL.—(1) If the Department of Defense ex-
8 ceeds the goal established under subsection (c) for a fiscal
9 year, within 180 days after exceeding the goal, the Sec-
10 retary shall establish an advisory panel. The panel shall
11 be supported by the Defense Acquisition University and
12 the National Defense University, including administrative
13 support.

14 “(2) The panel shall be composed of nine individuals
15 who are recognized experts in acquisition and procurement
16 policy appointed by the Secretary. In making such ap-
17 pointments, the Secretary shall ensure that the members
18 of the panel reflect diverse experiences in the public and
19 private sector.

20 “(3) The panel shall review laws, regulations, and
21 practices that contribute to the expenses incurred by con-
22 tractors for bids and proposals in the fiscal year concerned
23 and recommend changes to such laws, regulations, and
24 practices that may reduce expenses incurred by contrac-
25 tors for bids and proposals.

1 “(4)(A) Not later than six months after the establish-
2 ment of the panel, the panel shall submit to the Secretary
3 and the congressional defense committees an interim re-
4 port on the findings of the panel.

5 “(B) Not later than one year after the estab-
6 lishment of the panel, the panel shall submit to the
7 Secretary and the congressional defense committees
8 a final report on the findings of the panel.

9 “(5) The panel shall terminate on the day the panel
10 submits the final report under paragraph (4)(B).

11 “(6) The Secretary of Defense may use amounts
12 available in the Department of Defense Acquisition Work-
13 force Development Fund established under section 1705
14 of this title to support the activities of the panel estab-
15 lished under this subsection.

16 “(e) EFFECTIVE DATE.—The regulations prescribed
17 under subsection (a) shall apply to indirect costs incurred
18 on or after October 1, 2017.”.

19 (2) CLERICAL AMENDMENT.—The table of sec-
20 tions at the beginning of chapter 139 of such title
21 is amended by inserting the following new item:

“2372a. Bid and proposal costs: allowable costs”.

22 (c) REPORT ON ELEMENTS CONTRIBUTING TO EX-
23 PENSES INCURRED BY CONTRACTORS FOR BIDS AND
24 PROPOSALS.—

1 (1) IN GENERAL.—Not later than 90 days after
2 the date of the enactment of this Act, the Secretary
3 of Defense shall enter into a contract with an inde-
4 pendent entity to study the laws, regulations, and
5 practices relating to expenses incurred by contrac-
6 tors for bids and proposals.

7 (2) REPORT.—Not later than 180 days after re-
8 ceipt of the contract required by paragraph (1), the
9 independent entity shall submit to the Department
10 of Defense and the congressional defense committees
11 a report on the laws, regulations, or practices relat-
12 ing to expenses incurred by contractors for bids and
13 recommendations for changes to such laws, regula-
14 tions, or practices that may reduce expenses in-
15 curred by contractors for bids and proposals.

16 (d) DEFENSE CONTRACT AUDIT AGENCY: ANNUAL
17 REPORT.—

18 (1) IN GENERAL.—Subsection (a) of section
19 2313a of title 10, United States Code, is amended—

20 (A) by redesignating paragraphs (4) and
21 (5) as paragraphs (6) and (7), respectively; and

22 (B) by inserting after paragraph (3) the
23 following new paragraphs:

24 “(3) a summary, set forth separately by dollar
25 amount and percentage, of indirect costs for inde-

1 pendent research and development incurred by con-
2 tractors in the previous fiscal year;

3 “(4) a summary, set forth separately by dollar
4 amount and percentage, of indirect costs for bid and
5 proposal costs incurred by contractors in the pre-
6 vious fiscal year;”.

7 (2) EFFECTIVE DATE.—The amendments made
8 by this subsection shall take effect on October 1,
9 2018.

10 **SEC. 825. EXCEPTION TO REQUIREMENT TO INCLUDE COST**
11 **OR PRICE TO THE GOVERNMENT AS A FAC-**
12 **TOR IN THE EVALUATION OF PROPOSALS**
13 **FOR CERTAIN MULTIPLE-AWARD TASK OR**
14 **DELIVERY ORDER CONTRACTS.**

15 (a) EXCEPTION TO REQUIREMENT TO INCLUDE COST
16 OR PRICE AS FACTOR.—Section 2305(a)(3) of title 10,
17 United States Code, is amended—

18 (1) in subparagraph (A)—

19 (A) in clause (i), by inserting “(except as
20 provided in subparagraph (C))” after “shall”;
21 and

22 (B) in clause (ii), by inserting “(except as
23 provided in subparagraph (C))” after “shall”;
24 and

1 (2) by adding at the end the following new sub-
2 paragraphs:

3 “(C) If the head of an agency issues a solicita-
4 tion for multiple task or delivery order contracts
5 under section 2304a(d)(1)(B) of this title for the
6 same or similar services and intends to make a con-
7 tract award to each qualifying offeror—

8 “(i) cost or price to the Federal Govern-
9 ment need not, at the Government’s discretion,
10 be considered under clause (ii) of subparagraph
11 (A) as an evaluation factor for the contract
12 award; and

13 “(ii) if, pursuant to clause (i), cost or price
14 to the Federal Government is not considered as
15 an evaluation factor for the contract award—

16 “(I) the disclosure requirement of
17 clause (iii) of subparagraph (A) shall not
18 apply; and

19 “(II) cost or price to the Federal Gov-
20 ernment shall be considered in conjunction
21 with the issuance pursuant to section
22 2304c(b) of this title of a task or delivery
23 order under any contract resulting from
24 the solicitation.

1 “(D) In subparagraph (C), the term ‘qualifying
2 offeror’ means an offeror that—

3 “(i) is determined to be a responsible
4 source;

5 “(ii) submits a proposal that conforms to
6 the requirements of the solicitation; and

7 “(iii) the contracting officer has no reason
8 to believe would likely offer other than fair and
9 reasonable pricing.

10 “(E) Subparagraph (C) shall not apply to mul-
11 tiple task or delivery order contracts if the solicita-
12 tion provides for sole source task or delivery order
13 contracts pursuant to section 8(a) of the Small
14 Business Act (15 U.S.C. 637(a)).”.

15 (b) AMENDMENT TO PROCEDURES RELATING TO OR-
16 DERS UNDER MULTIPLE-AWARD CONTRACTS.—Section
17 2304c(b) of title 10, United States Code, is amended—

18 (1) in paragraph (3), by striking “or” at the
19 end;

20 (2) in paragraph (4), by striking the period at
21 the end and inserting “; or”; and

22 (3) by adding at the end the following new
23 paragraph:

1 “(5) the task or delivery order satisfies one of
2 the exceptions in section 2304(e) of this title to the
3 requirement to use competitive procedures.”.

4 **SEC. 826. EXTENSION OF PROGRAM FOR COMPREHENSIVE**
5 **SMALL BUSINESS CONTRACTING PLANS.**

6 Section 834(e) of the National Defense Authorization
7 Act for Fiscal Years 1990 and 1991 (15 U.S.C. 637 note)
8 is amended by striking “December 31, 2017” and insert-
9 ing “December 31, 2027”.

10 **SEC. 827. TREATMENT OF SIDE-BY-SIDE TESTING OF CER-**
11 **TAIN EQUIPMENT, MUNITIONS, AND TECH-**
12 **NOLOGIES MANUFACTURED AND DEVELOPED**
13 **UNDER COOPERATIVE RESEARCH AND DE-**
14 **VELOPMENT AGREEMENTS AS USE OF COM-**
15 **PETITIVE PROCEDURES.**

16 Section 2350a(g) of title 10, United States Code, is
17 amended by inserting after paragraph (2) the following
18 new paragraph:

19 “(3) The use of side-by-side testing under this sub-
20 section may be considered to be the use of competitive pro-
21 cedures for purposes of chapter 137 of this title, when pro-
22 curing items within 5 years after an initial determination
23 that the items have been successfully tested and found to
24 satisfy United States military requirements or to correct
25 operational deficiencies.”.

1 **SEC. 828. DEFENSE ACQUISITION CHALLENGE PROGRAM**
2 **AMENDMENTS.**

3 (a) EXPANSION OF SCOPE TO INCLUDE SYSTEMS-OF-
4 SYSTEMS AND FUNCTIONS.—Paragraph (2) of subsection
5 (a) of section 2359b of title 10, United States Code, is
6 amended by striking “or system” and all that follows
7 through the end of the paragraph and inserting the fol-
8 lowing: “system, or system-of-systems level of an existing
9 Department of Defense acquisition program, or to address
10 any broader functional challenge to Department of De-
11 fense missions that may not fall within an acquisition pro-
12 gram, that would result in improvements in performance,
13 affordability, manufacturability, or operational capability
14 of that acquisition program or function.”.

15 (b) TREATMENT OF CHALLENGE PROPOSAL PROCE-
16 DURES AS USE OF COMPETITIVE PROCEDURES.—Such
17 section is further amended—

18 (1) by redesignating subsections (j) and (k) as
19 subsections (k) and (l), respectively; and

20 (2) by inserting after subsection (i) the fol-
21 lowing new subsection:

22 “(j) TREATMENT OF USE OF CERTAIN PROCEDURES
23 AS USE OF COMPETITIVE PROCEDURES.—The use of gen-
24 eral solicitation competitive procedures established under
25 subsection (e) shall be considered to be the use of competi-
26 tive procedures for purposes of chapter 137 of this title.”.

1 (c) EXTENSION OF SUNSET FOR PILOT PROGRAM
2 FOR PROGRAMS OTHER THAN MAJOR DEFENSE ACQUI-
3 TION PROGRAMS.—Such section is further amended in
4 paragraph (5) of subsection (l), as redesignated by sub-
5 section (b)(1) of this subsection, by striking “2016” and
6 inserting “2021”.

7 (d) CONFORMING AMENDMENTS.—Such section is
8 further amended—

9 (1) in subsection (c)(3), by inserting “or func-
10 tions” after “acquisition programs”;

11 (2) in subsection (c)(4)(A)—

12 (A) by striking “and” at the end of clause
13 (i);

14 (B) by striking the period at the end of
15 clause (ii) and inserting “; and”; and

16 (C) by adding at the end the following new
17 clause:

18 “(iii) any functional challenges of importance to
19 Department of Defense missions.”;

20 (3) in subsection (c)(5), by adding at the end
21 the following new subparagraph:

22 “(D) Whether the challenge proposal is
23 likely to result in improvements to any func-
24 tional challenges of importance to Department
25 of Defense missions, and whether the proposal

1 could be implemented rapidly, at an acceptable
2 cost, and without unacceptable disruption to
3 such missions.”; and

4 (4) in subsection (c)(5)(B) and in subsection
5 (e)(1), by striking “or system” and inserting “sys-
6 tem, or system-of-systems”.

7 **SEC. 829. PREFERENCE FOR FIXED-PRICE CONTRACTS.**

8 (a) ESTABLISHMENT OF PREFERENCE.—Not later
9 than 180 days after the date of the enactment of this Act,
10 the Defense Federal Acquisition Regulation Supplement
11 shall be revised to establish a preference for fixed-price
12 contracts, including fixed-price incentive fee contracts, in
13 the determination of contract type.

14 (b) APPROVAL REQUIREMENT FOR CERTAIN COST-
15 TYPE CONTRACTS.—

16 (1) IN GENERAL.—A contracting officer of the
17 Department of Defense may not enter into a cost-
18 type contract described in paragraph (2) unless the
19 contract is approved by the service acquisition execu-
20 tive of the military department concerned, the head
21 of the Defense Agency concerned, the commander of
22 the combatant command concerned, or the Under
23 Secretary of Defense for Acquisition, Technology,
24 and Logistics (as applicable).

1 (2) COVERED CONTRACTS.—A contract de-
2 scribed in this paragraph is—

3 (A) a cost-type contract in excess of
4 \$50,000,000, in the case of a contract entered
5 into on or after October 1, 2018, and before
6 October 1, 2019; and

7 (B) a cost-type contract in excess of
8 \$25,000,000, in the case of a contract entered
9 into on or after October 1, 2019.

10 **SEC. 830. REQUIREMENT TO USE FIRM FIXED-PRICE CON-**
11 **TRACTS FOR FOREIGN MILITARY SALES.**

12 (a) REQUIREMENT.—Not later than 180 days after
13 the date of the enactment of this Act, the Secretary of
14 Defense shall prescribe regulations to require the use of
15 firm fixed-price contracts for foreign military sales.

16 (b) EXCEPTIONS.—The regulations prescribed pursu-
17 ant to subsection (a) shall include exceptions that may be
18 exercised if the foreign country that is the counterparty
19 to a foreign military sale—

20 (1) has established in writing a preference for
21 a different contract type; or

22 (2) requests in writing that a different contract
23 type be used for a specific foreign military sale.

24 (c) WAIVER AUTHORITY.—The regulations pre-
25 scribed pursuant to subsection (a) shall include a waiver

1 that may be exercised by the Secretary of Defense or his
2 designee if the Secretary or his designee determines on
3 a case-by-case basis that a different contract type is in
4 the best interest of the United States and American tax-
5 payers.

6 (d) PILOT PROGRAM FOR ACCELERATION OF FOR-
7 EIGN MILITARY SALES.—

8 (1) IN GENERAL.—The Secretary of Defense
9 shall establish a pilot program to reform and accel-
10 erate the contracting and pricing processes associ-
11 ated with full rate production of major weapon sys-
12 tems for no more than 10 foreign military sales con-
13 tracts by—

14 (A) basing price reasonableness determina-
15 tions on actual cost and pricing data for pur-
16 chases of the same product for the Department
17 of Defense; and

18 (B) reducing the cost and pricing data to
19 be submitted in accordance with section 2306a
20 of title 10, United States Code.

21 (2) EXPIRATION OF AUTHORITY.—Authority for
22 the pilot program under this subsection expires on
23 January 1, 2020.

1 **SEC. 831. PREFERENCE FOR PERFORMANCE-BASED CON-**
2 **TRACT PAYMENTS.**

3 (a) IN GENERAL.—Section 2307(b) of title 10,
4 United States Code, is amended—

5 (1) in the subsection heading, by inserting
6 “PREFERENCE FOR” before “PERFORMANCE-
7 BASED”;

8 (2) by redesignating paragraphs (1), (2), and
9 (3) as subparagraphs (A), (B), and (C), respectively;

10 (3) by striking “Wherever practicable, payment
11 under subsection (a) shall be made” and inserting
12 “(1) Whenever practicable, payments under sub-
13 section (a) shall be made using performance-based
14 payments”; and

15 (4) by adding at the end the following new
16 paragraphs:

17 “(2) Performance-based payments shall not be condi-
18 tioned upon costs incurred in contract performance but
19 on the achievement of performance outcomes listed in
20 paragraph (1).

21 “(3) The Secretary of Defense shall ensure that non-
22 traditional defense contractors and other private sector
23 companies are eligible for performance-based payments,
24 consistent with best commercial practices.

25 “(4)(A) In order to receive performance-based pay-
26 ments, a contractor’s accounting system shall be in com-

1 pliance with Generally Accepted Accounting Principles,
2 and there shall be no requirement for a contractor to de-
3 velop Government-unique accounting systems or practices
4 as a prerequisite for agreeing to receive performance-
5 based payments.

6 “(B) Nothing in this section shall be construed to
7 grant the Defense Contract Audit Agency the authority
8 to audit compliance with Generally Accepted Accounting
9 Principles.”.

10 (b) REGULATIONS.—Not later than 120 days after
11 the date of the enactment of this Act, the Secretary of
12 Defense shall revise the Department of Defense Federal
13 Acquisition Regulation Supplement to conform with sec-
14 tion 2307(b) of title 10, United States Code, as amended
15 by subsection (a).

16 **SEC. 832. CONTRACTOR INCENTIVES TO ACHIEVE SAVINGS**
17 **AND IMPROVE MISSION PERFORMANCE.**

18 Not later than 180 days after the date of the enact-
19 ment of this Act, the Defense Acquisition University shall
20 develop and implement a training program for Depart-
21 ment of Defense acquisition personnel on fixed-priced in-
22 centive fee contracts, public-private partnerships, perform-
23 ance-based contracting, and other authorities in law and
24 regulation designed to give incentives to contractors to

1 achieve long-term savings and improve administrative
2 practices and mission performance.

3 **SEC. 833. SUNSET AND REPEAL OF CERTAIN CONTRACTING**
4 **PROVISIONS.**

5 (a) SUNSETS.—

6 (1) PLANTATIONS AND FARMS: OPERATION,
7 MAINTENANCE, AND IMPROVEMENT.—Section 2421
8 of title 10, United States Code, is amended by add-
9 ing at the end the following new subsection:

10 “(e) SUNSET.—The authority under this section shall
11 terminate on September 30, 2018.”.

12 (2) REQUIREMENT TO ESTABLISH COST, PER-
13 FORMANCE, AND SCHEDULE GOALS FOR MAJOR DE-
14 FENSE ACQUISITION PROGRAMS AND EACH PHASE
15 OF RELATED ACQUISITION CYCLES.—Section 2220
16 of title 10, United States Code, is amended by add-
17 ing at the end the following new subsection:

18 “(e) SUNSET.—The authority under this section shall
19 terminate on September 30, 2018.”.

20 (b) REPEALS.—

21 (1) LIMITATION ON USE OF OPERATION AND
22 MAINTENANCE FUNDS FOR PURCHASE OF INVEST-
23 MENT ITEMS.—

24 (A) IN GENERAL.—Section 2245a of title
25 10, United States Code, is repealed.

1 (B) CLERICAL AMENDMENT.—The table of
2 sections at the beginning of subchapter I of
3 chapter 134 of such title is amended by striking
4 the item relating to section 2245a.

5 (C) CONFORMING AMENDMENT.—Section
6 166a(e)(1)(A) of such title is amended by strik-
7 ing “the investment unit cost threshold in effect
8 under section 2245a of this title” and inserting
9 “\$250,000”.

10 (2) INFORMATION TECHNOLOGY PURCHASES:
11 TRACKING AND MANAGEMENT.—

12 (A) IN GENERAL.—Section 2225 of title
13 10, United States Code, is repealed.

14 (B) CLERICAL AMENDMENT.—The table of
15 sections at the beginning of chapter 131 of such
16 title is amended by striking the item relating to
17 section 2225.

18 (C) CONFORMING AMENDMENTS.—

19 (i) Section 812 of the Floyd D.
20 Spence National Defense Authorization
21 Act for Fiscal Year 2001 (Public Law
22 106–393; 114 Stat. 1654A–213; 10 U.S.C.
23 2225 note) is amended by striking sub-
24 sections (b) and (c).

1 (ii) Section 2330a(j) of title 10,
2 United States Code, is amended—

3 (I) by striking paragraph (2);

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

7 (III) by adding at the end the
8 following new paragraphs:

9 “(5) SIMPLIFIED ACQUISITION THRESHOLD.—

10 The term ‘simplified acquisition threshold’ has the
11 meaning given the term in section 134 of title 41.

12 “(6) SMALL BUSINESS ACT DEFINITIONS.—

13 “(A) The term ‘small business concern’
14 has the meaning given such term under section
15 3 of the Small Business Act (15 U.S.C. 632).

16 “(B) The terms ‘small business concern
17 owned and controlled by socially and economi-
18 cally disadvantaged individuals’ and ‘small busi-
19 ness concern owned and controlled by women’
20 have the meanings given such terms, respec-
21 tively, in section 8(d)(3) of the Small Business
22 Act (15 U.S.C. 637(d)(3)).”

23 (iii) Section 222(d) of the National
24 Defense Authorization Act for Fiscal Year
25 2012 (Public Law 112–81; 10 U.S.C. 2358

1 note) is amended by striking “as defined in
2 section 2225(f)(3)” and inserting “as de-
3 fined in section 2330a(j)”.

4 (3) PROCUREMENT OF COPIER PAPER CON-
5 TAINING SPECIFIED PERCENTAGES OF POST-CON-
6 SUMER RECYCLED CONTENT.—

7 (A) IN GENERAL.—Section 2378 of title
8 10, United States Code, is repealed.

9 (B) CLERICAL AMENDMENT.—The table of
10 sections at the beginning of chapter 140 of such
11 title is amended by striking the item relating to
12 section 2378.

13 (4) LIMITATION ON PROCUREMENT OF TABLE
14 AND KITCHEN EQUIPMENT FOR OFFICERS’ QUAR-
15 TERS.—

16 (A) IN GENERAL.—Section 2387 of title
17 10, United States Code, is repealed.

18 (B) CLERICAL AMENDMENT.—The table of
19 sections at the beginning of chapter 141 of such
20 title is amended by striking the item relating to
21 section 2387.

22 (5) IMPLEMENTATION OF ELECTRONIC COM-
23 MERCE CAPABILITY.—

24 (A) REPEAL.—

1 (i) Section 2302c of title 10, United
2 States Code, is repealed.

3 (ii) Section 2301 of title 41, United
4 States Code, is amended by adding at the
5 end the following new subsection:

6 “(f) INAPPLICABILITY TO DEPARTMENT OF DE-
7 FENSE.—In this section, the term ‘executive agency’ does
8 not include the Department of Defense.”.

9 (B) CLERICAL AMENDMENT.—The table of
10 sections at the beginning of chapter 137 of such
11 title is amended by striking the item relating to
12 section 2302c.

13 **SEC. 834. FLEXIBILITY IN CONTRACTING AWARD PROGRAM.**

14 (a) ESTABLISHMENT OF AWARD PROGRAM.—The
15 Secretary of Defense shall create an award to recognize
16 those acquisition programs and professionals that make
17 the best use of the flexibilities and authorities granted by
18 the Federal Acquisition Regulation and Department of
19 Defense Instruction 5000.02 (Operation of the Defense
20 Acquisition System).

21 (b) PURPOSE OF AWARD.—The award established
22 under subsection (a) shall recognize outstanding per-
23 formers whose approach to program management empha-
24 sizes innovation and local adaptation, including the use
25 of—

- 1 (1) simplified acquisition procedures;
- 2 (2) inherent flexibilities within the Federal Ac-
- 3 quisition Regulation;
- 4 (3) commercial contracting approaches;
- 5 (4) public-private partnership agreements and
- 6 practices;
- 7 (5) cost-sharing arrangements;
- 8 (6) innovative contractor incentive practices;
- 9 and
- 10 (7) other innovative implementations of acquisi-
- 11 tion flexibilities.

12 **SEC. 835. PROTECTION OF TASK ORDER COMPETITION.**

13 (a) AMENDMENT TO VALUE OF AUTHORIZED TASK
14 ORDER PROTESTS.—Section 2304c(e)(1)(B) of title 10,
15 United States Code, is amended by striking
16 “\$10,000,000” and inserting “\$25,000,000”.

17 (b) REPEAL OF EFFECTIVE DATE.—Section 4106(f)
18 of title 41, United States Code, is amended by striking
19 paragraph (3).

20 **SEC. 836. CONTRACT CLOSEOUT AUTHORITY.**

21 (a) AUTHORITY.—The Secretary of Defense may
22 close out a contract or group of contracts as described in
23 subsection (b) through the issuance of one or more modi-
24 fications to such contracts without completing a reconcili-

1 ation audit or other corrective action. To accomplish close-
2 out of such contracts—

3 (1) remaining contract balances may be offset
4 with balances in other contract line items within a
5 contract regardless of the year or type of appropria-
6 tion obligated to fund each contract line item and
7 regardless of whether the appropriation for such
8 contract line item has closed; and

9 (2) remaining contract balances may be offset
10 with balances on other contracts regardless of the
11 year or type of appropriation obligated to fund each
12 contract and regardless of whether the appropriation
13 has closed.

14 (b) COVERED CONTRACTS.—This section covers any
15 contract or group of contracts between the Department
16 of Defense and a defense contractor, each one of which—

17 (1) was entered into prior to fiscal year 2000;

18 (2) has no further supplies or services
19 deliverables due under the terms and conditions of
20 the contract; and

21 (3) is determined by the Secretary of Defense
22 to be not otherwise reconcilable because—

23 (A) the records have been destroyed or
24 lost; or

1 (B) the records are available but the Sec-
2 retary of Defense has determined that the time
3 or effort required to determine the exact
4 amount owed to the United States Government
5 or amount owed to the contractor is dispro-
6 portionate to the amount at issue.

7 (c) NEGOTIATED SETTLEMENT AUTHORITY.—Any
8 contract or group of contracts covered by this section may
9 be closed out through a negotiated settlement with the
10 contractor.

11 (d) WAIVER AUTHORITY.—

12 (1) IN GENERAL.—The Secretary of Defense is
13 authorized to waive any provision of acquisition law
14 or regulation to carry out the authority under sub-
15 section (a).

16 (2) NOTIFICATION REQUIREMENT.—The Sec-
17 retary of Defense shall notify the congressional de-
18 fense committees not later than 10 days after exer-
19 cising the authority under subsection (d). The notice
20 shall include an identification of each provision of
21 law or regulation waived.

22 (e) ADJUSTMENT AND CLOSURE OF RECORDS.—
23 After closeout of any contract described in subsection (b)
24 using the authority under this section, the payment or ac-

1 counting offices concerned may adjust and close any open
2 finance and accounting records relating to the contract.

3 (f) NO LIABILITY.—No liability shall attach to any
4 accounting, certifying, or payment official, or any con-
5 tracting officer, for any adjustments or closeout made pur-
6 suant to the authority under this section.

7 (g) REGULATIONS.—The Secretary of Defense shall
8 prescribe regulations for the administration of the author-
9 ity under this section.

10 **SEC. 837. CLOSEOUT OF OLD DEPARTMENT OF THE NAVY**
11 **CONTRACTS.**

12 (a) AUTHORITY.—The Secretary of the Navy may
13 close out contracts described in subsection (b) through the
14 issuance of one or more modifications to such contracts
15 without completing further reconciliation audits or correc-
16 tive actions other than those described in this section. To
17 accomplish closeout of such contracts—

18 (1) remaining contract balances may be offset
19 with balances in other contract line items within a
20 contract regardless of the year or type of appropria-
21 tion obligated to fund each contract line item and
22 regardless of whether the appropriation for such
23 contract line item has closed; and

24 (2) remaining contract balances may be offset
25 with balances on other contracts regardless of the

1 year or type of appropriation obligated to fund each
2 contract and regardless of whether the appropriation
3 has closed.

4 (b) CONTRACTS COVERED.—The contracts covered
5 by this section are a group of contracts that are with one
6 contractor and identified by the Secretary, each one of
7 which is a contract—

8 (1) to design, construct, repair, or support the
9 construction or repair of Navy submarines that—

10 (A) was entered into between fiscal years
11 1974 and 1998; and

12 (B) has no further supply or services
13 deliverables due under the terms and conditions
14 of the contract;

15 (2) with respect to which the Secretary of the
16 Navy has established the total final contract value;
17 and

18 (3) with respect to which the Secretary of the
19 Navy has determined that the final allowable cost
20 may have a negative or positive unliquidated obliga-
21 tion balance for which it would be difficult to deter-
22 mine the year or type of appropriation because—

23 (A) the records for the contract have been
24 destroyed or lost; or

1 (B) the records for the contract are avail-
2 able but the contracting officer, in collaboration
3 with the certifying official, has determined that
4 a discrepancy is of such a minimal value that
5 the time and effort required to determine the
6 cause of an out-of-balance condition is dis-
7 proportionate to the amount of the discrepancy.

8 (c) CLOSEOUT TERMS.—The contracts described in
9 subsection (b) may be closed out—

10 (1) upon receipt of \$581,803 from the con-
11 tractor to be deposited into the Treasury as mis-
12 cellaneous receipts;

13 (2) without seeking further amounts from the
14 contractor; and

15 (3) without payment to the contractor of any
16 amounts that may be due under any such contracts.

17 (d) WAIVER AUTHORITY.—

18 (1) IN GENERAL.—The Secretary of the Navy is
19 authorized to waive any provision of acquisition law
20 or regulation to carry out the authority under sub-
21 section (a).

22 (2) NOTIFICATION REQUIREMENT.—The Sec-
23 retary of the Navy shall notify the congressional de-
24 fense committees not later than 10 days after exer-
25 cising the authority under paragraph (1). The notice

1 shall include an identification of each provision of
2 law or regulation waived.

3 (e) ADJUSTMENT AND CLOSURE OF RECORDS.—

4 After closeout of any contract described in subsection (b)
5 using the authority under this section, the payment or ac-
6 counting offices concerned may adjust and close any open
7 finance and accounting records relating to the contract.

8 (f) NO LIABILITY.—No liability shall attach to any
9 accounting, certifying, or payment official or contracting
10 officer for any adjustments or closeout made pursuant to
11 the authority under this section.

12 (g) EXPIRATION OF AUTHORITY.—The authority
13 under this section shall expire upon receipt of the funds
14 identified in subsection (e)(1).

15 **Subtitle D—Provisions Relating to**
16 **Major Defense Acquisition Pro-**
17 **grams**

18 **SEC. 841. CHANGE IN DATE OF SUBMISSION TO CONGRESS**

19 **OF SELECTED ACQUISITION REPORTS.**

20 Section 2432(f) of title 10, United States Code, is
21 amended by striking “45” the first place it occurs and
22 inserting “30”.

1 **SEC. 842. AMENDMENTS RELATING TO INDEPENDENT COST**
2 **ESTIMATION AND COST ANALYSIS.**

3 (a) AMENDMENTS.—Section 2334 of title 10, United
4 States Code, is amended—

5 (1) in subsection (a)(3), by striking “selection
6 of confidence levels” both places it appears and in-
7 serting “discussion of risk”;

8 (2) in subsection (a)(6)—

9 (A) by inserting “or approve” after “con-
10 duct”;

11 (B) by striking “major defense acquisition
12 programs” and all that follows through “Au-
13 thority—” and inserting “all major defense ac-
14 quisition programs and major subprograms—”;
15 and

16 (C) in subparagraph (B), by striking “or
17 upon the request” and all that follows through
18 the semicolon at the end and inserting “, upon
19 the request of the Under Secretary of Defense
20 for Acquisition, Technology, and Logistics, or
21 upon the request of the milestone decision au-
22 thority”;

23 (3) by redesignating subsections (b), (c), (d),
24 (e), and (f) as subsections (c), (d), (e), (f), and (h),
25 respectively;

1 (4) by inserting after subsection (a) the fol-
2 lowing new subsection (b):

3 “(b) INDEPENDENT COST ESTIMATE REQUIRED BE-
4 FORE APPROVAL.—(1) A milestone decision authority may
5 not approve entering a milestone phase of a major defense
6 acquisition program or major subprogram unless an inde-
7 pendent cost estimate has been conducted or approved by
8 the Director of Cost Assessment and Program Evaluation
9 and considered by the milestone decision authority that—

10 “(A) for the technology maturation and risk re-
11 duction phase, includes the identification and sensi-
12 tivity analysis of key cost drivers that may affect
13 life-cycle costs of the program or subprogram; and
14 “(B) for the engineering and manufacturing de-
15 velopment phase, or production and deployment
16 phase, includes a cost estimate of the full life-cycle
17 cost of the program or subprogram.

18 “(2) The regulations governing the content and sub-
19 mission of independent cost estimates required by sub-
20 section (a) shall require that the independent cost estimate
21 of the full life-cycle cost of a program or subprogram in-
22 clude—

23 “(A) all costs of development, procurement,
24 military construction, operations and support, and
25 trained manpower to operate, maintain, and support

1 the program or subprogram upon full operational de-
2 ployment, without regard to funding source or man-
3 agement control; and

4 “(B) an analysis to support decisionmaking
5 that identifies and evaluates alternative courses of
6 action that may reduce cost and risk, and result in
7 more affordable programs and less costly systems.”;

8 (5) in subsection (d), as so redesignated, in
9 paragraph (3), by striking “confidence level” and in-
10 sserting “discussion of risk”;

11 (6) in subsection (e), as so redesignated—

12 (A) by amending the subsection heading to
13 read as follows: “DISCUSSION OF RISK IN COST
14 ESTIMATES.—”;

15 (B) by amending paragraph (1) to read as
16 follows:

17 “(1) issue guidance requiring a discussion of
18 risk, the potential impacts of risk on program costs,
19 and approaches to mitigate risk in cost estimates for
20 major defense acquisition programs and major sub-
21 programs;”;

22 (C) in paragraph (2)—

23 (i) by striking “such confidence level
24 provides” and inserting “cost estimates are
25 developed, to the extent practicable, based

1 on historical actual cost information that is
2 based on demonstrated contractor and
3 Government performance and that such es-
4 timates provide”; and

5 (ii) by inserting “or subprogram”
6 after “the program”; and

7 (D) in paragraph (3), by striking “disclo-
8 sure required by paragraph (1)” and inserting
9 “information required in the guidance under
10 paragraph (1)”; and

11 (7) by inserting after subsection (f), as so re-
12 designated, the following new subsection:

13 “(g) GUIDELINES AND COLLECTION OF COST
14 DATA.—(1) The Director of Cost Assessment and Pro-
15 gram Evaluation shall, in consultation with the Under
16 Secretary of Defense for Acquisition, Technology, and Lo-
17 gistics, develop policies, procedures, guidance, and a col-
18 lection method to ensure that quality acquisition cost data
19 are collected to facilitate cost estimation and comparison
20 across acquisition programs.

21 “(2) The program manager and contracting officer
22 for each acquisition program in an amount greater than
23 \$100,000,000, in consultation with the cost estimating
24 component of the relevant military department or Defense

1 Agency, shall ensure that cost data are collected in accord-
2 ance with the requirements of paragraph (1).

3 “(3) The requirement under paragraph (1) may be
4 waived only by the Director of Cost Assessment and Pro-
5 gram Evaluation.”.

6 (b) CONFORMING AMENDMENTS TO ADD SUBPRO-
7 GRAMS.—Section 2334 of such title is further amended—

8 (1) in subsection (a)(2), by inserting “or major
9 subprogram” before “under chapter 144”;

10 (2) in paragraphs (3), (4), and (5) of sub-
11 section (a) and in subsection (c)(1) (as redesignated
12 by subsection (a) of this section), by striking “major
13 defense acquisition programs and major automated
14 information system programs” and inserting “major
15 defense acquisition programs and major subpro-
16 grams” each place it appears;

17 (3) in paragraphs (1) and (2) of subsection (d)
18 (as so redesignated), and in subsection (f)(4) (as so
19 redesignated), by striking “major defense acquisition
20 program or major automated information system
21 program” and inserting “major defense acquisition
22 program or major subprogram” each place it ap-
23 pears;

24 (4) in subsection (d)(4) (as so redesignated), by
25 inserting before the period “or major subprogram”;

1 (5) in subsection (e)(3)(B) (as so redesignated),
2 by inserting “or major subprogram” after “major
3 defense acquisition program”; and

4 (6) in subsection (f)(3) (as so redesignated), by
5 striking “major defense acquisition program and
6 major automated information system program” and
7 inserting “major defense acquisition program and
8 major subprogram”.

9 (c) REPEAL.—Chapter 144 of such title is amend-
10 ed—

11 (1) by striking section 2434; and

12 (2) in the table of sections at the beginning of
13 such chapter, by striking the item relating to such
14 section.

15 **SEC. 843. REVISIONS TO MILESTONE B DETERMINATIONS.**

16 Section 2366b(a)(3) of title 10, United States Code,
17 is amended—

18 (1) in subparagraph (B), by striking “acqui-
19 sition cost in” and all that follows through the semi-
20 colon, and inserting “life-cycle cost;”; and

21 (2) in subparagraph (D), by striking “funding
22 is” and all that follows through “made,” and insert-
23 ing “funding is expected to be available to execute
24 the product development and production plan for the
25 program,”.

1 **SEC. 844. REVIEW AND REPORT ON SUSTAINMENT PLAN-**
2 **NING IN THE ACQUISITION PROCESS.**

3 (a) REQUIREMENT FOR REVIEW.—The Secretary of
4 Defense shall conduct a review of the extent to which
5 sustainment matters are considered in decisions related to
6 the requirements, research and development, acquisition,
7 cost estimating, and programming and budgeting pro-
8 cesses for major defense acquisition programs. The review
9 shall include the following:

10 (1) A determination of whether information re-
11 lated to the operation and sustainment of major de-
12 fense acquisition programs, including cost data and
13 intellectual property requirements, is available to in-
14 form decisions made during those processes.

15 (2) If such information exists, an evaluation of
16 the completeness, timeliness, quality, and suitability
17 of the information for aiding in decisions made dur-
18 ing those processes.

19 (3) A determination of whether information re-
20 lated to the operation and sustainment of existing
21 major weapon systems is used to forecast the oper-
22 ation and sustainment needs of major weapon sys-
23 tems proposed for or under development.

24 (4) A description of the potential benefits from
25 improved completeness, timeliness, quality, and suit-

1 ability of data on operation and support costs and
2 increased consideration of such data.

3 (5) Recommendations for improving access to,
4 analyses of, and consideration of operation and sup-
5 port cost data.

6 (6) An assessment of product support strategies
7 for major weapon systems required by section 2337
8 of title 10, United States Code, or other similar life-
9 cycle sustainment strategies, including an evaluation
10 of—

11 (A) the stage at which such strategies are
12 developed during the life of a major weapon
13 system;

14 (B) the content and completeness of such
15 strategies, including whether such strategies ad-
16 dress—

17 (i) all aspects of total life-cycle man-
18 agement of a major weapon system, includ-
19 ing product support, logistics, product sup-
20 port engineering, supply chain integration,
21 maintenance, and software sustainment;
22 and

23 (ii) the capabilities, capacity, and re-
24 source constraints of the organic industrial

1 base and the materiel commands of the
2 military department concerned;

3 (C) the extent to which such strategies or
4 their elements are or should be incorporated
5 into the acquisition strategy required by section
6 2431a of title 10, United States Code;

7 (D) the extent to which such strategies in-
8 fluence the planning for major defense acquisi-
9 tion programs; and

10 (E) the extent to which such strategies in-
11 fluence decisions related to the life-cycle man-
12 agement and product support of major weapon
13 systems.

14 (7) An assessment of how effectively the mili-
15 tary departments consider sustainment matters at
16 key decision points for acquisition and life-cycle
17 management in accordance with the requirements of
18 sections 2431a, 2366a, 2366b, and 2337 of title 10,
19 United States Code, and section 832 of the National
20 Defense Authorization Act for Fiscal Year 2012
21 (Public Law 112–81; 10 U.S.C. 2430 note).

22 (8) Recommendations for improving the consid-
23 eration of sustainment during the requirements, ac-
24 quisition, cost estimating, programming and budg-
25 eting processes.

1 (9) An assessment of whether research and de-
2 velopment efforts and adoption of commercial tech-
3 nologies is prioritized to reduce sustainment costs.

4 (10) An assessment of whether alternate financ-
5 ing methods, including share-in-savings approaches,
6 public-private partnerships, and energy savings per-
7 formance contracts, could be used to encourage the
8 development and adoption of technologies and prac-
9 tices that will reduce sustainment costs.

10 (11) An assessment of private sector best prac-
11 tices in assessing and reducing sustainment costs for
12 complex systems.

13 (b) AGREEMENT WITH INDEPENDENT ENTITY.—Not
14 later than 60 days after the date of the enactment of this
15 Act, the Secretary shall enter into an agreement with an
16 independent entity with appropriate expertise to conduct
17 the review required by subsection (a). The Secretary shall
18 ensure that the independent entity has access to all data,
19 information, and personnel required, and is funded, to sat-
20 isfactorily complete the review required by subsection (a).
21 The agreement also shall require the entity to provide to
22 the Secretary a report on the findings of the entity.

23 (c) BRIEFING.—Not later than April 1, 2017, the
24 Secretary shall provide a briefing to the Committees on

1 Armed Services of the Senate and House of Representa-
2 tives on the preliminary findings of the independent entity.

3 (d) SUBMISSION TO CONGRESS.—Not later than Au-
4 gust 1, 2017, the Secretary shall submit to the congres-
5 sional defense committees a copy of the report of the inde-
6 pendent entity, along with comments on the report, pro-
7 posed revisions or clarifications to laws related to lifecycle
8 management or sustainment planning for major weapon
9 systems, and a description of any actions the Secretary
10 may take to revise or clarify regulations and practices re-
11 lated to life-cycle management or sustainment planning
12 for major weapon systems.

13 **SEC. 845. REVISION TO DISTRIBUTION OF ANNUAL REPORT**
14 **ON OPERATIONAL TEST AND EVALUATION.**

15 Section 139(h) of title 10, United States Code, is
16 amended—

17 (1) in paragraph (2)—

18 (A) by inserting “the Secretaries of the
19 military departments,” after “Logistics,”; and

20 (B) by striking “10 days” and all that fol-
21 lows through “title 31” and inserting “January
22 31 of each year, through January 31, 2021”;
23 and

1 (2) in paragraph (5), by inserting after “Sec-
2 retary” the following: “of Defense and the Secre-
3 taries of the military departments”.

4 **SEC. 846. REPEAL OF MAJOR AUTOMATED INFORMATION**
5 **SYSTEMS PROVISIONS.**

6 Effective September 30, 2017—

7 (1) chapter 144A of title 10, United States
8 Code, is repealed;

9 (2) the tables of chapters at the beginning of
10 subtitle A of such title, and at the beginning of part
11 IV of subtitle A, are amended by striking the item
12 relating to chapter 144A; and

13 (3) section 2334(a)(2) of title 10, United States
14 Code, is amended by striking “or a major automated
15 information system under chapter 144A of this
16 title”.

17 **SEC. 847. REVISIONS TO DEFINITION OF MAJOR DEFENSE**
18 **ACQUISITION PROGRAM.**

19 (a) IN GENERAL.—Section 2430 of title 10, United
20 States Code, is amended in subsection (a)—

21 (1) by redesignating paragraphs (1) and (2) as
22 subparagraphs (A) and (B), respectively;

23 (2) by striking “In this chapter” and inserting
24 “(1) Except as provided under paragraph (2), in this
25 chapter”; and

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

3 “(2) In this chapter, the term ‘major defense acqui-
4 sition program’ does not include an acquisition program or
5 project that is carried out using the rapid fielding or rapid
6 prototyping acquisition pathway under section 804 of the
7 National Defense Authorization Act for Fiscal Year 2016
8 (Public Law 114–92; 10 U.S.C. 2302 note).”.

9 (b) ANNUAL REPORTING.—The Secretary of Defense
10 shall include in each comprehensive annual Selected Ac-
11 quisition Report submitted under section 2432 of title 10,
12 United States Code, a listing of all programs or projects
13 being developed or procured under the exceptions to the
14 definition of major defense acquisition program set forth
15 in paragraph (2) of section 2430(a) of United States
16 Code, as added by subsection (a)(1)(C) of this section.

17 **SEC. 848. ACQUISITION STRATEGY.**

18 Section 2431a of title 10, United States Code, is
19 amended—

20 (1) in subsection (b), by inserting “, or the
21 milestone decision authority, when the milestone de-
22 cision authority is the service acquisition executive of
23 the military department that is managing the pro-
24 gram,” after “the Under Secretary of Defense for
25 Acquisition, Technology, and Logistics”;

1 (2) in subsection (c)—

2 (A) in paragraph (1), by inserting “, or the
3 milestone decision authority, when the mile-
4 stone decision authority is the service acquisi-
5 tion executive of the military department that is
6 managing the program,” after “the Under Sec-
7 retary”; and

8 (B) in paragraph (2)(C), by striking “, in
9 accordance with section 2431b of this title”;
10 and

11 (3) in subsection (d)—

12 (A) in paragraph (1), by striking “(1) Sub-
13 ject to the authority, direction, and control of
14 the Under Secretary of Defense for Acquisition,
15 Technology, and Logistics, the” and inserting
16 “The”; and

17 (B) in paragraph (2), by inserting “be-
18 cause of a change described in paragraph
19 (1)(F)” after “for a program or system”.

20 **SEC. 849. IMPROVED LIFE-CYCLE COST CONTROL.**

21 (a) **MODIFIED GUIDANCE FOR RAPID FIELDING**
22 **PATHWAY.**—Section 804(c)(3) of the National Defense
23 Authorization Act for Fiscal Year 2016 (Public Law 114–
24 92; 10 U.S.C. 2302 note) is amended—

1 (1) in subparagraph (C), by striking “; and”
2 and inserting a semicolon;

3 (2) in subparagraph (D), by striking the period
4 at the end and inserting “; and”; and

5 (3) by adding at the end the following new sub-
6 paragraph:

7 “(E) a process for identifying and exploit-
8 ing opportunities to use the rapid fielding path-
9 way to reduce total ownership costs.”.

10 (b) LIFE-CYCLE COST MANAGEMENT.—Section
11 805(2) of such Act (Public Law 114–92; 10 U.S.C. 2302
12 note) is amended by inserting “life-cycle cost manage-
13 ment,” after “budgeting,”.

14 (c) SUSTAINMENT REVIEWS.—

15 (1) IN GENERAL.—Chapter 144 of title 10,
16 United States Code, is amended by adding at the
17 end the following new section:

18 **“§ 2441. Sustainment reviews**

19 “(a) IN GENERAL.—The Secretary of each military
20 department shall conduct a sustainment review of each
21 major weapon system not later than five years after dec-
22 laration of initial operational capability of a major defense
23 acquisition program and throughout the life cycle of the
24 weapon system to assess the product support strategy,
25 performance, and operation and support costs of the weap-

1 on system. For any review after the first one, the Sec-
2 retary concerned shall use availability and reliability
3 thresholds and cost estimates as the basis for the cir-
4 cumstances that prompt such a review. The results of the
5 sustainment review shall be documented in a memo-
6 randum by the relevant decision authority.

7 “(b) ELEMENTS.—At a minimum, the review re-
8 quired under subsection (a) shall include the following ele-
9 ments:

10 “(1) An independent cost estimate for the re-
11 mainder of the life cycle of the program.

12 “(2) A comparison of actual costs to the
13 amount of funds budgeted and appropriated in the
14 previous five years, and if funding shortfalls exist,
15 an explanation of the implications on equipment
16 availability.

17 “(3) A comparison between the assumed and
18 achieved system reliabilities.

19 “(4) An analysis of the most cost-effective
20 source of repairs and maintenance.

21 “(5) An evaluation of the cost of consumables
22 and depot-level repairables.

23 “(6) An evaluation of the costs of information
24 technology, networks, computer hardware, and soft-
25 ware maintenance and upgrades.

1 “(7) As applicable, an assessment of the actual
2 fuel efficiencies compared to the projected fuel effi-
3 ciencies as demonstrated in tests or operations.

4 “(8) As applicable, a comparison of actual man-
5 power requirements to previous estimates.

6 “(9) An analysis of whether accurate and com-
7 plete data are being reported in the cost systems of
8 the military department concerned, and if defi-
9 ciencies exist, a plan to update the data and ensure
10 accurate and complete data are submitted in the fu-
11 ture.

12 “(c) COORDINATION.—The review required under
13 subsection (a) shall be conducted in coordination with the
14 requirements of section 2337 of this title and section 832
15 of the National Defense Authorization Act for Fiscal Year
16 2012 (Public Law 112–81; 10 U.S.C. 2430 note).”.

17 (2) CLERICAL AMENDMENT.—The table of sec-
18 tions at the beginning of such chapter is amended
19 by adding at the end the following new item:

“2441. Sustainment reviews.”.

20 (d) COMMERCIAL OPERATIONAL AND SUPPORT SAV-
21 INGS INITIATIVE.—

22 (1) IN GENERAL.—The Secretary of Defense
23 may establish a commercial operational and support
24 savings initiative to improve readiness and reduce
25 operations and support costs by inserting existing

1 commercial items or technology into military legacy
2 systems through the rapid development of prototypes
3 and fielding of production items based on current
4 commercial technology.

5 (2) PROGRAM PRIORITY.—The commercial oper-
6 ational and support savings initiative shall fund pro-
7 grams that—

8 (A) reduce the costs of owning and oper-
9 ating a military system, including the costs of
10 personnel, consumables, goods and services, and
11 sustaining the support and investment associ-
12 ated with the peacetime operation of a weapon
13 system;

14 (B) take advantage of the commercial sec-
15 tor's technological innovations by inserting com-
16 mercial technology into fielded weapon systems;
17 and

18 (C) emphasize prototyping and experimen-
19 tation with new technologies and concepts of
20 operations.

21 (3) FUNDING PHASES.—

22 (A) IN GENERAL.—Projects funded under
23 the commercial operational and support savings
24 initiative shall consist of two phases, Phase I
25 and Phase II.

1 (B) PHASE I.—(i) Funds made available
2 during Phase I shall be used to perform the
3 non-recurring engineering, testing, and quali-
4 fication that are typically needed to adapt a
5 commercial item or technology for use in a mili-
6 tary system.

7 (ii) Phase I shall include—

8 (I) establishment of cost and perform-
9 ance metrics to evaluate project success;

10 (II) establishment of a transition plan
11 and agreement with a military department
12 or Defense Agency for adoption and
13 sustainment of the technology or system;
14 and

15 (III) the development, fabrication, and
16 delivery of a demonstrated prototype to a
17 military department for installation into a
18 fielded Department of Defense system.

19 (iii) Programs shall be terminated if no
20 agreement is established within two years of
21 project initiation.

22 (iv) The Office of the Secretary of Defense
23 may provide up to 50 percent of Phase I fund-
24 ing for a project. The military department or
25 Defense Agency concerned may provide the re-

1 mainder of Phase I funding, which may be pro-
2 vided out of operation and maintenance fund-
3 ing.

4 (v) Phase I funding shall not exceed three
5 years.

6 (vi) Phase I projects shall be selected
7 based on a merit-based process using criteria to
8 be established by the Secretary of Defense.

9 (C) PHASE II.—(i) Phase II shall include
10 the purchase of limited production quantities of
11 the prototype kits and transition to a program
12 of record for continued sustainment.

13 (ii) Phase II awards may be made without
14 competition if general solicitation competitive
15 procedures were used for the selection of parties
16 for participation in a Phase I project.

17 (iii) Phase II awards may be made as firm
18 fixed-price awards.

19 (4) TREATMENT AS COMPETITIVE PROCE-
20 DURES.—The use of a merit-based process for selec-
21 tion of projects under the commercial operational
22 and support savings initiative shall be considered to
23 be the use of competitive procedures for purposes of
24 chapter 137 of title 10, United States Code.

1 **SEC. 850. AUTHORITY TO DESIGNATE INCREMENTS OR**
2 **BLOCKS OF ITEMS DELIVERED UNDER**
3 **MAJOR DEFENSE ACQUISITION PROGRAMS**
4 **AS MAJOR SUBPROGRAMS FOR PURPOSES OF**
5 **ACQUISITION REPORTING.**

6 Section 2430a(1)(B) of title 10, United States Code,
7 is amended by striking “major defense acquisition pro-
8 gram to purchase satellites requires the delivery of sat-
9 ellites in two or more increments or blocks” and inserting
10 “major defense acquisition program requires the delivery
11 of two or more increments or blocks”.

12 **SEC. 851. REPORTING OF SMALL BUSINESS PARTICIPATION**
13 **ON DEPARTMENT OF DEFENSE PROGRAMS.**

14 (a) REPORT REQUIREMENT.—Not later than March
15 31 of each year, the Secretary of Defense shall submit
16 to the congressional defense committees a report covering
17 the following matters for the preceding fiscal year:

18 (1) For each prime contract goal established by
19 section 15(g)(1)(A) of the Small Business Act (15
20 U.S.C. 644(g)(1)(A)), the total value and percentage
21 of prime contracts awarded by the Department of
22 Defense and attributed to each prime contract goal
23 for prime contracts awarded for major defense ac-
24 quisition programs.

25 (2) For each subcontract goal established by
26 section 15(g)(1)(A) of the Small Business Act (15

1 U.S.C. 644(g)(1)(A)), the total value and percentage
2 of first tier subcontract awards attributed to each
3 subcontract goal for subcontracts awarded in sup-
4 port of prime contracts awarded by the Department
5 of Defense for major defense acquisition programs.

6 (3) For the prime contract and subcontract
7 goals negotiated with the Department of Defense
8 pursuant to section 15(g)(2) of the Small Business
9 Act (15 U.S.C. 644(g)(2))—

10 (A) the information reported by the De-
11 partment of Defense to the Small Business Ad-
12 ministration pursuant to section 15(h)(1) of the
13 Small Business Act (15 U.S.C. 644(h)(1)); and

14 (B) the information required by subpara-
15 graph (A) calculated after excluding—

16 (i) contracts awarded pursuant to
17 chapter 85 of title 41, United States Code
18 (popularly referred to as the Javits-Wag-
19 ner-O'Day Act);

20 (ii) contracts awarded to the Amer-
21 ican Institute in Taiwan;

22 (iii) contracts awarded and performed
23 outside of the United States;

1 (iv) acquisition on behalf of foreign
2 governments, entities, or international or-
3 ganizations; and

4 (v) contracts for major defense acqui-
5 sition programs.

6 (b) SUNSET.—The requirement to submit a report
7 under subsection (a) shall not apply after the Secretary
8 submits the report covering fiscal year 2020.

9 **SEC. 852. WAIVER OF CONGRESSIONAL NOTIFICATION FOR**
10 **ACQUISITION OF TACTICAL MISSILES AND**
11 **MUNITIONS GREATER THAN QUANTITY SPEC-**
12 **IFIED IN LAW.**

13 Section 2308(c) of title 10, United States Code, is
14 amended—

15 (1) by inserting “(1)” before “The head”;

16 (2) by inserting “, except as provided in para-
17 graph (2),” after “but”; and

18 (3) by adding at the end the following new
19 paragraph:

20 “(2) A notification is not required under paragraph
21 (1) if the end item being acquired in a higher quantity
22 is an end item under a tactical missile program or a muni-
23 tions program.”.

1 **SEC. 853. MULTIPLE PROGRAM MULTIYEAR CONTRACT**
2 **PILOT DEMONSTRATION PROGRAM.**

3 (a) **AUTHORITY.**—The Secretary of Defense may con-
4 duct a multiyear contract, over a period of up to four
5 years, for the purchase of units for multiple defense pro-
6 grams that are produced at common facilities at a high
7 rate, and which maximize commonality, efficiencies, and
8 quality, in order to provide maximum benefit to the De-
9 partment of Defense. Contracts awarded under this sec-
10 tion should allow for significant savings, as determined
11 consistent with the authority under section 2306b of title
12 10, United States Code, to be achieved as compared to
13 using separate annual contracts under individual pro-
14 grams to purchase such units, and may include flexible
15 delivery across the overall period of performance.

16 (b) **SCOPE.**—The contracts authorized in subsection
17 (a) shall at a minimum provide for the acquisition of units
18 from three discrete programs from two of the military de-
19 partments.

20 (c) **DOCUMENTATION.**—Each contract awarded
21 under subsection (a) shall include the documentation re-
22 quired to be provided for a multiyear contract proposal
23 under section 2306b(i) of title 10.

24 (d) **DEFINITIONS.**—In this section:

1 (1) The term “high rate” means total annual
2 production across the multiple defense programs of
3 more than 200 end-items per year.

4 (2) The term “common facilities” means pro-
5 duction facilities operating within the same general
6 and allowable rate structure.

7 (e) SUNSET.—No new contracts may be awarded
8 under the authority of this section after September 30,
9 2021.

10 **SEC. 854. KEY PERFORMANCE PARAMETER REDUCTION**
11 **PILOT PROGRAM.**

12 (a) IN GENERAL.—The Secretary of Defense may
13 carry out a pilot program under which the Secretary may
14 identify at least one acquisition program in each military
15 department for reduction of the total number of key per-
16 formance parameters established for the program, for pur-
17 poses of determining whether operational and pro-
18 grammatic outcomes of the program are improved by such
19 reduction.

20 (b) LIMITATION ON KEY PERFORMANCE PARAM-
21 ETERS.—Any acquisition program identified for the pilot
22 program carried out under subsection (a) shall establish
23 no more than three key performance parameters, each of
24 which shall describe a program-specific performance at-
25 tribute. Any key performance parameters for such a pro-

1 gram that are required by statute shall be treated as key
2 system attributes.

3 **SEC. 855. MISSION INTEGRATION MANAGEMENT.**

4 (a) IN GENERAL.—The Secretary of Defense shall es-
5 tablish mission integration management activities for each
6 mission area specified in subsection (b).

7 (b) COVERED MISSION AREAS.—The mission areas
8 specified in this subsection are mission areas that involve
9 multiple Armed Forces and multiple programs and, at a
10 minimum, include the following:

11 (1) Close air support.

12 (2) Air defense and offensive and defensive
13 counter-air.

14 (3) Interdiction.

15 (4) Intelligence, surveillance, and reconnais-
16 sance.

17 (5) Any other overlapping mission area of sig-
18 nificance, as jointly designated by the Deputy Sec-
19 retary of Defense and the Vice Chairman of the
20 Joint Chiefs of Staff for purposes of this subsection.

21 (c) QUALIFICATIONS.—Mission integration manage-
22 ment activities shall be performed by qualified personnel
23 from the acquisition and operational communities.

1 (d) RESPONSIBILITIES.—The mission integration
2 management activities for a mission area under this sec-
3 tion shall include—

4 (1) development of technical infrastructure for
5 engineering, analysis, and test, including data, mod-
6 eling, analytic tools, and simulations;

7 (2) the conduct of tests, demonstrations, exer-
8 cises, and focused experiments for compelling chal-
9 lenges and opportunities;

10 (3) overseeing the implementation of section
11 2446c of title 10, United States Code;

12 (4) sponsoring and overseeing research on and
13 development of (including tests and demonstrations)
14 automated tools for composing systems of systems
15 on demand;

16 (5) developing mission-based inputs for the re-
17 quirements process, assessment of concepts, proto-
18 types, design options, budgeting and resource alloca-
19 tion, and program and portfolio management; and

20 (6) coordinating with commanders of the com-
21 batant commands on the development of concepts of
22 operation and operational plans.

23 (e) SCOPE.—The mission integration management
24 activities for a mission area under this subsection shall
25 extend to the supporting elements for the mission area,

1 such as communications, command and control, electronic
2 warfare, and intelligence.

3 (f) FUNDING.—There is authorized to be made avail-
4 able annually such amounts as the Secretary of Defense
5 determines appropriate from the Rapid Prototyping Fund
6 established under section 804(d) of the National Defense
7 Authorization Act for Fiscal Year 2016 (Public Law 114–
8 92; 10 U.S.C. 2302 note) for mission integration manage-
9 ment activities listed in subsection (d).

10 (g) STRATEGY.—The Secretary of Defense shall sub-
11 mit to the congressional defense committees, at the same
12 time as the budget for the Department of Defense for fis-
13 cal year 2018 is submitted to Congress pursuant to section
14 1105 of title 31, United States Code, a strategy for mis-
15 sion integration management, including a resourcing
16 strategy for mission integration managers to carry out the
17 responsibilities specified in this section.

18 **Subtitle E—Provisions Relating to** 19 **Acquisition Workforce**

20 **SEC. 861. PROJECT MANAGEMENT.**

21 (a) DEPUTY DIRECTOR FOR MANAGEMENT.—

22 (1) ADDITIONAL FUNCTIONS.—Section 503 of
23 title 31, United States Code, is amended by adding
24 at the end the following:

25 “(c) PROGRAM AND PROJECT MANAGEMENT.—

1 “(1) REQUIREMENT.—Subject to the direction
2 and approval of the Director, the Deputy Director
3 for Management or a designee shall—

4 “(A) adopt governmentwide standards,
5 policies, and guidelines for program and project
6 management for executive agencies;

7 “(B) oversee implementation of program
8 and project management for the standards,
9 policies, and guidelines established under sub-
10 paragraph (A);

11 “(C) chair the Program Management Pol-
12 icy Council established under section 1126(b);

13 “(D) establish standards and policies for
14 executive agencies, consistent with widely ac-
15 cepted standards for program and project man-
16 agement planning and delivery;

17 “(E) engage with the private sector to
18 identify best practices in program and project
19 management that would improve Federal pro-
20 gram and project management;

21 “(F) conduct portfolio reviews to address
22 programs identified as high risk by the Govern-
23 ment Accountability Office;

24 “(G) not less than annually, conduct port-
25 folio reviews of agency programs in coordination

1 with Project Management Improvement Officers
2 designated under section 1126(a)(1) to assess
3 the quality and effectiveness of program man-
4 agement; and

5 “(H) establish a 5-year strategic plan for
6 program and project management.

7 “(2) APPLICATION TO DEPARTMENT OF DE-
8 FENSE.—Paragraph (1) shall not apply to the De-
9 partment of Defense to the extent that the provi-
10 sions of that paragraph are substantially similar to
11 or duplicative of—

12 “(A) the provisions of chapter 87 of title
13 10; or

14 “(B) policy, guidance, or instruction of the
15 Department related to program management.”.

16 (2) DEADLINE FOR STANDARDS, POLICIES, AND
17 GUIDELINES.—Not later than 1 year after the date
18 of enactment of this Act, the Deputy Director for
19 Management of the Office of Management and
20 Budget shall issue the standards, policies, and
21 guidelines required under section 503(c) of title 31,
22 United States Code, as added by paragraph (1).

23 (3) REGULATIONS.—Not later than 90 days
24 after the date on which the standards, policies, and
25 guidelines are issued under paragraph (2), the Dep-

1 uty Director for Management of the Office of Man-
2 agement and Budget, in consultation with the Pro-
3 gram Management Policy Council established under
4 section 1126(b) of title 31, United States Code, as
5 added by subsection (b)(1), and the Director of the
6 Office of Management and Budget, shall issue any
7 regulations as are necessary to implement the re-
8 quirements of section 503(c) of title 31, United
9 States Code, as added by paragraph (1).

10 (b) PROGRAM MANAGEMENT IMPROVEMENT OFFI-
11 CERS AND PROGRAM MANAGEMENT POLICY COUNCIL.—

12 (1) AMENDMENT.—Chapter 11 of title 31,
13 United States Code, is amended by adding at the
14 end the following:

15 **“§ 1126. Program Management Improvement Officers**
16 **and Program Management Policy Council**

17 “(a) PROGRAM MANAGEMENT IMPROVEMENT OFFI-
18 CERS.—

19 “(1) DESIGNATION.—The head of each agency
20 described in section 901(b) shall designate a senior
21 executive of the agency as the Program Management
22 Improvement Officer of the agency.

23 “(2) FUNCTIONS.—The Program Management
24 Improvement Officer of an agency designated under
25 paragraph (1) shall—

1 “(A) implement program management poli-
2 cies established by the agency under section
3 503(c); and

4 “(B) develop a strategy for enhancing the
5 role of program managers within the agency
6 that includes the following:

7 “(i) Enhanced training and edu-
8 cational opportunities for program man-
9 agers that shall include—

10 “(I) training in the relevant com-
11 petencies encompassed with program
12 and project manager within the pri-
13 vate sector for program managers;
14 and

15 “(II) training that emphasizes
16 cost containment for large projects
17 and programs.

18 “(ii) Mentoring of current and future
19 program managers by experienced senior
20 executives and program managers within
21 the agency.

22 “(iii) Improved career paths and ca-
23 reer opportunities for program managers.

1 “(iv) A plan to encourage the recruit-
2 ment and retention of highly qualified indi-
3 viduals to serve as program managers.

4 “(v) Improved means of collecting and
5 disseminating best practices and lessons
6 learned to enhance program management
7 across the agency.

8 “(vi) Common templates and tools to
9 support improved data gathering and anal-
10 ysis for program management and over-
11 sight purposes.

12 “(3) APPLICATION TO DEPARTMENT OF DE-
13 FENSE.—This subsection shall not apply to the De-
14 partment of Defense to the extent that the provi-
15 sions of this subsection are substantially similar to
16 or duplicative of the provisions of chapter 87 of title
17 10. For purposes of paragraph (1), the Under Sec-
18 retary of Defense for Acquisition, Technology, and
19 Logistics (or a designee of the Under Secretary)
20 shall be considered the Program Management Im-
21 provement Officer.

22 “(b) PROGRAM MANAGEMENT POLICY COUNCIL.—

23 “(1) ESTABLISHMENT.—There is established in
24 the Office of Management and Budget a council to
25 be known as the ‘Program Management Policy

1 Council' (in this subsection referred to as the 'Council'
2 cil').

3 “(2) PURPOSE AND FUNCTIONS.—The Council
4 shall act as the principal interagency forum for im-
5 proving agency practices related to program and
6 project management. The Council shall—

7 “(A) advise and assist the Deputy Director
8 for Management of the Office of Management
9 and Budget;

10 “(B) review programs identified as high
11 risk by the Government Accountability Office
12 and make recommendations for actions to be
13 taken by the Deputy Director for Management
14 of the Office of Management and Budget or a
15 designee;

16 “(C) discuss topics of importance to the
17 workforce, including—

18 “(i) career development and workforce
19 development needs;

20 “(ii) policy to support continuous im-
21 provement in program and project manage-
22 ment; and

23 “(iii) major challenges across agencies
24 in managing programs;

1 “(D) advise on the development and appli-
2 cability of standards governmentwide for pro-
3 gram management transparency; and

4 “(E) review the information published on
5 the website of the Office of Management and
6 Budget pursuant to section 1122.

7 “(3) MEMBERSHIP.—

8 “(A) COMPOSITION.—The Council shall be
9 composed of the following members:

10 “(i) Five members from the Office of
11 Management and Budget as follows:

12 “(I) The Deputy Director for
13 Management.

14 “(II) The Administrator of the
15 Office of Electronic Government.

16 “(III) The Administrator of Fed-
17 eral Procurement Policy.

18 “(IV) The Controller of the Of-
19 fice of Federal Financial Manage-
20 ment.

21 “(V) The Director of the Office
22 of Performance and Personnel Man-
23 agement.

1 “(ii) The Program Management Im-
2 provement Officer from each agency de-
3 scribed in section 901(b).

4 “(iii) Any other full-time or perma-
5 nent part-time officer or employee of the
6 Federal Government or member of the
7 Armed Forces designated by the Chair-
8 person.

9 “(B) CHAIRPERSON AND VICE CHAIR-
10 PERSON.—

11 “(i) IN GENERAL.—The Deputy Di-
12 rector for Management of the Office of
13 Management and Budget shall be the
14 Chairperson of the Council. A Vice Chair-
15 person shall be elected by the members and
16 shall serve a term of not more than 1 year.

17 “(ii) DUTIES.—The Chairperson shall
18 preside at the meetings of the Council, de-
19 termine the agenda of the Council, direct
20 the work of the Council, and establish and
21 direct subgroups of the Council as appro-
22 priate.

23 “(4) MEETINGS.—The Council shall meet not
24 less than twice per fiscal year and may meet at the

1 call of the Chairperson or a majority of the members
2 of the Council.

3 “(5) SUPPORT.—The head of each agency with
4 a Project Management Improvement Officer serving
5 on the Council shall provide administrative support
6 to the Council, as appropriate, at the request of the
7 Chairperson.”.

8 (2) REPORT REQUIRED.—Not later than 1 year
9 after the date of the enactment of this Act, the Di-
10 rector of the Office of Management and Budget, in
11 consultation with each Program Management Im-
12 provement Officer designated under section
13 1126(a)(1) of title 31, United States Code, shall
14 submit to Congress a report containing the strategy
15 developed under section 1126(a)(2)(B) of such title,
16 as added by paragraph (1).

17 (c) PROGRAM AND PROJECT MANAGEMENT PER-
18 SONNEL STANDARDS.—

19 (1) DEFINITION.—In this subsection, the term
20 “agency” means each agency described in section
21 901(b) of title 31, United States Code, other than
22 the Department of Defense.

23 (2) REGULATIONS REQUIRED.—Not later than
24 180 days after the date on which the standards,
25 policies, and guidelines are issued under section

1 503(c) of title 31, United States Code, as added by
2 subsection (a)(1), the Director of the Office of Per-
3 sonnel Management, in consultation with the Direc-
4 tor of the Office of Management and Budget, shall
5 issue regulations that—

6 (A) identify key skills and competencies
7 needed for a program and project manager in
8 an agency;

9 (B) establish a new job series, or update
10 and improve an existing job series, for program
11 and project management within an agency; and

12 (C) establish a new career path for pro-
13 gram and project managers within an agency.

14 (d) GAO REPORT ON EFFECTIVENESS OF POLICIES
15 ON PROGRAM AND PROJECT MANAGEMENT.—Not later
16 than 3 years after the date of enactment of this Act, the
17 Comptroller General of the United States shall issue, in
18 conjunction with the high risk list of the Government Ac-
19 countability Office, a report examining the effectiveness
20 of the following on improving Federal program and project
21 management:

22 (1) The standards, policies, and guidelines for
23 program and project management issued under sec-
24 tion 503(c) of title 31, United States Code, as added
25 by subsection (a)(1).

1 (2) The 5-year strategic plan established under
2 section 503(c)(1)(H) of title 31, United States Code,
3 as added by subsection (a)(1).

4 (3) Program Management Improvement Offi-
5 cers designated under section 1126(a)(1) of title 31,
6 United States Code, as added by subsection (b)(1).

7 (4) The Program Management Policy Council
8 established under section 1126(b)(1) of title 31,
9 United States Code, as added by subsection (b)(1).

10 **SEC. 862. AUTHORITY TO WAIVE TENURE REQUIREMENT**
11 **FOR PROGRAM MANAGERS FOR PROGRAM**
12 **DEFINITION AND PROGRAM EXECUTION PE-**
13 **RIODS.**

14 (a) PROGRAM DEFINITION PERIOD.—Section 826(e)
15 of the National Defense Authorization Act for Fiscal Year
16 2016 (Public Law 114–92) is amended by striking “The
17 Secretary may waive” and inserting “The service acquisi-
18 tion executive, in the case of a major defense acquisition
19 program of a military department, or the Under Secretary
20 of Defense for Acquisition, Technology, and Logistics, in
21 the case of a Defense-wide or Defense Agency major de-
22 fense acquisition program, may waive”.

23 (b) PROGRAM EXECUTION PERIOD.—Section 827(e)
24 of the National Defense Authorization Act for Fiscal Year
25 2016 (Public Law 114–92) is amended by striking “The

1 immediate supervisor of a program manager for a major
2 defense acquisition program may waive” and inserting
3 “The service acquisition executive, in the case of a major
4 defense acquisition program of a military department, or
5 the Under Secretary of Defense for Acquisition, Tech-
6 nology, and Logistics, in the case of a Defense-wide or
7 Defense Agency major defense acquisition program, may
8 waive”.

9 **SEC. 863. PURPOSES FOR WHICH THE DEPARTMENT OF DE-**
10 **FENSE ACQUISITION WORKFORCE DEVELOP-**
11 **MENT FUND MAY BE USED; ADVISORY PANEL**
12 **AMENDMENTS.**

13 (a) IN GENERAL.—Section 1705 of title 10, United
14 States Code, is amended—

15 (1) in subsection (e)—

16 (A) in paragraph (1), by inserting “and to
17 develop acquisition tools and methodologies, and
18 undertake research and development activities,
19 leading to acquisition policies and practices that
20 will improve the efficiency and effectiveness of
21 defense acquisition efforts” after “workforce of
22 the Department”; and

23 (B) in paragraph (4), by striking “other
24 than for the purpose of” and all that follows

1 through the period at the end and inserting
2 “other than for the purposes of—

3 “(A) providing advanced training to De-
4 partment of Defense employees;

5 “(B) developing acquisition tools and
6 methodologies and performing research on ac-
7 quisition policies and best practices that will
8 improve the efficiency and effectiveness of de-
9 fense acquisition efforts; and

10 “(C) supporting human capital and talent
11 management of the acquisition workforce, in-
12 cluding benchmarking studies, assessments, and
13 requirements planning.”; and

14 (2) in subsection (f), by striking “Each report
15 shall include” and all that follows through the period
16 at the end of paragraph (5).

17 (b) **TECHNICAL AMENDMENTS.**—Such section is fur-
18 ther amended—

19 (1) in subsection (d)(2)(C), by striking “in
20 each” and inserting “in such”;

21 (2) in subsection (f)—

22 (A) by striking “Not later than 120 days
23 after the end of each fiscal year” and inserting
24 “Not later than February 1 each year”; and

1 (B) by striking “such fiscal year” the first
2 place it appears and inserting “the preceding
3 fiscal year”; and

4 (3) in subsection (g)(1)—

5 (A) by striking “of of” and inserting “of”;
6 and

7 (B) by striking “, as defined in subsection
8 (h),”.

9 (c) LIMITATION ON AVAILABILITY OF FUNDS FOR
10 CERTAIN PURPOSES.—Of the amounts authorized to be
11 appropriated by this Act or otherwise made available for
12 fiscal year 2017, not more than \$35,000,000 may be obli-
13 gated or expended for the purposes set forth in subpara-
14 graphs (B) and (C) of section 1705(e)(4) of title 10,
15 United States Code, as added by subsection (a).

16 (d) AMENDMENTS TO ADVISORY PANEL ON STREAM-
17 LINING AND CODIFYING ACQUISITION REGULATIONS.—
18 Section 809 of the National Defense Authorization Act for
19 Fiscal Year 2016 (Public Law 114–92; 129 Stat. 889) is
20 amended—

21 (1) by amending subsection (a) to read as fol-
22 lows:

23 “(a) ESTABLISHMENT.—The Secretary of Defense
24 shall establish an independent advisory panel on stream-
25 lining acquisition regulations. The panel shall be sup-

1 ported by the Defense Acquisition University and the Na-
2 tional Defense University, including administrative sup-
3 port.”; and

4 (2) in subsection (d)—

5 (A) in paragraph (1), by striking “and
6 analysis” and inserting “, analysis, and logistics
7 support”; and

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

10 “(3) **AUTHORITIES.**—The panel shall have the
11 authorities provided in section 3161 of title 5,
12 United States Code.”.

13 **SEC. 864. DEPARTMENT OF DEFENSE ACQUISITION WORK-**
14 **FORCE DEVELOPMENT FUND DETERMINA-**
15 **TION ADJUSTMENT.**

16 (a) **CREDIT TO RAPID PROTOTYPING FUND.**—Not-
17 withstanding section 1705(d)(2)(B) of title 10, United
18 States Code, of the funds credited to the Department of
19 Defense Acquisition Workforce Development Fund in fis-
20 cal year 2017 pursuant to such section, \$225,000,000
21 shall be transferred to the Rapid Prototyping Fund estab-
22 lished under section 804(d) of the National Defense Au-
23 thorization Act for Fiscal Year 2016 (Public Law 114–
24 92; 10 U.S.C. 2302 note). Of the \$225,000,000 so trans-
25 ferred, \$75,000,000 shall be credited to each of the mili-

1 tary department-specific funds established under section
2 804(d)(2) of such Act (as added by section 897 of this
3 Act).

4 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
5 Section 804(d)(1) of the National Defense Authorization
6 Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C.
7 2302 note) is amended—

8 (1) in the first sentence, by inserting a comma
9 after “may be available”;

10 (2) at the end of the first sentence, by inserting
11 before the period the following: “and other purposes
12 specified in law”; and

13 (3) in the last sentence, by striking “shall con-
14 sist of” and all that follows through “this Act.” and
15 inserting the following: “shall consist of—

16 “(i) amounts appropriated to the
17 Fund;

18 “(ii) amounts credited to the Fund
19 pursuant to section 828 of this Act; and

20 “(iii) any other amounts appropriated
21 to, credited to, or transferred to the
22 Fund.”.

1 **SEC. 865. LIMITATIONS ON FUNDS USED FOR STAFF AUG-**
2 **MENTATION CONTRACTS AT MANAGEMENT**
3 **HEADQUARTERS OF THE DEPARTMENT OF**
4 **DEFENSE AND THE MILITARY DEPARTMENTS.**

5 (a) LIMITATIONS.—

6 (1) FOR FISCAL YEARS 2017 AND 2018.—The
7 total amount obligated by the Department of De-
8 fense for fiscal year 2017 or 2018 for contract serv-
9 ices for staff augmentation contracts at management
10 headquarters of the Department and the military de-
11 partments may not exceed an amount equal to the
12 aggregate amount expended by the Department for
13 contract services for staff augmentation contracts at
14 management headquarters of the Department and
15 the military departments in fiscal year 2016 ad-
16 justed for net transfers from funding for overseas
17 contingency operations (in this subsection referred
18 to as the “fiscal year 2016 staff augmentation con-
19 tracts funding amount”).

20 (2) FOR FISCAL YEARS 2018 THROUGH 2022.—
21 The total amount obligated by the Department for
22 any fiscal year after fiscal year 2018 and before fis-
23 cal year 2023 for contract services for staff aug-
24 mentation contracts at management headquarters of
25 the Department and the military departments may
26 not exceed an amount equal to 75 percent of the fis-

1 cal year 2016 staff augmentation contracts funding
2 amount.

3 (b) DEFINITIONS.—In this section:

4 (1) The term “contract services” has the mean-
5 ing given that term in section 235 of title 10, United
6 States Code.

7 (2) The term “staff augmentation contracts”
8 means services contracts for personnel who are phys-
9 ically present in a Government work space on a full-
10 time or permanent part-time basis, for the purpose
11 of advising on, providing support to, or assisting a
12 Government agency in the performance of the agen-
13 cy’s missions, including authorized personal services
14 contracts (as that term is defined in section
15 2330a(g)(5) of title 10, United States Code).

16 **SEC. 866. SENIOR MILITARY ACQUISITION ADVISORS IN**
17 **THE DEFENSE ACQUISITION CORPS.**

18 (a) POSITIONS.—

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

22 **“§ 1725. Senior Military Acquisition Advisors**

23 **“(a) POSITION.—**

24 **“(1) IN GENERAL.—**The Secretary of Defense
25 may establish in the Defense Acquisition Corps a po-

1 sition to be known as ‘Senior Military Acquisition
2 Advisor’.

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

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

8 “(A) shall serve as an advisor to, and pro-
9 vide senior level acquisition expertise to, the
10 service acquisition executive of that officer’s
11 military department in accordance with this
12 section; and

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

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

23 “(c) RETIRED GRADE.—Upon retirement, an officer
24 who is a Senior Military Acquisition Advisor may, in the

1 discretion of the President, be retired in the grade of brig-
2 adier general or rear admiral (lower half) if—

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

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

8 “(d) SELECTION AND TENURE.—

9 “(1) IN GENERAL.—Selection of an officer for
10 recommendation for appointment as a Senior Mili-
11 tary Acquisition Advisor shall be made competitively,
12 and shall be based upon demonstrated experience
13 and expertise in acquisition.

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

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

4 “(e) LIMITATION.—

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

8 “(A) not more than five may be officers of
9 the Army;

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

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

14 “(2) NUMBER IN EACH MILITARY DEPARTMENT.—Subject to paragraph (1), the number of
15 Senior Military Acquisition Advisors for each military
16 department shall be as required and identified
17 by the service acquisition executive of such military
18 department and approved by the Under Secretary of
19 Defense for Acquisition, Technology, and Logistics.

21 “(f) ADVICE TO SERVICE ACQUISITION EXECUTIVE.—An officer who is a Senior Military Acquisition Advisor shall have as the officer’s primary duty providing
22 strategic, technical, and programmatic advice to the service acquisition executive of the officer’s military department—
23
24
25

1 ment on matters pertaining to the Defense Acquisition
2 System, including matters pertaining to procurement, re-
3 search and development, advanced technology, test and
4 evaluation, production, program management, systems en-
5 gineering, and lifecycle logistics.”.

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

“1725. Senior Military Acquisition Advisors.”.

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

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

16 **SEC. 867. AUTHORITY OF THE SECRETARY OF DEFENSE**
17 **UNDER THE ACQUISITION DEMONSTRATION**
18 **PROJECT.**

19 (a) AMENDMENT.—Section 1762(b) of title 10,
20 United States Code, is amended by adding at the end the
21 following new paragraph:

22 “(4) The Secretary of Defense shall exercise the
23 authorities granted to the Office of Personnel Man-
24 agement under section 4703 of title 5 for purposes

1 of the demonstration project authorized under this
2 section.”.

3 (b) EFFECTIVE DATE.—Paragraph (4) of section
4 1762(b) of title 10, United States Code, as added by sub-
5 section (a), shall take effect on the first day of the first
6 month beginning 60 days after the date of the enactment
7 of this Act.

8 **Subtitle F—Provisions Relating to** 9 **Commercial Items**

10 **SEC. 871. MARKET RESEARCH FOR DETERMINATION OF** 11 **PRICE REASONABLENESS IN ACQUISITION OF** 12 **COMMERCIAL ITEMS.**

13 Section 2377 of title 10, United States Code, is
14 amended—

15 (1) by redesignating subsection (d) as sub-
16 section (e), and in that subsection by striking “sub-
17 section (c)” and inserting “subsections (c) and (d)”;
18 and

19 (2) by inserting after subsection (c) the fol-
20 lowing new subsection (d):

21 “(d) MARKET RESEARCH FOR PRICE ANALYSIS.—
22 The Secretary of Defense shall ensure that procurement
23 officials in the Department of Defense conduct or obtain
24 market research to support the determination of the rea-
25 sonableness of price for commercial items contained in any

1 bid or offer submitted in response to an agency solicita-
2 tion. To the extent necessary to support such market re-
3 search, the procurement official for the solicitation—

4 “(1) in the case of items acquired under section
5 2379 of this title, shall use information submitted
6 under subsection (d) of that section; and

7 “(2) in the case of other items, may require the
8 offeror to submit relevant information.”.

9 **SEC. 872. VALUE ANALYSIS FOR THE DETERMINATION OF**
10 **PRICE REASONABLENESS.**

11 Subsection 2379(d) of title 10, United States Code,
12 is amended—

13 (1) by redesignating paragraph (2) as para-
14 graph (3); and

15 (2) by inserting after paragraph (1) the fol-
16 lowing new paragraph (2):

17 “(2) An offeror may submit information or analysis
18 relating to the value of a commercial item to aid in the
19 determination of the reasonableness of the price of such
20 item. A contracting officer may consider such information
21 or analysis in addition to the information submitted pur-
22 suant to paragraphs (1)(A) and (1)(B).”.

1 **SEC. 873. CLARIFICATION OF REQUIREMENTS RELATING**
2 **TO COMMERCIAL ITEM DETERMINATIONS.**

3 Paragraphs (1) and (2) of section 2380 of title 10,
4 United States Code, are amended to read as follows:

5 “(1) establish and maintain a centralized capa-
6 bility with necessary expertise and resources to pro-
7 vide assistance to the military departments and De-
8 fense Agencies in making commercial item deter-
9 minations, conducting market research, and per-
10 forming analysis of price reasonableness for the pur-
11 poses of procurements by the Department of De-
12 fense; and

13 “(2) provide to officials of the Department of
14 Defense access to previous Department of Defense
15 commercial item determinations, market research,
16 and analysis used to determine the reasonableness of
17 price for the purposes of procurements by the De-
18 partment of Defense.”.

19 **SEC. 874. INAPPLICABILITY OF CERTAIN LAWS AND REGU-**
20 **LATIONS TO THE ACQUISITION OF COMMER-**
21 **CIAL ITEMS AND COMMERCIALY AVAILABLE**
22 **OFF-THE-SHELF ITEMS.**

23 (a) AMENDMENT TO TITLE 10, UNITED STATES
24 CODE.—Section 2375 of title 10, United States Code, is
25 amended to read as follows:

1 **“§ 2375. Relationship of commercial item provisions**
2 **to other provisions of law**

3 “(a) APPLICABILITY OF GOVERNMENT-WIDE STAT-
4 UTES.—(1) No contract for the procurement of a commer-
5 cial item entered into by the head of an agency shall be
6 subject to any law properly listed in the Federal Acquisi-
7 tion Regulation pursuant to section 1906(b) of title 41.

8 “(2) No subcontract under a contract for the procure-
9 ment of a commercial item entered into by the head of
10 an agency shall be subject to any law properly listed in
11 the Federal Acquisition Regulation pursuant to section
12 1906(c) of title 41.

13 “(3) No contract for the procurement of a commer-
14 cially available off-the-shelf item entered into by the head
15 of an agency shall be subject to any law properly listed
16 in the Federal Acquisition Regulation pursuant to section
17 1907 of title 41.

18 “(b) APPLICABILITY OF DEFENSE-UNIQUE STAT-
19 UTES TO CONTRACTS FOR COMMERCIAL ITEMS.—(1) The
20 Defense Federal Acquisition Regulation Supplement shall
21 include a list of defense-unique provisions of law and of
22 contract clause requirements based on government-wide
23 acquisition regulations, policies, or executive orders not ex-
24 pressly authorized in law that are inapplicable to contracts
25 for the procurement of commercial items. A provision of
26 law or contract clause requirement properly included on

1 the list pursuant to paragraph (2) does not apply to pur-
2 chases of commercial items by the Department of Defense.
3 This section does not render a provision of law or contract
4 clause requirement not included on the list inapplicable to
5 contracts for the procurement of commercial items.

6 “(2) A provision of law or contract clause require-
7 ment described in subsection (e) that is enacted after Jan-
8 uary 1, 2015, shall be included on the list of inapplicable
9 provisions of law and contract clause requirements re-
10 quired by paragraph (1) unless the Under Secretary of
11 Defense for Acquisition, Technology, and Logistics makes
12 a written determination that it would not be in the best
13 interest of the Department of Defense to exempt contracts
14 for the procurement of commercial items from the applica-
15 bility of the provision or contract clause requirement.

16 “(c) APPLICABILITY OF DEFENSE-UNIQUE STAT-
17 UTES TO SUBCONTRACTS FOR COMMERCIAL ITEMS.—(1)
18 The Defense Federal Acquisition Regulation Supplement
19 shall include a list of provisions of law and of contract
20 clause requirements based on government-wide acquisition
21 regulations, policies, or executive orders not expressly au-
22 thorized in law that are inapplicable to subcontracts under
23 a Department of Defense contract or subcontract for the
24 procurement of commercial items. A provision of law or
25 contract clause requirement properly included on the list

1 pursuant to paragraph (2) does not apply to those sub-
2 contracts. This section does not render a provision of law
3 or contract clause requirement not included on the list in-
4 applicable to subcontracts under a contract for the pro-
5 curement of commercial items.

6 “(2) A provision of law or contract clause require-
7 ment described in subsection (e) shall be included on the
8 list of inapplicable provisions of law and contract clause
9 requirements required by paragraph (1) unless the Under
10 Secretary of Defense for Acquisition, Technology, and Lo-
11 gistics makes a written determination that it would not
12 be in the best interest of the Department of Defense to
13 exempt subcontracts under a contract for the procurement
14 of commercial items from the applicability of the provision
15 or contract clause requirement.

16 “(3) In this subsection, the term ‘subcontract’ in-
17 cludes a transfer of commercial items between divisions,
18 subsidiaries, or affiliates of a contractor or subcontractor.
19 The term does not include agreements entered into by a
20 contractor for the supply of commodities that are intended
21 for use in the performance of multiple contracts with the
22 Department of Defense and other parties and are not
23 identifiable to any particular contract.

24 “(4) This subsection does not authorize the waiver
25 of the applicability of any provision of law or contract

1 clause requirement with respect to any first-tier sub-
2 contract under a contract with a prime contractor reselling
3 or distributing commercial items of another contractor
4 without adding value.

5 “(d) APPLICABILITY OF DEFENSE-UNIQUE STAT-
6 UTES TO CONTRACTS FOR COMMERCIALLY AVAILABLE,
7 OFF-THE-SHELF ITEMS.—(1) The Defense Federal Acqui-
8 sition Regulation Supplement shall include a list of provi-
9 sions of law and of contract clause requirements based on
10 government-wide acquisition regulations, policies, or exec-
11 utive orders not expressly authorized in law that are inap-
12 plicable to contracts for the procurement of commercially
13 available off-the-shelf items. A provision of law or contract
14 clause requirement properly included on the list pursuant
15 to paragraph (2) does not apply to Department of Defense
16 contracts for the procurement of commercially available
17 off-the-shelf items. This section does not render a provi-
18 sion of law or contract clause requirement not included
19 on the list inapplicable to contracts for the procurement
20 of commercially available off-the-shelf items.

21 “(2) A provision of law or contract clause require-
22 ment described in subsection (e) shall be included on the
23 list of inapplicable provisions of law and contract clause
24 requirements required by paragraph (1) unless the Under
25 Secretary of Defense for Acquisition, Technology, and Lo-

1 gistics makes a written determination that it would not
2 be in the best interest of the Department of Defense to
3 exempt contracts for the procurement of commercially
4 available off-the-shelf items from the applicability of the
5 provision or contract clause requirement.

6 “(e) COVERED PROVISION OF LAW OR CONTRACT
7 CLAUSE REQUIREMENT.—A provision of law or contract
8 clause requirement referred to in subsections (b)(2),
9 (c)(2), and (d)(2) is a provision of law or contract clause
10 requirement that the Under Secretary of Defense for Ac-
11 quisition, Technology, and Logistics determines sets forth
12 policies, procedures, requirements, or restrictions for the
13 procurement of property or services by the Federal Gov-
14 ernment, except for a provision of law or contract clause
15 requirement that—

16 “(1) provides for criminal or civil penalties;

17 “(2) requires that certain articles be bought
18 from American sources pursuant to section 2533a of
19 this title, or requires that strategic materials critical
20 to national security be bought from American
21 sources pursuant to section 2533b of this title; or

22 “(3) specifically refers to this section and pro-
23 vides that, notwithstanding this section, it shall be
24 applicable to contracts for the procurement of com-
25 mercial items.”.

1 (b) CHANGES TO DEFENSE FEDERAL ACQUISITION
2 REGULATION SUPPLEMENT.—

3 (1) IN GENERAL.—To the maximum extent
4 practicable, the Under Secretary of Defense for Ac-
5 quisition, Technology, and Logistics shall ensure
6 that—

7 (A) the Defense Federal Acquisition Regu-
8 lation Supplement does not require the inclu-
9 sion of contract clauses in contracts for the pro-
10 curement of commercial items or contracts for
11 the procurement of commercially available off-
12 the-shelf items, unless such clauses are—

13 (i) required to implement provisions of
14 law or executive orders applicable to such
15 contracts; or

16 (ii) determined to be consistent with
17 standard commercial practice; and

18 (B) the flow-down of contract clauses to
19 subcontracts under contracts for the procure-
20 ment of commercial items or commercially
21 available off-the-shelf items is prohibited unless
22 such flow-down is required to implement provi-
23 sions of law or executive orders applicable to
24 such subcontracts.

1 (2) SUBCONTRACTS.—In this subsection, the
2 term “subcontract” includes a transfer of commer-
3 cial items between divisions, subsidiaries, or affili-
4 ates of a contractor or subcontractor. The term does
5 not include agreements entered into by a contractor
6 for the supply of commodities that are intended for
7 use in the performance of multiple contracts with
8 the Department of Defense and other parties and
9 are not identifiable to any particular contract.

10 **SEC. 875. USE OF COMMERCIAL OR NON-GOVERNMENT**
11 **STANDARDS IN LIEU OF MILITARY SPECI-**
12 **FICATIONS AND STANDARDS.**

13 (a) IN GENERAL.—The Secretary of Defense shall
14 ensure that the Department of Defense uses commercial
15 or non-Government specifications and standards in lieu of
16 military specifications and standards, including for pro-
17 curing new systems, major modifications, upgrades to cur-
18 rent systems, non-developmental and commercial items,
19 and programs in all acquisition categories, unless no prac-
20 tical alternative exists to meet user needs. If it is not prac-
21 ticable to use a commercial or non-Government standard,
22 a Government-unique specification may be used.

23 (b) LIMITED USE OF MILITARY SPECIFICATIONS.—

24 (1) IN GENERAL.—Military specifications shall
25 be used in procurements only to define an exact de-

1 sign solution when there is no acceptable commercial
2 or non-Government standard or when the use of a
3 commercial or non-Government standard is not cost
4 effective.

5 (2) WAIVER.—A waiver for the use of military
6 specifications in accordance with paragraph (1) shall
7 be approved by either the appropriate milestone de-
8 cision authority, the appropriate service acquisition
9 executive, or the Under Secretary of Defense for Ac-
10 quisition, Technology, and Logistics.

11 (c) REVISION TO DFARS.—Not later than 180 days
12 after the date of the enactment of this Act, the Under
13 Secretary of Defense for Acquisition, Technology, and Lo-
14 gistics shall revise the Defense Federal Acquisition Regu-
15 lation Supplement to encourage contractors to propose
16 commercial or non-Government standards and industry-
17 wide practices that meet the intent of the military speci-
18 fications and standards.

19 (d) DEVELOPMENT OF NON-GOVERNMENT STAND-
20 ARDS.—The Under Secretary for Acquisition, Technology,
21 and Logistics shall form partnerships with appropriate in-
22 dustry associations to develop commercial or non-Govern-
23 ment standards for replacement of military specifications
24 and standards where practicable.

1 (e) EDUCATION, TRAINING, AND GUIDANCE.—The
2 Under Secretary of Defense for Acquisition, Technology,
3 and Logistics shall ensure that training, education, and
4 guidance programs throughout the Department are re-
5 vised to incorporate specifications and standards reform.

6 (f) LICENSES.—The Under Secretary of Defense for
7 Acquisition, Technology, and Logistics shall negotiate li-
8 censes for standards to be used across the Department
9 of Defense and shall maintain an inventory of such li-
10 censes that is accessible to other Department of Defense
11 organizations.

12 **SEC. 876. PREFERENCE FOR COMMERCIAL SERVICES.**

13 Not later than 90 days after the date of the enact-
14 ment of this Act, the Secretary of Defense shall revise the
15 guidance issued pursuant to section 855 of the National
16 Defense Authorization Act for Fiscal Year 2016 (Public
17 Law 114–92; 10 U.S.C. 2377 note) to provide that—

18 (1) the head of an agency may not enter into
19 a contract in excess of \$10,000,000 for facilities-re-
20 lated services, knowledge-based services (except engi-
21 neering services), construction services, medical serv-
22 ices, or transportation services that are not commer-
23 cial services unless the service acquisition executive
24 of the military department concerned, the head of
25 the Defense Agency concerned, the commander of

1 the combatant command concerned, or the Under
2 Secretary of Defense for Acquisition, Technology,
3 and Logistics (as applicable) determines in writing
4 that no commercial services are suitable to meet the
5 agency's needs as provided in section 2377(c)(2) of
6 title 10, United States Code; and

7 (2) the head of an agency may not enter into
8 a contract in an amount above the simplified acqui-
9 sition threshold and below \$10,000,000 for facilities-
10 related services, knowledge-based services (except en-
11 gineering services), construction services, medical
12 services, or transportation services that are not com-
13 mercial services unless the contracting officer deter-
14 mines in writing that no commercial services are
15 suitable to meet the agency's needs as provided in
16 section 2377(c)(2) of such title.

17 **SEC. 877. TREATMENT OF COMMINGLED ITEMS PUR-**
18 **CHASED BY CONTRACTORS AS COMMERCIAL**
19 **ITEMS.**

20 (a) IN GENERAL.—Chapter 140 of title 10, United
21 States Code, is amended by adding at the end the fol-
22 lowing new section:

1 **“§ 2380B. Treatment of commingled items purchased**
2 **by contractors as commercial items**

3 “Notwithstanding 2376(1) of this title, items valued
4 at less than \$10,000 that are purchased by a contractor
5 for use in the performance of multiple contracts with the
6 Department of Defense and other parties and are not
7 identifiable to any particular contract shall be treated as
8 a commercial item for purposes of this chapter.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 for such chapter is amended by inserting after the item
11 relating to section 2380A the following new item:

“2380B. Treatment of items purchased prior to release of prime contract re-
quests for proposals as commercial items.”.

12 **SEC. 878. TREATMENT OF SERVICES PROVIDED BY NON-**
13 **TRADITIONAL CONTRACTORS AS COMMER-**
14 **CIAL ITEMS.**

15 (a) IN GENERAL.—Section 2380A of title 10, United
16 States Code, is amended—

17 (1) by striking “Notwithstanding” and insert-
18 ing the following:

19 “(a) GOODS AND SERVICES PROVIDED BY NON-
20 TRADITIONAL DEFENSE CONTRACTORS.—Notwith-
21 standing”; and

22 (2) by adding at the end the following new sub-
23 section:

1 “(b) SERVICES PROVIDED BY CERTAIN NONTRADI-
2 TIONAL CONTRACTORS.—Notwithstanding section
3 2376(1) of this title, services provided by a business unit
4 that is a nontraditional defense contractor (as that term
5 is defined in section 2302(9) of this title) shall be treated
6 as commercial items for purposes of this chapter, to the
7 extent that such services use the same pool of employees
8 as used for commercial customers and are priced using
9 methodology similar to methodology used for commercial
10 pricing.”.

11 (b) CONFORMING AMENDMENTS.—

12 (1) SECTION HEADING.—Section 2380A of title
13 10, United States Code, as amended by subsection
14 (a), is further amended by striking the section head-
15 ing and inserting the following:

16 “**§ 2380a. Treatment of certain items as commercial**
17 **items**”.

18 (2) TABLE OF SECTIONS.—The table of sections
19 at the beginning of chapter 140 of title 10, United
20 States Code, is amended by striking the item relat-
21 ing to section 2380A and inserting the following new
22 item:

“2380a. Treatment of certain items as commercial items.”.

1 **SEC. 879. DEFENSE PILOT PROGRAM FOR AUTHORITY TO**
2 **ACQUIRE INNOVATIVE COMMERCIAL ITEMS,**
3 **TECHNOLOGIES, AND SERVICES USING GEN-**
4 **ERAL SOLICITATION COMPETITIVE PROCE-**
5 **DURES.**

6 (a) **AUTHORITY.**—The Secretary of Defense and the
7 Secretaries of the military departments may carry out a
8 pilot program, to be known as the “defense commercial
9 solutions opening pilot program”, under which the Sec-
10 retary may acquire innovative commercial items, tech-
11 nologies, and services through a competitive selection of
12 proposals resulting from a general solicitation and the
13 peer review of such proposals.

14 (b) **TREATMENT AS COMPETITIVE PROCEDURES.**—
15 Use of general solicitation competitive procedures for the
16 pilot program under subsection (a) shall be considered to
17 be use of competitive procedures for purposes of chapter
18 137 of title 10, United States Code.

19 (c) **LIMITATIONS.**—

20 (1) **IN GENERAL.**—The Secretary may not enter
21 into a contract or agreement under the pilot pro-
22 gram for an amount in excess of \$100,000,000 with-
23 out a written determination from the Under Sec-
24 retary for Acquisition, Logistics, and Technology or
25 the relevant service acquisition executive of the effi-
26 cacy of the effort to meet mission needs of the De-

1 partment of Defense or the relevant military depart-
2 ment.

3 (2) FIXED-PRICE REQUIREMENT.—Contracts or
4 agreements entered into under the program shall be
5 fixed-price, including fixed-price incentive fee con-
6 tracts.

7 (3) TREATMENT AS COMMERCIAL ITEMS.—Not-
8 withstanding section 2376(1) of title 10, United
9 States Code, items, technologies, and services ac-
10 quired under the pilot program shall be treated as
11 commercial items.

12 (d) GUIDANCE.—Not later than six months after the
13 date of the enactment of this Act, the Secretary shall issue
14 guidance for the implementation of the pilot program
15 under this section within the Department of Defense.
16 Such guidance shall be issued in consultation with the Di-
17 rector of the Office of Management and Budget and shall
18 be posted for access by the public.

19 (e) CONGRESSIONAL NOTIFICATION REQUIRED.—

20 (1) IN GENERAL.—Not later than 45 days after
21 the award of a contract for an amount exceeding
22 \$100,000,000 using the authority in subsection (a),
23 the Secretary of Defense shall notify the congres-
24 sional defense committees of such award.

1 (2) ELEMENTS.—Notice of an award under
2 paragraph (1) shall include the following:

3 (A) Description of the innovative commer-
4 cial item, technology, or service acquired.

5 (B) Description of the requirement, capa-
6 bility gap, or potential technological advance-
7 ment with respect to which the innovative com-
8 mercial item, technology, or service acquired
9 provides a solution or a potential new capa-
10 bility.

11 (C) Amount of the contract awarded.

12 (D) Identification of contractor awarded
13 the contract.

14 (f) DEFINITION.—In this section, the term “innova-
15 tive” means—

16 (1) any technology, process, or method, includ-
17 ing research and development, that is new as of the
18 date of submission of a proposal; or

19 (2) any application that is new as of the date
20 of submission of a proposal of a technology, process,
21 or method existing as of such date.

22 (g) SUNSET.—The authority to enter into contracts
23 under the pilot program shall expire on September 30,
24 2022.

1 **SEC. 880. PILOT PROGRAMS FOR AUTHORITY TO ACQUIRE**
2 **INNOVATIVE COMMERCIAL ITEMS USING**
3 **GENERAL SOLICITATION COMPETITIVE PRO-**
4 **CEDURES.**

5 (a) AUTHORITY.—

6 (1) IN GENERAL.—The head of an agency may
7 carry out a pilot program, to be known as a “com-
8 mercial solutions opening pilot program”, under
9 which innovative commercial items may be acquired
10 through a competitive selection of proposals result-
11 ing from a general solicitation and the peer review
12 of such proposals.

13 (2) HEAD OF AN AGENCY.—In this section, the
14 term “head of an agency” means the following:

15 (A) The Secretary of Homeland Security.

16 (B) The Administrator of General Services.

17 (3) APPLICABILITY OF SECTION.—This section
18 applies to the following agencies:

19 (A) The Department of Homeland Secu-
20 rity.

21 (B) The General Services Administration.

22 (b) TREATMENT AS COMPETITIVE PROCEDURES.—

23 Use of general solicitation competitive procedures for the
24 pilot program under subsection (a) shall be considered, in
25 the case of the Department of Homeland Security and the
26 General Services Administration, to be use of competitive

1 procedures for purposes of division C of title 41, United
2 States Code (as defined in section 152 of such title).

3 (c) LIMITATION.—The head of an agency may not
4 enter into a contract under the pilot program for an
5 amount in excess of \$10,000,000.

6 (d) GUIDANCE.—The head of an agency shall issue
7 guidance for the implementation of the pilot program
8 under this section within that agency. Such guidance shall
9 be issued in consultation with the Office of Management
10 and Budget and shall be posted for access by the public.

11 (e) REPORT REQUIRED.—

12 (1) IN GENERAL.—Not later than three years
13 after the date of the enactment of this Act, the head
14 of an agency shall submit to the congressional com-
15 mittees specified in paragraph (3) a report on the
16 activities the agency carried out under the pilot pro-
17 gram.

18 (2) ELEMENTS OF REPORT.—Each report
19 under this subsection shall include the following:

20 (A) An assessment of the impact of the
21 pilot program on competition.

22 (B) A comparison of acquisition timelines
23 for—

24 (i) procurements made using the pilot
25 program; and

1 (ii) procurements made using other
2 competitive procedures that do not use
3 general solicitations.

4 (C) A recommendation on whether the au-
5 thority for the pilot program should be made
6 permanent.

7 (3) SPECIFIED CONGRESSIONAL COMMIT-
8 TEES.—The congressional committees specified in
9 this paragraph are the Committee on Homeland Se-
10 curity and Governmental Affairs of the Senate and
11 the Committee on Oversight and Government Re-
12 form of the House of Representatives.

13 (f) INNOVATIVE DEFINED.—In this section, the term
14 “innovative” means—

15 (1) any new technology, process, or method, in-
16 cluding research and development; or

17 (2) any new application of an existing tech-
18 nology, process, or method.

19 (g) TERMINATION.—The authority to enter into a
20 contract under a pilot program under this section termi-
21 nates on September 30, 2022.

1 **Subtitle G—Industrial Base**
2 **Matters**

3 **SEC. 881. GREATER INTEGRATION OF THE NATIONAL TECH-**
4 **NOLOGY AND INDUSTRIAL BASE.**

5 (a) PLAN REQUIRED.—Not later than January 1,
6 2018, the Secretary of Defense shall develop a plan to re-
7 duce the barriers to the seamless integration between the
8 persons and organizations that comprise the national tech-
9 nology and industrial base (as defined in section 2500 of
10 title 10, United States Code). The plan shall include at
11 a minimum the following elements:

12 (1) A description of the various components of
13 the national technology and industrial base, includ-
14 ing government entities, universities, nonprofit re-
15 search entities, nontraditional and commercial item
16 contractors, and private contractors that conduct
17 commercial and military research, produce commer-
18 cial items that could be used by the Department of
19 Defense, and produce items designated and con-
20 trolled under section 38 of the Arms Export Control
21 Act (also known as the “United States Munitions
22 List”).

23 (2) Identification of the barriers to the seamless
24 integration of the transfer of knowledge, goods, and

1 services among the persons and organizations of the
2 national technology and industrial base.

3 (3) Identification of current authorities that
4 could contribute to further integration of the persons
5 and organizations of the national technology and in-
6 dustrial base, and a plan to maximize the use of
7 those authorities.

8 (4) Identification of changes in export control
9 rules, procedures, and laws that would enhance the
10 civil-military integration policy objectives set forth in
11 section 2501(b) of title 10, United States Code, for
12 the national technology and industrial base to in-
13 crease the access of the Armed Forces to commercial
14 products, services, and research and create incen-
15 tives necessary for nontraditional and commercial
16 item contractors, universities, and nonprofit research
17 entities to modify commercial products or services to
18 meet Department of Defense requirements.

19 (5) Recommendations for increasing integration
20 of the national technology and industrial base that
21 supplies defense articles to the Armed Forces and
22 enhancing allied interoperability of forces through
23 changes to the text or the implementation of—

24 (A) section 126.5 of title 22, Code of Fed-
25 eral Regulations (relating to exemptions that

1 are applicable to Canada under the Inter-
2 national Traffic in Arms Regulations);

3 (B) the Treaty Between the Government of
4 the United States of America and the Govern-
5 ment of Australia Concerning Defense Trade
6 Cooperation, done at Sydney on September 5,
7 2007;

8 (C) the Treaty Between the Government of
9 the United States of America and the Govern-
10 ment of the United Kingdom of Great Britain
11 and Northern Ireland Concerning Defense
12 Trade Cooperation, done at Washington and
13 London on June 21 and 26, 2007; and

14 (D) any other agreements among the coun-
15 tries comprising the national technology and in-
16 dustrial base.

17 (b) AMENDMENT TO DEFINITION OF NATIONAL
18 TECHNOLOGY AND INDUSTRIAL BASE.—Section 2500(1)
19 of title 10, United States Code, is amended by inserting
20 “, the United Kingdom of Great Britain and Northern Ire-
21 land, Australia,” after “United States”.

22 (c) REPORTING REQUIREMENT.—The Secretary of
23 Defense shall report on the progress of implementing the
24 plan in subsection (a) in the report required under section
25 2504 of title 10, United States Code.

1 **SEC. 882. INTEGRATION OF CIVIL AND MILITARY ROLES IN**
2 **ATTAINING NATIONAL TECHNOLOGY AND IN-**
3 **DUSTRIAL BASE OBJECTIVES.**

4 Section 2501(b) of title 10, United States Code, is
5 amended by striking “It is the policy of Congress that the
6 United States attain” and inserting “The Secretary of De-
7 fense shall ensure that the United States attains”.

8 **SEC. 883. PILOT PROGRAM FOR DISTRIBUTION SUPPORT**
9 **AND SERVICES FOR WEAPON SYSTEMS CON-**
10 **TRACTORS.**

11 (a) **AUTHORITY.**—The Secretary of Defense may
12 carry out a six-year pilot program under which the Sec-
13 retary may make available storage and distribution serv-
14 ices support to a contractor in support of the performance
15 by the contractor of a contract for the production, modi-
16 fication, maintenance, or repair of a weapon system that
17 is entered into by the Department of Defense.

18 (b) **SUPPORT CONTRACTS.**—

19 (1) **IN GENERAL.**—Any storage and distribution
20 services to be provided under the pilot program
21 under this section to a contractor in support of the
22 performance of a contract described in subsection
23 (a) shall be provided under a separate contract that
24 is entered into by the Director of the Defense Logis-
25 tics Agency with that contractor. The requirements
26 of section 2208(h) of title 10, United States Code,

1 and the regulations prescribed pursuant to such sec-
2 tion shall apply to any such separate support con-
3 tract between the Director of the Defense Logistics
4 Agency and the contractor.

5 (2) LIMITATION.—Not more than five support
6 contracts between the Director and the contractor
7 may be awarded under the pilot program.

8 (c) SCOPE OF SUPPORT AND SERVICES.—The stor-
9 age and distribution support services that may be provided
10 under this section in support of the performance of a con-
11 tract described in subsection (a) are storage and distribu-
12 tion of materiel and repair parts necessary for the per-
13 formance of that contract.

14 (d) REGULATIONS.—Before exercising the authority
15 under the pilot program under this section, the Secretary
16 of Defense shall prescribe in regulations such require-
17 ments, conditions, and restrictions as the Secretary deter-
18 mines appropriate to ensure that storage and distribution
19 services are provided under the pilot program only when
20 it is in the best interests of the United States to do so.
21 The regulations shall include, at a minimum, the fol-
22 lowing:

23 (1) A requirement for the solicitation of offers
24 for a contract described in subsection (a), for which

1 storage and distribution services are to be made
2 available under the pilot program, including—

3 (A) a statement that the storage and dis-
4 tribution services are to be made available
5 under the authority of the pilot program under
6 this section to any contractor awarded the con-
7 tract, but only on a basis that does not require
8 acceptance of the support and services; and

9 (B) a description of the range of the stor-
10 age and distribution services that are to be
11 made available to the contractor.

12 (2) A requirement for the rates charged a con-
13 tractor for storage and distribution services provided
14 to a contractor under the pilot program to reflect
15 the full cost to the United States of the resources
16 used in providing the support and services, including
17 the costs of resources used, but not paid for, by the
18 Department of Defense.

19 (3) With respect to a contract described in sub-
20 section (a) that is being performed for a department
21 or agency outside the Department of Defense, a pro-
22 hibition, in accordance with applicable contracting
23 procedures, on the imposition of any charge on that
24 department or agency for any effort of Department

1 of Defense personnel or the contractor to correct de-
2 ficiencies in the performance of such contract.

3 (4) A prohibition on the imposition of any
4 charge on a contractor for any effort of the con-
5 tractor to correct a deficiency in the performance of
6 storage and distribution services provided to the con-
7 tractor under this section.

8 (5) A requirement that storage and distribution
9 services provided under the pilot program may not
10 interfere with the mission of the Defense Logistics
11 Agency or of any military department involved with
12 the pilot program.

13 (6) A requirement that any support contract for
14 storage and distribution services entered into under
15 the pilot program shall include a clause to indemnify
16 the Government against any failure by the con-
17 tractor to perform the support contract, and to re-
18 main responsible for performance of the primary
19 contract.

20 (e) RELATIONSHIP TO TREATY OBLIGATIONS.—The
21 Secretary shall ensure that the exercise of authority under
22 the pilot program under this section does not conflict with
23 any obligation of the United States under any treaty or
24 other international agreement.

25 (f) REPORTS.—

1 (1) SECRETARY OF DEFENSE.—Not later than
2 the end of the fourth year of operation of the pilot
3 program, the Secretary of Defense shall submit to
4 the Committees on Armed Services of the Senate
5 and House of Representatives a report describing—

6 (A) the cost effectiveness for both the Gov-
7 ernment and industry of the pilot program; and

8 (B) how support contracts under the pilot
9 program affected meeting the requirements of
10 primary contracts.

11 (2) COMPTROLLER GENERAL.—Not later than
12 the end of the fifth year of operation of the pilot
13 program, the Comptroller General of the United
14 States shall review the report of the Secretary under
15 paragraph (1) for sufficiency and provide such rec-
16 ommendations in a report to the Committees on
17 Armed Services of the Senate and House of Rep-
18 resentatives as the Comptroller General considers
19 appropriate.

20 (g) SUNSET.—The authority to enter into contracts
21 under the pilot program shall expire six years after the
22 date of the enactment of this Act. Any contracts entered
23 into before such date shall continue in effect according to
24 their terms.

1 **SEC. 884. NONTRADITIONAL AND SMALL CONTRACTOR IN-**
2 **NOVATION PROTOTYPING PROGRAM.**

3 (a) IN GENERAL.—The Secretary of Defense shall
4 conduct a pilot program for nontraditional defense con-
5 tractors and small business concerns to design, develop,
6 and demonstrate innovative prototype military platforms
7 of significant scope for the purpose of demonstrating new
8 capabilities that could provide alternatives to existing ac-
9 quisition programs and assets. The Secretary shall estab-
10 lish the pilot program within the Departments of the
11 Army, Navy, and Air Force, the Missile Defense Agency,
12 and the United States Special Operations Command.

13 (b) FUNDING.—There is authorized to be made avail-
14 able \$250,000,000 from the Rapid Prototyping Fund es-
15 tablished under section 804(d) of the National Defense
16 Authorization Act for Fiscal Year 2016 (Public Law 114–
17 92; 10 U.S.C. 2302 note) to carry out the pilot program.

18 (c) PLAN.—

19 (1) IN GENERAL.—The Secretary of Defense
20 shall submit to the congressional defense commit-
21 tees, concurrent with the budget for the Department
22 of Defense for fiscal year 2018, as submitted to
23 Congress pursuant to section 1105 of title 31,
24 United States Code, a plan to fund and carry out
25 the pilot program in future years.

1 (2) ELEMENTS.—The plan submitted under
2 paragraph (1) shall consider maximizing use of—

3 (A) broad agency announcements or other
4 merit-based selection procedures;

5 (B) the Department of Defense Acquisition
6 Challenge Program authorized under section
7 2359b of title 10, United States Code;

8 (C) the foreign comparative test program;

9 (D) projects carried out under the Rapid
10 Innovation Program of the Department of De-
11 fense or pursuant to a Phase III agreement (as
12 defined in section 9(r)(2) of the Small Business
13 Act (15 U.S.C. 638(r)(2))); and

14 (E) streamlined procedures for acquisition
15 provided under section 804 of the National De-
16 fense Authorization Act for Fiscal Year 2016
17 (Public Law 114–92; 10 U.S.C. 2302 note) and
18 procedures for alternative acquisition pathways
19 established under section 805 of such Act (10
20 U.S.C. 2302 note).

21 (d) PROGRAMS TO BE INCLUDED.—As part of the
22 pilot program, the Secretary of Defense shall allocate up
23 to \$50,000,000 on a fixed price contractual basis for fiscal
24 year 2017 or pursuant to the plan submitted under sub-
25 section (c) for demonstrations of the following capabilities:

1 (1) Swarming of multiple unmanned air vehi-
2 cles.

3 (2) Unmanned, modular fixed-wing aircraft that
4 can be rapidly adapted to multiple missions and
5 serve as a fifth generation weapons augmentation
6 platform.

7 (3) Vertical takeoff and landing tiltrotor air-
8 craft.

9 (4) Integration of a directed energy weapon on
10 an air, sea, or ground platform.

11 (5) Swarming of multiple unmanned under-
12 water vehicles.

13 (6) Commercial small synthetic aperture radar
14 (SAR) satellites with on-board machine learning for
15 automated, real-time feature extraction and pre-
16 dictive analytics.

17 (7) Active protection system to defend against
18 rocket-propelled grenades and anti-tank missiles.

19 (8) Defense against hypersonic weapons, includ-
20 ing sensors.

21 (9) Other systems as designated by the Sec-
22 retary.

23 (e) DEFINITIONS.—In this section:

24 (1) NONTRADITIONAL DEFENSE CON-
25 TRACTOR.—The term “nontraditional defense con-

1 tractor” has the meaning given the term in section
2 2302(9) of title 10, United States Code.

3 (2) SMALL BUSINESS CONCERN.—The term
4 “small business concern” has the meaning given the
5 term in section 3 of the Small Business Act (15
6 U.S.C. 632).

7 (f) SUNSET.—The authority under this section ex-
8 pires at the close of September 30, 2026.

9 **Subtitle H—Other Matters**

10 **SEC. 885. REPORT ON BID PROTESTS.**

11 (a) REPORT REQUIRED.—Not later than 270 days
12 after the date of the enactment of this Act, the Secretary
13 of Defense shall enter into a contract with an independent
14 research entity that is a not-for-profit entity or a federally
15 funded research and development center with appropriate
16 expertise and analytical capability to carry out a com-
17 prehensive study on the prevalence and impact of bid pro-
18 tests on Department of Defense acquisitions, including
19 protests filed with contracting agencies, the Government
20 Accountability Office, and the Court of Federal Claims.

21 (b) ELEMENTS.—The report required by subsection
22 (a) shall cover Department of Defense contracts and in-
23 clude, at a minimum, the following elements:

24 (1) For employees of the Department, including
25 the contracting officers, program executive officers,

1 and program managers, the extent and manner in
2 which the bid protest system affects or is perceived
3 to affect—

4 (A) the development of a procurement to
5 avoid protests rather than improve acquisition;

6 (B) the quality or quantity of pre-proposal
7 discussions, discussions of proposals, or post-
8 award debriefings;

9 (C) the decision to use lowest price tech-
10 nically acceptable procurement methods;

11 (D) the decision to make multiple awards
12 or encourage teaming;

13 (E) the ability to meet an operational or
14 mission need or address important require-
15 ments;

16 (F) the decision to use sole source award
17 methods; and

18 (G) the decision to exercise options on ex-
19 isting contracts.

20 (2) With respect to a company bidding on con-
21 tracts or task or delivery orders, the extent and
22 manner in which the bid protest system affects or is
23 perceived to affect—

1 (A) the decision to offer a bid or proposal
2 on single award or multiple award contracts
3 when the company is the incumbent contractor;

4 (B) the decision to offer a bid or proposal
5 on single award or multiple award contracts
6 when the company is not the incumbent con-
7 tractor;

8 (C) the ability to engage in pre-proposal
9 discussions, discussions of proposals, or post
10 -award debriefings;

11 (D) the decision to participate in a team or
12 joint venture; and

13 (E) the decision to file a protest with the
14 agency concerned, the Government Account-
15 ability Office, or the Court of Federal Claims.

16 (3) A description of trends in the number of bid
17 protests filed with agencies, the Government Ac-
18 countability Office, and Federal courts, the effective-
19 ness of each forum for contracts and task or delivery
20 orders, and the rate of such bid protests compared
21 to contract obligations and the number of contracts.

22 (4) An analysis of bid protests filed by incum-
23 bent contractors, including—

24 (A) the rate at which such protesters are
25 awarded bridge contracts or contract extensions

1 over the period that the protest remains unre-
2 solved; and

3 (B) an assessment of the cost and schedule
4 impact of successful and unsuccessful bid pro-
5 tests filed by incumbent contractors on con-
6 tracts for services with a value in excess of
7 \$100,000,000.

8 (5) A comparison of the number of protests, the
9 values of contested orders or contracts, and the out-
10 come of protests for—

11 (A) awards of contracts compared to
12 awards of task or delivery orders;

13 (B) contracts or orders primarily for prod-
14 ucts, compared to contracts or orders primarily
15 for services;

16 (C) protests filed pre-award to challenge
17 the solicitation compared to those filed post-
18 award;

19 (D) contracts or awards with single
20 protestors compared to multiple protestors; and

21 (E) contracts with single awards compared
22 to multiple award contracts.

23 (6) An analysis of the number and disposition
24 of protests filed with the contracting agency.

1 (7) A description of trends in the number of bid
2 protests filed as a percentage of contracts and as a
3 percentage of task or delivery orders awarded during
4 the same period of time, overall and set forth separately by the value of the contract or order, as follows:
5
6

7 (A) Contracts valued in excess of
8 \$3,000,000,000.

9 (B) Contracts valued between
10 \$500,000,000 and \$3,000,000,000.

11 (C) Contracts valued between \$50,000,000
12 and \$500,000,000.

13 (D) Contracts valued between \$10,000,000
14 and \$50,000,000.

15 (E) Contracts valued under \$10,000,000.

16 (8) An assessment of the cost and schedule impact of successful and unsuccessful bid protests filed
17 on contracts valued in excess of \$3,000,000,000.
18

19 (9) An analysis of how often protestors are
20 awarded the contract that was the subject of the bid
21 protest.

22 (10) A summary of the results of protests in
23 which the contracting agencies took unilateral corrective action, including—
24

1 (A) at what point in the bid protest proc-
2 ess the agency agreed to take corrective action;

3 (B) the average time for remedial action to
4 be completed; and

5 (C) a determination regarding—

6 (i) whether or to what extent the deci-
7 sion to take the corrective action was a re-
8 sult of a determination by the agency that
9 there had been a probable violation of law
10 or regulation; or

11 (ii) whether or to what extent such
12 corrective action was a result of some
13 other factor.

14 (11) A description of the time it takes agencies
15 to implement corrective actions after a ruling or de-
16 cision, and the percentage of those corrective actions
17 that are subsequently protested, including the out-
18 come of any subsequent protest.

19 (12) An analysis of those contracts with respect
20 to which a company files a protest (referred to as
21 the “initial protest”) and later files another protest
22 (referred to as the “subsequent protest”), analyzed
23 by the forum of the initial protest and the subse-
24 quent protest, including any difference in the out-
25 come, between the forums.

1 of Defense of indefinite delivery contracts entered into
2 during fiscal years 2015, 2016, and 2017.

3 (b) ELEMENTS.—The report under subsection (a)
4 shall address, at a minimum, the following:

5 (1) A review of Department of Defense policies
6 for entering into and using indefinite delivery con-
7 tracts, including requirements for competition, as
8 well as the guidance, if any, on the appropriate
9 number of vendors that should receive multiple
10 award indefinite delivery contracts.

11 (2) The number and value of all indefinite de-
12 livery contracts entered into by the Department of
13 Defense, including the number and value of such
14 contracts entered into with a single vendor.

15 (3) An assessment of the number and value of
16 indefinite delivery contracts entered into by the De-
17 partment of Defense that included competition be-
18 tween multiple vendors.

19 (4) Selected case studies of indefinite delivery
20 contracts, including an assessment of whether any
21 such contracts may have limited future opportunities
22 for competition for the services or items required.

23 (5) Recommendations for potential changes to
24 current law or Department of Defense acquisition

1 regulations or guidance to promote competition with
2 respect to indefinite delivery contracts.

3 **SEC. 887. REVIEW AND REPORT ON CONTRACTUAL FLOW-**
4 **DOWN PROVISIONS.**

5 (a) REVIEW REQUIRED.—The Secretary of Defense
6 shall conduct a review of contractual flow-down provisions
7 related to major defense acquisition programs on contrac-
8 tors and suppliers, including small businesses, contractors
9 for commercial items, nontraditional defense contractors,
10 universities, and not-for-profit research institutions. The
11 review shall—

12 (1) identify the flow-down provisions that exist
13 in the Federal Acquisition Regulation and the De-
14 fense Federal Acquisition Regulation Supplement;

15 (2) identify the flow-down provisions that are
16 critical for national security;

17 (3) examine the extent to which clauses in con-
18 tracts with the Department of Defense are being ap-
19 plied inappropriately in subcontracts under the con-
20 tracts;

21 (4) assess the applicability of flow-down provi-
22 sions for the purchase of commodity items that are
23 acquired in bulk for multiple acquisition programs;

24 (5) determine the unnecessary costs or burdens,
25 if any, of flow-down provisions on the supply chain;

1 (6) determine the effect, if any, of flow-down
2 provisions on the participation rate of small busi-
3 nesses, contractors for commercial items, nontradi-
4 tional defense contractors, universities, and not-for-
5 profit research organizations in defense acquisition
6 efforts; and

7 (7) determine the effect, if any, of flow-down
8 provisions on Department of Defense access to ad-
9 vanced research and technology capabilities available
10 in the private sector.

11 (b) CONTRACT.—Not later than 60 days after the
12 date of the enactment of this Act, the Secretary of Defense
13 shall enter into a contract with an independent entity with
14 appropriate expertise to conduct the review required by
15 subsection (a).

16 (c) REPORT.—Not later than August 1, 2017, the
17 Secretary shall submit to the congressional defense com-
18 mittees a report on the findings of the independent entity,
19 along with a description of any actions that the Secretary
20 proposes to address the findings of the independent entity.

1 **SEC. 888. REQUIREMENT AND REVIEW RELATING TO USE**
2 **OF BRAND NAMES OR BRAND-NAME OR**
3 **EQUIVALENT DESCRIPTIONS IN SOLICITA-**
4 **TIONS.**

5 (a) REQUIREMENT.—The Secretary of Defense shall
6 ensure that competition in Department of Defense con-
7 tracts is not limited through the use of specifying brand
8 names or brand-name or equivalent descriptions, or pro-
9 prietary specifications or standards, in solicitations unless
10 a justification for such specification is provided and ap-
11 proved in accordance with section 2304(f) of title 10,
12 United States Code.

13 (b) REVIEW OF ANTI-COMPETITIVE SPECIFICATIONS
14 IN INFORMATION TECHNOLOGY ACQUISITIONS.—

15 (1) REVIEW REQUIRED.—Not later than 180
16 days after the date of the enactment of this Act, the
17 Under Secretary of Defense for Acquisition, Tech-
18 nology, and Logistics shall conduct a review of the
19 policy, guidance, regulations, and training related to
20 specifications included in information technology ac-
21 quisitions to ensure current policies eliminate the
22 unjustified use of potentially anti-competitive speci-
23 fications. In conducting the review, the Under Sec-
24 retary shall examine the use of brand names or pro-
25 prietary specifications or standards in solicitations
26 for procurements of goods and services, as well as

1 **SEC. 890. STUDY AND REPORT ON CONTRACTS AWARDED**
2 **TO MINORITY-OWNED AND WOMEN-OWNED**
3 **BUSINESSES.**

4 (a) STUDY.—The Comptroller General of the United
5 States shall carry out a study on the number and types
6 of contracts for the procurement of goods or services for
7 the Department of Defense awarded to minority-owned
8 and women-owned businesses during fiscal years 2010
9 through 2015. In conducting the study, the Comptroller
10 General shall identify minority-owned businesses accord-
11 ing to the categories identified in the Federal Procurement
12 Data System (described in section 1122(a)(4)(A) of title
13 41, United States Code).

14 (b) REPORT.—Not later than 1 year after the date
15 of the enactment of this Act, the Comptroller General shall
16 submit to the congressional defense committees a report
17 on the results of the study under subsection (a).

18 **SEC. 891. AUTHORITY TO PROVIDE REIMBURSABLE AUDIT-**
19 **ING SERVICES TO CERTAIN NON-DEFENSE**
20 **AGENCIES.**

21 Section 893(a) of the National Defense Authorization
22 Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C.
23 2313 note) is amended—

24 (1) in paragraph (1), by inserting “except as
25 provided in paragraph (2),” after “this Act,”; and

1 (2) by amending paragraph (2) to read as fol-
2 lows:

3 “(2) EXCEPTION FOR NATIONAL NUCLEAR SE-
4 CURITY ADMINISTRATION.—Notwithstanding para-
5 graph (1), the Defense Contract Audit Agency may
6 provide audit support on a reimbursable basis for
7 the National Nuclear Security Administration.”.

8 **SEC. 892. SELECTION OF SERVICE PROVIDERS FOR AUDIT-**
9 **ING SERVICES AND AUDIT READINESS SERV-**
10 **ICES.**

11 The Department of Defense shall select service pro-
12 viders for auditing services and audit readiness services
13 based on the best value to the Department, as determined
14 by the resource sponsor for an auditing contract, rather
15 than based on the lowest price technically acceptable serv-
16 ice provider.

17 **SEC. 893. AMENDMENTS TO CONTRACTOR BUSINESS SYS-**
18 **TEM REQUIREMENTS.**

19 (a) BUSINESS SYSTEM REQUIREMENTS.—Section
20 893 of the Ike Skelton National Defense Authorization
21 Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C.
22 2302 note) is amended in subsection (b)(1), by striking
23 “system requirements” and inserting “clear and specific
24 business system requirements that are identified and made
25 publicly available”.

1 (b) THIRD-PARTY INDEPENDENT AUDITOR RE-
2 VIEWS.—Section 893 of such Act is further amended—

3 (1) by redesignating subsections (c), (d), (e),
4 (f), and (g) as subsections (d), (e), (f), (g), and (h),
5 respectively; and

6 (2) by inserting after subsection (b) the fol-
7 lowing new subsection (c):

8 “(c) REVIEW BY THIRD-PARTY INDEPENDENT AUDI-
9 TORS.—The review process for contractor business sys-
10 tems pursuant to subsection (b)(2) shall—

11 “(1) if a registered public accounting firm at-
12 tests to the internal control assessment of a con-
13 tractor, pursuant to section 404(b) of the Sarbanes-
14 Oxley Act of 2002 (15 U.S.C. 7262(b)), allow the
15 contractor, subject to paragraph (3), to submit cer-
16 tified documentation from such registered public ac-
17 counting firm that the contractor business systems
18 of the contractor meet the business system require-
19 ments referred to in subsection (b)(1) and to thereby
20 eliminate the need for further review of the con-
21 tractor business systems by the Secretary of De-
22 fense;

23 “(2) limit the review, subject to paragraph (3),
24 of the contractor business systems of a contractor
25 that is not a covered contractor to confirming that

1 the contractor uses the same contractor business
2 system for its Government and commercial work and
3 that the outputs of the contractor business system
4 based on statistical sampling are reasonable; and

5 “(3) allow a milestone decision authority to re-
6 quire a review of a contractor business system of a
7 contractor that submits documentation pursuant to
8 paragraph (1) or that is not a covered contractor
9 after determining in writing that such a review is
10 necessary to appropriately manage contractual
11 risk.”.

12 (c) AMENDMENT TO DEFINITION OF COVERED CON-
13 TRACTOR.—Section 893 of such Act is further amended
14 in subsection (g), as so redesignated, by striking “means
15 a contractor” and all that follows and inserting “means
16 a contractor that has covered contracts with the United
17 States Government accounting for greater than 1 percent
18 of its total gross revenue, except that the term does not
19 include any contractor that is exempt, under section 1502
20 of title 41, United States Code, or regulations imple-
21 menting that section, from using full cost accounting
22 standards established in that section.”.

23 (d) REPEAL OF OBSOLETE DEADLINE.—Section 893
24 of such Act is further amended in subsection (a) by strik-

1 ing “Not later than 270 days after the date of the enact-
2 ment of this Act, the” and inserting “The”.

3 **SEC. 894. IMPROVED MANAGEMENT PRACTICES TO RE-**
4 **DUCE COST AND IMPROVE PERFORMANCE OF**
5 **CERTAIN DEPARTMENT OF DEFENSE ORGA-**
6 **NIZATIONS.**

7 (a) IN GENERAL.—Beginning not later than 180
8 days after the date of the enactment of this Act, the Sec-
9 retary of Defense shall designate units, subunits, or enti-
10 ties of the Department of Defense, other than Centers of
11 Industrial and Technical Excellence designated pursuant
12 to section 2474 of title 10, United States Code, that con-
13 duct work that is commercial in nature or is not inherently
14 governmental to prioritize efforts to conduct business op-
15 erations in a manner that uses modern, commercial man-
16 agement practices and principles to reduce the costs and
17 improve the performance of such organizations.

18 (b) ADOPTION OF MODERN BUSINESS PRACTICES.—
19 The Secretary shall ensure that each such unit, subunit,
20 or entity of the Department described in subsection (a)
21 is authorized to adopt and implement best commercial and
22 business management practices to achieve the goals de-
23 scribed in such subsection.

24 (c) WAIVERS.—The Secretary shall authorize waivers
25 of Department of Defense, military service, and Defense

1 Agency regulations, as appropriate, to achieve the goals
2 in subsection (a), including in the following areas:

- 3 (1) Financial management.
- 4 (2) Human resources.
- 5 (3) Facility and plant management.
- 6 (4) Acquisition and contracting.
- 7 (5) Partnerships with the private sector.
- 8 (6) Other business and management areas as
9 identified by the Secretary.

10 (d) GOALS.—The Secretary of Defense shall identify
11 savings goals to be achieved through the implementation
12 of the commercial and business management practices
13 adopted under subsection (b), and establish a schedule for
14 achieving the savings.

15 (e) BUDGET ADJUSTMENT.—The Secretary shall es-
16 tablish policies to adjust organizational budget allocations,
17 at the Secretary's discretion, for purposes of—

18 (1) using savings derived from implementation
19 of best commercial and business management prac-
20 tices for high priority military missions of the De-
21 partment of Defense;

22 (2) creating incentives for the most efficient
23 and effective development and adoption of new com-
24 mercial and business management practices by orga-
25 nizations; and

1 (3) investing in the development of new com-
2 mercial and business management practices that will
3 result in further savings to the Department of De-
4 fense.

5 (f) BUDGET BASELINES.—Beginning not later than
6 one year after the date of the enactment of this Act, each
7 such unit, subunit, or entity of the Department described
8 in subsection (a) shall, in accordance with such guidance
9 as the Secretary of Defense shall establish for purposes
10 of this section—

11 (1) establish an annual baseline cost estimate of
12 its operations; and

13 (2) certify that costs estimated pursuant to
14 paragraph (1) are wholly accounted for and pre-
15 sented in a format that is comparable to the format
16 for the presentation of such costs for other elements
17 of the Department or consistent with best commer-
18 cial practices.

19 **SEC. 895. EXEMPTION FROM REQUIREMENT FOR CAPITAL**
20 **PLANNING AND INVESTMENT CONTROL FOR**
21 **INFORMATION TECHNOLOGY EQUIPMENT IN-**
22 **CLUDED AS INTEGRAL PART OF A WEAPON**
23 **OR WEAPON SYSTEM.**

24 (a) WAIVER AUTHORITY.—Notwithstanding sub-
25 section (c)(2) of section 11103 of title 40, United States

1 Code, a national security system described in subsection
2 (a)(1)(D) of such section shall not be subject to the re-
3 quirements of paragraphs (2) through (5) of section
4 11312(b) of such title unless the milestone decision au-
5 thority determines in writing that application of such re-
6 quirements is appropriate and in the best interests of the
7 Department of Defense.

8 (b) MILESTONE DECISION AUTHORITY DEFINED.—
9 In this section, the term “milestone decision authority”
10 has the meaning given the term in section 2366a(d)(7)
11 of title 10, United States Code.

12 **SEC. 896. MODIFICATIONS TO PILOT PROGRAM FOR**
13 **STREAMLINING AWARDS FOR INNOVATIVE**
14 **TECHNOLOGY PROJECTS.**

15 Section 873 of the National Defense Authorization
16 Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C.
17 2306a note) is amended—

18 (1) in subsection (a)(2), by inserting “or Small
19 Business Technology Transfer Program” after
20 “Small Business Innovation Research Program”;

21 (2) in subsection (b)—

22 (A) by inserting “subparagraphs (A), (B),
23 and (C) of section 2313(a)(2) of title 10,
24 United States Code, and” before “subsection
25 (b) of section 2313”; and

1 (B) in paragraph (2), by inserting “, and
2 if such performance audit is initiated within 18
3 months of the contract completion” before the
4 period at the end;

5 (3) by redesignating subsections (c), (d), and
6 (e) as subsections (f), (g), and (h), respectively; and

7 (4) by inserting after subsection (b) the fol-
8 lowing new subsections:

9 “(c) TREATMENT AS COMPETITIVE PROCEDURES.—
10 Use of a technical, merit-based selection procedure or the
11 Small Business Innovation Research Program or Small
12 Business Technology Transfer Program for the pilot pro-
13 gram under this section shall be considered to be use of
14 competitive procedures for purposes of chapter 137 of title
15 10, United States Code.

16 “(d) DISCRETION TO USE NON-CERTIFIED AC-
17 COUNTING SYSTEMS.—In executing programs under this
18 pilot program, the Secretary of Defense shall establish
19 procedures under which a small business or nontraditional
20 contractor may engage an independent certified public ac-
21 countant for the review and certification of its accounting
22 system for the purposes of any audits required by regula-
23 tion, unless the head of the agency determines that this
24 is not appropriate based on past performance of the spe-
25 cific small business or nontraditional defense contractor,

1 or based on analysis of other information specific to the
2 award.

3 “(e) GUIDANCE AND TRAINING.—The Secretary of
4 Defense shall ensure that acquisition and auditing officials
5 are provided guidance and training on the flexible use and
6 tailoring of authorities under the pilot program to maxi-
7 mize efficiency and effectiveness.”.

8 **SEC. 897. RAPID PROTOTYPING FUNDS FOR THE MILITARY**
9 **DEPARTMENTS.**

10 Section 804(d) of the National Defense Authorization
11 Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C.
12 2302 note), as amended by section 864 of this Act, is fur-
13 ther amended—

14 (1) in the subsection heading, by striking
15 “FUND” and inserting “FUNDS”;

16 (2) in paragraph (1), by striking “IN GEN-
17 ERAL.—The Secretary” and inserting the following:

18 “DEPARTMENT OF DEFENSE RAPID PROTOTYPING
19 FUND.—

20 “(A) IN GENERAL.—The Secretary”;

21 (3) by redesignating paragraphs (2) and (3) as
22 subparagraphs (B) and (C), respectively, and moving
23 such subparagraphs, as so redesignated, two ems to
24 the right;

1 (4) in subparagraph (B), as redesignated by
2 paragraph (3), by striking “this subsection” and in-
3 serting “this paragraph”; and

4 (5) by inserting after paragraph (1) the fol-
5 lowing new paragraph:

6 “(2) **RAPID PROTOTYPING FUNDS FOR THE**
7 **MILITARY DEPARTMENTS.**—The Secretary of each
8 military department may establish a military depart-
9 ment-specific fund (and, in the case of the Secretary
10 of the Navy, including the Marine Corps) to provide
11 funds, in addition to other funds that may be avail-
12 able to the military department concerned, for acqui-
13 sition programs under the rapid fielding and proto-
14 typing pathways established pursuant to this section.
15 Each military department-specific fund shall consist
16 of amounts appropriated or credited to the fund.”.

17 **SEC. 898. ESTABLISHMENT OF PANEL ON DEPARTMENT OF**
18 **DEFENSE AND ABILITYONE CONTRACTING**
19 **OVERSIGHT, ACCOUNTABILITY, AND INTEG-**
20 **RITY; DEFENSE ACQUISITION UNIVERSITY**
21 **TRAINING.**

22 (a) **ESTABLISHMENT OF PANEL ON DEPARTMENT OF**
23 **DEFENSE AND ABILITYONE CONTRACTING OVERSIGHT,**
24 **ACCOUNTABILITY, AND INTEGRITY.**—

1 (1) IN GENERAL.—The Secretary of Defense
2 shall establish a panel to be known as the “Panel on
3 Department of Defense and AbilityOne Contracting
4 Oversight, Accountability, and Integrity” (hereafter
5 in this section referred to as the “Panel”). The
6 Panel shall be supported by the Defense Acquisition
7 University, established under section 1746 of title
8 10, United States Code, and the National Defense
9 University, including administrative support.

10 (2) COMPOSITION.—The Panel shall be com-
11 posed of the following:

12 (A) A representative of the Under Sec-
13 retary of Defense for Acquisition, Technology,
14 and Logistics, who shall be the chairman of the
15 Panel.

16 (B) A representative from the AbilityOne
17 Commission.

18 (C) A representative of the service acquisi-
19 tion executive of each military department and
20 Defense Agency (as such terms are defined, re-
21 spectively, in section 101 of title 10, United
22 States Code).

23 (D) A representative of the Under Sec-
24 retary of Defense (Comptroller).

1 (E) A representative of the Inspector Gen-
2 eral of the Department of Defense and the
3 AbilityOne Commission.

4 (F) A representative from each of the
5 Army Audit Agency, the Navy Audit Service,
6 the Air Force Audit Agency, and the Defense
7 Contract Audit Agency.

8 (G) The President of the Defense Acquisi-
9 tion University, or a designated representative.

10 (H) One or more subject matter experts on
11 veterans employment from a veterans service
12 organization.

13 (I) A representative of the Commission Di-
14 rectorate of Veteran Employment of the
15 AbilityOne Commission whose duties include
16 maximizing opportunities to employ signifi-
17 cantly disabled veterans in accordance with the
18 regulations of the AbilityOne Commission.

19 (J) One or more representatives from the
20 Department of Justice who are subject matter
21 experts on compliance with disability rights
22 laws applicable to contracts of the Department
23 of Defense and the AbilityOne Commission.

24 (K) One or more representatives from the
25 Department of Justice who are subject matter

1 experts on Department of Defense contracts,
2 Federal Prison Industries, and the require-
3 ments of the Javits-Wagner-O'Day Act.

4 (L) Such other representatives as may be
5 determined appropriate by the Under Secretary
6 of Defense for Acquisition, Technology, and Lo-
7 gistics.

8 (b) MEETINGS.—The Panel shall meet as determined
9 necessary by the chairman of the Panel, but not less often
10 than once every three months.

11 (c) DUTIES.—The Panel shall—

12 (1) review the status of and progress relating to
13 the implementation of the recommendations of re-
14 port number DODIG–2016–097 of the Inspector
15 General of the Department of Defense titled “DoD
16 Generally Provided Effective Oversight of AbilityOne
17 Contracts”, published on June 17, 2016;

18 (2) recommend actions the Department of De-
19 fense and the AbilityOne Commission may take to
20 eliminate waste, fraud, and abuse with respect to
21 contracts of the Department of Defense and the
22 AbilityOne Commission;

23 (3) recommend actions the Department of De-
24 fense and the AbilityOne Commission may take to
25 ensure opportunities for the employment of signifi-

1 cantly disabled veterans and the blind and other se-
2 verely disabled individuals;

3 (4) recommend changes to law, regulations, and
4 policy that the Panel determines necessary to elimi-
5 nate vulnerability to waste, fraud, and abuse with
6 respect to the performance of contracts of the De-
7 partment of Defense;

8 (5) recommend criteria for veterans with dis-
9 abilities to be eligible for employment opportunities
10 through the programs of the AbilityOne Commission
11 that considers the definitions of disability used by
12 the Secretary of Veterans Affairs and the AbilityOne
13 Commission;

14 (6) recommend ways the Department of De-
15 fense and the AbilityOne Commission may explore
16 opportunities for competition among qualified non-
17 profit agencies or central nonprofit agencies and en-
18 sure an equitable selection and allocation of work to
19 qualified nonprofit agencies;

20 (7) recommend changes to business practices,
21 information systems, and training necessary to en-
22 sure that—

23 (A) the AbilityOne Commission complies
24 with regulatory requirements related to the es-
25 tablishment and maintenance of the procure-

1 ment list established pursuant to section 8503
2 of title 41, United States Code; and

3 (B) the Department of Defense complies
4 with the statutory and regulatory requirements
5 for use of such procurement list; and

6 (8) any other duties determined necessary by
7 the Secretary of Defense.

8 (d) CONSULTATION.—To carry out the duties de-
9 scribed in subsection (c), the Panel may consult or con-
10 tract with other executive agencies and with experts from
11 qualified nonprofit agencies or central nonprofit agencies
12 on—

13 (1) compliance with disability rights laws appli-
14 cable to contracts of the Department of Defense and
15 the AbilityOne Commission;

16 (2) employment of significantly disabled vet-
17 erans; and

18 (3) vocational rehabilitation.

19 (e) AUTHORITY.—To carry out the duties described
20 in subsection (c), the Panel may request documentation
21 or other information needed from the AbilityOne Commis-
22 sion, central nonprofit agencies, and qualified nonprofit
23 agencies.

24 (f) PANEL RECOMMENDATIONS AND MILESTONE
25 DATES.—

1 (1) MILESTONE DATES FOR IMPLEMENTING
2 RECOMMENDATIONS.—After consulting with central
3 nonprofit agencies and qualified nonprofit agencies,
4 the Panel shall suggest milestone dates for the im-
5 plementation of the recommendations made under
6 subsection (c) and shall notify the congressional de-
7 fense committees, the Committee on Oversight and
8 Government Reform of the House of Representa-
9 tives, the Committee on Homeland Security and
10 Governmental Affairs of the Senate, qualified non-
11 profit agencies, and central nonprofit agencies of
12 such dates.

13 (2) NOTIFICATION OF IMPLEMENTATION OF
14 RECOMMENDATIONS.—After the establishment of
15 milestone dates under paragraph (1), the Panel may
16 review the activities, including contracts, of the
17 AbilityOne Commission, the central nonprofit agen-
18 cies, and the relevant qualified nonprofit agencies to
19 determine if the recommendations made under sub-
20 section (c) are being substantially implemented in
21 good faith by the AbilityOne Commission or such
22 agencies. If the Panel determines that the
23 AbilityOne Commission or any such agency is not
24 implementing the recommendations, the Panel shall
25 notify the Secretary of Defense, the congressional

1 defense committees, the Committee on Oversight
2 and Government Reform of the House of Represent-
3 atives, and the Committee on Homeland Security
4 and Governmental Affairs of the Senate.

5 (g) REMEDIES.—

6 (1) IN GENERAL.—Upon receiving notification
7 under subsection (f)(2) and subject to the limitation
8 in paragraph (2), the Secretary of Defense may take
9 one of the following actions:

10 (A) With respect to a notification relating
11 to the AbilityOne Commission, the Secretary
12 may suspend compliance with the requirement
13 to procure a product or service in section 8504
14 of title 41, United States Code, until the date
15 on which the Secretary notifies Congress, in
16 writing, that the AbilityOne Commission is sub-
17 stantially implementing the recommendations
18 made under subsection (c).

19 (B) With respect to a notification relating
20 to a qualified nonprofit agency, the Secretary
21 may terminate a contract with such agency that
22 is in existence on the date of receipt of such no-
23 tification, or elect to not enter into a contract
24 with such agency after such date, until the date
25 on which the AbilityOne Commission certifies to

1 the Secretary that such agency is substantially
2 implementing the recommendations made under
3 subsection (c).

4 (C) With respect to a notification relating
5 to a central nonprofit agency, the Secretary
6 may include a term in a contract entered into
7 after the date of receipt of such notification
8 with a qualified nonprofit agency that is under
9 such central nonprofit agency that states that
10 such qualified nonprofit agency shall not pay a
11 fee to such central nonprofit agency until the
12 date on which the AbilityOne Commission cer-
13 tifies to the Secretary that such central non-
14 profit agency is substantially implementing the
15 recommendations made under subsection (c).

16 (2) LIMITATION.—If the Secretary of Defense
17 takes any of the actions described in paragraph (1),
18 the Secretary shall coordinate with the AbilityOne
19 Commission or the relevant central nonprofit agency,
20 as appropriate, to fully implement the recommenda-
21 tions made under subsection (c). On the date on
22 which such recommendations are fully implemented,
23 the Secretary shall notify Congress, in writing, and
24 the Secretary's authority under paragraph (1) shall
25 terminate.

1 (h) PROGRESS REPORTS.—

2 (1) CONSULTATION ON RECOMMENDATIONS.—

3 Before submitting the progress report required
4 under paragraph (2), the Panel shall consult with
5 the AbilityOne Commission on draft recommenda-
6 tions made pursuant to subsection (c). The Panel
7 shall include any recommendations of the AbilityOne
8 Commission in the progress report submitted under
9 paragraph (2).

10 (2) PROGRESS REPORT.—Not later than 180
11 days after the date of the enactment of this Act, the
12 Panel shall submit to the Secretary of Defense, the
13 Chairman of the AbilityOne Commission, the con-
14 gressional defense committees, the Committee on
15 Oversight and Government Reform of the House of
16 Representatives, and the Committee on Homeland
17 Security and Governmental Affairs of the Senate a
18 progress report on the activities of the Panel.

19 (i) ANNUAL REPORT.—

20 (1) CONSULTATION ON REPORT.—Before sub-
21 mitting the annual report required under paragraph
22 (2), the Panel shall consult with the AbilityOne
23 Commission on the contents of the report. The
24 Panel shall include any recommendations of the

1 AbilityOne Commission in the report submitted
2 under paragraph (2).

3 (2) REPORT.—Not later than September 30,
4 2017, and annually thereafter for the next three
5 years, the Panel shall submit to the Secretary of De-
6 fense, the Chairman of the AbilityOne Commission,
7 the congressional defense committees, the Committee
8 on Oversight and Government Reform of the House
9 of Representatives, and the Committee on Homeland
10 Security and Governmental Affairs of the Senate a
11 report that includes—

12 (A) a summary of findings and rec-
13 ommendations for the year covered by the re-
14 port;

15 (B) a summary of the progress of the rel-
16 evant qualified nonprofit agencies or central
17 nonprofit agencies in implementing rec-
18 ommendations of the previous year's report, if
19 applicable;

20 (C) an examination of the current struc-
21 ture of the AbilityOne Commission to eliminate
22 waste, fraud, and abuse and to ensure con-
23 tracting integrity and accountability for any
24 violations of law or regulations;

1 (D) recommendations for any changes to
2 the acquisition and contracting practices of the
3 Department of Defense and the AbilityOne
4 Commission to improve the delivery of goods
5 and services to the Department of Defense; and

6 (E) recommendations for administrative
7 safeguards to ensure the Department of De-
8 fense and the AbilityOne Commission are in
9 compliance with the requirements of the Javits-
10 Wagner-O'Day Act, Federal civil rights law,
11 and regulations and policy related to the per-
12 formance of contracts of the Department of De-
13 fense with qualified nonprofit agencies and the
14 contracts of the AbilityOne Commission with
15 central nonprofit agencies.

16 (j) SUNSET.—The Panel shall terminate on the date
17 of submission of the last annual report required under
18 subsection (i).

19 (k) INAPPLICABILITY OF FACA.—The requirements
20 of the Federal Advisory Committee Act (5 U.S.C. App.)
21 shall not apply to the Panel established pursuant to sub-
22 section (a).

23 (l) DEFENSE ACQUISITION UNIVERSITY TRAINING.—

24 (1) IN GENERAL.—The Secretary of Defense
25 shall establish a training program at the Defense

1 Acquisition University established under section
2 1746 of title 10, United States Code. Such training
3 shall include—

4 (A) information about—

5 (i) the mission of the AbilityOne Com-
6 mission;

7 (ii) the employment of significantly
8 disabled veterans through contracts from
9 the procurement list maintained by the
10 AbilityOne Commission;

11 (iii) reasonable accommodations and
12 accessibility requirements for the blind and
13 other severely disabled individuals; and

14 (iv) Executive orders and other sub-
15 jects related to the blind and other severely
16 disabled individuals, as determined by the
17 Secretary of Defense; and

18 (B) procurement, acquisition, program
19 management, and other training specific to pro-
20 curing goods and services for the Department
21 of Defense pursuant to the Javits-Wagner-
22 O'Day Act.

23 (2) ACQUISITION WORKFORCE ASSIGNMENT.—

24 Members of the acquisition workforce (as defined in
25 section 101 of title 10, United States Code) who

1 have participated in the training described in para-
2 graph (1) are eligible for a detail to the AbilityOne
3 Commission.

4 (3) ABILITYONE COMMISSION ASSIGNMENT.—
5 Career employees of the AbilityOne Commission may
6 participate in the training program described in
7 paragraph (1) on a non-reimbursable basis for up to
8 three years and on a non-reimbursable or reimburs-
9 able basis thereafter.

10 (4) FUNDING.—Amounts from the Department
11 of Defense Acquisition Workforce Development
12 Fund established under section 1705 of title 10,
13 United States Code, are authorized for use for the
14 detail of members of the acquisition workforce to the
15 AbilityOne Commission.

16 (m) DEFINITIONS.—In this section:

17 (1) The term “AbilityOne Commission” means
18 the Committee for Purchase From People Who Are
19 Blind or Severely Disabled established under section
20 8502 of title 41, United States Code.

21 (2) The terms “blind”, “qualified nonprofit
22 agency for the blind”, “qualified nonprofit agency
23 for other severely disabled”, and “severely disabled
24 individual” have the meanings given such terms
25 under section 8501 of such title.

1 (3) The term “central nonprofit agency” means
2 a central nonprofit agency designated under section
3 8503(c) of such title.

4 (4) The term “executive agency” has the mean-
5 ing given such term in section 133 of such title.

6 (5) The term “Javits-Wagner-O’Day Act”
7 means chapter 85 of such title.

8 (6) The term “qualified nonprofit agency”
9 means—

10 (A) a qualified nonprofit agency for the
11 blind; or

12 (B) a qualified nonprofit agency for other
13 severely disabled.

14 (7) The term “significantly disabled veteran”
15 means a veteran (as defined in section 101 of title
16 38, United States Code) who is a severely disabled
17 individual.

18 **SEC. 899. COAST GUARD MAJOR ACQUISITION PROGRAMS.**

19 (a) FUNCTIONS OF CHIEF ACQUISITION OFFICER.—
20 Section 56(c) of title 14, United States Code, is amended
21 by striking “and” after the semicolon at the end of para-
22 graph (8), striking the period at the end of paragraph (9)
23 and inserting “; and”, and adding at the end the following:

1 “(10)(A) keeping the Commandant informed of
2 the progress of major acquisition programs (as that
3 term is defined in section 581);

4 “(B) informing the Commandant on a con-
5 tinuing basis of any developments on such programs
6 that may require new or revisited trade-offs among
7 cost, schedule, technical feasibility, and performance,
8 including—

9 “(i) significant cost growth or schedule
10 slippage; and

11 “(ii) requirements creep (as that term is
12 defined in section 2547(c)(1) of title 10); and

13 “(C) ensuring that the views of the Com-
14 mandant regarding such programs on cost, schedule,
15 technical feasibility, and performance trade-offs are
16 strongly considered by program managers and pro-
17 gram executive officers in all phases of the acquisi-
18 tion process.”.

19 (b) CUSTOMER SERVICE MISSION OF DIREC-
20 TORATE.—

21 (1) IN GENERAL.—Chapter 15 of title 14,
22 United States Code, is amended—

23 (A) in section 561(b)—

24 (i) in paragraph (1), by striking “;
25 and” and inserting a semicolon;

1 (ii) in paragraph (2), by striking the
2 period and inserting “; and”; and

3 (iii) by adding at the end the fol-
4 lowing:

5 “(3) to meet the needs of customers of major
6 acquisition programs in the most cost-effective man-
7 ner practicable.”;

8 (B) in section 562, by repealing subsection
9 (b) and redesignating subsections (c), (d), (f),
10 and (g) as subsections (b), (c), (d), and (e), re-
11 spectively;

12 (C) in section 563, by striking “Not later
13 than 180 days after the date of enactment of
14 the Coast Guard Authorization Act of 2010, the
15 Commandant shall commence implementation
16 of” and inserting “The Commandant shall
17 maintain”;

18 (D) by adding at the end of section 564
19 the following:

20 “(c) ACQUISITION OF UNMANNED AERIAL SYS-
21 TEMS.—

22 “(1) IN GENERAL.—During any fiscal year for
23 which funds are appropriated for the design or con-
24 struction of the Offshore Patrol Cutter, the Com-
25 mandant—

1 “(A) may not award a contract for design
2 of an unmanned aerial system for use by the
3 Coast Guard; and

4 “(B) may acquire an unmanned aerial sys-
5 tem only—

6 “(i) if such a system has been ac-
7 quired by, or has been used by, the De-
8 partment of Defense or the Department of
9 Homeland Security, or a component there-
10 of, before the date on which the Com-
11 mandant acquires the system; and

12 “(ii) through an agreement with such
13 a department or component, unless the un-
14 manned aerial system can be obtained at
15 less cost through independent contract ac-
16 tion.

17 “(2) LIMITATIONS ON APPLICATION.—

18 “(A) SMALL UNMANNED AERIAL SYS-
19 TEMS.—The limitations in paragraph (1)(B) do
20 not apply to any small unmanned aerial system
21 that consists of—

22 “(i) an unmanned aircraft weighing
23 less than 55 pounds on takeoff, including
24 all components and equipment on board or
25 otherwise attached to the aircraft; and

1 “(ii) associated elements (including
2 communication links and the components
3 that control such aircraft) that are re-
4 quired for the safe and efficient operation
5 of such aircraft.

6 “(B) PREVIOUSLY FUNDED SYSTEMS.—
7 The limitations in paragraph (1) do not apply
8 to the design or acquisition of an unmanned
9 aerial system for which funds for research, de-
10 velopment, test, and evaluation have been re-
11 ceived from the Department of Defense or the
12 Department of Homeland Security”;

13 (E) in subchapter II, by adding at the end
14 the following:

15 **“§ 578. Role of Vice Commandant in major acquisi-**
16 **tion programs**

17 “The Vice Commandant—

18 “(1) shall represent the customer of a major ac-
19 quisition program with regard to trade-offs made
20 among cost, schedule, technical feasibility, and per-
21 formance with respect to such program; and

22 “(2) shall advise the Commandant in decisions
23 regarding the balancing of resources against prior-
24 ities, and associated trade-offs referred to in para-

1 graph (1), on behalf of the customer of a major ac-
2 quisition program.

3 **“§ 579. Extension of major acquisition program con-**
4 **tracts**

5 “(a) IN GENERAL.—Notwithstanding section
6 564(a)(2) of this title and section 2304 of title 10, and
7 subject to subsections (b) and (c) of this section, the Sec-
8 retary may acquire additional units procured under a
9 Coast Guard major acquisition program contract, by ex-
10 tension of such contract without competition, if the Direc-
11 tor of the Cost Analysis Division of the Department of
12 Homeland Security determines that the costs that would
13 be saved through award of a new contract in accordance
14 with such sections would not exceed the costs of such an
15 award.

16 “(b) LIMITATION ON NUMBER OF ADDITIONAL
17 UNITS.—The number of additional units acquired under
18 a contract extension under this section may not exceed the
19 number of additional units for which such determination
20 is made.

21 “(c) DETERMINATION OF COSTS UPON REQUEST.—
22 The Director of the Cost Analysis Division of the Depart-
23 ment of Homeland Security shall, at the request of the
24 Secretary, determine for purposes of this section—

1 “(1) the costs that would be saved through
2 award of a new major acquisition program contract
3 in accordance with section 564(a)(2) for the acquisi-
4 tion of a number of additional units specified by the
5 Secretary; and

6 “(2) the costs of such award, including the
7 costs that would be incurred due to acquisition
8 schedule delays and asset design changes associated
9 with such award.

10 “(d) NUMBER OF EXTENSIONS.—A contract may be
11 extended under this section more than once.”; and

12 (F) in section 581—

13 (i) by redesignating paragraphs (7)
14 through (10) as paragraphs (9) through
15 (12), respectively, and by redesignating
16 paragraphs (3) through (6) as paragraphs
17 (4) through (7), respectively;

18 (ii) by inserting after paragraph (2)
19 the following:

20 “(3) CUSTOMER OF A MAJOR ACQUISITION PRO-
21 GRAM.—The term ‘customer of a major acquisition
22 program’ means the operating field unit of the Coast
23 Guard that will field the system or systems acquired
24 under a major acquisition program.”; and

1 (iii) by inserting after paragraph (7),
2 as so redesignated, the following:

3 “(8) MAJOR ACQUISITION PROGRAM.—The term
4 ‘major acquisition program’ means an ongoing ac-
5 quisition undertaken by the Coast Guard with a life-
6 cycle cost estimate greater than or equal to
7 \$300,000,000.”.

8 (2) CLERICAL AMENDMENT.—The analysis at
9 the beginning of such chapter is amended by adding
10 at the end of the items relating to subchapter II the
11 following:

“578. Role of Vice Commandant in major acquisition programs.

“579. Extension of major acquisition program contracts.”.

12 (c) REVIEW REQUIRED.—

13 (1) REQUIREMENT.—The Commandant of the
14 Coast Guard shall conduct a review of—

15 (A) the authorities provided to the Com-
16 mandant in chapter 15 of title 14, United
17 States Code, and other relevant statutes and
18 regulations related to Coast Guard acquisitions,
19 including developing recommendations to ensure
20 that the Commandant plays an appropriate role
21 in the development of requirements, acquisition
22 processes, and the associated budget practices;

23 (B) implementation of the strategy pre-
24 pared in accordance with section 562(b)(2) of

1 title 14, United States Code, as in effect before
2 the enactment of the National Defense Author-
3 ization Act for Fiscal Year 2017; and

4 (C) acquisition policies, directives, and reg-
5 ulations of the Coast Guard to ensure such poli-
6 cies, directives, and regulations establish a cus-
7 tomer-oriented acquisition system.

8 (2) REPORT.—Not later than March 1, 2017,
9 the Commandant shall submit to the Committee on
10 Transportation and Infrastructure of the House of
11 Representatives and the Committee on Commerce,
12 Science, and Transportation of the Senate a report
13 containing, at a minimum, the following:

14 (A) The recommendations developed by the
15 Commandant under paragraph (1) and other
16 results of the review conducted under such
17 paragraph.

18 (B) The actions the Commandant is tak-
19 ing, if any, within the Commandant's existing
20 authority to implement such recommendations.

21 (3) MODIFICATION OF POLICIES, DIRECTIVES,
22 AND REGULATIONS.—Not later than one year after
23 the date of the enactment of this Act, the Com-
24 mandant of the Coast Guard shall modify the acqui-
25 sition policies, directives, and regulations of the

1 Coast Guard as necessary to ensure the development
2 and implementation of a customer-oriented acquisi-
3 tion system, pursuant to the review under paragraph
4 (1)(C).

5 (d) ANALYSIS OF USING MULTIYEAR CON-
6 TRACTING.—

7 (1) IN GENERAL.—No later than one year after
8 the date of the enactment of this Act, the Secretary
9 of the department in which the Coast Guard is oper-
10 ating shall submit to the Committee on Transpor-
11 tation and Infrastructure of the House of Represent-
12 atives and the Committee on Commerce, Science,
13 and Transportation of the Senate an analysis of the
14 use of multiyear contracting, including procurement
15 authority provided under section 2306b of title 10,
16 United States Code, and authority similar to that
17 granted to the Navy under section 121(b) of the Na-
18 tional Defense Authorization Act for Fiscal Year
19 1998 (Public Law 105–85; 111 Stat. 1648) and sec-
20 tion 150 of the Continuing Appropriations Act, 2011
21 (Public Law 111–242; 124 Stat. 3519), to acquire
22 any combination of at least five—

23 (A) Fast Response Cutters, beginning with
24 hull 43; and

1 (B) Offshore Patrol Cutters, beginning
2 with hull 5.

3 (2) CONTENTS.—The analysis under paragraph
4 (1) shall include the costs and benefits of using
5 multiyear contracting, the impact of multiyear con-
6 tracting on delivery timelines, and whether the ac-
7 quisitions examined would meet the tests for the use
8 of multiyear procurement authorities.

9 **SEC. 899A. ENHANCED AUTHORITY TO ACQUIRE PRODUCTS**
10 **AND SERVICES PRODUCED IN AFRICA IN SUP-**
11 **PORT OF CERTAIN ACTIVITIES.**

12 (a) IN GENERAL.—Except as provided in subsection
13 (c), in the case of a product or service to be acquired in
14 support of covered activities in a covered African country
15 for which the Secretary of Defense makes a determination
16 described in subsection (b), the Secretary may conduct a
17 procurement in which—

18 (1) competition is limited to products or serv-
19 ices from the host nation;

20 (2) a preference is provided for products or
21 services from the host nation; or

22 (3) a preference is provided for products or
23 services from a covered African country, other than
24 the host nation.

25 (b) DETERMINATION.—

1 (1) IN GENERAL.—A determination described in
2 this subsection is a determination by the Secretary
3 of any of the following:

4 (A) That the product or service concerned
5 is to be used only in support of covered activi-
6 ties.

7 (B) That it is in the national security in-
8 terests of the United States to limit competition
9 or provide a preference as described in sub-
10 section (a) because such limitation or pref-
11 erence is necessary—

12 (i) to reduce overall United States
13 transportation costs and risks in shipping
14 products in support of operations, exer-
15 cises, theater security cooperation activi-
16 ties, and other missions in the African re-
17 gion;

18 (ii) to reduce delivery times in support
19 of covered activities; or

20 (iii) to promote regional security and
21 stability in Africa.

22 (C) That the product or service is of equiv-
23 alent quality to a product or service that would
24 have otherwise been acquired without such limi-
25 tation or preference.

1 (2) REQUIREMENT FOR EFFECTIVENESS OF
2 ANY PARTICULAR DETERMINATION.—A determina-
3 tion under paragraph (1) shall not be effective for
4 purposes of a limitation or preference under sub-
5 section (a) unless the Secretary also determines
6 that—

7 (A) the limitation or preference will not
8 adversely affect—

9 (i) United States military operations
10 or stability operations in the African re-
11 gion; or

12 (ii) the United States industrial base;
13 and

14 (B) in the case of air transportation, an
15 air carrier holding a certificate under section
16 41102 of title 49, United States Code, is not
17 reasonably available to provide the air transpor-
18 tation.

19 (c) INAPPLICABILITY OF AUTHORITY TO PROCURE-
20 MENT OF ITEMS ON ABILITYONE PROCUREMENT CATA-
21 LOG.—The authority under subsection (a) may not be
22 used for the procurement of any good that is contained
23 in the procurement list described in section 8503(a) of
24 title 41, United States Code, if such good can be produced
25 and delivered by a qualified non profit agency for the blind

1 or a nonprofit agency for other severely disabled in a time-
2 ly fashion to support mission requirements.

3 (d) REPORT ON USE OF AUTHORITY.—Not later than
4 December 31, 2017, the Secretary shall submit to the con-
5 gressional defense committees a report on the use of the
6 authority in subsection (a). The report shall include, but
7 not be limited to, the following:

8 (1) The number of determinations made by the
9 Secretary pursuant to subsection (b).

10 (2) A list of the countries providing products or
11 services as a result of determinations made pursuant
12 to subsection (b).

13 (3) A description of the products and services
14 acquired using the authority.

15 (4) The extent to which the use of the authority
16 has met the one or more of the objectives specified
17 in clause (i), (ii), or (iii) of subsection (b)(1)(B).

18 (5) Such recommendations for improvements to
19 the authority as the Secretary considers appropriate.

20 (6) Such other matters as the Secretary con-
21 siders appropriate.

22 (e) DEFINITIONS.—In this section:

23 (1) COVERED ACTIVITIES.—The term “covered
24 activities” means Department of Defense activities
25 in the African region or a regional neighbor.

1 (2) COVERED AFRICAN COUNTRY.—The term
2 “covered African country” means a country in Afri-
3 ca that has signed a long-term agreement with the
4 United States related to the basing or operational
5 needs of the United States Armed Forces.

6 (3) HOST NATION.—The term “host nation”
7 means a nation that allows the Armed Forces and
8 supplies of the United States to be located on, to op-
9 erate in, or to be transported through its territory.

10 (4) PRODUCT OR SERVICE OF A COVERED AFRI-
11 CAN COUNTRY.—The term “product or service of a
12 covered African country” means the following:

13 (A) A product from a covered African
14 country that is wholly grown, mined, manufac-
15 tured, or produced in the covered African coun-
16 try.

17 (B) A service from a covered African coun-
18 try that is performed by a person or entity
19 that—

20 (i) is properly licensed or registered
21 by appropriate authorities of the covered
22 African country; and

23 (ii) as determined by the Chief of Mis-
24 sion concerned—

1 (I) is operating primarily in the
2 covered African country; or

3 (II) is making a significant con-
4 tribution to the economy of the cov-
5 ered African country through payment
6 of taxes or use of products, materials,
7 or labor that are primarily grown,
8 mined, manufactured, produced, or
9 sourced from the covered African
10 country.

11 (f) CONFORMING AMENDMENT.—Section 1263 of the
12 National Defense Authorization Act for Fiscal Year 2015
13 (Public Law 113–291; 128 Stat. 3581) is repealed.

14 **TITLE IX—DEPARTMENT OF DE-**
15 **FENSE ORGANIZATION AND**
16 **MANAGEMENT**

Subtitle A—Office of the Secretary of Defense and Related Matters

- Sec. 901. Organization of the Office of the Secretary of Defense.
- Sec. 902. Responsibilities and reporting of the Chief Information Officer of the Department of Defense.
- Sec. 903. Maximum number of personnel in the Office of the Secretary of Defense and other Department of Defense headquarters offices.
- Sec. 904. Repeal of Financial Management Modernization Executive Committee.

Subtitle B—Organization and Management of the Department of Defense
Generally

- Sec. 911. Organizational strategy for the Department of Defense.
- Sec. 912. Policy, organization, and management goals and priorities of the Secretary of Defense for the Department of Defense.
- Sec. 913. Secretary of Defense delivery unit.
- Sec. 914. Performance of civilian functions by military personnel.
- Sec. 915. Repeal of requirements relating to efficiencies plan for the civilian personnel workforce and service contractor workforce of the Department of Defense.

Subtitle C—Joint Chiefs of Staff and Combatant Command Matters

- Sec. 921. Joint Chiefs of Staff and related combatant command matters.
- Sec. 922. Organization of the Department of Defense for management of special operations forces and special operations.
- Sec. 923. Establishment of unified combatant command for cyber operations.
- Sec. 924. Assigned forces of the combatant commands.
- Sec. 925. Modifications to the requirements process.
- Sec. 926. Review of combatant command organization.

Subtitle D—Organization and Management of Other Department of Defense Offices and Elements

- Sec. 931. Qualifications for appointment of the Secretaries of the military departments.
- Sec. 932. Enhanced personnel management authorities for the Chief of the National Guard Bureau.
- Sec. 933. Reorganization and redesignation of Office of Family Policy and Office of Community Support for Military Families with Special Needs.
- Sec. 934. Redesignation of Assistant Secretary of the Air Force for Acquisition as Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics.

Subtitle E—Strategies, Reports, and Related Matters

- Sec. 941. National defense strategy.
- Sec. 942. Commission on the National Defense Strategy for the United States.
- Sec. 943. Reform of the national military strategy.
- Sec. 944. Form of annual national security strategy report.
- Sec. 945. Modification to independent study of national security strategy formulation process.

Subtitle F—Other Matters

- Sec. 951. Enhanced security programs for Department of Defense personnel and innovation initiatives.
- Sec. 952. Modification of authority of the Secretary of Defense relating to protection of the Pentagon Reservation and other Department of Defense facilities in the National Capital Region.
- Sec. 953. Modifications to requirements for accounting for members of the Armed Forces and Department of Defense civilian employees listed as missing.
- Sec. 954. Modifications to corrosion report.

1 **Subtitle A—Office of the Secretary**
 2 **of Defense and Related Matters**

3 **SEC. 901. ORGANIZATION OF THE OFFICE OF THE SEC-**
 4 **RETARY OF DEFENSE.**

5 (a) **UNDER SECRETARY OF DEFENSE FOR RE-**
 6 **SEARCH AND ENGINEERING.—**

1 “(2) establishing policies on, and supervising,
2 all defense research and engineering, technology de-
3 velopment, technology transition, prototyping, ex-
4 perimentation, and developmental testing activities
5 and programs, including the allocation of resources
6 for defense research and engineering, and unifying
7 defense research and engineering efforts across the
8 Department; and

9 “(3) serving as the principal advisor to the Sec-
10 retary on all research, engineering, and technology
11 development activities and programs in the Depart-
12 ment.

13 “(c) PRECEDENCE IN DEPARTMENT OF DEFENSE.—

14 “(1) PRECEDENCE IN MATTERS OF RESPONSI-
15 BILITY.—With regard to all matters for which the
16 Under Secretary has responsibility by the direction
17 of the Secretary of Defense or by law, the Under
18 Secretary takes precedence in the Department of
19 Defense after the Secretary and the Deputy Sec-
20 retary of Defense.

21 “(2) PRECEDENCE IN OTHER MATTERS.—With
22 regard to all matters other than the matters for
23 which the Under Secretary has responsibility by the
24 direction of the Secretary or by law, the Under Sec-
25 retary takes precedence in the Department of De-

1 fense after the Secretary, the Deputy Secretary, and
2 the Secretaries of the military departments.”.

3 (2) SERVICE OF INCUMBENT USD FOR ATL IN
4 POSITION.—The individual serving as Under Sec-
5 retary of Defense for Acquisition, Technology, and
6 Logistics under section 133 of title 10, United
7 States Code, as of February 1, 2018, may continue
8 to serve as Under Secretary of Defense for Research
9 and Engineering commencing as of that date, with-
10 out further appointment under section 133a of such
11 title, as added by paragraph (1).

12 (b) UNDER SECRETARY OF DEFENSE FOR ACQUI-
13 TION AND SUSTAINMENT.—Effective on February 1,
14 2018, chapter 4 of title 10, United States Code, is further
15 amended by inserting after section 133a, as added by sub-
16 section (a), the following new section:

17 **“§ 133b. Under Secretary of Defense for Acquisition**
18 **and Sustainment**

19 “(a) UNDER SECRETARY OF DEFENSE.—There is an
20 Under Secretary of Defense for Acquisition and
21 Sustainment, appointed from civilian life by the President,
22 by and with the advice and consent of the Senate. The
23 Under Secretary shall be appointed from among persons
24 who have an extensive system development, engineering,
25 production, or management background and experience

1 with managing complex programs. A person may not be
2 appointed as Under Secretary within seven years after re-
3 lief from active duty as a commissioned officer of a regular
4 component of an armed force.

5 “(b) DUTIES AND POWERS.—Subject to the author-
6 ity, direction, and control of the Secretary of Defense, the
7 Under Secretary shall perform such duties and exercise
8 such powers as the Secretary may prescribe, including—

9 “(1) serving as the chief acquisition and
10 sustainment officer of the Department of Defense
11 with the mission of delivering and sustaining timely,
12 cost-effective capabilities for the armed forces (and
13 the Department);

14 “(2) establishing policies on, and supervising,
15 all elements of the Department relating to acquisi-
16 tion (including system design, development, and pro-
17 duction, and procurement of goods and services) and
18 sustainment (including logistics, maintenance, and
19 materiel readiness);

20 “(3) establishing policies for access to, and
21 maintenance of, the defense industrial base and ma-
22 terials critical to national security, and policies on
23 contract administration;

24 “(4) serving as—

1 “(A) the principal advisor to the Secretary
2 on acquisition and sustainment in the Depart-
3 ment;

4 “(B) the senior procurement executive for
5 the Department for the purposes of section
6 1702(c) of title 41; and

7 “(C) the Defense Acquisition Executive for
8 purposes of regulations and procedures of the
9 Department providing for a Defense Acquisition
10 Executive;

11 “(5) overseeing the modernization of nuclear
12 forces and the development of capabilities to counter
13 weapons of mass destruction, and serving as the
14 chairman of the Nuclear Weapons Council and the
15 co-chairman of the Council on Oversight of the Na-
16 tional Leadership Command, Control, and Commu-
17 nications System;

18 “(6) the authority to direct the Secretaries of
19 the military departments and the heads of all other
20 elements of the Department with regard to matters
21 for which the Under Secretary has responsibility, ex-
22 cept that the Under Secretary shall exercise super-
23 visory authority over service acquisition programs
24 for which the service acquisition executive is the
25 milestone decision authority; and

1 “(7) to the extent directed by the Secretary, ex-
2 ercising overall supervision of all personnel (civilian
3 and military) in the Office of the Secretary of De-
4 fense with regard to matters for which the Under
5 Secretary has responsibility, unless otherwise pro-
6 vided by law.

7 “(c) PRECEDENCE IN DEPARTMENT OF DEFENSE.—

8 “(1) PRECEDENCE IN MATTERS OF RESPONSI-
9 BILITY.—With regard to all matters for which the
10 Under Secretary has responsibility by the direction
11 of the Secretary of Defense or by law, the Under
12 Secretary takes precedence in the Department of
13 Defense after the Secretary, the Deputy Secretary of
14 Defense, and the Under Secretary of Defense for
15 Research and Engineering.

16 “(2) PRECEDENCE IN OTHER MATTERS.—With
17 regard to all matters other than the matters for
18 which the Under Secretary has responsibility by the
19 direction of the Secretary or by law, the Under Sec-
20 retary takes precedence in the Department of De-
21 fense after the Secretary, the Deputy Secretary, the
22 Under Secretary of Defense for Research and Engi-
23 neering, and the Secretaries of the military depart-
24 ments.”.

25 (c) CHIEF MANAGEMENT OFFICER.—

1 (1) IN GENERAL.—Effective on February 1,
2 2018, there is a Chief Management Officer of the
3 Department of Defense.

4 (2) APPOINTMENT.—The Chief Management
5 Officer shall be appointed from civilian life by the
6 President, by and with the advice and consent of the
7 Senate. The Chief Management Officer shall be ap-
8 pointed from among persons who have an extensive
9 management or business background and experience
10 with managing large or complex organizations. A
11 person may not be appointed as Chief Management
12 Officer within seven years after relief from active
13 duty as a commissioned officer of a regular compo-
14 nent of an Armed Force

15 (3) DUTIES AND POWERS.—Subject to the au-
16 thority, direction, and control of the Secretary of
17 Defense, the Chief Management Officer shall per-
18 form such duties and exercise such powers as the
19 Secretary may prescribe, including—

20 (A) serving as the chief management offi-
21 cer of the Department of Defense with the mis-
22 sion of managing the business operations of the
23 Department;

24 (B) establishing policies on, and super-
25 vising, all business operations of the Depart-

1 ment, including business transformation, busi-
2 ness planning and processes, performance man-
3 agement, and business information technology
4 management and improvement activities and
5 programs, including the allocation of resources
6 for business operations, and unifying business
7 management efforts across the Department;

8 (C) serving as the principal advisor to the
9 Secretary on all business operations activities
10 and programs in the Department; and

11 (D) the authority to direct the Secretaries
12 of the military departments and the heads of all
13 other elements of the Department with regard
14 to matters for which the Chief Management Of-
15 ficer has responsibility.

16 (4) CONFORMING AMENDMENTS.—Effective on
17 February 1, 2018, section 132 of title 10, United
18 States Code, is amended—

19 (A) by striking subsection (c); and

20 (B) by redesignating subsections (d) and
21 (e) as subsections (c) and (d), respectively.

22 (d) REPEAL OF PENDING AUTHORITY TO ESTAB-
23 LISH UNDER SECRETARY OF DEFENSE FOR BUSINESS
24 MANAGEMENT AND INFORMATION.—Subsection (a) of
25 section 901 of the Carl Levin and Howard P. “Buck”

1 McKeon National Defense Authorization Act for Fiscal
2 Year 2015 (Public Law 113–291; 128 Stat. 3462) is re-
3 pealed.

4 (e) REPEAL OF CERTAIN ASD AND DIRECTOR POSI-
5 TIONS.—Chapter 4 of title 10, United States Code, is fur-
6 ther amended—

7 (1) in section 138(b)—

8 (A) by striking paragraphs (6), (7), (8),
9 and (9); and

10 (B) by redesignating paragraph (10) as
11 paragraph (6); and

12 (2) by striking sections 139b and 139c.

13 (f) OFFICE OF THE SECRETARY OF DEFENSE.—Ef-
14 fective on February 1, 2018, section 131(b)(2) of title 10,
15 United States Code, is amended—

16 (1) by redesignating subparagraphs (B)
17 through (E) as subparagraphs (C) through (F), re-
18 spectively; and

19 (2) by striking subparagraph (A) and inserting
20 the following new subparagraphs:

21 “(A) The Under Secretary of Defense for
22 Research and Engineering.

23 “(B) The Under Secretary of Defense for
24 Acquisition and Sustainment.”.

25 (g) TABLE OF SECTION AMENDMENTS.—

1 (1) TABLE OF SECTIONS EFFECTIVE ON ENACT-
2 MENT.—The table of sections at the beginning of
3 chapter 4 of title 10, United States Code, is amend-
4 ed by striking the items relating to sections 139b
5 and 139c.

6 (2) TABLE OF SECTIONS EFFECTIVE ON DE-
7 LAYED EFFECTIVE DATE.—Effective on February 1,
8 2018, the table of sections at the beginning of chap-
9 ter 4 of such title is further amended by striking the
10 item relating to section 133 and inserting the fol-
11 lowing new items:

“133a. Under Secretary of Defense for Research and Engineering.

“133b. Under Secretary of Defense for Acquisition and Sustainment.”.

12 (h) EXECUTIVE SCHEDULE LEVEL II.—Effective on
13 February 1, 2018, section 5313 of title 5, United States
14 Code, is amended by striking the item relating to the
15 Under Secretary of Defense for Acquisition, Technology,
16 and Logistics and inserting the following new items:

17 “Under Secretary of Defense for Research and
18 Engineering.

19 “Under Secretary of Defense for Acquisition
20 and Sustainment.”.

21 (i) REVIEW REQUIRED.—

22 (1) IN GENERAL.—The Secretary of Defense
23 shall conduct a review and identify a recommended
24 organizational and management structure for the

1 Department of Defense that implements the organi-
2 zational policy guidance expressed in this section
3 and the amendments made by this section.

4 (2) ELEMENTS.—The review and recommenda-
5 tions shall address, but not be limited to, the fol-
6 lowing:

7 (A) The organizational and management
8 structure of the Department including the dis-
9 position of leadership positions, subordinate or-
10 ganizations, and defined relationships across
11 such leadership positions and organizations.

12 (B) The recommended disposition within
13 the Office of the Secretary of Defense of the
14 various Assistant Secretaries of Defense, Dep-
15 uty Assistant Secretaries of Defense, and Direc-
16 tors affected by the organizational policy guid-
17 ance.

18 (C) The specific delineation of roles, re-
19 sponsibilities, and authorities, as directed by
20 the Secretary, for the organizational and man-
21 agement structure covered by subparagraph

22 (A).

23 (j) REPORTS.—

24 (1) INTERIM REPORT.—Not later than March
25 1, 2017, the Secretary of Defense shall submit to

1 the congressional defense committees an interim re-
2 port on the review and recommended organizational
3 and management structure for the Department of
4 Defense as required by subsection (i).

5 (2) FINAL REPORT.—Not later than August 1,
6 2017, the Secretary shall submit to the congres-
7 sional defense committees a final report on the re-
8 view and recommended organizational and manage-
9 ment structure, including—

10 (A) a proposed implementation plan for
11 how the Department would implement its rec-
12 ommendations;

13 (B) recommendations for revisions to ap-
14 pointments and qualifications, duties and pow-
15 ers, and precedent in the Department;

16 (C) recommendations for such legislative
17 and administrative action, including conforming
18 and other amendments to law, as the Secretary
19 considers appropriate to implement the plan;
20 and

21 (D) any other matters that the Secretary
22 considers appropriate.

1 **SEC. 902. RESPONSIBILITIES AND REPORTING OF THE**
2 **CHIEF INFORMATION OFFICER OF THE DE-**
3 **PARTMENT OF DEFENSE.**

4 (a) IN GENERAL.—Section 142(b)(1) of title 10,
5 United States Code, is amended—

6 (1) in subparagraph (C), by striking “and” at
7 the end;

8 (2) in subparagraph (D), by striking the period
9 at the end and inserting a semicolon; and

10 (3) by adding at the end the following new sub-
11 paragraphs:

12 “(E) exercises authority, direction, and control
13 over the Defense Information Systems Agency, or
14 any successor organization;

15 “(F) has the responsibilities for policy, over-
16 sight, guidance, and coordination for all Department
17 of Defense matters related to electromagnetic spec-
18 trum, including coordination with other Federal and
19 industry agencies, coordination for classified pro-
20 grams, and in coordination with the Under Secretary
21 for Personnel and Readiness, policies related to
22 spectrum management workforce;

23 “(G) has the responsibilities for policy, over-
24 sight, guidance, and coordination for nuclear com-
25 mand and control systems;

1 assigned or detailed to permanent duty for the Joint Staff
2 may not exceed 2,069.

3 “(2) Not more than 1,500 members of the armed
4 forces on the active-duty list may be assigned or detailed
5 to permanent duty for the Joint Staff.

6 “(3) The limitations in paragraphs (1) and (2) do
7 not apply in time of war.

8 “(4) Each limitation in paragraphs (1) and (2) may
9 be exceeded by a number equal to 15 percent of such limi-
10 tation in time of national emergency.”.

11 (2) EFFECTIVE DATE.—The amendment made
12 by paragraph (1) shall take effect on December 31,
13 2019.

14 (c) OFFICE OF THE SECRETARY OF THE ARMY.—
15 Section 3014(f) of such title is amended—

16 (1) in paragraph (4), by striking “time of war”
17 and all that follows and inserting “time of war.”;
18 and

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

21 “(5) Each limitation in paragraphs (1) and (2) may
22 be exceeded by a number equal to 15 percent of such limi-
23 tation in time of national emergency.”.

24 (d) OFFICE OF THE SECRETARY OF THE NAVY.—
25 Section 5014(f) of such title is amended—

1 (1) in paragraph (4), by striking “time of war”
2 and all that follows and inserting “time of war.”;
3 and

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

6 “(5) Each limitation in paragraphs (1) and (2) may
7 be exceeded by a number equal to 15 percent of such limi-
8 tation in time of national emergency.”.

9 (e) OFFICE OF THE SECRETARY OF THE AIR
10 FORCE.—Section 8014(f) of such title is amended—

11 (1) in paragraph (4), by striking “time of war”
12 and all that follows and inserting “time of war.”;
13 and

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

16 “(5) Each limitation in paragraphs (1) and (2) may
17 be exceeded by a number equal to 15 percent of such limi-
18 tation in time of national emergency.”.

19 **SEC. 904. REPEAL OF FINANCIAL MANAGEMENT MOD-**
20 **ERNIZATION EXECUTIVE COMMITTEE.**

21 (a) REPEAL.—Section 185 of title 10, United States
22 Code, is repealed.

23 (b) CLERICAL AMENDMENT.—The table of sections
24 at the beginning of chapter 7 of such title is amended by
25 striking the item relating to section 185.

1 **Subtitle B—Organization and Man-**
2 **agement of the Department of**
3 **Defense Generally**

4 **SEC. 911. ORGANIZATIONAL STRATEGY FOR THE DEPART-**
5 **MENT OF DEFENSE.**

6 (a) ORGANIZATIONAL STRATEGY REQUIRED.—

7 (1) IN GENERAL.—Not later than September 1,
8 2017, the Secretary of Defense shall formulate and
9 issue to the Department of Defense an organiza-
10 tional strategy for the Department that—

11 (A) identifies the critical objectives and
12 other organizational outputs for the Depart-
13 ment that span multiple functional boundaries
14 and would benefit from the use of cross-func-
15 tional teams under this section to ensure col-
16 laboration and integration across organizations
17 within the Department;

18 (B) improves the manner in which the De-
19 partment integrates the expertise and capacities
20 of the functional components of the Department
21 for effective and efficient achievement of such
22 objectives and outputs;

23 (C) improves the management of relation-
24 ships and processes involving the Office of the
25 Secretary of Defense, the Joint Staff, the com-

1 batant commands, the military departments,
2 and the Defense Agencies with regard to such
3 objectives and outputs;

4 (D) improves the ability of the Department
5 to work effectively in interagency processes with
6 regard to such objectives and outputs in order
7 to better serve the President; and

8 (E) achieves an organizational structure
9 that enhances performance with regard to such
10 objectives and outputs.

11 (2) ELEMENTS.—The strategy shall provide for
12 the following:

13 (A) The appropriate use of cross-functional
14 teams to manage critical objectives and outputs
15 of the Department described in paragraph
16 (1)(A).

17 (B) The furtherance and advancement of a
18 collaborative, team-oriented, results-driven, and
19 innovative culture within the Department that
20 fosters an open debate of ideas and alternative
21 courses of action, and supports cross-functional
22 teaming and integration.

23 (b) ACTIONS IN SUPPORT OF STRATEGY.—

24 (1) STUDY.—The Department of Defense shall
25 conduct a study of the following in order to deter-

1 mine how best to implement effective cross-func-
2 tional teams in the Department to achieve the stra-
3 tegic objectives of the Secretary of Defense:

4 (A) Lessons learned, as reflected in aca-
5 demic literature, business and management
6 school case studies, and the work of leading
7 management consultant firms, on the successful
8 and failed application of cross-functional teams
9 in the private sector and government, and on
10 the cultural factors necessary to support effec-
11 tive cross-functional teams.

12 (B) The historical and current use by the
13 Department of cross-functional working groups,
14 integrated process teams, councils, and commit-
15 tees, and the reasons why such entities have or
16 have not achieved high levels of teamwork or ef-
17 fectiveness.

18 (2) CONDUCT OF STUDY.—The study required
19 by paragraph (1) shall be conducted by an inde-
20 pendent organization with widely acknowledged ex-
21 pertise in modern organizational management and
22 teaming selected by the Secretary for purposes of
23 the study.

24 (3) SCHEDULE.—The Secretary shall award
25 any necessary contract for the study required by

1 paragraph (1) pursuant to paragraph (2) by not
2 later than March 15, 2017, and shall provide the re-
3 sults of the study to the congressional defense com-
4 mittees by not later than July 15, 2017.

5 (c) CROSS-FUNCTIONAL TEAMS.—In support of the
6 strategy required by subsection (a):

7 (1) IN GENERAL.—The Secretary of Defense
8 shall establish cross-functional teams to address crit-
9 ical objectives and outputs for such teams as are de-
10 termined to be appropriate in accordance with the
11 organizational strategy issued under subsection (a),
12 with initial teams established by not later than Sep-
13 tember 30, 2017.

14 (2) PURPOSES.—The purposes of cross-func-
15 tional teams established pursuant to this subsection
16 shall be, as determined appropriate by the Sec-
17 retary—

18 (A) to provide for effective collaboration
19 and integration across organizational and func-
20 tional boundaries in the Department of De-
21 fense;

22 (B) to develop, at the direction of the Sec-
23 retary, recommendations for comprehensive and
24 fully integrated policies, strategies, plans, and
25 resourcing decisions;

1 (C) to make decisions on cross-functional
2 issues, to the extent authorized by the Sec-
3 retary and within parameters established by the
4 Secretary; and

5 (D) to provide oversight for and, as di-
6 rected by the Secretary, supervise the imple-
7 mentation of approved policies, strategies,
8 plans, and resourcing decisions approved by the
9 Secretary.

10 (3) GUIDANCE ON TEAMS.—Not later than Sep-
11 tember 30, 2017, the Secretary shall issue guid-
12 ance—

13 (A) addressing the role, authorities, report-
14 ing relationships, resourcing, manning, training,
15 and operations of cross-functional teams estab-
16 lished pursuant to this subsection;

17 (B) delineating decision-making authority
18 of such teams;

19 (C) providing that the leaders of functional
20 components of the Department that provide
21 personnel to such teams respect and respond to
22 team needs and activities; and

23 (D) emphasizing that personnel selected
24 for assignment to such teams shall faithfully
25 represent the views and expertise of their func-

1 tional components while contributing to the best
2 of their ability to the success of the team con-
3 cerned.

4 (4) PARTICIPANTS.—In establishing a cross-
5 functional team pursuant to this subsection, the Sec-
6 retary shall consider personnel from the Office of
7 the Secretary of Defense, the Joint Staff, the mili-
8 tary departments, and the Defense Agencies in all
9 functional areas that the Secretary considers appro-
10 prium.

11 (5) TEAM PERSONNEL.—For each cross-func-
12 tional team established by the Secretary pursuant to
13 this subsection, the Secretary shall—

14 (A) assign as leader of such team a senior
15 qualified and experienced individual, who shall
16 report directly to the Secretary regarding the
17 activities of such team;

18 (B) delegate to the team leader designated
19 pursuant to subparagraph (A) authority to se-
20 lect members of such team from among civilian
21 employees of the Department and members of
22 the Armed Forces in any grade who are rec-
23 ommended for membership on such team by the
24 head of a functional component of the Depart-
25 ment within the Office of the Secretary of De-

1 fense, the Joint Staff, and the military depart-
2 ments, by the commander of a combatant com-
3 mand, or by the director of a Defense Agency;

4 (C) provide the team leader with necessary
5 full time support from team members, and the
6 means to co-locate team members;

7 (D) ensure that team members and all
8 leaders in functional organizations that are in
9 the supervisory chain for personnel serving on
10 such team receive training in elements of suc-
11 cessful cross-functional teams, including team-
12 work, collaboration, conflict resolution, and ap-
13 propriately representing the views and expertise
14 of their functional components; and

15 (E) ensure that the congressional defense
16 committees are provided information on the
17 progress and results of such team upon request.

18 (6) TEAM STRATEGIES AND DECISION-MAKING

19 AUTHORITY.—

20 (A) IN GENERAL.—The Secretary shall en-
21 sure that the objectives of each cross-functional
22 team established pursuant to this subsection
23 are clearly established in writing, through a
24 memorandum, statement, charter, or similar
25 document.

1 (B) METRICS.—To improve team perform-
2 ance and accountability, the Secretary shall
3 task each team, as appropriate, to establish a
4 strategy to achieve the objectives specified by
5 the Secretary, metrics for evaluation of the
6 achievement of such objectives by such team,
7 and the alignment of individual and team goals
8 for the achievement of such objectives by such
9 team.

10 (C) DELEGATION OF AUTHORITY.—The
11 Secretary may delegate to a team any decision-
12 making authority that, and shall delegate such
13 authority as, the Secretary considers appro-
14 priate to permit such team to achieve the objec-
15 tives established by the Secretary.

16 (7) REVIEW OF TEAMS.—Not later than 18
17 months after the date on which the first cross-func-
18 tional team is established pursuant to this sub-
19 section, the Secretary shall complete an analysis,
20 with support from external experts in organizational
21 and management sciences, of the successes and fail-
22 ures of teams established pursuant to this sub-
23 section, and determine how to apply the lessons
24 learned from that analysis.

1 (8) REPORT ON ESTABLISHMENT.—Not later
2 than 18 months after the date of the enactment of
3 this Act, the Secretary shall submit to Congress a
4 report on the establishment of cross-functional
5 teams under this subsection, including descriptions
6 from the leaders of teams established prior to the
7 date on which this report is submitted of the manner
8 in which the teams were designed and how they
9 functioned.

10 (d) DIRECTIVE ON COLLABORATIVE CULTURE AND
11 BEHAVIOR.—The guidance issued by the Secretary of De-
12 fense pursuant to subsection (c)(3) shall also—

13 (1) articulate the shared purposes, values, and
14 principles for the operation of the Office of the Sec-
15 retary of Defense that are required to promote a
16 team-oriented, collaborative, results-driven culture
17 within the Office to support the primary objectives
18 of the Department of Defense;

19 (2) ensure that collaboration across functional
20 and organizational boundaries is an important factor
21 in the performance review of leaders of cross-func-
22 tional teams established pursuant to subsection (c),
23 members of teams, and other appropriate leaders of
24 the Department; and

1 (3) identify key practices that senior leaders of
2 the Department should follow with regard to leader-
3 ship, organizational practice, collaboration, and the
4 functioning of cross-functional teams, and the types
5 of personnel behavior that senior leaders should en-
6 courage and discourage.

7 (e) STREAMLINING OF ORGANIZATIONAL STRUCTURE
8 AND PROCESSES OF OSD.—Not later than 18 months
9 after the date of the enactment of this Act, the Secretary
10 of Defense shall take such actions as the Secretary con-
11 siders appropriate to streamline the organizational struc-
12 ture and processes of the Office of the Secretary of De-
13 fense in order to increase spans of control, achieve a re-
14 duction in layers of management, eliminate unnecessary
15 duplication between the Office and the Joint Staff, and
16 reduce the time required to complete standard processes
17 and activities.

18 (f) TRAINING FOR INDIVIDUALS NOMINATED FOR
19 APPOINTMENT FOR OSD POSITIONS CONFIRMED BY THE
20 SENATE.—

21 (1) IN GENERAL.—Within three months of the
22 appointment of an individual to a position in the Of-
23 fice of the Secretary of Defense appointable by and
24 with the advice and consent of the Senate, the indi-
25 vidual shall complete a course of instruction in lead-

1 ership, modern organizational practice, collaboration,
2 and the operation of teams described in subsection
3 (c).

4 (2) WAIVER.—The President may waive the re-
5 quirement in paragraph (1) with respect to an indi-
6 vidual if the Secretary determines in writing that the
7 individual possesses, through training and experi-
8 ence, the skill and knowledge otherwise to be pro-
9 vided through a course of instruction as described in
10 that paragraph.

11 (g) COMPTROLLER GENERAL OF THE UNITED
12 STATES ASSESSMENTS.—

13 (1) BIENNIAL REPORT ON ASSESSMENTS.—Not
14 later than six months after the date of the enact-
15 ment of this Act, and every six months thereafter
16 through December 31, 2019, the Comptroller Gen-
17 eral of the United States shall submit to the Com-
18 mittees on Armed Services of the Senate and the
19 House of Representatives a report setting forth a
20 comprehensive assessment of the actions taken
21 under this section during the six-month period end-
22 ing on the date of such report and cumulatively
23 since the date of the enactment of this Act.

24 (2) ASSESSMENT TEAM.—The Comptroller Gen-
25 eral may establish within the Government Account-

1 ability Office a team of analysts to assist the Comp-
2 troller General in the performance assessments re-
3 quired by this subsection.

4 **SEC. 912. POLICY, ORGANIZATION, AND MANAGEMENT**
5 **GOALS AND PRIORITIES OF THE SECRETARY**
6 **OF DEFENSE FOR THE DEPARTMENT OF DE-**
7 **FENSE.**

8 (a) IN GENERAL.—A Secretary of Defense serving in
9 that position pursuant to an appointment to that position
10 after January 20, 2017, shall submit to the Committees
11 on Armed Services of the Senate and the House of Rep-
12 resentatives, not later than each of the deadlines specified
13 in subsection (b), a report on the policy, organization, and
14 management goals and priorities of the Secretary for the
15 Department of Defense. Each report shall include, current
16 as of the date of such report, an identification of the fol-
17 lowing:

18 (1) Policy goals and priorities, including specific
19 and measurable performance and implementation
20 targets.

21 (2) Organization and management goals and
22 priorities, including specific and measurable per-
23 formance and implementation targets that address,
24 but are not limited to, the following:

1 (A) The elimination or consolidation of any
2 unnecessary or redundant functions within the
3 Department.

4 (B) Force management and shaping, in-
5 cluding recommendations for such legislative ac-
6 tion as is required to meet force management
7 and shaping goals and priorities.

8 (C) The layering or reorganization of
9 headquarters organizations across the Depart-
10 ment.

11 (3) Any other goals or priorities for the Depart-
12 ment the Secretary considers appropriate.

13 (b) DEADLINES.—The deadlines for the submittal of
14 reports under subsection (a) are April 1, 2017, and Feb-
15 ruary 1 of each year thereafter through 2022.

16 (c) BRIEFINGS SATISFY LATER REPORTING RE-
17 QUIREMENTS.—Any report required under subsection (a)
18 after the initial report may be provided in the form of a
19 briefing.

20 **SEC. 913. SECRETARY OF DEFENSE DELIVERY UNIT.**

21 (a) IN GENERAL.—The Secretary of Defense serving
22 in that position as of March 1, 2017, may establish within
23 the Office of the Secretary of Defense a unit of personnel
24 that shall be responsible for providing expertise and sup-
25 port throughout the Department of Defense in an effort

1 to improve the implementation of policies and priorities
2 across the Department. The unit may be known as the
3 “delivery unit”.

4 (b) COMPOSITION.—The unit established pursuant to
5 subsection (a) shall consist of not more than 30 individ-
6 uals selected by the Secretary primarily from among indi-
7 viduals outside the Government who have significant expe-
8 rience and expertise in management consulting, organiza-
9 tional architecture, relationship management, or data ana-
10 lytics.

11 (c) DUTIES.—The unit established pursuant to sub-
12 section (a) shall have the duties as follows:

13 (1) To advise the Secretary on improving the
14 implementation and delivery of policies and priorities
15 of the Department, including making recommenda-
16 tions on establishing performance or implementation
17 targets, assisting in the development of delivery
18 plans to achieve targets, and monitoring and meas-
19 uring progress.

20 (2) To work across organizations, missions, and
21 functions of the Department in order to identify ob-
22 stacles to improving the implementation of policies
23 and priorities of the Department, including organi-
24 zation, culture, and incentives, and to recommend

1 options to the Secretary for addressing such obsta-
2 cles.

3 (d) SUNSET.—The unit established pursuant to sub-
4 section (a) shall sunset on January 31, 2021.

5 **SEC. 914. PERFORMANCE OF CIVILIAN FUNCTIONS BY MILI-**
6 **TARY PERSONNEL.**

7 Section 129a of title 10, United States Code, is
8 amended by adding at the end the following new sub-
9 section:

10 “(g) PERFORMANCE OF CIVILIAN FUNCTIONS BY
11 MILITARY PERSONNEL.—(1) Functions performed by ci-
12 vilian personnel should not be performed by military per-
13 sonnel except—

14 “(A) if the Secretary of the military department
15 concerned determines in writing based on mission re-
16 quirements that the performance of such functions
17 by military personnel, including a permanent conver-
18 sion of such functions to performance by military
19 personnel, is cost-effective or required by a mission;
20 or

21 “(B) if the performance of such functions by
22 military personnel is required to address critical
23 staffing needs resulting from a reduction in per-
24 sonnel or budgetary resources by reason of an Act
25 of Congress, in which case such functions may not

1 be performed by military personnel for a period in
2 excess of one year.

3 “(2) In determining the workforce mix between civil-
4 ian and military personnel, the Secretary of a military de-
5 partment shall reserve military personnel for the perform-
6 ance of the functions that, in the estimation of the Sec-
7 retary, are required to be performed by military personnel
8 in order to achieve national defense goals or in order to
9 enable the proper functioning of the military department.
10 In making workforce decisions, the Secretary shall account
11 for the relative budgetary impact of military versus civilian
12 personnel in determining the functions required to be per-
13 formed by military personnel.”.

14 **SEC. 915. REPEAL OF REQUIREMENTS RELATING TO EFFI-**
15 **CIENCIES PLAN FOR THE CIVILIAN PER-**
16 **SONNEL WORKFORCE AND SERVICE CON-**
17 **TRACTOR WORKFORCE OF THE DEPARTMENT**
18 **OF DEFENSE.**

19 Section 955 of the National Defense Authorization
20 Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat.
21 1896; 10 U.S.C. 129a note) is repealed.

1 **Subtitle C—Joint Chiefs of Staff**
2 **and Combatant Command Matters**

3 **SEC. 921. JOINT CHIEFS OF STAFF AND RELATED COMBAT-**
4 **ANT COMMAND MATTERS.**

5 (a) FUNCTIONS OF JOINT CHIEFS OF STAFF.—

6 (1) CONSULTATION BY CHAIRMAN.—Subsection
7 (c)(1) of section 151 of title 10, United States Code,
8 is amended by striking “as he considers appro-
9 priate” and inserting “as necessary”.

10 (2) MODIFICATION OF ADVICE AND OPINIONS
11 OF MEMBERS OTHER THAN CHAIRMAN.—Such sec-
12 tion is further amended—

13 (A) in subsection (b)(2), by striking “sub-
14 sections (d) and (e)” and inserting “subsection
15 (d)”;

16 (B) in subsection (d)—

17 (i) by redesignating paragraphs (1)
18 and (2) as paragraphs (2) and (3), respec-
19 tively; and

20 (ii) by inserting before paragraph (1),
21 as redesignated by clause (i), the following
22 new paragraph (1):

23 “(1) After first informing the Secretary of Defense
24 and the Chairman, the members of the Joint Chiefs of
25 Staff, individually or collectively, in their capacity as mili-

1 tary advisors, may provide advice to the President, the Na-
2 tional Security Council, the Homeland Security Council,
3 or the Secretary of Defense on a particular matter on the
4 judgment of the military member.”; and

5 (C) by striking subsection (e).

6 (b) TERM AND REAPPOINTMENT OF CHAIRMAN OF
7 THE JOINT CHIEFS OF STAFF.—

8 (1) IN GENERAL.—Section 152(a) of title 10,
9 United States Code, is amended—

10 (A) in paragraph (1), by striking “two
11 years, beginning on October 1 of odd-numbered
12 years” and all that follows and inserting “four
13 years, beginning on October 1 of an odd-num-
14 bered year. The limitation does not apply in
15 time of war.”; and

16 (B) by striking paragraph (3) and insert-
17 ing the following new paragraph (3):

18 “(3) The President may extend to eight years the
19 combined period of service of an officer as Chairman and
20 Vice Chairman if the President determines that such ac-
21 tion is in the national interest. The limitation in this para-
22 graph does not apply in time of war.”.

23 (2) EFFECTIVE DATE.—The amendments made
24 by paragraph (1) shall take effect on January 1,
25 2019, and shall apply to individuals appointed as

1 Chairman of the Joint Chiefs of Staff on or after
2 that date.

3 (c) FUNCTIONS OF CHAIRMAN OF JOINT CHIEFS OF
4 STAFF.—The text of section 153 of title 10, United States
5 Code, is amended to read as follows:

6 “Subject to the authority, direction, and control of
7 the President and the Secretary of Defense, the Chairman
8 of the Joint Chiefs of Staff shall be responsible for the
9 following

10 “(1) STRATEGIC DIRECTION.—Assisting the
11 President and the Secretary in providing for the
12 strategic direction of the armed forces.

13 “(2) STRATEGIC AND CONTINGENCY PLAN-
14 NING.—In matters relating to strategic and contin-
15 gency planning—

16 “(A) developing strategic frameworks and
17 preparing strategic plans, as required, to guide
18 the use and employment of military force and
19 related activities across all geographic regions
20 and military functions and domains, and to sus-
21 tain military efforts over different durations of
22 time, as necessary;

23 “(B) advising the Secretary on the produc-
24 tion of the national defense strategy required by
25 section 113(g) of this title and the national se-

1 curity strategy required by section 108 of the
2 National Security Act of 1947 (50 U.S.C.
3 3043);

4 “(C) preparing military analysis, options,
5 and plans, as the Chairman considers appro-
6 priate, to recommend to the President and the
7 Secretary;

8 “(D) providing for the preparation and re-
9 view of contingency plans which conform to pol-
10 icy guidance from the President and the Sec-
11 retary; and

12 “(E) preparing joint logistic and mobility
13 plans to support national defense strategies and
14 recommending the assignment of responsibilities
15 to the armed forces in accordance with such
16 plans.

17 “(3) GLOBAL MILITARY INTEGRATION.—In
18 matters relating to global military strategic and
19 operational integration—

20 “(A) providing advice to the President and
21 the Secretary on ongoing military operations;
22 and

23 “(B) advising the Secretary on the alloca-
24 tion and transfer of forces among geographic
25 and functional combatant commands, as nec-

1 essary, to address transregional, multi-domain,
2 and multifunctional threats.

3 “(4) COMPREHENSIVE JOINT READINESS.—In
4 matters relating to comprehensive joint readiness—

5 “(A) evaluating the overall preparedness of
6 the joint force to perform the responsibilities of
7 that force under national defense strategies and
8 to respond to significant contingencies world-
9 wide;

10 “(B) assessing the risks to United States
11 missions, strategies, and military personnel that
12 stem from shortfalls in military readiness
13 across the armed forces, and developing risk
14 mitigation options;

15 “(C) advising the Secretary on critical defi-
16 ciencies and strengths in joint force capabilities
17 (including manpower, logistics, and mobility
18 support) identified during the preparation and
19 review of national defense strategies and contin-
20 gency plans and assessing the effect of such de-
21 ficiencies and strengths on meeting national se-
22 curity objectives and policy and on strategic
23 plans;

24 “(D) advising the Secretary on the mis-
25 sions and functions that are likely to require

1 contractor or other external support to meet na-
2 tional security objectives and policy and strat-
3 egy, and the risks associated with such support;
4 and

5 “(E) establishing and maintaining, after
6 consultation with the commanders of the uni-
7 fied and specified combatant commands, a uni-
8 form system of evaluating the preparedness of
9 each such command, and groups of commands
10 collectively, to carry out missions assigned to
11 the command or commands.

12 “(5) JOINT CAPABILITY DEVELOPMENT.—In
13 matters relating to joint capability development—

14 “(A) identifying new joint military capa-
15 bilities based on advances in technology and
16 concepts of operation needed to maintain the
17 technological and operational superiority of the
18 armed forces, and recommending investments
19 and experiments in such capabilities to the Sec-
20 retary;

21 “(B) performing military net assessments
22 of the joint capabilities of the armed forces of
23 the United States and its allies in comparison
24 with the capabilities of potential adversaries;

1 “(C) advising the Secretary under section
2 163(b)(2) of this title on the priorities of the
3 requirements identified by the commanders of
4 the unified and specified combatant commands;

5 “(D) advising the Secretary on the extent
6 to which the program recommendations and
7 budget proposals of the military departments
8 and other components of the Department of
9 Defense for a fiscal year conform with the pri-
10 orities established in national defense strategies
11 and with the priorities established for the re-
12 quirements of the unified and specified combat-
13 ant commands;

14 “(E) advising the Secretary on new and al-
15 ternative joint military capabilities, and alter-
16 native program recommendations and budget
17 proposals, within projected resource levels and
18 guidance provided by the Secretary, in order to
19 achieve greater conformance with the priorities
20 referred to in subparagraph (D);

21 “(F) assessing joint military capabilities
22 and identifying, approving, and prioritizing
23 gaps in such capabilities to meet national de-
24 fense strategies, pursuant to section 181 of this
25 title; and

1 “(G) recommending to the Secretary ap-
2 propriate trade-offs among life-cycle cost,
3 schedule, performance, and procurement quan-
4 tity objectives in the acquisition of materiel and
5 equipment to support the strategic and contin-
6 gency plans required by this paragraph in the
7 most effective and efficient manner.

8 “(6) JOINT FORCE DEVELOPMENT ACTIVI-
9 TIES.—In matters relating to joint force develop-
10 ment activities—

11 “(A) developing doctrine for the joint em-
12 ployment of the armed forces;

13 “(B) formulating policies and technical
14 standards, and executing actions, for the joint
15 training of the armed forces;

16 “(C) formulating policies for coordinating
17 the military education of members of the armed
18 forces;

19 “(D) formulating policies for concept de-
20 velopment and experimentation for the joint
21 employment of the armed forces;

22 “(E) formulating policies for gathering, de-
23 veloping, and disseminating joint lessons
24 learned for the armed forces; and

1 “(F) advising the Secretary on develop-
2 ment of joint command, control, communica-
3 tions, and cybercapability, including integration
4 and interoperability of such capability, through
5 requirements, integrated architectures, data
6 standards, and assessments.

7 “(7) OTHER MATTERS.—In other matters—

8 “(A) recommending to the Secretary, in
9 accordance with section 166 of this title, a
10 budget proposal for activities of each unified
11 and specified combatant command;

12 “(B) providing for representation of the
13 United States on the Military Staff Committee
14 of the United Nations in accordance with the
15 Charter of the United Nations; and

16 “(C) performing such other duties as may
17 be prescribed by law or by the President or the
18 Secretary.”.

19 (d) VICE CHAIRMAN OF THE JOINT CHIEFS OF
20 STAFF MATTERS.—

21 (1) TERM OF SERVICE.—Paragraph (3) of sec-
22 tion 154(a) of title 10, United States Code, is
23 amended by striking “for a term of two years” and
24 all that follows and inserting “for a single term of
25 four years, beginning on October 1 of an odd-num-

1 bered year, except that the term may not begin in
2 the same year as the term of a Chairman. In time
3 of war, there is no limit on the number of reappoint-
4 ments.”.

5 (2) INELIGIBILITY FOR SERVICE AS CHAIRMAN
6 OR ANY OTHER POSITION IN THE ARMED FORCES.—
7 Such section is further amended by adding at the
8 end the following new paragraph:

9 “(4)(A) The Vice Chairman shall not be eligible for
10 promotion to the position of Chairman or any other posi-
11 tion in the armed forces.

12 “(B) The President may waive subparagraph (A) if
13 the President determines such action is necessary in the
14 national interest.”.

15 (3) EFFECTIVE DATE.—The amendments made
16 by this subsection shall take effect on January 1,
17 2021, and shall apply to individuals appointed as
18 Vice Chairman of the Joint Chiefs of Staff on or
19 after that date.

20 (e) COMMANDERS OF THE COMBATANT COM-
21 MANDS.—Section 164 of title 10, United States Code, is
22 amended—

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

1 “(3) Among the full range of command responsibil-
2 ities specified in subsection (c) and as provided for in sec-
3 tion 161 of this title, the primary duties of the commander
4 of a combatant command shall be as follows:

5 “(A) To produce plans for the employment of
6 the armed forces to execute national defense strate-
7 gies and respond to significant military contin-
8 gencies.

9 “(B) To take actions, as necessary, to deter
10 conflict.

11 “(C) To command United States armed forces
12 as directed by the Secretary and approved by the
13 President.”; and

14 (2) by adding at the end the following new sub-
15 section:

16 “(h) SUPPORT TO CHAIRMAN OF THE JOINT CHIEFS
17 OF STAFF.—The commander of a combatant command
18 shall provide such information to the Chairman of the
19 Joint Chiefs of Staff as may be necessary for the Chair-
20 man to perform the duties of the Chairman under section
21 153 of this title.”.

1 **SEC. 922. ORGANIZATION OF THE DEPARTMENT OF DE-**
2 **FENSE FOR MANAGEMENT OF SPECIAL OPER-**
3 **ATIONS FORCES AND SPECIAL OPERATIONS.**

4 (a) RESPONSIBILITY OF ASSISTANT SECRETARY OF
5 DEFENSE FOR SPECIAL OPERATIONS AND LOW INTEN-
6 SITY CONFLICT.—Section 138(b)(4) of title 10, United
7 States Code, is amended by adding at the end the fol-
8 lowing new sentence: “Subject to the authority, direction,
9 and control of the Secretary of Defense, the Assistant Sec-
10 retary shall do the following:

11 “(A) Exercise authority, direction, and control
12 of all special-operations peculiar administrative mat-
13 ters relating to the organization, training, and
14 equipping of special operations forces.

15 “(B) Assist the Secretary and the Under Sec-
16 retary of Defense for Policy in the development and
17 supervision of policy, program planning and execu-
18 tion, and allocation and use of resources for the ac-
19 tivities of the Department of Defense for the fol-
20 lowing:

21 “(i) Irregular warfare, combating ter-
22 rorism, and the special operations activities
23 specified by section 167(k) of this title.

24 “(ii) Integrating the functional activities of
25 the headquarters of the Department to most ef-

1 efficiently and effectively provide for required
2 special operations forces and capabilities.

3 “(iii) Such other matters as may be speci-
4 fied by the Secretary and the Under Sec-
5 retary.”.

6 (b) SPECIAL OPERATIONS POLICY AND OVERSIGHT
7 COUNCIL.—

8 (1) IN GENERAL.—Chapter 4 of title 10, United
9 States Code, as amended by section 901(e)(2) of this
10 Act, is further amended by inserting after section
11 139a the following new section:

12 **“§ 139b. Special Operations Policy and Oversight**
13 **Council**

14 “(a) IN GENERAL.—In order to fulfill the responsibil-
15 ities specified in section 138(b)(4) of this title, the Assist-
16 ant Secretary of Defense for Special Operations and Low
17 Intensity Conflict, or the designee of the Assistant Sec-
18 retary, shall establish and lead a team to be known as
19 the ‘Special Operations Policy and Oversight Council’ (in
20 this section referred to as the ‘Council’).

21 “(b) PURPOSE.—The purpose of the Council is to in-
22 tegrate the functional activities of the headquarters of the
23 Department of Defense in order to most efficiently and
24 effectively provide for special operations forces and capa-
25 bilities. In fulfilling this purpose, the Council shall develop

1 and continuously improve policy, joint processes, and pro-
2 cedures that facilitate the development, acquisition, inte-
3 gration, employment, and sustainment of special oper-
4 ations forces and capabilities.

5 “(c) MEMBERSHIP.—The Council shall include the
6 following:

7 “(1) The Assistant Secretary, who shall act as
8 leader of the Council.

9 “(2) Appropriate senior representatives of each
10 of the following:

11 “(A) The Under Secretary of Defense for
12 Research and Engineering.

13 “(B) The Under Secretary of Defense for
14 Management and Support.

15 “(C) The Under Secretary of Defense
16 (Comptroller).

17 “(D) The Under Secretary of Defense for
18 Personnel and Readiness.

19 “(E) The Under Secretary of Defense for
20 Intelligence.

21 “(F) The General Counsel of the Depart-
22 ment of Defense.

23 “(G) The other Assistant Secretaries of
24 Defense under the Under Secretary of Defense
25 for Policy.

1 “(H) The military departments.

2 “(I) The Joint Staff.

3 “(J) The United States Special Operations
4 Command.

5 “(K) Such other officials or Agencies, ele-
6 ments, or components of the Department of De-
7 fense as the Secretary of Defense considers ap-
8 propriate

9 “(d) OPERATION.—The Council shall operate con-
10 tinuously.”.

11 (2) CLERICAL AMENDMENT.—The table of sec-
12 tions at the beginning of chapter 4 of such title, as
13 amended by section 901(g)(1) of this Act, is further
14 amended by inserting after the item relating to sec-
15 tion 139a the following new item:

 “139b. Special Operations Policy and Oversight Council.”.

16 (c) US SPECIAL OPERATIONS COMMAND MAT-
17 TERS.—

18 (1) AUTHORITY OF COMMANDER.—Subsection
19 (e)(2) of section 167 of title 10, United States Code,
20 is amended—

21 (A) in the matter preceding subparagraph
22 (A), by striking “The commander” and insert-
23 ing “Subject to the authority, direction, and
24 control of the Assistant Secretary of Defense

1 for Special Operations and Low Intensity Con-
2 flict, the commander”; and

3 (B) by striking subparagraph (J) and in-
4 serting the following new subparagraph (J):

5 “(J) Monitoring the promotions of special oper-
6 ations forces and coordinating with the military de-
7 partments regarding the assignment, retention,
8 training, professional military education, and special
9 and incentive pays of special operations forces.”.

10 (2) ADMINISTRATIVE CHAIN OF COMMAND.—

11 Such section is further amended—

12 (A) by redesignating subsections (f)
13 through (k) as subsections (g), through (l), re-
14 spectively; and

15 (B) by inserting after subsection (e) the
16 following new subsection (f):

17 “(f) ADMINISTRATIVE CHAIN OF COMMAND.—(1)

18 Unless otherwise directed by the President, the adminis-
19 trative chain of command to the special operations com-
20 mand runs—

21 “(A) from the President to the Secretary of De-
22 fense;

23 “(B) from the Secretary of Defense to the As-
24 sistant Secretary of Defense for Special Operations
25 and Low Intensity Conflict; and

1 “(C) from the Assistant Secretary of Defense
2 for Special Operations and Low Intensity Conflict to
3 the commander of the special operations command.

4 “(2) For purposes of this subsection, administrative
5 chain of command refers to the exercise of authority, di-
6 rection and control with respect to the special operations-
7 peculiar administration and support of the special oper-
8 ations command, including the readiness and organization
9 of special operations forces, resources and equipment, and
10 civilian personnel. It does not refer to the exercise of au-
11 thority, direction, and control of operational matters that
12 are subject to the operational chain of command of the
13 commanders of combatant commands or the exercise of
14 authority, direction, and control of personnel, resources,
15 equipment, and other matters that are not special oper-
16 ations-peculiar that are the purview of the armed forces.”.

17 **SEC. 923. ESTABLISHMENT OF UNIFIED COMBATANT COM-**
18 **MAND FOR CYBER OPERATIONS.**

19 (a) ESTABLISHMENT OF CYBER COMMAND.—Chap-
20 ter 6 of title 10, United States Code, is amended by insert-
21 ing after section 167a the following new section:

22 **“§ 167b. Unified combatant command for cyber oper-**
23 **ations**

24 “(a) ESTABLISHMENT.—With the advice and assist-
25 ance of the Chairman of the Joint Chiefs of Staff, the

1 President, through the Secretary of Defense, shall estab-
2 lish under section 161 of this title a unified combatant
3 command for cyber operations forces (hereinafter in this
4 section referred to as the ‘cyber command’). The principal
5 function of the command is to prepare cyber operations
6 forces to carry out assigned missions.

7 “(b) ASSIGNMENT OF FORCES.—Unless otherwise di-
8 rected by the Secretary of Defense, all active and reserve
9 cyber operations forces of the armed forces stationed in
10 the United States shall be assigned to the cyber command.

11 “(c) GRADE OF COMMANDER.—The commander of
12 the cyber command shall hold the grade of general or, in
13 the case of an officer of the Navy, admiral while serving
14 in that position, without vacating that officer’s permanent
15 grade. The commander of such command shall be ap-
16 pointed to that grade by the President, by and with the
17 advice and consent of the Senate, for service in that posi-
18 tion.

19 “(d) COMMAND OF ACTIVITY OR MISSION.—(1) Un-
20 less otherwise directed by the President or the Secretary
21 of Defense, a cyber operations activity or mission shall be
22 conducted under the command of the commander of the
23 unified combatant command in whose geographic area the
24 activity or mission is to be conducted.

1 “(2) The commander of the cyber command shall ex-
2 ercise command of a selected cyber operations mission if
3 directed to do so by the President or the Secretary of De-
4 fense.

5 “(e) AUTHORITY OF COMBATANT COMMANDER.—(1)
6 In addition to the authority prescribed in section 164(c)
7 of this title, the commander of the cyber command shall
8 be responsible for, and shall have the authority to conduct,
9 all affairs of such command relating to cyber operations
10 activities.

11 “(2)(A) Subject to the authority, direction, and con-
12 trol of the Principal Cyber Advisor, the commander of
13 such command shall be responsible for, and shall have the
14 authority to conduct, the following functions relating to
15 cyber operations activities (whether or not relating to the
16 cyber command):

17 “(i) Developing strategy, doctrine, and tactics.

18 “(ii) Preparing and submitting to the Secretary
19 of Defense program recommendations and budget
20 proposals for cyber operations forces and for other
21 forces assigned to the cyber command.

22 “(iii) Exercising authority, direction, and con-
23 trol over the expenditure of funds—

24 “(I) for forces assigned directly to the
25 cyber command; and

1 “(II) for cyber operations forces assigned
2 to unified combatant commands other than the
3 cyber command, with respect to all matters cov-
4 ered by section 807 of the National Defense
5 Authorization Act for Fiscal Year 2014 (Public
6 Law 114–92; 129 Stat. 886; 10 U.S.C. 2224
7 note) and, with respect to a matter not covered
8 by such section, to the extent directed by the
9 Secretary of Defense.

10 “(iv) Training and certification of assigned
11 joint forces.

12 “(v) Conducting specialized courses of instruc-
13 tion for commissioned and noncommissioned officers.

14 “(vi) Validating requirements.

15 “(vii) Establishing priorities for requirements.

16 “(viii) Ensuring the interoperability of equip-
17 ment and forces.

18 “(ix) Formulating and submitting requirements
19 for intelligence support.

20 “(x) Monitoring the promotion of cyber oper-
21 ation forces and coordinating with the military de-
22 partments regarding the assignment, retention,
23 training, professional military education, and special
24 and incentive pays of cyber operation forces.

1 “(B) The authority, direction, and control exercised
2 by the Principal Cyber Advisor for purposes of this section
3 is authority, direction, and control with respect to the ad-
4 ministration and support of the cyber command, including
5 readiness and organization of cyber operations forces,
6 cyber operations-peculiar equipment and resources, and ci-
7 vilian personnel.

8 “(C) Nothing in this section shall be construed as
9 providing the Principal Cyber Advisor authority, direction,
10 and control of operational matters that are subject to the
11 operational chain of command of the combatant com-
12 mands or the exercise of authority, direction, and control
13 of personnel, resources, equipment, and other matters that
14 are not cyber-operations peculiar and that are in the pur-
15 view of the armed forces.

16 “(3) The commander of the cyber command shall be
17 responsible for—

18 “(A) ensuring the combat readiness of forces
19 assigned to the cyber command; and

20 “(B) monitoring the preparedness to carry out
21 assigned missions of cyber forces assigned to unified
22 combatant commands other than the cyber com-
23 mand.

24 “(C) The staff of the commander shall include
25 an inspector general who shall conduct internal au-

1 (B) by striking “all forces” and inserting
2 “specified forces”; and

3 (C) by striking the second sentence;

4 (2) by striking paragraph (2) and inserting the
5 following new paragraph (2):

6 “(2) A force not assigned to a combatant command
7 or to the United States element of the North American
8 Aerospace Defense Command under paragraph (1) shall
9 remain assigned to the military department concerned for
10 carrying out the responsibilities of the Secretary of the
11 military department concerned as specified in section
12 3013, 5013, or 8013 of this title, as applicable.”; and

13 (3) in paragraph (4)—

14 (A) by striking “operating with the geo-
15 graphic area” and

16 (B) by striking “assigned to, and”.

17 **SEC. 925. MODIFICATIONS TO THE REQUIREMENTS PROC-**
18 **ESS.**

19 (a) **IN GENERAL.**—The text of section 181 of title
20 10, United States Code, is amended to read as follows:

21 “(a) **IN GENERAL.**—There is a Joint Requirements
22 Oversight Council in the Department of Defense.

23 “(b) **MISSION.**—In addition to other matters assigned
24 to it by the President or Secretary of Defense, the Joint

1 Requirements Oversight Council shall assist the Chairman
2 of the Joint Chiefs of Staff in—

3 “(1) assessing joint military capabilities, and
4 identifying, approving, and prioritizing gaps in such
5 capabilities, to meet applicable requirements in the
6 national defense strategy under section 118 of this
7 title;

8 “(2) reviewing and validating whether a capa-
9 bility proposed by an armed force, Defense Agency,
10 or other entity of the Department of Defense fulfills
11 a gap in joint military capabilities;

12 “(3) developing recommendations, in consulta-
13 tion with the advisors to the Council under sub-
14 section (d), for program cost and fielding targets
15 pursuant to section 2448a of this title that—

16 “(A) require a level of resources that is
17 consistent with the level of priority assigned to
18 the associated capability gap; and

19 “(B) have an estimated period of time for
20 the delivery of an initial operational capability
21 that is consistent with the urgency of the asso-
22 ciated capability gap;

23 “(4) establishing and approving joint perform-
24 ance requirements that—

1 “(A) ensure interoperability, where appro-
2 priate, between and among joint military capa-
3 bilities; and

4 “(B) are necessary, as designated by the
5 Chairman of the Joint Chiefs of Staff, to fulfill
6 capability gaps of more than one armed force,
7 Defense Agency, or other entity of the Depart-
8 ment;

9 “(5) reviewing performance requirements for
10 any existing or proposed capability that the Chair-
11 man of the Joint Chiefs of Staff determines should
12 be reviewed by the Council;

13 “(6) identifying new joint military capabilities
14 based on advances in technology and concepts of op-
15 eration; and

16 “(7) identifying alternatives to any acquisition
17 program that meets approved joint military capa-
18 bility requirements for the purposes of sections
19 2366a(b), 2366b(a)(4), and 2433(e)(2) of this title.

20 “(c) COMPOSITION.—

21 “(1) IN GENERAL.—The Joint Requirements
22 Oversight Council is composed of the following:

23 “(A) The Vice Chairman of the Joint
24 Chiefs of Staff, who is the Chair of the Council
25 and is the principal adviser to the Chairman of

1 the Joint Chiefs of Staff for making rec-
2 ommendations about joint military capabilities
3 or joint performance requirements.

4 “(B) An Army officer in the grade of gen-
5 eral.

6 “(C) A Navy officer in the grade of admiral.
7

8 “(D) An Air Force officer in the grade of
9 general.

10 “(E) A Marine Corps officer in the grade
11 of general.

12 “(2) SELECTION OF MEMBERS.—Members of
13 the Council under subparagraphs (B), (C), (D), and
14 (E) of paragraph (1) shall be selected by the Chair-
15 man of the Joint Chiefs of Staff, after consultation
16 with the Secretary of Defense, from officers in the
17 grade of general or admiral, as the case may be, who
18 are recommended for selection by the Secretary of
19 the military department concerned.

20 “(3) RECOMMENDATIONS.—In making any rec-
21 ommendation to the Chairman of the Joint Chiefs of
22 Staff as described in paragraph (1)(A), the Vice
23 Chairman of the Joint Chiefs of Staff shall provide
24 the Chairman any dissenting view of members of the

1 Council under paragraph (1) with respect to such
2 recommendation.

3 “(d) ADVISORS.—

4 “(1) IN GENERAL.—The following officials of
5 the Department of Defense shall serve as advisors to
6 the Joint Requirements Oversight Council on mat-
7 ters within their authority and expertise:

8 “(A) The Under Secretary of Defense for
9 Policy.

10 “(B) The Under Secretary of Defense for
11 Intelligence.

12 “(C) The Under Secretary of Defense for
13 Acquisition, Technology, and Logistics.

14 “(D) The Under Secretary of Defense
15 (Comptroller).

16 “(E) The Director of Cost Assessment and
17 Program Evaluation.

18 “(F) The Director of Operational Test and
19 Evaluation.

20 “(G) The commander of a combatant com-
21 mand when matters related to the area of re-
22 sponsibility or functions of that command are
23 under consideration by the Council.

24 “(2) INPUT FROM COMBATANT COMMANDS.—

25 The Council shall seek and consider input from the

1 commanders of the combatant commands in carrying
2 out its mission under paragraphs (1) and (2) of sub-
3 section (b).

4 “(3) INPUT FROM CHIEFS OF STAFF.—The
5 Council shall seek, and strongly consider, the views
6 of the Chiefs of Staff of the armed forces, in their
7 roles as customers of the acquisition system, on mat-
8 ters pertaining to a capability proposed by an armed
9 force, Defense Agency, or other entity of the Depart-
10 ment of Defense under subsection (b)(2) and joint
11 performance requirements pursuant to subsection
12 (b)(3).

13 “(e) PERFORMANCE REQUIREMENTS AS RESPONSI-
14 BILITY OF ARMED FORCES.—The Chief of Staff of an
15 armed force is responsible for all performance require-
16 ments for that armed force and, except for performance
17 requirements specified in subsections (b)(4) and (b)(5),
18 such performance requirements do not need to be vali-
19 dated by the Joint Requirements Oversight Council.

20 “(f) ANALYTIC SUPPORT.—The Secretary of Defense
21 shall ensure that analytical organizations within the De-
22 partment of Defense, such as the Office of Cost Assess-
23 ment and Program Evaluation, provide resources and ex-
24 pertise in operations research, systems analysis, and cost
25 estimation to the Joint Requirements Oversight Council

1 to assist the Council in performing the mission in sub-
2 section (b).

3 “(g) AVAILABILITY OF OVERSIGHT INFORMATION TO
4 CONGRESSIONAL DEFENSE COMMITTEES.—The Secretary
5 of Defense shall ensure that, in the case of a recommenda-
6 tion by the Chairman of the Joint Chiefs of Staff to the
7 Secretary that is approved by the Secretary, oversight in-
8 formation with respect to such recommendation that is
9 produced as a result of the activities of the Joint Require-
10 ments Oversight Council is made available in a timely
11 fashion to the congressional defense committees.

12 “(h) DEFINITIONS.—In this section:

13 “(1) The term ‘joint military capabilities’
14 means the collective capabilities across the joint
15 force, including both joint and force-specific capabili-
16 ties, that are available to conduct military oper-
17 ations.

18 “(2) The term ‘performance requirement’
19 means a performance attribute of a particular sys-
20 tem considered critical or essential to the develop-
21 ment of an effective military capability.

22 “(3) The term ‘joint performance requirement’
23 means a performance requirement that is critical or
24 essential to ensure interoperability or fulfill a capa-
25 bility gap of more than one armed force, Defense

1 Agency, or other entity of the Department of De-
2 fense, or impacts the joint force in other ways such
3 as logistics.

4 “(4) The term ‘oversight information’ means in-
5 formation and materials comprising analysis and
6 justification that are prepared to support a rec-
7 ommendation that is made to, and approved by, the
8 Secretary of Defense.”.

9 (b) PROGRAM COST AND FIELD TARGETS.—The Sec-
10 retary of Defense shall establish a process to develop pro-
11 gram cost and fielding targets pursuant to section 2448a
12 of title 10, United States Code, that—

13 (1) is co-chaired by the Deputy Secretary of
14 Defense and the Vice Chairman of the Joint Chiefs
15 of Staff;

16 (2) is supported by—

17 (A) the Joint Staff, to provide expertise on
18 joint military capabilities, capability gaps, and
19 performance requirements;

20 (B) the Office of Cost Assessment and
21 Program Evaluation, to provide expertise in re-
22 source allocation, operations research, systems
23 analysis, and cost estimation; and

1 (C) other Department of Defense organiza-
2 tions determined appropriate by the Secretary;
3 and

4 (3) ensures that appropriate trade-offs are
5 made among life-cycle cost, schedule, and perform-
6 ance objectives and procurement quantity objectives.

7 **SEC. 926. REVIEW OF COMBATANT COMMAND ORGANIZA-**
8 **TION.**

9 (a) **REVIEWS REQUIRED.**—

10 (1) **IN GENERAL.**—The entities specified in
11 paragraph (2) shall each conduct a review of the or-
12 ganizational structures of the combatant commands,
13 and shall develop recommendations for improving
14 the overall effectiveness of the combatant commands,
15 and addressing threats that span multiple regions,
16 functions, and domains.

17 (2) **ENTITIES.**—The entities specified in this
18 paragraph are the following:

19 (A) The Secretary of Defense, in consulta-
20 tion with the Chairman of the Joint Chiefs of
21 Staff.

22 (B) An independent entity with appro-
23 priate expertise, selected by the Secretary and
24 with which the Secretary shall enter into a con-

1 tract by not later than 30 days after the date
2 of the enactment of this Act.

3 (b) ELEMENTS.—Each review under subsection (a)
4 shall include an examination of the following:

5 (1) The evolution of combatant command mis-
6 sion requirements and the ability of combatant com-
7 mands to satisfy those mission requirements.

8 (2) The evolution of the organizational struc-
9 tures, compositions, and sizes of the combatant com-
10 mands, and how such factors may have contributed
11 to combatant command performance in satisfying
12 mission requirements, planning, and maintaining
13 force readiness.

14 (3) The resources of combatant commands, in-
15 cluding the degree to which combatant command
16 force requirements are resourced.

17 (4) The benefits, drawbacks, and resource im-
18 plications of eliminating or consolidating combatant
19 commands, or of altering the relationships among
20 combatant commands and their component com-
21 mand organizations or the command and control
22 structures of the combatant commands.

23 (5) Organizational structures of the combatant
24 commands, including Joint Task Forces or task-or-
25 ganized forces operating below the combatant com-

1 mand level, and the benefits, drawbacks, and re-
2 source implications of alternative organizational
3 structures.

4 (c) REPORT.—Not later than September 30, 2017,
5 the Secretary shall submit to the congressional defense
6 committees a report on the findings and recommendations
7 of each review required by subsection (a).

8 **Subtitle D—Organization and Man-**
9 **agement of Other Department of**
10 **Defense Offices and Elements**

11 **SEC. 931. QUALIFICATIONS FOR APPOINTMENT OF THE**
12 **SECRETARIES OF THE MILITARY DEPART-**
13 **MENTS.**

14 (a) SECRETARY OF THE ARMY.—Section 3013(a)(1)
15 of title 10, United States Code, is amended by inserting
16 after the first sentence the following new sentence: “The
17 Secretary shall, to the greatest extent practicable, be ap-
18 pointed from among persons most highly qualified for the
19 position by reason of background and experience, includ-
20 ing persons with appropriate management or leadership
21 experience.”.

22 (b) SECRETARY OF THE NAVY.—Section 5013(a)(1)
23 of such title is amended by inserting after the first sen-
24 tence the following new sentence: “The Secretary shall, to
25 the greatest extent practicable, be appointed from among

1 persons most highly qualified for the position by reason
2 of background and experience, including persons with ap-
3 propriate management or leadership experience.”.

4 (c) SECRETARY OF THE AIR FORCE.—Section
5 8013(a)(1) of such title is amended by inserting after the
6 first sentence the following new sentence: “The Secretary
7 shall, to the greatest extent practicable, be appointed from
8 among persons most highly qualified for the position by
9 reason of background and experience, including persons
10 with appropriate management or leadership experience.”.

11 **SEC. 932. ENHANCED PERSONNEL MANAGEMENT AUTHORI-**
12 **TIES FOR THE CHIEF OF THE NATIONAL**
13 **GUARD BUREAU.**

14 Section 10508 of title 10, United States Code, is
15 amended—

16 (1) by inserting “(a) MANPOWER REQUIRE-
17 MENTS OF NATIONAL GUARD BUREAU.—” before
18 “The manpower requirements”; and

19 (2) by adding at the end the following new sub-
20 section:

21 “(b) PERSONNEL FOR FUNCTIONS OF NATIONAL
22 GUARD BUREAU.—

23 “(1) IN GENERAL.—The Chief of the National
24 Guard Bureau may program for, appoint, employ,
25 administer, detail, and assign persons under sections

1 2103, 2105, and 3101 of title 5, or section 328 of
2 title 32, within the National Guard Bureau and the
3 National Guard of each State, the Commonwealth of
4 Puerto Rico, the District of Columbia, Guam, and
5 the Virgin Islands to execute the functions of the
6 National Guard Bureau and the missions of the Na-
7 tional Guard, and missions as assigned by the Chief
8 of the National Guard Bureau.

9 “(2) ADMINISTRATION THROUGH ADJUTANTS
10 GENERAL.—The Chief of the National Guard Bu-
11 reau may designate the adjutants general referred to
12 in section 314 of title 32 to appoint, employ, and ad-
13 minister the National Guard employees authorized
14 by this subsection.

15 “(3) ADMINISTRATIVE ACTIONS.—Notwith-
16 standing the Intergovernmental Personnel Act of
17 1970 (42 U.S.C. 4701 et seq.) and under regula-
18 tions prescribed by the Chief of the National Guard
19 Bureau, all personnel actions or conditions of em-
20 ployment, including adverse actions under title 5,
21 pertaining to a person appointed, employed, or ad-
22 ministered by an adjutant general under this sub-
23 section shall be accomplished by the adjutant gen-
24 eral of the jurisdiction concerned. For purposes of
25 any administrative complaint, grievance, claim, or

1 action arising from, or relating to, such a personnel
2 action or condition of employment:

3 “(A) The adjutant general of the jurisdic-
4 tion concerned shall be considered the head of
5 the agency and the National Guard of the jurisdic-
6 tion concerned shall be considered the em-
7 ploying agency of the individual and the sole de-
8 fendant or respondent in any administrative ac-
9 tion.

10 “(B) The National Guard of the jurisdic-
11 tion concerned shall defend any administrative
12 complaint, grievance, claim, or action, and shall
13 promptly implement all aspects of any final ad-
14 ministrative order, judgment, or decision.

15 “(C) In any civil action or proceeding
16 brought in any court arising from an action
17 under this section, the United States shall be
18 the sole defendant or respondent.

19 “(D) The Attorney General of the United
20 States shall defend the United States in actions
21 arising under this section described in subpara-
22 graph (C).

23 “(E) Any settlement, judgment, or costs
24 arising from an action described in subpara-
25 graph (A) or (C) shall be paid from appro-

1 priedated funds allocated to the National Guard
2 of the jurisdiction concerned.”.

3 **SEC. 933. REORGANIZATION AND REDESIGNATION OF OF-**
4 **FICE OF FAMILY POLICY AND OFFICE OF**
5 **COMMUNITY SUPPORT FOR MILITARY FAMI-**
6 **LIES WITH SPECIAL NEEDS.**

7 (a) OFFICE OF FAMILY POLICY.—

8 (1) REDESIGNATION AS OFFICE OF MILITARY
9 FAMILY READINESS POLICY.—Section 1781(a) of
10 title 10, United States Code, is amended—

11 (A) by striking “Office of Family Policy”
12 and inserting “Office of Military Family Readiness
13 Policy”; and

14 (B) by striking “Director of Family Pol-
15 icy” and inserting “Director of Military Family
16 Readiness Policy”.

17 (2) INCLUSION OF DIRECTOR ON MILITARY
18 FAMILY READINESS COUNCIL.—Subsection (b)(1)(E)
19 of section 1781a of such title is amended by striking
20 “Office of Community Support for Military Families
21 with Special Needs” and inserting “Office of Mili-
22 tary Family Readiness Policy”.

23 (3) CONFORMING AMENDMENT.—Section
24 131(b)(8)(G) of such title is amended by striking

1 “Director of Family Policy” and inserting “Director
2 of Military Family Readiness Policy”.

3 (4) HEADING AND CLERICAL AMENDMENTS.—

4 (A) SECTION HEADING.—The heading of
5 section 1781 of such title is amended to read as
6 follows:

7 **“§ 1781. Office of Military Family Readiness Policy”.**

8 (B) CLERICAL AMENDMENT.—The table of
9 sections at the beginning of chapter 88 of such
10 title is amended by striking the item relating to
11 section 1781 and inserting the following new
12 item:

“1781. Office of Military Family Readiness Policy.”.

13 (b) OFFICE OF COMMUNITY SUPPORT FOR MILITARY
14 FAMILIES WITH SPECIAL NEEDS.—

15 (1) REDESIGNATION AS OFFICE OF SPECIAL
16 NEEDS.—Subsection (a) of section 1781c of title 10,
17 United States Code, is amended by striking “Office
18 of Community Support for Military Families with
19 Special Needs” and inserting “Office of Special
20 Needs”.

21 (2) REORGANIZATION UNDER OFFICE OF MILI-
22 TARY FAMILY READINESS POLICY.—Such subsection
23 is further amended by striking “Office of the Under
24 Secretary of Defense for Personnel and Readiness”

1 and inserting “Office of Military Family Readiness
2 Policy”.

3 (3) REPEAL OF REQUIREMENT FOR HEAD OF
4 OFFICE TO BE MEMBER OF SENIOR EXECUTIVE
5 SERVICE OR GENERAL OR FLAG OFFICER.—Such
6 section is further amended by striking subsection
7 (c).

8 (4) CONFORMING AMENDMENTS.—Such section
9 is further amended—

10 (A) by redesignating subsections (d)
11 through (i) as subsections (c) through (h), re-
12 spectively;

13 (B) by striking “subsection (e)” each place
14 it appears and inserting “subsection (d)”;

15 (C) in subsection (c), as so redesignated,
16 by striking “subsection (f)” in paragraph (2)
17 and inserting “subsection (e)”; and

18 (D) in subsection (g), as so redesignated—

19 (i) in paragraph (2)(A), by striking
20 “subsection (d)(3)” and inserting “sub-
21 section (c)(3)”; and

22 (ii) in paragraph (2)(B), by striking
23 “subsection (d)(4)” and inserting “sub-
24 section (c)(4)”.

25 (5) HEADING AND CLERICAL AMENDMENTS.—

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

3 **“§ 1781c. Office of Special Needs”.**

4 (B) CLERICAL AMENDMENT.—The table of
5 sections at the beginning of chapter 88 of such
6 title is amended by striking the item relating to
7 section 1781c and inserting the following new
8 item:

“1781c. Office of Special Needs.”.

9 **SEC. 934. REDESIGNATION OF ASSISTANT SECRETARY OF**
10 **THE AIR FORCE FOR ACQUISITION AS ASSIST-**
11 **ANT SECRETARY OF THE AIR FORCE FOR AC-**
12 **QUISITION, TECHNOLOGY, AND LOGISTICS.**

13 (a) REDESIGNATION.—Section 8016(b)(4)(A) of title
14 10, United States Code, is amended—

15 (1) by striking “Assistant Secretary of the Air
16 Force for Acquisition” and inserting “Assistant Sec-
17 retary of the Air Force for Acquisition, Technology,
18 and Logistics”; and

19 (2) by inserting “, technology, and logistics”
20 after “acquisition”.

21 (b) REFERENCES.—Any reference to the Assistant
22 Secretary of the Air Force for Acquisition in any law, reg-
23 ulation, map, document, record, or other paper of the
24 United States shall be deemed to be a reference to the

1 Assistant Secretary of the Air Force for Acquisition, Tech-
2 nology, and Logistics.

3 **Subtitle E—Strategies, Reports,**
4 **and Related Matters**

5 **SEC. 941. NATIONAL DEFENSE STRATEGY.**

6 (a) NATIONAL DEFENSE STRATEGY.—Subsection (g)
7 of section 113 of title 10, United States Code, is amended
8 to read as follows:

9 “(g)(1)(A) Except as provided in subparagraph (E),
10 in January every four years, and intermittently otherwise
11 as may be appropriate, the Secretary of Defense shall pro-
12 vide to the Secretaries of the military departments, the
13 Chiefs of Staff of the armed forces, the commanders of
14 the unified and specified combatant commands, and the
15 heads of all Defense Agencies and Field Activities of the
16 Department of Defense and other elements of the Depart-
17 ment specified in paragraphs (1) through (10) of section
18 111(b) of this title, and to the congressional defense com-
19 mittees, a defense strategy. Each strategy shall be known
20 as the ‘national defense strategy’, and shall support the
21 most recent national security strategy report of the Presi-
22 dent under section 108 of the National Security Act of
23 1947 (50 U.S.C. 3043).

24 “(B) Each national defense strategy shall including
25 the following:

1 “(i) The priority missions of the Department of
2 Defense, and the assumed force planning scenarios
3 and constructs.

4 “(ii) The assumed strategic environment, in-
5 cluding the most critical and enduring threats to the
6 national security of the United States and its allies
7 posed by state or non-state actors, and the strategies
8 that the Department will employ to counter such
9 threats and provide for the national defense.

10 “(iii) A strategic framework prescribed by the
11 Secretary that guides how the Department will
12 prioritize among the threats described in clause (ii)
13 and the missions specified pursuant to clause (i),
14 how the Department will allocate and mitigate the
15 resulting risks, and how the Department will make
16 resource investments.

17 “(iv) The roles and missions of the armed
18 forces to carry out the missions described in clause
19 (i), and the assumed roles and capabilities provided
20 by other United States Government agencies and by
21 allies and international partners.

22 “(v) The force size and shape, force posture,
23 defense capabilities, force readiness, infrastructure,
24 organization, personnel, technological innovation,

1 and other elements of the defense program necessary
2 to support such strategy.

3 “(vi) The major investments in defense capabili-
4 ties, force structure, force readiness, force posture,
5 and technological innovation that the Department
6 will make over the following five-year period in ac-
7 cordance with the strategic framework described in
8 clause (iii).

9 “(C) The Secretary shall seek the military advice and
10 assistance of the Chairman of the Joint Chiefs of Staff
11 in preparing each national defense strategy required by
12 this subsection.

13 “(D) Each national defense strategy under this sub-
14 section shall be presented to the congressional defense
15 committees in classified form with an unclassified sum-
16 mary.

17 “(E) In a year following an election for President,
18 which election results in the appointment by the President
19 of a new Secretary of Defense, the Secretary shall present
20 the national defense strategy required by this subsection
21 as soon as possible after appointment by and with the ad-
22 vice and consent of the Senate.

23 “(F) In February of each year in which the Secretary
24 does not submit a new defense strategy as required by
25 paragraph (A), the Secretary shall submit to the congres-

1 sional defense committees an assessment of the current
2 national defense strategy, including an assessment of the
3 implementation of the strategy by the Department and an
4 assessment whether the strategy requires revision as a re-
5 sult of changes in assumptions, policy, or other factors.

6 “(2) In implementing a national defense strategy
7 under paragraph (1), the Secretary, with the advice and
8 assistance of the Chairman of the Joint Chiefs of Staff,
9 shall provide annually to the Secretaries of the military
10 departments, the Chiefs of Staff of the armed forces, the
11 commanders of the unified and specified combatant com-
12 mands, and the heads of all Defense Agencies and Field
13 Activities of the Department and other elements of the
14 Department specified in paragraphs (1) through (10) of
15 section 111(b) of this title, written policy guidance for the
16 preparation and review of the program recommendations
17 and budget proposals of their respective components to
18 guide the development of forces. Such guidance shall in-
19 clude—

20 “(A) the national security interests and objec-
21 tives;

22 “(B) the priority military missions of the De-
23 partment, including the assumed force planning sce-
24 narios and constructs;

1 “(C) the force size and shape, force posture, de-
2 fense capabilities, force readiness, infrastructure, or-
3 ganization, personnel, technological innovation, and
4 other elements of the defense program necessary to
5 support the strategy;

6 “(D) the resource levels projected to be avail-
7 able for the period of time for which such rec-
8 ommendations and proposals are to be effective; and

9 “(E) a discussion of any changes in the defense
10 strategy and assumptions underpinning the strategy,
11 as required by paragraph (1).

12 “(3) In implementing the guidance under paragraph
13 (2), the Secretary, with the approval of the President and
14 after consultation with the Chairman of the Joint Chiefs
15 of Staff, shall provide, every two years or more frequently
16 as needed, to the Chairman written policy guidance for
17 the preparation and review of contingency plans, including
18 plans for providing support to civil authorities in an inci-
19 dent of national significance or a catastrophic incident, for
20 homeland defense, and for military support to civil au-
21 thorities. Such guidance shall include guidance on the em-
22 ployment of forces, including specific force levels and spe-
23 cific supporting resource levels projected to be available
24 for the period of time for which such plans are to be effec-
25 tive.

1 “(4) Not later than February 15 in any calendar year
2 in which any written guidance is required pursuant to
3 paragraph (2) or (3), the Secretary shall provide to the
4 congressional defense committees a detailed classified
5 briefing summarizing such guidance developed pursuant
6 to such paragraphs.”.

7 (b) CONFORMING REPEAL.—

8 (1) IN GENERAL.—Section 118 of title 10,
9 United States Code, is repealed.

10 (2) CLERICAL AMENDMENT.—The table of sec-
11 tions at the beginning of chapter 2 of such title is
12 amended by striking the item relating to section
13 118.

14 **SEC. 942. COMMISSION ON THE NATIONAL DEFENSE STRAT-**
15 **EGY FOR THE UNITED STATES.**

16 (a) ESTABLISHMENT.—There is hereby established a
17 commission to be known as the “Commission on the Na-
18 tional Defense Strategy for the United States” (in this
19 section referred to as the “Commission”). The purpose of
20 the Commission is to examine and make recommendations
21 with respect to the national defense strategy for the
22 United States.

23 (b) COMPOSITION.—

24 (1) MEMBERSHIP.—The Commission shall be
25 composed of 12 members appointed as follows:

1 (A) Three members appointed by the chair
2 of the Committee on Armed Services of the
3 House of Representatives.

4 (B) Three members appointed by the rank-
5 ing minority member of the Committee on
6 Armed Services of the House of Representa-
7 tives.

8 (C) Three members appointed by the chair
9 of the Committee on Armed Services of the
10 Senate.

11 (D) Three members appointed by the rank-
12 ing minority member of the Committee on
13 Armed Services of the Senate.

14 (2) CHAIR; VICE CHAIR.—

15 (A) CHAIR.—The chair of the Committee
16 on Armed Services of the House of Representa-
17 tive and the chair of the Committee on Armed
18 Services of the Senate shall jointly designate
19 one member of the Commission to serve as
20 chair of the Commission.

21 (B) VICE CHAIR.—The ranking minority
22 member of the Committee on Armed Services of
23 the House of Representative and the ranking
24 minority member of the Committee on Armed
25 Services of the Senate shall jointly designate

1 one member of the Commission to serve as vice
2 chair of the Commission.

3 (3) PERIOD OF APPOINTMENT; VACANCIES.—

4 Members shall be appointed for the life of the Com-
5 mission. Any vacancy in the Commission shall be
6 filled in the same manner as the original appoint-
7 ment.

8 (c) DUTIES.—

9 (1) REVIEW.—The Commission shall review the
10 current national defense strategy of the United
11 States, including the assumptions, missions, force
12 posture and structure, and strategic and military
13 risks associated with the strategy.

14 (2) ASSESSMENT AND RECOMMENDATIONS.—

15 The Commission shall conduct a comprehensive as-
16 sessment of the strategic environment, the threats to
17 the United States, the size and shape of the force,
18 the readiness of the force, the posture and capabili-
19 ties of the force, the allocation of resources, and
20 strategic and military risks in order to provide rec-
21 ommendations on the national defense strategy for
22 the United States.

23 (d) COOPERATION FROM GOVERNMENT.—

24 (1) COOPERATION.—In carrying out its duties,
25 the Commission shall receive the full and timely co-

1 operation of the Secretary of Defense in providing
2 the Commission with analysis, briefings, and other
3 information necessary for the fulfillment of its re-
4 sponsibilities.

5 (2) LIAISON.—The Secretary shall designate at
6 least one officer or employee of the Department of
7 Defense to serve as a liaison officer between the De-
8 partment and the Commission.

9 (e) REPORT.—

10 (1) FINAL REPORT.—Not later than December
11 1, 2017, the Commission shall submit to the Presi-
12 dent, the Secretary of Defense, the Committee on
13 Armed Services of the House of Representatives,
14 and the Committee on Armed Services of the Senate
15 a report on the Commission's findings, conclusions,
16 and recommendations. The report shall address, but
17 not be limited to, each of the following:

18 (A) The strategic environment, including
19 threats to the United States and the potential
20 for conflicts arising from such threats, security
21 challenges, and the national security interests
22 of the United States.

23 (B) The military missions for which the
24 Department of Defense should prepare and the
25 force planning construct.

1 (C) The roles and missions of the Armed
2 Forces to carry out those missions and the roles
3 and capabilities provided by other United States
4 Government agencies and by allies and inter-
5 national partners.

6 (D) The force planning construct, size and
7 shape, posture and capabilities, readiness, infra-
8 structure, organization, personnel, and other
9 elements of the defense program necessary to
10 support the strategy.

11 (E) The resources necessary to support the
12 strategy, including budget recommendations.

13 (F) The risks associated with the strategy,
14 including the relationships and tradeoffs be-
15 tween missions, risks, and resources.

16 (2) INTERIM BRIEFING.—Not later than June
17 1, 2017, the Commission shall provide to the Com-
18 mittee on Armed Services of the House of Rep-
19 resentatives, and the Committee on Armed Services
20 of the Senate a briefing on the status of its review
21 and assessment, and include a discussion of any in-
22 terim recommendations.

23 (3) FORM.—The report submitted to Congress
24 under paragraph (1) shall be submitted in unclassi-
25 fied form, but may include a classified annex.

1 (f) FUNDING.—Of the amounts authorized to be ap-
2 propriated by to this Act for the Department of Defense,
3 \$5,000,000 is available to fund the activities of the Com-
4 mission.

5 (g) TERMINATION.—The Commission shall terminate
6 6 months after the date on which it submits the report
7 required by subsection (e).

8 **SEC. 943. REFORM OF THE NATIONAL MILITARY STRATEGY.**

9 (a) IN GENERAL.—Paragraph (1) of section 153(b)
10 of title 10, United States Code, is amended to read as
11 follows:

12 “(1) NATIONAL MILITARY STRATEGY.—(A) The
13 Chairman shall determine each even-numbered year
14 whether to prepare a new National Military Strategy
15 in accordance with this paragraph or to update a
16 strategy previously prepared in accordance with this
17 paragraph. The Chairman shall provide such Na-
18 tional Military Strategy or update to the Secretary
19 of Defense in time for transmittal to Congress pur-
20 suant to paragraph (3), including in time for inclu-
21 sion in the report of the Secretary of Defense, if
22 any, under paragraph (4).

23 “(B) Each National Military Strategy (or up-
24 date) under this paragraph shall be based on a com-
25 prehensive review conducted by the Chairman in

1 conjunction with the other members of the Joint
2 Chiefs of Staff and the commanders of the unified
3 and specified combatant commands. Each update
4 shall address only those parts of the most recent Na-
5 tional Military Strategy for which the Chairman de-
6 termines, on the basis of the review, that a modifica-
7 tion is needed.

8 “(C) Each National Military Strategy (or up-
9 date) submitted under this paragraph shall describe
10 how the military will support the objectives of the
11 United States as articulated in—

12 “(i) the most recent National Security
13 Strategy prescribed by the President pursuant
14 to section 108 of the National Security Act of
15 1947 (50 U.S.C. 3043);

16 “(ii) the most recent annual report of the
17 Secretary of Defense submitted to the President
18 and Congress pursuant to section 113 of this
19 title;

20 “(iii) the most recent national defense
21 strategy presented by the Secretary of Defense
22 pursuant to section 113 of this title;

23 “(iv) the most recent policy guidance pro-
24 vided by the Secretary of Defense pursuant to
25 section 113(g) of this title; and

1 “(v) any other national security or defense
2 strategic guidance issued by the President or
3 the Secretary of Defense.

4 “(D) At a minimum, each National Military
5 Strategy (or update) submitted under this para-
6 graph shall—

7 “(i) assess the strategic environment,
8 threats, opportunities, and challenges that af-
9 fect the national security of the United States;

10 “(ii) assess military ends, ways, and means
11 to support the objectives referred to in subpara-
12 graph (C);

13 “(iii) provide the framework for the assess-
14 ment by the Chairman of military strategic and
15 operational risks, and for the development of
16 risk mitigation options;

17 “(iv) develop military options to address
18 threats and opportunities;

19 “(v) assess joint force capabilities, capaci-
20 ties, and resources; and

21 “(vi) establish military guidance for the de-
22 velopment of the joint force and the total force
23 building on guidance by the President and the
24 Secretary of Defense as referred to in subpara-
25 graph (C).”.

1 (b) MODIFICATION TO RISK ASSESSMENT.—Para-
2 graph (2) of such section is amended—

3 (1) in the third sentence of subparagraph (A),
4 by striking “of the report” and inserting “in the re-
5 port”; and

6 (2) in subparagraph (B)—

7 (A) by inserting “(or update)” after “Na-
8 tional Military Strategy” each place it appears;

9 (B) in clause (ii), by striking “strategic
10 risks to United States interests” and all that
11 follows and inserting “military strategic and
12 operational risks to United States interests and
13 the military strategic and operational risks in
14 executing the National Military Strategy (or up-
15 date).”;

16 (C) in clause (iii), by striking “distin-
17 guishing between the concepts of probability
18 and consequences”;

19 (D) in clause (iv)(II), by striking “most”;
20 and

21 (E) in clause (v), by striking “or support
22 of—” and all the follows and inserting “of ex-
23 ternal support, as appropriate.”.

24 (c) FORM.—Paragraph (3) of such section is amend-
25 ed by adding at the end the following new subparagraph:

1 “(C) The National Military Strategy (or up-
2 date) and Risk Assessment submitted under this
3 subsection shall be classified in form, but shall in-
4 clude an unclassified summary.”.

5 **SEC. 944. FORM OF ANNUAL NATIONAL SECURITY STRAT-**
6 **EGY REPORT.**

7 Section 108(c) of the National Security Act of 1947
8 (50 U.S.C. 3043(c)) is amended by striking “in both a
9 classified form and an unclassified form” and inserting
10 “to Congress in classified form, but may include an un-
11 classified summary”.

12 **SEC. 945. MODIFICATION TO INDEPENDENT STUDY OF NA-**
13 **TIONAL SECURITY STRATEGY FORMULATION**
14 **PROCESS.**

15 Section 1064(b)(2) of the National Defense Author-
16 ization Act for Fiscal Year 2016 (Public Law 114–92; 129
17 Stat. 989) is amended—

18 (1) in subparagraph (D), by inserting “, includ-
19 ing Congress,” after “Federal Government”; and

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

22 “(E) The capabilities and limitations of
23 the Department of Defense workforce respon-
24 sible for conducting strategic planning, includ-
25 ing recommendations for improving the work-

1 force through training, education, and career
2 management.”.

3 **Subtitle F—Other Matters**

4 **SEC. 951. ENHANCED SECURITY PROGRAMS FOR DEPART-** 5 **MENT OF DEFENSE PERSONNEL AND INNO-** 6 **VATION INITIATIVES.**

7 (a) ENHANCEMENT OF SECURITY PROGRAMS GEN-
8 ERALLY.—

9 (1) PERSONNEL BACKGROUND AND SECURITY
10 PLAN REQUIRED.—The Secretary of Defense shall
11 develop an implementation plan for the Defense Se-
12 curity Service to conduct, after October 1, 2017,
13 background investigations for personnel of the De-
14 partment of Defense whose investigations are adju-
15 dicated by the Consolidated Adjudication Facility of
16 the Department. The Secretary shall submit the im-
17 plementation plan to the congressional defense com-
18 mittees by not later than August 1, 2017.

19 (2) PLAN FOR POTENTIAL TRANSFER OF INVES-
20 TIGATIVE PERSONNEL TO DEPARTMENT OF DE-
21 FENSE.—Not later than October 1, 2017, the Sec-
22 retary and the Director of the Office of Personnel
23 Management shall develop a plan to transfer Gov-
24 ernment investigative personnel and contracted re-
25 sources to the Department in proportion to the

1 background and security investigative workload that
2 would be assumed by the Department if the plan re-
3 quired by paragraph (1) were implemented.

4 (3) REPORT.—Not later than August 1, 2017,
5 the Secretary shall submit to the congressional de-
6 fense committees a report on the number of full-time
7 equivalent employees of the management head-
8 quarters of the Department that would be required
9 by the Defense Security Service to carry out the
10 plan developed under paragraph (1).

11 (4) COLLECTION, STORAGE, AND RETENTION
12 OF INFORMATION BY INSIDER THREAT PROGRAMS.—
13 In order to enable detection and mitigation of poten-
14 tial insider threats, the Secretary shall ensure that
15 insider threat programs of the Department collect,
16 store, and retain information from the following:

- 17 (A) Personnel security.
18 (B) Physical security.
19 (C) Information security.
20 (D) Law enforcement.
21 (E) Counterintelligence.
22 (F) User activity monitoring.
23 (G) Information assurance.
24 (H) Such other data sources as the Sec-
25 retary considers necessary and appropriate.

1 (b) ELEMENTS OF SYSTEM.—

2 (1) IN GENERAL.—In developing a system for
3 the performance of background investigations for
4 personnel in carrying out subsection (a), the Sec-
5 retary shall—

6 (A) conduct a review of security clearance
7 business processes and, to the extent prac-
8 ticable, modify such processes to maximize com-
9 patibility with the security clearance informa-
10 tion technology architecture to minimize the
11 need for customization of the system;

12 (B) conduct business process mapping of
13 the business processes described in subpara-
14 graph (A);

15 (C) use spiral development and incre-
16 mental acquisition practices to rapidly deploy
17 the system, including through the use of proto-
18 typing and open architecture principles;

19 (D) establish a process to identify and
20 limit interfaces with legacy systems and to limit
21 customization of any commercial information
22 technology tools used;

23 (E) establish automated processes for
24 measuring the performance goals of the system;

1 (F) incorporate capabilities for the contin-
2 uous monitoring of network security and the
3 mitigation of insider threats to the system;

4 (G) institute a program to collect and
5 maintain data and metrics on the background
6 investigation process; and

7 (H) establish a council (to be known as the
8 “Department of Defense Background Investiga-
9 tions Rate Council”) to advise and advocate for
10 rate efficiencies for background clearance inves-
11 tigation rates, and to negotiate rates for back-
12 ground investigation services provided to
13 outsiders entities and agencies when requested.

14 (2) COMPLETION DATE.—The Secretary shall
15 complete the development and implementation of the
16 system described in paragraph (1) by not later than
17 September 30, 2019.

18 (c) ESTABLISHMENT OF ENHANCED SECURITY PRO-
19 GRAM TO SUPPORT DEPARTMENT OF DEFENSE INNOVA-
20 TION INITIATIVE.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of the enactment of this Act, the Sec-
23 retary shall establish a personnel security program,
24 and take such other actions as the Secretary con-
25 siders appropriate, to support the Innovation Initia-

1 tive of the Department to better leverage commercial
2 technology.

3 (2) POLICIES AND PROCEDURES.—In estab-
4 lishing the program required by paragraph (1), the
5 Secretary shall develop policies and procedures to
6 rapidly and inexpensively investigate and adjudicate
7 security clearances for personnel from commercial
8 companies with innovative technologies and solutions
9 to enable such companies to receive relevant threat
10 reporting and to propose solutions for a broader set
11 of Department requirements.

12 (3) ACCESS TO CLASSIFIED INFORMATION.—
13 The Secretary shall ensure that access to classified
14 information under the program required by para-
15 graph (1) is not contingent on a company already
16 being under contract with the Department.

17 (4) AWARD OF SECURITY CLEARANCES.—The
18 Secretary may award secret clearances under the
19 program required by paragraph (1) for limited pur-
20 poses and periods relating to the acquisition or
21 modification of capabilities and services.

22 (d) UPDATED GUIDANCE AND REVIEW OF POLI-
23 CIES.—

24 (1) REVIEW OF APPLICABLE LAWS.—The Sec-
25 retary shall review laws, regulations, and executive

1 orders relating to the maintenance of personnel se-
2 curity clearance information by the Federal Govern-
3 ment, including the investigation timeline metrics es-
4 tablished in the Intelligence Reform and Prevention
5 of Terrorism Act of 2004 (Public Law 108–458).
6 The review should also identify recommendations to
7 eliminate duplicative or outdated authorities in cur-
8 rent executive orders, regulations and guidance. Not
9 later than 90 days after the date of the enactment
10 of this Act, the Secretary shall provide to the Com-
11 mittees on Armed Services of the Senate and the
12 House of Representatives a briefing that includes—

- 13 (A) the results of the review; and
14 (B) recommendations, if any, for consoli-
15 dating and clarifying laws, regulations, and ex-
16 ecutive orders relating to the maintenance of
17 personnel security clearance information by the
18 Federal Government.

19 (2) RECIPROCITY DIRECTIVE.—Not later than
20 180 days after the date of the enactment of this Act,
21 the Secretary shall coordinate with the Security Ex-
22 ecutive Agent, in consultation with the Suitability
23 Executive Agent, to issue an updated reciprocity di-
24 rective that accounts for security policy changes as-
25 sociated with new position designation regulations

1 under section 1400 of title 5, Code of Federal Regu-
2 lations, new continuous evaluation policies, and new
3 Federal investigative standards.

4 (3) IMPLEMENTATION DIRECTIVES.—The Sec-
5 retary, working with the Security Executive Agent
6 and the Suitability Executive Agent, shall jointly de-
7 velop and issue directives on—

8 (A) completing the implementation of the
9 National Security Sensitive Position designa-
10 tions required by section 1400 of title 5, Code
11 of Federal Regulations; and

12 (B) aligning to the maximum practical ex-
13 tent the investigative and adjudicative stand-
14 ards and criteria for positions requiring access
15 to classified information and national security
16 sensitive positions not requiring access to classi-
17 fied information to ensure effective and efficient
18 reciprocity and consistent designation of like-
19 positions across the Federal Government.

20 (e) WAIVER OF CERTAIN DEADLINES.—For each of
21 fiscal years 2017 through 2019, the Secretary may waive
22 any background investigation timeline specified in the In-
23 telligence Reform and Prevention of Terrorism Act of
24 2004 if the Secretary submits to the appropriate commit-
25 tees of Congress a written notification on the waiver not

1 later than 30 days before the beginning of the fiscal year
2 concerned.

3 (f) DEFINITIONS.—In this section:

4 (1) The term “appropriate committees of Con-
5 gress” has the meaning given that term in section
6 3001(a)(8) of the Intelligence Reform and Preven-
7 tion of Terrorism Act of 2004 (50 U.S.C.
8 3341(a)(8)).

9 (2) The term “business process mapping” has
10 the meaning given that term in section 2222(i) of
11 title 10, United States Code.

12 (3) The term “insider threat” means, with re-
13 spect to the Department, a threat presented by a
14 person who—

15 (A) has, or once had, authorized access to
16 information, a facility, a network, a person, or
17 a resource of the Department; and

18 (B) wittingly, or unwittingly, commits—

19 (i) an act in contravention of law or
20 policy that resulted in, or might result in,
21 harm through the loss or degradation of
22 government or company information, re-
23 sources, or capabilities; or

1 (ii) a destructive act, which may in-
2 clude physical harm to another in the
3 workplace.

4 **SEC. 952. MODIFICATION OF AUTHORITY OF THE SEC-**
5 **RETARY OF DEFENSE RELATING TO PROTEC-**
6 **TION OF THE PENTAGON RESERVATION AND**
7 **OTHER DEPARTMENT OF DEFENSE FACILI-**
8 **TIES IN THE NATIONAL CAPITAL REGION.**

9 (a) **LAW ENFORCEMENT AUTHORITY.**—Subsection
10 (b) of section 2674 of title 10, United States Code, is
11 amended—

12 (1) by redesignating paragraph (2) as para-
13 graph (5); and

14 (2) by striking the matter in such subsection
15 preceding such paragraph and inserting the fol-
16 lowing:

17 “(b)(1) The Secretary shall protect the buildings,
18 grounds, and property located in the National Capital Re-
19 gion that are occupied by, or under the jurisdiction, cus-
20 tody, or control of, the Department of Defense, and the
21 persons on that property.

22 “(2) The Secretary may designate military or civilian
23 personnel to perform law enforcement functions and mili-
24 tary, civilian, or contract personnel to perform security
25 functions for such buildings, grounds, property, and per-

1 sons, including, with regard to civilian personnel des-
2 igned under this section, duty in areas outside the prop-
3 erty referred to in paragraph (1) to the extent necessary
4 to protect that property and persons on that property.
5 Subject to the authorization of the Secretary, any such
6 military or civilian personnel so designated may exercise
7 the authorities listed in paragraphs (1) through (5) of sec-
8 tion 2672(c) of this title.

9 “(3) The powers granted under paragraph (2) to
10 military and civilian personnel designated under that para-
11 graph shall be exercised in accordance with guidelines pre-
12 scribed by the Secretary and approved by the Attorney
13 General.

14 “(4) Nothing in this subsection shall be construed
15 to—

16 “(A) preclude or limit the authority of any De-
17 fense Criminal Investigative Organization or any
18 other Federal law enforcement agency;

19 “(B) restrict the authority of the Secretary of
20 Homeland Security under the Homeland Security
21 Act of 2002 (6 U.S.C. 101 et seq.) or the authority
22 of the Administrator of General Services, including
23 the authority to promulgate regulations affecting
24 property under the custody and control of that Sec-
25 retary or the Administrator, respectively;

1 “(C) expand or limit section 21 of the Internal
2 Security Act of 1950 (50 U.S.C. 797);

3 “(D) affect chapter 47 of this title (the Uni-
4 form Code of Military Justice);

5 “(E) restrict any other authority of the Sec-
6 retary of Defense or the Secretary of a military de-
7 partment; or

8 “(F) restrict the authority of the Director of
9 the National Security Agency under section 11 of
10 the National Security Agency Act of 1959 (50
11 U.S.C. 3609).”.

12 (b) RATES OF BASIC PAY FOR CIVILIAN LAW EN-
13 FORCEMENT PERSONNEL.—Paragraph (5) of such sub-
14 section, as redesignated by subsection (a)(1) of this sec-
15 tion, is amended by inserting “, whichever is greater” be-
16 fore the period at the end.

17 (c) CODIFICATION OF AUTHORITY TO PROVIDE
18 PHYSICAL PROTECTION AND PERSONAL SECURITY WITH-
19 IN UNITED STATES TO CERTAIN SENIOR LEADERS IN
20 DoD AND OTHER SPECIFIED PERSONS.—

21 (1) IN GENERAL.—Chapter 41 of title 10,
22 United States Code, is amended by inserting after
23 section 713 a new section 714 consisting of—

24 (A) a heading as follows:

1 **“§ 714. Senior leaders of the Department of Defense**
2 **and other specified persons: authority to**
3 **provide protection within the United**
4 **States”; and**

5 (B) a text consisting of the text of sub-
6 sections (a) through (d) of section 1074 of the
7 National Defense Authorization Act for Fiscal
8 Year 2008 (10 U.S.C. 113 note).

9 (2) CLERICAL AMENDMENT.—The table of sec-
10 tions at the beginning of chapter 41 of such title is
11 amended by adding at the end the following new
12 item:

“714. Senior leaders of the Department of Defense and other specified persons:
authority to provide protection within the United States.”.

13 (3) REPEAL OF CODIFIED PROVISION.—Section
14 1074 of the National Defense Authorization Act for
15 Fiscal Year 2008 is repealed.

16 (4) CONFORMING AND STYLISTIC AMENDMENTS
17 DUE TO CODIFICATION.—Section 714 of title 10,
18 United States Code, as added by paragraph (1), is
19 amended—

20 (A) in subsections (a), (b)(1), and (d)(1),
21 by striking “Armed Forces” and inserting
22 “armed forces”;

23 (B) in subsection (c)—

- 1 (i) by striking “section:” and all that
2 follows through “Forces’ and” and insert-
3 ing “section, the terms ‘qualified members
4 of the armed forces’ and”; and
- 5 (ii) by redesignating subparagraphs
6 (A) through (E) as paragraphs (1) through
7 (5), respectively, and realigning the left
8 margin of such paragraphs, as so redesign-
9 ated, two ems to the left; and
- 10 (C) in subsection (d)(2), by striking “,
11 United States Code”.

12 (5) AMENDMENTS FOR CONSISTENCY WITH
13 TITLE 10 USAGE AS TO SERVICE CHIEFS.—Such sec-
14 tion is further amended—

15 (A) in subsection (a)—

16 (i) in paragraph (6), by striking
17 “Chiefs of the Services” and inserting
18 “Members of the Joint Chiefs of Staff in
19 addition to the Chairman and Vice Chair-
20 man”;

21 (ii) by striking paragraph (7); and

22 (iii) by redesignating paragraph (8) as
23 paragraph (7); and

24 (B) in subsection (b)(1), by striking
25 “through (8)” and inserting “through (7)”.

1 (6) AMENDMENTS FOR CONSISTENCY WITH
2 TITLE 10 USAGE AS TO “MILITARY MEMBER”.—Sub-
3 section (b)(2)(A) of such section is amended—

4 (A) by striking “, military member,”; and

5 (B) by inserting after “of the Department
6 of Defense” the following: “or member of the
7 armed forces”.

8 **SEC. 953. MODIFICATIONS TO REQUIREMENTS FOR AC-**
9 **COUNTING FOR MEMBERS OF THE ARMED**
10 **FORCES AND DEPARTMENT OF DEFENSE CI-**
11 **VILIAN EMPLOYEES LISTED AS MISSING.**

12 (a) LIMITATION OF DEFENSE POW/MIA ACCOUNT-
13 ING AGENCY TO MISSING PERSONS FROM PAST CON-
14 FLICTS.—Section 1501(a) of title 10, United States Code,
15 is amended—

16 (1) in paragraph (1)(A), by inserting “from
17 past conflicts” after “matters relating to missing
18 persons”;

19 (2) in paragraph (2)—

20 (A) by striking subparagraph (A);

21 (B) by redesignating subparagraphs (B),
22 (C), (D), (E), and (F) as subparagraphs (A),
23 (B), (C), (D), and (E), respectively; and

24 (C) by inserting “from past conflicts” after
25 “missing persons” each place it appears;

1 (3) in paragraph (4)—

2 (A) by striking “for personal recovery (in-
3 cluding search, rescue, escape, and evasion)
4 and”; and

5 (B) by inserting “from past conflicts”
6 after “missing persons”; and

7 (4) by striking paragraph (5).

8 (b) ACTION UPON DISCOVERY OR RECEIPT OF IN-
9 FORMATION.—Section 1505(e) of such title is amended by
10 striking “designated Agency Director” in paragraphs (1),
11 (2), and (3) and inserting “Secretary of Defense”.

12 (c) DEFINITION OF “ACCOUNTED FOR”.—Section
13 1513(3)(B) of such title is amended by inserting “to the
14 extent practicable” after “are recovered”.

15 **SEC. 954. MODIFICATIONS TO CORROSION REPORT.**

16 (a) MODIFICATIONS TO REPORT TO CONGRESS.—
17 Section 2228(e)(1) of title 10, United States Code, is
18 amended—

19 (1) in the matter preceding subparagraph (A),
20 by inserting after “2009” the following: “and ending
21 with the budget for fiscal year 2022”;

22 (2) by amending subparagraph (B) to read as
23 follows:

24 “(B) The estimated composite return on invest-
25 ment achieved by implementing the strategy, and

1 documented in the assessments by the Department
2 of Defense of completed corrosion projects and ac-
3 tivities.”;

4 (3) by amending subparagraph (D) to read as
5 follows:

6 “(D) If the full amount of funding require-
7 ments is not requested in the budget, the reasons for
8 not including the full amount and a description of
9 the impact on readiness, logistics, and safety of not
10 fully funding required corrosion prevention and miti-
11 gation activities.”; and

12 (4) in subparagraph (F), by striking “pilot”.

13 (b) REPORT TO DIRECTOR OF CORROSION POLICY
14 AND OVERSIGHT.—Section 2228(e)(2) of such title is
15 amended—

16 (1) by inserting “(A)” before “Each report”;

17 (2) by striking “a copy of” and all that follows
18 through the period and inserting “a summary of the
19 most recent report required by subparagraph (B).”;
20 and

21 (3) by adding at the end the following new sub-
22 paragraph:

23 “(B) Not later than December 31 of each year,
24 through December 31, 2020, the corrosion control and
25 prevention executive of a military department shall submit

1 to the Director of Corrosion Policy and Oversight a report
2 containing recommendations pertaining to the corrosion
3 control and prevention program of the military depart-
4 ment. Such report shall include recommendations for the
5 funding levels necessary for the executive to carry out the
6 duties of the executive under this section. The report re-
7 quired under this subparagraph shall—

8 “(i) provide a summary of key accomplish-
9 ments, goals, and objectives of the corrosion control
10 and prevention program of the military department;
11 and

12 “(ii) include the performance measures used to
13 ensure that the corrosion control and prevention pro-
14 gram achieved the goals and objectives described in
15 clause (i).”.

16 (c) CONFORMING REPEAL.—Section 903(b) of the
17 Duncan Hunter National Defense Authorization Act for
18 Fiscal Year 2009 (10 U.S.C. 2228 note) is amended by
19 striking paragraph (5).

20 **TITLE X—GENERAL PROVISIONS**

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.

Sec. 1002. Report on auditable financial statements.

Sec. 1003. Increased use of commercial data integration and analysis products
for the purpose of preparing financial statement audits.

Sec. 1004. Sense of Congress on sequestration.

Sec. 1005. Requirement to transfer funds from Department of Defense Acquisi-
tion Workforce Development Fund to the Treasury.

Subtitle B—Counterdrug Activities

- Sec. 1011. Codification and modification of authority to provide support for counterdrug activities and activities to counter transnational organized crime of civilian law enforcement agencies.
- Sec. 1012. Secretary of Defense review of curricula and program structures of National Guard counterdrug schools.
- Sec. 1013. Extension of authority to support unified counterdrug and counterterrorism campaign in Colombia.
- Sec. 1014. Enhancement of information sharing and coordination of military training between Department of Homeland Security and Department of Defense.

Subtitle C—Naval Vessels and Shipyards

- Sec. 1021. Definition of short-term work with respect to overhaul, repair, or maintenance of naval vessels.
- Sec. 1022. Warranty requirements for shipbuilding contracts.
- Sec. 1023. National Sea-Based Deterrence Fund.
- Sec. 1024. Availability of funds for retirement or inactivation of Ticonderoga-class cruisers or dock landing ships.

Subtitle D—Counterterrorism

- Sec. 1031. Frequency of counterterrorism operations briefings.
- Sec. 1032. Prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to the United States.
- Sec. 1033. Prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 1034. Prohibition on use of funds for transfer or release to certain countries of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 1035. Prohibition on use of funds for realignment of forces at or closure of United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 1036. Congressional notification requirements for sensitive military operations.

Subtitle E—Miscellaneous Authorities and Limitations

- Sec. 1041. Expanded authority for transportation by the Department of Defense of non-Department of Defense personnel and cargo.
- Sec. 1042. Reduction in minimum number of Navy carrier air wings and carrier air wing headquarters required to be maintained.
- Sec. 1043. Modification to support for non-Federal development and testing of material for chemical agent defense.
- Sec. 1044. Protection of certain Federal spectrum operations.
- Sec. 1045. Prohibition on use of funds for retirement of legacy maritime mine countermeasures platforms.
- Sec. 1046. Extension of authority of Secretary of Transportation to issue non-premium aviation insurance.
- Sec. 1047. Evaluation of Navy alternate combination cover and unisex combination cover.
- Sec. 1048. Independent evaluation of Department of Defense excess property program.
- Sec. 1049. Waiver of certain polygraph examination requirements.

- Sec. 1050. Use of Transportation Worker Identification Credential to gain access at Department of Defense installations.
- Sec. 1051. Limitation on availability of funds for destruction of certain landmines and briefing on development of replacement anti-personnel landmine munitions.
- Sec. 1052. Transition of Air Force to operation of remotely piloted aircraft by enlisted personnel.
- Sec. 1053. Prohibition on divestment of Marine Corps Search and Rescue Units.
- Sec. 1054. Support for the Associate Director of the Central Intelligence Agency for Military Affairs.
- Sec. 1055. Notification on the provision of defense sensitive support.
- Sec. 1056. Prohibition on enforcement of military commission rulings preventing members of the Armed Forces from carrying out otherwise lawful duties based on member sex.

Subtitle F—Studies and Reports

- Sec. 1061. Temporary continuation of certain Department of Defense reporting requirements.
- Sec. 1062. Reports on programs managed under alternative compensatory control measures in the Department of Defense.
- Sec. 1063. Matters for inclusion in report on designation of countries for which rewards may be paid under Department of Defense rewards program.
- Sec. 1064. Annual reports on unfunded priorities of the Armed Forces and the combatant commands and annual report on combatant command requirements.
- Sec. 1065. Management and reviews of electromagnetic spectrum.
- Sec. 1066. Requirement for notice and reporting to Committees on Armed Services on certain expenditures of funds by Defense Intelligence Agency.
- Sec. 1067. Congressional notification of biological select agent and toxin theft, loss, or release involving the Department of Defense.
- Sec. 1068. Report on service-provided support and enabling capabilities to United States special operations forces.
- Sec. 1069. Report on citizen security responsibilities in the Northern Triangle of Central America.
- Sec. 1070. Report on counterproliferation activities and programs.
- Sec. 1071. Report on testing and integration of minehunting sonar systems to improve Littoral Combat Ship minehunting capabilities.
- Sec. 1072. Quarterly reports on parachute jumps conducted at Fort Bragg and Pope Army Airfield and Air Force support for such jumps.
- Sec. 1073. Study on military helicopter noise.
- Sec. 1074. Independent review of United States military strategy and force posture in the United States Pacific Command area of responsibility.
- Sec. 1075. Assessment of the joint ground forces of the Armed Forces.

Subtitle G—Other Matters

- Sec. 1081. Technical and clerical amendments.
- Sec. 1082. Increase in maximum amount available for equipment, services, and supplies provided for humanitarian demining assistance.
- Sec. 1083. Liquidation of unpaid credits accrued as a result of transactions under a cross-servicing agreement.

- Sec. 1084. Modification of requirements relating to management of military technicians.
- Sec. 1085. Streamlining of the National Security Council.
- Sec. 1086. National biodefense strategy.
- Sec. 1087. Global Cultural Knowledge Network.
- Sec. 1088. Sense of Congress regarding Connecticut's Submarine Century.
- Sec. 1089. Sense of Congress regarding the reporting of the MV-22 mishap in Marana, Arizona, on April 8, 2000.
- Sec. 1090. Cost of Wars.
- Sec. 1091. Reconnaissance Strike Group matters.
- Sec. 1092. Border security metrics.
- Sec. 1093. Program to commemorate the 100th anniversary of the Tomb of the Unknown Soldier.
- Sec. 1094. Sense of Congress regarding the OCONUS basing of the KC-46A aircraft.
- Sec. 1095. Designation of a Department of Defense Strategic Arctic Port.
- Sec. 1096. Recovery of excess rifles, ammunition, and parts granted to foreign countries and transfer to certain persons.

1 **Subtitle A—Financial Matters**

2 **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

3 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

4 (1) AUTHORITY.—Upon determination by the
5 Secretary of Defense that such action is necessary in
6 the national interest, the Secretary may transfer
7 amounts of authorizations made available to the De-
8 partment of Defense in this division for fiscal year
9 2017 between any such authorizations for that fiscal
10 year (or any subdivisions thereof). Amounts of au-
11 thorizations so transferred shall be merged with and
12 be available for the same purposes as the authoriza-
13 tion to which transferred.

14 (2) LIMITATION.—Except as provided in para-
15 graph (3), the total amount of authorizations that
16 the Secretary may transfer under the authority of
17 this section may not exceed \$4,500,000,000.

1 (3) EXCEPTION FOR TRANSFERS BETWEEN
2 MILITARY PERSONNEL AUTHORIZATIONS.—A trans-
3 fer of funds between military personnel authoriza-
4 tions under title IV shall not be counted toward the
5 dollar limitation in paragraph (2).

6 (b) LIMITATIONS.—The authority provided by sub-
7 section (a) to transfer authorizations—

8 (1) may only be used to provide authority for
9 items that have a higher priority than the items
10 from which authority is transferred; and

11 (2) may not be used to provide authority for an
12 item that has been denied authorization by Con-
13 gress.

14 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
15 transfer made from one account to another under the au-
16 thority of this section shall be deemed to increase the
17 amount authorized for the account to which the amount
18 is transferred by an amount equal to the amount trans-
19 ferred.

20 (d) NOTICE TO CONGRESS.—The Secretary shall
21 promptly notify Congress of each transfer made under
22 subsection (a).

1 **SEC. 1002. REPORT ON AUDITABLE FINANCIAL STATE-**
2 **MENTS.**

3 Not later than 90 days after the date of the enact-
4 ment of this Act, the Secretary of Defense shall submit
5 to the congressional defense committees a report ranking
6 all military departments and Defense Agencies in order
7 of how advanced they are in achieving auditable financial
8 statements as required by law. The report should not in-
9 clude information otherwise available in other reports to
10 Congress.

11 **SEC. 1003. INCREASED USE OF COMMERCIAL DATA INTE-**
12 **GRATION AND ANALYSIS PRODUCTS FOR THE**
13 **PURPOSE OF PREPARING FINANCIAL STATE-**
14 **MENT AUDITS.**

15 (a) **DEPLOYMENT OF DATA ANALYTICS CAPABILI-**
16 **TIES.**—The Secretary of Defense shall use competitive
17 procedures under chapter 137 of title 10, United States
18 Code, to procure or develop, as soon as practicable, tech-
19 nologies or services, including those based on commercially
20 available information technologies and services to improve
21 data collection and analyses to support preparation of
22 auditable financial statements for the Department of De-
23 fense.

24 (b) **USE OF FUNDING AND RESOURCES.**—The Sec-
25 retary of Defense may use science and technology funding,

1 prototypes, and test and evaluation resources as appro-
2 priate in support of this deployment.

3 (c) REPORT ON PERFORMANCE.—Not later than 180
4 days after the date of the enactment of this Act, the Sec-
5 retary of Defense, in consultation with the Chief Financial
6 Officer and the Chief Management Officer of the Depart-
7 ment of Defense, shall submit to the congressional defense
8 committees a report on the capabilities procured pursuant
9 to subsection (a), including the results of using such capa-
10 bilities in connection with auditing a financial statement
11 of the Department of Defense.

12 **SEC. 1004. SENSE OF CONGRESS ON SEQUESTRATION.**

13 It is the sense of the Congress that—

14 (1) the fiscal challenges of the Federal Govern-
15 ment are a top priority for Congress, and sequestra-
16 tion—non-strategic, across-the-board budget cuts—
17 remains an unreasonable and inadequate budgeting
18 tool to address the deficits and debt of the Federal
19 Government;

20 (2) budget caps imposed by the Budget Control
21 Act of 2011 (Public Law 112–25) impose unaccept-
22 able limitations on the budget and increase risk to
23 the national security of the United States; and

1 (3) the budget caps imposed by the Budget
2 Control Act of 2011 must be modified or eliminated
3 through a bipartisan legislative agreement.

4 **SEC. 1005. REQUIREMENT TO TRANSFER FUNDS FROM DE-**
5 **PARTMENT OF DEFENSE ACQUISITION WORK-**
6 **FORCE DEVELOPMENT FUND TO THE TREAS-**
7 **URY.**

8 (a) TRANSFER REQUIRED.—During fiscal year 2017,
9 the Secretary of Defense shall transfer, from amounts
10 available in the Department of Defense Acquisition Work-
11 force Development Fund from amounts credited to the
12 Fund pursuant to section 1705(d)(2) of title 10, United
13 States Code, \$475,000,000 to the Secretary of the Treas-
14 ury for deposit in the general fund of the Treasury.

15 (b) ADDITIONAL AUTHORITY.—The transfer author-
16 ity provided by this section is in addition to any other
17 transfer authority contained in this Act.

18 **Subtitle B—Counterdrug Activities**

19 **SEC. 1011. CODIFICATION AND MODIFICATION OF AUTHOR-**
20 **ITY TO PROVIDE SUPPORT FOR**
21 **COUNTERDRUG ACTIVITIES AND ACTIVITIES**
22 **TO COUNTER TRANSNATIONAL ORGANIZED**
23 **CRIME OF CIVILIAN LAW ENFORCEMENT**
24 **AGENCIES.**

25 (a) CODIFICATION AND MODIFICATION.—

1 (1) IN GENERAL.—Chapter 18 of title 10,
2 United States Code, is amended by adding at the
3 end the following new section:

4 **“§ 384. Support for counterdrug activities and activi-**
5 **ties to counter transnational organized**
6 **crime**

7 “(a) SUPPORT TO OTHER AGENCIES.—The Secretary
8 of Defense may provide support for the counterdrug activi-
9 ties or activities to counter transnational organized crime
10 of any other department or agency of the Federal Govern-
11 ment or of any State, local, tribal, or foreign law enforce-
12 ment agency for any of the purposes set forth in sub-
13 section (b) or (c), as applicable, if—

14 “(1) in the case of support described in sub-
15 section (b), such support is requested—

16 “(A) by the official who has responsibility
17 for the counterdrug activities or activities to
18 counter transnational organized crime of the
19 department or agency of the Federal Govern-
20 ment, in the case of support for other depart-
21 ments or agencies of the Federal Government;
22 or

23 “(B) by the appropriate official of a State,
24 local, or tribal government, in the case of sup-

1 port for State, local, or tribal law enforcement
2 agencies; or

3 “(2) in the case of support described in sub-
4 section (c), such support is requested by an appro-
5 priate official of a department or agency of the Fed-
6 eral Government, in coordination with the Secretary
7 of State, that has counterdrug responsibilities or re-
8 sponsibilities for countering transnational organized
9 crime.

10 “(b) TYPES OF SUPPORT FOR AGENCIES OF UNITED
11 STATES.—The purposes for which the Secretary may pro-
12 vide support under subsection (a) for other departments
13 or agencies of the Federal Government or a State, local,
14 or tribal law enforcement agencies, are the following:

15 “(1) The maintenance and repair of equipment
16 that has been made available to any department or
17 agency of the Federal Government or to any State,
18 local, or tribal government by the Department of
19 Defense for the purposes of—

20 “(A) preserving the potential future utility
21 of such equipment for the Department of De-
22 fense; and

23 “(B) upgrading such equipment to ensure
24 compatibility of that equipment with other
25 equipment used by the Department.

1 “(2) The maintenance, repair, or upgrading of
2 equipment (including computer software), other than
3 equipment referred to in paragraph (1) for the pur-
4 pose of—

5 “(A) ensuring that the equipment being
6 maintained or repaired is compatible with
7 equipment used by the Department of Defense;
8 and

9 “(B) upgrading such equipment to ensure
10 the compatibility of that equipment with equip-
11 ment used by the Department.

12 “(3) The transportation of personnel of the
13 United States and foreign countries (including per
14 diem expenses associated with such transportation),
15 and the transportation of supplies and equipment,
16 for the purpose of facilitating counterdrug activities
17 or activities to counter transnational organized crime
18 within or outside the United States.

19 “(4) The establishment (including an unspec-
20 ified minor military construction project) and oper-
21 ation of bases of operations or training facilities for
22 the purpose of facilitating counterdrug activities or
23 activities to counter transnational organized crime of
24 the Department of Defense or any Federal, State,

1 local, or tribal law enforcement agency within or
2 outside the United States.

3 “(5) Counterdrug or counter-transnational or-
4 ganized crime related training of law enforcement
5 personnel of the Federal Government, of State, local,
6 and tribal governments, including associated support
7 expenses for trainees and the provision of materials
8 necessary to carry out such training.

9 “(6) The detection, monitoring, and commu-
10 nication of the movement of—

11 “(A) air and sea traffic within 25 miles of
12 and outside the geographic boundaries of the
13 United States; and

14 “(B) surface traffic outside the geographic
15 boundary of the United States and within the
16 United States not to exceed 25 miles of the
17 boundary if the initial detection occurred out-
18 side of the boundary.

19 “(7) Construction of roads and fences and in-
20 stallation of lighting to block drug smuggling cor-
21 ridors across international boundaries of the United
22 States.

23 “(8) Establishment of command, control, com-
24 munications, and computer networks for improved

1 integration of law enforcement, active military, and
2 National Guard activities.

3 “(9) The provision of linguist and intelligence
4 analysis services.

5 “(10) Aerial and ground reconnaissance.

6 “(c) TYPES OF SUPPORT FOR FOREIGN LAW EN-
7 FORCEMENT AGENCIES.—

8 “(1) PURPOSES.—The purposes for which the
9 Secretary may provide support under subsection (a)
10 for foreign law enforcement agencies are the fol-
11 lowing:

12 “(A) The transportation of personnel of
13 the United States and foreign countries (includ-
14 ing per diem expenses associated with such
15 transportation), and the transportation of sup-
16 plies and equipment, for the purpose of facili-
17 tating counterdrug activities or activities to
18 counter transnational organized crime within or
19 outside the United States.

20 “(B) The establishment (including small
21 scale construction) and operation of bases of
22 operations or training facilities for the purpose
23 of facilitating counterdrug activities or activities
24 to counter transnational organized crime of a

1 foreign law enforcement agency outside the
2 United States.

3 “(C) The detection, monitoring, and com-
4 munication of the movement of—

5 “(i) air and sea traffic within 25 miles
6 of and outside the geographic boundaries
7 of the United States; and

8 “(ii) surface traffic outside the geo-
9 graphic boundaries of the United States.

10 “(D) Establishment of command, control,
11 communications, and computer networks for
12 improved integration of United States Federal
13 and foreign law enforcement entities and
14 United States Armed Forces.

15 “(E) The provision of linguist and intel-
16 ligence analysis services.

17 “(F) Aerial and ground reconnaissance.

18 “(2) COORDINATION WITH SECRETARY OF
19 STATE.—In providing support for a purpose de-
20 scribed in this subsection, the Secretary shall coordi-
21 nate with the Secretary of State.

22 “(d) CONTRACT AUTHORITY.—In carrying out sub-
23 section (a), the Secretary may acquire services or equip-
24 ment by contract for support provided under that sub-
25 section if the Department of Defense would normally ac-

1 quire such services or equipment by contract for the pur-
2 pose of conducting a similar activity for the Department.

3 “(e) LIMITED WAIVER OF PROHIBITION.—Notwith-
4 standing section 376 of this title, the Secretary may pro-
5 vide support pursuant to subsection (a) in any case in
6 which the Secretary determines that the provision of such
7 support would adversely affect the military preparedness
8 of the United States in the short term if the Secretary
9 determines that the importance of providing such support
10 outweighs such short-term adverse effect.

11 “(f) CONDUCT OF TRAINING OR OPERATION TO AID
12 CIVILIAN AGENCIES.—In providing support pursuant to
13 subsection (a), the Secretary may plan and execute other-
14 wise valid military training or operations (including train-
15 ing exercises undertaken pursuant to section 1206(a) of
16 the National Defense Authorization Act for Fiscal Years
17 1990 and 1991 (Public Law 101–189; 103 Stat. 1564)
18 for the purpose of aiding civilian law enforcement agen-
19 cies.

20 “(g) RELATIONSHIP TO OTHER SUPPORT AUTHORI-
21 TIES.—

22 “(1) ADDITIONAL AUTHORITY.—The authority
23 provided in this section for the support of
24 counterdrug activities or activities to counter
25 transnational organized crime by the Department of

1 Defense is in addition to, and except as provided in
2 paragraph (2), not subject to the other requirements
3 of this chapter.

4 “(2) EXCEPTION.—Support under this section
5 shall be subject to the provisions of section 375 and,
6 except as provided in subsection (e), section 376 of
7 this title.

8 “(h) CONGRESSIONAL NOTIFICATION.—

9 “(1) IN GENERAL.—Not less than 15 days be-
10 fore providing support for an activity under sub-
11 section (a), the Secretary of Defense shall submit to
12 the appropriate committees of Congress a written
13 and electronic notice of the following:

14 “(A) In the case of support for a purpose
15 described in subsection (c)—

16 “(i) the country the capacity of which
17 will be built or enabled through the provi-
18 sion of such support;

19 “(ii) the budget, implementation
20 timeline with milestones, anticipated deliv-
21 ery schedule for support, and completion
22 date for the purpose or project for which
23 support is provided;

1 “(iii) the source and planned expendi-
2 ture of funds provided for the project or
3 purpose;

4 “(iv) a description of the arrange-
5 ments, if any, for the sustainment of the
6 project or purpose and the source of funds
7 to support sustainment of the capabilities
8 and performance outcomes achieved using
9 such support, if applicable;

10 “(v) a description of the objectives for
11 the project or purpose and evaluation
12 framework to be used to develop capability
13 and performance metrics associated with
14 operational outcomes for the recipient;

15 “(vi) information, including the
16 amount, type, and purpose, about the sup-
17 port provided the country during the three
18 fiscal years preceding the fiscal year for
19 which the support covered by the notice is
20 provided under this section under—

21 “(I) this section;

22 “(II) section 23 of the Arms Ex-
23 port Control Act (22 U.S.C. 2763);

24 “(III) peacekeeping operations;

1 “(IV) the International Narcotics
2 Control and Law Enforcement pro-
3 gram under section 481 of the For-
4 eign Assistance Act of 1961 (22
5 U.S.C. 2291);

6 “(V) Nonproliferation, Anti-Ter-
7 rorism, Demining, and Related Pro-
8 grams;

9 “(VI) counterdrug activities au-
10 thorized by section 1004 of the Na-
11 tional Defense Authorization Act for
12 Fiscal Year 1991 (10 U.S.C. 374
13 note) and section 1033 of the Na-
14 tional Defense Authorization Act for
15 Fiscal Year 1998 (Public Law 105-
16 85); or

17 “(VII) any other significant pro-
18 gram, account, or activity for the pro-
19 vision of security assistance that the
20 Secretary of Defense and the Sec-
21 retary of State consider appropriate;

22 “(vii) an evaluation of the capacity of
23 the recipient country to absorb the support
24 provided; and

1 “(viii) an evaluation of the manner in
2 which the project or purpose for which the
3 support is provided fits into the theater se-
4 curity cooperation strategy of the applica-
5 ble geographic combatant command.

6 “(B) In the case of support for a purpose
7 described in subsection (b) or (c), a description
8 of any small scale construction project for
9 which support is provided.

10 “(2) COORDINATION WITH SECRETARY OF
11 STATE.—In providing notice under this subsection
12 for a purpose described in subsection (c), the Sec-
13 retary of Defense shall coordinate with the Secretary
14 of State.

15 “(i) DEFINITIONS.—In this section:

16 “(1) The term ‘appropriate committees of Con-
17 gress’ means—

18 “(A) the Committee on Armed Services,
19 the Committee on Appropriations, and the
20 Committee on Foreign Affairs of the House of
21 Representatives; and

22 “(B) the Committee on Armed Services,
23 the Committee on Appropriations, and the
24 Committee on Foreign Relations of the Senate.

1 “(2) The term ‘Indian tribe’ means a Federally
2 recognized Indian tribe.

3 “(3) The term ‘small scale construction’ means
4 construction at a cost not to exceed \$750,000 for
5 any project.

6 “(4) The term ‘tribal government’ means the
7 governing body of an Indian tribe, the status of
8 whose land is ‘Indian country’ as defined in section
9 1151 of title 18 or held in trust by the United
10 States for the benefit of the Indian tribe.

11 “(5) The term ‘tribal law enforcement agency’
12 means the law enforcement agency of a tribal gov-
13 ernment.

14 “(6) The term ‘transnational organized crime’
15 means self-perpetuating associations of individuals
16 who operate transnationally for the purpose of ob-
17 taining power, influence, monetary, or commercial
18 gains, wholly or in part by illegal means, while pro-
19 tecting their activities through a pattern of corrup-
20 tion or violence or through a transnational organiza-
21 tion structure and the exploitation of transnational
22 commerce or communication mechanisms.”.

23 (2) CLERICAL AMENDMENT.—The table of sec-
24 tions at the beginning of chapter 18 of such title is

1 amended by adding at the end the following new
2 item:

“384. Support for counterdrug activities and activities to counter transnational organized crime.”.

3 (b) **REPEAL OF SUPERSEDED AUTHORITY.**—Section
4 1004 of the National Defense Authorization Act for Fiscal
5 Year 1991 (10 U.S.C. 374 note) is repealed.

6 **SEC. 1012. SECRETARY OF DEFENSE REVIEW OF CUR-**
7 **RICULA AND PROGRAM STRUCTURES OF NA-**
8 **TIONAL GUARD COUNTERDRUG SCHOOLS.**

9 (a) **IN GENERAL.**—Section 901 of the Office of Na-
10 tional Drug Control Policy Reauthorization Act of 2006
11 (Public Law 109–469; 32 U.S.C. 112 note) is amended—

12 (1) by redesignating subsections (e) through (g)
13 as subsections (f) through (h), respectively; and

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

16 “(e) **CURRICULUM REVIEW.**—The Secretary of De-
17 fense shall review the curriculum and program structure
18 of each school established under this section.”.

19 (b) **TECHNICAL AMENDMENT.**—Subsection (d)(1) of
20 such section is amended by striking “section 112(b) of
21 that title 32” and inserting “section 112(b) of title 32”.

1 **SEC. 1013. EXTENSION OF AUTHORITY TO SUPPORT UNI-**
2 **FIED COUNTERDRUG AND COUNTERTER-**
3 **RORISM CAMPAIGN IN COLOMBIA.**

4 Section 1021 of the Ronald W. Reagan National De-
5 fense Authorization Act for Fiscal Year 2005 (Public Law
6 108–375; 118 Stat. 2042), as most recently amended by
7 section 1011 of the National Defense Authorization Act
8 for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 962),
9 is further amended—

10 (1) in subsection (a)(1), by striking “2017” and
11 inserting “2019”; and

12 (2) in subsection (e), by striking “2017” and
13 inserting “2019”.

14 **SEC. 1014. ENHANCEMENT OF INFORMATION SHARING AND**
15 **COORDINATION OF MILITARY TRAINING BE-**
16 **TWEEN DEPARTMENT OF HOMELAND SECU-**
17 **RITY AND DEPARTMENT OF DEFENSE.**

18 (a) IN GENERAL.—The Secretary of Homeland Secu-
19 rity shall ensure that the information needs of the Depart-
20 ment of Homeland Security relating to civilian law en-
21 forcement activities in proximity to the international bor-
22 ders of the United States are identified and communicated
23 to the Secretary of Defense for the purposes of the plan-
24 ning and executing of military training by the Department
25 of Defense.

26 (b) FORMAL MECHANISM OF NOTIFICATION.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this Act, the Sec-
3 retary of Homeland Security, in coordination with
4 the Secretary of Defense, shall establish a formal
5 mechanism through which the information needs of
6 the Department of Homeland Security relating to ci-
7 vilian law enforcement activities in proximity to the
8 international borders of the United States are identi-
9 fied and communicated to the Secretary of Defense
10 for the purposes of the planning and executing mili-
11 tary training by the Department of Defense.

12 (2) DISSEMINATION TO THE ARMED FORCES.—
13 To the extent practicable, the Secretary of Defense
14 shall ensure that such information needs are dis-
15 seminated to the Armed Forces in a timely manner
16 so the Armed Forces may take into account the in-
17 formation needs of civilian law enforcement when
18 planning and executing training in accordance with
19 section 371 of title 10, United States Code.

20 (3) COORDINATION OF TRAINING.—To the max-
21 imum extent practicable, the Secretary of Defense
22 shall ensure that the planning and execution of
23 training described in paragraph (2) is coordinated
24 with the Department of Homeland Security.

1 (c) SHARING OF CERTAIN INFORMATION.—Not later
2 than 180 days after the date of the enactment of this Act,
3 the Secretary of Homeland Security and the Secretary of
4 Defense shall jointly formulate guidance to ensure that the
5 information relevant to civilian law enforcement matters
6 that is collected by the Armed Forces during the normal
7 course of military training or operations in proximity to
8 the international borders of the United States is provided
9 promptly to relevant officials in accordance with section
10 371 of title 10, United States Code.

11 (d) ANNUAL REPORTS.—

12 (1) DEPARTMENT OF DEFENSE REPORT.—

13 (A) IN GENERAL.—Not later than March
14 31 of each year, the Secretary of Defense shall
15 submit to the congressional defense committees,
16 the Committee on Homeland Security of the
17 House of Representatives, and the Committee
18 on Homeland Security and Governmental Af-
19 fairs of the Senate a report on any assistance
20 provided by the Department of Defense to the
21 border security mission of the Department of
22 Homeland Security at the international borders
23 of the United States during the fiscal year pre-
24 ceding the fiscal year during which the report
25 is submitted.

1 (B) ELEMENTS.—Each report submitted
2 under subparagraph (A) shall include each of
3 the following:

4 (i) A description of the military train-
5 ing and operational activities of each mili-
6 tary component leveraged, pursuant to sec-
7 tion 371 of title 10, United States Code, to
8 support the border security mission of the
9 Department of Homeland Security at the
10 southern border of the United States.

11 (ii) For each activity described in
12 clause (i), each of the following, identified
13 by component:

14 (I) The Department of Homeland
15 Security information need that was
16 supported.

17 (II) The military training or
18 operational activity leveraged to pro-
19 vide support.

20 (III) The duration of the sup-
21 port.

22 (IV) The cost of the support.

23 (iii) A description of any Department
24 of Defense activities provided in response

1 to a request for assistance from the De-
2 partment of Homeland Security.

3 (iv) For each activity described in
4 clause (iii)—

5 (I) The stated rationale of the
6 Department of Homeland Security for
7 requesting assistance from the De-
8 partment of Defense.

9 (II) The capability provided by
10 the Department of Defense.

11 (III) The duration of the assist-
12 ance provided by the capability.

13 (IV) The statutory authority
14 under which the assistance was pro-
15 vided.

16 (V) The cost of the assistance
17 provided.

18 (VI) Whether the Department of
19 Defense was reimbursed by the De-
20 partment of Homeland Security for
21 the assistance provided.

22 (VII) In the case of assistance
23 for which the Department of Defense
24 was not reimbursed, the justification
25 for non-reimbursement.

1 (v) A description of any Department
2 of Defense excess property provided to U.
3 S. Customs and Border Protection.

4 (vi) The status of the implementation
5 of this section.

6 (vii) A description of any other activ-
7 ity the Secretary of Defense determines
8 relevant.

9 (2) DEPARTMENT OF HOMELAND SECURITY RE-
10 PORT.—Not later than March 31 of each year, the
11 Secretary of Homeland Security shall submit to the
12 congressional defense committees, the Committee on
13 Homeland Security of the House of Representatives,
14 and the Committee on Homeland Security and Gov-
15 ernmental Affairs of the Senate a report on—

16 (A) any activities of the Department of
17 Homeland Security to reduce, mitigate, or
18 eliminate the demand for Department of De-
19 fense support at the international borders of
20 the United States; and

21 (B) the status of implementation of this
22 section.

23 (3) TERMINATION.—The requirement to submit
24 a report under paragraph (1) or (2) shall terminate
25 on January 31, 2020.

1 **Subtitle C—Naval Vessels and**
2 **Shipyards**

3 **SEC. 1021. DEFINITION OF SHORT-TERM WORK WITH RE-**
4 **SPECT TO OVERHAUL, REPAIR, OR MAINTENANCE OF NAVAL VESSELS.**

6 Section 7299a(e)(4) of title 10, United States Code,
7 is amended by striking “six months” and inserting “10
8 months”.

9 **SEC. 1022. WARRANTY REQUIREMENTS FOR SHIPBUILDING**
10 **CONTRACTS.**

11 (a) WARRANTY REQUIREMENTS.—

12 (1) IN GENERAL.—Chapter 633 of title 10,
13 United States Code, is amended by adding at the
14 end the following new section:

15 **“§ 7318. Warranty requirements for shipbuilding con-**
16 **tracts**

17 “(a) REQUIREMENT.—A contracting officer for a
18 contract for new construction for which funds are ex-
19 pended from the Shipbuilding and Conversion, Navy ac-
20 count shall require, as a condition of the contract, that
21 the work performed under the contract is covered by a
22 warranty for a period of at least one year.

23 “(b) WAIVER.—If the contracting officer for a con-
24 tract covered by the requirement under subsection (a) de-
25 termines that a limited liability of warranted work is in

1 the best interest of the Government, the contracting offi-
2 cer may agree to limit the liability of the work performed
3 under the contract to a level that the contracting officer
4 determines is sufficient to protect the interests of the Gov-
5 ernment and in keeping with historical levels of warranted
6 work on similar vessels.”.

7 (2) CLERICAL AMENDMENT.—The table of sec-
8 tions at the beginning of such chapter is amended
9 by adding at the end the following new item:

“7318. Warranty requirements for shipbuilding contracts.”.

10 (b) EFFECTIVE DATE.—Section 7318 of title 10,
11 United States Code, as added by subsection (a), shall take
12 effect on the later of the following dates:

13 (1) The date of the enactment of the National
14 Defense Authorization for Fiscal Year 2018.

15 (2) September 30, 2017.

16 **SEC. 1023. NATIONAL SEA-BASED DETERRENCE FUND.**

17 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT OF
18 CRITICAL COMPONENTS TO SUPPORT CONTINUOUS PRO-
19 Duction OF THE COMMON MISSILE COMPARTMENT.—
20 Section 2218a of title 10, United States Code, is amend-
21 ed—

22 (1) by redesignating subsections (i) and (j) as
23 subsections (j) and (k), respectively; and

24 (2) by inserting after subsection (h) the fol-
25 lowing new subsection (i):

1 “(i) AUTHORITY FOR MULTIYEAR PROCUREMENT OF
2 CRITICAL COMPONENTS TO SUPPORT CONTINUOUS PRO-
3 Duction OF THE COMMON MISSILE COMPARTMENT.—(1)
4 To implement the continuous production of the common
5 missile compartment, the Secretary of the Navy may use
6 funds deposited in the Fund, in conjunction with funds
7 appropriated for the procurement of other nuclear-pow-
8 ered vessels, to enter into one or more multiyear contracts
9 (including economic ordering quantity contracts), for the
10 procurement of critical contractor-furnished and Govern-
11 ment-furnished components for the common missile com-
12 partments of national sea-based deterrence vessels. The
13 authority under this subsection extends to the procure-
14 ment of equivalent critical parts, components, systems,
15 and subsystems common with and required for other nu-
16 clear-powered vessels.

17 “(2) In each annual budget request submitted to
18 Congress, the Secretary shall clearly identify funds re-
19 quested for the common missile compartment and the indi-
20 vidual ships and programs for which such funds are re-
21 quested.

22 “(3) Any contract entered into pursuant to para-
23 graph (1) shall provide that any obligation of the United
24 States to make a payment under the contract is subject
25 to the availability of appropriations for that purpose and

1 that the total liability to the Government for the termi-
2 nation of the contract shall be limited to the total amount
3 of funding obligated for the contract as of the date of the
4 termination.”.

5 (b) DEFINITION OF NATIONAL SEA-BASED DETER-
6 RENCE VESSEL.—Subsection (k)(2) of such section, as re-
7 designated by subsection (b), is amended—

8 (1) by striking “any vessel” and inserting “any
9 submersible vessel constructed or purchased after
10 fiscal year 2016 that is”; and

11 (2) by inserting “and” before “that carries”.

12 **SEC. 1024. AVAILABILITY OF FUNDS FOR RETIREMENT OR**
13 **INACTIVATION OF TICONDEROGA-CLASS**
14 **CRUISERS OR DOCK LANDING SHIPS.**

15 None of the funds authorized to be appropriated by
16 this Act or otherwise made available for the Department
17 of Defense for fiscal year 2017 may be obligated or ex-
18 pended—

19 (1) to retire, prepare to retire, or inactivate a
20 cruiser or dock landing ship; or

21 (2) to place more than six cruisers and one
22 dock landing ship in the modernization program
23 under section 1026(a)(2) of the Carl Levin and
24 Howard P. “Buck” McKeon National Defense Au-

1 thorization Act for Fiscal Year 2015 (Public Law
2 113–291; 128 Stat. 3490).

3 **Subtitle D—Counterterrorism**

4 **SEC. 1031. FREQUENCY OF COUNTERTERRORISM OPER-**
5 **ATIONS BRIEFINGS.**

6 (a) IN GENERAL.—Subsection (a) of section 485 of
7 title 10, United States Code is amended by striking “quar-

8 terly” and inserting “monthly”.
9 (b) SECTION HEADING.—The section heading for
10 such section is amended by striking “**Quarterly**” and
11 inserting “**Monthly**”.

12 (c) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of chapter 23 of such title is amended
14 by striking the item relating to section 485 and inserting
15 the following new item:

 “485. Monthly counterterrorism operations briefings.”.

16 **SEC. 1032. PROHIBITION ON USE OF FUNDS FOR TRANSFER**
17 **OR RELEASE OF INDIVIDUALS DETAINED AT**
18 **UNITED STATES NAVAL STATION, GUANTA-**
19 **NAMO BAY, CUB, TO THE UNITED STATES.**

20 No amounts authorized to be appropriated or other-
21 wise made available for the Department of Defense may
22 be used during the period beginning on the date of the
23 enactment of this Act and ending on December 31, 2017,
24 to transfer, release, or assist in the transfer or release to

1 or within the United States, its territories, or possessions
2 of Khalid Sheikh Mohammed or any other detainee who—

3 (1) is not a United States citizen or a member
4 of the Armed Forces of the United States; and

5 (2) is or was held on or after January 20,
6 2009, at United States Naval Station, Guantanamo
7 Bay, Cuba, by the Department of Defense.

8 **SEC. 1033. PROHIBITION ON USE OF FUNDS TO CONSTRUCT**
9 **OR MODIFY FACILITIES IN THE UNITED**
10 **STATES TO HOUSE DETAINEES TRANS-**
11 **FERRED FROM UNITED STATES NAVAL STA-**
12 **TION, GUANTANAMO BAY, CUBA.**

13 (a) **IN GENERAL.**—No amounts authorized to be ap-
14 propriated or otherwise made available to the Department
15 of Defense may be used during the period beginning on
16 the date of the enactment of this Act and ending on De-
17 cember 31, 2017, to construct or modify any facility in
18 the United States, its territories, or possessions to house
19 any individual detained at Guantanamo for the purposes
20 of detention or imprisonment in the custody or under the
21 control of the Department of Defense unless authorized
22 by Congress.

23 (b) **EXCEPTION.**—The prohibition in subsection (a)
24 shall not apply to any modification of facilities at United
25 States Naval Station, Guantanamo Bay, Cuba.

1 (c) INDIVIDUAL DETAINED AT GUANTANAMO DE-
2 FINED.—In this section, the term “individual detained at
3 Guantanamo” has the meaning given that term in section
4 1034(f)(2) of the National Defense Authorization Act for
5 Fiscal Year 2016 (Public Law 114–92; 129 Stat. 971; 10
6 U.S. C. 801 note).

7 **SEC. 1034. PROHIBITION ON USE OF FUNDS FOR TRANSFER**
8 **OR RELEASE TO CERTAIN COUNTRIES OF IN-**
9 **DIVIDUALS DETAINED AT UNITED STATES**
10 **NAVAL STATION, GUANTANAMO BAY, CUBA.**

11 No amounts authorized to be appropriated or other-
12 wise made available for the Department of Defense may
13 be used during the period beginning on the date of the
14 enactment of this Act and ending on December 31, 2017,
15 to transfer, release, or assist in the transfer or release of
16 any individual detained in the custody or under the control
17 of the Department of Defense at United States Naval Sta-
18 tion, Guantanamo Bay, Cuba, to the custody or control
19 of any country, or any entity within such country, as fol-
20 lows:

- 21 (1) Libya.
22 (2) Somalia.
23 (3) Syria.
24 (4) Yemen.

1 **SEC. 1035. PROHIBITION ON USE OF FUNDS FOR REALIGN-**
2 **MENT OF FORCES AT OR CLOSURE OF**
3 **UNITED STATES NAVAL STATION, GUANTA-**
4 **NAMO BAY, CUBA.**

5 No amounts authorized to be appropriated or other-
6 wise made available for the Department of Defense for
7 fiscal year 2017 may be used—

8 (1) to close or abandon United States Naval
9 Station, Guantanamo Bay, Cuba;

10 (2) to relinquish control of Guantanamo Bay to
11 the Republic of Cuba; or

12 (3) to implement a material modification to the
13 Treaty Between the United States of America and
14 Cuba signed at Washington, D.C. on May 29, 1934,
15 that constructively closes United States Naval Sta-
16 tion, Guantanamo Bay.

17 **SEC. 1036. CONGRESSIONAL NOTIFICATION REQUIRE-**
18 **MENTS FOR SENSITIVE MILITARY OPER-**
19 **ATIONS.**

20 (a) **TIMING OF NOTIFICATIONS.**—Subsection (a) of
21 section 130f of title 10, United States Code, is amended
22 in the first sentence, by inserting “no later than 48 hours”
23 before “following such operation”.

24 (b) **PROCEDURES.**—Subsection (b) of such section is
25 amended—

1 (1) In paragraph (1), by adding at the end the
2 following new sentence: “The Secretary shall
3 promptly notify the congressional defense commit-
4 tees in writing of any changes to such procedures at
5 least 14 days prior to the adoption of any such
6 changes”; and

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

9 “(3) In the event of an unauthorized disclosure of a
10 sensitive military operation covered by this section, the
11 Secretary shall ensure, to the maximum extent practicable,
12 that the congressional defense committees are notified im-
13 mediately of the sensitive military operation concerned.
14 The notification under this paragraph may be verbal or
15 written, but in the event of a verbal notification a written
16 notification shall be provided by not later than 48 hours
17 after the provision of the verbal notification.”.

18 (c) BRIEFING REQUIREMENTS.—Such section is fur-
19 ther amended—

20 (1) in subsection (a), by striking the second
21 sentence; and

22 (2) in subsection (c), by inserting before the pe-
23 riod at the end the following: “, including Depart-
24 ment of Defense support to such operations con-

1 ducted under the National Security Act of 1947 (50
2 U.S.C. 3001 et seq.)”.

3 (d) DEFINITION OF SENSITIVE MILITARY OPER-
4 ATION.—Subsection (d) of such section is amended by
5 striking “means” and all that follows and inserting
6 “means the following:”

7 “(1) A lethal operation or capture operation—
8 “(A) conducted by the armed forces out-
9 side a declared theater of active armed conflict;
10 or

11 “(B) conducted by a foreign partner in co-
12 ordination with the armed forces that targets a
13 specific individual or individuals.

14 “(2) An operation conducted by the armed
15 forces outside a declared theater of active armed
16 conflict in self-defense or in defense of foreign part-
17 ners, including during a cooperative operation.”.

18 (e) REPEAL OF EXCEPTION TO NOTIFICATION RE-
19 QUIREMENT.—Such section is further amended—

20 (1) by striking subsection (e); and

21 (2) by redesignating subsection (f) as sub-
22 section (e).

23 (f) CONFORMING AMENDMENTS.—

1 (1) SECTION HEADING AMENDMENT.—The
2 heading of such section is amended to read as fol-
3 lows:

4 **“§ 130f. Notification requirements for sensitive mili-
5 tary operations”.**

6 (2) TABLE OF SECTIONS AMENDMENT.—The
7 table of sections at the beginning of chapter 3 of
8 such title is amended by striking the item relating
9 to section 130f and inserting the following new item:

“130f. Notification requirements for sensitive military operations.”.

10 **Subtitle E—Miscellaneous**
11 **Authorities and Limitations**

12 **SEC. 1041. EXPANDED AUTHORITY FOR TRANSPORTATION**
13 **BY THE DEPARTMENT OF DEFENSE OF NON-**
14 **DEPARTMENT OF DEFENSE PERSONNEL AND**
15 **CARGO.**

16 (a) TRANSPORTATION OF ALLIED AND CIVILIAN
17 PERSONNEL AND CARGO.—Subsection (c) of section 2649
18 of title 10, United States Code, is amended—

19 (1) in the subsection heading, by striking
20 “PERSONNEL” and inserting “AND CIVILIAN PER-
21 SONNEL AND CARGO”;

22 (2) by striking “Until January 6, 2016, when”
23 and inserting “When”; and

24 (3) by striking “allied forces or civilians”, and
25 inserting “allied and civilian personnel and cargo”.

1 (b) COMMERCIAL INSURANCE.—Such section is fur-
2 ther amended by adding at the end the following new sub-
3 section:

4 “(d) COMMERCIAL INSURANCE.—The Secretary may
5 enter into a contract or other arrangement with one or
6 more commercial providers to make insurance products
7 available to non-Department of Defense shippers using the
8 Defense Transportation System to insure against the loss
9 or damage of the shipper’s cargo. Any such contract or
10 arrangement shall provide that—

11 “(1) any insurance premium is collected by the
12 commercial provider;

13 “(2) any claim for loss or damage is processed
14 and paid by the commercial provider;

15 “(3) the commercial provider agrees to hold the
16 United States harmless and waive any recourse
17 against the United States for amounts paid to an in-
18 sured as a result of a claim; and

19 “(4) the contract between the commercial pro-
20 vider and the insured shall contain a provision
21 whereby the insured waives any claim against the
22 United States for loss or damage that is within the
23 scope of enumerated risks covered by the insurance
24 product.”.

1 (c) CONFORMING CROSS-REFERENCE AMEND-
2 MENTS.—Subsection (b) of such section is amended by
3 striking “this section” both places it appears and inserting
4 “subsection (a)”.

5 **SEC. 1042. REDUCTION IN MINIMUM NUMBER OF NAVY**
6 **CARRIER AIR WINGS AND CARRIER AIR WING**
7 **HEADQUARTERS REQUIRED TO BE MAIN-**
8 **TAINED.**

9 (a) CODIFICATION AND REDUCTION.—Section 5062
10 of title 10, United States Code, is amended by adding at
11 the end the following new subsection:

12 “(e) The Secretary of the Navy shall ensure that—

13 “(1) the Navy maintains a minimum of 9 car-
14 rier air wings until the earlier of—

15 “(A) the date on which additional oper-
16 ationally deployable aircraft carriers can fully
17 support a 10th carrier air wing; or

18 “(B) October 1, 2025;

19 “(2) after the earlier of the two dates referred
20 to in subparagraphs (A) and (B) of paragraph (1),
21 the Navy maintains a minimum of 10 carrier air
22 wings; and

23 “(3) for each such carrier air wing, the Navy
24 maintains a dedicated and fully staffed head-
25 quarters.”.

1 (b) REPEAL OF SUPERSEDED REQUIREMENT.—Sec-
2 tion 1093 of the National Defense Authorization Act for
3 Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1606;
4 10 U.S.C. 5062 note) is repealed.

5 **SEC. 1043. MODIFICATION TO SUPPORT FOR NON-FEDERAL**
6 **DEVELOPMENT AND TESTING OF MATERIAL**
7 **FOR CHEMICAL AGENT DEFENSE.**

8 Section 1034 of the National Defense Authorization
9 Act for Fiscal Year 2008 (Public Law 110–181) is amend-
10 ed—

11 (1) in subsection (d)—

12 (A) by striking “report on the use of the
13 authority under subsection (a)” and all that fol-
14 lows and inserting “report that includes—”

15 “(A) a description of—

16 “(i) each use of the authority under
17 subsection (a); and

18 “(ii) for each such use, the specific
19 material made available and to whom it
20 was made available; and

21 “(B) a description of—

22 “(i) any instance in which the Depart-
23 ment of Defense made available to a State,
24 a unit of local government, or a private en-
25 tity any biological select agent or toxin for

1 the development or testing of any bio-
2 defense technology; and

3 “(ii) for each such instance, the spe-
4 cific material made available and to whom
5 it was made available.”; and

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

8 “(3) The requirement to submit a report under
9 paragraph (1) shall terminate on January 31,
10 2021.”; and

11 (2) in subsection (e), by striking “this section”
12 and all that follows and inserting “this section:”

13 “(1) The terms ‘precursor’, ‘protective pur-
14 poses’, and ‘toxic chemical’ have the meanings given
15 those terms in the convention referred to in sub-
16 section (c), in paragraph 2, paragraph 9(b), and
17 paragraph 1, respectively, of article II of that con-
18 vention.

19 “(2) The term ‘biological select agent or toxin’
20 means any agent or toxin identified under any of the
21 following:

22 “(A) Section 331.3 of title 7, Code of Fed-
23 eral Regulations.

24 “(B) Section 121.3 or section 121.4 of title
25 9, Code of Federal Regulations.

1 “(C) Section 73.3 or section 73.4 of title
2 42, Code of Federal Regulations.”.

3 **SEC. 1044. PROTECTION OF CERTAIN FEDERAL SPECTRUM**
4 **OPERATIONS.**

5 Section 1004 of the Bipartisan Budget Act of 2015
6 (Public Law 114–74; 47 U.S.C. 921 note) is amended by
7 adding at the end the following:

8 “(d) **PROTECTION OF CERTAIN FEDERAL SPECTRUM**
9 **OPERATIONS.**—If the report required by subsection (a) de-
10 termines that reallocation and auction of the spectrum de-
11 scribed in the report would harm national security by im-
12 pacting existing terrestrial Federal spectrum operations at
13 the Nevada Test and Training Range, the Commission,
14 in coordination with the Secretary shall, prior to the auc-
15 tion described in subsection (c)(1)(B), establish rules for
16 licensees in such spectrum sufficient to mitigate harmful
17 interference to such operations.

18 “(e) **RULE OF CONSTRUCTION.**—Nothing in this sec-
19 tion shall be construed to affect any requirement under
20 section 1062(b) of the National Defense Authorization Act
21 for Fiscal Year 2000 (47 U.S.C. 921 note; Public Law
22 106–65).”.

1 **SEC. 1045. PROHIBITION ON USE OF FUNDS FOR RETIRE-**
2 **MENT OF LEGACY MARITIME MINE COUNTER-**
3 **MEASURES PLATFORMS.**

4 (a) PROHIBITIONS.—Except as provided under sub-
5 section (b), none of the funds authorized to be appro-
6 priated by this Act or otherwise made available for fiscal
7 year 2017 for the Navy may be obligated or expended to—

8 (1) retire, prepare to retire, transfer, or place
9 in storage any AVENGER-class mine counter-
10 measures ship or associated equipment;

11 (2) retire, prepare to retire, transfer, or place
12 in storage any SEA DRAGON (MH-53) helicopter
13 or associated equipment;

14 (3) make any reductions to manning levels with
15 respect to any AVENGER-class mine counter-
16 measures ship; or

17 (4) make any reductions to manning levels with
18 respect to any SEA DRAGON (MH-53) helicopter
19 squadron or detachment.

20 (b) WAIVER.—The Secretary of the Navy may waive
21 the limitations under subsection (a) if the Secretary cer-
22 tifies to the congressional defense committees that the
23 Secretary has—

24 (1) identified a replacement capability and the
25 necessary quantity of such systems to meet all com-
26 batant commander mine countermeasures oper-

1 ational requirements that are currently being met by
2 the AVENGER-class ships and SEA DRAGON heli-
3 copters to be retired, transferred, or placed in stor-
4 age;

5 (2) achieved initial operational capability of all
6 systems described in paragraph (1); and

7 (3) deployed a sufficient quantity of systems de-
8 scribed in paragraph (1) that have achieved initial
9 operational capability to continue to meet or exceed
10 all combatant commander mine countermeasures
11 operational requirements currently being met by the
12 AVENGER-class ships and SEA DRAGON heli-
13 copters.

14 **SEC. 1046. EXTENSION OF AUTHORITY OF SECRETARY OF**
15 **TRANSPORTATION TO ISSUE NON-PREMIUM**
16 **AVIATION INSURANCE.**

17 Section 44310(b) of title 49, United States Code, is
18 amended by striking “December 31, 2018” and inserting
19 “December 31, 2019”.

20 **SEC. 1047. EVALUATION OF NAVY ALTERNATE COMBINA-**
21 **TION COVER AND UNISEX COMBINATION**
22 **COVER.**

23 (a) **MANDATORY POSSESSION OR WEAR DATE.**—The
24 Secretary of the Navy shall change the mandatory posses-
25 sion or wear date of the alternate combination cover or

1 the unisex combination cover from October 31, 2016, to
2 October 31, 2018.

3 (b) EVALUATION AND REPORT.—Not later than Feb-
4 ruary 1, 2017, the Secretary of the Navy shall submit to
5 the Committees on Armed Services of the Senate and
6 House of Representatives a report on the evaluation of the
7 Navy female service dress uniforms based on surveying a
8 representative group of female officer and enlisted service
9 members. Such evaluation shall include each of the fol-
10 lowing:

11 (1) An identification of the operational need ad-
12 dressed by the alternate combination cover or the
13 unisex combination cover.

14 (2) An assessment of the individual cost of
15 service dress uniform items to members of the
16 Armed Forces as a percentage of their monthly pay.

17 (3) The composition of each uniform item's
18 wear test group.

19 (4) An identification of the costs to the Navy
20 and to individual members of the Armed Forces for
21 uniform changes identified in the Navy administra-
22 tive message 236/15 dated October 9, 2015.

23 (5) The opinions of a representative group of
24 female officer and enlisted service members of the
25 Navy active and reserve components.

1 (6) Any other rationale the Secretary deter-
2 mines appropriate.

3 **SEC. 1048. INDEPENDENT EVALUATION OF DEPARTMENT**
4 **OF DEFENSE EXCESS PROPERTY PROGRAM.**

5 (a) IN GENERAL.—The Secretary of Defense shall
6 enter into an agreement with a federally funded research
7 and development center, or another appropriate inde-
8 pendent entity, with relevant expertise to conduct an eval-
9 uation of the Department of Defense excess property pro-
10 gram under section 2576a of title 10, United States Code.
11 Not later than 180 days after the date of the enactment
12 of this Act, the Secretary shall submit such evaluation to
13 the congressional defense committees

14 (b) ELEMENTS OF EVALUATION.—The evaluation re-
15 quired under paragraph (1) shall include each of the fol-
16 lowing:

17 (1) A review of the current listing of “author-
18 ized”, “controlled”, and “prohibited” items as de-
19 fined by Executive Order 13688 and by Department
20 of Defense policy, guidance, and instruction, as well
21 as why each item is currently assigned to each cat-
22 egory.

23 (2) A review of the preferences and any associ-
24 ated prioritization provided to Federal, State, and
25 local law enforcement agency requests for excess

1 equipment to be used in border security,
2 counterdrug, and counterterrorism activities, pursu-
3 ant to section 2576a(a)(1)(A) of title 10 United
4 States Code, including the overall numbers and per-
5 centages of equipment provided and used under
6 these preferential categories.

7 (3) Whether the Department of Defense has
8 bought a type of equipment and declared as excess
9 the same type of equipment during the same year,
10 and if so, how much such equipment.

11 (4) The type of information being collected by
12 State coordinators and the Defense Logistics Agency
13 when a request for equipment is made, and whether
14 or not that information is sufficient to demonstrate
15 a need for the equipment requested by the law en-
16 forcement agency making the request.

17 (5) The extent to which State coordinators and
18 the Defense Logistics Agency deny requests for
19 equipment and the reasons for such denials.

20 (6) The extent to which law enforcement agen-
21 cies have been suspended from participating in the
22 program and the reasons for such suspensions.

23 (7) Any other matters the Secretary determines
24 appropriate.

1 **SEC. 1049. WAIVER OF CERTAIN POLYGRAPH EXAMINATION**
2 **REQUIREMENTS.**

3 The Secretary of Homeland Security, acting through
4 the Commissioner of U.S. Customs and Border Protection,
5 may waive the polygraph examination requirement under
6 section 3 of the Anti-Border Corruption Act of 2010 (Pub-
7 lic Law 111–376) for any applicant who—

8 (1) the Commissioner determines is suitable for
9 employment;

10 (2) holds a current, active Top Secret clearance
11 and is able to access sensitive compartmented infor-
12 mation;

13 (3) has a current single scope background in-
14 vestigation;

15 (4) was not granted any waivers to obtain the
16 clearance; and

17 (5) is a veteran (as such term is defined in sec-
18 tion 2108 or 2109a of title 5, United States Code).

19 **SEC. 1050. USE OF TRANSPORTATION WORKER IDENTIFICA-**
20 **TION CREDENTIAL TO GAIN ACCESS AT DE-**
21 **PARTMENT OF DEFENSE INSTALLATIONS.**

22 (a) ACCESS TO INSTALLATIONS FOR CREDENTIALLED
23 TRANSPORTATION WORKERS.—During the period that the
24 Secretary is developing and fielding physical access stand-
25 ards, capabilities, processes, and electronic access control
26 systems, the Secretary shall, to the maximum extent prac-

1 ticable, ensure that the Transportation Worker Identifica-
2 tion Credential (TWIC) shall be accepted as a valid cre-
3 dential for unescorted access to Department of Defense
4 installations by transportation workers.

5 (b) CREDENTIALLED TRANSPORTATION WORKERS
6 WITH SECRET CLEARANCE.—TWIC-carrying transpor-
7 tation workers who also have a current Secret Level Clear-
8 ance issued by the Department of Defense shall be consid-
9 ered exempt from further vetting when seeking unescorted
10 access at Department of Defense facilities. Access security
11 personnel shall verify such person's security clearance in
12 a timely manner and provide them with unescorted access
13 to complete their freight service.

14 **SEC. 1051. LIMITATION ON AVAILABILITY OF FUNDS FOR**
15 **DESTRUCTION OF CERTAIN LANDMINES AND**
16 **BRIEFING ON DEVELOPMENT OF REPLACE-**
17 **MENT ANTI-PERSONNEL LANDMINE MUNI-**
18 **TIONS.**

19 (a) LIMITATION.—Except as provided in subsection
20 (b), none of the funds authorized to be appropriated by
21 this Act or otherwise made available for fiscal year 2017
22 for the Department of Defense may be obligated or ex-
23 pended for the destruction of anti-personnel landmine mu-
24 nitions before the date on which the Secretary of Defense
25 submits the report required by section 1058(c) of the Na-

1 tional Defense Authorization Act for Fiscal Year 2016
2 (Public Law 114–92; 129 Stat. 986).

3 (b) EXCEPTION FOR SAFETY.—Subsection (a) shall
4 not apply to any anti-personnel landmine munitions that
5 the Secretary determines are unsafe or could pose a safety
6 risk if not demilitarized or destroyed.

7 (c) BRIEFING REQUIRED.—

8 (1) IN GENERAL.—Not later than 180 days
9 after the date of the enactment of this Act, the Sec-
10 retary of Defense shall provide to the congressional
11 defense committees a briefing on the current state of
12 research and development into operational alter-
13 natives to anti-personnel landmine munitions.

14 (2) FORM OF BRIEFING.—The briefing required
15 by paragraph (1) may contain classified information.

16 (d) ANTI-PERSONNEL LANDMINE MUNITIONS DE-
17 FINED.—In this section, the term “anti-personnel land-
18 mine munitions” includes anti-personnel landmines and
19 sub-munitions as defined by the Convention on the Prohi-
20 bition of the Use, Stockpiling, Production and Transfer
21 of Anti-Personnel Mines and on their Destruction, as de-
22 termined by the Secretary.

1 **SEC. 1052. TRANSITION OF AIR FORCE TO OPERATION OF**
2 **REMOTELY PILOTED AIRCRAFT BY ENLISTED**
3 **PERSONNEL.**

4 (a) **TRANSITION REQUIRED.**—The Secretary of the
5 Air Force shall transition the Air Force to an organiza-
6 tional model for all Air Force remotely piloted aircraft
7 that uses a significant number of enlisted personnel as op-
8 erators of such aircraft rather than officers only.

9 (b) **DEADLINES.**—

10 (1) **REGULAR COMPONENT.**—For the regular
11 component of the Air Force, the transition required
12 by subsection (a) shall be completed not later than
13 September 30, 2020.

14 (2) **RESERVE COMPONENTS.**—For the Air
15 Force Reserve and Air National Guard, the transi-
16 tion required by subsection (a) shall be completed
17 not later than September 30, 2023.

18 (c) **TRANSITION MATTERS.**—The transition required
19 by subsection (a) shall account for the following:

20 (1) Training infrastructure for enlisted per-
21 sonnel operating Air Force remotely piloted aircraft.

22 (2) Supervisory roles for officers and senior en-
23 listed personnel for enlisted personnel operating Air
24 Force remotely piloted aircraft.

25 (d) **REPORTS.**—

1 (1) INITIAL REPORT.—Not later than March 1,
2 2017, the Secretary of the Air Force shall submit to
3 the Committees on Armed Services of the Senate
4 and the House of Representatives a report that sets
5 forth a detailed description of the plan for the tran-
6 sition required by subsection (a), including the fol-
7 lowing:

8 (A) The objectives of the transition.

9 (B) The timeline of the transition.

10 (C) The resources required to implement
11 the transition.

12 (D) Recommendations for any legislation
13 action required to implement the transition.

14 (E) The assumptions used to complete the
15 transition.

16 (F) Risks associated with implementing
17 the transition.

18 (2) REPORTS ON PROGRESS OF IMPLEMENTA-
19 TION.—Not later than March 1, 2018, and each
20 March 1 thereafter until the transition required by
21 subsection (a) is completed, the Secretary shall sub-
22 mit to the committees referred to in paragraph (1)
23 a report on the progress of the Air Force in imple-
24 menting the plan required under that paragraph and

1 in achieving the transition required by subsection
2 (a).

3 **SEC. 1053. PROHIBITION ON DIVESTMENT OF MARINE**
4 **CORPS SEARCH AND RESCUE UNITS.**

5 None of the amounts authorized to be appropriated
6 by this Act or otherwise made available for fiscal year
7 2017 for the Navy or the Marine Corps may be obligated
8 or expended—

9 (1) to retire, prepare to retire, transfer, or
10 place in storage any Marine Corps Search and Res-
11 cue Unit (SRU) aircraft; or

12 (2) to make any change or revision to manning
13 levels with respect to any Marine Corps Search and
14 Rescue Unit squadron.

15 **SEC. 1054. SUPPORT FOR THE ASSOCIATE DIRECTOR OF**
16 **THE CENTRAL INTELLIGENCE AGENCY FOR**
17 **MILITARY AFFAIRS.**

18 (a) SELECTION OF ASSOCIATE DIRECTOR.—The As-
19 sociate Director of the Central Intelligence Agency for
20 Military Affairs shall be selected by the Secretary of De-
21 fense, with the concurrence of the Director of the Central
22 Intelligence Agency, from among commissioned officers of
23 the Armed Forces who are general or flag officers.

24 (b) SUPPORT FOR ACTIVITIES.—

1 (1) IN GENERAL.—In order to improve the pro-
2 vision of support to, and the receipt of support from,
3 the Central Intelligence Agency, and to improve
4 deconfliction of the activities of the Central Intel-
5 ligence Agency and the Department of Defense, the
6 Secretary of Defense and the Under Secretary of
7 Defense for Intelligence shall ensure that the Asso-
8 ciate Director of the Central Intelligence Agency for
9 Military Affairs has access to, and support from, of-
10 fices, agencies, and programs of the Department
11 necessary for the purposes of the Associate Director
12 as follows:

13 (A) To facilitate and coordinate Depart-
14 ment of Defense support for the Central Intel-
15 ligence Agency requested by the Director of the
16 Central Intelligence Agency and approved by
17 the Secretary, including oversight of Depart-
18 ment of Defense military and civilian personnel
19 detailed or assigned to the Central Intelligence
20 Agency.

21 (B) To prioritize, communicate, and co-
22 ordinate Department of Defense requests for,
23 and the provision of support to, the Department
24 of Defense from the Central Intelligence Agen-
25 cy, including support requested by and provided

1 to the commanders of the combatant commands
2 and subordinate task forces and commands.

3 (2) POLICIES.—The Under Secretary shall de-
4 velop and supervise the implementation of policies to
5 integrate and communicate Department of Defense
6 requirements and requests for support from the Cen-
7 tral Intelligence Agency that are coordinated by the
8 Associate Director pursuant to paragraph (1)(B).

9 **SEC. 1055. NOTIFICATION ON THE PROVISION OF DEFENSE**
10 **SENSITIVE SUPPORT.**

11 (a) LIMITATION.—The Secretary of Defense may pro-
12 vide defense sensitive support to a non-Department of De-
13 fense Federal department or agency only after the Sec-
14 retary has determined that such support—

15 (1) is consistent with the mission and functions
16 of the Department of Defense; and

17 (2) does—

18 (A) not significantly interfere with the mis-
19 sion or functions of the Department; or

20 (B) interfere with the mission and func-
21 tions of the Department of Defense but such
22 support is in the national security interest of
23 the United States.

24 (b) NOTICE REQUIRED.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (3), before providing defense sensitive support
3 to a non-Department of Defense Federal department
4 or agency, the Secretary of Defense shall notify the
5 congressional defense committees, and, when the
6 part of the Department of Defense providing the
7 sensitive support is a member of the intelligence
8 community, the congressional intelligence commit-
9 tees of the Secretary’s intent to provide such sup-
10 port.

11 (2) CONTENTS.—Notice provided under para-
12 graph (1) shall include the following:

13 (A) A description of the support to be pro-
14 vided.

15 (B) A description of how the support is
16 consistent with the mission and functions of the
17 Department.

18 (C) A description of how the support—

19 (i) does not significantly interfere with
20 the mission or functions of the Depart-
21 ment; or

22 (ii) significantly interferes with the
23 mission or functions of the Department
24 but is in the national security interest of
25 the United States.

1 (3) TIME SENSITIVE SUPPORT.—In the event
2 that the provision of defense sensitive support is
3 time-sensitive, the Secretary—

4 (A) may provide notification under para-
5 graph (1) after providing the support; and

6 (B) shall provide such notice as soon as
7 practicable after providing such support, but
8 not later than 48 hours after providing the sup-
9 port.

10 (c) DEFENSE SENSITIVE SUPPORT DEFINED.—In
11 this section, the term “defense sensitive support” means
12 support provided by the Department of Defense to a non-
13 Department of Defense Federal department or agency
14 that requires special protection from disclosure.

15 **SEC. 1056. PROHIBITION ON ENFORCEMENT OF MILITARY**
16 **COMMISSION RULINGS PREVENTING MEM-**
17 **BERS OF THE ARMED FORCES FROM CAR-**
18 **RYING OUT OTHERWISE LAWFUL DUTIES**
19 **BASED ON MEMBER SEX.**

20 (a) PROHIBITION.—No order, ruling, finding, or
21 other determination of a military commission may be con-
22 strued or implemented to prohibit or restrict a member
23 of the Armed Forces from carrying out duties otherwise
24 lawfully assigned to such member to the extent that the

1 basis for such prohibition or restriction is the sex of such
2 member.

3 (b) **APPLICABILITY TO PRIOR ORDERS, ETC.**—The
4 prohibition or restriction described in subsection (a) shall,
5 upon motion, apply to any order, ruling, finding, or other
6 determination described in that subsection that was issued
7 before the date of the enactment of this Act in a military
8 commission and is still effective as of the date of such
9 motion.

10 (c) **MILITARY COMMISSION DEFINED.**—In this sec-
11 tion, the term “military commission” means a military
12 commission established under chapter 47A of title 10,
13 United States Code, and any military commission other-
14 wise established or convened by law.

15 **Subtitle F—Studies and Reports**

16 **SEC. 1061. TEMPORARY CONTINUATION OF CERTAIN DE-** 17 **PARTMENT OF DEFENSE REPORTING RE-** 18 **QUIREMENTS.**

19 (a) **EXCEPTIONS TO REPORTS TERMINATION PROVI-**
20 **SION.**—Section 1080 of the National Defense Authoriza-
21 tion Act for Fiscal Year 2016 (Public Law 114–92; 129
22 Stat. 1000; 10 U.S.C. 111 note) does not apply to any
23 report required to be submitted to Congress by the De-
24 partment of Defense, or by any officer, official, compo-
25 nent, or element of the Department, pursuant to a provi-

1 sion of law specified in this section, notwithstanding the
2 enactment of the reporting requirement by an annual na-
3 tional defense authorization Act or the inclusion of the re-
4 port in the list of reports prepared by the Secretary of
5 Defense pursuant to subsection (c) of such section 1080.

6 (b) FINAL TERMINATION DATE FOR SUBMITTAL OF
7 EXEMPTED REPORTS.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), each report required pursuant to a provi-
10 sion of law specified in this section that is still re-
11 quired to be submitted to Congress as of December
12 31, 2021, shall no longer be required to be sub-
13 mitted to Congress after that date.

14 (2) REPORTS EXEMPTED FROM TERMI-
15 NATION.—The termination dates specified in para-
16 graph (1) and section 1080 of the National Defense
17 Authorization Act for Fiscal Year 2016 do not apply
18 to the following:

19 (A) The submission of the reports on the
20 National Military Strategy and Risk Assess-
21 ment under section 153(b)(3) of title 10,
22 United States Code.

23 (B) The submission of the future-years de-
24 fense program (including associated annexes)

1 under section 221 of title 10, United States
2 Code.

3 (C) The submission of the future-years
4 mission budget for the military programs of the
5 Department of Defense under section 221 of
6 such title.

7 (D) The submission of audits of con-
8 tracting compliance by the Inspector General of
9 the Department of Defense under section
10 1601(b) of the National Defense Authorization
11 Act for Fiscal Year 2014 (Public Law 113–66;
12 10 U.S.C. 2533a note).

13 (c) REPORTS REQUIRED BY TITLE 10, UNITED
14 STATES CODE.—Subject to subsection (b), subsection (a)
15 applies to reporting requirements contained in the fol-
16 lowing sections of title 10, United States Code:

- 17 (1) Section 113(i).
- 18 (2) Section 117(e).
- 19 (3) 118a(d).
- 20 (4) Section 119(a) and (b).
- 21 (5) Section 127b(f).
- 22 (6) Section 139(h).
- 23 (7) Section 139b(d).
- 24 (8) Sections 153(c).
- 25 (9) Section 171a(e) and (g)(2).

- 1 (10) Section 179(f).
- 2 (11) Section 196(d)(1), (d)(4), and (e)(3).
- 3 (12) Section 223a(a).
- 4 (13) Section 225(c)
- 5 (14) Section 229.
- 6 (15) Section 231.
- 7 (16) Section 231a.
- 8 (17) Section 238.
- 9 (18) Section 341(f) of title 10, United States
10 Code, as amended by section 1246 of this Act.
- 11 (19) Section 401(d).
- 12 (20) Section 407(d).
- 13 (21) Section 481a(c).
- 14 (22) Section 482(a).
- 15 (23) Section 488(c).
- 16 (24) Section 494(b).
- 17 (25) Section 526(j).
- 18 (26) Section 946(e) (Article 146 of the Uniform
19 Code of Military Justice).
- 20 (27) Section 981(c).
- 21 (28) Section 1116(d).
- 22 (29) Section 1566(c)(3).
- 23 (30) Section 1557(e).
- 24 (31) Section 1781a(e).
- 25 (32) Section 1781c(h).

- 1 (33) Section 2011(e).
- 2 (34) Section 2166(i).
- 3 (35) Section 2218(h).
- 4 (36) Section 2228(e).
- 5 (37) Section 2229(d).
- 6 (38) Section 2229a.
- 7 (39) Section 2249c(c).
- 8 (40) Section 2275.
- 9 (41) Section 2276(e).
- 10 (42) Section 2367(d).
- 11 (43) Section 2399(g).
- 12 (44) Section 2445b.
- 13 (45) Section 2464(d).
- 14 (46) Section 2466(d).
- 15 (47) Section 2504.
- 16 (48) Section 2561(c).
- 17 (49) Section 2684a(g).
- 18 (50) Section 2687a.
- 19 (51) Section 2711.
- 20 (52) Sections 2884(b) and (c).
- 21 (53) Section 2911(a) and (b)(3).
- 22 (54) Section 2925.
- 23 (55) Section 2926(c)(4).
- 24 (56) Section 4361(d)(4)(B).
- 25 (57) Section 4721(e).

1 (58) Section 6980(d)(4)(B).

2 (59) Section 7310(c).

3 (60) Section 9361(d)(4)(B).

4 (61) Section 10216(c).

5 (62) Section 10541.

6 (63) Section 10543.

7 (d) REPORTS REQUIRED BY NATIONAL DEFENSE
8 AUTHORIZATION ACT FOR FISCAL YEAR 2015.—Subject
9 to subsection (b), subsection (a) applies to reporting re-
10 quirements contained in the following sections of the Carl
11 Levin and Howard P. “Buck” McKeon National Defense
12 Authorization Act for Fiscal Year 2015 (Public Law 113–
13 291):

14 (1) Section 546(d) (10 U.S.C. 1561 note).

15 (2) Section 1003 (10 U.S.C. 221 note).

16 (3) Section 1026(d) (128 Stat. 3490).

17 (4) Section 1055 (128 Stat. 3498).

18 (5) Section 1204(b) (10 U.S.C. 2249e note).

19 (6) Section 1205(e) (128 Stat. 3537).

20 (7) Section 1206(e) (10 U.S.C. 2282 note).

21 (8) Section 1211 (128 Stat. 3544).

22 (9) Section 1225 (128 Stat. 3550).

23 (10) Section 1235 (128 Stat. 3558).

24 (11) Section 1245 (128 Stat. 3566).

25 (12) Section 1253(b) (22 U.S.C. 2151 note).

1 (13) Section 1275(b) (128 Stat. 3591).

2 (14) Section 1343 (128 Stat. 3605; 50 U.S.C.
3 3743).

4 (15) Section 1650 (128 Stat. 3653).

5 (16) Section 1662(e)(2) and (d)(2) (128 Stat.
6 3657; 10 U.S.C. 2431 note).

7 (17) Section 2821(a)(3) (10 U.S.C. 2687 note).

8 (e) REPORTS REQUIRED BY NATIONAL DEFENSE
9 AUTHORIZATION ACT FOR FISCAL YEAR 2014.—Subject
10 to subsection (b), subsection (a) applies to reporting re-
11 quirements contained in the following sections of the Na-
12 tional Defense Authorization Act for Fiscal Year 2014
13 (Public Law 113–66):

14 (1) Section 704(e) (10 U.S.C. 1074 note).

15 (2) Sections 713(f), (g), and (h) (10 U.S.C.
16 1071 note).

17 (3) Section 904(d)(2) (10 U.S.C. 111 note).

18 (4) Section 1205(f)(3) (32 U.S.C. 107 note).

19 (f) REPORTS REQUIRED BY NATIONAL DEFENSE AU-
20 THORIZATION ACT FOR FISCAL YEAR 2013.—Subject to
21 subsection (b), subsection (a) applies to reporting require-
22 ments contained in the following sections of the National
23 Defense Authorization Act for Fiscal Year 2013 (Public
24 Law 112–239):

25 (1) Section 524(c)(2) (10 U.S.C. 1222 note).

1 (2) Section 904(h)(1) and (2) (10 U.S.C. 133
2 note).

3 (3) Section 1009 (126 Stat. 1906).

4 (4) Section 1023 (126 Stat. 1911).

5 (5) Section 1052(b)(4) (126 Stat. 1936; 49
6 U.S.C. 40101 note).

7 (g) REPORTS REQUIRED BY NATIONAL DEFENSE
8 AUTHORIZATION ACT FOR FISCAL YEAR 2011.—Subject
9 to subsection (b), subsection (a) applies to reporting re-
10 quirements contained in the following sections of the Ike
11 Skelton National Defense Authorization Act for Fiscal
12 Year 2011 (Public Law 111–383):

13 (1) Section 123 (10 U.S.C. 167 note).

14 (2) Section 1216(c) (124 Stat. 4392).

15 (3) Section 1217(i) (22 U.S.C. 7513 note).

16 (4) Section 1631(d) (10 U.S.C. 1561 note).

17 (h) REPORTS REQUIRED BY NATIONAL DEFENSE
18 AUTHORIZATION ACT FOR FISCAL YEAR 2010.—Subject
19 to subsection (b), subsection (a) applies to reporting re-
20 quirements contained in the following sections of the Na-
21 tional Defense Authorization Act for Fiscal Year 2010
22 (Public Law 111–84):

23 (1) Section 711(d) (10 U.S.C. 1071 note).

24 (2) Section 1003(b) (10 U.S.C. 2222 note).

25 (3) Section 1244(d) (22 U.S.C. 1928 note).

1 (4) Section 1245 (123 Stat. 2542).

2 (5) Section 1806 (10 U.S.C. 948a note).

3 (i) REPORTS REQUIRED BY OTHER LAWS.—Subject
4 to subsection (b), subsection (a) applies to reporting re-
5 quirements contained in the following provisions of law:

6 (1) Sections 1412(i) and (j) of the National De-
7 fense Authorization Act, 1986 (50 U.S.C. 1521), as
8 amended by section 1421 of the Ike Skelton Na-
9 tional Defense Authorization Act for Fiscal Year
10 2011 (Public Law 111–383).

11 (2) Section 1703 of the National Defense Au-
12 thorization Act for Fiscal Year 1994 (50 U.S.C.
13 1523).

14 (3) Section 717(c) of the National Defense Au-
15 thorization Act for Fiscal Year 1996 (Public Law
16 104–106; 10 U.S.C. 1073 note).

17 (4) Section 234 of the National Defense Au-
18 thorization Act for Fiscal Year 1998 (50 U.S.C.
19 2367).

20 (5) Section 1309(c) of the National Defense
21 Authorization Act for Fiscal Year 1998 (Public Law
22 105–85; 10 U.S.C. 113 note).

23 (6) Section 1237(b)(2) of the National Defense
24 Authorization Act for Fiscal Year 1999 (Public Law
25 105–261; 50 U.S.C. 1701 note).

1 (7) Section 1202 of the National Defense Au-
2 thorization Act for Fiscal Year 2000 (Public Law
3 106–65; 10 U.S.C. 113 note).

4 (8) Section 232(h)(2) of the National Defense
5 Authorization Act for Fiscal Year 2002 (Public Law
6 107–107; 10 U.S.C. 2431 note).

7 (9) Section 366(a)(5) and (c)(2) of the Bob
8 Stump National Defense Authorization Act for Fis-
9 cal Year 2003 (Public Law 107–314; 10 U.S.C. 113
10 note).

11 (10) Section 1208(f) of the Ronald W. Reagan
12 National Defense Authorization Act for Fiscal Year
13 2005 (Public Law 108–375; 118 Stat. 2086).

14 (11) Section 1208(d) of the National Defense
15 Authorization Act for 2006 (Public Law 109–163;
16 119 Stat. 3459).

17 (12) Section 1405(d) of the National Defense
18 Authorization Act for Fiscal Year 2006 (Public Law
19 109–163; 10 U.S.C. 801 note).

20 (13) Section 122(f)(1) of the John Warner Na-
21 tional Defense Authorization Act for Fiscal Year
22 2007 (Public Law 109–364; 120 Stat. 2104).

23 (14) Section 721 of the John Warner National
24 Defense Authorization Act for Fiscal Year 2007
25 (Public Law 109–364; 120 Stat. 2294).

1 (15) Section 1017(e) of the John Warner Na-
2 tional Defense Authorization Act for Fiscal Year
3 2007 (Public Law 109–364; 10 U.S.C. 2631 note).

4 (16) Section 1517(f) of the John Warner Na-
5 tional Defense Authorization Act for Fiscal Year
6 2007 (Public Law 109–364; 120 Stat. 2443).

7 (17) Section 911(f)(2) of the National Defense
8 Authorization Act for Fiscal Year 2008 (Public Law
9 110–181; 10 U.S.C. 2271 note).

10 (18) Section 1034(d) of the National Defense
11 Authorization Act for Fiscal Year 2008 (Public Law
12 110–181; 122 Stat. 309).

13 (19) Section 1107(d) of the National Defense
14 Authorization Act for Fiscal Year 2008 (Public Law
15 110–181; 122 Stat. 358).

16 (20) Section 1233(f) of the National Defense
17 Authorization Act for Fiscal Year 2008 (Public Law
18 110–181; 122 Stat. 393).

19 (21) Section 1234(e) of the National Defense
20 Authorization Act for Fiscal Year 2008 (Public Law
21 110–181; 122 Stat. 394).

22 (22) Section 219(c) of the Duncan Hunter Na-
23 tional Defense Authorization Act for Fiscal Year
24 2009 (Public Law 110–417; 10 U.S.C. 2358 note).

1 (23) Section 533(i) of the Duncan Hunter Na-
2 tional Defense Authorization Act for Fiscal Year
3 2010 (Public Law 110–417).

4 (24) Section 1047(d)(2) of the Duncan Hunter
5 National Defense Authorization Act for Fiscal Year
6 2010 (Public Law 110–417; 10 U.S.C. 2366b note)

7 (25) Section 1201(b)(1) of the National De-
8 fense Authorization Act for Fiscal Year 2012 (Pub-
9 lic Law 112–81; 125 Stat. 1619).

10 (26) Section 1236 of the National Defense Au-
11 thorization Act for Fiscal Year 2012 (Public Law
12 112–81; 125 Stat. 1641).

13 (27) Section 103A(b)(3) of the Sikes Act (16
14 U.S.C. 670e–1(b)(3)).

15 (28) Section 1511(h) of the Armed Forces Re-
16 tirement Home Act of 1991 (24 U.S.C. 411(h)).

17 (29) Section 901(f) of the Office of National
18 Drug Control Policy Reauthorization Act of 2006
19 (Public Law 109–469; 32 U.S.C. 112 note), as
20 added by section 1008 of the National Defense Au-
21 thorization Act for Fiscal Year 2013 (Public Law
22 112–239).

23 (30) Section 14 of the Strategic and Critical
24 Materials Stock Piling Act (50 U.S.C. 98h–5).

1 (31) Section 105A(b) of the Uniformed and
2 Overseas Citizens Absentee Voting Act (52 U.S.C.
3 20308(b)), as added by section 586 of the National
4 Defense Authorization Act for Fiscal Year 2010
5 (Public Law 111–84).

6 (32) Section 112(f) of title 32, United States
7 Code.

8 (33) Section 310b(i)(2) of title 37, United
9 States Code.

10 (j) CONFORMING AMENDMENT.—Section 1080(a) of
11 the National Defense Authorization Act for Fiscal Year
12 2016 (Public Law 114–92; 129 Stat. 1000; 10 U.S.C. 111
13 note) is amended—

14 (1) by striking “on the date that is two years
15 after the date of the enactment of this Act” and in-
16 serting “November 25, 2017”; and

17 (2) by striking “effective”.

18 (k) REPORT TO CONGRESS.—Not later than Feb-
19 ruary 1, 2017, the Secretary of Defense shall submit to
20 the congressional defense committees a report that in-
21 cludes each of the following:

22 (1) A list of all reports that are required to be
23 submitted to Congress as of the date of the enact-
24 ment of this Act that will no longer be required to
25 be submitted to Congress as of November 25, 2017.

1 (2) For each such report, a citation to the pro-
2 vision of law under which the report is or was re-
3 quired to be submitted.

4 **SEC. 1062. REPORTS ON PROGRAMS MANAGED UNDER AL-**
5 **TERNATIVE COMPENSATORY CONTROL**
6 **MEASURES IN THE DEPARTMENT OF DE-**
7 **FENSE.**

8 (a) IN GENERAL.—Chapter 2 of title 10, United
9 States Code, is amended by adding at the end the fol-
10 lowing new section:

11 **“§ 119a. Programs managed under alternative com-**
12 **pensatory control measures: congress-**
13 **sional oversight**

14 “(a) ANNUAL REPORT ON CURRENT PROGRAMS
15 UNDER AACMS.—

16 “(1) IN GENERAL.—Not later than March 1
17 each year, the Secretary of Defense shall submit to
18 the congressional defense committees a report on the
19 programs being managed under alternative compen-
20 satory control measures in the Department of De-
21 fense.

22 “(2) ELEMENTS.—Each report under para-
23 graph (1) shall set forth the following:

24 “(A) The total amount requested for pro-
25 grams being managed under alternative com-

1 pensatory control measures in the Department
2 in the budget of the President under section
3 1105 of title 31 for the fiscal year beginning in
4 the fiscal year in which such report is sub-
5 mitted.

6 “(B) For each program in that budget
7 that is a program being managed under alter-
8 native compensatory control measures in the
9 Department—

10 “(i) a brief description of the pro-
11 gram;

12 “(ii) a brief discussion of the major
13 milestones established for the program;

14 “(iii) the actual cost of the program
15 for each fiscal year during which the pro-
16 gram has been conducted before the fiscal
17 year during which that budget is sub-
18 mitted; and

19 “(iv) the estimated total cost of the
20 program and the estimated cost of the pro-
21 gram for—

22 “(I) the current fiscal year;

23 “(II) the fiscal year for which
24 that budget is submitted; and

1 “(III) each of the four succeeding
2 fiscal years during which the program
3 is expected to be conducted.

4 “(3) ELEMENTS ON PROGRAMS COVERED BY
5 MULTIYEAR BUDGETING.—In the case of a report
6 under paragraph (1) submitted in a year during
7 which the budget of the President for the fiscal year
8 concerned does not, because of multiyear budgeting
9 for the Department, include a full budget request for
10 the Department, the report required by paragraph
11 (1) shall set forth—

12 “(A) the total amount already appro-
13 priated for the next fiscal year for programs
14 being managed under alternative compensatory
15 control measures in the Department, and any
16 additional amount requested in that budget for
17 such programs for such fiscal year; and

18 “(B) for each program that is a program
19 being managed under alternative compensatory
20 control measures in the Department, the infor-
21 mation specified in paragraph (2)(B).

22 “(b) ANNUAL REPORT ON NEW PROGRAMS UNDER
23 AACMS.—

24 “(1) IN GENERAL.—Not later than February 1
25 each year, the Secretary shall submit to the congress-

1 sional defense committees a report that, with respect
2 to each new program being managed under alter-
3 native compensatory control measures in the Depart-
4 ment, provides—

5 “(A) notice of the designation of the pro-
6 gram as a program being managed under alter-
7 native compensatory control measures in the
8 Department; and

9 “(B) a justification for such designation.

10 “(2) ADDITIONAL ELEMENTS.—A report under
11 paragraph (1) with respect to a program shall in-
12 clude—

13 “(A) the current estimate of the total pro-
14 gram cost for the program; and

15 “(B) an identification of existing programs
16 or technologies that are similar to the tech-
17 nology, or that have a mission similar to the
18 mission, of the program that is the subject of
19 the report.

20 “(3) NEW PROGRAM BEING MANAGED UNDER
21 ALTERNATIVE COMPENSATORY CONTROL MEASURES
22 DEFINED.—In this subsection, the term ‘new pro-
23 gram being managed under alternative compensatory
24 control measures’ means a program in the Depart-

1 ment that has not previously been covered by a re-
2 port under this subsection.

3 “(c) REPORT ON CHANGE IN CLASSIFICATION OR
4 DECLASSIFICATION OF PROGRAMS.—

5 “(1) IN GENERAL.—Whenever a change in the
6 classification of a program being managed under al-
7 ternative compensatory control measures in the De-
8 partment is planned to be made, or whenever classi-
9 fied information concerning a program being man-
10 aged under alternative compensatory control meas-
11 ures in the Department is to be declassified and
12 made public, the Secretary shall submit to the con-
13 gressional defense committees a report containing a
14 description of the proposed change, the reasons for
15 the proposed change, and notice of any public an-
16 nouncement planned to be made with respect to the
17 proposed change.

18 “(2) DEADLINE FOR REPORT.—Except as pro-
19 vided in paragraph (3), a report required by para-
20 graph (1) shall be submitted not less than 14 days
21 before the date on which the proposed change or
22 public announcement concerned is to occur.

23 “(3) EXCEPTION.—If the Secretary determines
24 that because of exceptional circumstances the re-
25 quirement in paragraph (2) cannot be met with re-

1 spect to a proposed change or public announcement
2 concerning a program covered by paragraph (1), the
3 Secretary may submit the report required by that
4 paragraph regarding the proposed change or public
5 announcement at any time before the proposed
6 change or public announcement is made, and shall
7 include in the report an explanation of the excep-
8 tional circumstances.

9 “(d) MODIFICATION OF CRITERIA OR POLICY FOR
10 DESIGNATING PROGRAMS UNDER ACCMS.—Whenever
11 there is a modification or termination of the policy or cri-
12 teria used for designating a program as a program being
13 managed under alternative compensatory control meas-
14 ures in the Department, the Secretary shall promptly no-
15 tify the congressional defense committees of such modi-
16 fication or termination. Any such notification shall contain
17 the reasons for the modification or termination and, in the
18 case of a modification, the provisions of the policy or cri-
19 teria as modified.

20 “(e) WAIVER.—

21 “(1) IN GENERAL.—The Secretary may waive
22 any requirement in subsection (a), (b), or (c) that
23 certain information be included in a report under
24 such subsection if the Secretary determines that in-
25 clusion of that information in the report would ad-

1 versely affect the national security. Any such waiver
2 shall be made on a case-by-case basis.

3 “(2) NOTICE TO CONGRESS.—If the Secretary
4 exercises the authority in paragraph (1), the Sec-
5 retary shall provide the information described in the
6 applicable subsection with respect to the program
7 concerned, and the justification for the waiver, joint-
8 ly to the chairman and ranking minority member of
9 each of the congressional defense committees.

10 “(f) LIMITATION ON INITIATION OF PROGRAMS
11 UNDER ACCMS.—

12 “(1) NOTICE AND WAIT.—Except as provided in
13 paragraph (2), a program to be managed under al-
14 ternative compensatory control measures in the De-
15 partment may not be initiated until—

16 “(A) the congressional defense committees
17 are notified of the program; and

18 “(B) a period of 30 days elapses after such
19 notification is received.

20 “(2) EXCEPTION.—If the Secretary determines
21 that waiting for the regular notification process be-
22 fore initiating a program as described in paragraph
23 (1) would cause exceptionally grave damage to the
24 national security, the Secretary may begin a pro-
25 gram to be managed under alternative compensatory

1 control measures in the Department before such
2 waiting period elapses. The Secretary shall notify
3 the congressional defense committees within 10 days
4 of initiating a program under this paragraph, includ-
5 ing a justification for the determination of the Sec-
6 retary that waiting for the regular notification proc-
7 ess would cause exceptionally grave damage to the
8 national security.”.

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

“119a. Programs managed under alternative compensatory control measures:
congressional oversight.”.

12 **SEC. 1063. MATTERS FOR INCLUSION IN REPORT ON DES-**
13 **IGNATION OF COUNTRIES FOR WHICH RE-**
14 **WARDS MAY BE PAID UNDER DEPARTMENT**
15 **OF DEFENSE REWARDS PROGRAM.**

16 Section 127b(h) of title 10, United States Code, is
17 amended—

18 (1) in paragraph (2), by inserting “and jus-
19 tification” after “reason”; and

20 (2) by amending paragraph (3) to read as fol-
21 lows:

22 “(3) An estimate of the amount or value of the
23 rewards to be paid as monetary payment or pay-
24 ment-in-kind under this section.”.

1 **SEC. 1064. ANNUAL REPORTS ON UNFUNDED PRIORITIES**
2 **OF THE ARMED FORCES AND THE COMBAT-**
3 **ANT COMMANDS AND ANNUAL REPORT ON**
4 **COMBATANT COMMAND REQUIREMENTS.**

5 (a) ANNUAL REPORTS REQUIRED.—

6 (1) IN GENERAL.—Chapter 9 of title 10, United
7 States Code, is amended by inserting after section
8 222 the following new section:

9 **“§ 222a. Unfunded priorities of the armed forces and**
10 **combatant commands: annual report**

11 “(a) ANNUAL REPORT.—Not later than 10 days after
12 the date on which the budget of the President for a fiscal
13 year is submitted to Congress pursuant to section 1105
14 of title 31, each officer specified in subsection (b) shall
15 submit to the Secretary of Defense and the Chairman of
16 the Joint Chiefs of Staff, and to the congressional defense
17 committees, a report on the unfunded priorities of the
18 armed force or forces or combatant command under the
19 jurisdiction or command of such officer.

20 “(b) OFFICERS.—The officers specified in this sub-
21 section are the following:

22 “(1) The Chief of Staff of the Army.

23 “(2) The Chief of Naval Operations.

24 “(3) The Chief of Staff of the Air Force.

25 “(4) The Commandant of the Marine Corps.

1 “(5) The commanders of the combatant com-
2 mands established under section 161 of this title.

3 “(c) ELEMENTS.—

4 “(1) IN GENERAL.—Each report under this
5 subsection shall specify, for each unfunded priority
6 covered by such report, the following:

7 “(A) A summary description of such pri-
8 ority, including the objectives to be achieved if
9 such priority is funded (whether in whole or in
10 part).

11 “(B) The additional amount of funds rec-
12 ommended in connection with the objectives
13 under subparagraph (A).

14 “(C) Account information with respect to
15 such priority, including the following (as appli-
16 cable):

17 “(i) Line Item Number (LIN) for ap-
18 plicable procurement accounts.

19 “(ii) Program Element (PE) number
20 for applicable research, development, test,
21 and evaluation accounts.

22 “(iii) Sub-activity group (SAG) for
23 applicable operation and maintenance ac-
24 counts.

1 “(2) PRIORITIZATION OF PRIORITIES.—Each
2 report shall present the unfunded priorities covered
3 by such report in order of urgency of priority.

4 “(d) UNFUNDED PRIORITY DEFINED.—In this sec-
5 tion, the term ‘unfunded priority’, in the case of a fiscal
6 year, means a program, activity, or mission requirement
7 that—

8 “(1) is not funded in the budget of the Presi-
9 dent for the fiscal year as submitted to Congress
10 pursuant to section 1105 of title 31;

11 “(2) is necessary to fulfill a requirement associ-
12 ated with an operational or contingency plan of a
13 combatant command or other validated requirement;
14 and

15 “(3) would have been recommended for funding
16 through the budget referred to in paragraph (1) by
17 the officer submitting the report required by sub-
18 section (a) in connection with the budget if—

19 “(A) additional resources been available for
20 the budget to fund the program, activity, or
21 mission requirement; or

22 “(B) the program, activity, or mission re-
23 quirement has emerged since the budget was
24 formulated.”.

1 **“§ 488. Management and review of electromagnetic**
2 **spectrum**

3 “(a) ORGANIZATION.—The Secretary of Defense
4 shall—

5 “(1) ensure the effective organization and man-
6 agement of the electromagnetic spectrum used by
7 the Department of Defense; and

8 “(2) establish an enduring review and evalua-
9 tion process that—

10 “(A) considers all requirements relating to
11 such spectrum; and

12 “(B) ensures that all users of such spec-
13 trum, regardless of the classification of such
14 uses, are involved in the decision-making proc-
15 ess of the Department concerning the potential
16 sharing, reassigning, or reallocating of such
17 spectrum, or the relocation of the uses by the
18 Department of such spectrum.

19 “(b) REPORTS.—(1) From time to time as the Sec-
20 retary and the Chairman of the Joint Chiefs of Staff de-
21 termine useful for the effective oversight of the access by
22 the Department to electromagnetic spectrum, but not less
23 frequently than every two years, the Secretary and the
24 Chairman shall jointly submit to the congressional defense
25 committees a report on national policy plans regarding im-
26 plications for such access in bands identified for study for

1 potential reallocation, or under consideration for potential
2 reallocation, by the Policy and Plans Steering Group es-
3 tablished by the National Telecommunications and Infor-
4 mation Administration.

5 “(2) Each report under paragraph (1) shall address,
6 with respect to the electromagnetic spectrum used by the
7 Department that is covered by the report, the implications
8 to the missions of the Department resulting from sharing,
9 reassigning, or reallocating the spectrum, or relocating the
10 uses by the Department of such spectrum, if the Secretary
11 and the Chairman jointly determine that such sharing, re-
12 assigning, reallocating, or relocation—

13 “(A) would potentially create a loss of essential
14 military capability to the missions of the Depart-
15 ment, as determined under feasibility assessments to
16 ensure comparable capability; or

17 “(B) would not likely be possible within the 10-
18 year period beginning on the date of the report.”.

19 (2) CLERICAL AMENDMENT.—The table of sec-
20 tions at the beginning of chapter 23 of such title is
21 amended by striking the item relating to section 488
22 and inserting the following new item:

“488. Management and review of electromagnetic spectrum.”.

23 (b) ISSUANCE OF INSTRUCTION OR DIRECTIVE.—The
24 Secretary of Defense shall—

1 (1) not later than 180 days after the date of
2 the enactment of this Act, issue a Department of
3 Defense Instruction or a Department of Defense Di-
4 rective to carry out section 488(a) of title 10, United
5 States Code, as amended by subsection (a); and

6 (2) upon the date of the issuance of the instruc-
7 tion or directive issued under paragraph (1), submit
8 to the congressional defense committees such in-
9 struction or directive.

10 (c) INITIAL REVIEW.—Not later than 180 days after
11 the date of the enactment of this Act, the Secretary of
12 Defense and the Chairman of the Joint Chiefs of Staff
13 shall jointly submit to the congressional defense commit-
14 tees a report described in section 488(b) of title 10, United
15 States Code, as amended by subsection (a), with respect
16 to—

17 (1) the plan by the National Telecommuni-
18 cations and Information Administration titled “Sixth
19 Interim Progress Report on the Ten-Year Plan and
20 Timetable” issued in June 2016; and

21 (2) the seventh such interim progress report
22 issued (or to be issued) by the National Tele-
23 communications and Information Administration.

1 **SEC. 1066. REQUIREMENT FOR NOTICE AND REPORTING TO**
2 **COMMITTEES ON ARMED SERVICES ON CER-**
3 **TAIN EXPENDITURES OF FUNDS BY DEFENSE**
4 **INTELLIGENCE AGENCY.**

5 Section 105(c) of the National Security Act of 1947
6 (50 U.S.C. 3038(c)) is amended by inserting “, the Com-
7 mittee on Armed Services of the Senate, and the Com-
8 mittee on Armed Services of the House of Representa-
9 tives” after “committees” each place it appears.

10 **SEC. 1067. CONGRESSIONAL NOTIFICATION OF BIOLOGICAL**
11 **SELECT AGENT AND TOXIN THEFT, LOSS, OR**
12 **RELEASE INVOLVING THE DEPARTMENT OF**
13 **DEFENSE.**

14 (a) NOTIFICATION REQUIREMENT.—Not later than
15 15 days after notice of any theft, loss, or release of a bio-
16 logical select agent or toxin involving the Department of
17 Defense is provided to the Centers for Disease Control and
18 Prevention or the Animal and Plant Health Inspection
19 Service, as specified by section 331.19 of part 7 of the
20 Code of Federal Regulations, the Secretary of Defense
21 shall provide to the congressional defense committees no-
22 tice of such theft, loss, or release.

23 (b) ELEMENTS.—Notice of a theft, loss, or release
24 of a biological select agent or toxin under subsection (a)
25 shall include each of the following:

1 (1) The name of the agent or toxin and any
2 identifying information, including the strain or other
3 relevant characterization information.

4 (2) An estimate of the quantity of the agent or
5 toxin stolen, lost, or released.

6 (3) The location or facility from which the
7 theft, loss, or release occurred.

8 (4) In the case of a release, any hazards posed
9 by the release and the number of individuals poten-
10 tially exposed to the agent or toxin.

11 (5) Actions taken to respond to the theft, loss,
12 or release.

13 **SEC. 1068. REPORT ON SERVICE-PROVIDED SUPPORT AND**
14 **ENABLING CAPABILITIES TO UNITED STATES**
15 **SPECIAL OPERATIONS FORCES.**

16 (a) **REPORT REQUIRED.**—Not later than 180 days
17 after the date of the enactment of this Act, the Secretary
18 of Defense shall submit to the congressional defense com-
19 mittees a written report on service-common support and
20 enabling capabilities contributed from each of the military
21 services to special operations forces. Such report shall in-
22 clude each of the following:

23 (1) A definition of the terms “service-common”
24 and “special operations-peculiar”.

1 (2) A description of the factors and process
2 used by the Department of Defense to determine
3 whether combat support, combat service support,
4 base operating support, and enabling capabilities are
5 service-common or special operations-peculiar.

6 (3) A detailed accounting of the resources allo-
7 cated by each military service to provide combat sup-
8 port, combat service support, base operating sup-
9 port, and enabling capabilities for special operations
10 forces.

11 (4) An identification of any change in the level
12 or type of service-common support and enabling ca-
13 pabilities provided by each of the military services to
14 special operations forces in the current fiscal year
15 when compared to the preceding fiscal year, includ-
16 ing the rationale for any such change and any miti-
17 gating actions.

18 (5) An assessment of the specific effects that
19 the budget request for the current fiscal year and
20 any anticipated future manpower and force structure
21 changes are likely to have on the ability of each of
22 the military services to provide service-common sup-
23 port and enabling capabilities to special operations
24 forces.

1 (6) Any other matters the Secretary determines
2 relevant.

3 (b) ANNUAL UPDATES.—For each of fiscal years
4 2018 through 2020, at the same time the Secretary of
5 Defense submits to Congress the budget request for such
6 fiscal year, the Secretary shall submit to the congressional
7 defense committees an update to the report required under
8 subsection (a).

9 (c) FORM OF REPORT.—The report required under
10 subsection (a) and each update provided under subsection
11 (b) shall be submitted in unclassified form, but may con-
12 tain a classified annex.

13 **SEC. 1069. REPORT ON CITIZEN SECURITY RESPONSIBIL-**
14 **ITIES IN THE NORTHERN TRIANGLE OF CEN-**
15 **TRAL AMERICA.**

16 (a) IN GENERAL.—Not later than 180 days after the
17 date of the enactment of this Act, the Secretary of Defense
18 and the Secretary of State shall jointly prepare and sub-
19 mit to the appropriate congressional committees a report
20 on military units that have been assigned to policing or
21 citizen security responsibilities in Guatemala, Honduras,
22 and El Salvador.

23 (b) MATTERS TO BE INCLUDED.—The report re-
24 quired by subsection (a) shall include each of the fol-
25 lowing:

1 (1) The following information, as of the date of
2 the enactment of this Act, with respect to military
3 units assigned to policing or citizen security respon-
4 sibilities in each of Guatemala, Honduras, and El
5 Salvador:

6 (A) The proportion of individuals in each
7 such country's military who participate in polic-
8 ing or citizen security activities relative to the
9 total number of individuals in that country's
10 military.

11 (B) Of the military units assigned to polic-
12 ing or citizen security responsibilities, the types
13 of units conducting police activities.

14 (C) The role of the Department of Defense
15 and the Department of State in training indi-
16 viduals for purposes of participation in such
17 military units.

18 (D) The number of individuals who partici-
19 pated in such military units who received train-
20 ing by the Department of Defense, and the
21 types of training they received.

22 (2) Any other information that the Secretary of
23 Defense or the Secretary of State determines to be
24 necessary to help better understand the relationships

1 of the militaries of Guatemala, Honduras, and El
2 Salvador to public security in such countries.

3 (3) A description of the plan of the United
4 States to assist the militaries of Guatemala, Hon-
5 duras, and El Salvador to carry out their respon-
6 sibilities in a manner that adheres to democratic
7 principles.

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

11 (d) PUBLIC AVAILABILITY.—The unclassified matter
12 of the report required by subsection (a) shall be posted
13 on a publicly available Internet website of the Department
14 of Defense and a publicly available Internet website of the
15 Department of State.

16 (e) APPROPRIATE CONGRESSIONAL COMMITTEES.—
17 In this section, the term “appropriate congressional com-
18 mittees” means the Committee on Armed Services and the
19 Committee on Foreign Affairs of the House of Representa-
20 tives and the Committee on Armed Services and the Com-
21 mittee on Foreign Relations of the Senate.

22 **SEC. 1070. REPORT ON COUNTERPROLIFERATION ACTIVI-**
23 **TIES AND PROGRAMS.**

24 (a) IN GENERAL.—Not later than July 1, 2017, the
25 Secretary of Defense shall submit to the congressional de-

1 fense committees a report on the counterproliferation ac-
2 tivities and programs of the Department of Defense.

3 (b) MATTERS INCLUDED.—The report required
4 under subsection (a) shall include each of the following:

5 (1) A complete list and assessment of existing
6 and proposed capabilities and technologies for sup-
7 port of United States nonproliferation policy and
8 counterproliferation policy, with regard to—

9 (A) interdiction;

10 (B) elimination;

11 (C) threat reduction cooperation;

12 (D) passive defenses;

13 (E) security cooperation and partner ac-
14 tivities;

15 (F) offensive operations;

16 (G) active defenses; and

17 (H) weapons of mass destruction con-
18 sequence management.

19 (2) For the existing and proposed capabilities
20 and technologies identified under paragraph (1), an
21 identification of goals, a description of ongoing ef-
22 forts, and recommendations for further enhance-
23 ments.

24 (3) A complete description of requirements and
25 priorities for the development and deployment of

1 highly effective capabilities and technologies, includ-
2 ing identifying areas for capability enhancement and
3 deficiencies in existing capabilities and technologies.

4 (4) A comprehensive discussion of the near-
5 term, mid-term, and long-term programmatic op-
6 tions for meeting requirements and eliminating defi-
7 ciencies, including the annual funding requirements
8 and completion dates established for each such op-
9 tion.

10 (5) An outline of interagency activities and ini-
11 tiatives.

12 (6) Any other matters the Secretary considers
13 appropriate.

14 (c) FORMS OF REPORT.—The report under sub-
15 section (a) shall be submitted in unclassified form, but
16 may contain a classified annex.

17 **SEC. 1071. REPORT ON TESTING AND INTEGRATION OF**
18 **MINEHUNTING SONAR SYSTEMS TO IMPROVE**
19 **LITTORAL COMBAT SHIP MINEHUNTING CA-**
20 **PABILITIES.**

21 (a) REPORT TO CONGRESS.—Not later than April 1,
22 2018, the Secretary of the Navy shall submit to the con-
23 gressional defense committees a report that contains the
24 findings of an assessment of all operational minehunting
25 Synthetic Aperture Sonar (hereinafter referred to as

1 “SAS”) technologies suitable to meet the requirements for
2 use on the Littoral Combat Ship Mine Countermeasures
3 Mission Package.

4 (b) ELEMENTS.—The report required by subsection
5 (a) shall include—

6 (1) an explanation of the future acquisition
7 strategy for the minehunting mission package;

8 (2) specific details regarding the capabilities of
9 all in-production SAS systems available for integra-
10 tion into the Littoral Combat Ship Mine Counter-
11 measure Mission Package;

12 (3) an assessment of key performance param-
13 eters for the Littoral Combat Ship Mine Counter-
14 measures Mission Package with each of the assessed
15 SAS technologies; and

16 (4) a review of the Department of the Navy’s
17 efforts to evaluate SAS technologies in operation
18 with allied Navies for future use on the Littoral
19 Combat Ship Mine Countermeasures Mission Pack-
20 age.

21 (c) SYSTEM TESTING.—The Secretary of the Navy
22 is encouraged to perform at-sea testing and experimen-
23 tation of sonar systems in order to provide data in support
24 of the assessment required by subsection (a).

1 **SEC. 1072. QUARTERLY REPORTS ON PARACHUTE JUMPS**
2 **CONDUCTED AT FORT BRAGG AND POPE**
3 **ARMY AIRFIELD AND AIR FORCE SUPPORT**
4 **FOR SUCH JUMPS.**

5 For the period beginning on January 31, 2017, and
6 ending on January 31, 2018, the Secretary of the Air
7 Force and the Secretary of the Army shall jointly submit
8 to the Committees on Armed Services of the House of
9 Representatives and the Senate quarterly reports on the
10 parachute drop requirements for the XVIII Airborne
11 Corps, the 82nd Airborne Division, and the United States
12 Army Special Operations Command. Each such report
13 shall include, for the calendar quarter covered by the re-
14 port—

15 (1) the total parachute drop requirement, by
16 month;

17 (2) the total parachute drops requested, by
18 month;

19 (3) the total parachute drops for which the Sec-
20 retary of the Air Force entered into a contract, by
21 month;

22 (4) the total parachute drops executed by non-
23 Air Force entities pursuant to contracts, by month;

24 (5) the total parachute drops executed by the
25 Air Force, by month;

1 (6) if the total parachute drop requirement was
2 not fulfilled for the quarter, the reasons why such
3 requirement was not fulfilled and the assessment of
4 the Secretary of the Army of any effects on Army
5 readiness caused by the unfulfilled portion of the re-
6 quirement; and

7 (7) any other clarifying information, as appro-
8 priate, the Secretaries determine the Committees
9 would need to understand important aspects of the
10 Air Force implementing off-site airlift support for
11 XVIII Airborne Corps, the 82nd Airborne Division,
12 and the United States Army Special Operations
13 Command, and the ability of the Air Force to meet
14 the training requirements of the Army and the
15 United States Special Operations Command.

16 **SEC. 1073. STUDY ON MILITARY HELICOPTER NOISE.**

17 (a) IN GENERAL.—The Secretary of Defense, in co-
18 ordination with the Administrator of the Federal Aviation
19 Administration, shall—

20 (1) conduct a study on the effects of military
21 helicopter noise on National Capital Region commu-
22 nities and individuals; and

23 (2) develop recommendations for the reduction
24 of the effects of military helicopter noise on individ-

1 uals, structures, and property values in the National
2 Capital Region.

3 (b) FOCUS.—In conducting the study under sub-
4 section (a), the Secretary and the Administrator shall
5 focus on air traffic control, airspace design, airspace man-
6 agement, and types of aircraft to address helicopter noise
7 problems and shall take into account the needs of law en-
8 forcement, emergency, and military operations.

9 (c) CONSIDERATION OF VIEWS.—In conducting the
10 study under subsection (a), the Secretary shall consider
11 the views of representatives of—

12 (1) members of the Armed Forces;

13 (2) law enforcement agencies;

14 (3) community stakeholders, including residents
15 and local government officials; and

16 (4) organizations with an interest in reducing
17 military helicopter noise.

18 (d) REPORT.—

19 (1) IN GENERAL.—Not later than 90 days after
20 the date of the enactment of this Act, the Secretary
21 shall submit to Congress a report on the results of
22 the study conducted under subsection (a).

23 (2) AVAILABILITY TO THE PUBLIC.—The Sec-
24 retary shall make the report required under para-
25 graph (1) publicly available.

1 **SEC. 1074. INDEPENDENT REVIEW OF UNITED STATES MILI-**
2 **TARY STRATEGY AND FORCE POSTURE IN**
3 **THE UNITED STATES PACIFIC COMMAND**
4 **AREA OF RESPONSIBILITY.**

5 (a) INDEPENDENT REVIEW.—

6 (1) IN GENERAL.—In fiscal year 2018, the Sec-
7 retary of Defense shall commission an independent
8 review of United States policy in the Indo-Asia-Pa-
9 cific region, with a focus on issues expected to be
10 critical during the ten-year period beginning on the
11 date of such review, including the national security
12 interests and military strategy of the United States
13 in the Indo-Asia-Pacific region.

14 (2) CONDUCT OF REVIEW.—The review con-
15 ducted pursuant to paragraph (1) shall be conducted
16 by an independent organization that has—

17 (A) recognized credentials and expertise in
18 national security and military affairs; and

19 (B) access to policy experts throughout the
20 United States and from the Indo-Asia-Pacific
21 region.

22 (3) ELEMENTS.—Each review conducted pursu-
23 ant to paragraph (1) shall include the following ele-
24 ments:

25 (A) An assessment of the risks to United
26 States national security interests in the United

1 States Pacific Command area of responsibility
2 during the ten-year period beginning on the
3 date of such review as a result of changes in
4 the security environment.

5 (B) An assessment of the current and
6 planned United States force posture adjust-
7 ments with respect to the Indo-Asia-Pacific re-
8 gion.

9 (C) An evaluation of any key capability
10 gaps and shortfalls of the United States in the
11 Indo-Asia-Pacific region, including undersea
12 warfare (including submarines), naval and mar-
13 itime, ballistic missile defense, cyber, munitions,
14 anti-access area denial, land-force power projec-
15 tion, and intelligence, surveillance, and recon-
16 naissance capabilities.

17 (D) An analysis of the willingness and ca-
18 pacity of allies, partners, and regional organiza-
19 tions to contribute to the security and stability
20 of the Indo-Asia-Pacific region, including poten-
21 tial required adjustments to United States mili-
22 tary strategy based on that analysis.

23 (E) An evaluation of theater security co-
24 operation efforts of the United States Pacific
25 Command in the context of current and pro-

1 jected threats, and desired capabilities and pri-
2 orities of the United States and its allies and
3 partners.

4 (F) An evaluation of the seams between
5 United States Pacific Command and adjacent
6 geographic combatant commands, including an
7 appraisal of the Arctic ambitions of actors in
8 the Indo-Asia-Pacific region in the context of
9 current and projected capabilities, and rec-
10 ommendations to mitigate the effects of those
11 seams.

12 (G) The views of noted policy leaders and
13 regional experts, including military com-
14 manders, in the Indo-Asia-Pacific region.

15 (b) REPORT.—

16 (1) SUBMITTAL TO SECRETARY OF DEFENSE.—
17 Not later than 180 days after commencing the re-
18 view under subsection (a), the independent organiza-
19 tion conducting the review shall submit to the Sec-
20 retary of Defense a report containing the findings of
21 the review. The report shall be submitted in unclas-
22 sified form, but may contain an classified annex.

23 (2) SUBMITTAL TO CONGRESS.—Not later than
24 90 days after the date of receipt of a report required
25 by paragraph (1), the Secretary shall submit to the

1 congressional defense committees the report, to-
2 gether with any comments on the report that the
3 Secretary considers appropriate.

4 **SEC. 1075. ASSESSMENT OF THE JOINT GROUND FORCES**
5 **OF THE ARMED FORCES.**

6 (a) IN GENERAL.—The Secretary of Defense, in con-
7 sultation with the Chairman of the Joint Chiefs of Staff,
8 the Chief of Staff of the Army, and the Commandant of
9 the Marine Corps, shall provide for and oversee an assess-
10 ment of the joint ground forces of the Armed Forces.

11 (b) REPORT.—Not later than one year after the date
12 of the enactment of this Act, the Secretary shall submit
13 to the Committees on Armed Services of the Senate and
14 the House of Representatives a report on the assessment
15 described in subsection (a). The report shall include the
16 following:

17 (1) A description of any gaps in the capabilities
18 and capacities of the joint ground forces that threat-
19 en the successful execution of decisive operational
20 maneuver by the joint ground forces.

21 (2) Recommendations for actions to be taken to
22 eliminate or otherwise address such gaps in capabili-
23 ties or capacities.

24 (3) An assessment by each of the Chief of Staff
25 of the Army and the Commandant of the Marine

1 Corps of any specific gaps in the capability and ca-
2 pacity of the Army and Marine Corps, respectively,
3 that threaten the successful execution of decisive
4 operational maneuver.

5 **Subtitle G—Other Matters**

6 **SEC. 1081. TECHNICAL AND CLERICAL AMENDMENTS.**

7 (a) TITLE 10, UNITED STATES CODE.—Title 10,
8 United States Code, is amended as follows:

9 (1) Section 130h is amended by striking “sub-
10 section (a) and (b)” both places it appears and in-
11 serting “subsections (a) and (b)”.

12 (2) Section 187(a)(2)(C) is amended by striking
13 “Acquisition, Logistics, and Technology” and insert-
14 ing “Acquisition, Technology, and Logistics”.

15 (3) Section 196(c)(1)(A)(ii) is amended by
16 striking “section 139(i)” and inserting “section
17 139(j)”.

18 (4) Subsection (b)(1)(B) of section 1415 is
19 amended by adding a period at the end of clause (ii).

20 (5) Section 1705(g)(1) is amended by striking
21 “of of” and inserting “of”.

22 (6) Section 2222 is amended—

23 (A) in subsection (d)(1)(B), by inserting
24 “to” before “eliminate”;

1 (B) in subsection (g)(1)(E), by inserting
2 “the system” before “is in compliance”; and

3 (C) in subsection (i)(5), by striking “PRO-
4 GRAM” in the heading.

5 (7) Subsection (d) of section 2431b is amended
6 to read as follows:

7 “(d) DEFINITIONS.—

8 “(1) CONCURRENCY.—The term ‘concurrency’
9 means, with respect to an acquisition strategy, the
10 combination or overlap of program phases or activi-
11 ties.

12 “(2) MAJOR DEFENSE ACQUISITION PROGRAM
13 AND MAJOR SYSTEM.—The terms ‘major defense ac-
14 quisition program’ and ‘major system’ have the
15 meanings provided in section 2431a of this title.”.

16 (b) AMENDMENTS RELATED TO ELIMINATION OF
17 TITLE 50 APPENDIX.—

18 (1) MILITARY SELECTIVE SERVICE ACT CITA-
19 TION CHANGES.—

20 (A) TITLE 10, UNITED STATES CODE.—
21 Title 10, United States Code, is amended as
22 follows:

23 (i) Section 101(d)(6)(B)(v) is amend-
24 ed by striking “(50 U.S.C. App.

1 460(b)(2))” and inserting “(50 U.S.C.
2 3809(b)(2))”.

3 (ii) Section 513(c) is amended—

4 (I) by striking “(50 U.S.C. App.
5 451 et seq.)” and inserting “(50
6 U.S.C. 3801 et seq.)”; and

7 (II) by inserting “(50 U.S.C.
8 3806(e)(2)(A))” after “of that Act”.

9 (iii) Section 523(b)(7) is amended by
10 striking “(50 U.S.C. App. 460(b)(2))” and
11 inserting “(50 U.S.C. 3809(b)(2))”.

12 (iv) Section 651(a) is amended by
13 striking “(50” and all that follows through
14 “shall serve” and inserting “(50 U.S.C.
15 3806(d)(1))”.

16 (v) Section 671(e)(1) is amended by
17 striking “(50 U.S.C. App. 454(a))” and in-
18 serting “(50 U.S.C. 3803(a))”.

19 (vi) Section 1475(a)(5)(B) is amended
20 by striking “(50 U.S.C. App. 451 et seq.)”
21 and inserting “(50 U.S.C. 3801 et seq.)”.

22 (vii) Section 12103 is amended—

23 (I) in subsections (b) and (d), by
24 striking “(50 U.S.C. App. 451 et
25 seq.)” both places it appears and in-

1 serting “(50 U.S.C. 3801 et seq.)”;

2 and

3 (II) in subsection (d), by striking
4 “section 6(c)(2)(A)(ii) and (iii) of
5 such Act” and inserting “clauses (ii)
6 and (iii) of section 6(c)(2)(A) of such
7 Act (50 U.S.C. 3806(c)(2)(A))”.

8 (viii) Section 12104(a) is amended by
9 striking “(50 U.S.C. App. 451 et seq.)”
10 both places it appears and inserting “(50
11 U.S.C. 3801 et seq.)”.

12 (ix) Section 12208(a) is amended by
13 striking “(50 U.S.C. App. 451 et seq.)”
14 both places it appears and inserting “(50
15 U.S.C. 3801 et seq.)”.

16 (B) TITLE 37, UNITED STATES CODE.—
17 Section 209(a)(1) of title 37, United States
18 Code, is amended by striking “(50 U.S.C. App.
19 456(d)(1))” and inserting “(50 U.S.C.
20 3806(d)(1))”.

21 (2) SERVICEMEMBERS CIVIL RELIEF ACT CITA-
22 TION CHANGES.—Title 10, United States Code, is
23 amended as follows:

24 (A) Section 987 is amended—

1 (i) in subsection (e)(2), by inserting
2 “(50 U.S.C. 3901 et seq.)” before the
3 semicolon; and

4 (ii) in subsection (g), by striking “(50
5 U.S.C. App. 527)” and inserting “(50
6 U.S.C. 3937)”.

7 (B) Section 1408(b)(1)(D) is amended by
8 striking “(50 U.S.C. App. 501 et seq.)” and in-
9 serting “(50 U.S.C. 3901 et seq.)”.

10 (3) EXPORT ADMINISTRATION ACT OF 1979 CI-
11 TATION CHANGES.—Title 10, United States Code, is
12 amended as follows:

13 (A) Section 130(a) is amended by striking
14 “(50 U.S.C. App. 2401–2420)” and inserting
15 “(50 U.S.C. 4601 et seq.)”.

16 (B) Section 2249a(a)(1) is amended by
17 striking “(50 U.S.C. App. 2405(j)(1)(A))” and
18 inserting “(50 U.S.C. 4605(j)(1)(A))”.

19 (C) Section 2327 is amended—

20 (i) in subsection (a), by striking “(50
21 U.S.C. App. 2405(j)(1)(A))” and inserting
22 “(50 U.S.C. 4605(j)(1)(A))”; and

23 (ii) in subsection (b)(2), by striking
24 “(50 U.S.C. App. 2405(j)(1)(A))” and in-
25 serting “(50 U.S.C. 4605(j)(1)(A))”.

1 (D) Section 2410i(a) is amended by strik-
2 ing “(50 U.S.C. App. 2402(5)(A))” and insert-
3 ing “(50 U.S.C. 4602(5)(A))”.

4 (E) Section 7430(e) is amended by strik-
5 ing “(50 U.S.C. App. 2401 et seq.)” and insert-
6 ing “(50 U.S.C. 4601 et seq.)”.

7 (4) DEFENSE PRODUCTION ACT OF 1950 CITA-
8 TION CHANGES.—Title 10, United States Code, is
9 amended as follows:

10 (A) Section 139c is amended—

11 (i) in subsection (b)—

12 (I) in paragraph (11), by striking
13 “(50 U.S.C. App. 2171)” and insert-
14 ing “(50 U.S.C. 4567)”; and

15 (II) in paragraph (12)—

16 (aa) by striking “(50 U.S.C.
17 App. 2062(b))” and inserting
18 “(50 U.S.C. 4502(b))”; and

19 (bb) by striking “(50 U.S.C.
20 App. 2061 et seq.)” and inserting
21 “(50 U.S.C. 4501 et seq.)”; and

22 (ii) in subsection (c), by striking “(50
23 U.S.C. App. 2170(k))” and inserting “(50
24 U.S.C. 4565(k))”.

1 (B) Section 2537(c) is amended by strik-
2 ing “(50 U.S.C. App. 2170(a))” and inserting
3 “(50 U.S.C. 4565(a))”.

4 (C) Section 9511(6) is amended by strik-
5 ing “(50 U.S.C. App. 2071)” and inserting
6 “(50 U.S.C. 4511)”.

7 (D) Section 9512(e) is amended by strik-
8 ing “(50 U.S.C. App. 2071)” and inserting
9 “(50 U.S.C. 4511)”.

10 (5) MERCHANT SHIP SALES ACT OF 1946 CITA-
11 TION CHANGES.—Section 2218 of title 10, United
12 States Code, is amended—

13 (A) in subsection (c)(1)(E), by striking
14 “(50 U.S.C. App. 1744)” and inserting “(50
15 U.S.C. 4405)”; and

16 (B) in subsection (k)(3)(B), by striking
17 “(50 U.S.C. App. 1744)” and inserting “(50
18 U.S.C. 4405)”.

19 (c) NATIONAL DEFENSE AUTHORIZATION ACT FOR
20 FISCAL YEAR 2016.—Effective as of November 25, 2015,
21 and as if included therein as enacted, the National De-
22 fense Authorization Act for Fiscal Year 2016 (Public Law
23 114–92) is amended as follows:

24 (1) Section 563(a) is amended by striking “Sec-
25 tion 5(c)(5)” and inserting “Section 5(c)(2)”.

1 (2) Section 804(d)(3) is amended by inserting
2 “within 5 business days after such transfer” before
3 the period at the end of the first sentence.

4 (3) Section 809(e)(2)(A) is amended by striking
5 “repealed” and inserting “rescinded”.

6 (4) Section 883(a)(2) is amended by striking
7 “such chapter” and inserting “chapter 131 of such
8 title”.

9 (5) Section 883 is amended by adding at the
10 end the following new subsection:

11 “(f) CONFORMING AMENDMENTS.—

12 “(1) Effective on the effective date specified in
13 subsection (a)(1) of section 901 of the Carl Levin
14 and Howard P. ‘Buck’ McKeon National Defense
15 Authorization Act for Fiscal Year 2015 (Public Law
16 113–291; 128 Stat. 3462; 10 U.S.C. 132a note),
17 section 2222 of title 10, United States Code, is
18 amended—

19 “(A) by striking ‘Deputy Chief Manage-
20 ment Officer of the Department of Defense’
21 each place it appears in subsections (c)(2),
22 (e)(1), (g)(2)(A), (g)(2)(B)(ii), and (i)(5)(B)
23 and inserting ‘Under Secretary of Defense for
24 Business Management and Information’; and

1 “(B) by striking ‘Deputy Chief Manage-
2 ment Officer’ in subsection (f)(1) and inserting
3 ‘Under Secretary of Defense for Business Man-
4 agement and Information’.

5 “(2) The second paragraph (3) of section
6 901(k) of such Act (Public Law 113–291; 128 Stat.
7 3468; 10 U.S.C. 2222 note) is repealed.”.

8 (6) Section 1079(a) is amended to read as fol-
9 lows:

10 “(a) ANNUAL REPORT ON PRIZES FOR ADVANCED
11 TECHNOLOGY ACHIEVEMENTS.—Section 2374a of title
12 10, United States Code, is amended—

13 “(1) by striking subsection (f); and

14 “(2) by redesignating subsection (g) as sub-
15 section (f).”.

16 (7) Section 1086(f)(11)(A) is amended by strik-
17 ing “Not later than\ one year” and inserting “Not
18 later than one year”.

19 (d) COORDINATION WITH OTHER AMENDMENTS
20 MADE BY THIS ACT.—For purposes of applying amend-
21 ments made by provisions of this Act other than this sec-
22 tion, the amendments made by this section shall be treated
23 as having been enacted immediately before any such
24 amendments by other provisions of this Act.

1 **SEC. 1082. INCREASE IN MAXIMUM AMOUNT AVAILABLE**
2 **FOR EQUIPMENT, SERVICES, AND SUPPLIES**
3 **PROVIDED FOR HUMANITARIAN DEMINING**
4 **ASSISTANCE.**

5 Section 407(c)(3) of title 10, United States Code, is
6 amended by striking “\$10,000,000” and inserting
7 “\$15,000,000”.

8 **SEC. 1083. LIQUIDATION OF UNPAID CREDITS ACCRUED AS**
9 **A RESULT OF TRANSACTIONS UNDER A**
10 **CROSS-SERVICING AGREEMENT.**

11 (a) LIQUIDATION OF UNPAID CREDITS.—Section
12 2345 of title 10, United States Code, is amended by add-
13 ing at the end the following new subsection:

14 “(c)(1) Any credits of the United States accrued as
15 a result of the provision of logistic support, supplies, and
16 services under the authority of this subchapter that re-
17 main unliquidated more than 18 months after the date
18 of delivery of the logistic support, supplies, or services
19 may, at the option of the Secretary of Defense, with the
20 concurrence of the Secretary of State, be liquidated by off-
21 setting the credits against any amount owed by the De-
22 partment of Defense, pursuant to a transaction or trans-
23 actions concluded under the authority of this subchapter,
24 to the government or international organization to which
25 the logistic support, supplies, or services were provided by
26 the United States.

1 “(2) The amount of any credits offset pursuant to
2 paragraph (1) shall be credited as specified in section
3 2346 of this title as if it were a receipt of the United
4 States.”.

5 (b) EFFECTIVE DATE.—Subsection (c) of section
6 2345 of title 10, United States Code, as added by sub-
7 section (a), shall apply with respect to credits accrued by
8 the United States that—

9 (1) were accrued prior to, and remain unpaid as
10 of, the date of the enactment of this Act; or

11 (2) are accrued after the date of the enactment
12 of this Act.

13 **SEC. 1084. MODIFICATION OF REQUIREMENTS RELATING**
14 **TO MANAGEMENT OF MILITARY TECHNI-**
15 **CIANS.**

16 (a) CONVERSION OF CERTAIN MILITARY TECHNI-
17 CIAN (DUAL STATUS) POSITIONS.—Subsection (a) of sec-
18 tion 1053 of the National Defense Authorization Act for
19 Fiscal Year 2016 (Public Law 114–92; 129 Stat. 981; 10
20 U.S.C. 10216 note) is amended—

21 (1) by striking paragraph (1) and inserting the
22 following new paragraph (1):

23 “(1) IN GENERAL.—By not later than October
24 1, 2017, the Secretary of Defense shall convert not
25 fewer than 20 percent of all military technician posi-

1 tions to positions filled by individuals who are em-
2 ployed under section 3101 of title 5, United States
3 Code, or section 1601 of title 10, United States
4 Code, and are not military technicians. The positions
5 to be converted are described in paragraph (2).”;

6 (2) in paragraph (2), by striking “in the re-
7 port” and all that follows and inserting “by the
8 Army Reserve, the Air Force Reserve, the National
9 Guard Bureau, State adjutants general, and the
10 Secretary of Defense in the course of reviewing all
11 military technician positions for purposes of imple-
12 menting this section.”; and

13 (3) in paragraph (3), by striking “may fill” and
14 inserting “shall fill”.

15 (b) CONVERSION OF ARMY RESERVE, AIR FORCE
16 RESERVE, AND NATIONAL GUARD NON-DUAL STATUS PO-
17 SITIONS.—Subsection (e) of section 10217 of title 10,
18 United States Code, is amended is amended to read as
19 follows:

20 “(e) CONVERSION OF POSITIONS.—(1) No individual
21 may be newly hired or employed, or rehired or reemployed,
22 as a non-dual status technician for purposes of this section
23 after September 30, 2017.

24 “(2) By not later than October 1, 2017, the Secretary
25 of Defense shall convert all non-dual status technicians to

1 positions filled by individuals who are employed under sec-
2 tion 3101 of title 5 or section 1601 of this title and are
3 not military technicians.

4 “(3) In the case of a position converted under para-
5 graph (2) for which there is an incumbent employee on
6 October 1, 2017, the Secretary shall fill that position, as
7 converted, with the incumbent employee without regard to
8 any requirement concerning competition or competitive
9 hiring procedures.

10 “(4) Any individual newly hired or employed, or re-
11 hired or employed, to a position required to be filled by
12 reason of paragraph (1) shall an individual employed in
13 such position under section 3101 of title 5 or section 1601
14 of this title.”.

15 (c) REPORT ON CONVERSION OF MILITARY TECHN-
16 CIAN POSITIONS TO PERSONNEL PERFORMING ACTIVE
17 GUARD AND RESERVE DUTY.—

18 (1) IN GENERAL.—Not later than March 1,
19 2017, the Secretary of Defense, shall in consultation
20 with the Chief of the National Guard Bureau, sub-
21 mit to the Committees on Armed Services of the
22 Senate and the House of Representatives a report on
23 the feasibility and advisability of converting any re-
24 maining military technicians (dual status) to per-
25 sonnel performing active Guard and Reserve duty

1 under section 328 of title 32, United States Code,
2 or other applicable provisions of law. The report
3 shall include the following:

4 (A) An analysis of the fully-burdened costs
5 of the conversion taking into account the new
6 modernized military retirement system.

7 (B) An assessment of the ratio of members
8 of the Armed Forces performing active Guard
9 and Reserve duty and civilian employees of the
10 Department of Defense under title 5, United
11 States Code, required to best contribute to the
12 readiness of the National Guard and the Re-
13 serves.

14 (2) ACTIVE GUARD AND RESERVE DUTY DE-
15 FINED.—In this subsection, the term “active Guard
16 and Reserve duty” has the meaning given that term
17 in section 101(d)(6) of title 10, United States Code.

18 **SEC. 1085. STREAMLINING OF THE NATIONAL SECURITY**
19 **COUNCIL.**

20 (a) IN GENERAL.—Section 101 of the National Secu-
21 rity Act of 1947 (50 U.S.C. 3021) is amended to read
22 as follows:

1 **“SEC. 101. NATIONAL SECURITY COUNCIL.**

2 “(a) NATIONAL SECURITY COUNCIL.—There is a
3 council known as the National Security Council (in this
4 section referred to as the ‘Council’).

5 “(b) FUNCTIONS.—Consistent with the direction of
6 the President, the functions of the Council shall be to—

7 “(1) advise the President with respect to the in-
8 tegration of domestic, foreign, and military policies
9 relating to the national security so as to enable the
10 Armed Forces and the other departments and agen-
11 cies of the United States Government to cooperate
12 more effectively in matters involving the national se-
13 curity;

14 “(2) assess and appraise the objectives, commit-
15 ments, and risks of the United States in relation to
16 the actual and potential military power of the
17 United States, and make recommendations thereon
18 to the President; and

19 “(3) make recommendations to the President
20 concerning policies on matters of common interest to
21 the departments and agencies of the United States
22 Government concerned with the national security.

23 “(c) MEMBERSHIP.—

24 “(1) IN GENERAL.—The Council consists of the
25 President, the Vice President, the Secretary of
26 State, the Secretary of Defense, the Secretary of

1 Energy, and such other officers of the United States
2 Government as the President may designate.

3 “(2) ATTENDANCE AND PARTICIPATION IN
4 MEETINGS.—The President may designate such
5 other officers of the United States Government as
6 the President considers appropriate, including the
7 Director of National Intelligence, the Director of
8 National Drug Control Policy, and the Chairman of
9 the Joint Chiefs of Staff, to attend and participate
10 in meetings of the Council.

11 “(d) PRESIDING OFFICERS.—At meetings of the
12 Council, the President shall preside or, in the absence of
13 the President, a member of the Council designated by the
14 President shall preside.

15 “(e) STAFF.—

16 “(1) IN GENERAL.—The Council shall have a
17 staff headed by a civilian executive secretary ap-
18 pointed by the President.

19 “(2) STAFF.—Consistent with the direction of
20 the President and subject to paragraph (3), the ex-
21 ecutive secretary may, subject to the civil service
22 laws and chapter 51 and subchapter III of chapter
23 53 of title 5, United States Code, appoint and fix
24 the compensation of such personnel as may be nec-
25 essary to perform such duties as may be prescribed

1 by the President in connection with performance of
2 the functions of the Council.

3 “(3) NUMBER OF PROFESSIONAL STAFF.—The
4 professional staff for which this subsection provides
5 shall not exceed 200 persons, including persons em-
6 ployed by, assigned to, detailed to, under contract to
7 serve on, or otherwise serving or affiliated with the
8 staff. The limitation in this paragraph does not
9 apply to personnel serving substantially in support
10 or administrative positions.

11 “(f) SPECIAL ADVISOR TO THE PRESIDENT ON
12 INTERNATIONAL RELIGIOUS FREEDOM.—It is the sense
13 of Congress that there should be within the staff of the
14 Council a Special Adviser to the President on Inter-
15 national Religious Freedom, whose position should be
16 comparable to that of a director within the Executive Of-
17 fice of the President. The Special Adviser should serve as
18 a resource for executive branch officials, compiling and
19 maintaining information on the facts and circumstances
20 of violations of religious freedom (as defined in section 3
21 of the International Religious Freedom Act of 1998 (22
22 U.S.C. 6402)), and making policy recommendations. The
23 Special Adviser should serve as liaison with the Amba-
24 sador at Large for International Religious Freedom, the
25 United States Commission on International Religious

1 Freedom, Congress and, as advisable, religious nongovern-
2 mental organizations.”.

3 (b) EFFECTIVE DATE OF LIMITATION ON NUMBER
4 OF PROFESSIONAL STAFF.—The limitation on the number
5 of professional staff of the National Security Council spec-
6 ified in subsection (e)(3) of section 101 of the National
7 Security Act of 1947, as amended by subsection (a) of
8 this section, shall take effect on the date that is 18 months
9 after the date of the enactment of this Act.

10 **SEC. 1086. NATIONAL BIODEFENSE STRATEGY.**

11 (a) STRATEGY AND IMPLEMENTATION PLAN RE-
12 QUIRED.—The Secretary of Defense, the Secretary of
13 Health and Human Services, the Secretary of Homeland
14 Security, and the Secretary of Agriculture shall jointly de-
15 velop a national biodefense strategy and associated imple-
16 mentation plan, which shall include a review and assess-
17 ment of biodefense policies, practices, programs and initia-
18 tives. Such Secretaries shall review and, as appropriate,
19 revise the strategy biennially.

20 (b) ELEMENTS.—The strategy and associated imple-
21 mentation plan required under subsection (a) shall include
22 each of the following:

23 (1) An inventory and assessment of all existing
24 strategies, plans, policies, laws, and interagency
25 agreements related to biodefense, including preven-

1 tion, deterrence, preparedness, detection, response,
2 attribution, recovery, and mitigation.

3 (2) A description of the biological threats, in-
4 cluding biological warfare, bioterrorism, naturally oc-
5 curring infectious diseases, and accidental exposures.

6 (3) A description of the current programs, ef-
7 forts, or activities of the United States Government
8 with respect to preventing the acquisition, prolifera-
9 tion, and use of a biological weapon, preventing an
10 accidental or naturally occurring biological outbreak,
11 and mitigating the effects of a biological epidemic.

12 (4) A description of the roles and responsibil-
13 ities of the Executive Agencies, including internal
14 and external coordination procedures, in identifying
15 and sharing information related to, warning of, and
16 protection against, acts of terrorism using biological
17 agents and weapons and accidental or naturally oc-
18 curring biological outbreaks.

19 (5) An articulation of related or required inter-
20 agency capabilities and whole-of-Government activi-
21 ties required to support the national biodefense
22 strategy.

23 (6) Recommendations for strengthening and im-
24 proving the current biodefense capabilities, authori-

1 ties, and command structures of the United States
2 Government.

3 (7) Recommendations for improving and for-
4 malizing interagency coordination and support mech-
5 anisms with respect to providing a robust national
6 biodefense.

7 (8) Any other matters the Secretary of Defense,
8 the Secretary of Health and Human Services, the
9 Secretary of Homeland Security, and the Secretary
10 of Agriculture determine necessary.

11 (c) SUBMITTAL TO CONGRESS.—Not later than 275
12 days after the date of the enactment of this Act, the Sec-
13 retary of Defense, the Secretary of Health and Human
14 Services, the Secretary of Homeland Security, and the
15 Secretary of Agriculture shall submit to the appropriate
16 congressional committees the strategy and associated im-
17 plementation plan required by subsection (a). The strategy
18 and implementation plan shall be submitted in unclassified
19 form, but may include a classified annex.

20 (d) BRIEFINGS.—Not later than March 1, 2017, and
21 annually thereafter until March 1, 2019, the Secretary of
22 Defense, the Secretary of Health and Human Services, the
23 Secretary of Homeland Security, and the Secretary of Ag-
24 riculture shall provide to the Committee on Armed Serv-
25 ices of the House of Representatives, the Committee on

1 Energy and Commerce of the House of Representatives,
2 the Committee on Homeland Security of the House of
3 Representatives, and the Committee on Agriculture of the
4 House of Representatives a joint briefing on the strategy
5 developed under subsection (a) and the status of the im-
6 plementation of such strategy.

7 (e) GAO REVIEW.—Not later than 180 days after the
8 date of the submittal of the strategy and implementation
9 plan under subsection (c), the Comptroller General of the
10 United States shall conduct a review of the strategy and
11 implementation plan to analyze gaps and resources
12 mapped against the requirements of the National Bio-
13 defense Strategy and existing United States biodefense
14 policy documents.

15 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
16 FINED.—In this section, the term “appropriate congres-
17 sional committees” means the following:

18 (1) The congressional defense committees.

19 (2) The Committee on Energy and Commerce
20 of the House of Representatives and the Committee
21 on Health, Education, Labor, and Pensions of the
22 Senate.

23 (3) The Committee on Homeland Security of
24 the House of Representatives and the Committee on

1 Homeland Security and Governmental Affairs of the
2 Senate.

3 (4) The Committee on Agriculture of the House
4 of Representatives and the Committee on Agri-
5 culture, Nutrition, and Forestry of the Senate.

6 **SEC. 1087. GLOBAL CULTURAL KNOWLEDGE NETWORK.**

7 (a) PROGRAM AUTHORIZED.—The Secretary of the
8 Army shall carry out a program to support the socio-cul-
9 tural understanding needs of the Department of the Army,
10 to be known as the Global Cultural Knowledge Network.

11 (b) GOALS.—The Global Cultural Knowledge Net-
12 work shall support the following goals:

13 (1) Provide socio-cultural analysis support to
14 any unit deployed, or preparing to deploy, to an ex-
15 ercise or operation in the assigned region of respon-
16 sibility of the unit being supported.

17 (2) Make recommendations or support policy or
18 doctrine development to increase the social science
19 expertise of military and civilian personnel of the
20 Department of the Army.

21 (3) Provide reimbursable support to other mili-
22 tary departments or Federal agencies if requested
23 through an operational needs request process.

1 (c) ELEMENTS OF THE PROGRAM.—The Global Cul-
2 tural Knowledge Network shall include the following ele-
3 ments:

4 (1) A center in the continental United States
5 (referred to in this section as a “reach-back center”)
6 to support requests for information, research, and
7 analysis.

8 (2) Outreach to academic institutions and other
9 Federal agencies involved in social science research
10 to increase the network of resources for the reach-
11 back center.

12 (3) Training with operational units during an-
13 nual training exercises or during pre-deployment
14 training.

15 (4) The training, contracting, and human re-
16 sources capacity to rapidly respond to contingencies
17 in which social science expertise is requested by
18 operational commanders through an operational
19 needs request process.

20 (d) DIRECTIVE REQUIRED.—The Secretary of the
21 Army shall issue a directive within one year after the date
22 of the enactment of this Act for the governance of the
23 Global Cultural Knowledge Network, including oversight
24 and process controls for auditing the activities of per-
25 sonnel of the Network, the employment of the Global Cul-

1 tural Knowledge Network by operational forces, and proc-
2 esses for requesting support by operational Army units
3 and other Department of Defense and Federal entities.

4 (e) PROHIBITION ON DEPLOYMENTS UNDER GLOBAL
5 CULTURAL KNOWLEDGE NETWORK.—

6 (1) PROHIBITION.—The Secretary of the Army
7 may not deploy social scientists of the Global Cul-
8 tural Knowledge Network in a conflict zone.

9 (2) WAIVER.—The Secretary of the Army may
10 waive the prohibition in paragraph (1) if the Sec-
11 retary submits, at least 10 days before the deploy-
12 ment, to the Committees on Armed Services of the
13 House of Representatives and the Senate—

14 (A) notice of the waiver; and

15 (B) a certification that there is a compel-
16 ling national security interest for the deploy-
17 ment or there will be a benefit to the safety and
18 welfare of members of the Armed Forces from
19 the deployment.

20 (3) ELEMENTS OF WAIVER NOTICE.—A waiver
21 notice under this subsection also shall include the
22 following:

23 (A) The operational unit, or units, request-
24 ing support, including the location or locations
25 where the social scientists are to be deployed.

1 (B) The number of Global Cultural Knowl-
2 edge Network personnel to be deployed and the
3 anticipated duration of such deployments.

4 (C) The anticipated resource needs for
5 such deployment.

6 **SEC. 1088. SENSE OF CONGRESS REGARDING CONNECTI-**
7 **CUT'S SUBMARINE CENTURY.**

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

10 (1) On March 2, 1867, Congress enacted a
11 naval appropriations Act that authorized the Sec-
12 retary of the Navy to “receive and accept a deed of
13 gift, when offered by the State of Connecticut, of a
14 tract of land with not less than one mile of shore
15 front on the Thames River near New London, Con-
16 necticut, to be held by the United States for naval
17 purposes”.

18 (2) The people of Connecticut and the towns
19 and cities in the southeastern region of Connecticut
20 subsequently gifted land to establish a military in-
21 stallation to fulfil the Nation’s need for a naval facil-
22 ity on the Atlantic coast.

23 (3) On April 11, 1868, the Navy accepted the
24 deed of gift of land from Connecticut to establish a

1 naval yard and storage depot along the eastern
2 shore of the Thames River in Groton, Connecticut.

3 (4) Between 1868 and 1912, the New London
4 Navy Yard supported a diverse range of missions,
5 including berthing inactive Civil War era ironclad
6 warships and serving as a coaling station for refuel-
7 ing naval ships traveling in New England waters.

8 (5) Congress rejected the Navy's proposal to
9 close New London Navy Yard in 1912, following an
10 impassioned effort by Congressman Edwin W. Hig-
11 gins, who stated that "this action proposed is not
12 only unjust but unreasonable and unsound as a mili-
13 tary proposition".

14 (6) The outbreak of World War I and the
15 enemy use of submarines to sink allied military and
16 civilian ships in the Atlantic sparked a new focus on
17 developing submarine capabilities in the United
18 States.

19 (7) October 18, 1915, marked the arrival at the
20 New London Navy Yard of the submarines G-1, G-
21 2, and G-4 under the care of the tender USS Ozark
22 and the arrival of submarines E-1, D-1, and D-3
23 under the care of the tender USS Tonopah. Novem-
24 ber 1, 1915, marked the arrival of the first ship

1 built as a submarine tender, the USS Fulton (AS-
2 1).

3 (8) On June 21, 1916, Commander Yeates Stir-
4 ling assumed the command of the newly designated
5 Naval Submarine Base New London, the New Lon-
6 don Submarine Flotilla, and the Submarine School.

7 (9) In the 100 years since the arrival of the
8 first submarines to the base, Naval Submarine Base
9 New London has grown to occupy more than 680
10 acres along the east side of the Thames River, with
11 more than 160 major facilities, 15 nuclear sub-
12 marines, and more than 70 tenant commands and
13 activities, including the Submarine Learning Center,
14 Naval Submarine School, the Naval Submarine Med-
15 ical Research Laboratory, the Naval Undersea Med-
16 ical Institute, and the newly established Undersea
17 Warfighting Development Center.

18 (10) In addition to being the site of the first
19 submarine base in the United States, Connecticut
20 was home to the foremost submarine manufacturers
21 of the time, the Lake Torpedo Boat Company in
22 Bridgeport and the Electric Boat Company in Grot-
23 on, which later became General Dynamics Electric
24 Boat.

1 (11) General Dynamics Electric Boat, its tal-
2 ented workforce, and its Connecticut-based and na-
3 tionwide network of suppliers have delivered more
4 than 200 submarines from its current location in
5 Groton, Connecticut, including the first nuclear-pow-
6 ered submarine, the USS Nautilus (SSN 571), and
7 nearly half of the nuclear submarines ever built by
8 the United States.

9 (12) The Submarine Force Museum, located
10 adjacent to Naval Submarine Base New London in
11 Groton, Connecticut, is the only submarine museum
12 operated by the United States Navy and today
13 serves as the primary repository for artifacts, docu-
14 ments, and photographs relating to the bold and
15 courageous history of the Submarine Force and
16 highlights as its core exhibit the Historic Ship Nau-
17 utilus (SSN 571) following her retirement from serv-
18 ice.

19 (13) Reflecting the close ties between Con-
20 necticut and the Navy that began with the gift of
21 land that established the base, the State of Con-
22 necticut has set aside \$40,000,000 in funding for
23 critical infrastructure investments to support the
24 mission of the base, including construction of a new
25 dive locker building, expansion of the Submarine

1 Learning Center, and modernization of energy infra-
2 structure.

3 (14) On September 29, 2015, Connecticut Gov-
4 ernor Dannel Malloy designated October 2015
5 through October 2016 as Connecticut’s Submarine
6 Century, a year-long observance that celebrates 100
7 years of submarine activity in Connecticut, including
8 the Town of Groton’s distinction as the Submarine
9 Capital of the World, to coincide with the centennial
10 anniversary of the establishment of Naval Sub-
11 marine Base New London and the Naval Submarine
12 School.

13 (15) Whereas Naval Submarine Base New Lon-
14 don still proudly proclaims its motto of “The First
15 and Finest”.

16 (16) Congressman Higgins’ statement before
17 Congress in 1912 that “Connecticut stands ready, as
18 she always has, to bear her part of the burdens of
19 the national defense” remains true today.

20 (b) SENSE OF CONGRESS.—Congress—

21 (1) commends the longstanding dedication and
22 contribution to the Navy and submarine force by the
23 people of Connecticut, both through the initial deed
24 of gift that established what would become Naval
25 Submarine Base New London and through their on-

1 going commitment to support the mission of the
2 base and the Navy personnel assigned to it;

3 (2) honors the submariners who have trained
4 and served at Naval Submarine Base New London
5 throughout its history in support of the Nation's se-
6 curity and undersea superiority;

7 (3) recognizes the contribution of the industry
8 and workforce of Connecticut in designing, building,
9 and sustaining the Navy's submarine fleet; and

10 (4) encourages the recognition of Connecticut's
11 Submarine Century by Congress, the Navy, and the
12 American people by honoring the contribution of the
13 people of Connecticut to the defense of the United
14 States and the important role of the submarine force
15 in safeguarding the security of the United States for
16 more than a century.

17 **SEC. 1089. SENSE OF CONGRESS REGARDING THE REPORT-**
18 **ING OF THE MV-22 MISHAP IN MARANA, ARI-**
19 **ZONA, ON APRIL 8, 2000.**

20 It is the sense of Congress that—

21 (1) in the report accompanying H.R. 1735 of
22 the 114th Congress (House Report 114–102), the
23 Committee on Armed Services of the House of Rep-
24 resentatives encouraged the Secretary of Defense to
25 “publicly clarify the causes of the MV-22 mishap at

1 Marana Northwest Regional Airport, Arizona, in a
2 way consistent with the results of all investigations
3 as soon as possible”;

4 (2) the Deputy Secretary of Defense Robert O.
5 Work did an excellent job reviewing the investiga-
6 tions of such mishap and concluded that there was
7 a misrepresentation of facts by the media which in-
8 correctly identified pilot error as the cause of the
9 mishap which the Deputy Secretary publicly made
10 known in March 2016; and

11 (3) Congress is grateful for the successful con-
12 clusion to this tragic situation.

13 **SEC. 1090. COST OF WARS.**

14 The Secretary of Defense, in consultation with the
15 Commissioner of the Internal Revenue Service and the Di-
16 rector of the Bureau of Economic Analysis, shall post on
17 the public Internet website of the Department of Defense
18 the costs to each United States taxpayer of each of the
19 wars in Afghanistan, Iraq, and Syria.

20 **SEC. 1091. RECONNAISSANCE STRIKE GROUP MATTERS.**

21 (a) MODELING OF ALTERNATIVE ARMY DESIGN AND
22 OPERATIONAL CONCEPT.—

23 (1) ANALYSES REQUIRED.—The Chairman of
24 the Joint Chiefs of Staff and the Chief of Staff of
25 the Army, in consultation with the commanding gen-

1 eral of the United States European Command, shall
2 each conduct a separate analysis of alternative Army
3 operational concepts and organizational designs,
4 known as the Reconnaissance Strike Group, as rec-
5 ommended by the National Commission on the Fu-
6 ture of the United States Army.

7 (2) ASSESSMENT OF ANALYSES.— The Chair-
8 man of the Joint Chiefs of Staff and Chief of Staff
9 of the Army shall then each separately assess the
10 operational merits, feasible force mix under pro-
11 grammed end-strength, estimated costs for assessed
12 potential force structure changes, and strategic force
13 sufficiency and risk of each analysis conducted
14 under paragraph (1).

15 (b) REPORTS REQUIRED.—Not later than one year
16 after the date of the enactment of this Act, the Chairman
17 of the Joint Chiefs of Staff and the Chief of Staff of the
18 Army shall each submit to the Committees on Armed
19 Services of the Senate and House of Representatives a
20 separate report on the alternative designs and operational
21 concepts analyzed under subsection (a)(1). Each such re-
22 port shall include an assessment of the merits and suffi-
23 ciency of such designs and concepts, the potential for fu-
24 ture experimentation (such as a follow-on pilot program),
25 and the recommendation of the Chairman and Chief of

1 Staff, as the case may be, regarding the Reconnaissance
2 Strike Group.

3 (c) INDEPENDENT ASSESSMENTS REQUIRED.—Be-
4 fore submittal of the reports required under subsection
5 (b), the Chairman of the Joint Chiefs of Staff and the
6 Chief of Staff of the Army shall each select a Federally
7 Funded Research and Development Center to review and
8 evaluate each report. The review and evaluation of each
9 report shall be submitted to the Committees on Armed
10 Services of the Senate and House of Representatives to-
11 gether with the reports under subsection (b).

12 **SEC. 1092. BORDER SECURITY METRICS.**

13 (a) DEFINITIONS.—In this section:

14 (1) APPROPRIATE CONGRESSIONAL COMMIT-
15 TEES.—The term “appropriate congressional com-
16 mittees” means—

17 (A) the Committee on Homeland Security
18 and Governmental Affairs of the Senate; and

19 (B) the Committee on Homeland Security
20 of the House of Representatives.

21 (2) CONSEQUENCE DELIVERY SYSTEM.—The
22 term “Consequence Delivery System” means the se-
23 ries of consequences applied by U.S. Border Patrol
24 in collaboration with other Federal agencies to per-

1 sons unlawfully entering the United States, in order
2 to prevent unlawful border crossing recidivism.

3 (3) GOT AWAY.—The term “got away” means
4 an unlawful border crosser who—

5 (A) is directly or indirectly observed mak-
6 ing an unlawful entry into the United States;

7 (B) is not apprehended; and

8 (C) is not a turn back.

9 (4) KNOWN MARITIME MIGRANT FLOW.—The
10 term “known maritime migrant flow” means the
11 sum of the number of undocumented migrants—

12 (A) interdicted in the waters over which
13 the United States has jurisdiction;

14 (B) identified at sea either directly or indi-
15 rectly, but not interdicted;

16 (C) if not described in subparagraph (A)
17 or (B), who were otherwise reported, with a sig-
18 nificant degree of certainty, as having entered,
19 or attempted to enter, the United States
20 through the maritime border.

21 (5) MAJOR VIOLATOR.—The term “major viola-
22 tor” means a person or entity that has engaged in
23 serious criminal activities at any land, air, or sea
24 port of entry, including the following:

25 (A) Possession of illicit drugs.

1 (B) Smuggling of prohibited products.

2 (C) Human smuggling.

3 (D) Possession of illegal weapons.

4 (E) Use of fraudulent documents.

5 (F) Any other offense that is serious
6 enough to result in an arrest.

7 (6) SECRETARY.—The term “the Secretary”
8 means the Secretary of Homeland Security.

9 (7) SITUATIONAL AWARENESS.—The term “sit-
10 uational awareness” means knowledge and under-
11 standing of current unlawful cross-border activity,
12 including the following:

13 (A) Threats and trends concerning illicit
14 trafficking and unlawful crossings.

15 (B) The ability to forecast future shifts in
16 such threats and trends.

17 (C) The ability to evaluate such threats
18 and trends at a level sufficient to create action-
19 able plans.

20 (D) The operational capability to conduct
21 persistent and integrated surveillance of the
22 international borders of the United States.

23 (8) TRANSIT ZONE.—The term “transit zone”
24 means the sea corridors of the western Atlantic
25 Ocean, the Gulf of Mexico, the Caribbean Sea, and

1 the eastern Pacific Ocean through which undocu-
2 mented migrants and illicit drugs transit, either di-
3 rectly or indirectly, to the United States.

4 (9) **TURN BACK.**—The term “turn back” means
5 an unlawful border crosser who, after making an un-
6 lawful entry into the United States, responds to
7 United States enforcement efforts by returning
8 promptly to the country from which such crosser en-
9 tered.

10 (10) **UNLAWFUL BORDER CROSSING EFFEC-**
11 **TIVENESS RATE.**—The term “unlawful border cross-
12 ing effectiveness rate” means the percentage that re-
13 sults from dividing the number of apprehensions and
14 turn backs by the sum of the number of apprehen-
15 sions, estimated undetected unlawful entries, turn
16 backs, and got aways.

17 (11) **UNLAWFUL ENTRY.**—The term “unlawful
18 entry” means an unlawful border crosser who enters
19 the United States and is not apprehended by a bor-
20 der security component of the Department of Home-
21 land Security.

22 (b) **METRICS FOR SECURING THE BORDER BETWEEN**
23 **PORTS OF ENTRY.**—

24 (1) **IN GENERAL.**—Not later than 180 days
25 after the date of the enactment of this section, the

1 Secretary shall develop metrics, informed by situa-
2 tional awareness, to measure the effectiveness of se-
3 curity between ports of entry. The Secretary shall
4 annually implement the metrics developed under this
5 subsection, which shall include the following:

6 (A) Estimates, using alternative meth-
7 odologies where appropriate, including recidi-
8 vism data, survey data, known-flow data, and
9 technologically-measured data, of the following:

10 (i) The rate of apprehension of at-
11 tempted unlawful border crossers.

12 (ii) The number of detected unlawful
13 entries.

14 (iii) The number of estimated unde-
15 tected unlawful entries.

16 (iv) Turn backs.

17 (v) Got aways.

18 (B) A measurement of situational aware-
19 ness achieved in each U.S. Border Patrol sec-
20 tor.

21 (C) An unlawful border crossing effective-
22 ness rate in each U.S. Border Patrol sector.

23 (D) A probability of detection rate, which
24 compares the estimated total unlawful border
25 crossing attempts not detected by U.S. Border

1 Patrol to the unlawful border crossing effective-
2 ness rate under subparagraph (C), as informed
3 by subparagraph (A).

4 (E) The number of apprehensions in each
5 U.S. Border Patrol sector.

6 (F) The number of apprehensions of unac-
7 companied alien children, and the nationality of
8 such children, in each U.S. Border Patrol sec-
9 tor.

10 (G) The number of apprehensions of fam-
11 ily units, and the nationality of such family
12 units, in each U.S. Border Patrol sector.

13 (H) An illicit drugs seizure rate for drugs
14 seized by U.S. Border Patrol between ports of
15 entry, which compares the ratio of the amount
16 and type of illicit drugs seized between ports of
17 entry in any fiscal year to the average of the
18 amount and type of illicit drugs seized between
19 ports of entry in the immediately preceding five
20 fiscal years.

21 (I) Estimates of the impact of the Con-
22 sequence Delivery System on the rate of recidi-
23 vism of unlawful border crossers over multiple
24 fiscal years.

1 (J) An examination of each consequence
2 under the Consequence Delivery System re-
3 ferred to in subparagraph (I), including the fol-
4 lowing:

5 (i) Voluntary return.

6 (ii) Warrant of arrest or notice to ap-
7 pear.

8 (iii) Expedited removal.

9 (iv) Reinstatement of removal.

10 (v) Alien transfer exit program.

11 (vi) Criminal consequence program.

12 (vii) Standard prosecution.

13 (viii) Operation Against Smugglers
14 Initiative on Safety and Security.

15 (2) METRICS CONSULTATION.—To ensure that
16 authoritative data sources are utilized in the devel-
17 opment of the metrics described in paragraph (1),
18 the Secretary shall—

19 (A) consult with the heads of the appro-
20 priate components of the Department of Home-
21 land Security; and

22 (B) where appropriate, with the heads of
23 other agencies, including the Office of Refugee
24 Resettlement of the Department of Health and
25 Human Services and the Executive Office for

1 Immigration Review of the Department of Jus-
2 tice.

3 (3) MANNER OF COLLECTION.—The data col-
4 lected to inform the metrics developed in accordance
5 with paragraph (1) shall be collected and reported in
6 a consistent and standardized manner across all
7 U.S. Border Patrol sectors, informed by situational
8 awareness.

9 (c) METRICS FOR SECURING THE BORDER AT PORTS
10 OF ENTRY.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date of the enactment of this section, the
13 Secretary shall develop metrics, informed by situa-
14 tional awareness, to measure the effectiveness of se-
15 curity at ports of entry. The Secretary shall annu-
16 ally implement the metrics developed under this sub-
17 section, which shall include the following:

18 (A) Estimates, using alternative meth-
19 odologies where appropriate, including recidi-
20 vism data, survey data, and randomized sec-
21 ondary screening data, of the following:

22 (i) Total inadmissible travelers who
23 attempt to, or successfully, enter the
24 United States at a port of entry.

1 (ii) The rate of refusals and interdic-
2 tions for travelers who attempt to, or suc-
3 cessfully, enter the United States at a port
4 of entry.

5 (iii) The number of unlawful entries
6 at a port of entry.

7 (B) The amount and type of illicit drugs
8 seized by the Office of Field Operations of U.S.
9 Customs and Border Protection at ports of
10 entry during the previous fiscal year.

11 (C) An illicit drugs seizure rate for drugs
12 seized by the Office of Field Operations, which
13 compares the ratio of the amount and type of
14 illicit drugs seized by the Office of Field Oper-
15 ations in any fiscal year to the average of the
16 amount and type of illicit drugs seized by the
17 Office of Field Operations in the immediately
18 preceding five fiscal years.

19 (D) The number of infractions related to
20 travelers and cargo committed by major viola-
21 tors who are interdicted by the Office of Field
22 Operations at ports of entry, and the estimated
23 number of such infractions committed by major
24 violators who are not so interdicted.

1 (E) In consultation with the heads of the
2 Office of National Drug Control Policy and the
3 United States Southern Command, a cocaine
4 seizure effectiveness rate, which is the percent-
5 age resulting from dividing the amount of co-
6 caine seized by the Office of Field Operations
7 by the total estimated cocaine flow rate at ports
8 of entry along the United States land border
9 with Mexico and Canada.

10 (F) A measurement of how border security
11 operations affect crossing times, including the
12 following:

13 (i) A wait time ratio that compares
14 the average wait times to total commercial
15 and private vehicular traffic volumes at
16 each land port of entry.

17 (ii) An infrastructure capacity utiliza-
18 tion rate that measures traffic volume
19 against the physical and staffing capacity
20 at each land port of entry.

21 (iii) A secondary examination rate
22 that measures the frequency of secondary
23 examinations at each land port of entry.

1 (iv) An enforcement rate that meas-
2 ures the effectiveness of such secondary ex-
3 aminations at detecting major violators.

4 (G) A seaport scanning rate that includes
5 the following:

6 (i) The number of all cargo containers
7 that are considered potentially “high-risk”,
8 as determined by the Executive Assistant
9 Commissioner of the Office of Field Oper-
10 ations.

11 (ii) A comparison of the number of
12 potentially high-risk cargo containers
13 scanned by the Office of Field Operations
14 at each sea port of entry during a fiscal
15 year to the total number of high-risk cargo
16 containers entering the United States at
17 each such sea port of entry during the pre-
18 vious fiscal year.

19 (iii) The number of potentially high-
20 risk cargo containers scanned upon arrival
21 at a United States sea port of entry.

22 (iv) The number of potentially high-
23 risk cargo containers scanned before ar-
24 rival at a United States sea port of entry.

1 (2) METRICS CONSULTATION.—To ensure that
2 authoritative data sources are utilized in the devel-
3 opment of the metrics described in paragraph (1),
4 the Secretary shall—

5 (A) consult with the heads of the appro-
6 priate components of the Department of Home-
7 land Security; and

8 (B) where appropriate, work with heads of
9 other appropriate agencies, including the Office
10 of Refugee Resettlement of the Department of
11 Health and Human Services and the Executive
12 Office for Immigration Review of the Depart-
13 ment of Justice.

14 (3) MANNER OF COLLECTION.—The data col-
15 lected to inform the metrics developed in accordance
16 with paragraph (1) shall be collected and reported in
17 a consistent and standardized manner across all
18 United States ports of entry, informed by situational
19 awareness.

20 (d) METRICS FOR SECURING THE MARITIME BOR-
21 DER.—

22 (1) IN GENERAL.—Not later than 180 days
23 after the date of the enactment of this section, the
24 Secretary shall develop metrics, informed by situa-
25 tional awareness, to measure the effectiveness of se-

1 security in the maritime environment. The Secretary
2 shall annually implement the metrics developed
3 under this subsection, which shall include the fol-
4 lowing:

5 (A) Situational awareness achieved in the
6 maritime environment.

7 (B) A known maritime migrant flow rate.

8 (C) An illicit drugs removal rate for drugs
9 removed inside and outside of a transit zone,
10 which compares the amount and type of illicit
11 drugs removed, including drugs abandoned at
12 sea, by the maritime security components of the
13 Department of Homeland Security in any fiscal
14 year to the average of the amount and type of
15 illicit drugs removed by such maritime compo-
16 nents for the immediately preceding five fiscal
17 years.

18 (D) In consultation with the heads of the
19 Office of National Drug Control Policy and the
20 United States Southern Command, a cocaine
21 removal effectiveness rate for cocaine removed
22 inside a transit zone and outside a transit zone,
23 which compares the amount of cocaine removed
24 by the maritime security components of the De-
25 partment of Homeland Security by the total

1 documented cocaine flow rate, as contained in
2 Federal drug databases.

3 (E) A response rate, which compares the
4 ability of the maritime security components of
5 the Department of Homeland Security to re-
6 spond to and resolve known maritime threats,
7 whether inside or outside a transit zone, by
8 placing assets on-scene, to the total number of
9 events with respect to which the Department
10 has known threat information.

11 (F) An intergovernmental response rate,
12 which compares the ability of the maritime se-
13 curity components of the Department of Home-
14 land Security or other United States Govern-
15 ment entities to respond to and resolve action-
16 able maritime threats, whether inside or outside
17 a transit zone, with the number of such threats
18 detected.

19 (2) METRICS CONSULTATION.—To ensure that
20 authoritative data sources are utilized in the devel-
21 opment of the metrics described in paragraph (1),
22 the Secretary shall—

23 (A) consult with the heads of the appro-
24 priate components of the Department of Home-
25 land Security; and

1 (B) where appropriate, work with the
2 heads of other agencies, including the Drug En-
3 forcement Agency, the Department of Defense,
4 and the Department of Justice.

5 (3) MANNER OF COLLECTION.—The data used
6 by the Secretary shall be collected and reported in
7 a consistent and standardized manner by the mari-
8 time security components of the Department of
9 Homeland Security, informed by situational aware-
10 ness.

11 (e) AIR AND MARINE SECURITY METRICS IN THE
12 LAND DOMAIN.—

13 (1) IN GENERAL.—Not later than 180 days
14 after the date of the enactment of this section, the
15 Secretary shall develop metrics, informed by situa-
16 tional awareness, to measure the effectiveness of the
17 aviation assets and operations of Air and Marine
18 Operations of U.S. Customs and Border Protection.
19 The Secretary shall annually implement the metrics
20 developed under this subsection, which shall include
21 the following:

22 (A) A flight hour effectiveness rate, which
23 compares Air and Marine Operations flight
24 hours requirements to the number of flight
25 hours flown by Air and Marine Operations.

1 (B) A funded flight hour effectiveness rate,
2 which compares the number of funded flight
3 hours appropriated to Air and Marine Oper-
4 ations to the number of actual flight hours
5 flown by Air and Marine Operations.

6 (C) A readiness rate, which compares the
7 number of aviation missions flown by Air and
8 Marine Operations to the number of aviation
9 missions cancelled by Air and Marine Oper-
10 ations due to maintenance, operations, or other
11 causes.

12 (D) The number of missions cancelled by
13 Air and Marine Operations due to weather com-
14 pared to the total planned missions.

15 (E) The number of individuals detected by
16 Air and Marine Operations through the use of
17 unmanned aerial systems and manned aircraft.

18 (F) The number of apprehensions assisted
19 by Air and Marine Operations through the use
20 of unmanned aerial systems and manned air-
21 craft.

22 (G) The number and quantity of illicit
23 drug seizures assisted by Air and Marine Oper-
24 ations through the use of unmanned aerial sys-
25 tems and manned aircraft.

1 (H) The number of times that actionable
2 intelligence related to border security was ob-
3 tained through the use of unmanned aerial sys-
4 tems and manned aircraft.

5 (2) METRICS CONSULTATION.—To ensure that
6 authoritative data sources are utilized in the devel-
7 opment of the metrics described in paragraph (1),
8 the Secretary shall—

9 (A) consult with the heads of the appro-
10 priate components of the Department of Home-
11 land Security; and

12 (B) as appropriate, work with the heads of
13 other departments and agencies, including the
14 Department of Justice.

15 (3) MANNER OF COLLECTION.—The data col-
16 lected to inform the metrics developed in accordance
17 with paragraph (1) shall be collected and reported in
18 a consistent and standardized manner by Air and
19 Marine Operations, informed by situational aware-
20 ness.

21 (f) DATA TRANSPARENCY.—The Secretary shall—

22 (1) in accordance with applicable privacy laws,
23 make data related to apprehensions, inadmissible
24 aliens, drug seizures, and other enforcement actions

1 available to the public, law enforcement commu-
2 nities, and academic research communities; and

3 (2) provide the Office of Immigration Statistics
4 of the Department of Homeland Security with unfet-
5 tered access to the data referred to in paragraph
6 (1).

7 (g) EVALUATION BY THE GOVERNMENT ACCOUNT-
8 ABILITY OFFICE AND THE SECRETARY.—

9 (1) METRICS REPORT.—

10 (A) MANDATORY DISCLOSURES.—The Sec-
11 retary shall submit to the appropriate congres-
12 sional committees and the Comptroller General
13 of the United States an annual report con-
14 taining the metrics required under this section
15 and the data and methodology used to develop
16 such metrics.

17 (B) PERMISSIBLE DISCLOSURES.—The
18 Secretary, for the purpose of validation and
19 verification, may submit the annual report de-
20 scribed in subparagraph (A) to—

21 (i) the Center for Borders, Trade, and
22 Immigration Research of the Centers of
23 Excellence network of the Department of
24 Homeland Security;

1 (ii) the head of a national laboratory
2 within the Department of Homeland Secu-
3 rity laboratory network with prior expertise
4 in border security; and

5 (iii) a Federally Funded Research and
6 Development Center.

7 (2) GAO REPORT.—Not later than 270 days
8 after receiving the first report under paragraph
9 (1)(A) and biennially thereafter for the following ten
10 years with respect to every other such report, the
11 Comptroller General of the United States shall sub-
12 mit to the appropriate congressional committees a
13 report that—

14 (A) analyzes the suitability and statistical
15 validity of the data and methodology contained
16 in each such report; and

17 (B) includes recommendations on—

18 (i) the feasibility of other suitable
19 metrics that may be used to measure the
20 effectiveness of border security; and

21 (ii) improvements that need to be
22 made to the metrics being used to measure
23 the effectiveness of border security.

24 (3) STATE OF THE BORDER REPORT.—Not
25 later than 60 days after the end of each fiscal year

1 through fiscal year 2026, the Secretary shall submit
2 to the appropriate congressional committees a
3 “State of the Border” report that—

4 (A) provides trends for each metric under
5 this section for the last ten fiscal years, to the
6 greatest extent possible;

7 (B) provides selected analysis into related
8 aspects of illegal flow rates, including undocu-
9 mented migrant flows and stock estimation
10 techniques;

11 (C) provides selected analysis into related
12 aspects of legal flow rates; and

13 (D) includes any other information that
14 the Secretary determines appropriate.

15 (4) METRICS UPDATE.—

16 (A) IN GENERAL.—After submitting the
17 tenth report to the Comptroller General under
18 paragraph (1), the Secretary may reevaluate
19 and update any of the metrics developed in ac-
20 cordance with this section to ensure that such
21 metrics are suitable to measure the effective-
22 ness of border security.

23 (B) CONGRESSIONAL NOTIFICATION.—Not
24 later than 30 days before updating the metrics
25 pursuant to subparagraph (A), the Secretary

1 shall notify the appropriate congressional com-
2 mittees of such updates.

3 **SEC. 1093. PROGRAM TO COMMEMORATE THE 100TH ANNI-**
4 **VERSARY OF THE TOMB OF THE UNKNOWN**
5 **SOLDIER.**

6 (a) **COMMEMORATIVE PROGRAM.**—

7 (1) **IN GENERAL.**—The Secretary of Defense
8 shall conduct a program to commemorate the 100th
9 anniversary of the Tomb of the Unknown Soldier. In
10 conducting the commemorative program, the Sec-
11 retary shall coordinate, support, and facilitate other
12 programs and activities of the Federal Government
13 and State and local governments.

14 (2) **WORK WITH NONGOVERNMENTAL ORGANI-**
15 **ZATIONS.**—In conducting the commemorative pro-
16 gram, the Secretary may work with nongovern-
17 mental organizations working to support the com-
18 memoration of the Tomb of the Unknown Soldier.
19 No public funds may be used to undertake activities
20 sponsored by such organizations.

21 (b) **SCHEDULE.**—The Secretary shall determine the
22 schedule of major events and priority of efforts for the
23 commemorative program in order to ensure achievement
24 of the objectives specified in subsection (c).

1 (c) COMMEMORATIVE ACTIVITIES AND OBJEC-
2 TIVES.—The commemorative program may include activi-
3 ties and ceremonies to achieve the following objectives:

4 (1) To honor America’s commitment to never
5 forget or forsake those who served and sacrificed for
6 our Country, including personnel who were held as
7 prisoners of war or listed as missing in action, and
8 to thank and honor the families of these veterans.

9 (2) To highlight the service of the Armed
10 Forces in times of war or armed conflict and con-
11 tributions of Federal agencies and governmental and
12 nongovernmental organizations that served with, or
13 in support of, the Armed Forces.

14 (3) To pay tribute to the contributions made on
15 the home front by the people of the United States
16 in times of war or armed conflict.

17 (4) To educate the American Public about serv-
18 ice and sacrifice on behalf of the United States of
19 America and the principles that define and unite us.

20 (5) To recognize the contributions and sac-
21 rifices made by the allies of the United States dur-
22 ing times of war or armed conflict.

23 (d) NAMES AND SYMBOLS.—The Secretary shall have
24 the sole and exclusive right to use the name “The United
25 States of America Tomb of the Unknown Soldier Com-

1 memoration”, and such seal, emblems, and badges incor-
2 porating such name as the Secretary may lawfully adopt.
3 Nothing in this section may be construed to supersede
4 rights that are established or vested before the date of the
5 enactment of this Act.

6 (e) COMMEMORATION FUND.—

7 (1) IN GENERAL.—Upon the establishment of
8 the commemorative program under subsection (a),
9 the Secretary of the Treasury shall establish in the
10 Treasury of the United States an account to be
11 known as the “Tomb of the Unknown Soldier Com-
12 memoration Fund” (in this subsection referred to as
13 the “Fund”). The Fund shall be administered by the
14 Secretary of Defense.

15 (2) DEPOSITS.—There shall be deposited into
16 the Fund the following:

17 (A) Amounts appropriated to the Fund.

18 (B) Proceeds derived from the use by the
19 Secretary of Defense of the exclusive rights de-
20 scribed in subsection (d).

21 (C) Donations made in support of the com-
22 memorative program by private and corporate
23 donors.

24 (D) Funds transferred to the Fund by the
25 Secretary of Defense from funds appropriated

1 for fiscal year 2017 and subsequent years for
2 the Department of Defense.

3 (3) USE OF FUND.—The Secretary of Defense
4 shall use the assets of the Fund only for the purpose
5 of conducting the commemorative program. The Sec-
6 retary shall prescribe such regulations regarding the
7 use of the Fund as the Secretary considers appro-
8 priate.

9 (4) AVAILABILITY.—Amounts deposited under
10 paragraph (2) shall constitute the assets of the
11 Fund and remain available until expended.

12 (5) BUDGET REQUEST.—The Secretary of De-
13 fense may establish a separate budget line for the
14 commemorative program. In the budget justification
15 materials submitted by the Secretary in support of
16 the budget of the President for any fiscal year for
17 which the Secretary establishes the separate budget
18 line (as submitted to Congress pursuant to section
19 1105 of title 31, United States Code), the Secretary
20 shall—

21 (A) identify and explain any amounts ex-
22 pended for the commemorative program in the
23 fiscal year preceding the budget request;

24 (B) identify and explain the amounts being
25 requested to support the commemorative pro-

1 gram for the fiscal year of the budget request;
2 and

3 (C) present a summary of the fiscal status
4 of the Fund.

5 (f) ACCEPTANCE OF VOLUNTARY SERVICES.—

6 (1) AUTHORITY TO ACCEPT SERVICES.—Not-
7 withstanding section 1342 of title 31, United States
8 Code, the Secretary of Defense may accept from any
9 person voluntary services to be provided in further-
10 ance of the commemorative program. The Secretary
11 shall prohibit the solicitation of any voluntary serv-
12 ices if the nature or circumstances of such solicita-
13 tion would compromise the integrity or the appear-
14 ance of integrity of any program of the Department
15 of Defense or of any individual involved in the pro-
16 gram.

17 (2) REIMBURSEMENT OF INCIDENTAL EX-
18 PENSES.—The Secretary may provide for reimburse-
19 ment of incidental expenses incurred by a person
20 providing voluntary services under this subsection.
21 The Secretary shall determine which expenses are el-
22 igible for reimbursement under this paragraph.

23 (g) FINAL REPORT.—Not later than 60 days after
24 the end of the commemorative program, if established by
25 the Secretary of Defense under subsection (a), the Sec-

1 retary shall submit to Congress a report containing an ac-
2 counting of the following:

3 (1) All of the funds deposited into and ex-
4 pended from the Tomb of the Unknown Soldier
5 Commemoration Fund.

6 (2) Any other funds expended under this sec-
7 tion.

8 (3) Any unobligated funds remaining in the
9 Fund.

10 **SEC. 1094. SENSE OF CONGRESS REGARDING THE OCONUS**
11 **BASING OF THE KC-46A AIRCRAFT.**

12 (a) FINDING.—Congress finds that the Department
13 of Defense is continuing its process of permanently sta-
14 tioning the KC-46A aircraft at installations in the Conti-
15 nental United States (in this section referred to as
16 “CONUS”) and forward-basing outside the Continental
17 United States (in this section referred to as “OCONUS”).

18 (b) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that the Secretary of the Air Force, as part of the
20 strategic basing process for the KC-46A aircraft, should
21 continue to place emphasis on and consider the benefits
22 derived from outside the continental United States
23 (OCONUS) locations that—

1 (1) support day-to-day air refueling operations,
2 combatant commander operations plans, and flexi-
3 bility for contingency ops, and have—

4 (A) a strategic location that is essential to
5 the defense of the United States and its inter-
6 ests;

7 (B) receivers for boom or probe-and-drogue
8 training opportunities with joint and inter-
9 national partners; and

10 (C) sufficient airfield and airspace avail-
11 ability and capacity to meet requirements; and

12 (2) possess facilities that—

13 (A) take full advantage of existing infra-
14 structure to provide—

15 (i) runway, hangars, and aircrew and
16 maintenance operations; and

17 (ii) sufficient fuels receipt, storage,
18 and distribution for 5-day peacetime oper-
19 ating stock; and

20 (B) minimize overall construction and
21 operational costs.

22 **SEC. 1095. DESIGNATION OF A DEPARTMENT OF DEFENSE**
23 **STRATEGIC ARCTIC PORT.**

24 (a) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that the Arctic is a region of growing strategic im-

1 portance to the national security interest of the United
2 States and that the Department of Defense must better
3 align its posture and capabilities to meet the growing
4 array of challenges in the region.

5 (b) ARCTIC DEFINED.—In this section, the term
6 “Arctic” has the meaning given that term in section 112
7 of the Arctic Research and Policy Act of 1984 (15 U.S.C.
8 4111).

9 (c) REPORT REQUIRED.—Not later than 180 days
10 after the date of the enactment of this Act, the Secretary
11 of Defense, in consultation with the Chairman of the Joint
12 Chiefs of Staff, the Commanding General of the United
13 States Army Corps of Engineers, the Commandant of the
14 Coast Guard, and the Administrator of the Maritime Ad-
15 ministration, shall submit to the congressional defense
16 committees a report containing an assessment of the fu-
17 ture security requirements for one or more strategic ports
18 in the Arctic.

19 (d) CONTENTS OF REPORT.—Consistent with the up-
20 dated military strategy for the protection of United States
21 national security interests in the Arctic region set forth
22 in the reports required under section 1068 of the National
23 Defense Authorization Act for Fiscal Year 2016 (Public
24 Law 114–92; 129 Stat. 992), the report required under
25 subsection (c) shall include—

1 (1) the amount of sufficient and suitable space
2 needed to create capacity for port and other nec-
3 essary infrastructure for at least one of each of type
4 of Navy or Coast Guard vessel, including an Arleigh
5 Burke class destroyer of the Navy, or a national se-
6 curity cutter or a heavy polar ice breaker of the
7 Coast Guard;

8 (2) the amount of sufficient and suitable space
9 needed to create capacity for equipment and fuel
10 storage, technological infrastructure, and civil infra-
11 structure to support military and civilian operations,
12 including—

13 (A) aerospace warning;

14 (B) maritime surface and subsurface warn-
15 ing;

16 (C) maritime control and defense;

17 (D) maritime domain awareness;

18 (E) homeland defense;

19 (F) defense support to civil authorities;

20 (G) humanitarian relief;

21 (H) search and rescue;

22 (I) disaster relief;

23 (J) oil spill response;

24 (K) medical stabilization and evacuation;

25 and

1 (L) meteorological measurements and fore-
2 casting;

3 (3) an identification of proximity and road ac-
4 cess to an airport designated as a commercial service
5 airport by the Federal Aviation Administration that
6 is capable of supporting military and civilian aircraft
7 for operations designated in paragraph (2); and

8 (4) a description of the requirements, to include
9 infrastructure and installations, communications,
10 and logistics necessary to improve response effective-
11 ness to support military and civilian operations des-
12 ignated in paragraph (2).

13 (e) DESIGNATION OF STRATEGIC ARCTIC PORTS.—

14 (1) DESIGNATION CRITERIA AND RECOMMENDA-
15 TIONS.—Upon completion of the report required
16 under subsection (c), the Secretary of Defense, in
17 consultation with the Chairman of the Joint Chiefs
18 of Staff, the Commanding General of the United
19 States Army Corps of Engineers, the Commandant
20 of the Coast Guard, the Administrator of the Mari-
21 time Administration, shall—

22 (A) establish criteria for the designation of
23 a port as a “Department of Defense Strategic
24 Arctic Port”; and

1 (B) if the report required under subsection
2 (c) includes a determination that one or more
3 strategic Arctic ports are necessary to fulfill fu-
4 ture security requirements in the Arctic, not
5 later than 18 months after the date of the com-
6 pletion of the report, submit to the congres-
7 sional defense committees recommendations for
8 the designation of one or more ports as Depart-
9 ment of Defense Strategic Arctic Ports.

10 (2) COST ESTIMATES.—The recommendations
11 submitted under paragraph (1)(B) shall include the
12 estimated cost of sufficient construction necessary to
13 initiate and sustain expected operations at the ports
14 designated as Department of Defense Strategic Arc-
15 tic Ports.

16 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion may be construed to authorize any additional appro-
18 priations for the Department of Defense for the establish-
19 ment of any port recommended pursuant to this section.

20 **SEC. 1096. RECOVERY OF EXCESS RIFLES, AMMUNITION,**
21 **AND PARTS GRANTED TO FOREIGN COUN-**
22 **TRIES AND TRANSFER TO CERTAIN PERSONS.**

23 (a) RECOVERY.—Subchapter II of chapter 407 of
24 title 36, United States Code, is amended by inserting after
25 section 40728A the following new section:

1 **“§ 40728B. Recovery of excess rifles, ammunition, and**
2 **parts granted to foreign countries and**
3 **transfer to certain persons**

4 “(a) **AUTHORITY TO RECOVER.**—(1) Subject to para-
5 graph (2) and subsection (b), the Secretary of the Army
6 may acquire from any person any rifle, ammunition, repair
7 parts, or other supplies described in section 40731(a) of
8 this title which were—

9 “(A) provided to any country on a grant basis
10 under the conditions imposed by section 505 of the
11 Foreign Assistance Act of 1961 (22 U.S.C. 2314)
12 that became excess to the needs of such country;
13 and

14 “(B) lawfully acquired by such person.

15 “(2) The Secretary of the Army may not acquire any-
16 thing under paragraph (1) except for transfer to a person
17 in the United States under subsection (c).

18 “(3) The Secretary of the Army may accept rifles,
19 ammunition, repair parts, or other supplies under para-
20 graph (1) notwithstanding section 1342 of title 31.

21 “(b) **COST OF RECOVERY.**—The Secretary of the
22 Army may not acquire anything under subsection (a) if
23 the United States would incur any cost for such acquisi-
24 tion.

25 “(c) **AVAILABILITY FOR TRANSFER.**—Any rifles, am-
26 muniton, repair parts, or supplies acquired under sub-

1 section (a) shall be available for transfer in the United
2 States to the person from whom acquired if such person—

3 “(1) is licensed as a manufacturer, importer, or
4 dealer pursuant to section 923(a) of title 18; and

5 “(2) uses an ammunition depot of the Army
6 that is an eligible facility for receipt of any rifles,
7 ammunition, repair parts, or supplies under this
8 paragraph.

9 “(d) MARKET VALUE.—The Secretary of the Army
10 may only transfer an item under subsection (c) if the Sec-
11 retary receives fair market value for the item.

12 “(e) CONTRACTS.—Notwithstanding subsection (k) of
13 section 2304 of title 10, the Secretary may enter into such
14 contracts or cooperative agreements on a sole source basis
15 pursuant to paragraphs (4) and (5) of subsection (c) of
16 such section to carry out this section.

17 “(f) AECA.—Transfers authorized under this section
18 may only be made in accordance with applicable provisions
19 of the Arms Export Control Act (22 U.S.C. 2778).

20 “(g) RIFLE DEFINED.—In this section, the term
21 ‘rifle’ has the meaning given such term in section 921 of
22 title 18.”

23 (b) SALE.—Section 40732 of such title is amended—

24 (1) by adding at the end the following new sub-
25 section:

1 “(d) SALES BY OTHER PERSONS.—A person who re-
2 ceives a rifle or any ammunition, repair parts, or supplies
3 under section 40728B(c) of this title may sell, at fair mar-
4 ket value, such rifle, ammunition, repair parts, or supplies.
5 With respect to rifles other than caliber .22 rimfire and
6 caliber .30 rifles, the seller shall obtain a license as a deal-
7 er in rifles and abide by all requirements imposed on per-
8 sons licensed under chapter 44 of title 18, including main-
9 taining acquisition and disposition records, and con-
10 ducting background checks.”; and

11 (2) in subsection (c)(1), by striking “The cor-
12 poration may not” and inserting “No person acquir-
13 ing a firearm under this chapter may”.

14 (c) CLERICAL AMENDMENT.—The table of sections
15 at the beginning of chapter 407 of such title is amended
16 by inserting after the item relating to section 40728A the
17 following new item:

 “40728B. Recovery of excess rifles, ammunition, and parts granted to foreign
 countries and transfer to certain persons.”.

18 (d) REPORT.—

19 (1) REPORT REQUIRED.—Not later than 180
20 days after the date of the enactment of this Act, the
21 Secretary of the Army shall submit to the Com-
22 mittee on Armed Services and the Committee on
23 Foreign Relations of the Senate and the Committee
24 on Armed Services and the Committee on Foreign

1 Affairs of the House of Representatives a report on
2 the acquisition and transfer of excess rifles, ammu-
3 nition, repair parts, and other supplies described in
4 section 40731(a) of title 36, United States Code,
5 that were provided to a country on a grant basis
6 under the conditions imposed by section 505 of the
7 Foreign Assistance Act of 1961. The report shall in-
8 clude each of the following:

9 (A) A list of excess rifles, ammunition, re-
10 pair parts, and other supplies known to the
11 United States Army as eligible for transfer
12 under section 40731(a) of title 36, United
13 States Code.

14 (B) An assessment of whether and how the
15 Secretary of the Army intends to use the au-
16 thorities under section 40728B of title 36,
17 United States Code, as added by this section.

18 (C) Any other issue that the Secretary of
19 the Army considers appropriate.

20 (2) PROHIBITION ON TRANSFERS PENDING
21 SUBMITTAL OF REPORT.—No rifle, ammunition, re-
22 pair part, or supplies acquired under section
23 40728B(a) of title 36, United States Code, may be
24 transferred until the date that is 90 days after the

1 date of the submittal of the report required under
2 paragraph (1).

3 **TITLE XI—CIVILIAN PERSONNEL**
4 **MATTERS**

Subtitle A—Department of Defense Matters Generally

- Sec. 1101. Civilian personnel management.
- Sec. 1102. Repeal of requirement for annual strategic workforce plan for the Department of Defense.
- Sec. 1103. Training for employment personnel of Department of Defense on matters relating to authorities for recruitment and retention at United States Cyber Command.
- Sec. 1104. Public-private talent exchange.
- Sec. 1105. Temporary and term appointments in the competitive service in the Department of Defense.
- Sec. 1106. Direct-hire authority for the Department of Defense for post-secondary students and recent graduates.
- Sec. 1107. Temporary increase in maximum amount of voluntary separation incentive pay authorized for civilian employees of the Department of Defense.
- Sec. 1108. Extension of rate of overtime pay for Department of the Navy employees performing work aboard or dockside in support of the nuclear-powered aircraft carrier forward deployed in Japan.
- Sec. 1109. Limitation on number of DOD SES positions.
- Sec. 1110. Direct hire authority for financial management experts in the Department of Defense workforce.
- Sec. 1111. Repeal of certain basis for appointment of a retired member of the Armed Forces to Department of Defense position within 180 days of retirement.

Subtitle B—Department of Defense Science and Technology Laboratories and Related Matters

- Sec. 1121. Permanent personnel management authority for the Department of Defense for experts in science and engineering.
- Sec. 1122. Codification and modification of certain authorities for certain positions at Department of Defense research and engineering laboratories.
- Sec. 1123. Modification to information technology personnel exchange program.
- Sec. 1124. Pilot program on enhanced pay authority for certain research and technology positions in the science and technology reinvention laboratories of the Department of Defense.
- Sec. 1125. Temporary direct hire authority for domestic defense industrial base facilities, the Major Range and Test Facilities Base, and the Office of the Director of Operational Test and Evaluation.

Subtitle C—Governmentwide Matters

- Sec. 1131. Elimination of two-year eligibility limitation for noncompetitive appointment of spouses of members of the Armed Forces.

- Sec. 1132. Temporary personnel flexibilities for domestic defense industrial base facilities and Major Range and Test Facilities Base civilian personnel.
- Sec. 1133. One-year extension of temporary authority to grant allowances, benefits, and gratuities to civilian personnel on official duty in a combat zone.
- Sec. 1134. Advance payments for employees relocating within the United States and its territories.
- Sec. 1135. Eligibility of employees in a time-limited appointment to compete for a permanent appointment at any Federal agency.
- Sec. 1136. Review of official personnel file of former Federal employees before rehiring.
- Sec. 1137. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
- Sec. 1138. Administrative leave.
- Sec. 1139. Direct hiring for Federal wage schedule employees.
- Sec. 1140. Record of investigation of personnel action in separated employee's official personnel file.

1 **Subtitle A—Department of Defense**

2 **Matters Generally**

3 **SEC. 1101. CIVILIAN PERSONNEL MANAGEMENT.**

4 (a) MODIFICATION OF MANAGEMENT LIMITA-
5 TIONS.—Section 129 of title 10, United States Code, is
6 amended—

7 (1) in subsection (a)—

8 (A) in the first sentence, by striking “sole-
9 ly”;

10 (B) in the second sentence—

11 (i) by striking “The management of
12 such personnel in any fiscal year shall not
13 be subject to any” and inserting “Any”;
14 and

15 (ii) by inserting before the period the
16 following: “shall be developed on the basis

1 of those factors and shall be subject to ad-
2 justment solely for reasons of changed cir-
3 cumstances”; and

4 (C) in the third sentence, by striking “un-
5 less such reduction” and all that follows and in-
6 serting “except in accordance with the require-
7 ments of this section and section 129a of this
8 title.”;

9 (2) by striking subsections (b), (c), (e), and (f);

10 (3) by redesignating subsection (d) as sub-
11 section (b); and

12 (4) by adding at the end the following new sub-
13 section (c):

14 “(c)(1) Not later than February 1 of each year—

15 “(A) the Secretary of Defense shall submit to
16 the congressional defense committees a report on the
17 management of the civilian workforce of the Office
18 of the Secretary of Defense and the Defense Agen-
19 cies and Field Activities; and

20 “(B) the Secretary of each military department
21 shall submit to the congressional defense committees
22 a report on the management of the civilian
23 workforces under the jurisdiction of such Secretary.

1 “(2) Each report under paragraph (1) shall contain,
2 with respect to the civilian workforce under the jurisdic-
3 tion of the official submitting the report, the following:

4 “(A) An assessment of the projected size of
5 such civilian workforce in the current year and for
6 each year in the future-years defense program.

7 “(B) If the projected size of such civilian work-
8 force has changed from the previous year’s projected
9 size, an explanation of the reasons for the increase
10 or decrease from the previous projection, including
11 an explanation of any efforts that have been taken
12 to identify offsetting reductions and avoid unneces-
13 sary overall growth in the size of the civilian work-
14 force.

15 “(C) In the case of a transfer of functions be-
16 tween military, civilian, and contractor workforces,
17 an explanation of the reasons for the transfer and
18 the steps that have been taken to control the overall
19 cost of the function to the Department.”.

20 (b) CONFORMING AMENDMENTS.—

21 (1) SECTION HEADING.—The heading of such
22 section is amended to read as follows:

23 “§ 129. Civilian personnel management”.

24 (2) CLERICAL AMENDMENT.—The item relating
25 to such section in the table of sections at the begin-

1 ning of chapter 3 of such title is amended to read
2 as follows:

“129. Civilian personnel management.”.

3 **SEC. 1102. REPEAL OF REQUIREMENT FOR ANNUAL STRA-**
4 **TEGIC WORKFORCE PLAN FOR THE DEPART-**
5 **MENT OF DEFENSE.**

6 (a) REPEAL.—Section 115b of title 10, United States
7 Code, is repealed.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of chapter 2 of such title is amended by
10 striking the item relating to section 115b.

11 **SEC. 1103. TRAINING FOR EMPLOYMENT PERSONNEL OF**
12 **DEPARTMENT OF DEFENSE ON MATTERS RE-**
13 **LATING TO AUTHORITIES FOR RECRUITMENT**
14 **AND RETENTION AT UNITED STATES CYBER**
15 **COMMAND.**

16 (a) TRAINING REQUIRED.—Section 1599f of title 10,
17 United States Code, is amended—

18 (1) by redesignating subsections (f), (g), (h),
19 (i), and (j) as subsections (g), (h), (i), (j), and (k),
20 respectively; and

21 (2) by inserting after subsection (e) the fol-
22 lowing new subsection (f):

23 “(f) TRAINING.—(1) The Secretary shall provide
24 training to covered personnel on hiring and pay matters
25 relating to authorities under this section.

1 “(2) For purposes of this subsection, covered per-
2 sonnel are employees of the Department who—

3 “(A) carry out functions relating to—

4 “(i) the management of human resources
5 and the civilian workforce of the Department;
6 or

7 “(ii) the writing of guidance for the imple-
8 mentation of authorities regarding hiring and
9 pay under this section; or

10 “(B) are employed in supervisory positions or
11 have responsibilities relating to the hiring of individ-
12 uals for positions in the Department and to whom
13 the Secretary intends to delegate authority under
14 this section.”.

15 (b) REPORTS.—

16 (1) INITIAL REPORT.—Not later than 180 days
17 after the date of the enactment of this Act, the Sec-
18 retary of Defense shall submit to the appropriate
19 committees of Congress (as defined in section 1599f
20 of title 10, United States Code) a report on the
21 training the Secretary intends to provide to each of
22 the employees described in subsection (f)(2) of such
23 section (as added by subsection (a) of this section)
24 and the frequency with which the Secretary intends
25 to provide such training.

1 (2) ONGOING REPORTS.—Subsection (h)(2)(E)
2 of such section, as redesignated by subsection (a)(1)
3 of this section, is amended by striking “supervisors
4 of employees in qualified positions at the Depart-
5 ment on the use of the new authorities” and insert-
6 ing “employees described in subsection (f)(2) on the
7 use of authorities under this section”.

8 **SEC. 1104. PUBLIC-PRIVATE TALENT EXCHANGE.**

9 (a) AUTHORITY.—Chapter 81 of title 10, United
10 States Code, is amended by adding at the end the fol-
11 lowing new section:

12 **“§ 1599g. Public-private talent exchange**

13 “(a) ASSIGNMENT AUTHORITY.—Under regulations
14 prescribed by the Secretary of Defense, the Secretary may,
15 with the agreement of a private-sector organization and
16 the consent of the employee, arrange for the temporary
17 assignment of an employee to such private-sector organi-
18 zation, or from such private-sector organization to a De-
19 partment of Defense organization under this section.

20 “(b) AGREEMENTS.—(1) The Secretary of Defense
21 shall provide for a written agreement among the Depart-
22 ment of Defense, the private-sector organization, and the
23 employee concerned regarding the terms and conditions of
24 the employee’s assignment under this section. The agree-
25 ment—

1 “(A) shall require that the employee of the De-
2 partment of Defense, upon completion of the assign-
3 ment, will serve in the Department of Defense, or
4 elsewhere in the civil service if approved by the Sec-
5 retary, for a period equal to twice the length of the
6 assignment;

7 “(B) shall provide that if the employee of the
8 Department of Defense or of the private-sector orga-
9 nization (as the case may be) fails to carry out the
10 agreement, such employee shall be liable to the
11 United States for payment of all expenses of the as-
12 signment, unless that failure was for good and suffi-
13 cient reason, as determined by the Secretary of De-
14 fense; and

15 “(C) shall contain language ensuring that such
16 employee of the Department does not improperly use
17 pre-decisional or draft deliberative information that
18 such employee may be privy to or aware of related
19 to Department programing, budgeting, resourcing,
20 acquisition, or procurement for the benefit or advan-
21 tage of the private-sector organization.

22 “(2) An amount for which an employee is liable under
23 paragraph (1) shall be treated as a debt due the United
24 States.

1 “(3) The Secretary may waive, in whole or in part,
2 collection of a debt described in paragraph (2) based on
3 a determination that the collection would be against equity
4 and good conscience and not in the best interests of the
5 United States, after taking into account any indication of
6 fraud, misrepresentation, fault, or lack of good faith on
7 the part of the employee.

8 “(c) TERMINATION.—An assignment under this sec-
9 tion may, at any time and for any reason, be terminated
10 by the Department of Defense or the private-sector orga-
11 nization concerned.

12 “(d) DURATION.—(1) An assignment under this sec-
13 tion shall be for a period of not less than three months
14 and not more than two years, renewable up to a total of
15 four years. No employee of the Department of Defense
16 may be assigned under this section for more than a total
17 of 4 years inclusive of all such assignments.

18 “(2) An assignment under this section may be for a
19 period in excess of two years, but not more than four
20 years, if the Secretary determines that such assignment
21 is necessary to meet critical mission or program require-
22 ments.

23 “(e) STATUS OF FEDERAL EMPLOYEES ASSIGNED TO
24 PRIVATE-SECTOR ORGANIZATIONS.—(1) An employee of
25 the Department of Defense who is assigned to a private-

1 sector organization under this section shall be considered,
2 during the period of assignment, to be on detail to a reg-
3 ular work assignment in the Department for all purposes.
4 The written agreement established under subsection (b)(1)
5 shall address the specific terms and conditions related to
6 the employee's continued status as a Federal employee.

7 “(2) In establishing a temporary assignment of an
8 employee of the Department of Defense to a private-sector
9 organization, the Secretary of Defense shall—

10 “(A) ensure that the normal duties and func-
11 tions of such employee can be reasonably performed
12 by other employees of the Department of Defense
13 without the transfer or reassignment of other per-
14 sonnel of the Department of Defense, including
15 members of the armed forces;

16 “(B) ensure that the normal duties and func-
17 tions of such employees are not, as a result of and
18 during the course of such temporary assignment,
19 performed or augmented by contractor personnel in
20 violation of the provisions of section 2461 of this
21 title; and

22 “(C) certify that the temporary assignment of
23 such employee shall not have an adverse or negative
24 impact on mission attainment, warfighter support,

1 or organizational capabilities associated with the as-
2 signment.

3 “(f) TERMS AND CONDITIONS FOR PRIVATE-SECTOR
4 EMPLOYEES.—An employee of a private-sector organiza-
5 tion who is assigned to a Department of Defense organiza-
6 tion under this section—

7 “(1) shall continue to receive pay and benefits
8 from the private-sector organization from which such
9 employee is assigned and shall not receive pay or
10 benefits from the Department of Defense, except as
11 provided in paragraph (2);

12 “(2) is deemed to be an employee of the De-
13 partment of Defense for the purposes of—

14 “(A) chapters 73 and 81 of title 5;

15 “(B) sections 201, 203, 205, 207, 208,
16 209, 603, 606, 607, 643, 654, 1905, and 1913
17 of title 18;

18 “(C) sections 1343, 1344, and 1349(b) of
19 title 31;

20 “(D) the Federal Tort Claims Act and any
21 other Federal tort liability statute;

22 “(E) the Ethics in Government Act of
23 1978; and

24 “(F) chapter 21 of title 41;

1 “(3) shall not have access to any trade secrets
2 or to any other nonpublic information which is of
3 commercial value to the private-sector organization
4 from which such employee is assigned;

5 “(4) may perform work that is considered in-
6 herently governmental in nature only when requested
7 in writing by the Secretary of Defense; and

8 “(5) may not be used to circumvent the provi-
9 sion of section 2461 of this title nor to circumvent
10 any limitation or restriction on the size of the De-
11 partment’s workforce.

12 “(g) PROHIBITION AGAINST CHARGING CERTAIN
13 COSTS TO THE FEDERAL GOVERNMENT.—A private-sec-
14 tor organization may not charge the Department or any
15 other agency of the Federal Government, as direct or indi-
16 rect costs under a Federal contract, the costs of pay or
17 benefits paid by the organization to an employee assigned
18 to a Department organization under this section for the
19 period of the assignment.

20 “(h) CONSIDERATIONS.—In carrying out this section,
21 the Secretary of Defense—

22 “(1) shall ensure that, of the assignments made
23 under this section each year, at least 20 percent are
24 from small business concerns (as defined by section
25 3703(e)(2)(A) of title 5);

1 “(2) shall take into consideration the question
2 of how assignments under this section might best be
3 used to help meet the needs of the Department of
4 Defense with respect to the training of employees;
5 and

6 “(3) shall take into consideration, where appli-
7 cable, areas of particular private sector expertise,
8 such as cybersecurity.”.

9 (b) TABLE OF SECTIONS AMENDMENT.—The table of
10 sections at the beginning of such chapter is amended by
11 adding at the end the following new item:

“1599g. Public-private talent exchange.”.

12 **SEC. 1105. TEMPORARY AND TERM APPOINTMENTS IN THE**
13 **COMPETITIVE SERVICE IN THE DEPARTMENT**
14 **OF DEFENSE.**

15 (a) APPOINTMENT.—

16 (1) IN GENERAL.—The Secretary of Defense
17 may make a temporary appointment or a term ap-
18 pointment in the Department when the need for the
19 services of an employee in the Department is not
20 permanent.

21 (2) EXTENSION.—The Secretary may extend a
22 temporary appointment or a term appointment made
23 under paragraph (1).

24 (b) APPOINTMENTS FOR CRITICAL HIRING NEEDS.—

1 (1) IN GENERAL.—If there is a critical hiring
2 need, the Secretary of Defense may make a non-
3 competitive temporary appointment or a noncompeti-
4 tive term appointment in the Department of De-
5 fense, without regard to the requirements of sections
6 3327 and 3330 of title 5, United States Code, for
7 a period that is not more than 18 months.

8 (2) NO EXTENSION AVAILABLE.—An appoint-
9 ment made under paragraph (1) may not be ex-
10 tended.

11 (c) REGULATIONS.—The Secretary may prescribe
12 regulations to carry out this section.

13 (d) DEFINITIONS.—In this section:

14 (1) The term “temporary appointment” means
15 the appointment of an employee in the competitive
16 service for a period that is not more than one year.

17 (2) The term “term appointment” means the
18 appointment of an employee in the competitive serv-
19 ice for a period that is more than one year and not
20 more than five years, unless the Secretary of De-
21 fense, before the appointment of the employee, au-
22 thorizes a longer period.

1 **SEC. 1106. DIRECT-HIRE AUTHORITY FOR THE DEPART-**
2 **MENT OF DEFENSE FOR POST-SECONDARY**
3 **STUDENTS AND RECENT GRADUATES.**

4 (a) **HIRING AUTHORITY.**—Without regard to sections
5 3309 through 3318, 3327, and 3330 of title 5, United
6 States Code, the Secretary of Defense may recruit and ap-
7 point qualified recent graduates and current post-sec-
8 ondary students to competitive service positions in profes-
9 sional and administrative occupations within the Depart-
10 ment of Defense.

11 (b) **LIMITATION ON APPOINTMENTS.**—Subject to
12 subsection (c)(2), the total number of employees appointed
13 by the Secretary under subsection (a) during a fiscal year
14 may not exceed the number equal to 15 percent of the
15 number of hires made into professional and administrative
16 occupations of the Department at the GS–11 level and
17 below (or equivalent) under competitive examining proce-
18 dures during the previous fiscal year.

19 (c) **REGULATIONS.**—

20 (1) **IN GENERAL.**—The Secretary shall admin-
21 ister this section in accordance with regulations pre-
22 scribed by the Secretary for purposes of this section.

23 (2) **LOWER LIMIT ON APPOINTMENTS.**—The
24 regulations may establish a lower limit on the num-
25 ber of individuals appointable under subsection (a)
26 during a fiscal year than is otherwise provided for

1 under subsection (b), based on such factors as the
2 Secretary considers appropriate.

3 (3) PUBLIC NOTICE AND ADVERTISING.—To the
4 extent practical, as determined by the Secretary, the
5 Secretary shall publicly advertise positions available
6 under this section. In carrying out the preceding
7 sentence, the Secretary shall—

8 (A) take into account merit system prin-
9 ciples, mission requirements, costs, and organi-
10 zational benefits of any advertising of positions;
11 and

12 (B) advertise such positions in the manner
13 the Secretary determines is most likely to pro-
14 vide diverse and qualified candidates and ensure
15 potential applicants have appropriate informa-
16 tion relevant to the positions available.

17 (d) SUNSET.—The authority provided under this sec-
18 tion shall terminate on September 30, 2021.

19 (e) DEFINITIONS.—In this section:

20 (1) The term “current post-secondary student”
21 means a person who—

22 (A) is currently enrolled in, and in good
23 academic standing at, a full-time program at an
24 institution of higher education;

1 (B) is making satisfactory progress toward
2 receipt of a baccalaureate or graduate degree;
3 and

4 (C) has completed at least one year of the
5 program.

6 (2) The term “institution of higher education”
7 has the meaning given the term in section 101 of the
8 Higher Education Act of 1965 (20 U.S.C. 1001).

9 (3) The term “recent graduate”, with respect to
10 appointment of a person under this section, means
11 a person who was awarded a degree by an institu-
12 tion of higher education not more than two years be-
13 fore the date of the appointment of such person, ex-
14 cept that in the case of a person who has completed
15 a period of obligated service in a uniformed service
16 of more than four years, such term means a person
17 who was awarded a degree by an institution of high-
18 er education not more than four years before the
19 date of the appointment of such person.

20 **SEC. 1107. TEMPORARY INCREASE IN MAXIMUM AMOUNT**
21 **OF VOLUNTARY SEPARATION INCENTIVE PAY**
22 **AUTHORIZED FOR CIVILIAN EMPLOYEES OF**
23 **THE DEPARTMENT OF DEFENSE.**

24 During the period beginning on the date of enactment
25 of this Act and ending on September 30, 2018, section

1 9902(f)(5)(A)(ii) of title 5, United States Code, shall be
2 applied by substituting “an amount determined by the
3 Secretary, not to exceed \$40,000” for “\$25,000”.

4 **SEC. 1108. EXTENSION OF RATE OF OVERTIME PAY FOR DE-**
5 **PARTMENT OF THE NAVY EMPLOYEES PER-**
6 **FORMING WORK ABOARD OR DOCKSIDE IN**
7 **SUPPORT OF THE NUCLEAR-POWERED AIR-**
8 **CRAFT CARRIER FORWARD DEPLOYED IN**
9 **JAPAN.**

10 Section 5542(a)(6)(B) of title 5, United States Code,
11 is amended by striking “September 30, 2017” and insert-
12 ing “September 30, 2018”.

13 **SEC. 1109. LIMITATION ON NUMBER OF DOD SES POSI-**
14 **TIONS.**

15 (a) **LIMITATION ON NUMBER OF DOD SES POSI-**
16 **TIONS.—**

17 (1) **IN GENERAL.—**Not later than December 31,
18 2022, the total number of Senior Executive Service
19 positions authorized under section 3133 of title 5,
20 United States Code, for the Department of Defense
21 may not exceed 1,260.

22 (2) **HIGHLY QUALIFIED EXPERTS.—**Of the total
23 number of positions authorized under paragraph (1),
24 not more than 200 of such positions may be occu-

1 pied by an individual appointed under the authority
2 provided in section 9903 of such title.

3 (b) PLAN TO ACHIEVE REQUIRED LIMITATION.—

4 (1) IN GENERAL.—The Secretary of Defense
5 shall develop a plan to achieve the limitation re-
6 quired by subsection (a) that includes—

7 (A) the distribution of Senior Executive
8 Service positions across the Office of the Sec-
9 retary of Defense, the Joint Staff, the Military
10 Departments, the Defense Agencies and Field
11 Activities, the unified and specified combatant
12 commands, and other key elements of the De-
13 partment of Defense;

14 (B) the by-year reductions to Senior Exec-
15 utive Service positions consistent with the dis-
16 tribution required under subparagraph (A); and

17 (C) recommendations for any legislative ac-
18 tion that may be necessary for personnel man-
19 agement and shaping authorities to achieve the
20 required limitation.

21 (2) SUBMISSION OF PLAN.—Not less than one
22 year after the date of the enactment of this Act, the
23 Secretary of Defense shall submit to the Committees
24 on Armed Services of the Senate and the House of

1 Representatives a report setting forth the plan devel-
2 oped under paragraph (1).

3 (3) PROGRESS REPORTS.—The Secretary of De-
4 fense shall provide to the Committees on Armed
5 Services of the Senate and the House of Representa-
6 tives semi-annual progress report briefings describ-
7 ing and assessing the progress of the Secretary in
8 implementing the plan developed under paragraph
9 (1).

10 (c) CONFORMING AMENDMENT.—Section 3133(c) of
11 title 5, United States Code, is amended by adding at the
12 end the following new sentence: “Beginning in 2023, the
13 number of such positions authorized under the preceding
14 sentence for the Department of Defense may not exceed
15 the limitation provided in section 1109 of the National De-
16 fense Authorization Act for Fiscal Year 2017.”.

17 (d) DEFINITION OF SENIOR EXECUTIVE SERVICE
18 POSITION.—In this section, the term “Senior Executive
19 Service position” has the meaning given such term in sec-
20 tion 3132(a)(2) of title 5, United States Code.

21 **SEC. 1110. DIRECT HIRE AUTHORITY FOR FINANCIAL MAN-**
22 **AGEMENT EXPERTS IN THE DEPARTMENT OF**
23 **DEFENSE WORKFORCE.**

24 (a) AUTHORITY.—Each Secretary concerned may ap-
25 point qualified candidates possessing a finance, account-

1 ing, management, or actuarial science degree, or a related
2 degree or equivalent experience, to positions specified in
3 subsection (c) for the Defense Agencies or the applicable
4 military department without regard to the provisions of
5 subchapter I of chapter 33 of title 5, United States Code.

6 (b) SECRETARY CONCERNED.—For purposes of this
7 section, the Secretary concerned is as follows:

8 (1) The Secretary of Defense with respect to
9 the Defense Agencies.

10 (2) The Secretary of a military department with
11 respect to such military department.

12 (c) POSITIONS.—The positions specified in this sub-
13 section are the positions within the Department of De-
14 fense workforce as follows:

15 (1) Financial management positions.

16 (2) Accounting positions.

17 (3) Auditing positions.

18 (4) Actuarial positions.

19 (5) Cost estimation positions.

20 (6) Operational research positions.

21 (7) Business and business administration posi-
22 tions.

23 (d) LIMITATION.—Authority under this section may
24 not, in any calendar year and with respect to any Defense
25 Agency or military department, be exercised with respect

1 to a number of candidates greater than the number equal
2 to 10 percent of the total number of the financial manage-
3 ment, accounting, auditing, and actuarial positions within
4 the financial management workforce of such Defense
5 Agency or military department that are filled as of the
6 close of the fiscal year last ending before the start of such
7 calendar year.

8 (e) NATURE OF APPOINTMENT.—Any appointment
9 under this section shall be treated as an appointment on
10 a full-time equivalent basis, unless such appointment is
11 made on a term or temporary basis.

12 (f) EMPLOYEE DEFINED.—In this section, the term
13 “employee” has the meaning given that term in section
14 2105 of title 5, United States Code.

15 (g) TERMINATION.—The authority to make appoint-
16 ments under this section shall not be available after De-
17 cember 31, 2022.

18 **SEC. 1111. REPEAL OF CERTAIN BASIS FOR APPOINTMENT**
19 **OF A RETIRED MEMBER OF THE ARMED**
20 **FORCES TO DEPARTMENT OF DEFENSE POSI-**
21 **TION WITHIN 180 DAYS OF RETIREMENT.**

22 Section 3326(b) of title 5, United States Code, is
23 amended—

24 (1) in paragraph (1), by adding “or” at the
25 end;

1 (2) in paragraph (2), by striking “; or” and in-
2 serting a period; and

3 (3) by striking paragraph (3).

4 **Subtitle B—Department of Defense**
5 **Science and Technology Labora-**
6 **tories and Related Matters**

7 **SEC. 1121. PERMANENT PERSONNEL MANAGEMENT AU-**
8 **THORITY FOR THE DEPARTMENT OF DE-**
9 **FENSE FOR EXPERTS IN SCIENCE AND ENGI-**
10 **NEERING.**

11 (a) PERMANENT PERSONNEL MANAGEMENT AU-
12 THORITY.—

13 (1) IN GENERAL.—Chapter 81 of title 10,
14 United States Code, as amended by section 1104 of
15 this Act, is further amended by adding at the end
16 the following new section:

17 **“§ 1599h. Personnel management authority to attract**
18 **experts in science and engineering**

19 **“(a) PROGRAMS AUTHORIZED.—**

20 **“(1) LABORATORIES OF THE MILITARY DE-**
21 **PARTMENTS.—**The Secretary of Defense may carry
22 out a program of personnel management authority
23 provided in subsection (b) in order to facilitate re-
24 cruitment of eminent experts in science or engineer-
25 ing for such laboratories of the military departments

1 as the Secretary shall designate for purposes of the
2 program for research and development projects of
3 such laboratories.

4 “(2) DARPA.—The Director of the Defense
5 Advanced Research Projects Agency may carry out
6 a program of personnel management authority pro-
7 vided in subsection (b) in order to facilitate recruit-
8 ment of eminent experts in science or engineering
9 for research and development projects and to en-
10 hance the administration and management of the
11 Agency.

12 “(3) DOTE.—The Director of the Office of
13 Operational Test and Evaluation may carry out a
14 program of personnel management authority pro-
15 vided in subsection (b) in order to facilitate recruit-
16 ment of eminent experts in science or engineering to
17 support operational test and evaluation missions of
18 the Office.

19 “(b) PERSONNEL MANAGEMENT AUTHORITY.—
20 Under a program under subsection (a), the official respon-
21 sible for administration of the program may—

22 “(1) without regard to any provision of title 5
23 governing the appointment of employees in the civil
24 service—

1 “(A) in the case of the laboratories of the
2 military departments designated pursuant to
3 subsection (a)(1), appoint scientists and engi-
4 neers to a total of not more than 40 scientific
5 and engineering positions in such laboratories;

6 “(B) in the case of the Defense Advanced
7 Research Projects Agency, appoint individuals
8 to a total of not more than 100 positions in the
9 Agency, of which not more than 5 such posi-
10 tions may be positions of administration or
11 management of the Agency; and

12 “(C) in the case of the Office of Oper-
13 ational Test and Evaluation, appoint scientists
14 and engineers to a total of not more than 10
15 scientific and engineering positions in the Of-
16 fice;

17 “(2) notwithstanding any provision of title 5
18 governing the rates of pay or classification of em-
19 ployees in the executive branch, prescribe the rates
20 of basic pay for positions to which employees are ap-
21 pointed under paragraph (1)—

22 “(A) in the case of employees appointed
23 pursuant to paragraph (1)(B) to any of 5 posi-
24 tions designated by the Director of the Defense
25 Advanced Research Projects Agency for pur-

1 poses of this subparagraph, at rates not in ex-
2 cess of a rate equal to 150 percent of the max-
3 imum rate of basic pay authorized for positions
4 at Level I of the Executive Schedule under sec-
5 tion 5312 of title 5; and

6 “(B) in the case of any other employee ap-
7 pointed pursuant to paragraph (1), at rates not
8 in excess of the maximum rate of basic pay au-
9 thorized for senior-level positions under section
10 5376 of title 5; and

11 “(3) pay any employee appointed under para-
12 graph (1), other than an employee appointed to a
13 position designated as described in paragraph
14 (2)(A), payments in addition to basic pay within the
15 limit applicable to the employee under subsection
16 (d).

17 “(c) LIMITATION ON TERM OF APPOINTMENT.—

18 “(1) IN GENERAL.—Except as provided in para-
19 graph (2), the service of an employee under an ap-
20 pointment under subsection (b)(1) may not exceed
21 four years.

22 “(2) EXTENSION.—The official responsible for
23 the administration of a program under subsection
24 (a) may, in the case of a particular employee under
25 the program, extend the period to which service is

1 limited under paragraph (1) by up to two years if
2 the official determines that such action is necessary
3 to promote the efficiency of a laboratory of a mili-
4 tary department, the Defense Advanced Research
5 Projects Agency, or the Office of Operational Test
6 and Evaluation, as applicable.

7 “(d) MAXIMUM AMOUNT OF ADDITIONAL PAYMENTS
8 PAYABLE.—Notwithstanding any other provision of this
9 section or section 5307 of title 5, no additional payments
10 may be paid to an employee under subsection (b)(3) in
11 any calendar year if, or to the extent that, the employee’s
12 total annual compensation in such calendar year will ex-
13 ceed the maximum amount of total annual compensation
14 payable at the salary set in accordance with section 104
15 of title 3.”.

16 (2) CLERICAL AMENDMENT.—The table of sec-
17 tions at the beginning of chapter 81 of such title, as
18 so amended, is further amended by adding at the
19 end the following new item:

“1599h. Personnel management authority to attract experts in science and engi-
neering.”.

20 (b) REPEAL OF SUPERSEDED AUTHORITY.—Section
21 1101 of the Strom Thurmond National Defense Author-
22 ization Act for Fiscal Year 1999 (Public Law 105–261;
23 5 U.S.C. 3104 note) is repealed.

1 (c) APPLICABILITY OF PERSONNEL MANAGEMENT
2 AUTHORITY TO PERSONNEL CURRENTLY EMPLOYED
3 UNDER SUPERSEDED AUTHORITY.—

4 (1) IN GENERAL.—Any individual employed as
5 of the date of the enactment of this Act under sec-
6 tion 1101(b)(1) of the Strom Thurmond National
7 Defense Authorization Act for Fiscal Year 1999 (5
8 U.S.C. 3104 note) (as in effect on the day before
9 such date) shall remain employed under section
10 1599h of title 10, United States Code (as added by
11 subsection (a)), after such date in accordance with
12 such section 1599h and the applicable program car-
13 ried out under such section 1599h.

14 (2) DATE OF APPOINTMENT.—For purposes of
15 subsection (c) of section 1599h of title 10, United
16 States Code (as so added), the date of the appoint-
17 ment of any employee who remains employed as de-
18 scribed in paragraph (1) shall be the date of the ap-
19 pointment of such employee under section
20 1101(b)(1) of the Strom Thurmond National De-
21 fense Authorization Act for Fiscal Year 1999 (5
22 U.S.C. 3104 note) (as so in effect).

1 **SEC. 1122. CODIFICATION AND MODIFICATION OF CERTAIN**
2 **AUTHORITIES FOR CERTAIN POSITIONS AT**
3 **DEPARTMENT OF DEFENSE RESEARCH AND**
4 **ENGINEERING LABORATORIES.**

5 (a) CODIFICATION.—

6 (1) IN GENERAL.—Chapter 139 of title 10,
7 United States Code, is amended by inserting after
8 section 2358 the following new section:

9 **“§ 2358a. Authorities for certain positions at science**
10 **and technology reinvention laboratories**

11 **“(a) AUTHORITY TO MAKE DIRECT APPOINT-**
12 **MENTS.—**

13 **“(1) CANDIDATES FOR SCIENTIFIC AND ENGI-**
14 **NEERING POSITIONS AT SCIENCE AND TECHNOLOGY**
15 **REINVENTION LABORATORIES.—**The director of any
16 Science and Technology Reinvention Laboratory
17 (hereinafter in this section referred to as an
18 ‘STRL’) may appoint qualified candidates pos-
19 sessed a bachelor’s degree to positions described in
20 paragraph (1) of subsection (b) as an employee in
21 a laboratory described in that paragraph without re-
22 gard to the provisions of subchapter I of chapter 33
23 of title 5 (other than sections 3303 and 3328 of
24 such title).

25 **“(2) VETERAN CANDIDATES FOR SIMILAR POSI-**
26 **TIONS AT RESEARCH AND ENGINEERING FACILI-**

1 TIES.—The director of any STRL may appoint
2 qualified veteran candidates to positions described in
3 paragraph (2) of subsection (b) as an employee at
4 a laboratory, agency, or organization specified in
5 that paragraph without regard to the provisions of
6 subchapter I of chapter 33 of title 5.

7 “(3) STUDENTS ENROLLED IN SCIENTIFIC AND
8 ENGINEERING PROGRAMS.—The director of any
9 STRL may appoint qualified candidates enrolled in
10 a program of undergraduate or graduate instruction
11 leading to a bachelor’s or an advanced degree in a
12 scientific, technical, engineering or mathematical
13 course of study at an institution of higher education
14 (as that term is defined in sections 101 and 102 of
15 the Higher Education Act of 1965 (20 U.S.C. 1001,
16 1002)) to positions described in paragraph (3) of
17 subsection (b) as an employee in a laboratory de-
18 scribed in that paragraph without regard to the pro-
19 visions of subchapter I of chapter 33 of title 5 (other
20 than sections 3303 and 3328 of such title).

21 “(4) NONCOMPETITIVE CONVERSION TO PERMA-
22 NENT APPOINTMENT.—With respect to any student
23 appointed by the director of an STRL under para-
24 graph (3) to a temporary or term appointment, upon
25 graduation from the applicable institution of higher

1 education (as defined in such paragraph), the direc-
2 tor may noncompetitively convert such student to a
3 permanent appointment within the STRL without
4 regard to the provisions of subchapter I of chapter
5 33 of title 5 (other than sections 3303 and 3328 of
6 such title), provided the student meets all eligibility
7 and Office of Personnel Management qualification
8 requirements for the position.

9 “(b) COVERED POSITIONS.—

10 “(1) CANDIDATES FOR SCIENTIFIC AND ENGI-
11 NEERING POSITIONS.—The positions described in
12 this paragraph are scientific and engineering posi-
13 tions that may be temporary, term, or permanent in
14 any laboratory designated by section 1105(a) of the
15 National Defense Authorization Act for Fiscal Year
16 2010 (Public Law 111–84; 10 U.S.C. 2358 note) as
17 a Department of Defense science and technology re-
18 invention laboratory.

19 “(2) QUALIFIED VETERAN CANDIDATES.—The
20 positions described in this paragraph are scientific,
21 technical, engineering, and mathematics positions,
22 including technicians, in the following:

23 “(A) Any laboratory referred to in para-
24 graph (1).

1 “(B) Any other Department of Defense re-
2 search and engineering agency or organization
3 designated by the Secretary for purposes of
4 subsection (a)(2).

5 “(3) CANDIDATES ENROLLED IN SCIENTIFIC
6 AND ENGINEERING PROGRAMS.—The positions de-
7 scribed in this paragraph are scientific and engineer-
8 ing positions that may be temporary or term in any
9 laboratory designated by section 1105(a) of the Na-
10 tional Defense Authorization Act for Fiscal Year
11 2010 (Public Law 111–84; 10 U.S.C. 2358 note) as
12 a Department of Defense science and technology re-
13 invention laboratory.

14 “(c) LIMITATION ON NUMBER OF APPOINTMENTS
15 ALLOWABLE IN A CALENDAR YEAR.—The authority
16 under subsection (a) may not, in any calendar year and
17 with respect to any laboratory, agency, or organization de-
18 scribed in subsection (b), be exercised with respect to a
19 number of candidates greater than the following:

20 “(1) In the case of a laboratory described in
21 subsection (b)(1), with respect to appointment au-
22 thority under subsection (a)(1), the number equal to
23 6 percent of the total number of scientific and engi-
24 neering positions in such laboratory that are filled as

1 of the close of the fiscal year last ending before the
2 start of such calendar year.

3 “(2) In the case of a laboratory, agency, or or-
4 ganization described in subsection (b)(2), with re-
5 spect to appointment authority under subsection
6 (a)(2), the number equal to 3 percent of the total
7 number of scientific, technical, engineering, mathe-
8 matics, and technician positions in such laboratory,
9 agency, or organization that are filled as of the close
10 of the fiscal year last ending before the start of such
11 calendar year.

12 “(3) In the case of a laboratory described in
13 subsection (b)(3), with respect to appointment au-
14 thority under subsection (a)(3), the number equal to
15 10 percent of the total number of scientific and en-
16 gineering positions in such laboratory that are filled
17 as of the close of the fiscal year last ending before
18 the start of such calendar year.

19 “(d) SENIOR SCIENTIFIC TECHNICAL MANAGERS.—

20 “(1) ESTABLISHMENT.—There is hereby estab-
21 lished in each STRL a category of senior profes-
22 sional scientific and technical positions, the incum-
23 bents of which shall be designated as ‘senior sci-
24 entific technical managers’ and which shall be posi-
25 tions classified above GS–15 of the General Sched-

1 ule, notwithstanding section 5108(a) of title 5. The
2 primary functions of such positions shall be—

3 “(A) to engage in research and develop-
4 ment in the physical, biological, medical, or en-
5 gineering sciences, or another field closely re-
6 lated to the mission of such STRL; and

7 “(B) to carry out technical supervisory re-
8 sponsibilities.

9 “(2) APPOINTMENTS.—The positions described
10 in paragraph (1) may be filled, and shall be man-
11 aged, by the director of the STRL involved, under
12 criteria established pursuant to section 342(b) of the
13 National Defense Authorization Act for Fiscal Year
14 1995 (Public Law 103–337; 10 U.S.C. 2358 note),
15 relating to personnel demonstration projects at lab-
16 oratories of the Department of Defense, except that
17 the director of the laboratory involved shall deter-
18 mine the number of such positions at such labora-
19 tory, not to exceed 2 percent of the number of sci-
20 entists and engineers employed at such laboratory as
21 of the close of the last fiscal year before the fiscal
22 year in which any appointments subject to that nu-
23 merical limitation are made.

24 “(e) EXCLUSION FROM PERSONNEL LIMITATIONS.—

1 “(1) IN GENERAL.—The director of an STRL
2 shall manage the workforce strength, structure, posi-
3 tions, and compensation of such STRL—

4 “(A) without regard to any limitation on
5 appointments, positions, or funding with respect
6 to such STRL, subject to subparagraph (B);
7 and

8 “(B) in a manner consistent with the
9 budget available with respect to such STRL.

10 “(2) EXCEPTIONS.—Paragraph (1) shall not
11 apply to Senior Executive Service positions (as de-
12 fined in section 3132(a) of title 5) or scientific and
13 professional positions authorized under section 3104
14 of such title.

15 “(f) DEFINITIONS.—In this section:

16 “(1) The term ‘employee’ has the meaning
17 given that term in section 2105 of title 5.

18 “(2) The term ‘veteran’ has the meaning given
19 that term in section 101 of title 38.”.

20 “(2) CLERICAL AMENDMENT.—The table of sec-
21 tions at the beginning of chapter 139 of such title
22 is amended by inserting after the item relating to
23 section 2358 the following new item:

“2358a. Authorities for certain positions at science and technology reinvention
laboratories.”.

1 (b) REPEAL OF SUPERSEDED SECTION.—Section
2 1107 of the National Defense Authorization Act for Fiscal
3 Year 2014 (10 U.S.C. 2358 note) is hereby repealed.

4 **SEC. 1123. MODIFICATION TO INFORMATION TECHNOLOGY**
5 **PERSONNEL EXCHANGE PROGRAM.**

6 Section 1110 of the National Defense Authorization
7 Act for Fiscal Year 2010 (Public Law 111–84; 5 U.S.C.
8 3702 note) is amended—

9 (1) in the section heading, by inserting
10 **“CYBER AND”** before **“INFORMATION”**.

11 (2) in subsections (a)(1)(A), (a)(1)(C), and
12 (g)(2), by inserting “cyber operations or” before “in-
13 formation”;

14 (3) in subsection (d), by striking “2018” and
15 inserting “2022”;

16 (4) in subsection (g)(1), by inserting “to or”
17 before “from”; and

18 (5) in subsection (h), by striking “10” and in-
19 serting “50”.

1 **SEC. 1124. PILOT PROGRAM ON ENHANCED PAY AUTHOR-**
2 **ITY FOR CERTAIN RESEARCH AND TECH-**
3 **NOLOGY POSITIONS IN THE SCIENCE AND**
4 **TECHNOLOGY REINVENTION LABORATORIES**
5 **OF THE DEPARTMENT OF DEFENSE.**

6 (a) PILOT PROGRAM AUTHORIZED.—The Secretary
7 of Defense may carry out a pilot program to assess the
8 feasibility and advisability of using the pay authority spec-
9 ified in subsection (d) to fix the rate of basic pay for posi-
10 tions described in subsection (c) in order to assist the mili-
11 tary departments in attracting and retaining high quality
12 acquisition and technology experts in positions responsible
13 for managing and performing complex, high-cost research
14 and technology development efforts in the science and
15 technology reinvention laboratories of the Department of
16 Defense.

17 (b) APPROVAL REQUIRED.—The pilot program may
18 be carried out in a military department only with the ap-
19 proval of the Service Acquisition Executive of the military
20 department concerned.

21 (c) POSITIONS.—The positions described in this sub-
22 section are positions in the science and technology reinven-
23 tion laboratories of the Department of Defense that—

24 (1) require expertise of an extremely high level
25 in a scientific, technical, professional, or acquisition
26 management field; and

1 (2) are critical to the successful accomplishment
2 of an important research or technology development
3 mission.

4 (d) RATE OF BASIC PAY.—The pay authority speci-
5 fied in this subsection is authority as follows:

6 (1) Authority to fix the rate of basic pay for a
7 position at a rate not to exceed 150 percent of the
8 rate of basic pay payable for level I of the Executive
9 Schedule, upon the approval of the Service Acquisi-
10 tion Executive concerned.

11 (2) Authority to fix the rate of basic pay for a
12 position at a rate in excess of 150 percent of the
13 rate of basic pay payable for level I of the Executive
14 Schedule, upon the approval of the Secretary of the
15 military department concerned.

16 (e) LIMITATIONS.—

17 (1) IN GENERAL.—The authority in subsection
18 (a) may be used only to the extent necessary to com-
19 petitively recruit or retain individuals exceptionally
20 well qualified for positions described in subsection
21 (c).

22 (2) NUMBER OF POSITIONS.—The authority in
23 subsection (a) may not be used with respect to more
24 than five positions in each military department at
25 any one time.

1 (3) TERM OF POSITIONS.—The authority in
2 subsection (a) may be used only for positions having
3 a term of less than five years.

4 (f) TERMINATION.—

5 (1) IN GENERAL.—The authority to fix rates of
6 basic pay for a position under this section shall ter-
7 minate on October 1, 2021.

8 (2) CONTINUATION OF PAY.—Nothing in para-
9 graph (1) shall be construed to prohibit the payment
10 after October 1, 2021, of basic pay at rates fixed
11 under this section before that date for positions hav-
12 ing terms that continue after that date.

13 (g) SCIENCE AND TECHNOLOGY REINVENTION LAB-
14 ORATORIES OF THE DEPARTMENT OF DEFENSE DE-
15 FINED.—In this section, the term “science and technology
16 reinvention laboratories of the Department of Defense”
17 means the laboratories designated as science and tech-
18 nology reinvention laboratories by section 1105(a) of the
19 National Defense Authorization Act for Fiscal Year 2010
20 (10 U.S.C. 2358 note).

1 **SEC. 1125. TEMPORARY DIRECT HIRE AUTHORITY FOR DO-**
2 **MESTIC DEFENSE INDUSTRIAL BASE FACILI-**
3 **TIES, THE MAJOR RANGE AND TEST FACILI-**
4 **TIES BASE, AND THE OFFICE OF THE DIREC-**
5 **TOR OF OPERATIONAL TEST AND EVALUA-**
6 **TION.**

7 (a) DEFENSE INDUSTRIAL BASE FACILITY AND
8 MRTFB.—During fiscal years 2017 and 2018, the Sec-
9 retary of Defense may appoint, without regard to the pro-
10 visions of subchapter I of chapter 33 of title 5, United
11 States Code, other than sections 3303 and 3328 of such
12 title, qualified candidates to positions in the competitive
13 service at any defense industrial base facility or the Major
14 Range and Test Facilities Base.

15 (b) OFFICE OF THE DIRECTOR OF OPERATIONAL
16 TEST AND EVALUATION.—During fiscal years 2017
17 through 2021, the Secretary of Defense may, acting
18 through the Director of Operational Test and Evaluation,
19 appoint qualified candidates possessing an advanced de-
20 gree to scientific and engineering positions within the Of-
21 fice of the Director of Operational Test and Evaluation
22 without regard to the provisions of subchapter I of chapter
23 33 of title 5, United States Code, other than sections 3303
24 and 3328 of such title.

25 (c) DEFINITION OF DEFENSE INDUSTRIAL BASE FA-
26 CILITY.—In this section, the term “defense industrial base

1 facility” means any Department of Defense depot, arsenal,
2 or shipyard located within the United States.

3 **Subtitle C—Governmentwide**
4 **Matters**

5 **SEC. 1131. ELIMINATION OF TWO-YEAR ELIGIBILITY LIMI-**
6 **TATION FOR NONCOMPETITIVE APPOINT-**
7 **MENT OF SPOUSES OF MEMBERS OF THE**
8 **ARMED FORCES.**

9 Section 3330d(e) of title 5, United States Code, is
10 amended by adding at the end the following new para-
11 graph:

12 “(3) NO TIME LIMITATION ON APPOINTMENT.—
13 A relocating spouse of a member of the Armed
14 Forces remains eligible for noncompetitive appoint-
15 ment under this section for the duration of the
16 spouse’s relocation to the permanent duty station of
17 the member.”.

18 **SEC. 1132. TEMPORARY PERSONNEL FLEXIBILITIES FOR**
19 **DOMESTIC DEFENSE INDUSTRIAL BASE FA-**
20 **CILITIES AND MAJOR RANGE AND TEST FA-**
21 **CILITIES BASE CIVILIAN PERSONNEL.**

22 (a) IN GENERAL.—Notwithstanding chapter 33 of
23 title 5, United States Code, or any other provision of law
24 relating to the examination, certification, and appointment
25 of individuals in the competitive service, during fiscal

1 years 2017 and 2018, an employee of a defense industrial
2 base facility or the Major Range and Test Facilities Base
3 serving under a time-limited appointment in the competi-
4 tive service is eligible to compete for a permanent appoint-
5 ment in the competitive service at (A) any such facility,
6 Base, or any other component of the Department of De-
7 fense when such facility, Base, or component (as the case
8 may be) is accepting applications from individuals within
9 the facility, Base, or component's workforce under merit
10 promotion procedures, or (B) any agency when the agency
11 is accepting applications from individuals outside its own
12 workforce under merit promotion procedures of the appli-
13 cable agency, if—

14 (1) the employee was appointed initially under
15 open, competitive examination under subchapter I of
16 chapter 33 of such title to the time-limited appoint-
17 ment;

18 (2) the employee has served under 1 or more
19 time-limited appointments by a defense industrial
20 base facility or the Major Range and Test Facilities
21 Base for a period or periods totaling more than 24
22 months without a break of 2 or more years; and

23 (3) the employee's performance has been at an
24 acceptable level of performance throughout the pe-

1 riod or periods (as the case may be) referred to in
2 paragraph (2).

3 (b) **WAIVER OF AGE REQUIREMENT.**—In deter-
4 mining the eligibility of a time-limited employee under this
5 section to be examined for or appointed in the competitive
6 service, the Office of Personnel Management or other ex-
7 aminging agency shall waive requirements as to age, unless
8 the requirement is essential to the performance of the du-
9 ties of the position.

10 (c) **STATUS.**—An individual appointed under this sec-
11 tion—

12 (1) becomes a career-conditional employee, un-
13 less the employee has otherwise completed the serv-
14 ice requirements for career tenure; and

15 (2) acquires competitive status upon appoint-
16 ment.

17 (d) **FORMER EMPLOYEES.**—A former employee of a
18 defense industrial base facility or the Major Range and
19 Test Facilities Base who served under a time-limited ap-
20 pointment and who otherwise meets the requirements of
21 this section shall be deemed a time-limited employee for
22 purposes of this section if—

23 (1) such employee applies for a position covered
24 by this section within the period of 2 years after the
25 most recent date of separation; and

1 (2) such employee's most recent separation was
2 for reasons other than misconduct or performance.

3 (e) **BENEFITS.**—Any employee of a defense industrial
4 base facility or the Major Range and Test Facilities Base
5 serving under a time-limited appointment in the competi-
6 tive service shall be provided with benefits that are com-
7 parable to the benefits provided to similar employees not
8 serving under time-limited appointments at the defense in-
9 dustrial base facility or the Major Range and Test Facili-
10 ties Base concerned, including professional development
11 opportunities, eligibility for awards programs, and des-
12 ignation as status applicants for purposes of eligibility for
13 positions in the civil service.

14 (f) **DEFINITION OF DEFENSE INDUSTRIAL BASE FA-**
15 **CILITY.**—In this section, the term “defense industrial base
16 facility” means any Department of Defense depot, arsenal,
17 or shipyard located within the United States.

18 **SEC. 1133. ONE-YEAR EXTENSION OF TEMPORARY AUTHOR-**
19 **ITY TO GRANT ALLOWANCES, BENEFITS, AND**
20 **GRATUITIES TO CIVILIAN PERSONNEL ON OF-**
21 **FICIAL DUTY IN A COMBAT ZONE.**

22 Paragraph (2) of section 1603(a) of the Emergency
23 Supplemental Appropriations Act for Defense, the Global
24 War on Terror, and Hurricane Recovery, 2006 (Public
25 Law 109–234; 120 Stat. 443), as added by section 1102

1 of the Duncan Hunter National Defense Authorization
2 Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat.
3 4616) and as most recently amended by section 1102 of
4 the National Defense Authorization Act for Fiscal Year
5 2016 (Public Law 114–92; 129 Stat. 1022), is further
6 amended by striking “2017” and inserting “2018”.

7 **SEC. 1134. ADVANCE PAYMENTS FOR EMPLOYEES RELO-**
8 **CATING WITHIN THE UNITED STATES AND ITS**
9 **TERRITORIES.**

10 (a) IN GENERAL.—Subsection (a) of section 5524a
11 of title 5, United States Code, is amended—

12 (1) by striking “(a) The head” and inserting
13 “(a)(1) The head”; and

14 (2) by adding at the end the following:

15 “(2) The head of each agency may provide for
16 the advance payment of basic pay, covering not more
17 than 4 pay periods, to an employee who is assigned
18 to a position in the agency that is located—

19 “(A) outside of the employee’s commuting
20 area; and

21 “(B) in the United States, the Common-
22 wealth of Puerto Rico, the Commonwealth of
23 the Northern Mariana Islands, or any territory
24 or possession of the United States.”.

1 (b) CONFORMING AMENDMENTS.—Subsection (b) of
2 such section is amended—

3 (1) in paragraph (1), by inserting “or assigned”
4 after “appointed”; and

5 (2) in paragraph (2)(B)—

6 (A) by inserting “or assignment” after
7 “appointment”; and

8 (B) by inserting “or assigned” after “ap-
9 pointed”.

10 (c) CLERICAL AMENDMENTS.—

11 (1) SECTION HEADING.—The heading of such
12 section is amended by inserting “**and employees**
13 **relocating within the United States and**
14 **its territories**” after “**appointees**”.

15 (2) TABLE OF SECTIONS.—The item relating to
16 such section in the table of sections of chapter 55
17 of such title is amended to read as follows:

“5524a. Advance payments for new appointees and employees relocating within
the United States and its territories.”.

18 **SEC. 1135. ELIGIBILITY OF EMPLOYEES IN A TIME-LIMITED**
19 **APPOINTMENT TO COMPETE FOR A PERMA-**
20 **NENT APPOINTMENT AT ANY FEDERAL AGEN-**
21 **CY.**

22 Section 9602 of title 5, United States Code, is
23 amended—

1 (1) in subsection (a) by striking “any land
2 management agency or any other agency (as defined
3 in section 101 of title 31) under the internal merit
4 promotion procedures of the applicable agency” and
5 inserting “such land management agency when such
6 agency is accepting applications from individuals
7 within the agency’s workforce under merit promotion
8 procedures, or any agency, including a land manage-
9 ment agency, when the agency is accepting applica-
10 tions from individuals outside its own workforce
11 under the merit promotion procedures of the appli-
12 cable agency”; and

13 (2) in subsection (d) by inserting “of the agen-
14 cy from which the former employee was most re-
15 cently separated” after “deemed a time-limited em-
16 ployee”.

17 **SEC. 1136. REVIEW OF OFFICIAL PERSONNEL FILE OF**
18 **FORMER FEDERAL EMPLOYEES BEFORE RE-**
19 **HIRING.**

20 (a) IN GENERAL.—Subchapter I of chapter 33 of title
21 5, United States Code, is amended by adding at the end
22 the following:

1 **“§ 3330e. Review of official personnel file of former**
2 **Federal employees before rehiring**

3 “(a) If a former Government employee is a candidate
4 for a position within the competitive service or the ex-
5 cepted service, prior to making any determination with re-
6 spect to the appointment or reinstatement of such em-
7 ployee to such position, the appointing authority shall re-
8 view and consider merit-based information relating to such
9 employee’s former period or periods of service such as offi-
10 cial personnel actions, employee performance ratings, and
11 disciplinary actions, if any, in such employee’s official per-
12 sonnel record file.

13 “(b) In subsection (a), the term ‘former Government
14 employee’ means an individual whose most recent position
15 with the Government prior to becoming a candidate as de-
16 scribed under subsection (a) was within the competitive
17 service or the excepted service.

18 “(c) The Office of Personnel Management shall pre-
19 scribe regulations to carry out the purpose of this section.
20 Such regulations may not contain provisions that would
21 increase the time required for agency hiring actions.”.

22 (b) APPLICATION.—The amendment made by sub-
23 section (a) shall apply to any former Government em-
24 ployee (as described in section 3330e of title 5, United
25 States Code, as added by such subsection) appointed or

1 reinstated on or after the date that is 180 days after the
2 date of enactment of this Act.

3 (c) CLERICAL AMENDMENT.—The table of sections
4 of subchapter I of chapter 33 of title 5, United States
5 Code, is amended by adding at the end the following:

“3330e. Review of official personnel file of former Federal employees before re-
hiring.”.

6 **SEC. 1137. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE**
7 **ANNUAL LIMITATION ON PREMIUM PAY AND**
8 **AGGREGATE LIMITATION ON PAY FOR FED-**
9 **ERAL CIVILIAN EMPLOYEES WORKING OVER-**
10 **SEAS.**

11 Section 1101(a) of the Duncan Hunter National De-
12 fense Authorization Act for Fiscal Year 2009 (Public Law
13 110–417; 122 Stat. 4615), as most recently amended by
14 section 1108 of the National Defense Authorization Act
15 for Fiscal Year 2016 (Public Law 114–92; 129 Stat.
16 1027), is further amended by striking “through 2016”
17 and inserting “through 2017”.

18 **SEC. 1138. ADMINISTRATIVE LEAVE.**

19 (a) SHORT TITLE.—This section may be cited as the
20 “Administrative Leave Act of 2016”.

21 (b) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that—

23 (1) agency use of administrative leave, and
24 leave that is referred to incorrectly as administrative

1 leave in agency recording practices, has exceeded
2 reasonable amounts—

3 (A) in contravention of—

4 (i) established precedent of the Comp-
5 troller General of the United States; and

6 (ii) guidance provided by the Office of
7 Personnel Management; and

8 (B) resulting in significant cost to the
9 Federal Government;

10 (2) administrative leave should be used spar-
11 ingly;

12 (3) prior to the use of paid leave to address
13 personnel issues, an agency should consider other ac-
14 tions, including—

15 (A) temporary reassignment; and

16 (B) transfer;

17 (4) an agency should prioritize and expedi-
18 tiously conclude an investigation in which an em-
19 ployee is placed in administrative leave so that, not
20 later than the conclusion of the leave period—

21 (A) the employee is returned to duty sta-
22 tus; or

23 (B) an appropriate personnel action is
24 taken with respect to the employee;

1 (5) data show that there are too many examples
2 of employees placed in administrative leave for 6
3 months or longer, leaving the employees without any
4 available recourse to—

5 (A) return to duty status; or

6 (B) challenge the decision of the agency;

7 (6) an agency should ensure accurate and con-
8 sistent recording of the use of administrative leave
9 so that administrative leave can be managed and
10 overseen effectively; and

11 (7) other forms of excused absence authorized
12 by law should be recorded separately from adminis-
13 trative leave, as defined by the amendments made by
14 this section.

15 (c) ADMINISTRATIVE LEAVE.—

16 (1) IN GENERAL.—Subchapter II of chapter 63
17 of title 5, United States Code, is amended by adding
18 at the end the following:

19 **“§ 6329a. Administrative leave**

20 “(a) DEFINITIONS.—In this section—

21 “(1) the term ‘administrative leave’ means
22 leave—

23 “(A) without loss of or reduction in—

24 “(i) pay;

1 “(ii) leave to which an employee is
2 otherwise entitled under law; or

3 “(iii) credit for time or service; and

4 “(B) that is not authorized under any
5 other provision of law;

6 “(2) the term ‘agency’—

7 “(A) means an Executive agency (as de-
8 fined in section 105 of this title);

9 “(B) includes the Department of Veterans
10 Affairs; and

11 “(C) does not include the Government Ac-
12 countability Office; and

13 “(3) the term ‘employee’—

14 “(A) has the meaning given the term in
15 section 2105; and

16 “(B) does not include an intermittent em-
17 ployee who does not have an established regular
18 tour of duty during the administrative work-
19 week.

20 “(b) ADMINISTRATIVE LEAVE.—

21 “(1) IN GENERAL.—During any calendar year,
22 an agency may place an employee in administrative
23 leave for a period of not more than a total of 10
24 work days.

1 “(2) RECORDS.—An agency shall record admin-
2 istrative leave separately from leave authorized
3 under any other provision of law.

4 “(c) REGULATIONS.—

5 “(1) OPM REGULATIONS.—Not later than 270
6 calendar days after the date of enactment of this
7 section, the Director of the Office of Personnel Man-
8 agement shall—

9 “(A) prescribe regulations to carry out this
10 section; and

11 “(B) prescribe regulations that provide
12 guidance to agencies regarding—

13 “(i) acceptable agency uses of admin-
14 istrative leave; and

15 “(ii) the proper recording of—

16 “(I) administrative leave; and

17 “(II) other leave authorized by
18 law.

19 “(2) AGENCY ACTION.—Not later than 270 cal-
20 endar days after the date on which the Director of
21 the Office of Personnel Management prescribes reg-
22 ulations under paragraph (1), each agency shall re-
23 vise and implement the internal policies of the agen-
24 cy to meet the requirements of this section.

1 “(d) RELATION TO OTHER LAWS.—Notwithstanding
2 subsection (a) of section 7421 of title 38, this section shall
3 apply to an employee described in subsection (b) of that
4 section.”.

5 (2) TECHNICAL AND CONFORMING AMEND-
6 MENT.—The table of sections for subchapter II of
7 chapter 63 of title 5, United States Code, is amend-
8 ed by inserting after the item relating to section
9 6329 the following:

“6329a. Administrative leave.”.

10 (d) INVESTIGATIVE LEAVE AND NOTICE LEAVE.—

11 (1) IN GENERAL.—Subchapter II of chapter 63
12 of title 5, United States Code, as amended by this
13 section, is further amended by adding at the end the
14 following:

15 **“§ 6329b. Investigative leave and notice leave**

16 “(a) DEFINITIONS.—In this section—

17 “(1) the term ‘agency’—

18 “(A) means an Executive agency (as de-
19 fined in section 105 of this title);

20 “(B) includes the Department of Veterans
21 Affairs; and

22 “(C) does not include the Government Ac-
23 countability Office;

24 “(2) the term ‘Chief Human Capital Officer’
25 means—

1 “(A) the Chief Human Capital Officer of
2 an agency designated or appointed under sec-
3 tion 1401; or

4 “(B) the equivalent;

5 “(3) the term ‘committees of jurisdiction’, with
6 respect to an agency, means each committee of the
7 Senate or House of Representatives with jurisdiction
8 over the agency;

9 “(4) the term ‘Director’ means the Director of
10 the Office of Personnel Management;

11 “(5) the term ‘employee’—

12 “(A) has the meaning given the term in
13 section 2105; and

14 “(B) does not include—

15 “(i) an intermittent employee who
16 does not have an established regular tour
17 of duty during the administrative work-
18 week; or

19 “(ii) the Inspector General of an
20 agency;

21 “(6) the term ‘investigative entity’ means—

22 “(A) an internal investigative unit of an
23 agency granting investigative leave under this
24 section;

1 “(B) the Office of Inspector General of an
2 agency granting investigative leave under this
3 section;

4 “(C) the Attorney General; and

5 “(D) the Office of Special Counsel;

6 “(7) the term ‘investigative leave’ means
7 leave—

8 “(A) without loss of or reduction in—

9 “(i) pay;

10 “(ii) leave to which an employee is
11 otherwise entitled under law; or

12 “(iii) credit for time or service;

13 “(B) that is not authorized under any
14 other provision of law; and

15 “(C) in which an employee who is the sub-
16 ject of an investigation is placed;

17 “(8) the term ‘notice leave’ means leave—

18 “(A) without loss of or reduction in—

19 “(i) pay;

20 “(ii) leave to which an employee is
21 otherwise entitled under law; or

22 “(iii) credit for time or service;

23 “(B) that is not authorized under any
24 other provision of law; and

1 “(C) in which an employee who is in a no-
2 tice period is placed; and

3 “(9) the term ‘notice period’ means a period be-
4 ginning on the date on which an employee is pro-
5 vided notice required under law of a proposed ad-
6 verse action against the employee and ending on the
7 date on which an agency may take the adverse ac-
8 tion.

9 “(b) LEAVE FOR EMPLOYEES UNDER INVESTIGA-
10 TION OR IN A NOTICE PERIOD.—

11 “(1) AUTHORITY.—An agency may, in accord-
12 ance with paragraph (2), place an employee in—

13 “(A) investigative leave if the employee is
14 the subject of an investigation;

15 “(B) notice leave if the employee is in a
16 notice period; or

17 “(C) notice leave following a placement in
18 investigative leave if, not later than the day
19 after the last day of the period of investigative
20 leave—

21 “(i) the agency proposes or initiates
22 an adverse action against the employee;
23 and

1 “(ii) the agency determines that the
2 employee continues to meet 1 or more of
3 the criteria described in paragraph (2)(A).

4 “(2) REQUIREMENTS.—An agency may place
5 an employee in leave under paragraph (1) only if the
6 agency has—

7 “(A) made a determination with respect to
8 the employee that the continued presence of the
9 employee in the workplace during an investiga-
10 tion of the employee or while the employee is in
11 a notice period, as applicable, may—

12 “(i) pose a threat to the employee or
13 others;

14 “(ii) result in the destruction of evi-
15 dence relevant to an investigation;

16 “(iii) result in loss of or damage to
17 Government property; or

18 “(iv) otherwise jeopardize legitimate
19 Government interests;

20 “(B) considered—

21 “(i) assigning the employee to duties
22 in which the employee no longer poses a
23 threat described in clauses (i) through (iv)
24 of subparagraph (A);

1 “(ii) allowing the employee to take
2 leave for which the employee is eligible;

3 “(iii) if the employee is absent from
4 duty without approved leave, carrying the
5 employee in absence without leave status;
6 and

7 “(iv) for an employee subject to a no-
8 tice period, curtailing the notice period if
9 there is reasonable cause to believe the em-
10 ployee has committed a crime for which a
11 sentence of imprisonment may be imposed;
12 and

13 “(C) determined that none of the available
14 options under clauses (i) through (iv) of sub-
15 paragraph (B) is appropriate.

16 “(3) DURATION OF LEAVE.—

17 “(A) INVESTIGATIVE LEAVE.—Upon the
18 expiration of the 10 work day period described
19 in section 6329a(b)(1) with respect to an em-
20 ployee, and if an agency determines that an ex-
21 tended investigation of the employee is nec-
22 essary, the agency may place the employee in
23 investigative leave for a period of not more than
24 30 work days.

1 “(B) NOTICE LEAVE.—Placement of an
2 employee in notice leave shall be for a period
3 not longer than the duration of the notice pe-
4 riod.

5 “(4) EXPLANATION OF LEAVE.—

6 “(A) IN GENERAL.—If an agency places an
7 employee in leave under this subsection, the
8 agency shall provide the employee a written ex-
9 planation of whether the employee was placed
10 in investigative leave or notice leave.

11 “(B) EXPLANATION.—The written notice
12 under subparagraph (A) shall describe the limi-
13 tations of the leave placement, including—

14 “(i) the applicable limitations under
15 paragraph (3); and

16 “(ii) in the case of a placement in in-
17 vestigative leave, an explanation that, at
18 the conclusion of the period of leave, the
19 agency shall take an action under para-
20 graph (5).

21 “(5) AGENCY ACTION.—Not later than the day
22 after the last day of a period of investigative leave
23 for an employee under paragraph (1), an agency
24 shall—

1 “(A) return the employee to regular duty
2 status;

3 “(B) take 1 or more of the actions under
4 clauses (i) through (iv) of paragraph (2)(B);

5 “(C) propose or initiate an adverse action
6 against the employee as provided under law; or

7 “(D) extend the period of investigative
8 leave under subsections (c) and (d).

9 “(6) RULE OF CONSTRUCTION.—Nothing in
10 paragraph (5) shall be construed to prevent the con-
11 tinued investigation of an employee, except that the
12 placement of an employee in investigative leave may
13 not be extended for that purpose except as provided
14 in subsections (c) and (d).

15 “(c) INITIAL EXTENSION OF INVESTIGATIVE
16 LEAVE.—

17 “(1) IN GENERAL.—Subject to paragraph (4),
18 if the Chief Human Capital Officer of an agency, or
19 the designee of the Chief Human Capital Officer,
20 approves such an extension after consulting with the
21 investigator responsible for conducting the investiga-
22 tion to which an employee is subject, the agency may
23 extend the period of investigative leave for the em-
24 ployee under subsection (b) for not more than 30
25 work days.

1 “(2) MAXIMUM NUMBER OF EXTENSIONS.—The
2 total period of additional investigative leave for an
3 employee under paragraph (1) may not exceed 90
4 work days.

5 “(3) DESIGNATION GUIDANCE.—Not later than
6 270 days after the date of enactment of this section,
7 the Chief Human Capital Officers Council shall
8 issue guidance to ensure that if the Chief Human
9 Capital Officer of an agency delegates the authority
10 to approve an extension under paragraph (1) to a
11 designee, the designee is at a sufficiently high level
12 within the agency to make an impartial and inde-
13 pendent determination regarding the extension.

14 “(4) EXTENSIONS FOR OIG EMPLOYEES.—

15 “(A) APPROVAL.—In the case of an em-
16 ployee of an Office of Inspector General—

17 “(i) the Inspector General or the des-
18 ignee of the Inspector General, rather than
19 the Chief Human Capital Officer or the
20 designee of the Chief Human Capital Offi-
21 cer, shall approve an extension of a period
22 of investigative leave for the employee
23 under paragraph (1); or

24 “(ii) at the request of the Inspector
25 General, the head of the agency within

1 which the Office of Inspector General is lo-
2 cated shall designate an official of the
3 agency to approve an extension of a period
4 of investigative leave for the employee
5 under paragraph (1).

6 “(B) GUIDANCE.—Not later than 270 cal-
7 endar days after the date of enactment of this
8 section, the Council of the Inspectors General
9 on Integrity and Efficiency shall issue guidance
10 to ensure that if the Inspector General or the
11 head of an agency, at the request of the Inspec-
12 tor General, delegates the authority to approve
13 an extension under subparagraph (A) to a des-
14 ignee, the designee is at a sufficiently high level
15 within the Office of Inspector General or the
16 agency, as applicable, to make an impartial and
17 independent determination regarding the exten-
18 sion.

19 “(d) FURTHER EXTENSION OF INVESTIGATIVE
20 LEAVE.—

21 “(1) REPORT.—After reaching the limit under
22 subsection (c)(2) and if an investigative entity sub-
23 mits a certification under paragraph (2) of this sub-
24 section, an agency may further extend a period of
25 investigative leave for an employee for periods of not

1 more than 30 work days each if, not later than 5
2 business days after granting each further extension,
3 the agency submits to the Committee on Homeland
4 Security and Governmental Affairs of the Senate
5 and the Committee on Oversight and Government
6 Reform of the House of Representatives, along with
7 any other committees of jurisdiction, a report con-
8 taining—

9 “(A) the title, position, office or agency
10 subcomponent, job series, pay grade, and salary
11 of the employee;

12 “(B) a description of the duties of the em-
13 ployee;

14 “(C) the reason the employee was placed in
15 investigative leave;

16 “(D) an explanation as to why—

17 “(i) the employee poses a threat de-
18 scribed in clauses (i) through (iv) of sub-
19 section (b)(2)(A); and

20 “(ii) the agency is not able to reassign
21 the employee to another position within the
22 agency;

23 “(E) in the case of an employee required
24 to telework under section 6502(c) during the
25 investigation of the employee—

1 “(i) the reasons that the agency re-
2 quired the employee to telework under that
3 section; and

4 “(ii) the duration of the teleworking
5 requirement;

6 “(F) the status of the investigation of the
7 employee;

8 “(G) the certification described in para-
9 graph (2); and

10 “(H) in the case of a completed investiga-
11 tion of the employee—

12 “(i) the results of the investigation;
13 and

14 “(ii) the reason that the employee re-
15 mains in investigative leave.

16 “(2) CERTIFICATION.—If, after an employee
17 has reached the limit under subsection (c)(2), an in-
18 vestigative entity determines that additional time is
19 needed to complete the investigation of the employee,
20 the investigative entity shall—

21 “(A) certify to the appropriate agency that
22 additional time is needed to complete the inves-
23 tigation of the employee; and

1 “(B) include in the certification an esti-
2 mate of the amount of time that is necessary to
3 complete the investigation of the employee.

4 “(3) NO EXTENSIONS AFTER COMPLETION OF
5 INVESTIGATION.—An agency may not further extend
6 a period of investigative leave of an employee under
7 paragraph (1) on or after the date that is 30 cal-
8 endar days after the completion of the investigation
9 of the employee by an investigative entity.

10 “(e) CONSULTATION GUIDANCE.—Not later than 270
11 calendar days after the date of enactment of this section,
12 the Council of the Inspectors General on Integrity and Ef-
13 ficiency, in consultation with the Attorney General and the
14 Special Counsel, shall issue guidance on best practices for
15 consultation between an investigator and an agency on the
16 need to place an employee in investigative leave during an
17 investigation of the employee, including during a criminal
18 investigation, because the continued presence of the em-
19 ployee in the workplace during the investigation may—

20 “(1) pose a threat to the employee or others;

21 “(2) result in the destruction of evidence rel-
22 evant to an investigation;

23 “(3) result in loss of or damage to Government
24 property; or

1 “(4) otherwise jeopardize legitimate Govern-
2 ment interests.

3 “(f) REPORTING AND RECORDS.—

4 “(1) IN GENERAL.—An agency shall keep a
5 record of the placement of an employee in investiga-
6 tive leave or notice leave by the agency, including—

7 “(A) the basis for the determination made
8 under subsection (b)(2)(A);

9 “(B) an explanation of why an action
10 under clauses (i) through (iv) of subsection
11 (b)(2)(B) was not appropriate;

12 “(C) the length of the period of leave;

13 “(D) the amount of salary paid to the em-
14 ployee during the period of leave;

15 “(E) the reasons for authorizing the leave,
16 including, if applicable, the recommendation
17 made by an investigator under subsection
18 (c)(1);

19 “(F) whether the employee is required to
20 telework under section 6502(c) during the in-
21 vestigation, including the reasons for requiring
22 the employee to telework; and

23 “(G) the action taken by the agency at the
24 end of the period of leave, including, if applica-
25 ble, the granting of any extension of a period

1 of investigative leave under subsection (c) or
2 (d).

3 “(2) AVAILABILITY OF RECORDS.—An agency
4 shall make a record kept under paragraph (1) avail-
5 able—

6 “(A) to any committee of jurisdiction,
7 upon request;

8 “(B) to the Office of Personnel Manage-
9 ment; and

10 “(C) as otherwise required by law, includ-
11 ing for the purposes of the Administrative
12 Leave Act of 2016 and the amendments made
13 by that Act.

14 “(g) RECOURSE TO THE OFFICE OF SPECIAL COUN-
15 SEL.—For purposes of subchapter II of chapter 12 and
16 section 1221, placement on investigative leave under sub-
17 section (b) of this section for a period of not less than
18 70 work days shall be considered a personnel action under
19 paragraph (8) or (9) of section 2302(b).

20 “(h) REGULATIONS.—

21 “(1) OPM ACTION.—Not later than 270 cal-
22 endar days after the date of enactment of this sec-
23 tion, the Director shall prescribe regulations to carry
24 out this section, including guidance to agencies re-
25 garding—

1 “(A) acceptable purposes for the use of—

2 “(i) investigative leave; and

3 “(ii) notice leave;

4 “(B) the proper recording of—

5 “(i) the leave categories described in
6 subparagraph (A); and

7 “(ii) other leave authorized by law;

8 “(C) baseline factors that an agency shall
9 consider when making a determination that the
10 continued presence of an employee in the work-
11 place may—

12 “(i) pose a threat to the employee or
13 others;

14 “(ii) result in the destruction of evi-
15 dence relevant to an investigation;

16 “(iii) result in loss or damage to Gov-
17 ernment property; or

18 “(iv) otherwise jeopardize legitimate
19 Government interests; and

20 “(D) procedures and criteria for the ap-
21 proval of an extension of a period of investiga-
22 tive leave under subsection (c) or (d).

23 “(2) AGENCY ACTION.—Not later than 270 cal-
24 endar days after the date on which the Director pre-
25 scribes regulations under paragraph (1), each agency

1 shall revise and implement the internal policies of
2 the agency to meet the requirements of this section.

3 “(i) RELATION TO OTHER LAWS.—Notwithstanding
4 subsection (a) of section 7421 of title 38, this section shall
5 apply to an employee described in subsection (b) of that
6 section.”.

7 (2) GAO REPORT.—Not later than 5 years
8 after the date of enactment of this Act, and every
9 5 years thereafter, the Comptroller General of the
10 United States shall submit to the Committee on
11 Homeland Security and Governmental Affairs of the
12 Senate and the Committee on Oversight and Govern-
13 ment Reform of the House of Representatives a re-
14 port on the results of an evaluation of the implemen-
15 tation of the authority provided under sections
16 6329a and 6329b of title 5, United States Code, as
17 added by subsection (c)(1) of this section and para-
18 graph (1) of this subsection, respectively, includ-
19 ing—

20 (A) the number of times that an agency,
21 under subsection (c)(1) of such section 6329b—

22 (i) consulted with the investigator re-
23 sponsible for conducting the investigation
24 to which an employee was subject with re-

1 spect to the decision of the agency to grant
2 an extension under that subsection; and

3 (ii) did not have a consultation de-
4 scribed in clause (i), including the reasons
5 that the agency failed to have such a con-
6 sultation;

7 (B) an assessment of the use of the au-
8 thority provided under subsection (d) of such
9 section 6329b by agencies, including data re-
10 garding the number and length of extensions
11 granted under that subsection;

12 (C) an assessment of the compliance with
13 the requirements of subsection (f) of such sec-
14 tion 6329b by agencies;

15 (D) a review of the practice of agency
16 placement of an employee in investigative or no-
17 tice leave under subsection (b) of such section
18 6329b because of a determination under sub-
19 section (b)(2)(A)(iv) of that section that the
20 employee jeopardized legitimate Government in-
21 terests, including the extent to which such de-
22 terminations were supported by evidence; and

23 (E) an assessment of the effectiveness of
24 subsection (g) of such section 6329b in pre-
25 venting and correcting the use of extended in-

1 vestigative leave as a tool of reprisal for making
2 a protected disclosure or engaging in protected
3 activity as described in paragraph (8) or (9) of
4 section 2302(b) of title 5, United States Code.

5 (3) TELEWORK.—Section 6502 of title 5,
6 United States Code, is amended by adding at the
7 end the following:

8 “(c) REQUIRED TELEWORK.—If an agency places an
9 employee in investigative leave under section 6329b, the
10 agency may require the employee to, through telework,
11 perform duties similar to the duties that the employee per-
12 forms on-site if—

13 “(1) the agency determines that such a require-
14 ment would not—

15 “(A) pose a threat to the employee or oth-
16 ers;

17 “(B) result in the destruction of evidence
18 relevant to an investigation;

19 “(C) result in the loss of or damage to
20 Government property; or

21 “(D) otherwise jeopardize legitimate Gov-
22 ernment interests;

23 “(2) the employee is eligible to telework under
24 subsections (a) and (b) of this section; and

1 “(3) the agency determines that it would be ap-
2 propriate for the employee to perform the duties of
3 the employee through telework.”.

4 (4) TECHNICAL AND CONFORMING AMEND-
5 MENT.—The table of sections for subchapter II of
6 chapter 63 of title 5, United States Code, is amend-
7 ed by inserting after the item relating to section
8 6329a, as added by this section, the following:

 “6329b. Investigative leave and notice leave.”.

9 (e) WEATHER AND SAFETY LEAVE.—

10 (1) IN GENERAL.—Subchapter II of chapter 63
11 of title 5, United States Code, as amended by this
12 section, is further amended by adding at the end the
13 following:

14 **“§ 6329c. Weather and safety leave**

15 “(a) DEFINITIONS.—In this section—

16 “(1) the term ‘agency’—

17 “(A) means an Executive agency (as de-
18 fined in section 105 of this title);

19 “(B) includes the Department of Veterans
20 Affairs; and

21 “(C) does not include the Government Ac-
22 countability Office; and

23 “(2) the term ‘employee’—

24 “(A) has the meaning given the term in
25 section 2105; and

1 “(B) does not include an intermittent em-
2 ployee who does not have an established regular
3 tour of duty during the administrative work-
4 week.

5 “(b) LEAVE FOR WEATHER AND SAFETY ISSUES.—
6 An agency may approve the provision of leave under this
7 section to an employee or a group of employees without
8 loss of or reduction in the pay of the employee or employ-
9 ees, leave to which the employee or employees are other-
10 wise entitled, or credit to the employee or employees for
11 time or service only if the employee or group of employees
12 is prevented from safely traveling to or performing work
13 at an approved location due to—

14 “(1) an act of God;

15 “(2) a terrorist attack; or

16 “(3) another condition that prevents the em-
17 ployee or group of employees from safely traveling to
18 or performing work at an approved location.

19 “(c) RECORDS.—An agency shall record leave pro-
20 vided under this section separately from leave authorized
21 under any other provision of law.

22 “(d) REGULATIONS.—Not later than 270 days after
23 the date of enactment of this section, the Director of the
24 Office of Personnel Management shall prescribe regula-
25 tions to carry out this section, including—

1 **SEC. 1140. RECORD OF INVESTIGATION OF PERSONNEL AC-**
2 **TION IN SEPARATED EMPLOYEE'S OFFICIAL**
3 **PERSONNEL FILE.**

4 (a) IN GENERAL.—Subchapter I of chapter 33 of title
5 5, United States Code, is amended by inserting after sec-
6 tion 3321 the following:

7 **“§ 3322. Voluntary separation before resolution of**
8 **personnel investigation**

9 “(a) With respect to any employee occupying a posi-
10 tion in the competitive service or the excepted service who
11 is the subject of a personnel investigation and resigns from
12 Government employment prior to the resolution of such
13 investigation, the head of the agency from which such em-
14 ployee so resigns shall, if an adverse finding was made
15 with respect to such employee pursuant to such investiga-
16 tion, make a permanent notation in the employee's official
17 personnel record file. The head shall make such notation
18 not later than 40 days after the date of the resolution of
19 such investigation.

20 “(b) Prior to making a permanent notation in an em-
21 ployee's official personnel record file under subsection (a),
22 the head of the agency shall—

23 “(1) notify the employee in writing within 5
24 days of the resolution of the investigation and pro-
25 vide such employee a copy of the adverse finding and
26 any supporting documentation;

1 “(2) provide the employee with a reasonable
2 time, but not less than 30 days, to respond in writ-
3 ing and to furnish affidavits and other documentary
4 evidence to show why the adverse finding was un-
5 founded (a summary of which shall be included in
6 any notation made to the employee’s personnel file
7 under subsection (d)); and

8 “(3) provide a written decision and the specific
9 reasons therefore to the employee at the earliest
10 practicable date.

11 “(c) An employee is entitled to appeal the decision
12 of the head of the agency to make a permanent notation
13 under subsection (a) to the Merit Systems Protection
14 Board under section 7701.

15 “(d)(1) If an employee files an appeal with the Merit
16 Systems Protection Board pursuant to subsection (c), the
17 agency head shall make a notation in the employee’s offi-
18 cial personnel record file indicating that an appeal dis-
19 puting the notation is pending not later than 2 weeks after
20 the date on which such appeal was filed.

21 “(2) If the head of the agency is the prevailing party
22 on appeal, not later than 2 weeks after the date that the
23 Board issues the appeal decision, the head of the agency
24 shall remove the notation made under paragraph (1) from
25 the employee’s official personnel record file.

1 “(3) If the employee is the prevailing party on appeal,
2 not later than 2 weeks after the date that the Board issues
3 the appeal decision, the head of the agency shall remove
4 the notation made under paragraph (1) and the notation
5 of an adverse finding made under subsection (a) from the
6 employee’s official personnel record file.

7 “(e) In this section, the term ‘personnel investigation’
8 includes—

9 “(1) an investigation by an Inspector General;
10 and

11 “(2) an adverse personnel action as a result of
12 performance, misconduct, or for such cause as will
13 promote the efficiency of the service under chapter
14 43 or chapter 75.”.

15 (b) APPLICATION.—The amendment made by sub-
16 section (a) shall apply to any employee described in section
17 3322 of title 5, United States Code, (as added by such
18 subsection) who leaves the service after the date of enact-
19 ment of this Act.

20 (c) CLERICAL AMENDMENT.—The table of sections
21 of subchapter I of chapter 33 of title 5, United States
22 Code, is amended by inserting after the item relating to
23 section 3321 the following:

 “3322. Voluntary separation before resolution of personnel investigation.”.

1 **TITLE XII—MATTERS RELATING**
2 **TO FOREIGN NATIONS**

Subtitle A—Assistance and Training

- Sec. 1201. One-year extension of logistical support for coalition forces supporting certain United States military operations.
- Sec. 1202. Special Defense Acquisition Fund matters.
- Sec. 1203. Codification of authority for support of special operations to combat terrorism.
- Sec. 1204. Independent evaluation of strategic framework for Department of Defense security cooperation.
- Sec. 1205. Sense of Congress regarding an assessment, monitoring, and evaluation framework for security cooperation.

Subtitle B—Matters Relating to Afghanistan and Pakistan

- Sec. 1211. Extension and modification of Commanders' Emergency Response Program.
- Sec. 1212. Extension of authority to acquire products and services produced in countries along a major route of supply to Afghanistan.
- Sec. 1213. Extension and modification of authority to transfer defense articles and provide defense services to the military and security forces of Afghanistan.
- Sec. 1214. Special immigrant status for certain Afghans.
- Sec. 1215. Modification to semiannual report on enhancing security and stability in Afghanistan.
- Sec. 1216. Prohibition on use of funds for certain programs and projects of the Department of Defense in Afghanistan that cannot be safely accessed by United States Government personnel.
- Sec. 1217. Improvement of oversight of United States Government efforts in Afghanistan.
- Sec. 1218. Extension and modification of authority for reimbursement of certain coalition nations for support provided to United States military operations.

Subtitle C—Matters Relating to Syria, Iraq, and Iran

- Sec. 1221. Modification and extension of authority to provide assistance to the vetted Syrian opposition.
- Sec. 1222. Modification and extension of authority to provide assistance to counter the Islamic State of Iraq and the Levant.
- Sec. 1223. Extension and modification of authority to support operations and activities of the Office of Security Cooperation in Iraq.
- Sec. 1224. Limitation on provision of man-portable air defense systems to the vetted Syrian opposition during fiscal year 2017.
- Sec. 1225. Modification of annual report on military power of Iran.
- Sec. 1226. Quarterly report on confirmed ballistic missile launches from Iran.

Subtitle D—Matters Relating to the Russian Federation

- Sec. 1231. Military response options to Russian Federation violation of INF Treaty.
- Sec. 1232. Limitation on military cooperation between the United States and the Russian Federation.

- Sec. 1233. Extension and modification of authority on training for Eastern European national military forces in the course of multilateral exercises.
- Sec. 1234. Prohibition on availability of funds relating to sovereignty of the Russian Federation over Crimea.
- Sec. 1235. Annual report on military and security developments involving the Russian Federation.
- Sec. 1236. Limitation on use of funds to vote to approve or otherwise adopt any implementing decision of the Open Skies Consultative Commission and related requirements.
- Sec. 1237. Extension and enhancement of Ukraine Security Assistance Initiative.
- Sec. 1238. Reports on INF Treaty and Open Skies Treaty.

Subtitle E—Reform of Department of Defense Security Cooperation

- Sec. 1241. Enactment of new chapter for defense security cooperation.
- Sec. 1242. Military-to-military exchanges.
- Sec. 1243. Consolidation and revision of authorities for payment of personnel expenses necessary for theater security cooperation.
- Sec. 1244. Transfer and revision of certain authorities on payment of expenses of training and exercises with friendly foreign forces.
- Sec. 1245. Transfer and revision of authority to provide operational support to forces of friendly foreign countries.
- Sec. 1246. Department of Defense State Partnership Program.
- Sec. 1247. Transfer of authority on Regional Defense Combating Terrorism Fellowship Program.
- Sec. 1248. Consolidation of authorities for service academy international engagement.
- Sec. 1249. Consolidated annual budget for security cooperation programs and activities of the Department of Defense.
- Sec. 1250. Department of Defense security cooperation workforce development.
- Sec. 1251. Reporting requirements.
- Sec. 1252. Quadrennial review of security sector assistance programs and authorities of the United States Government.
- Sec. 1253. Other conforming amendments and authority for administration.

Subtitle F—Human Rights Sanctions

- Sec. 1261. Short title.
- Sec. 1262. Definitions.
- Sec. 1263. Authorization of imposition of sanctions.
- Sec. 1264. Reports to Congress.
- Sec. 1265. Sunset.

Subtitle G—Miscellaneous Reports

- Sec. 1271. Modification of annual report on military and security developments involving the People's Republic of China.
- Sec. 1272. Monitoring and evaluation of overseas humanitarian, disaster, and civic aid programs of the Department of Defense.
- Sec. 1273. Strategy for United States defense interests in Africa.
- Sec. 1274. Report on the potential for cooperation between the United States and Israel on directed energy capabilities.
- Sec. 1275. Annual update of Department of Defense Freedom of Navigation Report.

Sec. 1276. Assessment of proliferation of certain remotely piloted aircraft systems.

Subtitle H—Other Matters

Sec. 1281. Enhancement of interagency support during contingency operations and transition periods.

Sec. 1282. Two-year extension and modification of authorization of non-conventional assisted recovery capabilities.

Sec. 1283. Authority to destroy certain specified World War II-era United States-origin chemical munitions located on San Jose Island, Republic of Panama.

Sec. 1284. Sense of Congress on military exchanges between the United States and Taiwan.

Sec. 1285. Limitation on availability of funds to implement the Arms Trade Treaty.

Sec. 1286. Prohibition on use of funds to invite, assist, or otherwise assure the participation of Cuba in certain joint or multilateral exercises.

Sec. 1287. Global Engagement Center.

Sec. 1288. Modification of United States International Broadcasting Act of 1994.

Sec. 1289. Redesignation of South China Sea Initiative.

Sec. 1290. Measures against persons involved in activities that violate arms control treaties or agreements with the United States.

Sec. 1291. Agreements with foreign governments to develop land-based water resources in support of and in preparation for contingency operations.

Sec. 1292. Enhancing defense and security cooperation with India.

Sec. 1293. Coordination of efforts to develop free trade agreements with sub-Saharan African countries.

Sec. 1294. Extension and expansion of authority to support border security operations of certain foreign countries.

Sec. 1295. Modification and clarification of United States-Israel anti-tunnel cooperation authority.

Sec. 1296. Maintenance of prohibition on procurement by Department of Defense of People's Republic of China-origin items that meet the definition of goods and services controlled as munitions items when moved to the "600 series" of the Commerce Control List.

Sec. 1297. International sales process improvements.

Sec. 1298. Efforts to end modern slavery.

1 **Subtitle A—Assistance and**
2 **Training**

3 **SEC. 1201. ONE-YEAR EXTENSION OF LOGISTICAL SUPPORT**
4 **FOR COALITION FORCES SUPPORTING CER-**
5 **TAIN UNITED STATES MILITARY OPER-**
6 **ATIONS.**

7 Section 1234 of the National Defense Authorization
8 Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
9 394), as most recently amended by section 1201 of the
10 National Defense Authorization Act for Fiscal Year 2016
11 (Public Law 114–92; 129 Stat. 1035), is further amend-
12 ed—

13 (1) in subsection (a), by striking “fiscal year
14 2016” and inserting “fiscal year 2017”;

15 (2) in subsection (d), by striking “during the
16 period beginning on October 1, 2015, and ending on
17 December 31, 2016” and inserting “during the pe-
18 riod beginning on October 1, 2016, and ending on
19 December 31, 2017”; and

20 (3) in subsection (e)(1), by striking “December
21 31, 2016” and inserting “December 31, 2017”.

22 **SEC. 1202. SPECIAL DEFENSE ACQUISITION FUND MAT-**
23 **TERS.**

24 (a) INCREASE IN SIZE.—Effective as of October 1,
25 2016, paragraph (1) of section 114(c) of title 10, United

1 States Code, is amended by striking “\$1,070,000,000”
2 and inserting “\$2,500,000,000”.

3 (b) LIMITED AVAILABILITY OF CERTAIN
4 AMOUNTS.—Such section is further amended—

5 (1) in paragraph (2)(A), by striking “limitation
6 in paragraph (1)” and inserting “limitations in
7 paragraphs (1) and (3)”; and

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

10 “(3) Of the amount available in the Special Defense
11 Acquisition Fund in any fiscal year after fiscal year 2016,
12 \$500,000,000 may be used in such fiscal year only to pro-
13 cure and stock precision guided munitions that may be
14 required by partner and allied forces to enhance the effec-
15 tiveness of current or future contributions of such forces
16 to overseas contingency operations conducted or supported
17 by the United States.”.

18 (c) REPORTS.—

19 (1) INITIAL PLAN ON USE OF AUTHORITY.—Be-
20 fore exercising authority for use of amounts in the
21 Special Defense Acquisition Fund in excess of the
22 size of that Fund as of September 30, 2016, by rea-
23 son of the amendments made by this section, the
24 Secretary of Defense shall, with the concurrence of
25 the Secretary of State, submit to the appropriate

1 committees of Congress a report on the plan for the
2 use of such amounts.

3 (2) QUARTERLY SPENDING PLAN.—Not later
4 than 30 days before the beginning of each fiscal year
5 quarter, the Secretary of Defense shall, with the
6 concurrence of the Secretary of State, submit to the
7 appropriate committees of Congress a detailed plan
8 for the use of amounts in the Special Defense Acqui-
9 sition Fund for such fiscal year quarter.

10 (3) ANNUAL UPDATES.—Not later than 90 days
11 after the end of each fiscal year, the Secretary of
12 Defense shall, with the concurrence of the Secretary
13 of State, submit to the appropriate committees of
14 Congress a report setting forth the inventory of de-
15 fense articles and services acquired, possessed, and
16 transferred through the Special Defense Acquisition
17 Fund in such fiscal year.

18 (4) APPROPRIATE COMMITTEES OF CONGRESS
19 DEFINED.—In this subsection, the term “appro-
20 priate committees of Congress” has the meaning
21 given that term in section 301(1) of title 10, United
22 States Code (as added by section 1241(a)(3) of this
23 Act).

1 **SEC. 1203. CODIFICATION OF AUTHORITY FOR SUPPORT OF**
2 **SPECIAL OPERATIONS TO COMBAT TER-**
3 **RORISM.**

4 (a) CODIFICATION OF AUTHORITY.—

5 (1) IN GENERAL.—Chapter 3 of title 10, United
6 States Code, is amended by inserting before section
7 128 the following new section:

8 **“§ 127e. Support of special operations to combat ter-**
9 **rorism**

10 “(a) AUTHORITY.—The Secretary of Defense may,
11 with the concurrence of the relevant Chief of Mission, ex-
12 pend up to \$100,000,000 during any fiscal year to provide
13 support to foreign forces, irregular forces, groups, or indi-
14 viduals engaged in supporting or facilitating ongoing mili-
15 tary operations by United States special operations forces
16 to combat terrorism.

17 “(b) FUNDS.—Funds for support under this section
18 in a fiscal year shall be derived from amounts authorized
19 to be appropriated for that fiscal year for the Department
20 of Defense for operation and maintenance.

21 “(c) PROCEDURES.—The authority in this section
22 shall be exercised in accordance with such procedures as
23 the Secretary shall establish for purposes of this section.
24 The Secretary shall notify the congressional defense com-
25 mittees of any material modification of such procedures.

26 “(d) NOTIFICATION.—

1 “(1) IN GENERAL.—Not later than 15 days be-
2 fore exercising the authority in this section to make
3 funds available to initiate support of an approved
4 military operation or changing the scope or funding
5 level of any support for such an operation by
6 \$1,000,000 or an amount equal to 20 percent of
7 such funding level (whichever is less), or not later
8 than 48 hours after exercising such authority if the
9 Secretary determines that extraordinary cir-
10 cumstances that impact the national security of the
11 United States exist, the Secretary shall notify the
12 congressional defense committees of the use of such
13 authority with respect to that operation. Any such
14 notification shall be in writing.

15 “(2) ELEMENTS.—A notification required by
16 this subsection shall include the following:

17 “(A) The type of support provided or to be
18 provided to United States special operations
19 forces.

20 “(B) The type of support provided or to be
21 provided to the recipient of the funds.

22 “(C) The amount obligated under the au-
23 thority to provide support.

1 “(e) LIMITATION ON DELEGATION.—The authority
2 of the Secretary to make funds available under this section
3 for support of a military operation may not be delegated.

4 “(f) INTELLIGENCE ACTIVITIES.—This section does
5 not constitute authority to conduct a covert action, as such
6 term is defined in section 503(e) of the National Security
7 Act of 1947 (50 U.S.C. 3093(e)).

8 “(g) BIENNIAL REPORTS.—

9 “(1) REPORT ON PRECEDING CALENDAR
10 YEAR.—Not later than March 1 each year, the Sec-
11 retary shall submit to the congressional defense com-
12 mittees a report on the support provided under this
13 section during the preceding calendar year.

14 “(2) REPORT ON CURRENT CALENDAR YEAR.—
15 Not later than September 1 each year, the Secretary
16 shall submit to the congressional defense committees
17 a report on the support provided under this section
18 during the first half of the calendar year in which
19 the report is submitted.

20 “(3) ELEMENTS.—Each report required by this
21 subsection shall include, for the period covered by
22 such report, the following:

23 “(A) A summary of the ongoing military
24 operations by United States special operations
25 forces to combat terrorism that were supported

1 or facilitated by foreign forces, irregular forces,
2 groups, or individuals for which support was
3 provided under this section.

4 “(B) A description of the support or facili-
5 tation provided by such foreign forces, irregular
6 forces, groups, or individuals to United States
7 special operations forces.

8 “(C) The type of recipients that were pro-
9 vided support under this section, identified by
10 authorized category (foreign forces, irregular
11 forces, groups, or individuals).

12 “(D) The total amount obligated for sup-
13 port under this section, including budget de-
14 tails.

15 “(E) The total amount obligated in prior
16 fiscal years under this section and applicable
17 preceding authority.

18 “(F) The intended duration of support
19 provided under this section.

20 “(G) A description of the support or train-
21 ing provided to the recipients of support under
22 this section.

23 “(H) A value assessment of the support
24 provided under this section, including a sum-
25 mary of significant activities undertaken by for-

1 eign forces, irregular forces, groups, or individ-
2 uals to support operations by United States
3 special operations forces to combat terrorism.”.

4 (2) CLERICAL AMENDMENT.—The table of sec-
5 tions at the beginning of chapter 3 of such title is
6 amended by inserting before the item relating to sec-
7 tion 128 the following new item:

 “127e. Support of special operations to combat terrorism.”.

8 (b) REPEAL OF SUPERSEDED AUTHORITY.—Section
9 1208 of the Ronald W. Reagan National Defense Author-
10 ization Act for Fiscal Year 2005 (Public Law 108–375)
11 is repealed.

12 **SEC. 1204. INDEPENDENT EVALUATION OF STRATEGIC**
13 **FRAMEWORK FOR DEPARTMENT OF DEFENSE**
14 **SECURITY COOPERATION.**

15 (a) EVALUATION REQUIRED.—

16 (1) IN GENERAL.—The Secretary of Defense
17 shall enter into an agreement with a federally fund-
18 ed research and development center, or another ap-
19 propriate independent entity, with expertise in secu-
20 rity cooperation to conduct an evaluation of the im-
21 plementation of the strategic framework for Depart-
22 ment of Defense security cooperation, as directed by
23 section 1202 of the National Defense Authorization
24 Act for Fiscal Year 2016 (Public Law 114–92; 129
25 Stat. 1036; 10 U.S.C. 113 note).

1 (2) ELEMENTS.—The evaluation under para-
2 graph (1) shall include the following:

3 (A) An evaluation of the Department of
4 Defense’s implementation of each of the re-
5 quired elements of the strategic framework.

6 (B) An evaluation of the impact of the
7 strategic framework on Department of Defense
8 security cooperation activities, including the ex-
9 tent to which such activities are being planned,
10 prioritized, and executed in accordance with the
11 strategic framework.

12 (C) Recommendations of areas in which
13 additional guidance, or additional specificity
14 within existing guidance, is necessary to achieve
15 greater alignment between Department of De-
16 fense security cooperation activities and the
17 strategic goals and priorities identified within
18 the strategic framework.

19 (D) Any other matters the entity that con-
20 ducts the evaluation considers appropriate.

21 (b) REPORT REQUIRED.—

22 (1) IN GENERAL.—Not later than November 1,
23 2018, the Secretary of Defense shall submit to the
24 congressional defense committees, the Committee on
25 Foreign Relations of the Senate, and the Committee

1 on Foreign Affairs of the House of Representatives
2 a report that includes the evaluation under sub-
3 section (a) and any other matters the Secretary con-
4 siders appropriate.

5 (2) FORM.—The report required under para-
6 graph (1) shall be submitted in unclassified form,
7 but may include a classified annex.

8 **SEC. 1205. SENSE OF CONGRESS REGARDING AN ASSESS-**
9 **MENT, MONITORING, AND EVALUATION**
10 **FRAMEWORK FOR SECURITY COOPERATION.**

11 It is the sense of Congress that—

12 (1) the Secretary of Defense should develop and
13 maintain an assessment, monitoring, and evaluation
14 framework for security cooperation with foreign
15 countries to ensure accountability and foster imple-
16 mentation of best practices; and

17 (2) such framework—

18 (A) should be consistent with interagency
19 approaches and existing best practices;

20 (B) should be sufficiently resourced and
21 appropriately placed within the Department of
22 Defense to enable the rigorous examination and
23 measurement of security cooperation efforts to-
24 wards meeting stated objectives and outcomes;
25 and

1 (C) should be used to inform security co-
2 operation planning, policies, and resource deci-
3 sions as well as ensure the effectiveness and ef-
4 ficiency of security cooperation efforts.

5 **Subtitle B—Matters Relating to**
6 **Afghanistan and Pakistan**

7 **SEC. 1211. EXTENSION AND MODIFICATION OF COM-**
8 **MANDERS' EMERGENCY RESPONSE PRO-**
9 **GRAM.**

10 (a) EXTENSION.—Section 1201 of the National De-
11 fense Authorization Act for Fiscal Year 2012 (Public Law
12 112–81; 125 Stat. 1619), as most recently amended by
13 section 1211 of the National Defense Authorization Act
14 for Fiscal Year 2016 (Public Law 114–92; 129 Stat.
15 1042), is further amended—

16 (1) in subsection (a)—

17 (A) by striking “During fiscal year 2016”
18 and inserting “During the period beginning on
19 October 1, 2016, and ending on December 31,
20 2018”; and

21 (B) by striking “in such fiscal year” and
22 inserting “in such period”;

23 (2) in subsection (b), by striking “fiscal year
24 2016” and inserting “fiscal year 2017 and fiscal
25 year 2018”; and

1 (3) in subsection (f), by striking “in fiscal year
2 2016” and inserting “during the period beginning
3 on October 1, 2016, and ending on December 31,
4 2018”.

5 (b) AUTHORITY FOR CERTAIN PAYMENTS TO RE-
6 DRESS INJURY AND LOSS IN AFGHANISTAN, IRAQ, AND
7 SYRIA.—

8 (1) IN GENERAL.—During the period beginning
9 on October 1, 2016, and ending on December 31,
10 2018, amounts available pursuant to section 1201 of
11 the National Defense Authorization Act for Fiscal
12 Year 2012, as amended by this section, shall also be
13 available for ex gratia payments for damage, per-
14 sonal injury, or death that is incident to combat op-
15 erations of the Armed Forces in Afghanistan, Iraq,
16 or Syria.

17 (2) NOTICE.—The Secretary of Defense shall,
18 upon each exercise of the authority in this sub-
19 section, submit to the congressional defense commit-
20 tees a report setting forth the following:

21 (A) The amount that will be used for pay-
22 ments pursuant to this subsection.

23 (B) The manner in which claims for pay-
24 ments shall be verified.

1 (C) The officers or officials who shall be
2 authorized to approve claims for payments.

3 (D) The manner in which payments shall
4 be made.

5 (3) AUTHORITIES APPLICABLE TO PAYMENT.—
6 Any payment made pursuant to this subsection shall
7 be made in accordance with the authorities and limi-
8 tations in section 8121 of the Department of De-
9 fense Appropriations Act, 2015 (division C of Public
10 Law 113–235), other than subsection (h) of such
11 section.

12 (4) CONSTRUCTION WITH RESTRICTION ON
13 AMOUNT OF PAYMENTS.—For purposes of the appli-
14 cation of subsection (e) of such section 1201, as so
15 amended, to any payment pursuant to this sub-
16 section, such payment shall be deemed to be a
17 project described by such subsection (e).

18 **SEC. 1212. EXTENSION OF AUTHORITY TO ACQUIRE PROD-**
19 **UCTS AND SERVICES PRODUCED IN COUN-**
20 **TRIES ALONG A MAJOR ROUTE OF SUPPLY**
21 **TO AFGHANISTAN.**

22 Section 801(f) of the National Defense Authorization
23 Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
24 2399), as most recently amended by section 1214 of the
25 National Defense Authorization Act for Fiscal Year 2016

1 (Public Law 114–92; 129 Stat. 1045), is further amended
2 by striking “December 31, 2016” and inserting “Decem-
3 ber 31, 2018”.

4 **SEC. 1213. EXTENSION AND MODIFICATION OF AUTHORITY**
5 **TO TRANSFER DEFENSE ARTICLES AND PRO-**
6 **VIDE DEFENSE SERVICES TO THE MILITARY**
7 **AND SECURITY FORCES OF AFGHANISTAN.**

8 (a) EXPIRATION.—Subsection (h) of section 1222 of
9 the National Defense Authorization Act for Fiscal Year
10 2013 (Public Law 112–239; 126 Stat. 1992), as most re-
11 cently amended by section 1215 of the National Defense
12 Authorization Act for Fiscal Year 2016 (Public Law 114–
13 92; 129 Stat. 1045), is further amended by striking “De-
14 cember 31, 2016” and inserting “December 31, 2017”.

15 (b) CONVERSION OF QUARTERLY REPORTS INTO AN-
16 NUAL REPORTS.—Effective on January 1, 2017, sub-
17 section (f) of such section 1222, as so amended, is further
18 amended—

19 (1) in the subsection heading, by striking
20 “QUARTERLY” and inserting “ANNUAL”; and

21 (2) in paragraph (1)—

22 (A) by striking “Not later than 90 days”
23 and all that follows through “in which the au-
24 thority in subsection (a) is exercised” and in-
25 serting “Not later than March 31 of any year

1 following a year in which the authority in sub-
2 section (a) is exercised”; and

3 (B) by striking “during the 90-day period
4 ending on the date of such report” and insert-
5 ing “during the preceding year”.

6 (c) **EXCESS DEFENSE ARTICLES.**—Subsection (i)(2)
7 of such section 1222, as so amended, is further amended
8 by striking “During fiscal years 2013, 2014, 2015, and
9 2016” each place it appears and inserting “Through De-
10 cember 31, 2017,”.

11 **SEC. 1214. SPECIAL IMMIGRANT STATUS FOR CERTAIN AF-**
12 **GHANS.**

13 (a) **ALIENS DESCRIBED.**—Section 602(b)(2)(A)(ii)(I)
14 of the Afghan Allies Protection Act of 2009 (8 U.S.C.
15 1101 note) is amended to read as follows:

16 “(I)(aa) by, or on behalf of, the
17 United States Government, in the
18 case of an alien submitting an appli-
19 cation for Chief of Mission approval
20 pursuant to subparagraph (D) before
21 the date of the enactment of the Na-
22 tional Defense Authorization Act for
23 Fiscal Year 2017; or

24 “(bb) by, or on behalf of, the
25 United States Government, in the

1 case of an alien submitting an appli-
2 cation for Chief of Mission approval
3 pursuant to subparagraph (D) on or
4 after the date of the enactment of the
5 National Defense Authorization Act
6 for Fiscal Year 2017, which employ-
7 ment required the alien—

8 “(AA) to serve as an inter-
9 preter or translator for personnel
10 of the Department of State or
11 the United States Agency for
12 International Development in Af-
13 ghanistan, particularly while
14 traveling away from United
15 States embassies or consulates
16 with such personnel;

17 “(BB) to serve as an inter-
18 preter or translator for United
19 States military personnel in Af-
20 ghanistan, particularly while
21 traveling off-base with such per-
22 sonnel; or

23 “(CC) to perform sensitive
24 and trusted activities for the

1 United States Government in Af-
2 ghanistan; or”.

3 (b) NUMERICAL LIMITATIONS.—Section
4 602(b)(3)(F) of such Act is amended—

5 (1) in the matter preceding clause (i), by strik-
6 ing “7,000” and inserting “8,500”; and

7 (2) in each of clauses (i) and (ii), by striking
8 “December 31, 2016;” and inserting “December 31,
9 2020”.

10 (c) REPORT.—Section 602(b)(14) of such Act is
11 amended—

12 (1) by striking “Not later than 60 days after
13 the date of the enactment of this paragraph,” and
14 inserting “Not later than December 31, 2016, and
15 annually thereafter through January 31, 2021;”;
16 and

17 (2) in subparagraph (A)(i), by striking “under
18 this section;” and inserting “under subclause (I) or
19 (II)(bb) of paragraph (2)(A)(ii);”.

20 **SEC. 1215. MODIFICATION TO SEMIANNUAL REPORT ON EN-**
21 **HANCING SECURITY AND STABILITY IN AF-**
22 **GHANISTAN.**

23 (a) REPORTS REQUIRED.—Subsection (a)(2) of sec-
24 tion 1225 of the Carl Levin and Howard P. “Buck”
25 McKeon National Defense Authorization Act for Fiscal

1 Year 2015 (Public Law 113–291; 128 Stat. 3550) is
2 amended by striking “December 15, 2017” and inserting
3 “December 15, 2019”.

4 (b) MATTERS TO BE INCLUDED.—Subsection (b) of
5 such section is amended by adding at the end the fol-
6 lowing:

7 “(8) AFGHAN PERSONNEL AND PAY SYSTEM.—
8 A description of the status of the implementation of
9 the Afghan Personnel and Pay System (APPS) at
10 the Afghan Ministry of Interior and the Afghan
11 Ministry of Defense for personnel funds provided
12 through the Afghanistan Security Forces Fund, in-
13 cluding, with respect to each such Ministry—

14 “(A) the expected completion date for full
15 implementation of the APPS;

16 “(B) the extent to which the APPS is
17 being utilized;

18 “(C) an explanation of any challenges or
19 delays affecting full implementation of the
20 APPS;

21 “(D) a description of the steps taken to
22 mitigate fraud, waste, and abuse in the dis-
23 bursement of personnel funds prior to full im-
24 plementation of the APPS; and

1 “(E) an estimate of cost savings by reason
2 of full implementation of the APPS.”.

3 **SEC. 1216. PROHIBITION ON USE OF FUNDS FOR CERTAIN**
4 **PROGRAMS AND PROJECTS OF THE DEPART-**
5 **MENT OF DEFENSE IN AFGHANISTAN THAT**
6 **CANNOT BE SAFELY ACCESSED BY UNITED**
7 **STATES GOVERNMENT PERSONNEL.**

8 (a) PROHIBITION.—

9 (1) IN GENERAL.—Amounts available to the
10 Department of Defense may not be obligated or ex-
11 pended for a construction or other infrastructure
12 program or project of the Department in Afghani-
13 stan if military or civilian personnel of the United
14 States Government or their representatives with au-
15 thority to conduct oversight of such program or
16 project cannot safely access such program or project.

17 (2) APPLICABILITY.—Paragraph (1) shall apply
18 only with respect to a program or project that is ini-
19 tiated on or after the date of the enactment of this
20 Act.

21 (b) WAIVER.—

22 (1) IN GENERAL.—The prohibition in sub-
23 section (a) may be waived with respect to a program
24 or project otherwise covered by that subsection if a

1 determination described in paragraph (2) is made as
2 follows:

3 (A) In the case of a program or project
4 with an estimated lifecycle cost of less than
5 \$1,000,000, by the contracting officer assigned
6 to oversee the program or project.

7 (B) In the case of a program or project
8 with an estimated lifecycle cost of \$1,000,000
9 or more, but less than \$20,000,000, by the
10 Commander of the Combined Security Transi-
11 tion Command-Afghanistan.

12 (C) In the case of a program or project
13 with an estimated lifecycle cost of \$20,000,000
14 or more, but less than \$40,000,000, by the
15 Commander of United States Forces-Afghani-
16 stan.

17 (D) In the case of a program or project
18 with an estimated lifecycle cost of \$40,000,000
19 or more, by the Secretary of Defense.

20 (2) DETERMINATION.—A determination de-
21 scribed in this paragraph with respect to a program
22 or project is a determination of each of the fol-
23 lowing:

1 (A) That the program or project clearly
2 contributes to United States national interests
3 or strategic objectives.

4 (B) That the Government of Afghanistan
5 has requested or expressed a need for the pro-
6 gram or project.

7 (C) That the program or project has been
8 coordinated with the Government of Afghani-
9 stan, and with any other implementing agencies
10 or international donors.

11 (D) That security conditions permit effec-
12 tive implementation and oversight of the pro-
13 gram or project.

14 (E) That the program or project includes
15 safeguards to detect, deter, and mitigate cor-
16 ruption and waste, fraud, and abuse of funds.

17 (F) That adequate arrangements have
18 been made for the sustainment of the program
19 or project following its completion, including ar-
20 rangements with respect to funding and tech-
21 nical capacity for sustainment.

22 (G) That meaningful metrics have been es-
23 tablished to measure the progress and effective-
24 ness of the program or project in meeting its
25 objectives.

1 (3) NOTICE ON CERTAIN WAIVERS.—In the
2 event a waiver is issued under paragraph (1) for a
3 program or project described in subparagraph (D) of
4 that paragraph, the Secretary of Defense shall notify
5 Congress of the waiver not later than 15 days after
6 the issuance of the waiver.

7 **SEC. 1217. IMPROVEMENT OF OVERSIGHT OF UNITED**
8 **STATES GOVERNMENT EFFORTS IN AFGHANI-**
9 **STAN.**

10 (a) REPORT ON IG OVERSIGHT ACTIVITIES IN AF-
11 GHANISTAN DURING FISCAL YEAR 2017.—Not later than
12 60 days after the date of the enactment of this Act, the
13 Lead Inspector General for Operation Freedom’s Sentinel,
14 as designated pursuant to section 8L of the Inspector
15 General Act of 1978 (5 U.S.C. App.), shall, in coordina-
16 tion with the Inspector General of the Department of
17 State, the Inspector General of the United States Agency
18 for International Development, and the Special Inspector
19 General for Afghanistan Reconstruction, submit to the ap-
20 propriate committees of Congress a report on the over-
21 sight activities of United States Inspectors General in Af-
22 ghanistan planned for fiscal year 2017.

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

1 (1) A description of the requirements, respon-
2 sibilities, and focus areas of each Inspector General
3 of the United States planning to conduct oversight
4 activities in Afghanistan during fiscal year 2017.

5 (2) A comprehensive list of the funding to be
6 used for the oversight activities described in para-
7 graph (1).

8 (3) A list of the oversight activities and prod-
9 ucts anticipated to be produced by each Inspector
10 General of the United States in connection with
11 oversight activities in Afghanistan during fiscal year
12 2017.

13 (4) An identification of any anticipated overlap
14 among the planned oversight activities of Inspectors
15 General of the United States in Afghanistan during
16 fiscal year 2017, and a justification for such overlap.

17 (5) A description of the processes by which the
18 Inspectors General of the United States coordinate
19 and reduce redundancies in requests for information
20 to United States Government officials executing
21 funds in Afghanistan.

22 (6) A description of the specific professional
23 standards expected to be used to ensure the quality
24 of different types of products issued by the Inspec-
25 tors General regarding Afghanistan, including peri-

1 Authorization Act for Fiscal Year 2016 (Public Law 114–
2 92; 129 Stat. 1043), is further amended by striking “fiscal
3 year 2016” and inserting “the period beginning on Octo-
4 ber 1, 2016, and ending on December 31, 2017,”.

5 (b) MODIFICATION OF AUTHORITIES.—Such section,
6 as so amended, is further amended—

7 (1) in subsection (a), by striking “the Secretary
8 of Defense may reimburse any key cooperating na-
9 tion” and all that follows and inserting “the Sec-
10 retary of Defense may reimburse—

11 “(1) any key cooperating nation (other than
12 Pakistan) for—

13 “(A) logistical and military support pro-
14 vided by that nation to or in connection with
15 United States military operations in Afghani-
16 stan, Iraq, or Syria; and

17 “(B) logistical, military, and other support,
18 including access, provided by that nation to or
19 in connection with United States military oper-
20 ations described in subparagraph (A); and

21 “(2) Pakistan for certain activities meant to en-
22 hance the security situation in the Afghanistan-Paki-
23 stan border region and for counterterrorism.”; and

1 (2) in subsection (b), by striking “in Iraq or in
2 Operation Enduring Freedom in Afghanistan” and
3 inserting “in Afghanistan, Iraq, or Syria”.

4 (c) LIMITATION ON AMOUNTS AVAILABLE.—Sub-
5 section (d)(1) of such section, as so amended, is further
6 amended—

7 (1) in the second sentence, by striking “during
8 fiscal year 2016 may not exceed \$1,160,000,000”
9 and inserting “during the period beginning on Octo-
10 ber 1, 2016, and ending on December 31, 2017,
11 may not exceed \$1,100,000,000”;

12 (2) in the third sentence, by striking “fiscal
13 year 2016” and inserting “the period beginning on
14 October 1, 2016, and ending on December 31,
15 2017,”; and

16 (3) by striking the first sentence.

17 (d) REIMBURSEMENT OF PAKISTAN FOR SECURITY
18 ENHANCEMENT ACTIVITIES.—Such section, as so amend-
19 ed, is further amended—

20 (1) by redesignating subsections (e), (f), and
21 (g) as subsections (f), (g), and (h), respectively; and

22 (2) by inserting after subsection (d) the fol-
23 lowing:

24 “(e) REIMBURSEMENT OF PAKISTAN FOR SECURITY
25 ENHANCEMENT ACTIVITIES.—

1 “(1) ACTIVITIES.—Reimbursement authorized
2 by subsection (a)(2) may be provided for activities
3 as follows:

4 “(A) Counterterrorism activities, including
5 the following:

6 “(i) Eliminating infrastructure, train-
7 ing areas, and sanctuaries used by ter-
8 rorist groups, and preventing the establish-
9 ment of new or additional infrastructure,
10 training areas, and sanctuaries.

11 “(ii) Direct action against individuals
12 that are involved in or supporting terrorist
13 activities.

14 “(iii) Any other activity recognized by
15 the Secretary of Defense as a counterter-
16 rorism activity for purposes of subsection
17 (a)(2).

18 “(B) Border security activities along the
19 Afghanistan-Pakistan border, including the fol-
20 lowing:

21 “(i) Building and maintaining border
22 outposts.

23 “(ii) Strengthening cooperative efforts
24 between the Pakistan military and the Af-
25 ghan National Defense and Security

1 Forces, including border security coopera-
2 tion.

3 “(iii) Maintaining access to and secur-
4 ing key ground lines of communication.

5 “(iv) Providing training and equip-
6 ment for the Pakistan Frontier Corps Khy-
7 ber Pakhtunkhwa.

8 “(v) Improving interoperability be-
9 tween the Pakistan military and the Paki-
10 stan Frontier Corps Khyber Pakhtunkhwa.

11 “(C) Any activities carried out by the
12 Pakistan military that the Secretary of Defense
13 determines and reports to the appropriate con-
14 gressional committees have enhanced the secu-
15 rity of United States personnel stationed in Af-
16 ghanistan or enhanced the effectiveness of
17 United States military personnel in conducting
18 counterterrorism operations and training, advis-
19 ing, and assisting the Afghan National Defense
20 and Security Forces.

21 “(2) REPORT.—Not later than December 31,
22 2017, the Secretary of Defense shall submit to the
23 appropriate congressional committees a report on
24 the expenditure of funds under the authority in sub-

1 section (a)(2), including a description of the fol-
2 lowing:

3 “(A) The purpose for which such funds
4 were expended.

5 “(B) Each organization on whose behalf
6 such funds were expended, including the
7 amount expended on such organization and the
8 number of members of such organization sup-
9 ported by such amount.

10 “(C) Any limitation imposed on the ex-
11 penditure of funds under subsection (a)(2), in-
12 cluding on any recipient of funds or any use of
13 funds expended.

14 “(3) INFORMATION ON CLAIMS DISALLOWED OR
15 DEFERRED BY THE UNITED STATES.—

16 “(A) IN GENERAL.—The Secretary of De-
17 fense shall submit to the appropriate congres-
18 sional committees, in the manner specified in
19 subparagraph (B), an itemized description of
20 the costs claimed by the Government of Paki-
21 stan for activities specified in paragraph (1)
22 provided by Government of Pakistan to the
23 United States for which the United States will
24 disallow or defer reimbursement to the Govern-

1 ment of Pakistan under the authority in sub-
2 section (a)(2).

3 “(B) MANNER OF SUBMITTAL.—

4 “(i) IN GENERAL.—To the maximum
5 extent practicable, the Secretary shall sub-
6 mit each itemized description of costs re-
7 quired by subparagraph (A) not later than
8 180 days after the date on which a deci-
9 sion to disallow or defer reimbursement for
10 the costs claimed is made.

11 “(ii) FORM.—Each itemized descrip-
12 tion of costs under clause (i) shall be sub-
13 mitted in an unclassified form, but may in-
14 clude a classified annex.”.

15 (e) EXTENSION OF NOTICE REQUIREMENT RELAT-
16 ING TO REIMBURSEMENT OF PAKISTAN FOR SUPPORT
17 PROVIDED BY PAKISTAN.—Section 1232(b)(6) of the Na-
18 tional Defense Authorization Act for Fiscal Year 2008
19 (122 Stat. 393), as most recently amended by section
20 1212(c) of the National Defense Authorization Act for
21 Fiscal Year 2016 (129 Stat. 1043), is further amended
22 by striking “September 30, 2016” and inserting “Decem-
23 ber 31, 2017”.

24 (f) EXTENSION OF LIMITATION ON REIMBURSEMENT
25 OF PAKISTAN PENDING CERTIFICATION ON PAKISTAN.—

1 Section 1227(d)(1) of the National Defense Authorization
2 Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat.
3 2001), as most recently amended by section 1212(d) of
4 the National Defense Authorization Act for Fiscal Year
5 2016 (129 Stat. 1043), is further amended by striking
6 “for fiscal year 2016 or any prior fiscal year” and insert-
7 ing “for any period prior to December 31, 2017”.

8 (g) ADDITIONAL LIMITATION ON REIMBURSEMENT
9 OF PAKISTAN PENDING CERTIFICATION ON PAKISTAN.—
10 Of the total amount of reimbursements and support au-
11 thorized for Pakistan during the period beginning on Oc-
12 tober 1, 2016, and ending on December 31, 2017, pursu-
13 ant to the third sentence of section 1233(d)(1) of the Na-
14 tional Defense Authorization Act for Fiscal Year 2008 (as
15 amended by subsection (b)(2)), \$400,000,000 shall not be
16 eligible for the waiver under section 1227(d)(2) of the Na-
17 tional Defense Authorization Act for Fiscal Year 2013
18 (126 Stat. 2001) unless the Secretary of Defense certifies
19 to the congressional defense committees that—

20 (1) Pakistan continues to conduct military oper-
21 ations that are contributing to significantly dis-
22 rupting the safe haven and freedom of movement of
23 the Haqqani Network in Pakistan;

1 (2) Pakistan has taken steps to demonstrate its
2 commitment to prevent the Haqqani Network from
3 using any Pakistani territory as a safe haven;

4 (3) the Government of Pakistan actively coordi-
5 nates with the Government of Afghanistan to re-
6 strict the movement of militants, such as the
7 Haqqani Network, along the Afghanistan-Pakistan
8 border; and

9 (4) Pakistan has shown progress in arresting
10 and prosecuting Haqqani Network senior leaders
11 and mid-level operatives.

12 **Subtitle C—Matters Relating to** 13 **Syria, Iraq, and Iran**

14 **SEC. 1221. MODIFICATION AND EXTENSION OF AUTHORITY** 15 **TO PROVIDE ASSISTANCE TO THE VETTED** 16 **SYRIAN OPPOSITION.**

17 (a) **IN GENERAL.**—Subsection (a) of section 1209 of
18 the Carl Levin and Howard P. “Buck” McKeon National
19 Defense Authorization Act for Fiscal Year 2015 (Public
20 Law 113–291; 128 Stat. 3541) is amended by striking
21 “December 31, 2016” and inserting “December 31,
22 2018”.

23 (b) **REPROGRAMMING REQUIREMENT.**—Subsection
24 (f) of such section, as amended by section 1225(e) of the
25 National Defense Authorization Act for Fiscal Year 2016

1 (Public Law 114–92; 129 Stat. 1055), is further amended
2 in paragraph (1) by striking “December 31, 2016” and
3 inserting “December 31, 2018”.

4 **SEC. 1222. MODIFICATION AND EXTENSION OF AUTHORITY**
5 **TO PROVIDE ASSISTANCE TO COUNTER THE**
6 **ISLAMIC STATE OF IRAQ AND THE LEVANT.**

7 (a) **AUTHORITY.**—Subsection (a) of section 1236 of
8 the Carl Levin and Howard P. “Buck” McKeon National
9 Defense Authorization Act for Fiscal Year 2015 (Public
10 Law 113–291; 128 Stat. 3559) is amended by striking
11 “December 31, 2016” and inserting “December 31,
12 2018”.

13 (b) **FUNDING.**—Subsection (g) of such section, as
14 amended by section 1223 of the National Defense Author-
15 ization Act for Fiscal Year 2016 (Public Law 114–92; 129
16 Stat. 1049), is further amended—

17 (1) by striking the first sentence and inserting
18 the following: “Of the amounts authorized to be ap-
19 propriated in the National Defense Authorization
20 Act for Fiscal Year 2017 for Overseas Contingency
21 Operations in title XV for fiscal year 2017, there are
22 authorized to be appropriated \$630,000,000 to carry
23 out this section.”; and

24 (2) by striking the second sentence.

1 (c) ADDITIONAL ASSESSMENT ON CERTAIN ACTIONS
2 BY GOVERNMENT OF IRAQ.—Subsection (l) of such sec-
3 tion, as added by section 1223(e) of the National Defense
4 Authorization Act for Fiscal Year 2016 (Public Law 114–
5 92; 129 Stat. 1050), is amended in paragraph (1)(A) by
6 striking “National Defense Authorization Act for Fiscal
7 Year 2016” and inserting “National Defense Authoriza-
8 tion Act for Fiscal Year 2017, and annually thereafter”.

9 (d) PROHIBITION ON ASSISTANCE AND REPORT ON
10 EQUIPMENT OR SUPPLIES TRANSFERRED TO OR AC-
11 QUIRED BY VIOLENT EXTREMIST ORGANIZATIONS.—Sub-
12 section (f) of section 1223 of the National Defense Au-
13 thorization Act for Fiscal Year 2016 (Public Law 114–
14 92; 129 Stat. 1050) is amended—

15 (1) in paragraph (1)—

16 (A) by striking “, as so amended,”; and

17 (B) by inserting “(and annually thereafter
18 until December 31, 2018)” after “certifies to
19 the appropriate congressional committees, after
20 the date of the enactment of this Act”; and

21 (2) in paragraph (2), by striking “, as so
22 amended,”.

1 **SEC. 1223. EXTENSION AND MODIFICATION OF AUTHORITY**
2 **TO SUPPORT OPERATIONS AND ACTIVITIES**
3 **OF THE OFFICE OF SECURITY COOPERATION**
4 **IN IRAQ.**

5 (a) **EXTENSION OF AUTHORITY.**—Subsection (f)(1)
6 of section 1215 of the National Defense Authorization Act
7 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
8 1631; 10 U.S.C. 113 note), as most recently amended by
9 section 1221 of the National Defense Authorization Act
10 for Fiscal Year 2016 (Public Law 114–92; 129 Stat.
11 1047), is further amended by striking “fiscal year 2016”
12 and inserting “fiscal year 2017”.

13 (b) **LIMITATION ON AMOUNT.**—Subsection (c) of
14 such section is amended—

15 (1) by striking “fiscal year 2016” and inserting
16 “fiscal year 2017”; and

17 (2) by striking “\$80,000,000” and inserting
18 “\$70,000,000”.

19 (c) **SOURCE OF FUNDS.**—Subsection (d) of such sec-
20 tion is amended by striking “fiscal year 2016” and insert-
21 ing “fiscal year 2017”.

22 **SEC. 1224. LIMITATION ON PROVISION OF MAN-PORTABLE**
23 **AIR DEFENSE SYSTEMS TO THE VETTED SYR-**
24 **IAN OPPOSITION DURING FISCAL YEAR 2017.**

25 (a) **NOTICE AND WAIT.**—If a determination is made
26 during fiscal year 2017 to use funds available to the De-

1 partment of Defense for that fiscal year to provide man-
2 portable air defense systems (MANPADs) to the vetted
3 Syrian opposition pursuant to the authority in section
4 1209 of the Carl Levin and Howard P. “Buck” McKeon
5 National Defense Authorization Act for Fiscal Year 2015
6 (Public Law 113–291; 128 Stat. 3541), such funds may
7 not be used for that purpose until—

8 (1) the Secretary of Defense and the Secretary
9 of State jointly submit to the appropriate congress-
10 sional committees a report on the determination;
11 and

12 (2) 30 days elapses after the date of the sub-
13 mittal of such report to the appropriate congress-
14 sional committees.

15 (b) ELEMENTS.—The report under subsection (a)
16 shall set forth the following:

17 (1) A description of each element of the vetted
18 Syrian opposition that will provided man-portable air
19 defense systems as described in subsection (a), in-
20 cluding—

21 (A) the geographic location of such ele-
22 ment;

23 (B) a detailed intelligence assessment of
24 such element;

1 (C) a description of the alignment of such
2 element within the broader conflict in Syria;
3 and

4 (D) a description and assessment of the
5 assurance, if any, received by the commander of
6 such element in connection with the provision of
7 man-portable air defense systems.

8 (2) The number and type of man-portable air
9 defense systems to be so provided.

10 (3) The logistics plan for providing and resup-
11 plying each element to be so provided man-portable
12 air defense systems with additional man-portable air
13 defense systems.

14 (4) The duration of support to be provided in
15 connection with the provision of man-portable air de-
16 fense systems.

17 (5) The justification for the provision of man-
18 portable air defense systems to each element of the
19 vetted Syrian opposition, including an explanation of
20 the purpose and expected employment of such sys-
21 tems.

22 (6) Any other matters that the Secretary of De-
23 fense and the Secretary of State jointly consider ap-
24 propriate.

1 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
2 FINED.—In this section, the term “appropriate congres-
3 sional committees” has the meaning given that term in
4 section 1209(e)(2) of the Carl Levin and Howard P.
5 “Buck” McKeon National Defense Authorization Act for
6 Fiscal Year 2015.

7 **SEC. 1225. MODIFICATION OF ANNUAL REPORT ON MILI-**
8 **TARY POWER OF IRAN.**

9 (a) IN GENERAL.—Section 1245(b)(3) of the Na-
10 tional Defense Authorization Act for Fiscal Year 2010 (10
11 U.S.C. 113 note) is amended by striking subparagraph
12 (F) and inserting the following new subparagraph (F):

13 “(F) Iran’s cyber capabilities, including—

14 “(i) Iran’s ability to use proxies and
15 other actors to mask its cyber operations;

16 “(ii) Iran’s ability to target United
17 States governmental and nongovernmental
18 entities and activities; and

19 “(iii) cooperation with or assistance
20 from state and non-state actors in support
21 or enhancement of Iran’s cyber capabili-
22 ties;”.

23 (b) EFFECTIVE DATE.—The amendment made by
24 subsection (a) shall take effect on January 1, 2018, and
25 shall apply with respect to reports required to be sub-

1 mitted under section 1245 of the National Defense Au-
2 thorization Act for Fiscal Year 2010 on or after that date.

3 **SEC. 1226. QUARTERLY REPORT ON CONFIRMED BALLISTIC**
4 **MISSILE LAUNCHES FROM IRAN.**

5 (a) QUARTERLY REPORT ON CONFIRMED
6 LAUNCHES.—Not later than the last day of the first fiscal
7 year quarter beginning after the date of the enactment
8 of this Act, and every 90 days thereafter, the Director of
9 National Intelligence shall submit to the appropriate com-
10 mittees of Congress a report describing any confirmed bal-
11 listic missile launch by Iran during the previous calendar
12 quarter.

13 (b) QUARTERLY REPORT ON IMPOSITION OF SANC-
14 TIONS IN CONNECTION WITH LAUNCHES.—Not later than
15 the last day of the second fiscal year quarter beginning
16 after the date of the enactment of this Act, and every 90
17 days thereafter, the Secretary of State and the Secretary
18 of Treasury shall jointly submit to the appropriate com-
19 mittees of Congress a report setting forth a description
20 of the following:

21 (1) The efforts, if any, to impose unilateral
22 sanctions against appropriate entities or individuals
23 in connection with a confirmed ballistic missile
24 launch from Iran.

1 (2) The diplomatic efforts, if any, to impose
2 multilateral sanctions against appropriate entities or
3 individuals in connection with such a confirmed bal-
4 listic missile launch.

5 (3) Any other matters the Secretaries consider
6 appropriate.

7 (c) CONCURRENT SUBMITTAL OF QUARTERLY RE-
8 PORTS.—The report on a calendar quarter under sub-
9 section (a) shall be submitted concurrently with the report
10 on the calendar quarter under subsection (b).

11 (d) FORM.—Each report under this section shall, to
12 the extent practicable, be submitted in unclassified form,
13 but may include a classified annex.

14 (e) SUNSET.—No report is required under this sec-
15 tion after December 31, 2019.

16 (f) APPROPRIATE COMMITTEES OF CONGRESS DE-
17 FINED.—In this section, the term “appropriate commit-
18 tees of Congress” means—

19 (1) the Committee on Armed Services, the
20 Committee on Foreign Relations, the Committee on
21 Banking, Housing, and Urban Affairs, and the Se-
22 lect Committee on Intelligence of the Senate; and

23 (2) the Committee on Armed Services, the
24 Committee on Foreign Affairs, the Committee on Fi-
25 nancial Services, and the Permanent Select Com-

1 mittee on Intelligence of the House of Representa-
2 tives.

3 **Subtitle D—Matters Relating to the**
4 **Russian Federation**

5 **SEC. 1231. MILITARY RESPONSE OPTIONS TO RUSSIAN FED-**
6 **ERATION VIOLATION OF INF TREATY.**

7 An amount equal to \$10,000,000 of the amount au-
8 thorized to be appropriated or otherwise made available
9 to the Department of Defense for fiscal year 2017 to pro-
10 vide support services to the Executive Office of the Presi-
11 dent shall be withheld from obligation or expenditure until
12 the Secretary of Defense completes the meaningful devel-
13 opment of the military capabilities described in paragraph
14 (1) of section 1243(d) of the National Defense Authoriza-
15 tion Act for Fiscal Year 2016 (Public Law 114–92; 129
16 Stat. 1062), as required to be addressed in the plan under
17 that paragraph, in accordance with the requirements de-
18 scribed in paragraph (3) of such section.

19 **SEC. 1232. LIMITATION ON MILITARY COOPERATION BE-**
20 **TWEEN THE UNITED STATES AND THE RUS-**
21 **SIAN FEDERATION.**

22 (a) **LIMITATION.**—None of the funds authorized to
23 be appropriated for fiscal year 2017 for the Department
24 of Defense may be used for any bilateral military-to-mili-
25 tary cooperation between the Governments of the United

1 States and the Russian Federation until the Secretary of
2 Defense, in coordination with the Secretary of State, cer-
3 tifies to the appropriate congressional committees that—

4 (1) the Russian Federation has ceased its occu-
5 pation of Ukrainian territory and its aggressive ac-
6 tivities that threaten the sovereignty and territorial
7 integrity of Ukraine and members of the North At-
8 lantic Treaty Organization; and

9 (2) the Russian Federation is abiding by the
10 terms of and taking steps in support of the Minsk
11 Protocols regarding a ceasefire in eastern Ukraine.

12 (b) NONAPPLICABILITY.—The limitation in sub-
13 section (a) shall not apply to—

14 (1) any activities necessary to ensure the com-
15 pliance of the United States with its obligations or
16 the exercise of rights of the United States under any
17 bilateral or multilateral arms control or nonprolifera-
18 tion agreement or any other treaty obligation of the
19 United States; and

20 (2) any activities required to provide logistical
21 or other support to the conduct of United States or
22 North Atlantic Treaty Organization military oper-
23 ations in Afghanistan or the withdrawal from Af-
24 ghanistan.

1 (c) WAIVER.—The Secretary of Defense may waive
2 the limitation in subsection (a) if the Secretary of Defense,
3 in coordination with the Secretary of State—

4 (1) determines that the waiver is in the national
5 security interest of the United States; and

6 (2) submits to the appropriate congressional
7 committees—

8 (A) a notification that the waiver is in the
9 national security interest of the United States
10 and a description of the national security inter-
11 est covered by the waiver; and

12 (B) a report explaining why the Secretary
13 of Defense cannot make the certification under
14 subsection (a).

15 (d) EXCEPTION FOR CERTAIN MILITARY BASES.—
16 The certification requirement specified in paragraph (1)
17 of subsection (a) shall not apply to military bases of the
18 Russian Federation in Ukraine’s Crimean peninsula oper-
19 ating in accordance with its 1997 agreement on the Status
20 and Conditions of the Black Sea Fleet Stationing on the
21 Territory of Ukraine.

22 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
23 FINED.—In this section, the term “appropriate congres-
24 sional committees” means—

1 (1) the Committee on Armed Services and the
2 Committee on Foreign Relations of the Senate; and

3 (2) the Committee on Armed Services and the
4 Committee on Foreign Affairs of the House of Rep-
5 resentatives.

6 **SEC. 1233. EXTENSION AND MODIFICATION OF AUTHORITY**
7 **ON TRAINING FOR EASTERN EUROPEAN NA-**
8 **TIONAL MILITARY FORCES IN THE COURSE**
9 **OF MULTILATERAL EXERCISES.**

10 (a) **FORCES ELIGIBLE FOR TRAINING.**—Subsection
11 (a) of section 1251 of the National Defense Authorization
12 Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat.
13 1070; 10 U.S.C. 2282 note) is amended by striking “na-
14 tional military forces” and inserting “national security
15 forces”.

16 (b) **ADDITIONAL SOURCE OF FUNDING.**—Subsection
17 (d)(2) of such section is amended by adding at the end
18 the following new subparagraph:

19 “(C) Amounts authorized to be appro-
20 priated for a fiscal year for overseas contin-
21 gency operations for operation and mainte-
22 nance, Army, and available for additional activi-
23 ties for the European Deterrence Initiative for
24 that fiscal year.”.

1 (c) ONE-YEAR EXTENSION.—Subsection (h) of such
2 section is amended—

3 (1) by striking “September 30, 2017” and in-
4 serting “September 30, 2018”; and

5 (2) by striking “through 2017” and inserting
6 “through 2018”.

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

9 **“SEC. 1251. TRAINING FOR EASTERN EUROPEAN NATIONAL**
10 **SECURITY FORCES IN THE COURSE OF MUL-**
11 **TILATERAL EXERCISES.”.**

12 **SEC. 1234. PROHIBITION ON AVAILABILITY OF FUNDS RE-**
13 **LATING TO SOVEREIGNTY OF THE RUSSIAN**
14 **FEDERATION OVER CRIMEA.**

15 (a) PROHIBITION.—None of the funds authorized to
16 be appropriated by this Act or otherwise made available
17 for fiscal year 2017 for the Department of Defense may
18 be obligated or expended to implement any activity that
19 recognizes the sovereignty of the Russian Federation over
20 Crimea.

21 (b) WAIVER.—The Secretary of Defense, with the
22 concurrence of the Secretary of State, may waive the re-
23 striction on the obligation or expenditure of funds required
24 by subsection (a) if the Secretary—

1 (1) determines that to do so is in the national
2 security interest of the United States; and

3 (2) submits to the Committee on Armed Serv-
4 ices and the Committee on Foreign Relations of the
5 Senate and the Committee on Armed Services and
6 the Committee on Foreign Affairs of the House of
7 Representatives a notification of the waiver at the
8 time the waiver is invoked.

9 **SEC. 1235. ANNUAL REPORT ON MILITARY AND SECURITY**
10 **DEVELOPMENTS INVOLVING THE RUSSIAN**
11 **FEDERATION.**

12 (a) ADDITIONAL MATTERS TO BE INCLUDED IN RE-
13 PORT.—Subsection (b) of section 1245 of the Carl Levin
14 and Howard P. “Buck” McKeon National Defense Au-
15 thorization Act for Fiscal Year 2015 (Public Law 113–
16 291; 128 Stat. 3566), as amended by section 1248 of the
17 National Defense Authorization Act for Fiscal Year 2016
18 (Public Law 114–92; 129 Stat. 1066), is further amend-
19 ed—

20 (1) by redesignating paragraphs (10) through
21 (18) as paragraphs (12) through (20), respectively;

22 (2) by inserting after paragraph (9) the fol-
23 lowing new paragraphs:

24 “(10) In consultation with the Secretary of
25 State, the Secretary of the Treasury, and the Direc-

1 tor of National Intelligence, an assessment of Rus-
2 sia’s diplomatic, economic, and intelligence oper-
3 ations in Ukraine.

4 “(11) A summary of all Russian foreign mili-
5 tary deployments, as of the date that is one month
6 before the date of submission of the report, includ-
7 ing for each deployment the estimated number of
8 forces deployed, the types of capabilities deployed
9 (including any advanced weapons), the length of de-
10 ployment as of such date, and, if known, any basing
11 agreement with the host nation.”;

12 (3) by striking paragraph (14), as redesignated
13 by paragraph (1) of this subsection, and inserting
14 the following new paragraph:

15 “(14) An analysis of the nuclear strategy and
16 associated doctrine of Russia and of the capabilities,
17 range, and readiness of all Russian nuclear systems
18 and delivery methods.”; and

19 (4) in paragraph (18)(B), as redesignated by
20 paragraph (1) of this subsection, by striking “day
21 before the date of submission of the report” and in-
22 serting “date that is one month before the date of
23 submission of the report”.

24 (b) PUBLISHING REQUIREMENT.—Such section is
25 further amended—

1 (1) by redesignating subsections (d), (e), and
2 (f) as subsections (e), (f), and (g), respectively; and

3 (2) by inserting after subsection (c) the fol-
4 lowing new subsection:

5 “(d) PUBLISHING REQUIREMENT.—Upon submission
6 of the report required under subsection (a) in both classi-
7 fied and unclassified form, the Secretary of Defense shall
8 publish the unclassified form on the website of the Depart-
9 ment of Defense.”.

10 (c) SUNSET.—Subsection (g) of such section, as re-
11 designated by subsection (b)(1) of this section, is amended
12 by striking “June 1, 2018” and inserting “January 31,
13 2021”.

14 **SEC. 1236. LIMITATION ON USE OF FUNDS TO VOTE TO AP-**
15 **PROVE OR OTHERWISE ADOPT ANY IMPLE-**
16 **MENTING DECISION OF THE OPEN SKIES**
17 **CONSULTATIVE COMMISSION AND RELATED**
18 **REQUIREMENTS.**

19 (a) LIMITATION.—None of the funds authorized to
20 be appropriated or otherwise made available by this Act
21 or any other Act for fiscal year 2017 or any subsequent
22 fiscal year may be used to vote to approve or otherwise
23 adopt any implementing decision of the Open Skies Con-
24 sultative Commission pursuant to Article X of the Open
25 Skies Treaty to authorize approval of requests by state

1 parties to the Treaty to certify infra-red or synthetic aper-
2 ture radar sensors pursuant to Article IV of the Treaty
3 unless and until the Secretary of Defense, jointly with the
4 relevant United States Government officials, submits to
5 the appropriate congressional committees the following:

6 (1) A certification that the implementing deci-
7 sion would not be detrimental or otherwise harmful
8 to the national security of the United States.

9 (2) A report on the Open Skies Treaty that in-
10 cludes the following:

11 (A) The annual costs to the United States
12 associated with countermeasures to combat po-
13 tential abuses of observation flights by the Rus-
14 sian Federation carried out under the Treaty
15 over European and United States territories in-
16 volving infra-red or synthetic aperture radar
17 sensors.

18 (B) A plan, and its estimated comparative
19 cost, to replace the Treaty architecture with a
20 more robust sharing of overhead commercial
21 imagery, consistent with United States national
22 security, with covered state parties, excluding
23 the Russian Federation.

24 (C) An evaluation by the Director of Na-
25 tional Intelligence of matters concerning how an

1 observation flight described in subparagraph
2 (A) could implicate intelligence activities of the
3 Russian Federation in the United States and
4 United States counterintelligence activities and
5 vulnerabilities.

6 (D) An assessment of how such informa-
7 tion is used by the Russian Federation, for
8 what purpose, and how the information fits into
9 the Russian Federation's overall collection pos-
10 ture.

11 (b) CERTIFICATION.—Not later than 90 days before
12 the date on which the United States votes to approve or
13 otherwise adopt any implementing decision of the Open
14 Skies Consultative Commission as described in subsection
15 (a), the Secretary of State shall—

16 (1) submit to the appropriate congressional
17 committees a certification that—

18 (A) the Russian Federation—

19 (i) is not taking any actions that are
20 inconsistent with the terms of the Open
21 Skies Treaty;

22 (ii) is not exceeding the imagery limits
23 set forth in the Treaty; and

24 (iii) is allowing observation flights by
25 covered state parties over all of Moscow,

1 Chechnya, Kaliningrad and within 10 kilo-
2 meters of its border with Georgia's occu-
3 pied territories of Abkhazia and South
4 Ossetia without restriction and without in-
5 consistency to requirements under the
6 Treaty; and

7 (B) covered state parties have been noti-
8 fied and briefed on concerns of the intelligence
9 community (as defined in section 3 of the Na-
10 tional Security Act of 1947 (50 U.S.C. 3003))
11 regarding infra-red or synthetic aperture radar
12 sensors used under the Open Skies Treaty; or

13 (2) if the Secretary of State is unable to make
14 a certification under paragraph (1), submit to the
15 appropriate congressional committees a report that
16 contains the reasons why the Secretary cannot make
17 such certification and a justification why it is in the
18 national interest of the United States to vote to ap-
19 prove or otherwise adopt such implementing deci-
20 sion.

21 (c) QUARTERLY REPORT.—

22 (1) IN GENERAL.—The Secretary of Defense,
23 jointly with the Secretary of Energy, the Secretary
24 of Homeland Security, the Director of the Federal
25 Bureau of Investigation, and the Director of Na-

1 tional Intelligence, shall submit to the appropriate
2 congressional committees on a quarterly basis a re-
3 port on all observation flights by the Russian Fed-
4 eration over the United States during the preceding
5 calendar quarter.

6 (2) CONTENTS.—The report required under
7 paragraph (1) shall include the following with re-
8 spect to each such observation flight:

9 (A) A description of the flight path.

10 (B) An analysis of whether and the extent
11 to which any United States critical infrastruc-
12 ture was the subject of image capture activities
13 of such observation flight.

14 (C) An estimate for the mitigation costs
15 imposed on the Department of Defense or other
16 United States Government agencies by such ob-
17 servation flight.

18 (D) An assessment of how such informa-
19 tion is used by the Russian Federation, for
20 what purpose, and how the information fits into
21 the Russian Federation's overall collection pos-
22 ture.

23 (3) SUNSET.—The requirements of this sub-
24 section shall terminate 5 years after the date of the
25 enactment of this Act.

1 (d) ADDITIONAL LIMITATION.—

2 (1) IN GENERAL.—Not more than 65 percent of
3 the funds authorized to be appropriated or otherwise
4 made available by this Act or any other Act for fis-
5 cal year 2017 may be used to carry out any activi-
6 ties to implement the Open Skies Treaty until the
7 requirements described in paragraph (2) are met.

8 (2) REQUIREMENTS DESCRIBED.—The require-
9 ments described in this paragraph are the following:

10 (A) The Director of National Intelligence
11 and the Director of the National Geospatial-In-
12 telligence Agency jointly submit to the appro-
13 priate congressional committees a report on the
14 following:

15 (i) Whether it is possible, consistent
16 with United States national security inter-
17 ests, to provide enhanced access to United
18 States commercial imagery or other United
19 States capabilities, consistent with the pro-
20 tection of sources and methods and United
21 States national security, to covered state
22 parties that is qualitatively similar to that
23 derived by observation flights over the ter-
24 ritory of the United States or over the ter-

1 ritory of a covered state party under the
2 Open Skies Treaty, on a more timely basis.

3 (ii) What the cost would be to provide
4 enhanced access to such commercial im-
5 agery or other capabilities as compared to
6 the current imagery sharing through the
7 Treaty.

8 (iii) Whether any new agreements
9 would be needed to provide enhanced ac-
10 cess to such commercial imagery or other
11 capabilities and what would be required to
12 obtain such agreements.

13 (iv) Whether transitioning to such
14 commercial imagery or other capabilities
15 from the current imagery sharing through
16 the Treaty would reduce opportunities by
17 the Russian Federation to exceed imagery
18 limits and reduce utility for Russian intel-
19 ligence collection against the United States
20 or covered state parties.

21 (v) How such commercial imagery or
22 other capabilities would compare to the
23 current imagery sharing through the Trea-
24 ty.

1 (B) The Secretary of State, in consultation
2 with the Director of the National Geospatial In-
3 telligence Agency and the Secretary of Defense,
4 submits to the appropriate congressional com-
5 mittees a report that—

6 (i) details the costs for implementa-
7 tion of the Open Skies Treaty, including—

8 (I) mitigation costs relating to
9 national security; and

10 (II) aircraft, sensors, and related
11 overhead and implementation costs for
12 covered state parties; and

13 (ii) describes the impact on contribu-
14 tions and participation by covered state
15 parties and relationships among covered
16 state parties in the context of the Open
17 Skies Treaty, the North Atlantic Treaty
18 Organization, and any other venues for
19 United States partnership dialogue and ac-
20 tivity.

21 (e) FORM.—Each certification, report, and notice re-
22 quired under this section shall be submitted in unclassified
23 form, but may contain a classified annex if necessary.

24 (f) DEFINITIONS.—In this section:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Armed Services, the
5 Committee on Foreign Relations, and the Select
6 Committee on Intelligence of the Senate; and

7 (B) the Committee on Armed Services, the
8 Committee on Foreign Affairs, and the Perma-
9 nent Select Committee on Intelligence of the
10 House of Representatives.

11 (2) COVERED STATE PARTY.—The term “cov-
12 ered state party” means a foreign country that—

13 (A) is a state party to the Open Skies
14 Treaty; and

15 (B) is a United States ally.

16 (3) INFRA-RED OR SYNTHETIC APERTURE
17 RADAR SENSOR.—The term “infra-red or synthetic
18 aperture radar sensor” means a sensor that is classi-
19 fied as—

20 (A) an infra-red line-scanning device under
21 category C of paragraph 1 of Article IV of the
22 Open Skies Treaty; or

23 (B) a sideways-looking synthetic aperture
24 radar under category D of paragraph 1 of Arti-
25 cle IV of the Open Skies Treaty.

1 (4) OBSERVATION FLIGHT.—The term “obser-
2 vation flight” has the meaning given such term in
3 Article II of the Open Skies Treaty.

4 (5) OPEN SKIES TREATY; TREATY.—The term
5 “Open Skies Treaty” or “Treaty” means the Treaty
6 on Open Skies, done at Helsinki March 24, 1992,
7 and entered into force January 1, 2002.

8 (6) RELEVANT UNITED STATES GOVERNMENT
9 OFFICIALS.—The term “relevant United States Gov-
10 ernment officials” means the following:

11 (A) The Secretary of Energy.

12 (B) The Secretary of Homeland Security.

13 (C) The Director of the Federal Bureau of
14 Investigation.

15 (D) The Director of National Intelligence.

16 (E) The Commander of U.S. Strategic
17 Command and the Commander of U.S. North-
18 ern Command in the case of an observation
19 flight over the territory of the United States.

20 (F) The Commander of U.S. European
21 Command in the case of an observation flight
22 other than an observation flight described in
23 subparagraph (E).

1 (7) SENSOR.—The term “sensor” has the
2 meaning given such term in Article II of the Open
3 Skies Treaty.

4 **SEC. 1237. EXTENSION AND ENHANCEMENT OF UKRAINE**
5 **SECURITY ASSISTANCE INITIATIVE.**

6 (a) FUNDING.—Section 1250 of the National Defense
7 Authorization Act for Fiscal Year 2016 (Public Law 114–
8 92; 129 Stat. 1068) is amended—

9 (1) in subsection (a), by striking “Of the
10 amounts” and all that follows through “shall be
11 available to” and inserting “Amounts available for a
12 fiscal year under subsection (f) shall be available
13 to”;

14 (2) by redesignating subsection (f) as sub-
15 section (h); and

16 (3) by inserting after subsection (e) the fol-
17 lowing new subsection (f):

18 “(f) FUNDING.—From amounts authorized to be ap-
19 propriated for the fiscal year concerned for the Depart-
20 ment of Defense for overseas contingency operations, up
21 to the following shall be available for purposes of sub-
22 section (a):

23 “(1) For fiscal year 2016, \$300,000,000.

24 “(2) For fiscal year 2017, \$350,000,000.”.

1 (b) ADDITIONAL AUTHORIZED ASSISTANCE.—Sub-
2 section (b) of such section is amended by adding at the
3 end the following new paragraphs:

4 “(10) Equipment and technical assistance to
5 the State Border Guard Service of Ukraine for the
6 purpose of developing a comprehensive border sur-
7 veillance network for Ukraine.

8 “(11) Training for staff officers and senior
9 leadership of the military.”.

10 (c) AVAILABILITY OF FUNDS.—Subsection (c) of
11 such section is amended—

12 (1) by striking paragraphs (1) and (2) and in-
13 serting the following new paragraphs:

14 “(1) ASSISTANCE FOR UKRAINE.—Not more
15 than \$175,000,000 of the funds available for fiscal
16 year 2017 pursuant to subsection (f)(2) may be used
17 for purposes of subsection (a) until the certification
18 described in paragraph (2) is made.

19 “(2) CERTIFICATION.—The certification de-
20 scribed in this paragraph is a certification by the
21 Secretary of Defense, in coordination with the Sec-
22 retary of State, that the Government of Ukraine has
23 taken substantial actions to make defense institu-
24 tional reforms, in such areas as civilian control of
25 the military, cooperation and coordination with

1 Verkhovna Rada efforts to exercise oversight of the
2 Ministry of Defense and military forces, increased
3 transparency and accountability in defense procure-
4 ment, and improvement in transparency, account-
5 ability, and potential opportunities for privatization
6 in the defense industrial sector, for purposes of de-
7 creasing corruption, increasing accountability, and
8 sustaining improvements of combat capability en-
9 abled by assistance under subsection (a). The certifi-
10 cation shall include an assessment of the substantial
11 actions taken to make such defense institutional re-
12 forms and the areas in which additional action is
13 needed.”;

14 (2) in paragraph (3), by striking the matter
15 preceding subparagraph (A) and inserting the fol-
16 lowing:

17 “(3) OTHER PURPOSES.—If in fiscal year 2017
18 funds are not available for purposes of subsection
19 (a) by reason of the lack of a certification described
20 in paragraph (2), such funds may be used in that
21 fiscal year for the purposes as follows, with not more
22 than \$100,000,000 available for the purposes as fol-
23 lows for any particular country:”; and

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

1 “(4) NOTICE TO CONGRESS.—Not later than 15
2 days before providing assistance or support under
3 paragraph (3), the Secretary of Defense shall submit
4 to the congressional defense committees, the Com-
5 mittee on Foreign Relations of the Senate, and the
6 Committee on Foreign Affairs of the House of Rep-
7 resentatives a notification containing the following:

8 “(A) The recipient foreign country.

9 “(B) A detailed description of the assist-
10 ance or support to be provided, including—

11 “(i) the objectives of such assistance
12 or support;

13 “(ii) the budget for such assistance or
14 support; and

15 “(iii) the expected or estimated
16 timeline for delivery of such assistance or
17 support.

18 “(C) Such other matters as the Secretary
19 considers appropriate.”.

20 (d) CONSTRUCTION WITH OTHER AUTHORITY.—
21 Such section is further amended by inserting after sub-
22 section (f), as amended by subsection (a)(3) of this sec-
23 tion, the following new subsection (g):

24 “(g) CONSTRUCTION WITH OTHER AUTHORITY.—

25 The authority to provide assistance and support pursuant

1 to subsection (a), and the authority to provide assistance
2 and support under subsection (c), is in addition to author-
3 ity to provide assistance and support under title 10,
4 United States Code, the Foreign Assistance Act of 1961,
5 the Arms Export Control Act, or any other provision of
6 law.”.

7 (e) EXTENSION.—Subsection (h) of such section, as
8 redesignated by subsection (a)(2) of this section, is
9 amended by striking “December 31, 2017” and inserting
10 “December 31, 2018”.

11 (f) EXTENSION OF REPORTS ON MILITARY ASSIST-
12 ANCE TO UKRAINE.—Section 1275(e) of the Carl Levin
13 and Howard P. “Buck” McKeon National Defense Au-
14 thorization Act for Fiscal Year 2015 (Public Law 113–
15 291; 128 Stat. 3592), as amended by section 1250(g) of
16 the National Defense Authorization Act for Fiscal Year
17 2016, is further amended by striking “December 31,
18 2017” and inserting “January 31, 2021”.

19 **SEC. 1238. REPORTS ON INF TREATY AND OPEN SKIES**
20 **TREATY.**

21 (a) REPORTS.—Not later than 90 days after the date
22 of the enactment of this Act, the Chairman of the Joint
23 Chiefs of Staff shall submit to the appropriate congres-
24 sional committees the following reports:

1 (1) A report on the Open Skies Treaty con-
2 taining—

3 (A) an assessment, conducted by the
4 Chairman jointly with the Secretary of Defense
5 and the Secretary of State, of whether and why
6 the Treaty remains in the national security in-
7 terest of the United States, including if there
8 are compliance concerns related to implementa-
9 tion of the Treaty by the Russian Federation;

10 (B) a specific plan by the Chairman jointly
11 with the Secretary of Defense and the Secretary
12 of State on remedying any such compliance con-
13 cerns; and

14 (C) a military assessment conducted by the
15 Chairman of such compliance concerns.

16 (2) A report on the INF Treaty containing—

17 (A) an assessment, conducted by the
18 Chairman jointly with the Secretary of Defense
19 and the Secretary of State, of whether and why
20 the Treaty remains in the national security in-
21 terest of the United States, including how any
22 ongoing violations bear on the assessment if
23 such a violation is not resolved in the near-
24 term;

1 (B) a specific plan by the Chairman jointly
2 with the Secretary of Defense and the Secretary
3 of State to remedy violation of the Treaty by
4 the Russian Federation, and a judgment of
5 whether the Russian Federation intends to take
6 the steps required to establish verifiable evi-
7 dence that the Russian Federation has resumed
8 its compliance with the Treaty if such non-com-
9 pliance and inconsistencies are not resolved by
10 the date of the enactment of this Act; and

11 (C) a military assessment conducted by the
12 Chairman of the risks posed by violation of the
13 Treaty by the Russian Federation.

14 (b) UPDATE.—Not later than February 15, 2018, the
15 Chairman, the Secretary of Defense, and the Secretary of
16 State shall jointly submit to the appropriate congressional
17 committees an update to each report under subsection (a).

18 (c) DEFINITIONS.—In this section:

19 (1) The term “appropriate congressional com-
20 mittees” means—

21 (A) the Committee on Armed Services, the
22 Committee on Foreign Affairs, and the Perma-
23 nent Select Committee on Intelligence of the
24 House of Representatives; and

1 (B) the Committee on Armed Services, the
2 Committee on Foreign Relations, and the Select
3 Committee on Intelligence of the Senate.

4 (2) The term “INF Treaty” means the Treaty
5 Between the United States of America and the
6 Union of Soviet Socialist Republics on the Elimini-
7 nation of Their Intermediate-Range and Shorter-
8 Range Missiles, commonly referred to as the “Inter-
9 mediate-Range Nuclear Forces (INF) Treaty”,
10 signed at Washington December 8, 1987, and en-
11 tered into force June 1, 1988.

12 (3) The term “Open Skies Treaty” means the
13 Treaty on Open Skies, done at Helsinki March 24,
14 1992, and entered into force January 1, 2002.

15 **Subtitle E—Reform of Department**
16 **of Defense Security Cooperation**

17 **SEC. 1241. ENACTMENT OF NEW CHAPTER FOR DEFENSE**
18 **SECURITY COOPERATION.**

19 (a) STATUTORY REORGANIZATION.—Part I of sub-
20 title A of title 10, United States Code, is amended—

21 (1) by redesignating chapters 13, 15, 17, and
22 18 as chapters 12, 13, 14, and 15, respectively;

23 (2) by redesignating sections 261, 311, 312,
24 331, 332, 333, 334, 335, 351, 371, 372, 373, 374,
25 375, 376, 377, 378, 379, 380, 381, 382, 383, and

1 384 (as added by section 1011 of this Act) as sec-
 2 tions 241, 246, 247, 251, 252, 253, 254, 255, 261,
 3 271, 272, 273, 274, 275, 276, 277, 278, 279, 280,
 4 281, 282, 283, and 284, respectively; and

5 (3) by inserting after chapter 15, as redesign-
 6 nated by paragraph (1), the following new chapter:

7 **“CHAPTER 16—SECURITY COOPERATION**

“Subchapter	Sec.
“I. General Matters	301
“II. Military-to-Military Engagements	311
“III. Training With Foreign Forces	321
“IV. Support for Operations and Capacity Building	331
“V. Educational and Training Activities	341
“VI. Limitations on Use of Department of Defense Funds	361
“VII. Administrative and Miscellaneous Matters	381

8 **“SUBCHAPTER I—GENERAL MATTERS**

“Sec.
 “301. Definitions.

9 **“§ 301. Definitions**

10 “In this chapter:

11 “(1) The terms ‘appropriate congressional com-
 12 mittees’ and ‘appropriate committees of Congress’
 13 mean—

14 “(A) the Committee on Armed Services,
 15 the Committee on Foreign Relations, and the
 16 Committee on Appropriations of the Senate;
 17 and

18 “(B) the Committee on Armed Services,
 19 the Committee on Foreign Affairs, and the

1 Committee on Appropriations of the House of
2 Representatives.

3 “(2) The term ‘defense article’ has the meaning
4 given that term in section 644 of the Foreign Assist-
5 ance Act of 1961 (22 U.S.C. 2403).

6 “(3) The term ‘defense service’ has the mean-
7 ing given that term in section 644 of the Foreign
8 Assistance Act of 1961 (22 U.S.C. 2403).

9 “(4) The term ‘developing country’ has the
10 meaning prescribed by the Secretary of Defense for
11 purposes of this chapter in accordance with section
12 1241(n) of the National Defense Authorization Act
13 for Fiscal Year 2017.

14 “(5) The term ‘incremental expenses’, with re-
15 spect to a foreign country—

16 “(A) means the reasonable and proper
17 costs of rations, fuel, training ammunition,
18 transportation, and other goods and services
19 consumed by the country as a direct result of
20 the country’s participation in activities author-
21 ized by this chapter; and

22 “(B) does not include—

23 “(i) any form of lethal assistance (ex-
24 cluding training ammunition); or

1 “(ii) pay, allowances, and other nor-
2 mal costs of the personnel of the country.

3 “(6) The term ‘national security forces’, in the
4 case of a foreign country, means the following:

5 “(A) National military and national-level
6 security forces of the foreign country that have
7 the functional responsibilities for which training
8 is authorized in section 333(a) of this title.

9 “(B) With respect to operations referred to
10 in section 333(a)(2) of this title, military and
11 civilian first responders of the foreign country
12 at the national or local level that have such op-
13 erations among their functional responsibilities.

14 “(7) The term ‘security cooperation programs
15 and activities of the Department of Defense’ means
16 any program, activity (including an exercise), or
17 interaction of the Department of Defense with the
18 security establishment of a foreign country to
19 achieve a purpose as follows:

20 “(A) To build and develop allied and
21 friendly security capabilities for self-defense and
22 multinational operations.

23 “(B) To provide the armed forces with ac-
24 cess to the foreign country during peacetime or
25 a contingency operation.

1 (c) CODIFICATION OF SECTION 1081 OF FY 2012
2 NDAA.—

3 (1) CODIFICATION.—Chapter 16 of title 10,
4 United States Code, as added by subsection (a)(3),
5 is amended by inserting after the table of sections
6 at the beginning of subchapter IV a new section 332
7 consisting of—

8 (A) a heading as follows:

9 **“§ 332. Friendly foreign countries; international and**
10 **regional organizations; defense institu-**
11 **tion capacity building”; and**

12 (B) a text consisting of the text of sub-
13 sections (a), (b), and (d) of section 1081 of the
14 National Defense Authorization Act for Fiscal
15 Year 2012 (10 U.S.C. 168 note).

16 (2) CONFORMING AMENDMENT.—Section 332
17 of title 10, United States Code, as so amended, is
18 further amended by redesignating subsection (d) as
19 subsection (c).

20 (3) CONFORMING REPEAL.—Section 1081 of
21 the National Defense Authorization Act for Fiscal
22 Year 2012 is repealed.

23 (d) SUPERSEDING AUTHORITY TO TRAIN AND EQUIP
24 FOREIGN SECURITY FORCES.—

1 (1) SUPERSEDING AUTHORITY.—Chapter 16 of
2 title 10, United States Code, as added by subsection
3 (a)(3), is amended by inserting after section 332, as
4 added by subsection (c), the following new section:

5 **“§ 333. Foreign security forces: authority to build ca-**
6 **capacity**

7 “(a) AUTHORITY.—The Secretary of Defense is au-
8 thorized to conduct or support a program or programs to
9 provide training and equipment to the national security
10 forces of one or more foreign countries for the purpose
11 of building the capacity of such forces to conduct one or
12 more of the following:

13 “(1) Counterterrorism operations.

14 “(2) Counter-weapons of mass destruction oper-
15 ations.

16 “(3) Counter-illicit drug trafficking operations.

17 “(4) Counter-transnational organized crime op-
18 erations.

19 “(5) Maritime and border security operations.

20 “(6) Military intelligence operations.

21 “(7) Operations or activities that contribute to
22 an international coalition operation that is deter-
23 mined by the Secretary to be in the national interest
24 of the United States.

1 “(b) CONCURRENCE AND COORDINATION WITH SEC-
2 RETARY OF STATE.—

3 “(1) CONCURRENCE IN CONDUCT OF PRO-
4 GRAMS.—The concurrence of the Secretary of State
5 is required to conduct or support any program au-
6 thorized by subsection (a).

7 “(2) JOINT DEVELOPMENT AND PLANNING OF
8 PROGRAMS.—The Secretary of Defense and the Sec-
9 retary of State shall jointly develop and plan any
10 program carried out pursuant to subsection (a).

11 “(3) IMPLEMENTATION OF PROGRAMS.—The
12 Secretary of Defense and the Secretary of State
13 shall coordinate the implementation of any program
14 under subsection (a). The Secretary of Defense and
15 the Secretary of State shall each designate an indi-
16 vidual responsible for program coordination under
17 this paragraph at the lowest appropriate level in the
18 Department concerned.

19 “(4) COORDINATION IN PREPARATION OF CER-
20 TAIN NOTICES.—Any notice required by this section
21 to be submitted to the appropriate committees of
22 Congress shall be prepared in coordination with the
23 Secretary of State.

24 “(c) TYPES OF CAPACITY BUILDING.—

1 “(1) AUTHORIZED ELEMENTS.—A program
2 under subsection (a) may include the provision and
3 sustainment of defense articles, training, defense
4 services, supplies (including consumables), and
5 small-scale construction.

6 “(2) REQUIRED ELEMENTS.—A program under
7 subsection (a) shall include elements that promote
8 the following:

9 “(A) Observance of and respect for the law
10 of armed conflict, human rights and funda-
11 mental freedoms, and the rule of law.

12 “(B) Respect for civilian control of the
13 military.

14 “(3) HUMAN RIGHTS TRAINING.—In order to
15 meet the requirement in paragraph (2)(A) with re-
16 spect to particular national security forces under a
17 program under subsection (a), the Secretary of De-
18 fense shall certify, prior to the initiation of the pro-
19 gram, that the Department of Defense is already un-
20 dertaking, or will undertake as part of the security
21 sector assistance provided to the foreign country
22 concerned, human rights training that includes a
23 comprehensive curriculum on human rights and the
24 law of armed conflict, as applicable, to such national
25 security forces.

1 “(4) INSTITUTIONAL CAPACITY BUILDING.—In
2 order to meet the requirement in paragraph (2)(B)
3 with respect to a particular foreign country under a
4 program under subsection (a), the Secretary shall
5 certify, prior to the initiation of the program, that
6 the Department is already undertaking, or will un-
7 dertake as part of the program, a program of insti-
8 tutional capacity building with appropriate institu-
9 tions of such foreign country that is complementary
10 to the program with respect to such foreign country
11 under subsection (a). The purpose of the program of
12 institutional capacity building shall be to enhance
13 the capacity of such foreign country to exercise re-
14 sponsible civilian control of the national security
15 forces of such foreign country.

16 “(d) LIMITATIONS.—

17 “(1) ASSISTANCE OTHERWISE PROHIBITED BY
18 LAW.—The Secretary of Defense may not use the
19 authority in subsection (a) to provide any type of as-
20 sistance described in subsection (c) that is otherwise
21 prohibited by any provision of law.

22 “(2) PROHIBITION ON ASSISTANCE TO UNITS
23 THAT HAVE COMMITTED GROSS VIOLATIONS OF
24 HUMAN RIGHTS.—The provision of assistance pursu-

1 ant to a program under subsection (a) shall be sub-
2 ject to the provisions of section 362 of this title.

3 “(3) DURATION OF SUSTAINMENT SUPPORT.—
4 Sustainment support may not be provided pursuant
5 to a program under subsection (a), or for equipment
6 previously provided by the Department of Defense
7 under any authority available to the Secretary dur-
8 ing fiscal year 2015 or 2016, for a period in excess
9 of five years unless the notice on the program pursu-
10 ant to subsection (e) includes the information speci-
11 fied in paragraph (7) of subsection (e).

12 “(e) NOTICE AND WAIT ON ACTIVITIES UNDER PRO-
13 GRAMS.—Not later than 15 days before initiating activities
14 under a program under subsection (a), the Secretary of
15 Defense shall submit to the appropriate committees of
16 Congress a written and electronic notice of the following:

17 “(1) The foreign country, and specific unit,
18 whose capacity to engage in activities specified in
19 subsection (a) will be built under the program, and
20 the amount, type, and purpose of the support to be
21 provided.

22 “(2) A detailed evaluation of the capacity of the
23 foreign country and unit to absorb the training or
24 equipment to be provided under the program.

1 “(3) The cost, implementation timeline, and de-
2 livery schedule for assistance under the program.

3 “(4) A description of the arrangements, if any,
4 for the sustainment of the program and the esti-
5 mated cost and source of funds to support
6 sustainment of the capabilities and performance out-
7 comes achieved under the program beyond its com-
8 pletion date, if applicable.

9 “(5) Information, including the amount, type,
10 and purpose, on the security assistance provided the
11 foreign country during the three preceding fiscal
12 years pursuant to authorities under this title, the
13 Foreign Assistance Act of 1961, and any other train
14 and equip authorities of the Department of Defense.

15 “(6) A description of the elements of the the-
16 ater security cooperation plan of the geographic
17 combatant command concerned, and of the inter-
18 agency integrated country strategy, that will be ad-
19 vanced by the program.

20 “(7) In the case of a program described in sub-
21 section (d)(3), each of the following:

22 “(A) A written justification that the provi-
23 sion of sustainment support described in that
24 subsection for a period in excess of five years

1 will enhance the security interest of the United
2 States.

3 “(B) To the extent practicable, a plan to
4 transition such sustainment support from fund-
5 ing through the Department to funding through
6 another security sector assistance program of
7 the United States Government or funding
8 through partner nations.

9 “(f) QUARTERLY MONITORING REPORTS.—The Di-
10 rector of the Defense Security Cooperation Agency shall,
11 on a quarterly basis, submit to the appropriate committees
12 of Congress a report setting forth, for the preceding cal-
13 endar quarter, the following:

14 “(1) Information, by recipient country, of the
15 delivery and execution status of all defense articles,
16 training, defense services, supplies (including
17 consumables), and small-scale construction under
18 programs under subsection (a).

19 “(2) Information on the timeliness of delivery
20 of defense articles, defense services, supplies (includ-
21 ing consumables), and small-scale construction when
22 compared with delivery schedules for such articles,
23 services, supplies, and construction previously pro-
24 vided to Congress.

1 “(3) Information, by recipient country, on the
2 status of funds allocated for programs under sub-
3 section (a), including amounts of unobligated funds,
4 unliquidated obligations, and disbursements.

5 “(g) FUNDING.—

6 “(1) SOLE SOURCE OF FUNDS.—Amounts for
7 programs carried out pursuant to subsection (a) in
8 a fiscal year, and for other purposes in connection
9 with such programs as authorized by this section,
10 may be derived only from amounts authorized to be
11 appropriated for such fiscal year for the Department
12 of Defense for operation and maintenance, Defense-
13 wide, and available for the Defense Security Co-
14 operation Agency for such programs and purposes.

15 “(2) AVAILABILITY OF FUNDS FOR PROGRAMS
16 ACROSS FISCAL YEARS.—

17 “(A) IN GENERAL.—Amounts available in
18 a fiscal year to carry out the authority in sub-
19 section (a) may be used for programs under
20 that authority that begin in such fiscal year and
21 end not later than the end of the second fiscal
22 year thereafter.

23 “(B) ACHIEVEMENT OF FULL OPER-
24 ATIONAL CAPACITY.—If, in accordance with
25 subparagraph (A), equipment or training is de-

1 livered under a program under the authority in
2 subsection (a) in the fiscal year after the fiscal
3 year in which the program begins, amounts for
4 defense articles, training, defense services, sup-
5 plies (including consumables), and small-scale
6 construction associated with such equipment or
7 training and necessary to ensure that the re-
8 cipient unit achieves full operational capability
9 for such equipment or training may be used in
10 the fiscal year in which the foreign country
11 takes receipt of such equipment and in the next
12 two fiscal years.”.

13 (2) FUNDING FOR FISCAL YEAR 2017.—
14 Amounts may be available for fiscal year 2017 for
15 programs and other purposes described in subsection
16 (g) of section 333 of title 10, United States Code,
17 as added by paragraph (1), as follows:

18 (A) Amounts authorized to be appropriated
19 by section 301 for operation and maintenance,
20 Defense-wide, and available for the Defense Se-
21 curity Cooperation Agency for such programs
22 and purposes as specified in the funding table
23 in section 4301.

24 (B) Amounts authorized to be appro-
25 priated by section 1407 for Drug Interdiction

1 and Counter-Drug Activities, Defense-Wide, as
2 specified in the funding table in section 4501.

3 (C) Amounts authorized to be appropriated
4 by section 1504 for operation and maintenance,
5 Defense-wide, for overseas contingency oper-
6 ations and available for the Defense Security
7 Cooperation Agency for such programs and
8 purposes as specified in the funding table in
9 section 4302.

10 (D) Amounts authorized to be appro-
11 priated by section 1504 for operation and main-
12 tenance, Defense-wide, for overseas contingency
13 operations and available for the Counter Islamic
14 State of Iraq and the Levant Fund as specified
15 in the funding table in section 4302, which
16 amounts may be available for such programs
17 and other purposes with respect to a country
18 other than Iraq or Syria if—

19 (i) such programs and other purposes
20 are for the purpose of countering the Is-
21 lamic State of Iraq and the Levant; and

22 (ii) notice on the use of such amounts
23 for such programs and other purposes is
24 provided to Congress in accordance with

1 subsection (e) of section 333 of title 10,
2 United States Code, as so added.

3 (E) Amounts authorized to be appro-
4 priated by section 1507 for Drug Interdiction
5 and Counter-Drug Activities, Defense-Wide, for
6 overseas contingency operations as specified in
7 the funding table in section 4502 or 4503.

8 (F) Amounts available for fiscal years be-
9 fore fiscal year 2017 for the Counterterrorism
10 Partnerships Fund that remain available for ob-
11 ligation in fiscal year 2017.

12 (3) LIMITATION ON AVAILABILITY OF FUNDS
13 FOR FISCAL YEAR 2017.—Of the amounts available
14 for fiscal year 2017 pursuant to paragraph (2) for
15 programs and other purposes described in subsection
16 (g) of section 333 of title 10, United States Code,
17 as so added, not more than 65 percent of such
18 amounts may be used for such purposes until the
19 guidance required by paragraph (4) is submitted to
20 the congressional defense committees as required by
21 paragraph (4).

22 (4) GUIDANCE.—Not later than 180 days after
23 the date of the enactment of this Act, the Secretary
24 of Defense shall prescribe, and submit to the con-
25 gressional defense committees, initial policy guidance

1 on roles, responsibilities, and processes in connection
2 with programs and activities authorized by section
3 333 of title 10, United States Code, as so added.
4 Not later than 270 days after the date of the enact-
5 ment of this Act, the Secretary shall prescribe, and
6 submit to the congressional defense committees,
7 final policy guidance on roles, responsibilities, and
8 processes in connection with such programs and ac-
9 tivities.

10 (5) CONFORMING REPEALS.—Effective as of the
11 date that is 270 days after the date of the enact-
12 ment of this Act, the following provisions of law are
13 repealed:

14 (A) Section 2282 of title 10, United States
15 Code.

16 (B) The following provisions of the Na-
17 tional Defense Authorization Act for Fiscal
18 Year 2014 (Public Law 113–66):

19 (i) Section 1204 (127 Stat. 896; 10
20 U.S.C. 401 note).

21 (ii) Section 1207 (127 Stat. 902; 22
22 U.S.C. 2151 note).

23 (C) Section 1033 of the National Defense
24 Authorization Act for Fiscal Year 1998 (Public
25 Law 105–85; 111 Stat. 1881).

1 (6) CLERICAL AMENDMENT.—Effective as of
2 the date that is 270 days after the date of the enact-
3 ment of this Act, the table of sections at the begin-
4 ning of chapter 136 of title 10, United States Code,
5 is amended by striking the item relating to section
6 2282.

7 (e) TRANSFER AND MODIFICATION OF SECTION 184
8 AND CODIFICATION OF RELATED PROVISIONS.—

9 (1) TRANSFER AND REDESIGNATION.—Section
10 184 of title 10, United States Code, is transferred
11 to chapter 16 of such title as added by subsection
12 (a)(3), inserted after the table of sections at the be-
13 ginning of subchapter V of such chapter, and redesi-
14 gnated as section 342.

15 (2) MODIFICATION OF AUTHORITIES AND CODI-
16 FICATION OF REIMBURSEMENT-RELATED PROVI-
17 SIONS.—Section 342 of title 10, United States Code,
18 as so transferred and redesignated, is amended—

19 (A) in subsection (a), by striking “and ex-
20 change of ideas” and inserting “exchange of
21 ideas, and training”;

22 (B) in subsection (b)—

23 (i) in paragraph (1)(B), by striking
24 “and exchange of ideas” and inserting “ex-
25 change of ideas, and training”; and

1 (ii) in paragraph (3), by striking “,
2 except as specifically provided by law after
3 October 17, 2006”;

4 (C) in subsection (e), by adding at the end
5 the following new sentence: “The regulations
6 shall prioritize within the respective areas of
7 focus of each Regional Center the functional
8 areas for engagement of territorial and mari-
9 time security, transnational and asymmetric
10 threats, and defense sector governance.”; and

11 (D) in subsection (f)—

12 (i) in paragraph (3)—

13 (I) by inserting “(A)” after
14 “(3)”;

15 (II) in subparagraph (A), as so
16 designated, by striking “civilian gov-
17 ernment officials” and inserting “per-
18 sonnel”; and

19 (III) by adding at the end the
20 following new subparagraph:

21 “(B)(i) The Secretary of Defense may, with the con-
22 currence of the Secretary of State, waive reimbursement
23 otherwise required under this subsection of the costs of
24 activities of the Regional Centers for personnel of non-
25 governmental and international organizations who partici-

1 pate in activities of the Regional Centers that enhance co-
2 operation of nongovernmental organizations and inter-
3 national organizations with United States forces if the
4 Secretary of Defense determines that attendance of such
5 personnel without reimbursement is in the national secu-
6 rity interest of the United States.

7 “(ii) The amount of reimbursement that may be
8 waived under clause (i) in any fiscal year may not exceed
9 \$1,000,000.”; and

10 (ii) in paragraph (5), by striking
11 “under the Latin American cooperation
12 authority” and all that follows and insert-
13 ing “under section 312 of this title are also
14 available for the costs of the operation of
15 the Regional Centers.”.

16 (3) CODIFICATION OF PROVISIONS RELATING
17 TO SPECIFIC CENTERS.—Such section 342, as so
18 transferred and redesignated, is further amended by
19 adding at the end the following new subsections:

20 “(h) AUTHORITIES SPECIFIC TO MARSHALL CEN-
21 TER.—(1) The Secretary of Defense may authorize par-
22 ticipation by a European or Eurasian country in programs
23 of the George C. Marshall Center for Security Studies (in
24 this subsection referred to as the ‘Marshall Center’) if the
25 Secretary determines, after consultation with the Sec-

1 retary of State, that such participation is in the national
2 interest of the United States.

3 “(2)(A) In the case of any person invited to serve
4 without compensation on the Marshall Center Board of
5 Visitors, the Secretary of Defense may waive any require-
6 ment for financial disclosure that would otherwise apply
7 to that person solely by reason of service on such Board.

8 “(B) A member of the Marshall Center Board of Visi-
9 tors may not be required to register as an agent of a for-
10 eign government solely by reason of service as a member
11 of the Board.

12 “(C) Notwithstanding section 219 of title 18, a non-
13 United States citizen may serve on the Marshall Center
14 Board of Visitors even though registered as a foreign
15 agent.

16 “(3)(A) The Secretary of Defense may waive reim-
17 bursement of the costs of conferences, seminars, courses
18 of instruction, or similar educational activities of the Mar-
19 shall Center for military officers and civilian officials from
20 states located in Europe or the territory of the former So-
21 viet Union if the Secretary determines that attendance by
22 such personnel without reimbursement is in the national
23 security interest of the United States.

1 “(B) Costs for which reimbursement is waived pursu-
2 ant to subparagraph (A) shall be paid from appropriations
3 available for the Center.

4 “(i) AUTHORITIES SPECIFIC TO INOUYE CENTER.—

5 (1) The Secretary of Defense may waive reimbursement
6 of the cost of conferences, seminars, courses of instruction,
7 or similar educational activities of the Daniel K. Inouye
8 Center for Security Studies for military officers and civil-
9 ian officials of foreign countries if the Secretary deter-
10 mines that attendance by such personnel, without reim-
11 bursement, is in the national security interest of the
12 United States.

13 “(2) Costs for which reimbursement is waived pursu-
14 ant to paragraph (1) shall be paid from appropriations
15 available for the Center.”.

16 (4) ANNUAL REVIEW OF PROGRAM STRUCTURE
17 AND PROGRAMS OF CENTERS.—Such section 342, as
18 amended by this subsection, is further amended by
19 adding at the end the following new subsection:

20 “(j) ANNUAL REVIEW OF PROGRAM STRUCTURE AND
21 PROGRAMS OF CENTERS.—(1) The Secretary shall on an
22 annual basis review the program and structure of each Re-
23 gional Center in order to determine whether such Regional
24 Center is appropriately aligned with the strategic priorities

1 of the Department of Defense and the applicable geo-
2 graphic combatant commands.

3 “(2) The Secretary may revise the program, struc-
4 ture, or both of a Regional Center following an annual
5 review under paragraph (1) in order to more appropriately
6 align the Regional Center with strategic priorities and the
7 geographic combatant commands as described in that
8 paragraph..”.

9 (5) REPEAL OF CODIFIED PROVISIONS.—The
10 following provisions of law are repealed:

11 (A) Section 941(b) of the Duncan Hunter
12 National Defense Authorization Act for Fiscal
13 Year 2009 (Public Law 110–417; 10 U.S.C.
14 184 note).

15 (B) Section 1065 of the National Defense
16 Authorization Act for Fiscal Year 1997 (Public
17 Law 104–201; 10 U.S.C. 113 note).

18 (C) Section 1306 of the National Defense
19 Authorization Act for Fiscal Year 1995 (Public
20 Law 103–337; 108 Stat. 2892).

21 (D) Section 8073 of the Department of
22 Defense Appropriations Act, 2003 (Public Law
23 107–248; 10 U.S.C. prec. 2161 note).

24 (f) TRANSFER OF SECTION 2166.—

1 (1) TRANSFER AND REDESIGNATION.—Section
2 2166 of title 10, United States Code, is transferred
3 to chapter 16 of such title, as added by subsection
4 (a)(3), inserted after section 342, as transferred and
5 redesignated by subsection (e), and redesignated as
6 section 343.

7 (2) CONFORMING STYLISTIC AMENDMENTS.—
8 Such section 343, as so transferred and redesign-
9 ated, is amended by striking “nations” each place
10 it appears in subsections (b) and (c) and inserting
11 “countries”.

12 (g) TRANSFER OF SECTION 2350M.—

13 (1) TRANSFER AND REDESIGNATION.—Section
14 2350m of title 10, United States Code, is trans-
15 ferred to chapter 16 of such title, as added by sub-
16 section (a)(3), inserted after section 343, as trans-
17 ferred and redesignated by subsection (f), and redesi-
18 gnated as section 344.

19 (2) CONFORMING AMENDMENTS.—Such section
20 344, as so transferred and redesignated, is amend-
21 ed—

22 (A) by striking subsection (e); and

23 (B) by redesignating subsection (f) as sub-
24 section (e).

25 (h) TRANSFER OF SECTION 2249D.—

1 (1) TRANSFER AND REDESIGNATION.—Section
2 2249d of title 10, United States Code, is transferred
3 to chapter 16 of such title, as added by subsection
4 (a)(3), inserted after section 344, as transferred and
5 redesignated by subsection (g), and redesignated as
6 section 346.

7 (2) CONFORMING AND STYLISTIC AMEND-
8 MENTS.—Such section 346, as so transferred and
9 redesignated, is amended—

10 (A) by striking “nations” in subsections

11 (a) and (d) and inserting “countries”; and

12 (B) by striking subsections (f) and (g).

13 (i) REENACTMENT OF CHAPTER 905.—

14 (1) CONSOLIDATION OF SECTIONS 9381, 9382,
15 AND 9383.—Chapter 16 of title 10, United States
16 Code, as added by subsection (a)(3), is amended by
17 inserting after section 346, as transferred and reded-
18 ignated by subsection (h), the following new section:

19 **“§ 348. Aviation Leadership Program**

20 “(a) IN GENERAL.—Under regulations prescribed by
21 the Secretary of Defense, the Secretary of the Air Force
22 may carry out an Aviation Leadership Program to provide
23 undergraduate pilot training and necessary related train-
24 ing to personnel of the air forces of friendly, developing
25 foreign countries. Training under this section shall include

1 language training and programs to promote better aware-
2 ness and understanding of the democratic institutions and
3 social framework of the United States.

4 “(b) SUPPLIES AND CLOTHING.—(1) The Secretary
5 of the Air Force may, under such conditions as the Sec-
6 retary may prescribe, provide to a person receiving train-
7 ing under this section—

8 “(A) transportation incident to the training;

9 “(B) supplies and equipment to be used during
10 the training;

11 “(C) flight clothing and other special clothing
12 required for the training; and

13 “(D) billeting, food, and health services.

14 “(2) The Secretary may authorize such expenditures
15 from the appropriations of the Air Force as the Secretary
16 considers necessary for the efficient and effective mainte-
17 nance of the Program in accordance with this section.

18 “(c) ALLOWANCES.—The Secretary of the Air Force
19 may pay to a person receiving training under this section
20 a living allowance at a rate to be prescribed by the Sec-
21 retary, taking into account the amount of living allowances
22 authorized for a member of the armed forces under similar
23 circumstances.”.

24 (2) CONFORMING REPEAL.—Chapter 905 of
25 such title is repealed.

1 (j) TRANSFER OF SECTION 9415.—

2 (1) IN GENERAL.—Section 9415 of title 10,
3 United States Code, is transferred to chapter 16 of
4 such title, as added by subsection (a)(3), inserted
5 after section 348, as added by subsection (i), and re-
6 designated as section 349.

7 (2) CONFORMING AMENDMENT FOR STANDARD-
8 IZATION WITH CERTAIN OTHER AIR FORCES ACAD-
9 EMY AUTHORITY.—Such section 349, as so trans-
10 ferred and amended, is amended—

11 (A) by redesignating subsection (b) as sub-
12 section (c); and

13 (B) by inserting after subsection (a) the
14 following new subsection (b):

15 “(b) LIMITATIONS.—

16 “(1) CONCURRENCE OF SECRETARY OF
17 STATE.—Military personnel of a foreign country may
18 be provided education and training under this sec-
19 tion only with the concurrence of the Secretary of
20 State.

21 “(2) ASSISTANCE OTHERWISE PROHIBITED BY
22 LAW.—Education and training may not be provided
23 under this section to the military personnel of any
24 country that is otherwise prohibited from receiving

1 such type of assistance under any other provision of
2 law.”.

3 (k) CODIFICATION OF SECTION 1268 OF FY 2015
4 NDAA.—

5 (1) CODIFICATION.—Chapter 16 of title 10,
6 United States Code, as added by subsection (a)(3),
7 is amended by inserting after section 349, as trans-
8 ferred and redesignated by subsection (j), a new sec-
9 tion 350 consisting of—

10 (A) a heading as follows:

11 **“§ 350. Inter-European Air Forces Academy”; and**

12 (B) a text consisting of the text of sub-
13 sections (a) through (f) of section 1268 of the
14 Carl Levin and Howard P. “Buck” McKeon
15 National Defense Authorization Act for Fiscal
16 Year 2015 (Public Law 113–291; 128 Stat.
17 3585; 10 U.S.C. 9411 note).

18 (2) CONFORMING REPEAL.—Section 1268 of
19 the Carl Levin and Howard P. “Buck” McKeon Na-
20 tional Defense Authorization Act for Fiscal Year
21 2015 is repealed.

22 (l) TRANSFER OF SECTIONS 2249A AND 2249E.—

23 (1) TRANSFER AND REDESIGNATION.—Sections
24 2249a and 2249e of title 10, United States Code,
25 are transferred to chapter 16 of such title, as added

1 by subsection (a)(3), inserted after the table of sec-
2 tions at the beginning of subchapter VI of such
3 chapter, and redesignated as sections 361 and 362,
4 respectively.

5 (2) CONFORMING REPEAL RELATING TO SUPER-
6 SEDED DEFINITION OF CONGRESSIONAL COMMIT-
7 TEES.—Section 362 of such title, as transferred and
8 redesignated by paragraph (1), is amended by strik-
9 ing subsection (f).

10 (m) ADMINISTRATIVE MATTERS.—Chapter 16 of title
11 10, United States Code, as added by subsection (a)(3),
12 is amended by inserting after the table of sections at the
13 beginning of subchapter VII the following new sections:

14 **“§ 382. Execution and administration of programs**
15 **and activities**

16 “(a) POLICY OVERSIGHT AND RESOURCE ALLOCA-
17 TION.—The Secretary of Defense shall assign responsi-
18 bility for the oversight of strategic policy and guidance and
19 responsibility for overall resource allocation for security
20 cooperation programs and activities of the Department of
21 Defense to a single official and office in the Office of the
22 Secretary of Defense at the level of Under Secretary of
23 Defense or below.

24 “(b) EXECUTION AND ADMINISTRATION OF CERTAIN
25 PROGRAMS AND ACTIVITIES.—

1 “(1) IN GENERAL.—The Director of the De-
2 fense Security Cooperation Agency shall be respon-
3 sible for the execution and administration of all se-
4 curity cooperation programs and activities of the De-
5 partment of Defense involving the provision of de-
6 fense articles, military training, and other defense-
7 related services by grant, loan, cash sale, or lease.

8 “(2) DESIGNATION OF RESPONSIBILITY.—The
9 Director may designate an element of an armed
10 force, combatant command, Defense Agency, De-
11 partment of Defense Field Activity, or other element
12 or organization of the Department of Defense to
13 execute and administer security cooperation pro-
14 grams and activities described in paragraph (1) if
15 the Director determines that the designation will
16 achieve maximum effectiveness, efficiency, and econ-
17 omy in the activities for which designated.

18 “(c) AVAILABILITY OF FUNDS.—

19 “(1) IN GENERAL.—Funds available to the De-
20 fense Security Cooperation Agency, and other funds
21 available to the Department of Defense for security
22 cooperation programs and activities of the Depart-
23 ment of Defense, may be used to implement security
24 cooperation programs and activities of the Depart-
25 ment of Defense authorized by this chapter.

1 progress in execution and, to the extent pos-
2 sible, achievement of desired outcomes.

3 “(C) Evaluation of the efficiency and effec-
4 tiveness of such programs and activities in
5 achieving desired outcomes.

6 “(D) Identification of lessons learned in
7 carrying out such programs and activities, and
8 development of recommendation for improving
9 future security cooperation programs and activi-
10 ties of the Department of Defense.

11 “(2) BEST PRACTICES.—The program shall be
12 conducted in accordance with international best
13 practices, interagency standards, and, if applicable,
14 the Government Performance and Results Act of
15 1993 (Public Law 103–62), and the amendments
16 made by that Act, and the GPRA Modernization Act
17 of 2010 (Public Law 111–352), and the amend-
18 ments made by that Act.

19 “(c) AVAILABILITY OF FUNDS.—

20 “(1) IN GENERAL.—Funds available to the De-
21 fense Security Cooperation Agency, and other funds
22 available to the Department of Defense for security
23 cooperation programs and activities of the Depart-
24 ment of Defense, may be used to carry out the pro-
25 gram required by subsection (a).

1 “(2) BUDGET JUSTIFICATION.—Funds de-
2 scribed in paragraph (1) for a fiscal year shall be
3 identified, with appropriate justification, in the con-
4 solidated budget for such fiscal year required by sec-
5 tion 381 of this title.

6 “(d) REPORTS.—

7 “(1) REPORTS TO CONGRESS.—The Secretary
8 shall submit to the congressional defense committees
9 each year a report on the program under subsection
10 (a) during the previous year. Each report shall in-
11 clude, for the year covered by such report, the fol-
12 lowing:

13 “(A) A description of the activities under
14 the program.

15 “(B) An evaluation of the lessons learned
16 and best practices identified through activities
17 under the program.

18 “(2) INFORMATION FOR THE PUBLIC ON EVAL-
19 UATIONS.—The Secretary shall make available to
20 the public, on an Internet website of the Department
21 of Defense available to the public, a summary of
22 each evaluation conducted pursuant to subsection
23 (b)(1)(C). In making a summary so available, the
24 Secretary may redact or omit any information that
25 the Secretary determines should not be disclosed to

1 the public in order to protect the interest of the
2 United States or the foreign country or countries
3 covered by such evaluation.

4 **“§ 385. Department of Defense support for other de-**
5 **partments and agencies of the United**
6 **States Government that advance Depart-**
7 **ment of Defense security cooperation ob-**
8 **jectives**

9 “(a) SUPPORT AUTHORIZED.—Subject to subsection
10 (c), the Secretary of Defense is authorized to support
11 other departments and agencies of the United States Gov-
12 ernment for the purpose of implementing or supporting
13 foreign assistance programs and activities described in
14 subsection (b) that advance security cooperation objectives
15 of the Department of Defense.

16 “(b) FOREIGN ASSISTANCE PROGRAMS AND ACTIVI-
17 TIES.—The foreign assistance programs and activities de-
18 scribed in this subsection are foreign assistance programs
19 and activities that—

20 “(1) are necessary for the effectiveness of one
21 or more programs of the Department of Defense re-
22 lating to security cooperation conducted pursuant to
23 an authority in this chapter; and

24 “(2) cannot be carried out by the Department.

1 “(c) ANNUAL LIMITATION ON AMOUNT OF SUP-
2 PORT.—The amount of support provided pursuant to sub-
3 section (a) in any fiscal year may not exceed \$75,000,000.

4 “(d) NOTICE AND WAIT.—If a determination is made
5 to transfer funds in connection with the provision of sup-
6 port pursuant to subsection (a) for a program or activity,
7 the transfer may not occur until—

8 “(1) the Secretary and the head of the depart-
9 ment or agency to receive the funds jointly submit
10 to the congressional defense committees a notice on
11 the transfer, which notice shall include—

12 “(A) a detailed description of the purpose
13 and estimated cost of such program or activity;

14 “(B) a detailed description of the security
15 cooperation objectives of the Department, in-
16 clude the theater campaign plan of the combat-
17 ant command concerned, that will be advanced;

18 “(C) a justification why such program or
19 activity will advance such objectives;

20 “(D) a justification why such program or
21 activity cannot be carried out by the Depart-
22 ment;

23 “(E) an identification of any funds pro-
24 grammed or obligated by the department or

1 agency other than the Department on such pro-
2 gram or activity; and

3 “(F) a timeline for the provision of such
4 support; and

5 “(2) a period of 30 days elapses after the date
6 of the submittal of the notice pursuant to paragraph
7 (1).”.

8 (n) PRESCRIPTION OF TERM “DEVELOPING COUN-
9 TRY”.—

10 (1) IN GENERAL.—The Secretary of Defense
11 shall prescribe the meaning of the term “developing
12 country” for purposes of chapter 16 of title 10,
13 United States Code, as added by subsection (a)(3),
14 and may from time to time prescribe a revision to
15 the meaning of that term for those purposes.

16 (2) INITIAL PRESCRIPTION.—The Secretary
17 shall first prescribe the meaning of the term by not
18 later than 270 days after the date of the enactment
19 of this Act.

20 (3) NOTICE TO CONGRESS.—Whenever the Sec-
21 retary prescribes the meaning of the term pursuant
22 to paragraph (1), the Secretary shall notify the ap-
23 propriate committees of Congress of the meaning of
24 the term as so prescribed.

1 (4) APPROPRIATE COMMITTEES OF CONGRESS
2 DEFINED.—In this subsection, the term “appro-
3 priate committees of Congress” has the meaning
4 given that term in section 301(1) of title 10, United
5 States Code, as so added.

6 (o) CLERICAL AMENDMENTS.—Title 10, United
7 States Code, is amended as follows:

8 (1) The tables of chapters at the beginning of
9 subtitle A, and at the beginning of part I of subtitle
10 A, are amended—

11 (A) by revising the chapter references re-
12 lating to chapters 13, 15, 17, and 18 (and the
13 section references therein) to conform to the re-
14 designations made by paragraphs (1) and (2) of
15 subsection (a); and

16 (B) by inserting after the item relating to
17 chapter 15, as revised pursuant to subpara-
18 graph (A), the following new item:

“16. Security Cooperation 301”.

19 (2) The section references in the tables of sec-
20 tions at the beginning of chapters 12, 13, 14, and
21 15, as redesignated by paragraph (1) of subsection
22 (a), are revised to conform to the redesignations
23 made by paragraph (2) of such subsection.

1 (3) The table of sections at the beginning of
2 chapter 7 is amended by striking the item relating
3 to section 184.

4 (4) The table of sections at the beginning of
5 chapter 53 is amended by striking the item relating
6 to section 1051b.

7 (5) The table of sections at the beginning of
8 chapter 108 is amended by striking the item relating
9 to section 2166.

10 (6) The table of sections at the beginning of
11 subchapter I of chapter 134 is amended by striking
12 the items relating to sections 2249a, 2249d, and
13 2249e.

14 (7) The table of sections at the beginning of
15 subchapter II of chapter 138 is amended by striking
16 the item relating to section 2350m.

17 (8) The tables of chapters at the beginning of
18 subtitle D, and at the beginning of part III of sub-
19 title D, are amended by striking the item relating to
20 chapter 905.

21 (9) The table of sections at the beginning of
22 chapter 907 is amended by striking the item relating
23 to section 9415.

1 **SEC. 1242. MILITARY-TO-MILITARY EXCHANGES.**

2 (a) CODIFICATION IN NEW CHAPTER ON SECURITY
3 COOPERATION ACTIVITIES.—Chapter 16 of title 10,
4 United States Code, as added by section 1241(a)(3) of this
5 Act, is amended by inserting after the table of sections
6 at the beginning of subchapter II a new section 311 con-
7 sisting of—

8 (1) a heading as follows:

9 **“§ 311. Exchange of defense personnel between**
10 **United States and friendly foreign coun-**
11 **tries: authority”; and**

12 (2) a text consisting of the text of section 1082
13 of the National Defense Authorization Act for Fiscal
14 Year 1997 (Public Law 104–201; 110 Stat. 2672;
15 10 U.S.C. 168 note).

16 (b) REVISIONS TO INCORPORATE PERMANENT NON-
17 RECIPROCAL EXCHANGE AUTHORITY.—Section 311 of
18 title 10, United States Code, as added by subsection (a),
19 is amended—

20 (1) in subsection (a)—

21 (A) in paragraph (1), by adding at the end
22 the following new sentence: “Any exchange of
23 personnel under such an agreement is subject
24 to paragraph (3).”;

25 (B) in paragraph (2)—

1 (i) in the matter preceding subpara-
2 graph (A), by striking “an ally of the
3 United States or another friendly foreign
4 country for the exchange” and inserting “a
5 friendly foreign country or international or
6 regional security organization for the recip-
7 rocal or non-reciprocal exchange”;

8 (ii) in subparagraph (A), by striking
9 “military” and inserting “members of the
10 armed forces”; and

11 (iii) in subparagraph (B)—

12 (I) by inserting “or security”
13 after “defense”; and

14 (II) by inserting before the pe-
15 riod at the end the following: “or
16 international or regional security or-
17 ganization”; and

18 (C) by adding at the end the following new
19 paragraph:

20 “(3) An exchange of personnel under an international
21 defense personnel exchange agreement under this section
22 may only be made with the concurrence of the Secretary
23 to State to the extent the exchange is with either of the
24 following:

1 “(A) A non-defense security ministry of a for-
2 eign government.

3 “(B) An international or regional security orga-
4 nization.”;

5 (2) in subsection (b)(2), by inserting before the
6 period at the end the following: “, subject to the
7 concurrence of the Secretary of State”;

8 (3) in subsection (c)—

9 (A) by striking “Each government shall be
10 required under” and inserting “In the case of”;
11 and

12 (B) by inserting after “exchange agree-
13 ment” the following: “that provides for recip-
14 rocal exchanges, each government shall be re-
15 quired”; and

16 (4) in subsection (f), by inserting “defense or
17 security ministry of that” after “military personnel
18 of the”.

19 (c) CONFORMING REPEALS.—The following provi-
20 sions of law are repealed:

21 (1) Section 1082 of the National Defense Au-
22 thorization Act for Fiscal Year 1997 (Public Law
23 104–201; 110 Stat. 2672; 10 U.S.C. 168 note).

1 (2) Section 1207 of the National Defense Au-
2 thorization Act for Fiscal Year 2010 (10 U.S.C. 168
3 note).

4 **SEC. 1243. CONSOLIDATION AND REVISION OF AUTHORI-**
5 **TIES FOR PAYMENT OF PERSONNEL EX-**
6 **PENSES NECESSARY FOR THEATER SECU-**
7 **RITY COOPERATION.**

8 (a) CONSOLIDATION AND REVISION OF AUTHORITIES
9 IN NEW CHAPTER ON SECURITY COOPERATION ACTIVI-
10 TIES.—Chapter 16 of title 10, United States Code, as
11 added by section 1241(a)(3) of this Act, is amended by
12 inserting after section 311, as added by section 1242(a)
13 of this Act, the following new section:

14 **“§ 312. Payment of personnel expenses necessary for**
15 **theater security cooperation**

16 “(a) AUTHORITY.—The Secretary of Defense may
17 pay expenses specified in subsection (b) that the Secretary
18 considers necessary for theater security cooperation.

19 “(b) TYPES OF EXPENSES.—The expenses that may
20 be paid under the authority provided in subsection (a) are
21 the following:

22 “(1) PERSONNEL EXPENSES.—The Secretary of
23 Defense may pay travel, subsistence, and similar
24 personnel expenses of, and special compensation for,

1 the following that the Secretary considers necessary
2 for theater security cooperation:

3 “(A) Defense personnel of friendly foreign
4 governments.

5 “(B) With the concurrence of the Sec-
6 retary of State, other personnel of friendly for-
7 eign governments and non-governmental per-
8 sonnel.

9 “(2) ADMINISTRATIVE SERVICES AND SUPPORT
10 FOR LIAISON OFFICERS.—The Secretary of Defense
11 may provide administrative services and support for
12 the performance of duties by a liaison officer of a
13 foreign country while the liaison officer is assigned
14 temporarily to any headquarters in the Department
15 of Defense.

16 “(3) TRAVEL, SUBSISTENCE, AND MEDICAL
17 CARE FOR LIAISON OFFICERS.—The Secretary of
18 Defense may pay the expenses of a liaison officer in
19 connection with the assignment of that officer as de-
20 scribed in paragraph (2) if the assignment is re-
21 quested by the commander of a combatant com-
22 mand, the Chief of Staff of the Army, the Chief of
23 Naval Operations, the Chief of Staff of the Air
24 Force, the Commandant of the Marine Corps, or the
25 head of a Defense Agency as follows:

1 “(A) Travel and subsistence expenses.

2 “(B) Personal expenses directly necessary
3 to carry out the duties of that officer in connec-
4 tion with that assignment.

5 “(C) Expenses for medical care at a civil-
6 ian medical facility if—

7 “(i) adequate medical care is not
8 available to the liaison officer at a local
9 military medical treatment facility;

10 “(ii) the Secretary determines that
11 payment of such medical expenses is nec-
12 essary and in the best interests of the
13 United States; and

14 “(iii) medical care is not otherwise
15 available to the liaison officer pursuant to
16 any treaty or other international agree-
17 ment.

18 “(D) Mission-related travel expenses if
19 such travel meets each of the following condi-
20 tions:

21 “(i) The travel is in support of the
22 national security interests of the United
23 States.

24 “(ii) The officer or official making the
25 request directs round-trip travel from the

1 assigned location to one or more travel lo-
2 cations.

3 “(4) CONFERENCES, SEMINARS, AND SIMILAR
4 MEETINGS.—The authority provided by paragraph
5 (1) includes authority to pay travel and subsistence
6 expenses for personnel described in that paragraph
7 in connection with the attendance of such personnel
8 at any conference, seminar, or similar meeting that
9 is in direct support of enhancing interoperability be-
10 tween the United States armed forces and the na-
11 tional security forces of a friendly foreign country
12 for the purposes of conducting operations, the provi-
13 sion of equipment or training, or the planning for,
14 or the execution of, bilateral or multilateral training,
15 exercises, or military operations.

16 “(5) OTHER EXPENSES.—In addition to the
17 personnel expenses payable under paragraph (1), the
18 Secretary of Defense may pay such other limited ex-
19 penses in connection with conferences, seminars, and
20 similar meetings covered by paragraph (4) as the
21 Secretary considers appropriate in the national secu-
22 rity interests of the United States.

23 “(c) LIMITATIONS ON EXPENSES PAYABLE.—

24 “(1) PERSONNEL FROM DEVELOPING COUN-
25 TRIES.—The authority provided in subsection (a)

1 may be used only for the payment of expenses of,
2 and special compensation for, personnel from devel-
3 oping countries, except that the Secretary of Defense
4 may authorize the payment of such expenses and
5 special compensation for personnel from a country
6 other than a developing country if the Secretary de-
7 termines that such payment is necessary to respond
8 to extraordinary circumstances and is in the national
9 security interest of the United States.

10 “(2) NON-DEFENSE LIAISON OFFICERS.—In the
11 case of a non-defense liaison officer of a foreign
12 country, the authority of the Secretary of Defense
13 under subsection (a) to pay expenses specified in
14 paragraph (2) or (3) of subsection (b) may be exer-
15 cised only if the assignment of that liaison officer as
16 a liaison officer with the Department of Defense was
17 accepted by the Secretary of Defense with the co-
18 ordination of the Secretary of State.

19 “(d) REIMBURSEMENT.—The Secretary of Defense
20 may provide the services and support specified in sub-
21 section (b)(2) with or without reimbursement from (or on
22 behalf of) the recipients. The terms of reimbursement (if
23 any) shall be specified in the appropriate agreements used
24 to assign the liaison officer.

1 “(e) MONETARY LIMITATIONS ON EXPENSES PAY-
2 ABLE.—

3 “(1) TRAVEL AND SUBSISTENCE EXPENSES
4 GENERALLY.—Travel and subsistence expenses au-
5 thorized to be paid under subsection (a) may not, in
6 the case of any individual, exceed the amount that
7 would be paid under chapter 7 or 8 of title 37 to
8 a member of the armed forces (of a comparable
9 grade) for authorized travel of a similar nature.

10 “(2) TRAVEL AND RELATED EXPENSES OF LIAI-
11 SON OFFICERS.—The amount paid for expenses
12 specified in subsection (b)(3) for any liaison officer
13 in any fiscal year may not exceed \$150,000.

14 “(f) REGULATIONS.—The Secretary of Defense shall
15 prescribe regulations for the administration of this section.
16 Such regulations shall be submitted to the Committees on
17 Armed Services of the Senate and the House of Represent-
18 atives.

19 “(g) ADMINISTRATIVE SERVICES AND SUPPORT DE-
20 FINED.—In this section, the term ‘administrative services
21 and support’ includes base or installation support services,
22 office space, utilities, copying services, fire and police pro-
23 tection, training programs conducted to familiarize, orient,
24 or certify liaison personnel regarding unique aspects of the

1 assignments of the liaison personnel, and computer sup-
2 port.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) REPEALS.—Sections 1050, 1050a, 1051,
5 and 1051a of title 10, United States Code, are re-
6 pealed.

7 (2) CLERICAL AMENDMENTS.—The table of sec-
8 tions at the beginning of chapter 53 of such title is
9 amended by striking the items relating to sections
10 1050, 1050a, 1051, and 1051a.

11 (c) SAVINGS PROVISION FOR FISCAL YEAR 2017.—
12 The authority under section 1050 of title 10, United
13 States Code, as in effect on the day before the date of
14 the enactment of this Act, shall continue to apply with
15 respect to the Inter-American Defense College during fis-
16 cal year 2017 under regulations prescribed by the Sec-
17 retary of Defense.

18 **SEC. 1244. TRANSFER AND REVISION OF CERTAIN AU-**
19 **THORITIES ON PAYMENT OF EXPENSES OF**
20 **TRAINING AND EXERCISES WITH FRIENDLY**
21 **FOREIGN FORCES.**

22 (a) TRANSFER AND REVISION OF AUTHORITY ON
23 PAYMENT OF EXPENSES OF DEVELOPING COUNTRIES.—
24 Section 2010 of title 10, United States Code, is trans-
25 ferred to chapter 16 of such title, as added by section

1 1241(a)(3) of this Act, inserted after the table of sections
2 at the beginning of subchapter III, redesignated as section
3 321, and amended to read as follows:

4 **“§ 321. Training with friendly foreign countries: pay-**
5 **ment of training and exercise expenses**

6 “(a) TRAINING AUTHORIZED.—

7 “(1) TRAINING WITH FOREIGN FORCES GEN-
8 ERALLY.—The armed forces under the jurisdiction
9 of the Secretary of Defense may train with the mili-
10 tary forces or other security forces of a friendly for-
11 eign country if the Secretary determines that it is in
12 the national security interest of the United States to
13 do so.

14 “(2) LIMITATION ON TRAINING OF GENERAL
15 PURPOSE FORCES.—The general purpose forces of
16 the United States armed forces may train only with
17 the military forces of a friendly foreign country.

18 “(3) TRAINING TO SUPPORT MISSION ESSEN-
19 TIAL TASKS.—Any training conducted pursuant to
20 paragraph (1) shall, to the maximum extent prac-
21 ticable, support the mission essential tasks for which
22 the unit of the United States armed forces partici-
23 pating in such training is responsible.

24 “(4) ELEMENTS OF TRAINING.—Any training
25 conducted pursuant to paragraph (1) shall, to the

1 maximum extent practicable, include elements that
2 promote—

3 “(A) observance of and respect for human
4 rights and fundamental freedoms; and

5 “(B) respect for legitimate civilian author-
6 ity within the foreign country concerned.

7 “(b) **AUTHORITY TO PAY TRAINING AND EXERCISE**
8 **EXPENSES.**—Under regulations prescribed pursuant to
9 subsection (e), the Secretary of a military department or
10 the commander of a combatant command may pay, or au-
11 thorize payment for, any of the following expenses:

12 “(1) Expenses of training forces assigned or al-
13 located to that command in conjunction with train-
14 ing, and training with, the military forces or other
15 security forces of a friendly foreign country under
16 subsection (a).

17 “(2) Expenses of deploying such forces for that
18 training.

19 “(3) The incremental expenses of a friendly for-
20 eign country as the direct result of participating in
21 such training, as specified in the regulations.

22 “(4) The incremental expenses of a friendly for-
23 eign country as the direct result of participating in
24 an exercise with the armed forces under the jurisdic-
25 tion of the Secretary of Defense.

1 “(5) Small-scale construction that is directly re-
2 lated to the effective accomplishment of the training
3 described in paragraph (1) or an exercise described
4 in paragraph (4).

5 “(c) PURPOSE OF TRAINING AND EXERCISES.—

6 “(1) IN GENERAL.—The primary purpose of the
7 training and exercises for which payment may be
8 made under subsection (b) shall be to train United
9 States forces.

10 “(2) SELECTION OF FOREIGN PARTNERS.—

11 Training and exercises with friendly foreign coun-
12 tries under subsection (a) should be planned and
13 prioritized consistent with applicable guidance relat-
14 ing to the security cooperation programs and activi-
15 ties of the Department of Defense.

16 “(d) AVAILABILITY OF FUNDS FOR ACTIVITIES THAT

17 CROSS FISCAL YEARS.—Amounts available for the au-
18 thority to pay expenses in subsection (b) for a fiscal year
19 may be used to pay expenses under that subsection for
20 training and exercises that begin in such fiscal year but
21 end in the next fiscal year.

22 “(e) QUARTERLY NOTICE ON PLANNED TRAINING.—

23 Not later than the end of the first calender quarter begin-
24 ning after the date of the enactment of the National De-
25 fense Authorization Act for Fiscal Year 2017, and every

1 calender quarter thereafter, the Secretary of Defense shall
2 submit to the appropriate committees of Congress a notice
3 setting forth the schedule of planned training engagement
4 pursuant to subsection (a) during the calendar quarter
5 first following the calendar quarter in which such notice
6 is submitted.

7 “(f) REGULATIONS.—

8 “(1) IN GENERAL.—The Secretary of Defense
9 shall prescribe regulations for the administration of
10 this section. The Secretary shall submit the regula-
11 tions to the Committees on Armed Services of the
12 Senate and the House of Representatives.

13 “(2) ELEMENTS.—The regulations required
14 under this section shall provide the following:

15 “(A) A requirement that training and exer-
16 cise activities may be carried out under this sec-
17 tion only with the prior approval of the Sec-
18 retary.

19 “(B) Accounting procedures to ensure that
20 the expenditures pursuant to this section are
21 appropriate.

22 “(C) Procedures to limit the payment of
23 incremental expenses to friendly foreign coun-
24 tries only to developing countries, except in the

1 case of exceptional circumstances as specified in
2 the regulations.”.

3 (b) **TRANSFER OF AUTHORITY FOR PAYMENT OF EX-**
4 **PENSES IN CONNECTION WITH SPECIAL OPERATIONS**
5 **FORCES TRAINING.**—Section 2011 of title 10, United
6 States Code, is transferred to chapter 16 of such title, in-
7 serted after section 321, as transferred and amended by
8 subsection (a) of this section, and redesignated as section
9 322.

10 (c) **CONFORMING REPEAL.**—Section 1203 of the Na-
11 tional Defense Authorization Act for Fiscal Year 2014
12 (Public Law 113–66; 127 Stat. 894; 10 U.S.C. 2011 note)
13 is repealed.

14 (d) **CLERICAL AMENDMENT.**—The table of sections
15 at the beginning of chapter 101 of title 10, United States
16 Code, is amended by striking the items relating to sections
17 2010 and 2011.

18 **SEC. 1245. TRANSFER AND REVISION OF AUTHORITY TO**
19 **PROVIDE OPERATIONAL SUPPORT TO**
20 **FORCES OF FRIENDLY FOREIGN COUNTRIES.**

21 (a) **TRANSFER AND REVISION.**—Section 127d of title
22 10, United States Code, is transferred to chapter 16 of
23 such title, as added by section 1241(a)(3) of this Act, in-
24 serted after the table of sections at the beginning of sub-

1 chapter IV, redesignated as section 331, and amended to
2 read as follows:

3 **“§ 331. Friendly foreign countries: authority to pro-**
4 **vide support for conduct of operations**

5 “(a) AUTHORITY.—The Secretary of Defense may
6 provide support to friendly foreign countries in connection
7 with the conduct of operations designated pursuant to sub-
8 section (b).

9 “(b) DESIGNATED OPERATIONS.—

10 “(1) IN GENERAL.—The Secretary of Defense
11 shall designate the operations for which support may
12 be provided under the authority in subsection (a).

13 “(2) NOTICE TO CONGRESS.—The Secretary
14 shall notify the appropriate committees of Congress
15 of the designation of any operation pursuant to this
16 subsection.

17 “(3) ANNUAL REVIEW FOR CONTINUING DES-
18 IGNATION.—The Secretary shall undertake on an
19 annual basis a review of the operations currently
20 designated pursuant to this subsection in order to
21 determine whether each such operation merits con-
22 tinuing designation for purposes of this section for
23 another year. If the Secretary determines that any
24 operation so reviewed merits continuing designation

1 for purposes of this section for another year, the
2 Secretary—

3 “(A) may continue the designation of such
4 operation under this subsection for such pur-
5 poses for another year; and

6 “(B) if the Secretary so continues the des-
7 igation of such operation, shall notify the ap-
8 propriate committees of Congress of the con-
9 tinuation of designation of such operation.

10 “(c) TYPES OF SUPPORT AUTHORIZED.—The types
11 of support that may be provided under the authority in
12 subsection (a) are the following:

13 “(1) Logistic support, supplies, and services to
14 security forces of a friendly foreign country partici-
15 pating in—

16 “(A) an operation with the armed forces
17 under the jurisdiction of the Secretary of De-
18 fense; or

19 “(B) a military or stability operation that
20 benefits the national security interests of the
21 United States.

22 “(2) Logistic support, supplies, and services—

23 “(A) to military forces of a friendly foreign
24 country solely for the purpose of enhancing the
25 interoperability of the logistical support systems

1 of military forces participating in a combined
2 operation with the United States in order to fa-
3 cilitate such operation; or

4 “(B) to a nonmilitary logistics, security, or
5 similar agency of a friendly foreign government
6 if such provision would directly benefit the
7 armed forces under the jurisdiction of the Sec-
8 retary of Defense.

9 “(3) Procurement of equipment for the purpose
10 of the loan of such equipment to the military forces
11 of a friendly foreign country participating in a
12 United States-supported coalition or combined oper-
13 ation and the loan of such equipment to those forces
14 to enhance capabilities or to increase interoperability
15 with the armed forces under the jurisdiction of the
16 Secretary of Defense and other coalition partners.

17 “(4) Provision of specialized training to per-
18 sonnel of friendly foreign countries in connection
19 with such an operation, including training of such
20 personnel before deployment in connection with such
21 operation.

22 “(5) Small-scale construction to support mili-
23 tary forces of a friendly foreign country partici-
24 pating in a United States-supported coalition or
25 combined operation when the construction is directly

1 linked to the ability of such forces to participate in
2 such operation effectively and is limited to the geo-
3 graphic area where such operation is taking place.

4 “(d) CERTIFICATION REQUIRED.—

5 “(1) OPERATIONS IN WHICH THE UNITED
6 STATES IS NOT PARTICIPATING.—The Secretary of
7 Defense may provide support under subsection (a) to
8 a friendly foreign country with respect to an oper-
9 ation in which the United States is not participating
10 only—

11 “(A) if the Secretary of Defense and the
12 Secretary of State jointly certify to the appro-
13 priate committees of Congress that the oper-
14 ation is in the national security interests of the
15 United States; and

16 “(B) after the expiration of the 15-day pe-
17 riod beginning on the date of such certification.

18 “(2) ACCOMPANYING REPORT.—Any certifi-
19 cation under paragraph (1) shall be accompanied by
20 a report that includes the following:

21 “(A) A description of the operation, includ-
22 ing the geographic area of the operation.

23 “(B) A list of participating countries.

24 “(C) A description of the type of support
25 and the duration of support to be provided.

1 “(D) A description of the national security
2 interests of the United States supported by the
3 operation.

4 “(E) Such other matters as the Secretary
5 of Defense and the Secretary of State consider
6 significant to a consideration of such certifi-
7 cation.

8 “(e) SECRETARY OF STATE CONCURRENCE.—The
9 provision of support under subsection (a) may be made
10 only with the concurrence of the Secretary of State.

11 “(f) SUPPORT OTHERWISE PROHIBITED BY LAW.—
12 The Secretary of Defense may not use the authority in
13 subsection (a) to provide any type of support described
14 in subsection (c) that is otherwise prohibited by any provi-
15 sion of law.

16 “(g) LIMITATIONS ON VALUE.—

17 “(1) The aggregate value of all logistic support,
18 supplies, and services provided under paragraphs
19 (1), (4), and (5) of subsection (c) in any fiscal year
20 may not exceed \$450,000,000.

21 “(2) The aggregate value of all logistic support,
22 supplies, and services provided under subsection
23 (c)(2) in any fiscal year may not exceed \$5,000,000.

24 “(h) LOGISTIC SUPPORT, SUPPLIES, AND SERVICES
25 DEFINED.—In this section, the term ‘logistic support,

1 supplies, and services' has the meaning given that term
2 in section 2350(1) of this title.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 3 of such title is amended by
5 striking the item relating to section 127d.

6 (c) CONFORMING REPEAL.—Section 1207 of the Na-
7 tional Defense Authorization Act for Fiscal Year 2016
8 (Public Law 114–92; 129 Stat. 1040; 10 U.S.C. 2282
9 note) is repealed.

10 **SEC. 1246. DEPARTMENT OF DEFENSE STATE PARTNER-**
11 **SHIP PROGRAM.**

12 (a) CODIFICATION IN NEW CHAPTER ON SECURITY
13 COOPERATION ACTIVITIES.—Chapter 16 of title 10,
14 United States Code, as added by section 1241(a)(3) of this
15 Act, is amended by inserting after the table of sections
16 at the beginning of subchapter V a new section 341 con-
17 sisting of—

18 (1) a heading as follows:

19 **“§ 341. Department of Defense State Partnership Pro-**
20 **gram”; and**

21 (2) a text consisting of subsections (a) through
22 (g) of section 1205 of the National Defense Author-
23 ization Act for Fiscal Year 2014 (32 U.S.C. 107
24 note).

1 (b) PROHIBITION ON ACTIVITIES WITH UNITS HAV-
2 ING COMMITTED GROSS VIOLATIONS OF HUMAN
3 RIGHTS.—Subsection (b) of section 341 of title 10, United
4 States Code, as added by subsection (a) of this section,
5 is amended—

6 (1) by striking “(b) LIMITATION.—An activity”
7 and inserting the following:

8 “(b) LIMITATIONS.—

9 “(1) IN GENERAL.—An activity”; and

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

12 “(2) PROHIBITION ON ACTIVITIES WITH UNITS
13 THAT HAVE COMMITTED GROSS VIOLATIONS OF
14 HUMAN RIGHTS.—The conduct of any activities
15 under a program established under subsection (a)
16 shall be subject to the provisions of section 362 of
17 this title.”.

18 (c) REVISIONS TO STRIKE OBSOLETE PROVISIONS
19 AND CONFORM TO PROVISIONS IN NEW CHAPTER.—Such
20 section 341, as so added, is further amended—

21 (1) by striking subsection (d) and inserting the
22 following new subsection (d):

23 “(d) REGULATIONS.—This section shall be carried
24 out in accordance with such regulations as the Secretary
25 of Defense shall prescribe for purposes of this section.

1 Such regulations shall include accounting procedures to
2 ensure that expenditures of funds to carry out this section
3 are accounted for and appropriate.”; and

4 (2) in subsection (g), by striking “under title
5 10” and all that follows and inserting “under title
6 10 as in effect on December 26, 2013.”.

7 (d) ANNUAL REPORTS.—

8 (1) REPORTS UNDER CODIFIED AUTHORITY.—

9 Subsection (f) of such section 341, as so added, is
10 amended—

11 (A) by striking “(f) REPORTS AND NOTIFI-
12 CATIONS.—” and all that follows through “(B)
13 MATTERS TO BE INCLUDED.—” and inserting
14 the following:

15 “(f) ANNUAL REPORTS.—

16 “(1) IN GENERAL.—Not later than February 1
17 following each of fiscal years 2016, 2017, and 2018,
18 the Secretary of Defense shall submit to the appro-
19 priate congressional committees a report on activi-
20 ties under each program established under sub-
21 section (a) during such fiscal year.

22 “(2) MATTERS TO BE INCLUDED.—”; and

23 (B) in paragraph (2), as redesignated by
24 subparagraph (A) of this paragraph—

1 (i) by redesignating clauses (i)
2 through (vi) as subparagraphs (A) through
3 (F), respectively, and realigning the mar-
4 gin of each such subparagraph two ems to
5 the left; and

6 (ii) in subparagraph (F), as redesign-
7 nated by clause (i) of this subparagraph,
8 by striking “clause (v)” and inserting
9 “subparagraph (E)”.

10 (2) REPORTS UNDER CODIFIED REPORTING AU-
11 THORITY IN NEW CHAPTER ON SECURITY COOPERA-
12 TION ACTIVITIES.—Effective as of January 1,
13 2020—

14 (A) section 386(c)(1) of title 10, United
15 States Code, as added by section 1251(d)(1) of
16 this Act, is amended by inserting “341,” after
17 “333,”; and

18 (B) section 341 of title 10, United States
19 Code, as added and amended by this section, is
20 further amended—

21 (i) by striking subsection (f); and

22 (ii) by redesignating subsection (g) as
23 subsection (f).

1 (e) CONFORMING REPEAL.—Section 1205 of the Na-
2 tional Defense Authorization Act for Fiscal Year 2014 is
3 repealed.

4 **SEC. 1247. TRANSFER OF AUTHORITY ON REGIONAL DE-**
5 **FENSE COMBATING TERRORISM FELLOW-**
6 **SHIP PROGRAM.**

7 (a) TRANSFER AND REDESIGNATION.—Section
8 2249c of title 10, United States Code, is transferred to
9 chapter 16 of such title, as added by section 1241(a)(3)
10 of this Act, inserted after section 344, as transferred and
11 redesignated by section 1241(g) of this Act, and redesign-
12 nated as section 345.

13 (b) CONFORMING AMENDMENT IN CONNECTION
14 WITH TRANSFER TO NEW CHAPTER.—Subsection (e) of
15 such section 345, as so transferred and redesignated, is
16 amended by striking “to Congress” and inserting “to the
17 appropriate committees of Congress”.

18 (c) HEADING AMENDMENT.—The heading of such
19 section 345, as so transferred and redesignated, is amend-
20 ed to read as follows:

21 **“§ 345. Regional Defense Combating Terrorism Fel-**
22 **lowship Program”.**

23 (d) CLERICAL AMENDMENT.—The table of sections
24 at the beginning of subchapter I of chapter 134 of such

1 title is amended by striking the item relating to section
2 2249c.

3 **SEC. 1248. CONSOLIDATION OF AUTHORITIES FOR SERVICE**
4 **ACADEMY INTERNATIONAL ENGAGEMENT.**

5 (a) CONSOLIDATION OF AUTHORITIES.—Chapter 16
6 of title 10, United States Code, as added by section
7 1241(a)(3) of this Act, is amended by inserting after sec-
8 tion 346, as transferred and redesignated by section
9 1241(h) of this Act, the following new section:

10 **“§ 347. International engagement authorities for serv-**
11 **ice academies**

12 “(a) SELECTION OF PERSONS FROM FOREIGN COUN-
13 TRIES TO RECEIVE INSTRUCTION AT SERVICE ACAD-
14 EMIES.—

15 “(1) ATTENDANCE AUTHORIZED.—

16 “(A) IN GENERAL.—The Secretary of each
17 military department may permit persons from
18 foreign countries to receive instruction at the
19 Service Academy under the jurisdiction of the
20 Secretary. Such persons shall be in addition
21 to—

22 “(i) in the case of the United States
23 Military Academy, the authorized strength
24 of the Corps of the Cadets of the Academy
25 under 4342 of this title;

1 “(ii) in the case of the United States
2 Naval Academy, the authorized strength of
3 the Brigade of Midshipmen of the Acad-
4 emy under section 6954 of this title; and

5 “(iii) in the case of the United States
6 Air Force Academy, the authorized
7 strength of the Cadet Wing of the Acad-
8 emy under 9342 of this title.

9 “(B) LIMITATION ON NUMBER.—The num-
10 ber of persons permitted to receive instruction
11 at each Service Academy under this subsection
12 may not be more than 60 at any one time.

13 “(2) DETERMINATION OF FOREIGN COUNTRIES
14 FROM WHICH PERSONS MAY BE SELECTED.—The
15 Secretary of a military department, upon approval
16 by the Secretary of Defense, shall determine—

17 “(A) the countries from which persons may
18 be selected for appointment under this sub-
19 section to the Service Academy under the juris-
20 diction of that Secretary; and

21 “(B) the number of persons that may be
22 selected from each country.

23 “(3) QUALIFICATIONS AND SELECTION.—The
24 Secretary of each military department—

1 “(A) may establish entrance qualifications
2 and methods of competition for selection among
3 individual applicants under this subsection; and

4 “(B) shall select those persons who will be
5 permitted to receive instruction at the Service
6 Academy under the jurisdiction of the Secretary
7 under this subsection.

8 “(4) SELECTION PRIORITY TO PERSONS WITH
9 NATIONAL SERVICE OBLIGATION UPON GRADUA-
10 TION.—In selecting persons to receive instruction
11 under this subsection from among applicants from
12 the countries approved under paragraph (2), the
13 Secretary of the military department concerned shall
14 give a priority to persons who have a national serv-
15 ice obligation to their countries upon graduation
16 from the Service Academy concerned.

17 “(5) PAY, ALLOWANCES, AND EMOLUMENTS OF
18 PERSONS ADMITTED.—A person receiving instruc-
19 tion under this subsection is entitled to the pay, al-
20 lowances, and emoluments of a cadet or midshipman
21 appointed from the United States, and from the
22 same appropriations.

23 “(6) REIMBURSEMENT OF COSTS BY FOREIGN
24 COUNTRIES FROM WHICH PERSONS ARE ADMIT-
25 TED.—

1 “(A) REIMBURSEMENT REQUIRED.—Each
2 foreign country from which a cadet or mid-
3 shipman is permitted to receive instruction at
4 one of the Service Academies under this sub-
5 section shall reimburse the United States for
6 the cost of providing such instruction, including
7 the cost of pay, allowances, and emoluments
8 provided under paragraph (5). The Secretaries
9 of the military departments shall prescribe the
10 rates for reimbursement under this paragraph,
11 except that the reimbursement rates may not be
12 less than the cost to the United States of pro-
13 viding such instruction, including pay, allow-
14 ances, and emoluments, to a cadet or mid-
15 shipman appointed from the United States.

16 “(B) WAIVER AUTHORITY.—The Secretary
17 of Defense may waive, in whole or in part, the
18 requirement for reimbursement of the cost of
19 instruction for a cadet or midshipman under
20 subparagraph (A). In the case of a partial waiv-
21 er, the Secretary of Defense shall establish the
22 amount waived.

23 “(7) APPLICABILITY OF ACADEMY REGULA-
24 TIONS, ETC.—

1 “(A) IN GENERAL.—Except as the Sec-
2 retary of the military department concerned de-
3 termines, a person receiving instruction under
4 this subsection at the Service Academy under
5 the jurisdiction of that Secretary is subject to
6 the same regulations governing admission, at-
7 tendance, discipline, resignation, discharge, dis-
8 missal, and graduation as a cadet or mid-
9 shipman at that Academy appointed from the
10 United States.

11 “(B) CLASSIFIED INFORMATION.—The
12 Secretary of the military department concerned
13 may prescribe regulations with respect to access
14 to classified information by a person receiving
15 instruction under this subsection at the Service
16 Academy under the jurisdiction of that Sec-
17 retary that differ from the regulations that
18 apply to a cadet or midshipman at that Acad-
19 emy appointed from the United States.

20 “(8) INELIGIBILITY FOR APPOINTMENT IN THE
21 UNITED STATES ARMED FORCES.—A person receiv-
22 ing instruction at a Service Academy under this sub-
23 section is not entitled to an appointment in an
24 armed force of the United States by reason of grad-
25 uation from the Academy.

1 “(9) INAPPLICABILITY OF REQUIREMENT FOR
2 TAKING OATH OF ADMISSION.—A person receiving
3 instruction under this subsection is not subject to
4 section 4346(d), 6958(d), or 9346(d) of this title, as
5 the case may be.

6 “(b) EXCHANGE PROGRAMS WITH FOREIGN MILI-
7 TARY ACADEMIES.—

8 “(1) EXCHANGE PROGRAMS AUTHORIZED.—The
9 Secretary of a military department may permit a
10 student enrolled at a military academy of a foreign
11 country to receive instruction at the Service Acad-
12 emy under the jurisdiction of that Secretary in ex-
13 change for a cadet or midshipman receiving instruc-
14 tion at that foreign military academy pursuant to an
15 exchange agreement entered into between the Sec-
16 retary and appropriate officials of the foreign coun-
17 try. A student receiving instruction at a Service
18 Academy under the exchange program under this
19 subsection shall be in addition to persons receiving
20 instruction at the Academy under subsection (a).

21 “(2) LIMITATIONS ON NUMBER AND DURATION
22 OF EXCHANGES.—An exchange agreement under
23 this subsection between the Secretary and a foreign
24 country shall provide for the exchange of students
25 on a one-for-one basis each fiscal year. Not more

1 than 100 cadets or midshipmen from each Service
2 Academy and a comparable number of students from
3 foreign military academies participating in the ex-
4 change program may be exchanged during any fiscal
5 year. The duration of an exchange may not exceed
6 the equivalent of one academic semester at a Service
7 Academy.

8 “(3) COSTS AND EXPENSES.—

9 “(A) NO PAY AND ALLOWANCES.—A stu-
10 dent from a military academy of a foreign coun-
11 try is not entitled to the pay, allowances, and
12 emoluments of a cadet or midshipman by rea-
13 son of attendance at a Service Academy under
14 the exchange program, and the Department of
15 Defense may not incur any cost of international
16 travel required for transportation of such a stu-
17 dent to and from the sponsoring foreign coun-
18 try.

19 “(B) SUBSISTENCE, TRANSPORTATION,
20 ETC.—The Secretary of the military depart-
21 ment concerned may provide a student from a
22 foreign country under the exchange program,
23 during the period of the exchange, with subsist-
24 ence, transportation within the continental
25 United States, clothing, health care, and other

1 services to the same extent that the foreign
2 country provides comparable support and serv-
3 ices to the exchanged cadet or midshipman in
4 that foreign country.

5 “(C) SOURCE OF FUNDS.—A Service Acad-
6 emy shall bear all costs of the exchange pro-
7 gram from funds appropriated for that Acad-
8 emy and from such additional funds as may be
9 available to that Academy from a source, other
10 than appropriated funds, to support cultural
11 immersion, regional awareness, or foreign lan-
12 guage training activities in connection with the
13 exchange program.

14 “(D) LIMITATION ON EXPENDITURES.—
15 Expenditures in support of the exchange pro-
16 gram from funds appropriated for each Acad-
17 emy may not exceed \$1,000,000 during any fis-
18 cal year.

19 “(4) APPLICATION OF OTHER LAWS.—Para-
20 graphs (7), (8), and (9) of subsection (a) shall apply
21 with respect to a student enrolled at a military acad-
22 emy of a foreign country while attending a Service
23 Academy under the exchange program.

24 “(5) REGULATIONS.—The Secretary of the mili-
25 tary department concerned shall prescribe regula-

1 tions to implement this subsection. Such regulations
2 may include qualification criteria and methods of se-
3 lection for students of foreign military academies to
4 participate in the exchange program.

5 “(c) FOREIGN AND CULTURAL EXCHANGE ACTIVI-
6 TIES.—

7 “(1) ATTENDANCE AUTHORIZED.—The Sec-
8 retary of a military department may authorize the
9 Service Academy under the jurisdiction of that Sec-
10 retary to permit students, officers, and other rep-
11 resentatives of a foreign country to attend that
12 Academy for periods of not more than four weeks if
13 the Secretary determines that the attendance of such
14 persons contributes significantly to the development
15 of foreign language, cross-cultural interactions and
16 understanding, and cultural immersion of cadets or
17 midshipmen, as the case may be.

18 “(2) EFFECT OF ATTENDANCE.—Persons at-
19 tending a Service Academy under paragraph (1) are
20 not considered to be students enrolled at that Acad-
21 emy and are in addition to persons receiving instruc-
22 tion at that Academy under subsection (a) or (b).

23 “(3) FINANCIAL MATTERS.—

24 “(A) COSTS AND EXPENSES.—The Sec-
25 retary of a military department may pay the

1 travel, subsistence, and similar personal ex-
2 penses of persons incurred to attend the Service
3 Academy under the jurisdiction of that Sec-
4 retary under paragraph (1).

5 “(B) SOURCE OF FUNDS.—Each Service
6 Academy shall bear the costs of the attendance
7 of persons at that Academy under paragraph
8 (1) from funds appropriated for that Academy
9 and from such additional funds as may be avail-
10 able to that Academy from a source, other than
11 appropriated funds, to support cultural immer-
12 sion, regional awareness, or foreign language
13 training activities in connection with their at-
14 tendance.

15 “(C) LIMITATION ON EXPENDITURES.—
16 Expenditures from appropriated funds in sup-
17 port of activities under this subsection for any
18 Service Academy may not exceed \$40,000 dur-
19 ing any fiscal year.

20 “(d) SERVICE ACADEMY DEFINED.—In this section,
21 the term ‘Service Academy’ means the following:

22 “(1) The United States Military Academy.

23 “(2) The United States Naval Academy.

24 “(3) The United States Air Force Academy.”.

25 (b) CONFORMING REPEALS.—

1 (1) REPEALS.—Sections 4344, 4345, 4345a,
2 6957, 6957a, 6957b, 9344, 9345, and 9345a of title
3 10, United States Code, are repealed.

4 (2) CLERICAL AMENDMENTS.—

5 (A) The table of sections at the beginning
6 of chapter 403 of such title is amended by
7 striking the items relating to sections 4344,
8 4345, and 4345a.

9 (B) The table of sections at the beginning
10 of chapter 603 of such title is amended by
11 striking the items relating to sections 6957,
12 6957a, and 6957b.

13 (C) The table of sections at the beginning
14 of chapter 903 of such title is amended by
15 striking the items relating to sections 9344,
16 9345, and 9345a.

17 **SEC. 1249. CONSOLIDATED ANNUAL BUDGET FOR SECU-**
18 **RITY COOPERATION PROGRAMS AND ACTIVI-**
19 **TIES OF THE DEPARTMENT OF DEFENSE.**

20 (a) IN GENERAL.—Chapter 16 of title 10, United
21 States Code, as added by section 1241(a)(3) of this Act,
22 is amended by inserting after the table at the beginning
23 of subchapter VII the following new section:

1 **“§ 381. Consolidated budget**

2 “(a) CONSOLIDATED BUDGET.—The budget of the
3 President for each fiscal year, as submitted to Congress
4 by the President pursuant to section 1105 of title 31, shall
5 set forth by budget function and as a separate item the
6 amounts requested for the Department of Defense for
7 such fiscal year for all security cooperation programs and
8 activities of the Department of Defense, including the
9 military departments, to be conducted in such fiscal year,
10 including the specific country or region and the applicable
11 authority, to the extent practicable.

12 “(b) QUARTERLY REPORT ON USE OF FUNDS.—Not
13 later than 30 days after the end of each calendar quarter,
14 the Secretary shall submit to the appropriate committees
15 of Congress a report on the obligation and expenditure
16 of funds for security cooperation programs and activities
17 of the Department of Defense during such calendar quar-
18 ter.”.

19 (b) APPLICABILITY.—The amendment made by sub-
20 section (a) shall take effect on the date of the enactment
21 of this Act, and shall apply as follows:

22 (1) Subsection (a) of section 381 of title 10,
23 United States Code, as added by subsection (a),
24 shall apply to budgets submitted to Congress by the
25 President pursuant to section 1105 of title 31,

1 United States Code, for each fiscal year after fiscal
2 year 2018.

3 (2) Subsection (b) of such section 381, as so
4 added, shall apply to calendar quarters beginning on
5 or after the date of the enactment of this Act.

6 **SEC. 1250. DEPARTMENT OF DEFENSE SECURITY COOPERA-**
7 **TION WORKFORCE DEVELOPMENT.**

8 (a) IN GENERAL.—Chapter 16 of title 10, United
9 States Code, as added by section 1241(a)(3) of this Act,
10 is amended by inserting after section 383, as added by
11 section 1241(m) of this Act, the following new section:

12 **“§ 384. Department of Defense security cooperation**
13 **workforce development**

14 “(a) PROGRAM REQUIRED.—The Secretary of De-
15 fense shall carry out a program to be known as the ‘De-
16 partment of Defense Security Cooperation Workforce De-
17 velopment Program’ (in this section referred to as the
18 ‘Program’) to oversee the development and management
19 of a professional workforce supporting security coopera-
20 tion programs and activities of the Department of De-
21 fense, including—

22 “(1) assessment, planning, monitoring, execu-
23 tion, evaluation, and administration of such pro-
24 grams and activities under this chapter; and

1 “(2) execution of security assistance programs
2 and activities under the Foreign Assistance Act of
3 1961 and the Arms Export Control Act by the De-
4 partment of Defense.

5 “(b) PURPOSE.—The purpose of the Program is to
6 improve the quality and professionalism of the security co-
7 operation workforce in order to ensure that the work-
8 force—

9 “(1) has the capacity, in both personnel and
10 skills, needed to properly perform its mission, pro-
11 vide appropriate support to the assessment, plan-
12 ning, monitoring, execution, evaluation, and adminis-
13 tration of security cooperation programs and activi-
14 ties described in subsection (a), and ensure that the
15 Department receives the best value for the expendi-
16 ture of public resources on such programs and ac-
17 tivities; and

18 “(2) is assigned in a manner that ensures per-
19 sonnel with the appropriate level of expertise and ex-
20 perience are assigned in sufficient numbers to fulfill
21 requirements for the security cooperation programs
22 and activities of the Department of Defense and the
23 execution of security assistance programs and activi-
24 ties described in subsection (a)(2).

1 “(c) ELEMENTS.—The Program shall consist of such
2 elements relating to the development and management of
3 the security cooperation workforce as the Secretary con-
4 siderers appropriate for the purposes specified in subsection
5 (b), including elements on training, certification, assign-
6 ment, and career development of personnel of the security
7 cooperation workforce.

8 “(d) MANAGEMENT.—The Program shall be man-
9 aged by the Director of the Defense Security Cooperation
10 Agency.

11 “(e) GUIDANCE.—

12 “(1) INTERIM GUIDANCE.—Not later than 180
13 days after the date of the enactment of the National
14 Defense Authorization Act for Fiscal Year 2017, the
15 Secretary shall issue interim guidance for the execu-
16 tion and administration of the Program.

17 “(2) FINAL GUIDANCE.—Not later than one
18 year after the date of the enactment of the National
19 Defense Authorization Act for Fiscal Year 2017, the
20 Secretary shall issue final guidance for the execution
21 and administration of the Program.

22 “(3) SCOPE OF GUIDANCE.—The guidance shall
23 do the following:

24 “(A) Provide direction to the Department
25 of Defense on the establishment of professional

1 career paths for the personnel of the security
2 cooperation workforce, addressing training and
3 education standards, promotion opportunities
4 and requirements, retention policies, and scope
5 of workforce demands.

6 “(B) Provide for a mechanism to identify
7 and define training and certification require-
8 ments for security cooperation positions in the
9 Department and a means to track workforce
10 skills and certifications.

11 “(C) Provide for a mechanism to establish
12 a program of professional certification in De-
13 partment of Defense security cooperation for
14 personnel of the security cooperation workforce
15 in different career tracks and levels of com-
16 petency based on requisite training and experi-
17 ence.

18 “(D) Establish requirements for training
19 and professional development associated with
20 each level of certification provided for under
21 subparagraph (C).

22 “(E) Establish and maintain a school to
23 train, educate, and certify the security coopera-
24 tion workforce according to standards developed
25 for purposes of subparagraph (C).

1 “(F) Provide for a mechanism for assign-
2 ing appropriately certified personnel of the se-
3 curity cooperation workforce to assignments as-
4 sociated with key positions in connection with
5 security cooperation programs and activities.

6 “(G) Identify the appropriate composition
7 of career and temporary personnel necessary to
8 constitute the security cooperation workforce.

9 “(H) Identify specific positions throughout
10 the security cooperation workforce to be man-
11 aged and assigned through the Program.

12 “(f) SOURCE OF FUNDS.—

13 “(1) IN GENERAL.—Funds available to the De-
14 fense Security Cooperation Agency, and other funds
15 available to the Department of Defense for security
16 cooperation programs and activities of the Depart-
17 ment of Defense, may be used to carry out the Pro-
18 gram.

19 “(2) BUDGET JUSTIFICATION.—Funds nec-
20 essary to carry out the Program as described in
21 paragraph (1) for a fiscal year shall be identified,
22 with appropriate justification, in the consolidated
23 budget for such fiscal year required by section 381
24 of this title.

1 “(g) USE OF FUNDS.—Amounts available for use for
2 the Program may be transferred to any account of the
3 military departments or the Defense Agencies for purposes
4 of the Program.

5 “(h) SECURITY COOPERATION WORKFORCE DE-
6 FINED.—In this section, the term ‘security cooperation
7 workforce’ means the following:

8 “(1) Members of the armed forces and civilian
9 employees of the Department of Defense working in
10 the security cooperation organizations of United
11 States missions overseas.

12 “(2) Members of the armed forces and civilian
13 employees of the Department of Defense in the geo-
14 graphic combatant commands and functional com-
15 batant commands responsible for planning, moni-
16 toring, or conducting security cooperation activities.

17 “(3) Members of the armed forces and civilian
18 employees of the Department of Defense in the mili-
19 tary departments performing security cooperation
20 activities, including activities in connection with the
21 acquisition and development of technology release
22 policies.

23 “(4) Other military and civilian personnel of
24 Defense Agencies and Field Activities who perform
25 security cooperation activities.

1 “(5) Personnel of the Department of Defense
2 who perform assessments, monitoring, or evaluations
3 of security cooperation programs and activities of
4 the Department of Defense, including assessments
5 under section 383 of this title.

6 “(6) Other members of the armed forces or ci-
7 vilian employees of the Department of Defense who
8 contribute significantly to the security cooperation
9 programs and activities of the Department of De-
10 fense by virtue of their assigned duties, as deter-
11 mined pursuant to the guidance issued under sub-
12 section (e).”.

13 (b) REPORTS ON WORKFORCE DEVELOPMENT.—

14 (1) IN GENERAL.—Not later than March 1,
15 2018, and each year thereafter through 2021, the
16 Secretary of Defense shall submit to the appropriate
17 committees of Congress a report on the Department
18 of Defense Security Cooperation Workforce Develop-
19 ment Program required by section 384 of title 10,
20 United States Code, as added by subsection (a), for
21 the fiscal year beginning in the year in which such
22 report is submitted.

23 (2) ELEMENTS.—Each report under this sub-
24 section shall include, for the fiscal year covered by
25 such report, the following:

1 (A) The funds requested or allocated for
2 the Department of Defense Security Coopera-
3 tion Workforce Development Program and for
4 the security cooperation workforce.

5 (B) A description of how the funds identi-
6 fied pursuant to subparagraph (A) will be im-
7 plemented for the following:

8 (i) To address any gaps in the skills
9 and competencies of the current or antici-
10 pated security cooperation workforce

11 (ii) To provide incentives to retain
12 qualified, experienced personnel in the se-
13 curity cooperation workforce.

14 (iii) To provide incentives to attract
15 and recruit new, high-quality personnel to
16 the security cooperation workforce.

17 (C) Any other matters the Secretary con-
18 siders appropriate.

19 (3) DEFINITIONS.—In this subsection:

20 (A) The term “appropriate committees of
21 Congress” has the meaning given that term in
22 section 301(1) of title 10, United States Code,
23 as added by section 1241(a)(3) of this Act.

24 (B) The term “security cooperation work-
25 force” has the meaning given that term in sec-

1 tion 384(h) of title 10, United States Code, as
2 added by subsection (a).

3 **SEC. 1251. REPORTING REQUIREMENTS.**

4 (a) CODIFICATION IN NEW CHAPTER ON SECURITY
5 COOPERATION ACTIVITIES.—Chapter 16 of title 10,
6 United States Code, as added by section 1241(a)(3) of this
7 Act, is amended by inserting after section 385, as added
8 by section 1241(m) of this Act, a new section 386 con-
9 sisting of—

10 (1) a heading as follows:

11 **“§ 386. Annual report”; and**

12 (2) a text consisting of subsections (a) through
13 (e) of section 1211 of the Carl Levin and Howard
14 P. “Buck” McKeon National Defense Authorization
15 Act for Fiscal Year 2015 (Public Law 113–291; 128
16 Stat. 3544).

17 (b) REVISIONS TO PROVIDE FOR PERMANENT, AN-
18 NUAL REPORT.—Subsection (a) of section 386 of title 10,
19 United States Code, as added by subsection (a) of this
20 section, is amended—

21 (1) by striking “BIENNIAL” and all that follows
22 through “the Secretary of Defense” and inserting
23 “ANNUAL REPORT REQUIRED.—Not later than Jan-
24 uary 31 of each year beginning in 2018, the Sec-
25 retary of Defense”;

1 (2) by striking “congressional defense commit-
2 tees” and inserting “appropriate congressional com-
3 mittees”;

4 (3) by inserting “under the authorities in sub-
5 section (c)” after “Department of Defense”;

6 (4) by striking “security assistance” and insert-
7 ing “assistance”;

8 (5) by striking “the two fiscal years” and in-
9 serting “the fiscal year”; and

10 (6) by striking “under the authorities in sub-
11 section (c)” after “submitted”.

12 (c) ELEMENTS OF REPORT.—Subsection (b) of such
13 section 386, as so added, is amended—

14 (1) in paragraph (1), by inserting “, duration,”
15 after “purpose”;

16 (2) in paragraph (2), by striking “The cost”
17 and inserting “The cost and expenditures”;

18 (3) by adding at the end the following:

19 “(4) For each foreign country in which defense
20 articles, defense services, supplies (including
21 consumables), small-scale construction, or reim-
22 bursement were provided, a description of the extent
23 of participation, if any, by the military forces and
24 security forces or other government organizations of
25 such foreign country.

1 “(5) The number of members of the United
2 States armed forces involved in providing such de-
3 fense articles, defense services, supplies (including
4 consumables), and small-scale construction, and, if
5 applicable, a description of the military benefits for
6 such members involved in providing such training,
7 equipment, or assistance.

8 “(6) A summary, by authority, of the activities
9 carried out under each authority specified in sub-
10 section (c).”.

11 (d) MODIFICATION TO SPECIFIED AUTHORITIES.—
12 Subsection (c) of such section 386, as so added, is amend-
13 ed—

14 (1) by striking paragraph (1) and inserting the
15 following new paragraph (1):

16 “(1) Sections 311, 321, 331, 332, 333, 344,
17 348, 349, and 350 of this title.”;

18 (2) by striking paragraphs (4), (5), (7), (10),
19 (11), and (12);

20 (3) by redesignating paragraphs (6), (8), (9),
21 and (13) through (16) as paragraphs (4) through
22 (10), respectively;

23 (4) by inserting after paragraph (10), as reded-
24 icated by paragraph (3) of this subsection, the fol-
25 lowing new paragraphs:

1 “(11) Section 401 of this title, relating to hu-
2 manitarian and civic assistance provided in conjunc-
3 tion with military operations.

4 “(12) Section 1206 of the Carl Levin and How-
5 ard P. ‘Buck’ McKeon National Defense Authoriza-
6 tion Act for Fiscal Year 2015 (128 Stat. 3538; 10
7 U.S.C. 2282 note), relating to authority to conduct
8 human rights training of security forces and associ-
9 ated security ministries of foreign countries.”;

10 (5) by redesignating paragraph (17) as para-
11 graph (13); and

12 (6) by striking “of title 10, United States
13 Code” each place it appears and inserting “of this
14 title”.

15 (e) MODIFICATION OF NONDUPLICATION OF EFFORT
16 REQUIREMENT.—Subsection (d) of such section 386, as
17 so added, is amended—

18 (1) by striking “If any information” and insert-
19 ing the following:

20 “(1) IN GENERAL.—Except as provided in para-
21 graph (2), if any information”; and

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

24 “(2) EXCEPTION.—Paragraph (1) does not
25 apply with respect to information required under

1 subsection (a) that is required to be submitted as
2 described in paragraphs (1) and (2) of subsection
3 (b).”.

4 (f) FORM.—Subsection (e) of such section 386, as so
5 added, is amended by inserting “that may also include
6 other sensitive information” after “annex”.

7 (g) CONFORMING REPEAL.—Section 1211 of the Carl
8 Levin and Howard P. “Buck” McKeon National Defense
9 Authorization Act for Fiscal Year 2015 is repealed.

10 **SEC. 1252. QUADRENNIAL REVIEW OF SECURITY SECTOR**
11 **ASSISTANCE PROGRAMS AND AUTHORITIES**
12 **OF THE UNITED STATES GOVERNMENT.**

13 (a) STATEMENT OF POLICY.—It is the policy of the
14 United States that the principal goals of the security sec-
15 tor assistance programs and authorities of the United
16 States Government are as follows:

17 (1) To assist partner nations in building sus-
18 tainable capability to address common security chal-
19 lenges with the United States.

20 (2) To promote partner nation support for
21 United States interests.

22 (3) To promote universal values, such as good
23 governance, transparent and accountable oversight
24 of security forces, rule of law, transparency, ac-

1 countability, delivery of fair and effective justice,
2 and respect for human rights.

3 (4) To strengthen collective security and multi-
4 national defense arrangements and organizations of
5 which the United States is a participant.

6 (b) QUADRENNIAL REVIEW.—

7 (1) REVIEW REQUIRED.—Not later than Janu-
8 ary 31, 2018, and every four years thereafter though
9 2034, the President shall complete a review of the
10 security sector assistance programs, policies, au-
11 thorities, and resources of the United States Govern-
12 ment across the United States Government.

13 (2) ELEMENTS.—Each review under this sub-
14 section shall include the following:

15 (A) An examination whether the current
16 security sector assistance programs, policies,
17 authorities, and resources of the United States
18 Government are sufficient to achieve the goals
19 specified in subsection (a), and an identification
20 of any gaps or shortfalls needing mitigation.

21 (B) An examination of the success of such
22 programs and resources in achieving such goals,
23 based on a review of relevant departmental and
24 interagency programmatic and strategic evalua-
25 tions.

1 (C) An examination of the extent to which
2 the security sector assistance of the United
3 States Government is aligned with national se-
4 curity and foreign policy objectives, conducted
5 in support of clear and coherent policy guid-
6 ance, and planned and executed in accordance
7 with identified best practices.

8 (D) The development of recommendations,
9 as appropriate, for improving the security sec-
10 tor assistance programs, policies, authorities,
11 and resources of the United States Government
12 to more effectively achieve the goals specified in
13 subsection (a) and support other national secu-
14 rity objectives.

15 (3) SUBMITTAL TO CONGRESS.—Not later than
16 60 days after the completion of a review under this
17 subsection, the President shall submit to the appro-
18 priate committees of Congress a report setting forth
19 a summary of the review, including any rec-
20 ommendations developed pursuant to paragraph
21 (2)(D).

22 (4) APPROPRIATE COMMITTEES OF CONGRESS
23 DEFINED.—In this subsection, the term “appro-
24 priate committees of Congress” has the meaning
25 given that term in section section 301(1) of title 10,

1 United States Code, as added by section 1241(a)(3)
2 of this Act.

3 **SEC. 1253. OTHER CONFORMING AMENDMENTS AND AU-**
4 **THORITY FOR ADMINISTRATION.**

5 (a) REPEAL OF OTHER SUPERSEDED, OBSOLETE, OR
6 DUPLICATIVE STATUTES.—

7 (1) IN GENERAL.—The following provisions of
8 title 10, United States Code, are repealed:

9 (A) Section 168, relating to military-to-
10 military contacts and comparable activities.

11 (B) Section 1051e, relating to assignment
12 of members of foreign military forces to im-
13 prove education and training in information se-
14 curity through multilateral, bilateral, or re-
15 gional cooperation programs.

16 (C) Section 2562, relating to a limitation
17 on use of excess construction or fire equipment
18 from Department of Defense stocks in foreign
19 assistance or military sales programs.

20 (D) Sections 4681 and 9681, relating to
21 sale of surplus war material to States and for-
22 eign governments.

23 (2) CLERICAL AMENDMENTS.—Title 10, United
24 States Code, is amended as follows:

1 (A) The table of sections at the beginning
2 of chapter 6 is amended by striking the item re-
3 lating to section 168.

4 (B) The table of sections at the beginning
5 of chapter 53 is amended by striking the item
6 relating to section 1051c.

7 (C) The table of sections at the beginning
8 of chapter 152 is amended by striking the item
9 relating to section 2562.

10 (D) The table of sections at the beginning
11 of chapter 443 is amended by striking the item
12 relating to section 4681.

13 (E) The table of sections at the beginning
14 of chapter 943 is amended by striking the item
15 relating to section 9681.

16 (b) SAVINGS CLAUSE.—Any determination or other
17 action made or taken before the date of the enactment
18 of this Act under a provision of law transferred or repealed
19 by this subchapter that is in effect as of the date of the
20 enactment of this Act and is necessary for the administra-
21 tion of a successor authority to such provision of law
22 under chapter 16 of title 10, United States Code, by rea-
23 son of the enactment of such chapter by this subchapter
24 shall remain in effect, in accordance with the terms of

1 such determination or action when made or taken, for pur-
2 poses of the administration of such successor authority.

3 (c) REPORT ON DISCHARGE OF CERTAIN ACTIVITIES
4 UNDER NEW SECURITY COOPERATION AUTHORITY.—

5 (1) IN GENERAL.—Not later than October 1,
6 2017, the Secretary of Defense shall submit to the
7 congressional defense committees a report setting
8 forth a description of any gaps that exist between
9 applicable authorities in chapter 16 of title 10,
10 United States Code, as added by section 1241(a)(3)
11 of this Act, and the current law or other authorities
12 under which activities under the initiatives specified
13 in paragraph (2) are carried out.

14 (2) INITIATIVES.—The initiatives specified in
15 this paragraph are the following:

16 (A) The Southeast Asia Maritime Security
17 Initiative.

18 (B) The Ukraine Security Assistance Ini-
19 tiative.

20 (3) ELEMENTS.—The report under paragraph
21 (1) shall include the following:

22 (A) A description of each discrete set of
23 activities under an initiative specified in para-
24 graph (2) for which gaps exist between the ap-
25 plicable authorities in chapter 16 of title 10,

1 United States Code, as so added, and current
2 law or other authorities under which such ac-
3 tivities are carried out.

4 (B) For each discrete set of activities cov-
5 ered by subparagraph (A), the following:

6 (i) A description of the gaps described
7 in subparagraph (A).

8 (ii) Recommendations for legislative
9 or administrative action to address such
10 gaps.

11 **Subtitle F—Human Rights** 12 **Sanctions**

13 **SEC. 1261. SHORT TITLE.**

14 This subtitle may be cited as the “Global Magnitsky
15 Human Rights Accountability Act”.

16 **SEC. 1262. DEFINITIONS.**

17 In this subtitle:

18 (1) FOREIGN PERSON.—The term “foreign per-
19 son” has the meaning given that term in section
20 595.304 of title 31, Code of Federal Regulations (as
21 in effect on the day before the date of the enactment
22 of this Act).

23 (2) GROSS VIOLATIONS OF INTERNATIONALLY
24 RECOGNIZED HUMAN RIGHTS.—The term “gross vio-
25 lations of internationally recognized human rights”

1 has the meaning given that term in section
2 502B(d)(1) of the Foreign Assistance Act of 1961
3 (22 U.S.C. 2304(d)(1)).

4 (3) PERSON.—The term “person” has the
5 meaning given that term in section 591.308 of title
6 31, Code of Federal Regulations (as in effect on the
7 day before the date of the enactment of this Act).

8 (4) UNITED STATES PERSON.—The term
9 “United States person” has the meaning given that
10 term in section 595.315 of title 31, Code of Federal
11 Regulations (as in effect on the day before the date
12 of the enactment of this Act).

13 **SEC. 1263. AUTHORIZATION OF IMPOSITION OF SANCTIONS.**

14 (a) IN GENERAL.—The President may impose the
15 sanctions described in subsection (b) with respect to any
16 foreign person the President determines, based on credible
17 evidence—

18 (1) is responsible for extrajudicial killings, tor-
19 ture, or other gross violations of internationally rec-
20 ognized human rights committed against individuals
21 in any foreign country who seek—

22 (A) to expose illegal activity carried out by
23 government officials; or

24 (B) to obtain, exercise, defend, or promote
25 internationally recognized human rights and

1 freedoms, such as the freedoms of religion, ex-
2 pression, association, and assembly, and the
3 rights to a fair trial and democratic elections;

4 (2) acted as an agent of or on behalf of a for-
5 eign person in a matter relating to an activity de-
6 scribed in paragraph (1);

7 (3) is a government official, or a senior asso-
8 ciate of such an official, that is responsible for, or
9 complicit in, ordering, controlling, or otherwise di-
10 recting, acts of significant corruption, including the
11 expropriation of private or public assets for personal
12 gain, corruption related to government contracts or
13 the extraction of natural resources, bribery, or the
14 facilitation or transfer of the proceeds of corruption
15 to foreign jurisdictions; or

16 (4) has materially assisted, sponsored, or pro-
17 vided financial, material, or technological support
18 for, or goods or services in support of, an activity
19 described in paragraph (3).

20 (b) SANCTIONS DESCRIBED.—The sanctions de-
21 scribed in this subsection are the following:

22 (1) INADMISSIBILITY TO UNITED STATES.—In
23 the case of a foreign person who is an individual—

1 (A) ineligibility to receive a visa to enter
2 the United States or to be admitted to the
3 United States; or

4 (B) if the individual has been issued a visa
5 or other documentation, revocation, in accord-
6 ance with section 221(i) of the Immigration and
7 Nationality Act (8 U.S.C. 1201(i)), of the visa
8 or other documentation.

9 (2) BLOCKING OF PROPERTY.—

10 (A) IN GENERAL.—The blocking, in ac-
11 cordance with the International Emergency
12 Economic Powers Act (50 U.S.C. 1701 et seq.),
13 of all transactions in all property and interests
14 in property of a foreign person if such property
15 and interests in property are in the United
16 States, come within the United States, or are or
17 come within the possession or control of a
18 United States person.

19 (B) INAPPLICABILITY OF NATIONAL EMER-
20 GENCY REQUIREMENT.—The requirements of
21 section 202 of the International Emergency
22 Economic Powers Act (50 U.S.C. 1701) shall
23 not apply for purposes of this section.

24 (C) EXCEPTION RELATING TO IMPORTA-
25 TION OF GOODS.—

1 (i) IN GENERAL.—The authority to
2 block and prohibit all transactions in all
3 property and interests in property under
4 subparagraph (A) shall not include the au-
5 thority to impose sanctions on the importa-
6 tion of goods.

7 (ii) GOOD.—In this subparagraph, the
8 term “good” has the meaning given that
9 term in section 16 of the Export Adminis-
10 tration Act of 1979 (50 U.S.C. 4618) (as
11 continued in effect pursuant to the Inter-
12 national Emergency Economic Powers Act
13 (50 U.S.C. 1701 et seq.)).

14 (c) CONSIDERATION OF CERTAIN INFORMATION IN
15 IMPOSING SANCTIONS.—In determining whether to im-
16 pose sanctions under subsection (a), the President shall
17 consider—

18 (1) information provided jointly by the chair-
19 person and ranking member of each of the appro-
20 priate congressional committees; and

21 (2) credible information obtained by other coun-
22 tries and nongovernmental organizations that mon-
23 itor violations of human rights.

24 (d) REQUESTS BY APPROPRIATE CONGRESSIONAL
25 COMMITTEES.—

1 (1) IN GENERAL.—Not later than 120 days
2 after receiving a request that meets the require-
3 ments of paragraph (2) with respect to whether a
4 foreign person has engaged in an activity described
5 in subsection (a), the President shall—

6 (A) determine if that person has engaged
7 in such an activity; and

8 (B) submit a classified or unclassified re-
9 port to the chairperson and ranking member of
10 the committee or committees that submitted the
11 request with respect to that determination that
12 includes—

13 (i) a statement of whether or not the
14 President imposed or intends to impose
15 sanctions with respect to the person; and

16 (ii) if the President imposed or in-
17 tends to impose sanctions, a description of
18 those sanctions.

19 (2) REQUIREMENTS.—

20 (A) REQUESTS RELATING TO HUMAN
21 RIGHTS VIOLATIONS.—A request under para-
22 graph (1) with respect to whether a foreign per-
23 son has engaged in an activity described in
24 paragraph (1) or (2) of subsection (a) shall be
25 submitted to the President in writing jointly by

1 the chairperson and ranking member of one of
2 the appropriate congressional committees.

3 (B) REQUESTS RELATING TO CORRUP-
4 TION.—A request under paragraph (1) with re-
5 spect to whether a foreign person has engaged
6 in an activity described in paragraph (3) or (4)
7 of subsection (a) shall be submitted to the
8 President in writing jointly by the chairperson
9 and ranking member of—

10 (i) one of the appropriate congress-
11 sional committees of the Senate; and

12 (ii) one of the appropriate congress-
13 sional committees of the House of Rep-
14 resentatives.

15 (e) EXCEPTION TO COMPLY WITH UNITED NATIONS
16 HEADQUARTERS AGREEMENT AND LAW ENFORCEMENT
17 OBJECTIVES.—Sanctions under subsection (b)(1) shall
18 not apply to an individual if admitting the individual into
19 the United States would further important law enforce-
20 ment objectives or is necessary to permit the United
21 States to comply with the Agreement regarding the Head-
22 quarters of the United Nations, signed at Lake Success
23 June 26, 1947, and entered into force November 21,
24 1947, between the United Nations and the United States,

1 or other applicable international obligations of the United
2 States.

3 (f) ENFORCEMENT OF BLOCKING OF PROPERTY.—

4 A person that violates, attempts to violate, conspires to
5 violate, or causes a violation of a sanction described in
6 subsection (b)(2) that is imposed by the President or any
7 regulation, license, or order issued to carry out such a
8 sanction shall be subject to the penalties set forth in sub-
9 sections (b) and (c) of section 206 of the International
10 Emergency Economic Powers Act (50 U.S.C. 1705) to the
11 same extent as a person that commits an unlawful act de-
12 scribed in subsection (a) of that section.

13 (g) TERMINATION OF SANCTIONS.—The President
14 may terminate the application of sanctions under this sec-
15 tion with respect to a person if the President determines
16 and reports to the appropriate congressional committees
17 not later than 15 days before the termination of the sanc-
18 tions that—

19 (1) credible information exists that the person
20 did not engage in the activity for which sanctions
21 were imposed;

22 (2) the person has been prosecuted appro-
23 priately for the activity for which sanctions were im-
24 posed;

1 (3) the person has credibly demonstrated a sig-
2 nificant change in behavior, has paid an appropriate
3 consequence for the activity for which sanctions were
4 imposed, and has credibly committed to not engage
5 in an activity described in subsection (a) in the fu-
6 ture; or

7 (4) the termination of the sanctions is in the
8 national security interests of the United States.

9 (h) REGULATORY AUTHORITY.—The President shall
10 issue such regulations, licenses, and orders as are nec-
11 essary to carry out this section.

12 (i) IDENTIFICATION OF SANCTIONABLE FOREIGN
13 PERSONS.—The Assistant Secretary of State for Democ-
14 racy, Human Rights, and Labor, in consultation with the
15 Assistant Secretary of State for Consular Affairs and
16 other bureaus of the Department of State, as appropriate,
17 is authorized to submit to the Secretary of State, for re-
18 view and consideration, the names of foreign persons who
19 may meet the criteria described in subsection (a).

20 (j) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
21 FINED.—In this section, the term “appropriate congres-
22 sional committees” means—

23 (1) the Committee on Banking, Housing, and
24 Urban Affairs and the Committee on Foreign Rela-
25 tions of the Senate; and

1 (2) the Committee on Financial Services and
2 the Committee on Foreign Affairs of the House of
3 Representatives.

4 **SEC. 1264. REPORTS TO CONGRESS.**

5 (a) IN GENERAL.—The President shall submit to the
6 appropriate congressional committees, in accordance with
7 subsection (b), a report that includes—

8 (1) a list of each foreign person with respect to
9 which the President imposed sanctions pursuant to
10 section 1263 during the year preceding the submis-
11 sion of the report;

12 (2) a description of the type of sanctions im-
13 posed with respect to each such person;

14 (3) the number of foreign persons with respect
15 to which the President—

16 (A) imposed sanctions under section
17 1263(a) during that year; and

18 (B) terminated sanctions under section
19 1263(g) during that year;

20 (4) the dates on which such sanctions were im-
21 posed or terminated, as the case may be;

22 (5) the reasons for imposing or terminating
23 such sanctions; and

24 (6) a description of the efforts of the President
25 to encourage the governments of other countries to

1 impose sanctions that are similar to the sanctions
2 authorized by section 1263.

3 (b) DATES FOR SUBMISSION.—

4 (1) INITIAL REPORT.—The President shall sub-
5 mit the initial report under subsection (a) not later
6 than 120 days after the date of the enactment of
7 this Act.

8 (2) SUBSEQUENT REPORTS.—

9 (A) IN GENERAL.—The President shall
10 submit a subsequent report under subsection
11 (a) on December 10, or the first day thereafter
12 on which both Houses of Congress are in ses-
13 sion, of—

14 (i) the calendar year in which the ini-
15 tial report is submitted if the initial report
16 is submitted before December 10 of that
17 calendar year; and

18 (ii) each calendar year thereafter.

19 (B) CONGRESSIONAL STATEMENT.—Con-
20 gress notes that December 10 of each calendar
21 year has been recognized in the United States
22 and internationally since 1950 as “Human
23 Rights Day”.

24 (c) FORM OF REPORT.—

1 (1) IN GENERAL.—Each report required by
2 subsection (a) shall be submitted in unclassified
3 form, but may include a classified annex.

4 (2) EXCEPTION.—The name of a foreign person
5 to be included in the list required by subsection
6 (a)(1) may be submitted in the classified annex au-
7 thORIZED by paragraph (1) only if the President—

8 (A) determines that it is vital for the na-
9 tional security interests of the United States to
10 do so;

11 (B) uses the annex in a manner consistent
12 with congressional intent and the purposes of
13 this subtitle; and

14 (C) not later than 15 days before submit-
15 ting the name in a classified annex, provides to
16 the appropriate congressional committees notice
17 of, and a justification for, including the name
18 in the classified annex despite any publicly
19 available credible information indicating that
20 the person engaged in an activity described in
21 section 1263(a).

22 (d) PUBLIC AVAILABILITY.—

23 (1) IN GENERAL.—The unclassified portion of
24 the report required by subsection (a) shall be made

1 available to the public, including through publication
2 in the Federal Register.

3 (2) NONAPPLICABILITY OF CONFIDENTIALITY
4 REQUIREMENT WITH RESPECT TO VISA RECORDS.—

5 The President shall publish the list required by sub-
6 section (a)(1) without regard to the requirements of
7 section 222(f) of the Immigration and Nationality
8 Act (8 U.S.C. 1202(f)) with respect to confiden-
9 tiality of records pertaining to the issuance or re-
10 fusal of visas or permits to enter the United States.

11 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
12 FINED.—In this section, the term “appropriate congres-
13 sional committees” means—

14 (1) the Committee on Appropriations, the Com-
15 mittee on Banking, Housing, and Urban Affairs, the
16 Committee on Foreign Relations, and the Committee
17 on the Judiciary of the Senate; and

18 (2) the Committee on Appropriations, the Com-
19 mittee on Financial Services, the Committee on For-
20 eign Affairs, and the Committee on the Judiciary of
21 the House of Representatives.

22 **SEC. 1265. SUNSET.**

23 (a) IN GENERAL.—The authority to impose sanctions
24 under this subtitle shall terminate on the date that is 6
25 years after the date of the enactment of this Act.

1 (b) CONTINUATION IN EFFECT OF SANCTIONS.—
2 Sanctions imposed under this subtitle on or before the
3 date specified in subsection (a), and in effect as of such
4 date, shall remain in effect until terminated in accordance
5 with the requirements of section 1263(g).

6 **Subtitle G—Miscellaneous Reports**

7 **SEC. 1271. MODIFICATION OF ANNUAL REPORT ON MILI-** 8 **TARY AND SECURITY DEVELOPMENTS IN-** 9 **VOLVING THE PEOPLE’S REPUBLIC OF** 10 **CHINA.**

11 (a) ANNUAL REPORT.—Subsection (a) of section
12 1202 of the National Defense Authorization Act for Fiscal
13 Year 2000 (Public Law 106–65; 113 Stat. 781; 10 U.S.C.
14 113 note) is amended by striking “March 1 each year”
15 and inserting “January 31 of each year through January
16 31, 2021”.

17 (b) MATTERS TO BE INCLUDED.—Subsection (b) of
18 such section, as most recently amended by section 1252(a)
19 of the Carl Levin and Howard P. “Buck” McKeon Na-
20 tional Defense Authorization Act for Fiscal Year 2015
21 (Public Law 113–291; 128 Stat. 3571), is further amend-
22 ed by adding at the end the following:

23 “(21) A summary of the order of battle of the
24 People’s Liberation Army, including anti-ship bal-

1 listic missiles, theater ballistic missiles, and land at-
2 tack cruise missile inventory.

3 “(22) A description of the People’s Republic of
4 China’s military and nonmilitary activities in the
5 South China Sea.”.

6 (c) EFFECTIVE DATE.—The amendments made by
7 this section take effect on the date of the enactment of
8 this Act and apply with respect to reports required to be
9 submitted under subsection (a) of section 1202 of the Na-
10 tional Defense Authorization Act for Fiscal Year 2000 on
11 or after that date.

12 **SEC. 1272. MONITORING AND EVALUATION OF OVERSEAS**
13 **HUMANITARIAN, DISASTER, AND CIVIC AID**
14 **PROGRAMS OF THE DEPARTMENT OF DE-**
15 **FENSE.**

16 (a) IN GENERAL.—Of the amounts authorized to be
17 appropriated by this Act for Overseas Humanitarian, Dis-
18 aster, and Civic Aid, the Secretary of Defense is author-
19 ized to use up to 5 percent of such amounts to conduct
20 monitoring and evaluation of programs that are funded
21 using such amounts during fiscal years 2017 and 2018.

22 (b) BRIEFING.—Not later than 90 days after the date
23 of the enactment of this Act, the Secretary of Defense
24 shall provide to the appropriate congressional committees

1 a briefing on mechanisms to evaluate the programs con-
2 ducted pursuant to the authorities listed in subsection (a).

3 (c) DEFINITION.—In subsection (b), the term “ap-
4 propriate congressional committees” means—

5 (1) the Committee on Armed Services and the
6 Committee on Foreign Relations of the Senate; and

7 (2) the Committee on Armed Services and the
8 Committee on Foreign Affairs of the House of Rep-
9 resentatives.

10 **SEC. 1273. STRATEGY FOR UNITED STATES DEFENSE IN-**
11 **TERESTS IN AFRICA.**

12 (a) REQUIRED REPORT.—Not later than one year
13 after the date of the enactment of this Act, the Secretary
14 of Defense, in coordination with the Secretary of State,
15 shall submit to the congressional defense committees a re-
16 port that contains the strategy for United States defense
17 interests in Africa.

18 (b) MATTERS TO BE INCLUDED.—The report re-
19 quired by subsection (a) shall address the following:

20 (1) United States national security interests in
21 Africa, including an assessment of threats to global
22 and regional United States national security inter-
23 ests emanating from the continent.

24 (2) United States defense objectives in Africa.

1 (3) Courses of action to accomplish United
2 States defense objectives in Africa, including those
3 conducted in cooperation with other Federal agen-
4 cies.

5 (4) Measures to improve coordination between
6 United States Africa Command and other combatant
7 commands to achieve unity of effort to counter
8 threats that cross combatant command boundaries.

9 (5) Department of Defense capabilities and re-
10 sources required to achieve defense objectives in Af-
11 rica, and the mitigation plan to address any gaps in
12 such capabilities or resources that affect the imple-
13 mentation of the strategy required by subsection (a).

14 (6) Security cooperation initiatives to advance
15 defense objectives in Africa.

16 (7) Any other matters the Secretary of Defense
17 determines to be appropriate.

18 (c) FORM.—The report required by subsection (a)
19 shall be submitted in unclassified form, but may contain
20 a classified annex if necessary.

21 **SEC. 1274. REPORT ON THE POTENTIAL FOR COOPERATION**
22 **BETWEEN THE UNITED STATES AND ISRAEL**
23 **ON DIRECTED ENERGY CAPABILITIES.**

24 (a) REPORT.—Not later than 180 days after the date
25 of the enactment of this Act, the Secretary of Defense

1 shall submit to the appropriate committees of Congress
2 a report on the potential for cooperative development by
3 the United States and Israel of a directed energy capa-
4 bility to defeat ballistic missiles, cruise missiles, unmanned
5 aerial vehicles, mortars, and improvised explosive devices
6 that threaten the United States, deployed forces of the
7 United States, or Israel. The report shall include the fol-
8 lowing:

9 (1) An assessment of the technological maturity
10 of United States and Israeli directed energy capabili-
11 ties to defeat adversary threat systems.

12 (2) An assessment of the respective military ca-
13 pability gaps of each country that such directed en-
14 ergy developments could address.

15 (3) An assessment of the opportunities for the
16 United States and Israel to cooperate to develop di-
17 rected energy capabilities to defeat adversary threat
18 systems, including estimated costs of pursuing such
19 opportunities.

20 (4) An assessment of whether such opportuni-
21 ties should be pursued, including any potential risks
22 from the pursuit of such opportunities.

23 (5) Any other matters the Secretary considers
24 appropriate.

1 (b) FORM.—The report shall be submitted in unclas-
2 sified form, but may include a classified annex.

3 (c) APPROPRIATE COMMITTEES OF CONGRESS DE-
4 FINED.—In this section, the term “appropriate commit-
5 tees of Congress” means—

6 (1) the Committee on Armed Services, the
7 Committee on Foreign Relations, and the Committee
8 on Appropriations of the Senate; and

9 (2) the Committee on Armed Services, the
10 Committee on Foreign Affairs, and the Committee
11 on Appropriations of the House of Representatives.

12 **SEC. 1275. ANNUAL UPDATE OF DEPARTMENT OF DEFENSE**

13 **FREEDOM OF NAVIGATION REPORT.**

14 (a) IN GENERAL.—The Secretary of Defense shall
15 submit to the Committees on Armed Services of the Sen-
16 ate and the House of Representatives on an annual basis
17 a report setting forth an update of the most current De-
18 partment of Defense Freedom of Navigation Report under
19 the Freedom of Navigation Operations (FONOPS) pro-
20 gram. The purpose of each report shall be to document
21 the types and locations of excessive claims that the Armed
22 Forces of the United States have challenged in the pre-
23 vious year in order to preserve the rights, freedoms, and
24 uses of the sea and airspace guaranteed to all countries
25 by international law.

1 (b) ELEMENTS.—Each report under this section shall
2 include, for the year covered by such report, the following:

3 (1) Each excessive maritime claim challenged
4 by the United States under the program referred to
5 in subsection (a), including the country making each
6 such claim.

7 (2) The nature of each claim, including the geo-
8 graphic location or area covered by such claim (in-
9 cluding the body of water and island grouping, when
10 applicable).

11 (3) The specific legal challenge asserted
12 through the program.

13 (c) FORM.—Each report under this section shall be
14 submitted in unclassified form.

15 (d) SUNSET.—No report is required under this sec-
16 tion after December 31, 2021.

17 **SEC. 1276. ASSESSMENT OF PROLIFERATION OF CERTAIN**
18 **REMOTELY PILOTED AIRCRAFT SYSTEMS.**

19 (a) REPORT ON ASSESSMENT OF PROLIFERATION OF
20 REMOTELY PILOTED AIRCRAFT SYSTEMS.—Not later
21 than 6 months after the date of the enactment of this Act,
22 the Chairman of the Joint Chiefs of Staff shall submit
23 to the congressional defense committees a report setting
24 forth an assessment, obtained by the Chairman for pur-
25 poses of the report, of the impact to United States na-

1 tional security interests of the proliferation of remotely pi-
2 loted aircraft that are assessed to be “Category I” items
3 under the Missile Technology Control Regime (MTCR).

4 (b) INDEPENDENT ASSESSMENT.—

5 (1) IN GENERAL.—The assessment obtained for
6 purposes of subsection (a) shall be conducted by a
7 federally funded research and development center
8 (FFRDC), or another appropriate independent enti-
9 ty with expertise in the procurement and operation
10 of remotely piloted aircraft, selected by the Chair-
11 man for purposes of the assessment.

12 (2) USE OF PREVIOUS STUDIES.—The entity
13 conducting the assessment may use and incorporate
14 information from previous studies on matters appro-
15 priate to the assessment.

16 (c) ELEMENTS.—The assessment obtained for pur-
17 poses of subsection (a) shall include the following:

18 (1) A qualitative and quantitative assessment of
19 the scope and scale of the proliferation of remotely
20 piloted aircraft that are “Category I” items under
21 the Missile Technology Control Regime.

22 (2) An assessment of the threat posed to
23 United States interests as a result of the prolifera-
24 tion of such aircraft to adversaries.

1 (3) An assessment of the impact of the pro-
2 liferation of such aircraft on the combat capabilities
3 of and interoperability with partners and allies of
4 the United States.

5 (4) An analysis of the degree to which the
6 United States has limited the proliferation of such
7 aircraft as a result of the application of a “strong
8 presumption of denial” for exports of such aircraft.

9 (5) An assessment of the benefits and risks of
10 continuing to limit exports of such aircraft.

11 (6) Such other matters as the Chairman con-
12 siders appropriate.

13 (d) FORM.—The report under subsection (a) shall be
14 submitted in unclassified form, but may include a classi-
15 fied annex.

16 **Subtitle H—Other Matters**

17 **SEC. 1281. ENHANCEMENT OF INTERAGENCY SUPPORT** 18 **DURING CONTINGENCY OPERATIONS AND** 19 **TRANSITION PERIODS.**

20 (a) AUTHORITY.—The Secretary of Defense and the
21 Secretary of State may enter into an agreement under
22 which each Secretary may provide covered support, sup-
23 plies, and services on a reimbursement basis, or by ex-
24 change of covered support, supplies, and services, to the
25 other Secretary during a contingency operation and re-

1 lated transition period for up to 2 years following the end
2 of such contingency operation.

3 (b) AGREEMENT.—An agreement entered into under
4 this section shall be in writing and shall include the fol-
5 lowing terms:

6 (1) The price charged by a supplying agency
7 shall be the direct costs that such agency incurred
8 by providing the covered support, supplies, or serv-
9 ices to the requesting agency under this section.

10 (2) Credits and liabilities of the agencies ac-
11 crued as a result of acquisitions and transfers of
12 covered support, supplies, and services under this
13 section shall be liquidated not less often than once
14 every 3 months by direct payment to the agency
15 supplying such support, supplies, or services by the
16 agency receiving such support, supplies, or services.

17 (3) Exchange entitlements accrued as a result
18 of acquisitions and transfers of covered support,
19 supplies, and services under this section shall be sat-
20 isfied within 12 months after the date of the delivery
21 of the covered support, supplies, or services. Ex-
22 change entitlements not so satisfied shall be imme-
23 diately liquidated by direct payment to the agency
24 supplying such covered support, supplies, or services.

1 (c) EFFECT OF OBLIGATION AND AVAILABILITY OF
2 FUNDS.—An order placed by an agency pursuant to an
3 agreement under this section is deemed to be an obligation
4 in the same manner that a similar order placed under a
5 contract with, or a contract for similar goods or services
6 awarded to, a private contractor is an obligation. Approp-
7 riations remain available to pay an obligation to the serv-
8 icing agency in the same manner as appropriations remain
9 available to pay an obligation to a private contractor.

10 (d) DEFINITIONS.—In this section:

11 (1) COVERED SUPPORT, SUPPLIES, AND SERV-
12 ICES.—The term “covered support, supplies, and serv-
13 ices” means food, billeting, transportation (in-
14 cluding airlift), petroleum, oils, lubricants, commu-
15 nications services, medical services, ammunition,
16 base operations support, use of facilities, spare parts
17 and components, repair and maintenance services,
18 and calibration services.

19 (2) CONTINGENCY OPERATION.—The term
20 “contingency operation” has the meaning given that
21 term in section 101(a)(13) of title 10, United States
22 Code.

23 (e) CREDITING OF RECEIPTS.—Any receipt as a re-
24 sult of an agreement entered into under this section shall
25 be credited, at the option of the Secretary of Defense with

1 respect to the Department of Defense and the Secretary
2 of State with respect to the Department of State, to—

3 (1) the appropriation, fund, or account used in
4 incurring the obligation; or

5 (2) an appropriate appropriation, fund, or ac-
6 count currently available for the purposes for which
7 the expenditures were made.

8 (f) NOTIFICATION.—Not later than 30 days after the
9 end of a fiscal year in which covered support, supplies,
10 and services are provided or exchanged pursuant to an
11 agreement under this section, the Secretary of Defense
12 and the Secretary of State shall jointly submit to the con-
13 gressional defense committees, the Committee on Foreign
14 Relations of the Senate, and the Committee on Foreign
15 Affairs of the House of Representatives a notification that
16 contains a copy of such agreement and a description of
17 such covered support, supplies, and services.

18 **SEC. 1282. TWO-YEAR EXTENSION AND MODIFICATION OF**
19 **AUTHORIZATION OF NON-CONVENTIONAL AS-**
20 **SISTED RECOVERY CAPABILITIES.**

21 (a) EXTENSION OF AUTHORITY.—Subsection (h) of
22 section 943 of the Duncan Hunter National Defense Au-
23 thorization Act for Fiscal Year 2009 (Public Law 110–
24 417; 122 Stat. 4579), as most recently amended by sec-
25 tion 1271 of the National Defense Authorization Act for

1 Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1075),
2 is further amended by striking “2018” and inserting
3 “2021”.

4 (b) MODIFICATION TO AUTHORIZED ACTIVITIES.—
5 Subsection (c) of such section is amended by inserting “,
6 or other individuals, as determined by the Secretary of De-
7 fense, with respect to already established non-conventional
8 assisted recovery capabilities” before the period at the end
9 of the first sentence.

10 **SEC. 1283. AUTHORITY TO DESTROY CERTAIN SPECIFIED**
11 **WORLD WAR II-ERA UNITED STATES-ORIGIN**
12 **CHEMICAL MUNITIONS LOCATED ON SAN**
13 **JOSE ISLAND, REPUBLIC OF PANAMA.**

14 (a) AUTHORITY.—

15 (1) IN GENERAL.—Subject to subsection (b),
16 the Secretary of Defense may destroy the chemical
17 munitions described in subsection (c).

18 (2) EX GRATIA ACTION.—The action authorized
19 by this section is “ex gratia” on the part of the
20 United States, as the term “ex gratia” is used in
21 section 321 of the Strom Thurmond National De-
22 fense Authorization Act for Fiscal Year 1999 (Pub-
23 lic Law 105–261; 10 U.S.C. 2701 note).

24 (3) CONSULTATION BETWEEN SECRETARY OF
25 DEFENSE AND SECRETARY OF STATE.—The Sec-

1 retary of Defense and the Secretary of State shall
2 consult and develop any arrangements with the Re-
3 public of Panama with respect to this section.

4 (b) CONDITIONS.—The Secretary of Defense may ex-
5 ercise the authority under subsection (a) only if the Re-
6 public of Panama has—

7 (1) revised the declaration of the Republic of
8 Panama under the Convention on the Prohibition of
9 the Development, Production, Stockpiling and Use
10 of Chemical Weapons and on Their Destruction to
11 indicate that the chemical munitions described in
12 subsection (c) are “old chemical weapons” rather
13 than “abandoned chemical weapons”; and

14 (2) affirmed, in writing, that it understands (A)
15 that the United States intends only to destroy the
16 munitions described in subsections (c) and (d), and
17 (B) that the United States is not legally obligated
18 and does not intend to destroy any other munitions,
19 munitions constituents, and associated debris that
20 may be located on San Jose Island as a result of re-
21 search, development, and testing activities conducted
22 on San Jose Island during the period of 1943
23 through 1947.

24 (c) CHEMICAL MUNITIONS.—The chemical munitions
25 described in this subsection are the eight United States-

1 origin chemical munitions located on San Jose Island, Re-
2 public of Panama, that were identified in the 2002 Final
3 Inspection Report of the Technical Secretariat of the Or-
4 ganization for the Prohibition of Chemical Weapons.

5 (d) LIMITED INCIDENTAL AUTHORITY TO DESTROY
6 OTHER MUNITIONS.—In exercising the authority under
7 subsection (a), the Secretary of Defense may destroy other
8 munitions located on San Jose Island, Republic of Pan-
9 ama, but only to the extent essential and required to reach
10 and destroy the chemical munitions described in sub-
11 section (c).

12 (e) SOURCE OF FUNDS.—Of the amounts authorized
13 to be appropriated by this Act, the Secretary of Defense
14 may use up to \$30,000,000 from amounts made available
15 for Chemical Agents and Munitions Destruction, Defense
16 to carry out the authority in subsection (a).

17 (f) SUNSET.—The authority under subsection (a)
18 shall terminate on the date that is 3 years after the date
19 of the enactment of this Act.

20 **SEC. 1284. SENSE OF CONGRESS ON MILITARY EXCHANGES**
21 **BETWEEN THE UNITED STATES AND TAIWAN.**

22 (a) MILITARY EXCHANGES BETWEEN SENIOR OFFI-
23 CERS AND OFFICIALS OF THE UNITED STATES AND TAI-
24 WAN.—The Secretary of Defense should carry out a pro-
25 gram of exchanges of senior military officers and senior

1 officials between the United States and Taiwan designed
2 to improve military to military relations between the
3 United States and Taiwan.

4 (b) EXCHANGES DESCRIBED.—For the purposes of
5 this section, an exchange is an activity, exercise, event,
6 or observation opportunity between members of the Armed
7 Forces and officials of the Department of Defense, on the
8 one hand, and armed forces personnel and officials of Tai-
9 wan, on the other hand.

10 (c) FOCUS OF EXCHANGES.—The exchanges under
11 the program described in subsection (a) should include ex-
12 changes focused on the following:

- 13 (1) Threat analysis.
- 14 (2) Military doctrine.
- 15 (3) Force planning.
- 16 (4) Logistical support.
- 17 (5) Intelligence collection and analysis.
- 18 (6) Operational tactics, techniques, and proce-
19 dures.
- 20 (7) Humanitarian assistance and disaster relief.

21 (d) CIVIL-MILITARY AFFAIRS.—The exchanges under
22 the program described in subsection (a) should include ac-
23 tivities and exercises focused on civil-military relations, in-
24 cluding parliamentary relations.

1 (e) LOCATION OF EXCHANGES.—The exchanges
2 under the program described in subsection (a) should be
3 conducted in both the United States and Taiwan.

4 (f) DEFINITIONS.—In this section:

5 (1) The term “senior military officer”, with re-
6 spect to the Armed Forces, means a general or flag
7 officer of the Armed Forces on active duty.

8 (2) The term “senior official”, with respect to
9 the Department of Defense, means a civilian official
10 of the Department of Defense at the level of Assist-
11 ant Secretary of Defense or above.

12 **SEC. 1285. LIMITATION ON AVAILABILITY OF FUNDS TO IM-**
13 **PLEMENT THE ARMS TRADE TREATY.**

14 (a) IN GENERAL.—None of the funds authorized to
15 be appropriated by this Act or otherwise made available
16 for fiscal year 2017 for the Department of Defense may
17 be obligated or expended to implement the Arms Trade
18 Treaty, or to make any change to existing programs,
19 projects, or activities as approved by Congress in further-
20 ance of, pursuant to, or otherwise to implement the Arms
21 Trade Treaty, unless the Arms Trade Treaty has received
22 the advice and consent of the Senate and has been the
23 subject of implementing legislation, as required, by Con-
24 gress.

1 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion shall be construed to preclude the Department of De-
3 fense from assisting foreign countries in bringing their
4 laws and regulations up to United States standards.

5 **SEC. 1286. PROHIBITION ON USE OF FUNDS TO INVITE, AS-**
6 **SIST, OR OTHERWISE ASSURE THE PARTICI-**
7 **PATION OF CUBA IN CERTAIN JOINT OR MUL-**
8 **TILATERAL EXERCISES.**

9 (a) PROHIBITION.—The Secretary of Defense may
10 not use any funds authorized to be appropriated or other-
11 wise made available for fiscal year 2017 for the Depart-
12 ment of Defense to invite, assist, or otherwise assure the
13 participation of the Government of Cuba in any joint or
14 multilateral exercise or related security conference be-
15 tween the Governments of the United States and Cuba
16 until the Secretary of Defense and the Secretary of State,
17 in consultation with the Director of National Intelligence,
18 certify to the appropriate congressional committees that—

19 (1) the Cuban military has ceased committing
20 human rights abuses against civil rights activists
21 and other citizens of Cuba;

22 (2) the Cuban military has ceased providing
23 military intelligence, weapons training, strategic
24 planning, and security logistics to the military and
25 security forces of Venezuela;

1 (3) the Cuban military and other security forces
2 in Cuba have ceased all persecution, intimidation,
3 arrest, imprisonment, and assassination of dissidents
4 and members of faith-based organizations;

5 (4) the Government of Cuba no longer demands
6 that the United States relinquish control of Guanta-
7 namo Bay, in violation of an international treaty;
8 and

9 (5) the officials of the Cuban military that were
10 indicted in the murder of United States citizens dur-
11 ing the shutdown of planes operated by the Broth-
12 ers to the Rescue humanitarian organization in 1996
13 are brought to justice.

14 (b) EXCEPTIONS.—The prohibition in subsection (a)
15 shall not apply with respect to—

16 (1) payments in furtherance of the lease agree-
17 ment, or other financial transactions necessary for
18 maintenance and improvements of the military base
19 at Guantanamo Bay, Cuba, including any adjacent
20 areas under the control or possession of the United
21 States;

22 (2) assistance or support in furtherance of de-
23 mocracy-building efforts for Cuba described in sec-
24 tion 109 of the Cuban Liberty and Democratic Soli-
25 darity (LIBERTAD) Act of 1996 (22 U.S.C. 6039);

1 (3) customary and routine financial trans-
2 actions necessary for the maintenance, improve-
3 ments, or regular duties of the United States mis-
4 sion in Havana, including outreach to the pro-de-
5 mocracy opposition; or

6 (4) any joint or multilateral exercise or oper-
7 ation related to humanitarian assistance or disaster
8 response.

9 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
10 FINED.—In this section, the term “appropriate congres-
11 sional committees” means—

12 (1) the Committee on Armed Services and the
13 Committee on Foreign Relations of the Senate; and

14 (2) the Committee on Armed Services and the
15 Committee on Foreign Affairs of the House of Rep-
16 resentatives.

17 **SEC. 1287. GLOBAL ENGAGEMENT CENTER.**

18 (a) ESTABLISHMENT.—

19 (1) IN GENERAL.—Not later than 180 days
20 after the date of the enactment of this Act, the Sec-
21 retary of State, in coordination with the Secretary of
22 Defense and the heads of other relevant Federal de-
23 partments and agencies, shall establish within the
24 Department of State a Global Engagement Center
25 (in this section referred to as the “Center”).

1 (2) PURPOSE.—The purpose of the Center shall
2 be to lead, synchronize, and coordinate efforts of the
3 Federal Government to recognize, understand, ex-
4 pose, and counter foreign state and non-state propa-
5 ganda and disinformation efforts aimed at under-
6 mining United States national security interests.

7 (b) FUNCTIONS.—The Center shall carry out the fol-
8 lowing functions:

9 (1) Integrate interagency and international ef-
10 forts to track and evaluate counterfactual narratives
11 abroad that threaten the national security interests
12 of the United States and United States allies and
13 partner nations.

14 (2) Analyze relevant information, data, analysis,
15 and analytics from United States Government agen-
16 cies, United States allies and partner nations, think
17 tanks, academic institutions, civil society groups,
18 and other nongovernmental organizations.

19 (3) As needed, support the development and
20 dissemination of fact-based narratives and analysis
21 to counter propaganda and disinformation directed
22 at the United States and United States allies and
23 partner nations.

24 (4) Identify current and emerging trends in for-
25 eign propaganda and disinformation in order to co-

1 ordinate and shape the development of tactics, tech-
2 niques, and procedures to expose and refute foreign
3 misinformation and disinformation and proactively
4 promote fact-based narratives and policies to audi-
5 ences outside the United States.

6 (5) Facilitate the use of a wide range of tech-
7 nologies and techniques by sharing expertise among
8 Federal departments and agencies, seeking expertise
9 from external sources, and implementing best prac-
10 tices.

11 (6) Identify gaps in United States capabilities
12 in areas relevant to the purpose of the Center and
13 recommend necessary enhancements or changes.

14 (7) Identify the countries and populations most
15 susceptible to propaganda and disinformation based
16 on information provided by appropriate interagency
17 entities.

18 (8) Administer the information access fund es-
19 tablished pursuant to subsection (f).

20 (9) Coordinate with United States allies and
21 partner nations in order to amplify the Center's ef-
22 forts and avoid duplication.

23 (10) Maintain, collect, use, and disseminate
24 records (as such term is defined in section
25 552a(a)(4) of title 5, United States Code) for re-

1 search and data analysis of foreign state and non-
2 state propaganda and disinformation efforts and
3 communications related to public diplomacy efforts
4 intended for foreign audiences. Such research and
5 data analysis shall be reasonably tailored to meet
6 the purposes of this paragraph and shall be carried
7 out with due regard for privacy and civil liberties
8 guidance and oversight.

9 (c) HEAD OF CENTER.—

10 (1) APPOINTMENT.—The head of the Center
11 shall be an individual who is an official of the Fed-
12 eral Government, who shall be appointed by the
13 President.

14 (2) COMPLIANCE WITH PRIVACY AND CIVIL LIB-
15 ERTIES LAWS.—The President shall designate a sen-
16 ior official to develop guidance for the Center relat-
17 ing to relevant privacy and civil liberties laws and to
18 ensure compliance with such guidance.

19 (d) EMPLOYEES OF THE CENTER.—

20 (1) DETAILEES.—Any Federal Government em-
21 ployee may be detailed to the Center without reim-
22 bursement, and such detail shall be without inter-
23 ruption or loss of civil service status or privilege for
24 a period of not more than 3 years.

1 (2) PERSONAL SERVICE CONTRACTORS.—The
2 Secretary of State may hire United States citizens
3 or aliens as personal services contractors for pur-
4 poses of personnel resources of the Center, if—

5 (A) the Secretary determines that existing
6 personnel resources are insufficient;

7 (B) the period in which services are pro-
8 vided by a personal services contractor, includ-
9 ing options, does not exceed 3 years, unless the
10 Secretary determines that exceptional cir-
11 cumstances justify an extension of up to one
12 additional year;

13 (C) not more than 50 United States citi-
14 zens or aliens are employed as personal services
15 contractors under the authority of this para-
16 graph at any time; and

17 (D) the authority of this paragraph is only
18 used to obtain specialized skills or experience or
19 to respond to urgent needs.

20 (e) TRANSFER OF AMOUNTS AUTHORIZED.—

21 (1) IN GENERAL.—If amounts authorized to be
22 appropriated or otherwise made available to carry
23 out the functions of the Center—

24 (A) for fiscal year 2017 are less than
25 \$80,000,000, the Secretary of Defense is au-

1 thorized to transfer, from amounts authorized
2 to be appropriated by this Act for the Depart-
3 ment of Defense for fiscal year 2017, to the
4 Secretary of State an amount, not to exceed
5 \$60,000,000, to be available to carry out the
6 functions of the Center for fiscal year 2017;
7 and

8 (B) for fiscal year 2018 are less than
9 \$80,000,000, the Secretary of Defense is au-
10 thorized to transfer, from amounts authorized
11 to be appropriated by an Act authorizing funds
12 for the Department of Defense for fiscal year
13 2018, to the Secretary of State an amount, not
14 to exceed \$60,000,000, to be available to carry
15 out the functions of the Center for fiscal year
16 2018.

17 (2) NOTICE REQUIREMENT.—The Secretary of
18 Defense shall notify the congressional defense com-
19 mittees of a proposed transfer under paragraph (1)
20 not less than 15 days prior to making such transfer.

21 (3) INAPPLICABILITY OF REPROGRAMMING RE-
22 QUIREMENTS.—The authority to transfer amounts
23 under paragraph (1) shall not be subject to any re-
24 programming requirement under any other provision
25 of law.

1 (f) INFORMATION ACCESS FUND.—

2 (1) AUTHORITY FOR GRANTS.—The Center is
3 authorized to provide grants or contracts of financial
4 support to civil society groups, media content pro-
5 viders, nongovernmental organizations, federally
6 funded research and development centers, private
7 companies, or academic institutions for the following
8 purposes:

9 (A) To support local independent media
10 who are best placed to refute foreign
11 disinformation and manipulation in their own
12 communities.

13 (B) To collect and store examples in print,
14 online, and social media, disinformation, misin-
15 formation, and propaganda directed at the
16 United States and its allies and partners.

17 (C) To analyze and report on tactics, tech-
18 niques, and procedures of foreign information
19 warfare with respect to disinformation, misin-
20 formation, and propaganda.

21 (D) To support efforts by the Center to
22 counter efforts by foreign entities to use
23 disinformation, misinformation, and propa-
24 ganda to influence the policies and social and

1 political stability of the United States and
2 United States allies and partner nations.

3 (2) FUNDING AVAILABILITY AND LIMITA-
4 TIONS.—The Secretary of State shall provide that
5 each organization that applies to receive funds under
6 this subsection is selected in accordance with the rel-
7 evant existing regulations to ensure its bona fides,
8 capability, and experience, and its compatibility with
9 United States interests and objectives.

10 (g) REPORTS.—

11 (1) IN GENERAL.—Not later than one year
12 after the date on which the Center is established, the
13 Secretary of State shall submit to the appropriate
14 congressional committees a report evaluating the
15 success of the Center in carrying out its functions
16 under subsection (b) and outlining steps to improve
17 any areas of deficiency.

18 (2) DEFINITION.—In this subsection, the term
19 “appropriate congressional committees” means—

20 (A) the Committee on Foreign Relations,
21 the Committee on Armed Services, the Com-
22 mittee on Homeland Security and Govern-
23 mental Affairs, and the Committee on Appro-
24 priations of the Senate; and

1 (B) the Committee on Foreign Affairs, the
2 Committee on Armed Services, the Committee
3 on Homeland Security, and the Committee on
4 Appropriations of the House of Representatives.

5 (h) LIMITATION.—None of the funds authorized to
6 be appropriated or otherwise made available to carry out
7 this section shall be used for purposes other than coun-
8 tering foreign propaganda and misinformation that threat-
9 ens United States national security.

10 (i) TERMINATION.—The Center shall terminate on
11 the date that is 8 years after the date of the enactment
12 of this Act.

13 **SEC. 1288. MODIFICATION OF UNITED STATES INTER-**
14 **NATIONAL BROADCASTING ACT OF 1994.**

15 The United States International Broadcasting Act of
16 1994 (22 U.S.C. 6201 et seq.; Public Law 103–236) is
17 amended—

18 (1) by amending section 304 (22 U.S.C. 6203)
19 to read as follows:

20 **“SEC. 304. ESTABLISHMENT OF THE CHIEF EXECUTIVE OF-**
21 **FICER OF THE BROADCASTING BOARD OF**
22 **GOVERNORS.**

23 **“(a) CONTINUED EXISTENCE WITHIN EXECUTIVE**
24 **BRANCH.—**The Broadcasting Board of Governors shall
25 continue to exist within the Executive branch of Govern-

1 ment as an entity described in section 104 of title 5,
2 United States Code.

3 “(b) CHIEF EXECUTIVE OFFICER.—

4 “(1) IN GENERAL.—The head of the Broad-
5 casting Board of Governors shall be a Chief Execu-
6 tive Officer, who shall be appointed by the Presi-
7 dent, by and with the advice and consent of the Sen-
8 ate. Notwithstanding any other provision of law,
9 until such time as a Chief Executive Officer is ap-
10 pointed and has qualified, the current or acting
11 Chief Executive Officer appointed by the Board may
12 continue to serve and exercise the authorities and
13 powers under this Act.

14 “(2) TERM.—The first Chief Executive Officer
15 appointed pursuant to paragraph (1) shall serve for
16 an initial term of three years.

17 “(3) COMPENSATION.—A Chief Executive Offi-
18 cer appointed pursuant to paragraph (1) shall be
19 compensated at the annual rate of basic pay for level
20 III of the Executive Schedule under section 5314 of
21 title 5, United States Code.

22 “(c) TERMINATION OF DIRECTOR OF INTER-
23 NATIONAL BROADCASTING BUREAU.—Effective on the
24 date of the enactment of this section, the position of the
25 Director of the International Broadcasting Bureau shall

1 be terminated, and all of the responsibilities, offices, au-
2 thorities, and immunities of the Director or the Board
3 under this or any other Act or authority before such date
4 of enactment shall be transferred or available to, assumed
5 by, or overseen by the Chief Executive Officer, as head
6 of the Board.

7 “(d) IMMUNITY FROM CIVIL LIABILITY.—Notwith-
8 standing any other provision of law, all limitations on li-
9 ability that apply to the Chief Executive Officer shall also
10 apply to members of the boards of directors of RFE/RL,
11 Inc., Radio Free Asia, the Middle East Broadcasting Net-
12 works, or any organization that consolidates such entities
13 when such members are acting in their official capaci-
14 ties.”;

15 (2) in section 305 (22 U.S.C. 6204)—

16 (A) in subsection (a)—

17 (i) by striking “Board” each place it
18 appears and inserting “Chief Executive Of-
19 ficer”;

20 (ii) in paragraph (1), by inserting “di-
21 rect and” before “supervise”;

22 (iii) in paragraph (5)—

23 (I) by inserting “and cooperative
24 agreements” after “grants”; and

1 (II) by striking “in accordance
2 with sections 308 and 309” and in-
3 serting “in furtherance of the pur-
4 poses of this Act and on behalf of
5 other agencies, accordingly”;

6 (iv) in paragraph (6)—

7 (I) by striking “International
8 Broadcasting Bureau” and inserting
9 “Board”; and

10 (II) by striking “subject to the
11 limitations in sections 308 and 309
12 and”;

13 (v) in paragraph (10)—

14 (I) by inserting “, rent, or lease”
15 after “procure”; and

16 (II) by striking “personal prop-
17 erty” and inserting “property for
18 journalism, media, production, and
19 broadcasting, and related support
20 services, notwithstanding any other
21 provision of law relating to such ac-
22 quisition, rental, or lease, and under
23 the same terms and conditions as au-
24 thorized under section 501(b) of the
25 United States Information and Edu-

1 cational Exchange Act of 1948 (22
2 U.S.C. 1461(b)), and for multiyear
3 contracts and leases for periods of up
4 to 20 years subject to the require-
5 ments of subsections (b) through (f)
6 of section 3903 of title 41, United
7 States Code”;

8 (vi) in paragraph (11)—

9 (I) by striking “staff”;

10 (II) by striking “as the Board”
11 and inserting “as the Chief Executive
12 Officer”; and

13 (III) by striking “subject” and
14 inserting “which shall not be subject”;

15 (vii) in paragraph (13)—

16 (I) by striking “Bureau” and in-
17 serting “Board”; and

18 (II) by striking “Board has
19 taken” and inserting “Chief Executive
20 Officer has taken”;

21 (viii) in paragraph (14)—

22 (I) by inserting “transmission
23 or” before “relay”; and

1 (II) by inserting “or any other
2 grantee authorized under this Act”
3 after “Radio Free Asia”;

4 (ix) in paragraph (15)(A), by strik-
5 ing—

6 (I) “temporary and intermit-
7 tent”; and

8 (II) “to the same extent as is au-
9 thorized by section 3109 of title 5,
10 United States Code,”;

11 (x) in paragraph (16), by striking
12 “Board determines” and inserting “Chief
13 Executive Officer determines”;

14 (xi) in paragraph (18), by striking
15 “the Bureau” and inserting “the Chief Ex-
16 ecutive Officer”; and

17 (xii) by adding at the end the fol-
18 lowing new paragraphs:

19 “(20) Notwithstanding any other provision of
20 law, including section 308(a), to condition, if appro-
21 priate, any grant or cooperative agreement to RFE/
22 RL, Inc., Radio Free Asia, or the Middle East
23 Broadcasting Networks, or any organization that is
24 established through the consolidation of such enti-
25 ties, on authority to determine membership of their

1 respective boards, and the consolidation of such
2 grantee entities into a single grantee organization
3 under terms and conditions established by the
4 Board.

5 “(21) To redirect or reprogram funds within
6 the scope of any grant or cooperative agreement, or
7 between grantees, as necessary (and not later than
8 15 days before any such redirection of funds be-
9 tween language services, to notify the Committee on
10 Appropriations and the Committee on Foreign Af-
11 fairs of the House of Representatives and the Com-
12 mittee on Appropriations and the Committee on
13 Foreign Relations of the Senate regarding such redi-
14 rection), and to condition grants or cooperative
15 agreements, if appropriate, on such grants or coop-
16 erative agreements or any similar amendments as
17 authorized under section 308(a), including authority
18 to name and replace the board of any grantee au-
19 thorized under this Act, including with Federal offi-
20 cials, to meet the purposes of this Act.

21 “(22) To change the name of the Board pursu-
22 ant to congressional notification 60 days prior to
23 any such change.”;

24 (B) by striking subsections (b) and (c);
25 and

1 (C) by redesignating subsection (d) as sub-
2 section (b); and

3 (D) in subsection (b) (as so redesign-
4 ated)—

5 (i) by striking “and the Board” and
6 inserting “and the Chief Executive Offi-
7 cer”; and

8 (ii) by striking “International Broad-
9 casting Bureau” and inserting “Board”;

10 (3) by amending section 306 (22 U.S.C. 6205)

11 to read as follows:

12 **“SEC. 306. ESTABLISHMENT OF THE INTERNATIONAL**
13 **BROADCASTING ADVISORY BOARD.**

14 “(a) IN GENERAL.—Except as provided in subsection
15 (b)(2), the International Broadcasting Advisory Board
16 (referred to in this section as the ‘Advisory Board’) shall
17 consist of five members, including the Secretary of State,
18 appointed by the President and in accordance with sub-
19 section (d), to advise the Chief Executive Officer of the
20 Broadcasting Board of Governors, as appropriate.

21 “(b) RETENTION OF EXISTING BBG BOARD MEM-
22 BERS.—

23 “(1) IN GENERAL.—The presidentially ap-
24 pointed and Senate-confirmed members of the Board
25 of the Broadcasting Board of Governors who are

1 serving on unexpired terms as of the date of the en-
2 actment of this section shall—

3 “(A) constitute the first Advisory Board;
4 and

5 “(B) hold office for the remainder of their
6 original terms of office without reappointment
7 to the Advisory Board.

8 “(2) EFFECT OF ADDITIONAL MEMBERS.—If,
9 on the date of the enactment of this section, more
10 than five members described in subsection (a) are
11 serving their original terms of office on the Broad-
12 casting Board of Governors, each such member may
13 serve on the Advisory Board for a period equal to
14 the time remaining on each such member’s respec-
15 tive term without reappointment.

16 “(c) TERMS OF OFFICE.—

17 “(1) IN GENERAL.—Except as provided in para-
18 graph (2), the term of office of each member of the
19 Advisory Board appointed pursuant to subsection (a)
20 shall be three years.

21 “(2) VACANCIES.—If a vacancy on the Advisory
22 Board occurs before the expiration of the term of
23 the member who created such vacancy—

1 “(A) the President shall appoint a new
2 member to fill such vacancy in accordance with
3 subsection (d); and

4 “(B) the member appointed pursuant to
5 such subsection shall serve for the remainder of
6 such term.

7 “(3) SERVICE BEYOND TERM PROHIBITED.—
8 Members may not serve beyond the term for which
9 they were appointed.

10 “(d) SELECTION OF THE BOARD.—In identifying in-
11 dividuals for appointment to the Advisory Board under
12 subsection (a), the President shall appoint United States
13 citizens—

14 “(1) who, with the exception of the Secretary of
15 State, are not regular, full-time employees of the
16 United States Government; and

17 “(2) distinguished in the fields of public diplo-
18 macy, mass communications, print, broadcast or dig-
19 ital media, or foreign affairs, of whom—

20 “(A) one individual should be appointed
21 from among a list of at least three individuals
22 submitted by the Chair of the Committee on
23 Foreign Affairs of the House of Representa-
24 tives;

1 “(B) one individual should be appointed
2 from among a list of at least three individuals
3 submitted by the Ranking Member of the Com-
4 mittee on Foreign Affairs of the House of Rep-
5 resentatives;

6 “(C) one individual should be appointed
7 from among a list of at least three individuals
8 submitted by the Chair of the Committee on
9 Foreign Relations of the Senate; and

10 “(D) one individual should be appointed
11 from among a list of at least three individuals
12 submitted by the Ranking Member of the Com-
13 mittee on Foreign Relations of the Senate.

14 “(e) FUNCTIONS OF THE BOARD.—The members of
15 the Advisory Board shall perform the following advisory
16 functions:

17 “(1) To provide the Chief Executive Officer of
18 the Broadcasting Board of Governors with counsel
19 and recommendations for improving the effectiveness
20 and efficiency of the agency and its programming.

21 “(2) To meet with the Chief Executive Officer
22 at least twice annually and at additional meetings at
23 the request of the Chief Executive Officer.

24 “(3) To report periodically or upon request to
25 the congressional committees specified in subsection

1 (d)(2) regarding its counsel and recommendations
2 for improving the effectiveness and efficiency of the
3 Broadcasting Board of Governors and its program-
4 ming.

5 “(4) To obtain information from the Chief Ex-
6 ecutive Officer, as needed, for the purposes of ful-
7 filling the functions described in this subsection.

8 “(f) COMPENSATION.—Members of the Advisory
9 Board, including the Secretary of State, may not receive
10 any fee, salary, or remuneration of any kind for their serv-
11 ice as members.”;

12 (4) by striking section 307 (22 U.S.C. 6206);

13 (5) in section 308 (22 U.S.C. 6207)—

14 (A) in subsection (a)(1), by striking “of
15 the Broadcasting Board of Governors estab-
16 lished under section 304 and no other mem-
17 bers” and inserting “authorized under section
18 305(a)(20)”;

19 (B) by amending subsection (d) to read as
20 follows:

21 “(d) ALTERNATIVE GRANTEE.—If the Chief Execu-
22 tive Officer determines at any time that RFE/RL, Incor-
23 porated is not carrying out the functions described in this
24 section in an effective and economical manner, the Board

1 may award the grant to carry out such functions to an-
2 other entity.”; and

3 (C) in subsection (g)(4)—

4 (i) by striking “International Broad-
5 casting Bureau” and inserting “any other
6 grantee of the Board”; and

7 (ii) by striking “by the Board” and
8 inserting “by the Chief Executive Officer”;
9 and

10 (D) in subsection (i), by striking “(1) Ef-
11 fective” and inserting “Effective”;

12 (6) in section 309 (22 U.S.C. 6208)—

13 (A) in subsection (f)(2), by striking
14 “Chairman of the Board” and inserting “Chief
15 Executive Officer of the Board”;

16 (B) by redesignating subsection (g) as sub-
17 section (h); and

18 (C) by inserting after subsection (f) the
19 following new subsection:

20 “(g) ALTERNATIVE GRANTEE.—If the Chief Execu-
21 tive Officer determines at any time that Radio Free Asia
22 is not carrying out the functions described in this section
23 in an effective and economical manner, the Board may
24 award the grant to carry out such functions to another
25 entity.”;

1 (7) by inserting after section 309 (22 U.S.C.
2 6208) the following new sections:

3 **“SEC. 310. BROADCAST ENTITIES REPORTING TO CHIEF EX-**
4 **ECUTIVE OFFICER.**

5 “(a) CONSOLIDATION OF GRANTEE ORGANIZA-
6 TIONS.—

7 “(1) IN GENERAL.—The Chief Executive Offi-
8 cer, subject to the regular notification procedures of
9 the Committee on Appropriations and the Com-
10 mittee on Foreign Affairs of the House of Rep-
11 resentatives and the Committee on Appropriations
12 and the Committee on Foreign Relations of the Sen-
13 ate, who is authorized to incorporate a grantee, may
14 condition annual grants to RFE/RL, Inc., Radio
15 Free Asia, and the Middle East Broadcasting Net-
16 works on the consolidation of such grantees into a
17 single, consolidated private, non-profit corporation
18 (in accordance with section 501(c)(3) of the Internal
19 Revenue Code and exempt from tax under section
20 501(a) of such Code), in such a manner and under
21 such terms and conditions as determined by the
22 Chief Executive Officer, which may broadcast and
23 provide news and information to audiences wherever
24 the agency may broadcast, for activities that the
25 Chief Executive Officer determines are consistent

1 with the purposes of this Act, including the terms
2 and conditions of subsections (g)(5), (h), (i), and (j)
3 of section 308, except that the Agency may select
4 any name for such a consolidated grantee.

5 “(2) SPECIAL RULE.—No State or political sub-
6 division of a State may establish, enforce, or con-
7 tinue in effect any provision of law or legal require-
8 ment that is different from, or is in conflict with,
9 any requirement or authority applicable under this
10 Act relating to the consolidation, incorporation,
11 structure, or dissolution of any grantee under this
12 Act.

13 “(b) MISSION.—The consolidated grantee established
14 under subsection (a) shall—

15 “(1) counter state-sponsored propaganda which
16 undermines the national security or foreign policy
17 interests of the United States and its allies;

18 “(2) provide uncensored local and regional news
19 and analysis to people in societies where a robust,
20 indigenous, independent, and free media does not
21 exist;

22 “(3) help countries improve their indigenous ca-
23 pacity to enhance media professionalism and inde-
24 pendence, and develop partnerships with local media
25 outlets, as appropriate; and

1 “(4) promote unrestricted access to uncensored
2 sources of information, especially via the internet,
3 and use all effective and efficient mediums of com-
4 munication to reach target audiences.

5 “(c) FEDERAL STATUS.—Nothing in this or any
6 other Act, or any action taken pursuant to this or any
7 other Act, may be construed to make such a consolidated
8 grantee described in subsection (a) or RFE/RL, Inc.,
9 Radio Free Asia, or the Middle East Broadcasting Net-
10 works or any other grantee or entity provided funding by
11 the agency a Federal agency or instrumentality. Employ-
12 ees or staff of such grantees or entities may not be Federal
13 employees. For purposes of this section and this Act, the
14 term ‘grant’ includes agreements under section 6305 of
15 title 31, United States Code, and the term ‘grantee’ in-
16 cludes recipients of such agreements.

17 “(d) LEADERSHIP OF GRANTEE ORGANIZATIONS.—
18 Officers and directors of RFE/RL Inc., Radio Free Asia,
19 and the Middle East Broadcasting Networks or any orga-
20 nization that is established through the consolidation of
21 such entities, or authorized under this Act, shall serve at
22 the pleasure of and may be named by the Chief Executive
23 Officer of the Board.

24 “(e) MAINTENANCE OF THE EXISTING INDIVIDUAL
25 GRANTEE BRANDS.—RFE/RL, Incorporated, Radio Free

1 Asia, and the Middle East Broadcasting Networks, Incorporated should remain brand names under which news and
2 related programming and content may be disseminated by
3 the consolidated grantee. Additional brands may be created as necessary.

4
5
6 **“SEC. 310A. INSPECTOR GENERAL AUTHORITIES.**

7 “(a) IN GENERAL.—The Inspector General of the
8 Department of State and the Foreign Service shall exercise the same authorities with respect to the Broadcasting
9 Board of Governors as the Inspector General exercises
10 under the Inspector General Act of 1978 and section 209
11 of the Foreign Service Act of 1980 (22 U.S.C. 3929) with
12 respect to the Department of State.

13
14 “(b) RESPECT FOR JOURNALISTIC INTEGRITY OF
15 BROADCASTERS.—The Inspector General of the Department of State and the Foreign Service shall respect the
16 journalistic integrity of all the broadcasters covered by this
17 Act and may not evaluate the philosophical or political
18 perspectives reflected in the content of broadcasts.

19
20 **“SEC. 310B. ROLE OF THE SECRETARY OF STATE IN FOREIGN POLICY GUIDANCE.**

21
22 “To assist the Board in carrying out its functions,
23 the Chief Executive Officer shall regularly consult with
24 and seek from the Secretary of State guidance on foreign
25 policy issues.”; and

1 (8) in section 314 (22 U.S.C. 6213)—

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

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

6 “(4) the terms ‘Board’ and ‘Chief Executive Of-
7 ficer of the Board’ mean the Broadcasting Board of
8 Governors and the position, respectively, authorized
9 in accordance with this Act;”.

10 **SEC. 1289. REDESIGNATION OF SOUTH CHINA SEA INITIA-**
11 **TIVE.**

12 (a) REDESIGNATION AS SOUTHEAST ASIA MARITIME
13 SECURITY INITIATIVE.—Subsection (a)(2) of section 1263
14 of the National Defense Authorization Act for Fiscal Year
15 2016 (Public Law 114–92; 129 Stat. 1073; 10 U.S.C.
16 2282 note) is amended by striking “the ‘South China Sea
17 Initiative’” and inserting “the ‘Southeast Asia Maritime
18 Security Initiative’”.

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

1 **“SEC. 1263. SOUTHEAST ASIA MARITIME SECURITY INITIA-**
2 **TIVE.”.**

3 **SEC. 1290. MEASURES AGAINST PERSONS INVOLVED IN AC-**
4 **TIVITIES THAT VIOLATE ARMS CONTROL**
5 **TREATIES OR AGREEMENTS WITH THE**
6 **UNITED STATES.**

7 (a) REPORTS ON PERSONS THAT VIOLATE TREATIES
8 OR AGREEMENTS.—

9 (1) IN GENERAL.—Not later than 30 days after
10 the submittal to Congress of an annual report on the
11 status of United States policy and actions with re-
12 spect to arms control, nonproliferation, and disar-
13 mament pursuant to section 403 of the Arms Con-
14 trol and Disarmament Act (22 U.S.C. 2593a), the
15 Secretary of the Treasury shall submit to the appro-
16 priate congressional committees a report, consistent
17 with the protection of intelligence sources and meth-
18 ods, identifying every person with respect to whom
19 there is credible information indicating that—

20 (A) the person—

21 (i)(I) is an individual who is a citizen,
22 national, or permanent resident of a coun-
23 try described in paragraph (2); or

24 (II) is an entity organized under the
25 laws of a country described in paragraph
26 (2); and

1 (ii) has engaged in any activity that
2 contributed to or is a significant factor in
3 the President's or the Secretary of State's
4 determination that such country is not in
5 full compliance with its obligations as fur-
6 ther described in paragraph (2); or

7 (B) the person has provided material sup-
8 port for such non-compliance to a person de-
9 scribed in subparagraph (A).

10 (2) COUNTRY DESCRIBED.—A country de-
11 scribed in this paragraph is a country (other than a
12 country described in paragraph (3)) that the Presi-
13 dent or the Secretary of State has determined, in
14 the most recent annual report described in para-
15 graph (1), to be not in full compliance with its obli-
16 gations undertaken in all arms control, nonprolifera-
17 tion, and disarmament agreements or commitments
18 to which the United States is a participating state.

19 (3) EXCLUDED COUNTRIES.—The following
20 countries are not described for purposes of para-
21 graph (2):

22 (A) The United States.

23 (B) Any country determined by the Direc-
24 tor of National Intelligence to be closely cooper-
25 ating in intelligence matters with the United

1 States in the period covered by the most recent
2 annual report described in paragraph (1), re-
3 gardless of the extent of the compliance of such
4 country with the obligations described in para-
5 graph (2) during such period.

6 (b) IMPOSITION OF MEASURES.—Except as provided
7 in subsections (d), (e), and (f), the President shall impose
8 the measures described in subsection (c) with respect to
9 each person identified in a report under subsection (a).

10 (c) MEASURES DESCRIBED.—

11 (1) IN GENERAL.—The measures to be imposed
12 with respect to a person under subsection (b) are the
13 head of any executive agency (as defined in section
14 133 of title 41, United States Code) may not enter
15 into, renew, or extend a contract for the procure-
16 ment of goods or services with the person.

17 (2) EXCEPTION FOR MAJOR ROUTES OF SUP-
18 PLY.—The requirement to impose measures under
19 paragraph (1) shall not apply with respect to any
20 contract for the procurement of goods or services
21 along a major route of supply to a zone of active
22 combat or major contingency operation.

23 (3) REQUIREMENT TO REVISE REGULATIONS.—

24 (A) IN GENERAL.—Not later than 90 days
25 after the date of the enactment of this Act, the

1 Federal Acquisition Regulation, the Defense
2 Federal Acquisition Regulation Supplement,
3 and the Uniform Administrative Requirements,
4 Cost Principles, and Audit Requirements for
5 Federal Awards shall be revised to implement
6 paragraph (1).

7 (B) CERTIFICATIONS.—The revisions to
8 the Federal Acquisition Regulation under sub-
9 paragraph (A) shall include a requirement for a
10 certification from each person that is a prospec-
11 tive contractor that the person, and any person
12 owned or controlled by the person, does not en-
13 gage in any activity described in subsection
14 (a)(1)(A)(ii).

15 (C) REMEDIES.—If the head of an execu-
16 tive agency determines that a person has sub-
17 mitted a false certification under subparagraph
18 (B) on or after the date on which the applicable
19 revision of the Federal Acquisition Regulation
20 required by this paragraph becomes effective—

21 (i) the head of that executive agency
22 shall terminate a contract with such person
23 or debar or suspend such person from eli-
24 gibility for Federal contracts for a period
25 of not less than 2 years;

1 (ii) any such debarment or suspension
2 shall be subject to the procedures that
3 apply to debarment and suspension under
4 the Federal Acquisition Regulation under
5 subpart 9.4 of part 9 of title 48, Code of
6 Federal Regulations; and

7 (iii) the Administrator of General
8 Services shall include on the List of Par-
9 ties Excluded from Federal Procurement
10 and Nonprocurement Programs maintained
11 by the Administrator under part 9 of the
12 Federal Acquisition Regulation each per-
13 son that is debarred, suspended, or pro-
14 posed for debarment or suspension by the
15 head of an executive agency on the basis of
16 a determination of a false certification
17 under subparagraph (B).

18 (d) WAIVER FOR LACK OF KNOWING VIOLATION.—

19 (1) IN GENERAL.—The President may waive
20 the application of measures on a case-by-case basis
21 under subsection (b) with respect to a person if the
22 President—

23 (A) determines that—

24 (i)(I) in the case of a person described
25 in subsection (a)(1)(A), the person did not

1 knowingly engage in any activity described
2 in such subsection;

3 (II) in the case of a person described
4 in subsection (a)(1)(B), the person con-
5 ducted or facilitated a transaction or
6 transactions with, or provided financial
7 services to, a person described in sub-
8 section (a)(1)(A) that did not knowingly
9 engage in any activity described in such
10 subsection; and

11 (III) in the case of a person described
12 in subsection (a)(1)(A) or (a)(1)(B), the
13 person has terminated the activity for
14 which otherwise covered by such subsection
15 or has provided verifiable assurances that
16 the person will terminate such activity; and

17 (ii) the waiver is in the national secu-
18 rity interest of the United States; and

19 (B) submits to the appropriate congres-
20 sional committees a report on the determination
21 and the reasons for the determination.

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

1 (e) WAIVER TO PREVENT DISCLOSURE OF INTEL-
2 LIGENCE SOURCES AND METHODS.—The President may
3 waive the application of measures on a case-by-case basis
4 under subsection (b) with respect to a person if the Presi-
5 dent—

6 (1) determines that the waiver is necessary to
7 prevent the disclosure of intelligence sources or
8 methods; and

9 (2) submits to the appropriate congressional
10 committees a report, consistent with the protection
11 of intelligence sources and methods, on the deter-
12 mination and the reasons for the determination.

13 (f) TIMING OF IMPOSITION.—

14 (1) IN GENERAL.—Except as provided in para-
15 graph (2), the President shall immediately impose
16 measures under subsection (b) against a person de-
17 scribed in subsection (a)(1) upon the submittal to
18 Congress of the report identifying the person pursu-
19 ant to subsection (a)(1) unless the President deter-
20 mines and certifies to the appropriate congressional
21 committees that the government of the country con-
22 cerned has taken specific and effective actions, in-
23 cluding, as appropriate, the imposition of appro-
24 priate penalties, to terminate the involvement of the

1 person in the activities that resulted in the identi-
2 fication of the person in the report.

3 (2) DELAY.—

4 (A) IN GENERAL.—The President may
5 delay the imposition of measures against a per-
6 son for up to 120 days after the date of the
7 submittal to Congress of the report identifying
8 the person pursuant to subsection (a)(1) if the
9 President initiates consultations with the gov-
10 ernment concerned with respect to the taking of
11 actions described in paragraph (1).

12 (B) ADDITIONAL DELAY.—The President
13 may delay the imposition of measures for up to
14 an additional 120 days after the delay author-
15 ized by subparagraph (A) if the President de-
16 termines and certifies to the appropriate con-
17 gressional committees that the government con-
18 cerned is in the process of taking the actions
19 described in paragraph (1).

20 (3) REPORT.—Not later than 60 days after the
21 submittal to Congress of the report identifying a
22 person pursuant to subsection (a)(1), the President
23 shall submit to the appropriate congressional com-
24 mittees a report on the status of consultations, if
25 any, with the government concerned under this sub-

1 section, and the basis for any determination under
2 paragraph (1).

3 (g) TERMINATION.—

4 (1) TERMINATION THROUGH COMPLIANCE OF
5 COUNTRY WITH ARMS CONTROL AND OTHER AGREE-
6 MENTS.—The measures imposed with respect to a
7 person under subsection (b) shall terminate on the
8 date on which the President submits to Congress a
9 subsequent annual report pursuant to section 403 of
10 the Arms Control and Disarmament Act that does
11 not contain a determination of the President that
12 the country described in subsection (a)(2) with re-
13 spect to which the measures were imposed with re-
14 spect to the person is a country that is not in full
15 compliance with its obligations undertaken in all
16 arms control, nonproliferation, and disarmament
17 agreements or commitments to which the United
18 States is a participating state.

19 (2) TERMINATION THROUGH CESSATION BY
20 PERSON OF VIOLATING ACTIVITIES.—In addition to
21 termination provided for by paragraph (1), the
22 measures imposed with respect to a person under
23 subsection (b) in connection with a particular activ-
24 ity shall terminate upon a determination of the
25 President that the person has ceased such activity.

1 The termination of measures imposed with respect
2 to a person in connection with a particular activity
3 pursuant to this paragraph shall not result in the
4 termination of any measures imposed with respect to
5 the person in connection with any other activity for
6 which measures were imposed under subsection (b).

7 (h) APPROPRIATE CONGRESSIONAL COMMITTEES
8 DEFINED.—In this section, the term “appropriate con-
9 gressional committees” means—

10 (1) the Committee on Armed Services, the
11 Committee on Foreign Affairs, and the Permanent
12 Select Committee on Intelligence of the House of
13 Representatives; and

14 (2) the Committee on Armed Services, the
15 Committee on Foreign Relations, and the Select
16 Committee on Intelligence of the Senate.

17 **SEC. 1291. AGREEMENTS WITH FOREIGN GOVERNMENTS TO**
18 **DEVELOP LAND-BASED WATER RESOURCES**
19 **IN SUPPORT OF AND IN PREPARATION FOR**
20 **CONTINGENCY OPERATIONS.**

21 (a) AGREEMENTS AUTHORIZED.—The Secretary of
22 Defense, with the concurrence of the Secretary of State,
23 is authorized to enter into agreements with the govern-
24 ments of foreign countries to develop land-based water re-
25 sources in support of and in preparation for contingency

1 operations, including water selection, pumping, purifi-
2 cation, storage, distribution, cooling, consumption, water
3 reuse, water source intelligence, research and develop-
4 ment, training, acquisition of water support equipment,
5 and water support operations.

6 (b) NOTIFICATION REQUIRED.—Not later than 30
7 days after entering into an agreement under subsection
8 (a), the Secretary of Defense shall notify the appropriate
9 congressional committees of the existence of the agree-
10 ment and provide a summary of the terms of the agree-
11 ment.

12 (c) DEFINITION.—In this section, the term “appro-
13 priate congressional committees” means—

14 (1) the Committee on Armed Services and the
15 Committee on Foreign Relations of the Senate; and

16 (2) the Committee on Armed Services and the
17 Committee on Foreign Affairs of the House of Rep-
18 resentatives.

19 **SEC. 1292. ENHANCING DEFENSE AND SECURITY COOPERA-**
20 **TION WITH INDIA.**

21 (a) ACTIONS.—

22 (1) IN GENERAL.—The Secretary of Defense
23 and Secretary of State should jointly take such ac-
24 tions as may be necessary to—

1 (A) recognize India's status as a major de-
2 fense partner of the United States;

3 (B) designate an individual within the ex-
4 ecutive branch who has experience in defense
5 acquisition and technology—

6 (i) to reinforce and ensure, through
7 interagency policy coordination, the success
8 of the Framework for the United States-
9 India Defense Relationship; and

10 (ii) to help resolve remaining issues
11 impeding United States-India defense
12 trade, security cooperation, and co-produc-
13 tion and co-development opportunities;

14 (C) approve and facilitate the transfer of
15 advanced technology, consistent with United
16 States conventional arms transfer policy, to
17 support combined military planning with India's
18 military for missions such as humanitarian as-
19 sistance and disaster relief, counter piracy, free-
20 dom of navigation, and maritime domain aware-
21 ness missions, and to promote weapons systems
22 interoperability;

23 (D) strengthen the effectiveness of the
24 U.S.-India Defense Trade and Technology Ini-

1 tiative and the durability of the Department of
2 Defense’s “India Rapid Reaction Cell”;

3 (E) collaborate with the Government of
4 India to develop mutually agreeable mechanisms
5 to verify the security of defense articles, defense
6 services, and related technology, such as appro-
7 priate cyber security and end use monitoring
8 arrangements, consistent with United States ex-
9 port control laws and policy;

10 (F) promote policies that will encourage
11 the efficient review and authorization of defense
12 sales and exports to India;

13 (G) encourage greater government-to-gov-
14 ernment and commercial military transactions
15 between the United States and India;

16 (H) support the development and align-
17 ment of India’s export control and procurement
18 regimes with those of the United States and
19 multilateral control regimes; and

20 (I) continue to enhance defense and secu-
21 rity cooperation with India in order to advance
22 United States interests in the South Asia and
23 greater Indo-Asia-Pacific regions.

24 (2) REPORT.—Not later than 180 days after
25 the date of the enactment of this Act, and annually

1 thereafter, the Secretary of Defense and Secretary
2 of State shall jointly submit to the congressional de-
3 fense committees and the Committee on Foreign Re-
4 lations of the Senate and the Committee on Foreign
5 Affairs of the House of Representatives a report on
6 how the United States is supporting its defense rela-
7 tionship with India in relation to the actions de-
8 scribed in paragraph (1).

9 (b) BILATERAL COORDINATION.—To enhance co-
10 operation and encourage military-to-military engagement
11 between the United States and India, the Secretary of De-
12 fense should take appropriate actions to ensure that ex-
13 changes between senior military officers and senior civilian
14 defense officials of the United States Government and the
15 Government of India—

16 (1) are at a level appropriate to enhance en-
17 gagement between the militaries of the two countries
18 for threat analysis, military doctrine, force planning,
19 mutual security interests, logistical support, intel-
20 ligence, tactics, techniques and procedures, humani-
21 tarian assistance, and disaster relief;

22 (2) include exchanges of general and flag offi-
23 cers between the two countries;

24 (3) enhance cooperative military operations, in-
25 cluding maritime security, counter-piracy, counter-

1 terror cooperation, and domain awareness, in the
2 Indo-Asia-Pacific region;

3 (4) accelerate the development of combined
4 military planning for missions such as those identi-
5 fied in subsection (a)(1)(C) or in paragraph (1) of
6 this subsection, or other missions in the national se-
7 curity interests of both countries; and

8 (5) solicit and recognize actions and efforts by
9 India that would allow the United States to treat
10 India as a major defense partner.

11 (c) ASSESSMENT REQUIRED.—

12 (1) IN GENERAL.—The Secretary of Defense
13 and Secretary of State shall jointly, on an ongoing
14 basis, conduct an assessment of the extent to which
15 India possesses capabilities to support and carry out
16 military operations of mutual interest to the United
17 States and India, including an assessment of the de-
18 fense export control regulations and policies that
19 need appropriate modification, in recognition of In-
20 dia's capabilities and its status as a major defense
21 partner.

22 (2) USE OF ASSESSMENT.—The President shall
23 ensure that the assessment described in paragraph
24 (1) is used, consistent with United States conven-
25 tional arms transfer policy, to inform the review by

1 the United States of requests to export defense arti-
2 cles, defense services, or related technology to India
3 under the Arms Export Control Act (22 U.S.C.
4 2751 et seq.), and to inform any regulatory and pol-
5 icy adjustments that may be appropriate.

6 **SEC. 1293. COORDINATION OF EFFORTS TO DEVELOP FREE**
7 **TRADE AGREEMENTS WITH SUB-SAHARAN AF-**
8 **RICAN COUNTRIES.**

9 (a) COORDINATION BETWEEN THE UNITED STATES
10 TRADE REPRESENTATIVE AND OTHER AGENCIES.—The
11 United States Trade Representative shall consult and co-
12 ordinate with other relevant Federal agencies to assist
13 countries identified under paragraph (1) of section 110(b)
14 of the Trade Preferences Extension Act of 2015 (Public
15 Law 114–27; 129 Stat. 370; 19 U.S.C. 3705 note) in the
16 most recent report required by that section, including
17 through the deployment of resources from those agencies
18 to such countries and through trade capacity building, in
19 addressing the plan developed under paragraph (3) of that
20 section.

21 (b) COORDINATION OF USAID WITH FREE TRADE
22 AGREEMENT POLICY.—

23 (1) AUTHORIZATION OF FUNDS.—Funds made
24 available to the United States Agency for Inter-
25 national Development under section 496 of the For-

1 eign Assistance Act of 1961 (22 U.S.C. 2293) after
2 the date of the enactment of this Act may be used,
3 in consultation with the United States Trade Rep-
4 resentative—

5 (A) to assist eligible countries, including by
6 deploying resources to such countries, in ad-
7 dressing the plan developed under section
8 116(b) of the African Growth and Opportunity
9 Act (19 U.S.C. 3723(b)); and

10 (B) to assist eligible countries in the imple-
11 mentation of the commitments of those coun-
12 tries under agreements with the United States
13 and under the WTO Agreement (as defined in
14 section 2(9) of the Uruguay Round Agreements
15 Act (19 U.S.C. 3501(9))) and agreements an-
16 nexed to the WTO Agreement.

17 (2) DEFINITIONS.—In this subsection:

18 (A) ELIGIBLE COUNTRY.—The term “eligi-
19 ble country” means a sub-Saharan African
20 country that receives—

21 (i) benefits under the African Growth
22 and Opportunity Act (19 U.S.C. 3701 et
23 seq.); and

24 (ii) funding from the United States
25 Agency for International Development.

1 (B) SUB-SAHARAN AFRICAN COUNTRY.—

2 The term “sub-Saharan African country” has
3 the meaning given that term in section 107 of
4 the African Growth and Opportunity Act (19
5 U.S.C. 3706).

6 **SEC. 1294. EXTENSION AND EXPANSION OF AUTHORITY TO**
7 **SUPPORT BORDER SECURITY OPERATIONS**
8 **OF CERTAIN FOREIGN COUNTRIES.**

9 (a) EXPANSION OF AUTHORITY.—Section 1226 of
10 the National Defense Authorization Act for Fiscal Year
11 2016 (Public Law 114–92; 129 Stat. 1056; 22 U.S.C.
12 2551 note) is amended—

13 (1) in subsection (a)(1)—

14 (A) by striking “the Government of Jordan
15 and the Government of Lebanon” and inserting
16 “the Government of Egypt, the Government of
17 Jordan, the Government of Lebanon, and the
18 Government of Tunisia”;

19 (B) by striking “efforts of the armed
20 forces” and inserting “efforts as follows:

21 “(A) Efforts of the armed forces”; and

22 (C) by adding at the end the following new
23 subparagraph:

24 “(B) Efforts of the armed forces of Egypt
25 and the armed forces of Tunisia to increase se-

1 curity and sustain increased security along the
2 border of Egypt and the border of Tunisia with
3 Libya, as applicable.”; and

4 (2) in subsection (c)(4), by striking “along the
5 border” and all that follows and inserting “along the
6 border of the country as specified in subsection
7 (a)(1).”.

8 (b) FUNDS AVAILABLE FOR SUPPORT.—Subsection
9 (b) of such section is amended—

10 (1) in paragraphs (1) and (2), by striking
11 “Amounts” and inserting “In fiscal year 2016,
12 amounts”; and

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

15 “(3) In any fiscal year after fiscal year 2016,
16 amounts authorized to be appropriated for such fis-
17 cal year and available for Operation and Mainte-
18 nance, Defense-Wide, and the Counter Islamic State
19 of Iraq and the Levant Fund for such fiscal year.”.

20 (c) EXTENSION.—Subsection (f) of such section is
21 amended by striking “December 31, 2018” and inserting
22 “December 31, 2019”.

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

1 **“SEC. 1226. SUPPORT TO CERTAIN GOVERNMENTS FOR**
2 **BORDER SECURITY OPERATIONS.”.**

3 **SEC. 1295. MODIFICATION AND CLARIFICATION OF UNITED**
4 **STATES-ISRAEL ANTI-TUNNEL COOPERATION**
5 **AUTHORITY.**

6 (a) AMOUNT OF SUPPORT PROVIDABLE BY THE
7 UNITED STATES.—Paragraph (4) of section 1279(b) of
8 the National Defense Authorization Act for Fiscal Year
9 2016 (Public Law 114–92; 129 Stat. 1079; 22 U.S.C.
10 8606 note) is amended by striking “\$25,000,000” and in-
11 serting “\$50,000,000”.

12 (b) SCOPE OF REQUIREMENT FOR MATCHING CON-
13 TRIBUTION BY ISRAEL.—Paragraph (3) of such section is
14 amended by inserting before the period at the end the fol-
15 lowing: “in the calendar year in which the support is pro-
16 vided”.

17 (c) USE OF CERTAIN AMOUNT FOR RDT&E ACTIVI-
18 TIES IN THE UNITED STATES.—Of the amount contrib-
19 uted by the United States for activities under section 1279
20 of the National Defense Authorization Act for Fiscal Year
21 2016, not less than 50 percent of such amount shall be
22 used in fiscal year 2017 for research, development, test,
23 and evaluation activities for purposes of such section in
24 the United States.

1 **SEC. 1296. MAINTENANCE OF PROHIBITION ON PROCURE-**
2 **MENT BY DEPARTMENT OF DEFENSE OF PEO-**
3 **PLE'S REPUBLIC OF CHINA-ORIGIN ITEMS**
4 **THAT MEET THE DEFINITION OF GOODS AND**
5 **SERVICES CONTROLLED AS MUNITIONS**
6 **ITEMS WHEN MOVED TO THE "600 SERIES" OF**
7 **THE COMMERCE CONTROL LIST.**

8 (a) IN GENERAL.—Section 1211 of the National De-
9 fense Authorization Act for Fiscal Year 2006 (Public Law
10 109–163; 10 U.S.C. 2302 note) is amended—

11 (1) in subsection (b), by inserting “or in the
12 600 series of the control list of the Export Adminis-
13 tration Regulations” after “in Arms Regulations”;
14 and

15 (2) in subsection (e), by adding at the end the
16 following new paragraph:

17 “(3) The term ‘600 series of the control list of
18 the Export Administration Regulations’ means the
19 600 series of the Commerce Control List contained
20 in Supplement No. 1 to part 774 of subtitle B of
21 title 15 of the Code of Federal Regulations.”.

22 (b) TECHNICAL CORRECTIONS TO ITAR REF-
23 ERENCES.—Such section is further amended by striking
24 “Trafficking” both places it appears and inserting “Traf-
25 fic”.

1 **SEC. 1297. INTERNATIONAL SALES PROCESS IMPROVE-**
2 **MENTS.**

3 (a) **PLAN REQUIRED.**—Not later than 180 days after
4 the date of the enactment of this Act, the Secretary of
5 Defense shall develop a plan to improve the management
6 and use of fees collected on transfer of defense articles
7 and services via sale, lease, or grant to international cus-
8 tomers under programs over which the Defense Security
9 Cooperation Agency has administration responsibilities.
10 The plan shall include options to use fees more effec-
11 tively—

12 (1) to improve the staffing and processes of the
13 licensing review cycle at the Defense Technology Se-
14 curity Administration and other reviewing authori-
15 ties; and

16 (2) to maintain a cadre of contracting officers
17 and acquisition officials who specialize in foreign
18 military sales contracting.

19 (b) **PROCESS FOR GATHERING INPUT.**—The Sec-
20 retary of Defense shall establish a process for contractors
21 to provide input, feedback, and adjudication of any dif-
22 ferences regarding the appropriateness of governmental
23 pricing and availability estimates prior to the delivery to
24 potential foreign customers of formal responses to Letters
25 of Request for Pricing and Availability.

1 **SEC. 1298. EFFORTS TO END MODERN SLAVERY.**

2 (a) ACTIONS BY THE SECRETARY OF DEFENSE.—

3 (1) IN GENERAL.—Not later than 90 days after
4 the date of the enactment of this Act, the Secretary
5 of Defense shall provide to the appropriate congress-
6 sional committees a briefing on the policies and
7 guidance of the Department of Defense with respect
8 to the education and training on human slavery and
9 the appropriate role of the United States Armed
10 Forces in combatting trafficking in persons that is
11 received by personnel of the Armed Forces, including
12 uniformed personnel and civilians engaged in part-
13 nership with foreign nations.

14 (2) ELEMENTS.—The briefing required under
15 paragraph (1) shall address—

16 (A) resources available for Armed Forces
17 personnel who become aware of instances of
18 human slavery or trafficking in persons while
19 deployed overseas; and

20 (B) guidance on the requirement to make
21 official reports through the chain of command,
22 the roles and responsibilities of military and ci-
23 vilian officials of the United States Armed
24 Forces and host nations, circumstances in
25 which members of the Armed Forces are au-
26 thorized to take immediate action to prevent

1 loss of life or serious injury, and the authority
2 to use appropriate force to stop or prevent sex-
3 ual abuse or exploitation of children.

4 (b) GRANT AUTHORIZATION.—The Secretary of
5 State is authorized to make a grant or grants of funding
6 to provide support for transformational programs and
7 projects that seek to achieve a measurable and substantial
8 reduction of the prevalence of modern slavery in targeted
9 populations within partner countries (or jurisdictions
10 thereof).

11 (c) MONITORING AND EVALUATION.—Any grantee
12 shall—

13 (1) develop specific and detailed criteria for the
14 monitoring and evaluation of supported projects;

15 (2) implement a system for measuring progress
16 against baseline data that is rigorously designed
17 based on international corporate and nongovern-
18 mental best practices;

19 (3) ensure that each supported project is regu-
20 larly and rigorously monitored and evaluated, on a
21 not less than biennial basis, by an independent mon-
22 itoring and evaluation entity, against the specific
23 and detailed criteria established pursuant to para-
24 graph (1), and that the progress of the project to-

1 wards its stated goals is measured by such entity
2 against baseline data;

3 (4) support the development of a scientifically
4 sound, representative survey methodology for meas-
5 uring prevalence with reference to existing research
6 and experience, and apply the methodology consist-
7 ently to determine the baseline prevalence in target
8 populations and outcomes in order to periodically as-
9 sess progress in reducing prevalence; and

10 (5) establish, and revise on a not less than an-
11 nual basis, specific and detailed criteria for the sus-
12 pension and termination, as appropriate, of projects
13 supported by the grantee that regularly or consist-
14 ently fail to meet the criteria required by this sec-
15 tion.

16 (d) AUDITING.—

17 (1) IN GENERAL.—Any grantee shall be subject
18 to the same auditing, recordkeeping, and reporting
19 obligations required under subsections (e), (f), (g),
20 and (i) of section 504 of the National Endowment
21 for Democracy Act (22 U.S.C. 4413).

22 (2) COMPTROLLER GENERAL AUDIT AUTHOR-
23 ITY.—

24 (A) IN GENERAL.—The Comptroller Gen-
25 eral of the United States may evaluate the fi-

1 nancial transactions of the grantee as well as
2 the programs or activities the grantee carries
3 out pursuant to this section.

4 (B) ACCESS TO RECORDS.—Any grantee
5 shall provide the Comptroller General, or the
6 Comptroller General’s duly authorized rep-
7 resentatives, access to such records as the
8 Comptroller General determines necessary to
9 conduct evaluations authorized by this section.

10 (e) ANNUAL REPORT.—Any grant recipient shall sub-
11 mit a report to the Secretary of State annually and the
12 Secretary shall transmit it to the appropriate congres-
13 sional committees within 30 days. Such report shall in-
14 clude the names of each of the projects or sub-grantees
15 receiving such funding pursuant to this section and the
16 amount of funding provided for, along with a detailed de-
17 scription of, each such project.

18 (f) RULE OF CONSTRUCTION REGARDING AVAIL-
19 ABILITY OF FISCAL YEAR 2016 APPROPRIATIONS.—The
20 enactment of this section is deemed to meet the condition
21 of the first proviso of paragraph (2) of section 7060(f)
22 of the Department of State, Foreign Operations, and Re-
23 lated Appropriations Act, 2016 (division K of Public Law
24 114–113), and the funds referred to in such paragraph

1 shall be made available in accordance with, and for the
2 purposes set forth in, such paragraph.

3 (g) AUTHORIZATION OF APPROPRIATIONS; SUN-
4 SET.—

5 (1) AUTHORIZATION OF APPROPRIATIONS FOR
6 FISCAL YEARS 2017 THROUGH 2020.—There is au-
7 thORIZED to be appropriated to the Department of
8 State for the purpose of making a grant or grants
9 authorized under this section, for each fiscal year
10 from 2017 through 2020, \$37,500,000.

11 (2) SUNSET.—The authorities of subsections
12 (b) through (f) shall expire on September 30, 2020.

13 (h) COMPTROLLER GENERAL REVIEW OF EXISTING
14 PROGRAMS.—

15 (1) IN GENERAL.—Not later than September
16 30, 2018, and September 30, 2020, the Comptroller
17 General of the United States shall submit to Con-
18 gress a report on all of the programs conducted by
19 the Department of State, the United States Agency
20 for International Development, the Department of
21 Labor, the Department of Defense, and the Depart-
22 ment of the Treasury that address human traf-
23 ficking and modern slavery, including a detailed
24 analysis of the effectiveness of such programs in lim-
25 iting human trafficking and modern slavery and spe-

1 cific recommendations on which programs are not ef-
2 fective at reducing the prevalence of human traf-
3 ficking and modern slavery and how the funding for
4 such programs may be redirected to more effective
5 efforts.

6 (2) CONSIDERATION OF REPORT.—The Comp-
7 troller General of the United States shall brief the
8 appropriate congressional committees on the report
9 submitted under paragraph (1). The appropriate
10 congressional committees shall review and consider
11 the reports and shall, as appropriate, consider modi-
12 fications to authorization levels and programs within
13 the jurisdiction of such committees to address the
14 recommendations made in the report.

15 (i) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
16 FINED.—In this section, the term “appropriate congres-
17 sional committees” means—

18 (1) the Committee on Foreign Relations, the
19 Committee on Armed Services, and the Committee
20 on Appropriations of the Senate; and

21 (2) the Committee on Foreign Affairs, the
22 Committee on Armed Services, and the Committee
23 on Appropriations of the House of Representatives.

1 **TITLE XIII—COOPERATIVE**
2 **THREAT REDUCTION**

Sec. 1301. Specification of Cooperative Threat Reduction funds.

Sec. 1302. Funding allocations.

Sec. 1303. Limitation on availability of funds for Cooperative Threat Reduction
in People's Republic of China.

3 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**
4 **DUCTION FUNDS.**

5 (a) FISCAL YEAR 2017 COOPERATIVE THREAT RE-
6 DUCTION FUNDS DEFINED.—In this title, the term “fiscal
7 year 2017 Cooperative Threat Reduction funds” means
8 the funds appropriated pursuant to the authorization of
9 appropriations in section 301 and made available by the
10 funding table in division D for the Department of Defense
11 Cooperative Threat Reduction Program established under
12 section 1321 of the Department of Defense Cooperative
13 Threat Reduction Act (50 U.S.C. 3711).

14 (b) AVAILABILITY OF FUNDS.—Funds appropriated
15 pursuant to the authorization of appropriations in section
16 301 and made available by the funding table in division
17 D for the Department of Defense Cooperative Threat Re-
18 duction Program shall be available for obligation for fiscal
19 years 2017, 2018, and 2019.

20 **SEC. 1302. FUNDING ALLOCATIONS.**

21 (a) IN GENERAL.—Of the \$325,604,000 authorized
22 to be appropriated to the Department of Defense for fiscal
23 year 2017 in section 301 and made available by the fund-

1 ing table in division D for the Department of Defense Co-
2 operative Threat Reduction Program established under
3 section 1321 of the Department of Defense Cooperative
4 Threat Reduction Act (50 U.S.C. 3711), the following
5 amounts may be obligated for the purposes specified:

6 (1) For strategic offensive arms elimination,
7 \$11,791,000.

8 (2) For chemical weapons destruction,
9 \$2,942,000.

10 (3) For global nuclear security, \$16,899,000.

11 (4) For cooperative biological engagement,
12 \$213,984,000.

13 (5) For proliferation prevention, \$50,709,000,
14 of which—

15 (A) \$4,000,000 may be obligated for pur-
16 poses relating to nuclear nonproliferation as-
17 sisted or caused by additive manufacture tech-
18 nology (commonly referred to as “3D print-
19 ing”);

20 (B) \$4,000,000 may be obligated for moni-
21 toring the “proliferation pathways” under the
22 Joint Comprehensive Plan of Action;

23 (C) \$4, 000,000 may be obligated for en-
24 hancing law enforcement cooperation and intel-
25 ligence sharing; and

1 (D) \$4,000,000 may be obligated for the
2 Proliferation Security Initiative under subtitle
3 B of title XVIII of the Implementing Rec-
4 ommendations of the 9/11 Commission Act of
5 2007 (50 U.S.C. 2911 et seq.).

6 (6) For threat reduction engagement,
7 \$2,000,000.

8 (7) For activities designated as Other Assess-
9 ments/Administrative Costs, \$27,279,000.

10 (b) MODIFICATIONS TO CERTAIN REQUIREMENTS.—

11 The Department of Defense Cooperative Threat Reduction
12 Act (50 U.S.C. 3701 et seq.) is amended as follows:

13 (1) Section 1321(g)(1) (50 U.S.C. 3711(g)(1))
14 is amended by striking “15 days” and inserting “45
15 days”.

16 (2) Section 1322(b) (50 U.S.C. 3712(b)) is
17 amended—

18 (A) by striking “At the time at which” and
19 inserting “Not later than 15 days before the
20 date on which”;

21 (B) in paragraph (1), by striking “; and”
22 and inserting a semicolon;

23 (C) in paragraph (2), by striking the pe-
24 riod and inserting “; and”; and

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

3 “(3) a discussion of—

4 “(A) whether authorities other than the
5 authority under this section are available to the
6 Secretaries to perform such project or activity
7 to meet the threats or goals identified under
8 subsection (a)(1); and

9 “(B) if such other authorities exist, why
10 the Secretaries were not able to use such au-
11 thorities for such project or activity.”.

12 (3) Section 1323(b)(3) (50 U.S.C. 3713(b)(3))
13 is amended by striking “at the time at which” and
14 inserting “not later than seven days before the date
15 on which”.

16 (4) Section 1324 (50 U.S.C. 3714) is amend-
17 ed—

18 (A) in subsection (a)(1)(C), by striking
19 “15 days” and inserting “45 days”; and

20 (B) in subsection (b)(3), by striking “15
21 days” and inserting “45 days”.

22 (c) JOINT COMPREHENSIVE PLAN OF ACTION DE-
23 FINED.—In this section, the term “Joint Comprehensive
24 Plan of Action” means the Joint Comprehensive Plan of
25 Action, signed at Vienna July 14, 2015, by Iran and by

1 the People’s Republic of China, France, Germany, the
2 Russian Federation, the United Kingdom, and the United
3 States, with the High Representative of the European
4 Union for Foreign Affairs and Security Policy, and all im-
5 plementing materials and agreements related to the Joint
6 Comprehensive Plan of Action, and transmitted by the
7 President to Congress on July 19, 2015, pursuant to sec-
8 tion 135(a) of the Atomic Energy Act of 1954, as amend-
9 ed by the Iran Nuclear Agreement Review Act of 2015
10 (Public Law 114–17; 129 Stat. 201).

11 **SEC. 1303. LIMITATION ON AVAILABILITY OF FUNDS FOR**
12 **COOPERATIVE THREAT REDUCTION IN PEO-**
13 **PLE’S REPUBLIC OF CHINA.**

14 (a) IN GENERAL.—The Department of Defense Co-
15 operative Threat Reduction Act (50 U.S.C. 3701 et seq.)
16 is amended by inserting after section 1334 the following
17 new section:

18 **“SEC. 1335. LIMITATION ON AVAILABILITY OF FUNDS FOR**
19 **COOPERATIVE THREAT REDUCTION ACTIVI-**
20 **TIES IN PEOPLE’S REPUBLIC OF CHINA.**

21 “(a) SEMIANNUAL INSTALLMENTS.—In carrying out
22 activities under the Program in the People’s Republic of
23 China, the Secretary of Defense shall ensure that Cooper-
24 ative Threat Reduction funds for such activities are obli-
25 gated or expended in semiannual installments.

1 “(b) REQUIRED REPORTS.—

2 “(1) ADDITIONAL INFORMATION.—With respect
3 to carrying out activities under the Program in the
4 People’s Republic of China, the Secretary of Defense
5 shall submit to the congressional defense committees
6 the reports required by section 1321(g) on a semi-
7 annual basis by not later than 15 days before any
8 obligation of Cooperative Threat Reduction funds for
9 such activities during the covered semiannual period.
10 In addition to the matters required by such section,
11 each such report shall include, in coordination with
12 the Secretary of State—

13 “(A) whether China has taken material
14 steps to—

15 “(i) disrupt the proliferation activities
16 of Li Fangwei (also known as Karl Lee, or
17 any other alias known by the United
18 States); and

19 “(ii) arrest Li Fangwei pursuant the
20 indictment charged in the United States
21 District Court for the Southern District of
22 New York on April 29, 2014;

23 “(B) whether China has proliferated to any
24 non-nuclear weapons state, or any nuclear
25 weapons state in violation of the Treaty on the

1 Non-Proliferation of Nuclear Weapons, any
2 item that contributes to a ballistic missile or
3 nuclear weapons delivery system; and

4 “(C) the number, type, and summary of
5 any demarches between the United States and
6 China with respect to the matters described in
7 subparagraphs (A) and (B).

8 “(2) ADDITIONAL SUBMISSIONS.—At the same
9 time as the Secretary of Defense submits to the con-
10 gressional defense committees the information de-
11 scribed in subparagraphs (A), (B), and (C) of para-
12 graph (1) as part of the reports required by section
13 1321(g), the Secretary shall submit to the Com-
14 mittee on Foreign Affairs of the House of Rep-
15 resentatives and the Committee on Foreign Rela-
16 tions of the Senate such information.

17 “(3) COVERAGE.—With respect to the informa-
18 tion described in subparagraphs (A), (B), and (C) of
19 paragraph (1)—

20 “(A) the first report described in such
21 paragraph that is submitted after the date of
22 the enactment of this section shall cover the
23 preceding 12-month period before the date of
24 such submission; and

- Sec. 1404. Defense Inspector General.
- Sec. 1405. Defense Health Program.

Subtitle B—National Defense Stockpile

- Sec. 1411. Authority to dispose of certain materials from and to acquire additional materials for the National Defense Stockpile.
- Sec. 1412. National Defense Stockpile matters.

Subtitle C—Chemical Demilitarization Matters

- Sec. 1421. National Academies of Sciences study on conventional munitions demilitarization alternative technologies.

Subtitle D—Other Matters

- Sec. 1431. Authority for transfer of funds to joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois.
- Sec. 1432. Authorization of appropriations for Armed Forces Retirement Home.

1 **Subtitle A—Military Programs**

2 **SEC. 1401. WORKING CAPITAL FUNDS.**

3 Funds are hereby authorized to be appropriated for
4 fiscal year 2017 for the use of the Armed Forces and other
5 activities and agencies of the Department of Defense for
6 providing capital for working capital and revolving funds,
7 as specified in the funding table in section 4501.

8 **SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.**

9 **(a) AUTHORIZATION OF APPROPRIATIONS.—**Funds
10 are hereby authorized to be appropriated for the Depart-
11 ment of Defense for fiscal year 2017 for expenses, not oth-
12 erwise provided for, for Chemical Agents and Munitions
13 Destruction, Defense, as specified in the funding table in
14 section 4501.
15

1 (b) USE.—Amounts authorized to be appropriated
2 under subsection (a) are authorized for—

3 (1) the destruction of lethal chemical agents
4 and munitions in accordance with section 1412 of
5 the Department of Defense Authorization Act, 1986
6 (50 U.S.C. 1521); and

7 (2) the destruction of chemical warfare materiel
8 of the United States that is not covered by section
9 1412 of such Act.

10 **SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG AC-**
11 **TIVITIES, DEFENSE-WIDE.**

12 Funds are hereby authorized to be appropriated for
13 the Department of Defense for fiscal year 2017 for ex-
14 penses, not otherwise provided for, for Drug Interdiction
15 and Counter-Drug Activities, Defense-wide, as specified in
16 the funding table in section 4501.

17 **SEC. 1404. DEFENSE INSPECTOR GENERAL.**

18 Funds are hereby authorized to be appropriated for
19 the Department of Defense for fiscal year 2017 for ex-
20 penses, not otherwise provided for, for the Office of the
21 Inspector General of the Department of Defense, as speci-
22 fied in the funding table in section 4501.

23 **SEC. 1405. DEFENSE HEALTH PROGRAM.**

24 Funds are hereby authorized to be appropriated for
25 fiscal year 2017 for the Defense Health Program, as spec-

1 ified in the funding table in section 4501, for use of the
2 Armed Forces and other activities and agencies of the De-
3 partment of Defense in providing for the health of eligible
4 beneficiaries.

5 **Subtitle B—National Defense**
6 **Stockpile**

7 **SEC. 1411. AUTHORITY TO DISPOSE OF CERTAIN MATE-**
8 **RIALS FROM AND TO ACQUIRE ADDITIONAL**
9 **MATERIALS FOR THE NATIONAL DEFENSE**
10 **STOCKPILE.**

11 (a) DISPOSAL AUTHORITY.—Pursuant to section 5(b)
12 of the Strategic and Critical Materials Stock Piling Act
13 (50 U.S.C. 98d(b)), the National Defense Stockpile Man-
14 ager may dispose of the following materials contained in
15 the National Defense Stockpile in the following quantities:

16 (1) 27 short tons of beryllium.

17 (2) 111,149 short tons of chromium, ferroalloy.

18 (3) 2,973 short tons of chromium metal.

19 (4) 8,380 troy ounces of platinum.

20 (5) 275,741 pounds of contained tungsten
21 metal powder.

22 (6) 12,433,796 pounds of contained tungsten
23 ores and concentrates.

24 (b) ACQUISITION AUTHORITY.—

1 (1) AUTHORITY.—Using funds available in the
2 National Defense Stockpile Transaction Fund, the
3 National Defense Stockpile Manager may acquire
4 the following materials determined to be strategic
5 and critical materials required to meet the defense,
6 industrial, and essential civilian needs of the United
7 States:

8 (A) High modulus and high strength car-
9 bon fibers.

10 (B) Tantalum.

11 (C) Germanium.

12 (D) Tungsten rhenium metal.

13 (E) Boron carbide powder.

14 (F) Europium.

15 (G) Silicon carbide fiber.

16 (2) AMOUNT OF AUTHORITY.—The National
17 Defense Stockpile Manager may use up to
18 \$55,000,0000 in the National Defense Stockpile
19 Transaction Fund for acquisition of the materials
20 specified paragraph (1).

21 (3) FISCAL YEAR LIMITATION.—The authority
22 under paragraph (1) is available for purchases dur-
23 ing fiscal year 2017 through fiscal year 2021.

1 **SEC. 1412. NATIONAL DEFENSE STOCKPILE MATTERS.**

2 (a) MATERIALS CONSTITUTING THE NATIONAL DE-
3 FENSE STOCKPILE.—Section 4 of the Strategic and Crit-
4 ical Materials Stock Piling Act (50 U.S.C. 98c) is amend-
5 ed—

6 (1) in subsection (b), by striking “required for”
7 and inserting “suitable for transfer or disposal
8 through”; and

9 (2) in subsection (c)—

10 (A) by striking “(1)” and all that follows
11 through “(2)”; and

12 (B) by striking “this subsection” and in-
13 serting “subsection (b)”.

14 (b) QUALIFICATION OF DOMESTIC SOURCES.—Sec-
15 tion 15(a) of such Act (50 U.S.C. 98h–6(a)) is amended—

16 (1) in paragraph (1), by striking “and” at the
17 end ;

18 (2) in paragraph (2), by striking the period at
19 the end and inserting a semicolon; and

20 (3) by adding at the end the following new
21 paragraphs:

22 “(3) by qualifying existing domestic facilities
23 and domestically produced strategic and critical ma-
24 terials to meet the requirements of defense and es-
25 sential civilian industries in times of national emer-
26 gency when existing domestic sources of supply are

1 either insufficient or vulnerable to single points of
2 failure; and

3 “(4) by contracting with domestic facilities to
4 recycle strategic and critical materials, thereby in-
5 creasing domestic supplies when such materials
6 would otherwise be insufficient to support defense
7 and essential civilian industries in times of national
8 emergency.”.

9 **Subtitle C—Chemical**
10 **Demilitarization Matters**

11 **SEC. 1421. NATIONAL ACADEMIES OF SCIENCES STUDY ON**
12 **CONVENTIONAL MUNITIONS DEMILITARIZA-**
13 **TION ALTERNATIVE TECHNOLOGIES.**

14 (a) **IN GENERAL.**—The Secretary of the Army shall
15 enter into an arrangement with the Board on Army
16 Science and Technology of the National Academies of
17 Sciences, Engineering, and Medicine to conduct a study
18 of the conventional munitions demilitarization program of
19 the Department of Defense.

20 (b) **ELEMENTS.**—The study required pursuant to
21 subsection (a) shall include the following:

22 (1) A review of the current conventional muni-
23 tions demilitarization stockpile, including types of
24 munitions and types of materials contaminated with

1 propellants or energetics, and the disposal tech-
2 nologies used.

3 (2) An analysis of disposal, treatment, and
4 reuse technologies, including technologies currently
5 used by the Department and emerging technologies
6 used or being developed by private or other govern-
7 mental agencies, including a comparison of cost,
8 throughput capacity, personnel safety, and environ-
9 mental impacts.

10 (3) An identification of munitions types for
11 which alternatives to open burning, open detonation,
12 or non-closed loop incineration/combustion are not
13 used.

14 (4) An identification and evaluation of any bar-
15 riers to full-scale deployment of alternatives to open
16 burning, open detonation, or non-closed loop inciner-
17 ation/combustion, and recommendations to overcome
18 such barriers.

19 (5) An evaluation whether the maturation and
20 deployment of governmental or private technologies
21 currently in research and development would en-
22 hance the conventional munitions demilitarization
23 capabilities of the Department.

24 (c) SUBMITTAL TO CONGRESS.—Not later than 18
25 months after the date of the enactment of this Act, the

1 Secretary shall submit to the congressional defense com-
2 mittees the study conducted pursuant to subsection (a).

3 **Subtitle D—Other Matters**

4 **SEC. 1431. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT**
5 **DEPARTMENT OF DEFENSE-DEPARTMENT OF**
6 **VETERANS AFFAIRS MEDICAL FACILITY DEM-**
7 **ONSTRATION FUND FOR CAPTAIN JAMES A.**
8 **LOVELL HEALTH CARE CENTER, ILLINOIS.**

9 (a) **AUTHORITY FOR TRANSFER OF FUNDS.**—Of the
10 funds authorized to be appropriated by section 1405 and
11 available for the Defense Health Program for operation
12 and maintenance, \$122,400,000 may be transferred by the
13 Secretary of Defense to the Joint Department of Defense—
14 Department of Veterans Affairs Medical Facility Dem-
15 onstration Fund established by subsection (a)(1) of sec-
16 tion 1704 of the National Defense Authorization Act for
17 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571).
18 For purposes of subsection (a)(2) of such section 1704,
19 any funds so transferred shall be treated as amounts au-
20 thorized and appropriated specifically for the purpose of
21 such a transfer.

22 (b) **USE OF TRANSFERRED FUNDS.**—For the pur-
23 poses of subsection (b) of such section 1704, facility oper-
24 ations for which funds transferred under subsection (a)
25 may be used are operations of the Captain James A.

1 Lovell Federal Health Care Center, consisting of the
2 North Chicago Veterans Affairs Medical Center, the Navy
3 Ambulatory Care Center, and supporting facilities des-
4 ignated as a combined Federal medical facility under an
5 operational agreement covered by section 706 of the Dun-
6 can Hunter National Defense Authorization Act for Fiscal
7 Year 2009 (Public Law 110–417; 122 Stat. 4500).

8 **SEC. 1432. AUTHORIZATION OF APPROPRIATIONS FOR**
9 **ARMED FORCES RETIREMENT HOME.**

10 There is hereby authorized to be appropriated for fis-
11 cal year 2017 from the Armed Forces Retirement Home
12 Trust Fund the sum of \$64,300,000 for the operation of
13 the Armed Forces Retirement Home.

14 **TITLE XV—AUTHORIZATION OF**
15 **ADDITIONAL APPROPRIA-**
16 **TIONS FOR OVERSEAS CON-**
17 **TINGENCY OPERATIONS**

Subtitle A—Authorization of Appropriations

- Sec. 1501. Purpose and treatment of certain authorizations of appropriations.
- Sec. 1502. Procurement.
- Sec. 1503. Research, development, test, and evaluation.
- Sec. 1504. Operation and maintenance.
- Sec. 1505. Military personnel.
- Sec. 1506. Working capital funds.
- Sec. 1507. Drug Interdiction and Counter-Drug Activities, Defense-wide.
- Sec. 1508. Defense Inspector General.
- Sec. 1509. Defense Health program.

Subtitle B—Financial Matters

- Sec. 1511. Treatment as additional authorizations.
- Sec. 1512. Special transfer authority.

Subtitle C—Limitations, Reports, and Other Matters

Sec. 1521. Afghanistan Security Forces Fund.

Sec. 1522. Joint Improvised Explosive Device Defeat Fund.

Sec. 1523. Extension of authority to use Joint Improvised Explosive Device Defeat Fund for training of foreign security forces to defeat improvised explosive devices.

Sec. 1524. Overseas contingency operations.

Sec. 1525. Extension and modification of authorities on Counterterrorism Partnerships Fund.

1 **Subtitle A—Authorization of**
2 **Appropriations**

3 **SEC. 1501. PURPOSE AND TREATMENT OF CERTAIN AU-**
4 **THORIZATIONS OF APPROPRIATIONS.**

5 (a) **PURPOSE.**—The purpose of this subtitle is to au-
6 thorize appropriations for the Department of Defense for
7 fiscal year 2017 to provide additional funds—

8 (1) for overseas contingency operations being
9 carried out by the Armed Forces; and

10 (2) pursuant to sections 1502, 1503, 1504,
11 1505, and 1507 for expenses, not otherwise provided
12 for, for procurement, research, development, test,
13 and evaluation, operation and maintenance, military
14 personnel, and defense-wide drug interdiction and
15 counter-drug activities, as specified in the funding
16 tables in sections 4103, 4203, 4303, 4403, and
17 4503.

18 (b) **SUPPORT OF BASE BUDGET REQUIREMENTS;**
19 **TREATMENT.**—Funds identified in subsection (a)(2) are
20 being authorized to be appropriated in support of base
21 budget requirements as requested by the President for fis-

1 cal year 2017 pursuant to section 1105(a) of title 31,
2 United States Code. The Director of the Office of Manage-
3 ment and Budget shall apportion the funds identified in
4 such subsection to the Department of Defense without re-
5 striction, limitation, or constraint on the execution of such
6 funds in support of base requirements, including any re-
7 striction, limitation, or constraint imposed by, or described
8 in, the document entitled “Criteria for War/Overseas Con-
9 tingency Operations Funding Requests” transmitted by
10 the Director to the Department of Defense on September
11 9, 2010, or any successor or related guidance.

12 **SEC. 1502. PROCUREMENT.**

13 Funds are hereby authorized to be appropriated for
14 fiscal year 2017 for procurement accounts for the Army,
15 the Navy and the Marine Corps, the Air Force, and De-
16 fense-wide activities, as specified in—

17 (1) the funding table in section 4102; or

18 (2) the funding table in section 4103.

19 **SEC. 1503. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
20 **TION.**

21 Funds are hereby authorized to be appropriated for
22 fiscal year 2017 for the use of the Department of Defense
23 for research, development, test, and evaluation, as speci-
24 fied in—

25 (1) the funding table in section 4202; or

1 (2) the funding table in section 4203.

2 **SEC. 1504. OPERATION AND MAINTENANCE.**

3 Funds are hereby authorized to be appropriated for
4 fiscal year 2017 for the use of the Armed Forces and other
5 activities and agencies of the Department of Defense for
6 expenses, not otherwise provided for, for operation and
7 maintenance, as specified in—

8 (1) the funding table in section 4302, or

9 (2) the funding table in section 4303.

10 **SEC. 1505. MILITARY PERSONNEL.**

11 Funds are hereby authorized to be appropriated for
12 fiscal year 2017 for the use of the Armed Forces and other
13 activities and agencies of the Department of Defense for
14 expenses, not otherwise provided for, for military per-
15 sonnel, as specified in—

16 (1) the funding table in section 4402; or

17 (2) the funding table in section 4403.

18 **SEC. 1506. WORKING CAPITAL FUNDS.**

19 Funds are hereby authorized to be appropriated for
20 fiscal year 2017 for the use of the Armed Forces and other
21 activities and agencies of the Department of Defense for
22 providing capital for working capital and revolving funds,
23 as specified in the funding table in section 4502.

1 **SEC. 1507. DRUG INTERDICTION AND COUNTER-DRUG AC-**
2 **TIVITIES, DEFENSE-WIDE.**

3 Funds are hereby authorized to be appropriated for
4 the Department of Defense for fiscal year 2017 for ex-
5 penses, not otherwise provided for, for Drug Interdiction
6 and Counter-Drug Activities, Defense-wide, as specified
7 in—

8 (1) the funding table in section 4502; or

9 (2) the funding table in section 4503.

10 **SEC. 1508. DEFENSE INSPECTOR GENERAL.**

11 Funds are hereby authorized to be appropriated for
12 the Department of Defense for fiscal year 2017 for ex-
13 penses, not otherwise provided for, for the Office of the
14 Inspector General of the Department of Defense, as speci-
15 fied in the funding table in section 4502.

16 **SEC. 1509. DEFENSE HEALTH PROGRAM.**

17 Funds are hereby authorized to be appropriated for
18 the Department of Defense for fiscal year 2017 for ex-
19 penses, not otherwise provided for, for the Defense Health
20 Program, as specified in the funding table in section 4502.

21 **Subtitle B—Financial Matters**

22 **SEC. 1511. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

23 The amounts authorized to be appropriated by this
24 title are in addition to amounts otherwise authorized to
25 be appropriated by this Act.

1 **SEC. 1512. SPECIAL TRANSFER AUTHORITY.**

2 (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

3 (1) **AUTHORITY.**—Upon determination by the
4 Secretary of Defense that such action is necessary in
5 the national interest, the Secretary may transfer
6 amounts of authorizations made available to the De-
7 partment of Defense in this title for fiscal year 2017
8 between any such authorizations for that fiscal year
9 (or any subdivisions thereof).

10 (2) **EFFECT OF TRANSFER.**—Amounts of au-
11 thorizations transferred under this subsection shall
12 be merged with and be available for the same pur-
13 poses as the authorization to which transferred.

14 (3) **LIMITATIONS.**—The total amount of author-
15 izations that the Secretary may transfer under the
16 authority of this subsection may not exceed
17 \$3,500,000,000.

18 (4) **EXCEPTION.**—In the case of the authoriza-
19 tions of appropriations contained in sections 1502,
20 1503, 1504, 1505, and 1507 that are provided for
21 the purpose specified in section 1501(a)(2), the
22 transfer authority provided under section 1001,
23 rather than the transfer authority provided by this
24 subsection, shall apply to any transfer of amounts of
25 such authorizations.

1 (b) TERMS AND CONDITIONS.—Transfers under this
2 section shall be subject to the same terms and conditions
3 as transfers under section 1001.

4 (c) ADDITIONAL AUTHORITY.—The transfer author-
5 ity provided by this section is in addition to the transfer
6 authority provided under section 1001.

7 **Subtitle C—Limitations, Reports,**
8 **and Other Matters**

9 **SEC. 1521. AFGHANISTAN SECURITY FORCES FUND.**

10 (a) CONTINUATION OF PRIOR AUTHORITIES AND NO-
11 TICE AND REPORTING REQUIREMENTS.—Funds available
12 to the Department of Defense for the Afghanistan Secu-
13 rity Forces Fund for fiscal year 2017 shall be subject to
14 the conditions contained in subsections (b) through (g) of
15 section 1513 of the National Defense Authorization Act
16 for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
17 428), as amended by section 1531(b) of the Ike Skelton
18 National Defense Authorization Act for Fiscal Year 2011
19 (Public Law 111–383; 124 Stat. 4424).

20 (b) EQUIPMENT DISPOSITION.—

21 (1) ACCEPTANCE OF CERTAIN EQUIPMENT.—

22 Subject to paragraph (2), the Secretary of Defense
23 may accept equipment that is procured using
24 amounts in the Afghanistan Security Forces Fund
25 authorized under this Act and is intended for trans-

1 fer to the security forces of Afghanistan, but is not
2 accepted by such security forces.

3 (2) CONDITIONS ON ACCEPTANCE OF EQUIP-
4 MENT.—Before accepting any equipment under the
5 authority provided by paragraph (1), the Com-
6 mander of United States forces in Afghanistan shall
7 make a determination that the equipment was pro-
8 cured for the purpose of meeting requirements of the
9 security forces of Afghanistan, as agreed to by both
10 the Government of Afghanistan and the United
11 States, but is no longer required by such security
12 forces or was damaged before transfer to such secu-
13 rity forces.

14 (3) ELEMENTS OF DETERMINATION.—In mak-
15 ing a determination under paragraph (2) regarding
16 equipment, the Commander of United States forces
17 in Afghanistan shall consider alternatives to Sec-
18 retary of Defense acceptance of the equipment. An
19 explanation of each determination, including the
20 basis for the determination and the alternatives con-
21 sidered, shall be included in the relevant quarterly
22 report required under paragraph (5).

23 (4) TREATMENT AS DEPARTMENT OF DEFENSE
24 STOCKS.—Equipment accepted under the authority
25 provided by paragraph (1) may be treated as stocks

1 of the Department of Defense upon notification to
2 the congressional defense committees of such treat-
3 ment.

4 (5) QUARTERLY REPORTS ON EQUIPMENT DIS-
5 POSITION.—Not later than 90 days after the date of
6 the enactment of this Act and every 90-day period
7 thereafter during which the authority provided by
8 paragraph (1) is exercised, the Secretary of Defense
9 shall submit to the congressional defense committees
10 a report describing the equipment accepted under
11 this subsection, section 1531(d) of the National De-
12 fense Authorization Act for Fiscal Year 2014 (Pub-
13 lic Law 113–66; 127 Stat. 938; 10 U.S.C. 2302
14 note), and section 1532(b) of the Carl Levin and
15 Howard P. “Buck” McKeon National Defense Au-
16 thorization Act for Fiscal Year 2015 (Public Law
17 113–291; 128 Stat. 3612) during the period covered
18 by the report. Each report shall include a list of all
19 equipment that was accepted during the period cov-
20 ered by the report and treated as stocks of the De-
21 partment and copies of the determinations made
22 under paragraph (2), as required by paragraph (3).

23 (c) PLAN TO PROMOTE SECURITY OF AFGHAN
24 WOMEN.—

1 (1) REPORTING REQUIREMENT.—The Secretary
2 of Defense, with the concurrence of the Secretary of
3 State, shall include in each report required under
4 section 1225 of the Carl Levin and Howard P.
5 “Buck” McKeon National Defense Authorization
6 Act for Fiscal Year 2015 (Public Law 113–291; 128
7 Stat. 3550)—

8 (A) a current assessment of the security of
9 Afghan women and girls, including information
10 regarding efforts to increase the recruitment
11 and retention of women in the Afghan National
12 Security Forces; and

13 (B) a current assessment of the implemen-
14 tation of the plans for the recruitment, integra-
15 tion, retention, training, treatment, and provi-
16 sion of appropriate facilities and transportation
17 for women in the Afghan National Security
18 Forces, including the challenges associated with
19 such implementation and the steps being taken
20 to address those challenges.

21 (2) PLAN REQUIRED.—

22 (A) IN GENERAL.—The Secretary of De-
23 fense, with the concurrence of the Secretary of
24 State, shall support, to the extent practicable,
25 the efforts of the Government of Afghanistan to

1 promote the security of Afghan women and
2 girls during and after the security transition
3 process through the development and implemen-
4 tation by the Government of Afghanistan of an
5 Afghan-led plan that should include the ele-
6 ments described in this paragraph.

7 (B) TRAINING.—The Secretary of Defense,
8 with the concurrence of the Secretary of State
9 and working with the NATO-led Resolute Sup-
10 port mission, should encourage the Government
11 of Afghanistan to develop—

12 (i) measures for the evaluation of the
13 effectiveness of existing training for Af-
14 ghan National Security Forces on this
15 issue;

16 (ii) a plan to increase the number of
17 female security officers specifically trained
18 to address cases of gender-based violence,
19 including ensuring the Afghan National
20 Police’s Family Response Units have the
21 necessary resources and are available to
22 women across Afghanistan;

23 (iii) mechanisms to enhance the ca-
24 pacity for units of National Police’s Family
25 Response Units to fulfill their mandate as

1 well as indicators measuring the oper-
2 ational effectiveness of these units;

3 (iv) a plan to address the development
4 of accountability mechanisms for Afghani-
5 stan National Army and Afghanistan Na-
6 tional Police personnel who violate codes of
7 conduct relating to the human rights of
8 women and girls, including female mem-
9 bers of the Afghan National Security
10 Forces;

11 (v) a plan to address the development
12 of accountability mechanisms for Afghani-
13 stan National Army and Afghanistan Na-
14 tional Police personnel who violate codes of
15 conduct relating to protecting children
16 from sexual abuse; and

17 (vi) a plan to develop training for the
18 Afghanistan National Army and the Af-
19 ghanistan National Police to increase
20 awareness and responsiveness among Af-
21 ghanistan National Army and Afghanistan
22 National Police personnel regarding the
23 unique security challenges women confront
24 when serving in those forces.

1 (C) ENROLLMENT AND TREATMENT.—The
2 Secretary of Defense, with the concurrence of
3 the Secretary of State and in cooperation with
4 the Afghan Ministries of Defense and Interior,
5 shall seek to assist the Government of Afghani-
6 stan in including as part of the plan developed
7 under subparagraph (A) the development and
8 implementation of a plan to increase the num-
9 ber of female members of the Afghanistan Na-
10 tional Army and the Afghanistan National Po-
11 lice and to promote their equal treatment, in-
12 cluding through such steps as providing appro-
13 priate equipment, modifying facilities, and en-
14 suring literacy and gender awareness training
15 for recruits.

16 (D) ALLOCATION OF FUNDS.—

17 (i) IN GENERAL.—Of the funds avail-
18 able to the Department of Defense for the
19 Afghan Security Forces Fund for fiscal
20 year 2017, it is the goal that \$25,000,000,
21 but in no event less than \$10,000,000,
22 shall be used for—

23 (I) the recruitment, integration,
24 retention, training, and treatment of

1 women in the Afghan National Security
2 Forces; and

3 (II) the recruitment, training,
4 and contracting of female security
5 personnel for future elections.

6 (ii) TYPES OF PROGRAMS AND ACTIVITIES.—Such programs and activities may
7 include—

8 (I) efforts to recruit women into
9 the Afghan National Security Forces,
10 including the special operations forces;

11 (II) programs and activities of
12 the Afghan Ministry of Defense Directorate of Human Rights and Gender
13 Integration and the Afghan Ministry
14 of Interior Office of Human Rights,
15 Gender and Child Rights;

16 (III) development and dissemination
17 of gender and human rights educational and training materials and
18 programs within the Afghan Ministry
19 of Defense and the Afghan Ministry
20 of Interior;

21 (IV) efforts to address harassment
22 and violence against women
23
24
25

1 within the Afghan National Security
2 Forces;

3 (V) improvements to infrastruc-
4 ture that address the requirements of
5 women serving in the Afghan National
6 Security Forces, including appropriate
7 equipment for female security and po-
8 lice forces, and transportation for po-
9 licewomen to their station;

10 (VI) support for Afghanistan Na-
11 tional Police Family Response Units;
12 and

13 (VII) security provisions for
14 high-profile female police and army
15 officers.

16 (d) REPORTING REQUIREMENT.—

17 (1) SEMI-ANNUAL REPORTS.—Not later than
18 January 31 and July 31 of each year through Janu-
19 ary 31, 2021, the Secretary of Defense shall submit
20 to the congressional defense committees a report
21 summarizing the details of any obligation or transfer
22 of funds from the Afghanistan Security Forces Fund
23 during the preceding six-calendar month period.

24 (2) CONFORMING REPEALS.—(A) Section 1513
25 of the National Defense Authorization Act for Fiscal

1 Year 2008 (Public Law 110–181; 122 Stat. 428), as
2 amended by section 1531(b) of the Ike Skelton Na-
3 tional Defense Authorization Act for Fiscal Year
4 2011 (Public Law 111–383; 124 Stat. 4424), is fur-
5 ther amended by striking subsection (g).

6 (B) Section 1517 of the John Warner National
7 Defense Authorization Act for Fiscal Year 2007
8 (Public Law 109–364; 120 Stat. 2442) is amended
9 by striking subsection (f).

10 **SEC. 1522. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**
11 **FUND.**

12 (a) USE AND TRANSFER OF FUNDS.—Subsection
13 1532(a) of the National Defense Authorization Act for
14 Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1091)
15 is amended by striking “fiscal year 2016” and inserting
16 “fiscal years 2016 and 2017”.

17 (b) EXTENSION OF INTERDICTION OF IMPROVISED
18 EXPLOSIVE DEVICE PRECURSOR CHEMICALS AUTHOR-
19 ITY.—Subsection (c) of section 1532 of the National De-
20 fense Authorization Act for Fiscal Year 2013 (Public Law
21 112–239; 126 Stat. 2057) is amended—

22 (1) in paragraph (1)—

23 (A) by striking “for fiscal year 2013 and
24 for fiscal year 2016,” and inserting “for fiscal
25 years 2013, 2016, and 2017”;

1 (B) by inserting “with the concurrence of
2 the Secretary of State” after “may be available
3 to the Secretary of Defense”;

4 (C) by striking “of the Government of
5 Pakistan” and inserting “of foreign govern-
6 ments”; and

7 (D) by striking “from Pakistan to loca-
8 tions in Afghanistan”;

9 (2) in paragraph (2), by striking “of the Gov-
10 ernment of Pakistan” and inserting “of foreign gov-
11 ernments”; and

12 (3) in paragraph (4), as most recently amended
13 by section 1532(b)(2) of the National Defense Au-
14 thorization Act for Fiscal Year 2016 (Public Law
15 114–92; 129 Stat. 1091), by striking “December 31,
16 2016” and inserting “December 31, 2017”.

17 (c) NOTICE TO CONGRESS.—Paragraph (3) of such
18 subsection is amended to read as follows:

19 “(3) NOTICE TO CONGRESS.— None of the
20 funds made available pursuant to paragraph (1) may
21 be obligated or expended to supply training, equip-
22 ment, supplies, or services to a foreign country be-
23 fore the date that is 15 days after the date on which
24 the Secretary of Defense, in coordination with the
25 Secretary of State, submits to the Committee on

1 Armed Services and the Committee on Foreign Rela-
2 tions of the Senate and the Committee on Armed
3 Services and the Committee on Foreign Affairs of
4 the House of Representatives a notice that con-
5 tains—

6 “(A) the foreign country for which train-
7 ing, equipment, supplies, or services are pro-
8 posed to be supplied;

9 “(B) a description of the training, equip-
10 ment, supplies, and services to be provided
11 using such funds;

12 “(C) a detailed description of the amount
13 of funds proposed to be obligated or expended
14 to supply such training, equipment, supplies or
15 services, including any funds proposed to be ob-
16 ligated or expended to support the participation
17 of another department or agency of the United
18 States and a description of the training, equip-
19 ment, supplies, or services proposed to be sup-
20 plied;

21 “(D) an evaluation of the effectiveness of
22 the efforts of the foreign country identified
23 under subparagraph (A) to counter the flow of
24 improvised explosive device precursor chemicals;
25 and

1 “(E) an overall plan for countering the
2 flow of precursor chemicals in the foreign coun-
3 try identified under subparagraph (A).”.

4 **SEC. 1523. EXTENSION OF AUTHORITY TO USE JOINT IM-**
5 **PROVISED EXPLOSIVE DEVICE DEFEAT FUND**
6 **FOR TRAINING OF FOREIGN SECURITY**
7 **FORCES TO DEFEAT IMPROVISED EXPLOSIVE**
8 **DEVICES.**

9 Section 1533(e) of the National Defense Authoriza-
10 tion Act for Fiscal Year 2016 (Public Law 114–92; 129
11 Stat. 1093) is amended by striking “September 30, 2018”
12 and inserting “September 30, 2020”.

13 **SEC. 1524. OVERSEAS CONTINGENCY OPERATIONS.**

14 Funds are hereby authorized to be appropriated for
15 fiscal year 2017 for the Department of Defense for over-
16 seas contingency operations in such amounts as may be
17 designated as provided in section 251(b)(2)(A)(ii) of the
18 Balanced Budget and Emergency Deficit Control Act of
19 1985.

20 **SEC. 1525. EXTENSION AND MODIFICATION OF AUTHORI-**
21 **TIES ON COUNTERTERRORISM PARTNER-**
22 **SHIPS FUND.**

23 (a) EXTENSION.—Section 1534 of the Carl Levin and
24 Howard P. “Buck” McKeon National Defense Authoriza-

1 tion Act for Fiscal Year 2015 (Public Law 113–291; 128
2 Stat. 3616) is amended—

3 (1) in subsection (a), by striking “Amounts au-
4 thorized to be appropriated for fiscal year 2015 by
5 this title” and inserting “Subject to subsection (b),
6 amounts authorized to be appropriated through fis-
7 cal year 2017”; and

8 (2) in subsection (h), by striking “December
9 31, 2016” and inserting “December 31, 2017”.

10 (b) LIMITATION ON USE OF FUNDS AUTHORIZED
11 FOR FISCAL YEAR 2016.—Such section is further amend-
12 ed—

13 (1) by redesignating subsections (b) through (h)
14 as subsections (c) through (i), respectively; and

15 (2) by inserting after subsection (a) the fol-
16 lowing new subsection (b):

17 “(b) LIMITATION ON USE OF FUNDS AUTHORIZED
18 FOR FISCAL YEAR 2016.—Amounts authorized to be ap-
19 propriated for fiscal year 2016 for the Counterterrorism
20 Partnerships Fund may only be used for the purposes
21 specified in subsection (a)(2). In the use of such amounts,
22 any reference in this section to ‘subsection (a)’ shall be
23 deemed to be a reference to ‘subsection (a)(2)’.”.

1 (c) ADMINISTRATION OF FUND.—Subsection (e) of
2 such section, as redesignated by subsection (b)(1) of this
3 section, is amended—

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

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

7 (d) REPORTS.—Subsection (h) of such section, as re-
8 designated by subsection (b)(1) of this section, is amend-
9 ed—

10 (1) in the matter preceding paragraph (1)—

11 (A) by striking “and 2017” and inserting
12 “2017, and 2018”; and

13 (B) by striking “and 2016” and inserting
14 “2016, and 2017”;

15 (2) in paragraph (4), by striking “subsection
16 (d)(5)” and inserting “subsection (e)(4)”; and

17 (3) in paragraph (5), by striking “subsection
18 (f)” and inserting “subsection (g)”.

19 **TITLE XVI—STRATEGIC PRO-**
20 **GRAMS, CYBER, AND INTEL-**
21 **LIGENCE MATTERS**

Subtitle A—Space Activities

Sec. 1601. Repeal of provision permitting the use of rocket engines from the Russian Federation for the evolved expendable launch vehicle program.

Sec. 1602. Exception to the prohibition on contracting with Russian suppliers of rocket engines for the evolved expendable launch vehicle program.

Sec. 1603. Rocket propulsion system to replace RD-180.

- Sec. 1604. Plan for use of allied launch vehicles.
- Sec. 1605. Analysis of alternatives for wide-band communications.
- Sec. 1606. Modification of pilot program for acquisition of commercial satellite communication services.
- Sec. 1607. Space-based environmental monitoring.
- Sec. 1608. Prohibition on use of certain non-allied positioning, navigation, and timing systems.
- Sec. 1609. Limitation of availability of funds for the Joint Space Operations Center Mission System.
- Sec. 1610. Limitations on availability of funds for the Global Positioning System Next Generation Operational Control System.
- Sec. 1611. Availability of funds for certain secure voice conferencing capabilities.
- Sec. 1612. Space-based infrared system and advanced extremely high frequency program.
- Sec. 1613. Pilot program on commercial weather data.
- Sec. 1614. Plans on transfer of acquisition and funding authority of certain weather missions to National Reconnaissance Office.
- Sec. 1615. Five-year plan for Joint Interagency Combined Space Operations Center.
- Sec. 1616. Organization and management of national security space activities of the Department of Defense.
- Sec. 1617. Review of charter of Operationally Responsive Space Program Office.
- Sec. 1618. Backup and complementary positioning, navigation, and timing capabilities of Global Positioning System.
- Sec. 1619. Report on use of spacecraft assets of the space-based infrared system wide-field-of-view program.
- Sec. 1620. Provision of certain information to Government Accountability Office by National Reconnaissance Office.
- Sec. 1621. Cost-benefit analysis of commercial use of excess ballistic missile solid rocket motors.
- Sec. 1622. Independent assessment of Global Positioning System Next Generation Operational Control System.

Subtitle B—Defense Intelligence and Intelligence-Related Activities

- Sec. 1631. Report on United States Central Command Intelligence Fusion Center.
- Sec. 1632. Prohibition on availability of funds for certain relocation activities for NATO Intelligence Fusion Cell.
- Sec. 1633. Survey and review of Defense Intelligence Enterprise.

Subtitle C—Cyberspace-Related Matters

- Sec. 1641. Special emergency procurement authority to facilitate the defense against or recovery from a cyber attack.
- Sec. 1642. Limitation on termination of dual-hat arrangement for Commander of the United States Cyber Command.
- Sec. 1643. Cyber mission forces matters.
- Sec. 1644. Requirement to enter into agreements relating to use of cyber opposition forces.
- Sec. 1645. Cyber protection support for Department of Defense personnel in positions highly vulnerable to cyber attack.
- Sec. 1646. Limitation on full deployment of joint regional security stacks.
- Sec. 1647. Advisory committee on industrial security and industrial base policy.

- Sec. 1648. Change in name of National Defense University's Information Resources Management College to College of Information and Cyberspace.
- Sec. 1649. Evaluation of cyber vulnerabilities of F-35 aircraft and support systems.
- Sec. 1650. Evaluation of cyber vulnerabilities of Department of Defense critical infrastructure.
- Sec. 1651. Strategy to incorporate Army reserve component cyber protection teams into Department of Defense cyber mission force.
- Sec. 1652. Strategic Plan for the Defense Information Systems Agency.
- Sec. 1653. Plan for information security continuous monitoring capability and comply-to-connect policy; limitation on software licensing.
- Sec. 1654. Reports on deterrence of adversaries in cyberspace.
- Sec. 1655. Sense of Congress on cyber resiliency of the networks and communications systems of the National Guard.

Subtitle D—Nuclear Forces

- Sec. 1661. Improvements to Council on Oversight of National Leadership Command, Control, and Communications System.
- Sec. 1662. Treatment of certain sensitive information by State and local governments.
- Sec. 1663. Procurement authority for certain parts of intercontinental ballistic missile fuzes.
- Sec. 1664. Prohibition on availability of funds for mobile variant of ground-based strategic deterrent missile.
- Sec. 1665. Limitation on availability of funds for extension of New START Treaty.
- Sec. 1666. Certifications regarding integrated tactical warning and attack assessment mission of the Air Force.
- Sec. 1667. Matters relating to intercontinental ballistic missiles.
- Sec. 1668. Requests for forces to meet security requirements for land-based nuclear forces.
- Sec. 1669. Report on Russian and Chinese political and military leadership survivability, command and control, and continuity of government programs and activities.
- Sec. 1670. Review by Comptroller General of the United States of recommendations relating to nuclear enterprise of Department of Defense.
- Sec. 1671. Sense of Congress on nuclear deterrence.
- Sec. 1672. Sense of Congress on importance of independent nuclear deterrent of United Kingdom.

Subtitle E—Missile Defense Programs

- Sec. 1681. National missile defense policy.
- Sec. 1682. Extensions of prohibitions relating to missile defense information and systems.
- Sec. 1683. Non-terrestrial missile defense intercept and defeat capability for the ballistic missile defense system.
- Sec. 1684. Review of the missile defeat policy and strategy of the United States.
- Sec. 1685. Maximizing Aegis Ashore capability and developing medium range discrimination radar.
- Sec. 1686. Technical authority for integrated air and missile defense activities and programs.
- Sec. 1687. Hypersonic defense capability development.

- Sec. 1688. Conventional Prompt Global Strike weapons system.
- Sec. 1689. Required testing by Missile Defense Agency of ground-based mid-course defense element of ballistic missile defense system.
- Sec. 1690. Iron Dome short-range rocket defense system and Israeli cooperative missile defense program codevelopment and coproduction.
- Sec. 1691. Limitations on availability of funds for lower tier air and missile defense capability of the Army.
- Sec. 1692. Pilot program on loss of unclassified, controlled technical information.
- Sec. 1693. Plan for procurement of medium-range discrimination radar to improve homeland missile defense.
- Sec. 1694. Review of Missile Defense Agency budget submissions for ground-based midcourse defense and evaluation of alternative ground-based interceptor deployments.
- Sec. 1695. Semiannual notifications on missile defense tests and costs.
- Sec. 1696. Reports on unfunded priorities of the Missile Defense Agency.

Subtitle F—Other Matters

- Sec. 1697. Protection of certain facilities and assets from unmanned aircraft.
- Sec. 1698. Harmful interference to Department of Defense Global Positioning System.

1 **Subtitle A—Space Activities**

2 **SEC. 1601. REPEAL OF PROVISION PERMITTING THE USE**
3 **OF ROCKET ENGINES FROM THE RUSSIAN**
4 **FEDERATION FOR THE EVOLVED EXPEND-**
5 **ABLE LAUNCH VEHICLE PROGRAM.**

6 Section 8048 of the Department of Defense Appro-
7 priations Act, 2016 (division C of Public Law 114–113;
8 129 Stat. 2363) is repealed.

9 **SEC. 1602. EXCEPTION TO THE PROHIBITION ON CON-**
10 **TRACTING WITH RUSSIAN SUPPLIERS OF**
11 **ROCKET ENGINES FOR THE EVOLVED EX-**
12 **PENDABLE LAUNCH VEHICLE PROGRAM.**

13 Section 1608 of the Carl Levin and Howard P.
14 “Buck” McKeon National Defense Authorization Act for
15 Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3626;

1 10 U.S.C. 2271 note), as amended by section 1607 of the
2 National Defense Authorization Act for Fiscal Year 2016
3 (Public Law 114–92; 129 Stat. 1100), is further amended
4 by striking subsection (c) and inserting the following new
5 subsection:

6 “(c) EXCEPTION.—The prohibition in subsection (a)
7 shall not apply to any of the following:

8 “(1) The placement of orders or the exercise of
9 options under the contract numbered FA8811–13–
10 C–0003 and awarded on December 18, 2013.

11 “(2) Contracts that are awarded during the pe-
12 riod beginning on the date of the enactment of the
13 National Defense Authorization Act for Fiscal Year
14 2017 and ending December 31, 2022, for the pro-
15 curement of property or services for space launch ac-
16 tivities that include the use of a total of 18 rocket
17 engines designed or manufactured in the Russian
18 Federation, in addition to the Russian-designed or
19 Russian-manufactured engines to which paragraph
20 (1) applies.”.

21 **SEC. 1603. ROCKET PROPULSION SYSTEM TO REPLACE RD-**

22 **180.**

23 Section 1604 of the Carl Levin and Howard P.
24 “Buck” McKeon National Defense Authorization Act for
25 Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3623;

1 10 U.S.C. 2273 note), as amended by section 1606 of the
2 National Defense Authorization Act for Fiscal Year 2016
3 (Public Law 114–92; 129 Stat. 1099), is further amended
4 by striking subsection (d) and inserting the following new
5 subsections:

6 “(d) USE OF FUNDS UNDER DEVELOPMENT PRO-
7 GRAM.—

8 “(1) DEVELOPMENT OF ROCKET PROPULSION
9 SYSTEM.—The funds described in paragraph (2)—

10 “(A) may be obligated or expended for—

11 “(i) the development of the rocket
12 propulsion system to replace non-allied
13 space launch engines pursuant to sub-
14 section (a); and

15 “(ii) the necessary interfaces to, or in-
16 tegration of, the rocket propulsion system
17 with an existing or new launch vehicle; and

18 “(B) except as provided by paragraph (3),
19 may not be obligated or expended to develop or
20 procure a launch vehicle, an upper stage, a
21 strap-on motor, or related infrastructure.

22 “(2) FUNDS DESCRIBED.—The funds described
23 in this paragraph are the following:

24 “(A) Funds authorized to be appropriated
25 by the National Defense Authorization Act for

1 Fiscal Year 2017 or otherwise made available
2 for fiscal year 2017 for the Department of De-
3 fense for the development of the rocket propul-
4 sion system under subsection (a).

5 “(B) Funds authorized to be appropriated
6 by this Act or the National Defense Authoriza-
7 tion Act for Fiscal Year 2016 or otherwise
8 made available for fiscal years 2015 or 2016 for
9 the Department of Defense for the development
10 of the rocket propulsion system under sub-
11 section (a) that are unobligated as of the date
12 of the enactment of the National Defense Au-
13 thorization Act for Fiscal Year 2017.

14 “(3) OTHER PURPOSES.—The Secretary may
15 obligate or expend not more than a total of the
16 amount calculated under paragraph (4) of the funds
17 that are authorized to be appropriated by the Na-
18 tional Defense Authorization Act for Fiscal Year
19 2017 or otherwise made available for fiscal year
20 2017 for the rocket propulsion system and launch
21 system investment for activities not authorized by
22 paragraph (1)(A), including for developing a launch
23 vehicle, an upper stage, a strap-on motor, or related
24 infrastructure. The Secretary may exceed such limit

1 calculated under paragraph (4) in fiscal year 2017
2 for such purposes if—

3 “(A) the Secretary certifies to the appro-
4 priate congressional committees that, as of the
5 date of the certification—

6 “(i) the development of the rocket
7 propulsion system is being carried out pur-
8 suant to paragraph (1)(A) in a manner
9 that ensures that the rocket propulsion
10 system will meet each requirement under
11 subsection (a)(2); and

12 “(ii) such obligation or expenditure
13 will not negatively affect the development
14 of the rocket propulsion system, including
15 with respect to meeting such requirements;
16 and

17 “(B) the reprogramming or transfer is car-
18 ried out in accordance with established proce-
19 dures for reprogramming or transfers, including
20 with respect to presenting a request for a re-
21 programming of funds.

22 “(4) CALCULATION OF AMOUNTS FOR OTHER
23 PURPOSES.—In carrying out paragraph (3), the Sec-
24 retary shall calculate the amount of the funds speci-
25 fied in such paragraph as follows:

1 “(A) If the total amount of funds that are
2 authorized to be appropriated by the National
3 Defense Authorization Act for Fiscal Year 2017
4 or otherwise made available for fiscal year 2017
5 for the rocket propulsion system and launch
6 system investment is equal to or less than
7 \$320,000,000, such amount shall equal 31 per-
8 cent.

9 “(B) If the total amount of funds that are
10 authorized to be appropriated by the National
11 Defense Authorization Act for Fiscal Year 2017
12 or otherwise made available for fiscal year 2017
13 for the rocket propulsion system and launch
14 system investment is greater than
15 \$320,000,000, such amount shall equal the dif-
16 ference of—

17 “(i) the amount of funds so author-
18 ized to be appropriated, minus

19 “(ii) \$220,000,000.

20 “(e) DEFINITIONS.—In this section:

21 “(1) The term ‘appropriate congressional com-
22 mittees’ means—

23 “(A) the congressional defense committees;
24 and

1 “(B) the Permanent Select Committee on
2 Intelligence of the House of Representatives
3 and the Select Committee on Intelligence of the
4 Senate.

5 “(2) The term ‘rocket propulsion system’
6 means, with respect to the development authorized
7 by subsection (a), a main booster, first-stage rocket
8 engine or motor. The term does not include a launch
9 vehicle, an upper stage, a strap-on motor, or related
10 infrastructure.”.

11 **SEC. 1604. PLAN FOR USE OF ALLIED LAUNCH VEHICLES.**

12 (a) PLAN.—The Secretary of Defense, in coordina-
13 tion with the Director of National Intelligence, shall de-
14 velop a plan to use allied launch vehicles to meet the re-
15 quirements for achieving the policy relating to assured ac-
16 cess to space set forth in section 2273 of title 10, United
17 States Code, in the event that such requirements cannot
18 be met, for a limited period, using only launch vehicles
19 of the United States.

20 (b) ASSESSMENTS.—In developing the plan required
21 by subsection (a), the Secretary shall conduct assessments
22 of the following:

23 (1) What satellites of the United States would
24 be appropriate to be launched on an allied launch ve-
25 hicle.

1 (2) The relevant laws, regulations, and policies
2 governing the launch of national security satellites
3 and whether any legislative, regulatory, or policy ac-
4 tions (including with respect to waivers) would be
5 necessary to allow for the launch of a national secu-
6 rity satellite on an allied launch vehicle.

7 (3) The certification requirements for using al-
8 lied launch vehicles pursuant to the plan and the es-
9 timated cost, schedule, and actions that would be
10 necessary to certify allied launch vehicles.

11 (4) Any other matters the Secretary determines
12 appropriate.

13 (c) SUBMISSION TO CONGRESS.—Not later than 180
14 days after the date of the enactment of this Act, the Sec-
15 retary shall submit to the appropriate congressional com-
16 mittees a report on the plan required by subsection (a)
17 and the assessments required by subsection (b).

18 (d) DEFINITIONS.—In this section:

19 (1) The term “allied launch vehicle” means a
20 launch vehicle of the government of a country that
21 is an ally of the United States. The term does not
22 include a launch vehicle of the Government of the
23 Russian Federation, the Government of the People’s
24 Republic of China, the Government of the Islamic

1 Republic of Iran, or the Government of the Demo-
2 cratic People’s Republic of Korea.

3 (2) The term “appropriate congressional com-
4 mittees” means—

5 (A) the congressional defense committees;
6 and

7 (B) the Permanent Select Committee on
8 Intelligence of the House of Representatives
9 and the Select Committee on Intelligence of the
10 Senate.

11 (3) The term “national security satellite”
12 means a satellite launched for national security pur-
13 poses, including such a satellite launched by the Air
14 Force, the Navy, or the National Reconnaissance Of-
15 fice, or any other element of the Department of De-
16 fense.

17 **SEC. 1605. ANALYSIS OF ALTERNATIVES FOR WIDE-BAND**
18 **COMMUNICATIONS.**

19 Section 1611 of the National Defense Authorization
20 Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat.
21 1103) is amended by striking subsection (b) and inserting
22 the following new subsections:

23 “(b) SCOPE.—

24 “(1) STUDY GUIDANCE.—In conducting the
25 analysis of alternatives under subsection (a), the

1 Secretary shall develop study guidance that requires
2 such analysis to include the full range of military
3 and commercial satellite communications capabili-
4 ties, acquisition processes, and service delivery mod-
5 els.

6 “(2) OTHER CONSIDERATIONS.—The Secretary
7 shall ensure that—

8 “(A) any cost assessments of military or
9 commercial satellite communications systems in-
10 cluded in the analysis of alternatives conducted
11 under subsection (a) include detailed full life-
12 cycle costs, as applicable, including with respect
13 to—

14 “(i) military personnel, military con-
15 struction, military infrastructure operation,
16 maintenance costs, and ground and user
17 terminal impacts; and

18 “(ii) any other costs regarding mili-
19 tary or commercial satellite communica-
20 tions systems the Secretary determines ap-
21 propriate; and

22 “(B) such analysis identifies any consider-
23 ations relating to the use of military versus
24 commercial systems.

25 “(c) COMPTROLLER GENERAL REPORT.—

1 “(1) SUBMISSION.—Upon completion of the
2 analysis of alternatives conducted under subsection
3 (a), the Secretary shall submit such analysis to the
4 Comptroller General of the United States.

5 “(2) REPORT.—Not later than 120 days after
6 the date on which the Comptroller General receives
7 the analysis of alternatives under paragraph (1), the
8 Comptroller General shall submit to the congress-
9 sional defense committees a report containing—

10 “(A) a review of the analysis; and

11 “(B) an assessment of the types of anal-
12 yses the Secretary has conducted to understand
13 the costs and benefits of the use of KA-band
14 commercial satellite communications by the De-
15 partment of Defense.

16 “(3) MATTERS INCLUDED.—The report under
17 paragraph (2) shall include the following:

18 “(A) With respect to the review of the
19 analysis of alternatives conducted under sub-
20 section (a)—

21 “(i) whether, and to what extent, the
22 Secretary—

23 “(I) conducted such analysis
24 using best practices;

1 “(II) fully addressed the concerns
2 of the acquisition, operational, and
3 user communities; and

4 “(III) complied with subsection
5 (b); and

6 “(ii) a description of how the Sec-
7 retary identified the requirements and as-
8 sessed and addressed the cost, schedule,
9 and risks posed for each alternative in-
10 cluded in such analysis.

11 “(B) With respect to the assessment under
12 paragraph (2)(B)—

13 “(i) whether the Secretary has evalu-
14 ated the use of KA-band commercial sat-
15 ellite communications, based on total cost,
16 capabilities, and interoperability with exist-
17 ing or planned terminals; and

18 “(ii) such other matters as the Comp-
19 troller General considers appropriate.

20 “(d) BRIEFINGS.—Not later than 90 days after the
21 date of the enactment of the National Defense Authoriza-
22 tion Act for Fiscal Year 2017, and semiannually there-
23 after until the date on which the analysis of alternatives
24 conducted under subsection (a) is completed, the Secretary
25 shall provide the Committees on Armed Services of the

1 House of Representatives and the Senate (and any other
2 congressional defense committee upon request) a briefing
3 on such analysis.”.

4 **SEC. 1606. MODIFICATION OF PILOT PROGRAM FOR ACQUI-**
5 **SITION OF COMMERCIAL SATELLITE COMMU-**
6 **NICATION SERVICES.**

7 (a) IMPLEMENTATION OF GOALS.—Section 1605 of
8 the Carl Levin and Howard P. “Buck” McKeon National
9 Defense Authorization Act for Fiscal Year 2015 (Public
10 Law 113–291; 10 U.S.C. 2208 note), as amended by sec-
11 tion 1612 of the National Defense Authorization Act for
12 Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1103),
13 is further amended by adding at the end the following new
14 subsection:

15 “(e) IMPLEMENTATION OF GOALS.—In developing
16 and carrying out the pilot program under subsection
17 (a)(1), by not later than September 30, 2017, the Sec-
18 retary shall take actions to begin the implementation of
19 each goal specified in subsection (b).”.

20 (b) LIMITATION.—Of the funds authorized to be ap-
21 propriated by this Act or otherwise made available for fis-
22 cal year 2017 for the headquarters operations of the Air
23 Force Space Command, not more than 95 percent may
24 be obligated or expended until the date on which the Sec-
25 retary of Defense submits to the congressional defense

1 committees a plan to demonstrate that the pilot program
2 under section 1605 of the Carl Levin and Howard P.
3 “Buck” McKeon National Defense Authorization Act for
4 Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 2208
5 note) will achieve order-of-magnitude improvements in
6 satellite communications capability, as required by sub-
7 section (b)(5) of such section.

8 **SEC. 1607. SPACE-BASED ENVIRONMENTAL MONITORING.**

9 (a) ROLES OF DOD AND NOAA.—

10 (1) MECHANISMS.—The Secretary of Defense
11 and the Administrator of the National Oceanic and
12 Atmospheric Administration shall jointly establish
13 mechanisms to collaborate and coordinate in defin-
14 ing the roles and responsibilities of the Department
15 of Defense and the National Oceanic and Atmos-
16 pheric Administration to—

17 (A) carry out space-based environmental
18 monitoring; and

19 (B) plan for future non-governmental
20 space-based environmental monitoring capabili-
21 ties, as appropriate.

22 (2) RULE OF CONSTRUCTION.—Nothing in
23 paragraph (1) may be construed to authorize a joint
24 satellite program of the Department of Defense and

1 the National Oceanic and Atmospheric Administra-
2 tion.

3 (b) REPORT.—Not later than 120 days after the date
4 of the enactment of this Act, the Secretary and the Ad-
5 ministrator shall jointly submit to the appropriate con-
6 gressional committees a report on the mechanisms estab-
7 lished under subsection (a)(1).

8 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
9 FINED.—In this section, the term “appropriate congres-
10 sional committees” means—

- 11 (1) the congressional defense committees;
- 12 (2) the Committee on Science, Space, and
13 Technology of the House of Representatives; and
- 14 (3) the Committee on Commerce, Science, and
15 Transportation of the Senate.

16 **SEC. 1608. PROHIBITION ON USE OF CERTAIN NON-ALLIED**
17 **POSITIONING, NAVIGATION, AND TIMING SYS-**
18 **TEMS.**

19 (a) PROHIBITION.—During the period beginning not
20 later than 60 days after the date of the enactment of this
21 Act and ending on September 30, 2018, the Secretary of
22 Defense shall ensure that the Armed Forces and each ele-
23 ment of the Department of Defense do not use a non-allied
24 positioning, navigation, and timing system or service pro-
25 vided by such a system.

1 (b) WAIVER.—The Secretary may waive the prohibi-
2 tion in subsection (a) if—

3 (1) the Secretary determines that the waiver
4 is—

5 (A) in the national security interest of the
6 United States; and

7 (B) necessary to mitigate exigent oper-
8 ational concerns;

9 (2) the Secretary notifies, in writing, the appro-
10 priate congressional committees of such waiver; and

11 (3) a period of 30 days has elapsed following
12 the date of such notification.

13 (c) ASSESSMENT.—Not later than 120 days after the
14 date of the enactment of this Act, the Secretary of De-
15 fense, the Chairman of the Joint Chiefs of Staff, and the
16 Director of National Intelligence shall jointly submit to
17 the appropriate congressional committees an assessment
18 of the risks to national security and to the operations and
19 plans of the Department of Defense from using a non-
20 allied positioning, navigation, and timing system or service
21 provided by such a system. Such assessment shall—

22 (1) address risks regarding—

23 (A) espionage, counterintelligence, and tar-
24 geting;

1 (B) the use of the Global Positioning Sys-
2 tem by allies and partners of the United States
3 and others; and

4 (C) harmful interference to the Global Po-
5 sitioning System; and

6 (2) include any other matters the Secretary, the
7 Chairman, and the Director determine appropriate.

8 (d) DEFINITIONS.—In this section:

9 (1) The term “appropriate congressional com-
10 mittees” means—

11 (A) the congressional defense committees;
12 and

13 (B) the Permanent Select Committee on
14 Intelligence of the House of Representatives
15 and the Select Committee on Intelligence of the
16 Senate.

17 (2) The term “non-allied positioning, naviga-
18 tion, and timing system” means any of the following
19 systems:

20 (A) The Beidou system.

21 (B) The Glonass global navigation satellite
22 system.

1 **SEC. 1609. LIMITATION OF AVAILABILITY OF FUNDS FOR**
2 **THE JOINT SPACE OPERATIONS CENTER MIS-**
3 **SION SYSTEM.**

4 None of the funds authorized to be appropriated by
5 this Act or otherwise made available for fiscal year 2017
6 for increment 3 of the Joint Space Operations Center Mis-
7 sion System may be obligated or expended until the date
8 on which the Secretary of the Air Force, in coordination
9 with the Commander of the United States Strategic Com-
10 mand, submits to the congressional defense committees a
11 report on such increment, including—

12 (1) an acquisition strategy and strategic plan
13 for such increment that includes—

14 (A) the space battlement management,
15 communication, and control capabilities, as of
16 the date of the enactment of this Act;

17 (B) the plan to develop and perform space
18 battlement management, communication, and
19 control capabilities in the future; and

20 (C) the critical elements described in sub-
21 paragraphs (A) and (B) that will require com-
22 mon software and hardware in other similar
23 space battle management software and systems
24 to promote a common operating environment
25 and reduce acquisition costs and long-term
26 maintenance requirements;

1 (2) the warfighter requirements of such incre-
2 ment;

3 (3) the funding and schedule for such incre-
4 ment;

5 (4) the strategy for use of commercially avail-
6 able capabilities, as appropriate, relating to such in-
7 crement to rapidly address warfighter requirements,
8 including the market research and evaluation of such
9 commercial capabilities; and

10 (5) the relationship of such increment with the
11 other related activities and investments of the De-
12 partment of Defense.

13 **SEC. 1610. LIMITATIONS ON AVAILABILITY OF FUNDS FOR**
14 **THE GLOBAL POSITIONING SYSTEM NEXT**
15 **GENERATION OPERATIONAL CONTROL SYS-**
16 **TEM.**

17 (a) **LIMITATION UNTIL CERTIFICATION.**—Of the
18 funds authorized to be appropriated by this Act or other-
19 wise made available for fiscal year 2017 for the Global
20 Positioning System Next Generation Operational Control
21 System (in this section referred to as “OCX”), not more
22 than five percent may be obligated or expended for the
23 current product development contract for the OCX, or for
24 any other purpose in connection with the OCX, until the
25 date on which the Secretary of Defense submits to Con-

1 gress the certification on the OCX required pursuant to
2 section 2433a(b) of title 10, United States Code, as a re-
3 sult of the determination not to terminate the procure-
4 ment of the OCX.

5 (b) ADDITIONAL LIMITATION UNTIL INITIAL BRIEF-
6 ING.—In addition to the limitation in subsection (a), of
7 the funds authorized to be appropriated by this Act or
8 otherwise made available for fiscal year 2017 for the OCX,
9 not more than 50 percent may be obligated or expended
10 for the current product development contract for the OCX,
11 or for any other purpose in connection with the OCX, un-
12 less—

13 (1) the Secretary has submitted to Congress the
14 certification described in subsection (a); and

15 (2) not earlier than January 15, 2017, the Sec-
16 retary provides to the congressional defense commit-
17 tees a briefing on the OCX with respect to—

18 (A) the status of the OCX program, in-
19 cluding information on the risks, costs, and
20 schedule, and technical information;

21 (B) contingency plans and investments,
22 and the status of such plans and investments;

23 (C) an assessment of the OCX by the Di-
24 rector of Operational Test and Evaluation; and

1 (D) the total program cost that is vali-
2 dated by the Director of Cost Assessment and
3 Program and a five-year budget that is based
4 on an updated and rebaselined program cost.

5 (c) ADDITIONAL LIMITATION UNTIL SECOND BRIEF-
6 ING.—In addition to the limitations in subsection (a) and
7 (b), of the funds authorized to be appropriated by this Act
8 or otherwise made available for fiscal year 2017 for the
9 OCX, not more than 75 percent may be obligated or ex-
10 pended for the current product development contract for
11 the OCX, or for any other purpose in connection with the
12 OCX, unless—

13 (1) the Secretary has submitted to Congress the
14 certification described in subsection (a);

15 (2) the Secretary has provided to the congres-
16 sional defense committees the briefing under sub-
17 section (b)(2); and

18 (3) not earlier than March 15, 2017, the Sec-
19 retary provides to the congressional defense commit-
20 tees an update to such briefing.

21 (d) ADJUSTMENT OF BRIEFING DATES.—The Sec-
22 retary may provide the briefing under subsection (b)(2)
23 or subsection (c)(3), respectively, before the date specified
24 by such subsection if the Secretary determines that pro-

1 viding such briefing before such date is necessary for the
2 national security interests of the United States.

3 **SEC. 1611. AVAILABILITY OF FUNDS FOR CERTAIN SECURE**
4 **VOICE CONFERENCING CAPABILITIES.**

5 Of the funds authorized to be appropriated or other-
6 wise made available by the Carl Levin and Howard P.
7 “Buck” McKeon National Defense Authorization Act for
8 Fiscal Year 2015 (Public Law 113–291) or the National
9 Defense Authorization Act for Fiscal Year 2016 (Public
10 Law 114–92) or otherwise made available for fiscal years
11 2015 or 2016 for research, development, test, and evalua-
12 tion, Air Force, and available for obligation as of the date
13 of the enactment of this Act, not more than \$10,200,000
14 may be used to support the accomplishment by the Air
15 Force of integration and associated critical testing and
16 systems engineering activities for the Presidential and Na-
17 tional Voice Conferencing program and the Advanced Ex-
18 tremely High Frequency Extended Data Rate, worldwide,
19 secure, survivable voice conferencing capability for the
20 President and national leaders, as described in the re-
21 programming action prior approval request submitted by
22 the Under Secretary of Defense (Comptroller) to Congress
23 on March 3, 2016.

1 **SEC. 1612. SPACE-BASED INFRARED SYSTEM AND AD-**
2 **VANCED EXTREMELY HIGH FREQUENCY PRO-**
3 **GRAM.**

4 (a) LIMITATION ON DEVELOPMENT AND ACQUI-
5 SITION OF ALTERNATIVES.—

6 (1) LIMITATION.—Except as provided by para-
7 graph (4), the Secretary of Defense may not develop
8 or acquire an alternative to the space-based infrared
9 system program of record or develop or acquire an
10 alternative to the advanced extremely high frequency
11 program of record until the date on which the Com-
12 mander of the United States Strategic Command
13 and the Director of the Space Security and Defense
14 Program, in consultation with the Defense Intel-
15 ligence Officer for Science and Technology of the
16 Defense Intelligence Agency, jointly submit to the
17 appropriate congressional committees the assess-
18 ments described in paragraph (2) for the respective
19 program.

20 (2) ASSESSMENT.—The assessments described
21 in this paragraph are—

22 (A) an assessment of the resilience and
23 mission assurance of each alternative to the
24 space-based infrared system being considered by
25 the Secretary of the Air Force; and

1 (B) an assessment of the resilience and
2 mission assurance of each alternative to the ad-
3 vanced extremely high frequency program being
4 considered by the Secretary of the Air Force.

5 (3) ELEMENTS.—An assessment described in
6 paragraph (2) shall include, with respect to each al-
7 ternative to the space-based infrared system pro-
8 gram of record and each alternative to the advanced
9 extremely high frequency program of record being
10 considered by the Secretary of the Air Force, the fol-
11 lowing:

12 (A) The requirements for resilience and
13 mission assurance.

14 (B) The criteria to measure such resilience
15 and mission assurance.

16 (C) How the alternative affects—

17 (i) deterrence and full spectrum
18 warfighting;

19 (ii) warfighter requirements and rel-
20 ative costs to include ground station and
21 user terminals;

22 (iii) the potential order of battle of
23 adversaries; and

1 (iv) the required capabilities of the
2 broader space security and defense enter-
3 prise.

4 (4) EXCEPTION.—The limitation in paragraph
5 (1) shall not apply to efforts to examine and develop
6 technology insertion opportunities for the space-
7 based infrared system program of record or the sat-
8 ellite communications programs of record.

9 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
10 DEFINED.—In this section, the term “appropriate con-
11 gressional committees” means the following:

12 (1) With respect to the submission of the as-
13 sessment described in subparagraph (A) of sub-
14 section (a)(2), the—

15 (A) the congressional defense committees;

16 and

17 (B) the Permanent Select Committee on
18 Intelligence of the House of Representatives.

19 (2) With respect to the submission of the as-
20 sessment described in subparagraph (B) of sub-
21 section (a)(2), the congressional defense committees.

22 **SEC. 1613. PILOT PROGRAM ON COMMERCIAL WEATHER**
23 **DATA.**

24 (a) IN GENERAL.—Not later than 180 days after the
25 date of the enactment of this Act, the Secretary of Defense

1 shall establish a pilot program to assess the viability of
2 commercial satellite weather data to support requirements
3 of the Department of Defense.

4 (b) DURATION.—The Secretary may carry out the
5 pilot program under subsection (a) for a period not ex-
6 ceeding one year.

7 (c) BRIEFINGS.—

8 (1) INTERIM BRIEFING.—Not later than 60
9 days after the date of the enactment of this Act, the
10 Secretary of Defense shall provide a briefing to the
11 Committees on Armed Services of the House of Rep-
12 resentatives and the Senate (and to any other con-
13 gressional defense committee upon request) dem-
14 onstrating how the Secretary plans to implement the
15 pilot program under subsection (a).

16 (2) FINAL BRIEFING.—Not later than 90 days
17 after the pilot program under subsection (a) is com-
18 pleted, the Secretary shall provide a briefing to the
19 Committees on Armed Services of the House of Rep-
20 resentatives and the Senate (and to any other con-
21 gressional defense committee upon request) on the
22 utility, cost, and other considerations regarding the
23 purchase of commercial satellite weather data to
24 support the requirements of the Department of De-
25 fense.

1 **SEC. 1614. PLANS ON TRANSFER OF ACQUISITION AND**
2 **FUNDING AUTHORITY OF CERTAIN WEATHER**
3 **MISSIONS TO NATIONAL RECONNAISSANCE**
4 **OFFICE.**

5 (a) **LIMITATION.**—Except as provided by subsection
6 (c), of the funds authorized to be appropriated by this Act
7 or otherwise made available for fiscal year 2017 for re-
8 search, development, test, and evaluation, Air Force, for
9 the weather satellite follow-on system, not more than 50
10 percent may be obligated or expended until the date on
11 which the Secretary of the Air Force submits to the appro-
12 priate congressional committees the plan under subsection
13 (b)(1).

14 (b) **PLANS FOR TRANSFER OF AUTHORITY.**—

15 (1) **AIR FORCE PLAN.**—Except as provided by
16 subsection (c), the Secretary of the Air Force shall
17 develop a plan for the Air Force to transfer, begin-
18 ning with fiscal year 2018, the acquisition authority
19 and the funding authority for covered space-based
20 environmental monitoring missions from the Air
21 Force to the National Reconnaissance Office, includ-
22 ing a description of the amount of funds that would
23 be necessary to be transferred from the Air Force to
24 the National Reconnaissance Office during fiscal
25 years 2018 through 2022 to carry out such plan.

26 (2) **NRO PLAN.**—

1 (A) Except as provided by subsection (c),
2 the Director of the National Reconnaissance
3 Office shall develop a plan for the National Re-
4 connaissance Office to address how to carry out
5 covered space-based environmental monitoring
6 missions. Such plan shall include—

7 (I) a description of the related na-
8 tional security requirements for such mis-
9 sions;

10 (ii) a description of the appropriate
11 manner to meet such requirements; and

12 (iii) the amount of funds that would
13 be necessary to be transferred from the Air
14 Force to the National Reconnaissance Of-
15 fice during fiscal years 2018 through 2022
16 to carry out such plan.

17 (B) In developing the plan under subpara-
18 graph (A), the Director may conduct pre-acqui-
19 sition activities, including with respect to re-
20 quests for information, analyses of alternatives,
21 study contracts, modeling and simulation, and
22 other activities the Director determines nec-
23 essary to develop such plan.

24 (C) Except as provided by subsection (c),
25 the Director shall submit to the appropriate

1 congressional committees such plan by not later
2 than July 1, 2017.

3 (3) INDEPENDENT COST ESTIMATE.—The Di-
4 rector of the Cost Assessment Improvement Group
5 of the Office of the Director of National Intelligence,
6 in coordination with the Director of Cost Assessment
7 and Program Evaluation, shall certify to the appro-
8 priate congressional committees that the amounts of
9 funds identified under paragraphs (1) and (2)(A)(iii)
10 as being necessary to transfer are appropriate and
11 include funding for positions and personnel to sup-
12 port program office costs.

13 (c) WAIVER BASED ON REPORT AND CERTIFICATION
14 OF AIR FORCE ACQUISITION PROGRAM.—The Secretary
15 of the Air Force may waive the limitation in subsection
16 (a) and the requirement to develop a plan under sub-
17 section (b)(1), and the Director of the National Recon-
18 naissance Office may waive the requirement to develop a
19 plan under subsection (b)(2), if the Under Secretary of
20 Defense for Acquisition, Technology, and Logistics and
21 the Chairman of the Joint Chiefs of Staff jointly submit
22 to the appropriate congressional committees a report by
23 not later than July 1, 2017, that contains—

24 (1) a certification that the Secretary of the Air
25 Force is carrying out a formal acquisition program

1 that has received Milestone A approval to address
2 the cloud characterization and theater weather im-
3 agery requirements of the Department of Defense;
4 and

5 (2) an identification of the cost, schedule, re-
6 quirements, and acquisition strategy of such acquisi-
7 tion program.

8 (d) DEFINITIONS.—In this section:

9 (1) The term “appropriate congressional com-
10 mittees” means—

11 (A) the congressional defense committees;

12 and

13 (B) the Permanent Select Committee on
14 Intelligence of the House of Representatives the
15 Select Committee on Intelligence of the Senate.

16 (2) The term “covered space-based environ-
17 mental monitoring missions” means the acquisition
18 programs necessary to meet the national security re-
19 quirements for cloud characterization and theater
20 weather imagery.

21 (3) The term “Milestone A approval” has the
22 meaning given that term in section 2366a(d) of title
23 10, United States Code.

1 **SEC. 1615. FIVE-YEAR PLAN FOR JOINT INTERAGENCY COM-**
2 **BINED SPACE OPERATIONS CENTER.**

3 (a) PLAN.—Not later than 90 days after the date of
4 the enactment of this Act, the Secretary of Defense, in
5 coordination with the Director of National Intelligence,
6 shall submit to the appropriate congressional committees
7 a plan for the Joint Interagency Combined Space Oper-
8 ations Center for the five-year period beginning on such
9 date of enactment that includes—

10 (1) a description of the roles, responsibilities,
11 and objective of the Center;

12 (2) an estimate of funding during the period
13 covered by the current future-years defense program
14 under section 221 of title 10, United States Code,
15 needed for the Center that includes a description of
16 contributions from other Federal agencies;

17 (3) an estimate of the personnel needed for the
18 Center, listed by military personnel, civilian per-
19 sonnel, and contractor personnel, and the organiza-
20 tion or commercial entity such personnel are rep-
21 resenting;

22 (4) a description of planned activities of the
23 Center;

24 (5) a description of planned use of commercial
25 capabilities by the Center, as appropriate;

1 saries, and the space advantages of the United
2 States must be protected.

3 (3) The Department of Defense has recognized
4 the threat and has taken initial steps necessary to
5 defend space, however the organization and manage-
6 ment may not be strategically postured to fully ad-
7 dress this changed domain of operations over the
8 long term.

9 (4) The defense of space is currently a priority
10 for the leaders of the Department, however the
11 space mission is managed within competing prior-
12 ities of each of the Armed Forces.

13 (5) Space elements provide critical capabilities
14 to all of the Armed Forces in the joint fight, how-
15 ever the disparate activities throughout the Depart-
16 ment have no single leader that is empowered to
17 make decisions affecting the space forces of the De-
18 partment.

19 (b) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that, to modernize and fully address the growing
21 threat to the national security space advantage of the
22 United States, the Secretary of Defense must evaluate the
23 range of options and take further action to strengthen the
24 leadership, management, and organization of the national

1 security space activities of the Department of Defense, in-
2 cluding with respect to—

3 (1) unifying, integrating, and de-conflicting ac-
4 tivities to provide for stronger prioritization, ac-
5 countability, coherency, focus, strategy, and integra-
6 tion of the joint space program of the Department;

7 (2) streamlining decision-making, limiting un-
8 necessary bureaucracy, and empowering the appro-
9 priate level of authority, while enabling effective
10 oversight;

11 (3) maintaining the involvement of each of the
12 Armed Forces and adapting the culture and improv-
13 ing the capabilities of the workforce to ensure the
14 workforce has the appropriate training, experience,
15 and tools to accomplish the mission; and

16 (4) reviewing authorities and preparing for a
17 conflict that could extend to space.

18 (c) RECOMMENDATIONS.—Not later than 180 days
19 after the date of the enactment of this Act, the Secretary
20 of Defense and the Director of the Office of Management
21 and Budget shall each separately submit to the appro-
22 priate congressional committees recommendations to—

23 (1) in accordance with subsection (b), strength-
24 en the leadership, management, and organization of
25 the Department of Defense with respect to the na-

1 tional security space activities of the Department;
2 and

3 (2) address the findings covered in the report of
4 the Comptroller General of the United States num-
5 bered GAO-16-592R regarding space acquisition
6 and oversight of the Department of Defense.

7 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—
8 In this section, the term “appropriate congressional com-
9 mittees” means the following:

10 (1) The congressional defense committees.

11 (2) The Permanent Select Committee on Intel-
12 ligence of the House of Representatives and the Se-
13 lect Committee on Intelligence of the Senate.

14 **SEC. 1617. REVIEW OF CHARTER OF OPERATIONALLY RE-**
15 **SPONSIVE SPACE PROGRAM OFFICE.**

16 (a) REVIEW.—The Secretary of Defense shall con-
17 duct a review of charter of the Operationally Responsive
18 Space Program Office established by section 2273a of title
19 10, United States Code (in this section referred to as the
20 “Office”).

21 (b) ELEMENTS.—The review under subsection (a)
22 shall include the following:

23 (1) A review of the key operationally responsive
24 space needs with respect to the warfighter and with
25 respect to national security.

1 (2) How the Office could fit into the broader
2 resilience and space security strategy of the Depart-
3 ment of Defense.

4 (3) An assessment of the potential of the Office
5 to focus on the reconstitution capabilities with small
6 satellites using low-cost launch vehicles and existing
7 infrastructure.

8 (4) An assessment of the potential of the Office
9 to leverage existing or planned commercial capabili-
10 ties.

11 (5) A review of the necessary workforce special-
12 ties and acquisition authorities of the Office.

13 (6) A review of the funding profile of the Of-
14 fice.

15 (7) A review of the organizational placement
16 and reporting structure of the Office.

17 (c) REPORT.—Not later than 180 days after the date
18 of the enactment of this Act, the Secretary shall submit
19 to the congressional defense committees a report con-
20 taining the review under subsection (a), including any rec-
21 ommendations for legislative actions based on such review.

22 **SEC. 1618. BACKUP AND COMPLEMENTARY POSITIONING,**
23 **NAVIGATION, AND TIMING CAPABILITIES OF**
24 **GLOBAL POSITIONING SYSTEM.**

25 (a) STUDY.—

1 (1) IN GENERAL.—The covered Secretaries
2 shall jointly conduct a study to assess and identify
3 the technology-neutral requirements to backup and
4 complement the positioning, navigation, and timing
5 capabilities of the Global Positioning System for na-
6 tional security and critical infrastructure.

7 (2) REPORT.—Not later than one year after the
8 date of the enactment of this Act, the covered Secre-
9 taries shall submit to the appropriate congressional
10 committees a report on the study under paragraph
11 (1). Such report shall include—

12 (A) with respect to the Department of each
13 covered Secretary, the identification of the re-
14 spective requirements to backup and com-
15 plement the positioning, navigation, and timing
16 capabilities of the Global Positioning System for
17 national security and critical infrastructure;

18 (B) an analysis of alternatives to meet
19 such requirements, including, at a minimum—

20 (i) an analysis of appropriate tech-
21 nology options;

22 (ii) an analysis of the viability of a
23 public-private partnership to establish a
24 complementary positioning, navigation, and
25 timing system; and

1 (iii) an analysis of the viability of
2 service level agreements to operate a com-
3plementary positioning, navigation, and
4 timing system; and

5 (C) a plan to meet such requirements that
6 includes—

7 (i) for each such Department, the es-
8timated costs, schedule, and system level
9 technical considerations, including end user
10 equipment and integration considerations;
11 and

12 (ii) identification of the appropriate
13 resourcing for each such Department in
14 accordance with the respective require-
15 ments of the Department, including domes-
16 tic or international requirements.

17 (b) SINGLE DESIGNATED OFFICIAL.—Each covered
18 Secretary shall designate a single senior official of the De-
19 partment of the Secretary to act as the primary represent-
20 ative of such Department for purposes of conducting the
21 study under subsection (a)(1).

22 (c) DEFINITIONS.—In this section:

23 (1) The term “appropriate congressional com-
24 mittees” means—

25 (A) the congressional defense committees;

1 (B) the Committee on Science, Space, and
2 Technology, the Committee on Transportation
3 and Infrastructure, and the Committee on
4 Homeland Security of the House of Representa-
5 tives; and

6 (C) the Committee on Commerce, Science,
7 and Transportation and the Committee on
8 Homeland Security and Governmental Affairs
9 of the Senate.

10 (2) The term “covered Secretaries” means the
11 Secretary of Defense, the Secretary of Transpor-
12 tation, and the Secretary of Homeland Security.

13 **SEC. 1619. REPORT ON USE OF SPACECRAFT ASSETS OF**
14 **THE SPACE-BASED INFRARED SYSTEM WIDE-**
15 **FIELD-OF-VIEW PROGRAM.**

16 (a) REPORT.—Not later than 180 days after the date
17 of the enactment of this Act, the Secretary of Defense,
18 in coordination with the Director of National Intelligence,
19 shall submit to the appropriate congressional committees
20 a report on the advisability and feasibility of using avail-
21 able spacecraft assets of the space-based infrared system
22 wide-field-of-view program to satisfy other mission re-
23 quirements of the Department of Defense or the intel-
24 ligence community.

1 (b) MATTERS COVERED.—The report required by
2 subsection (a) shall include, at a minimum, the following:

3 (1) An evaluation of using the space-based in-
4 frared system wide-field-of-view spacecraft bus for
5 other urgent national security space priorities.

6 (2) An evaluation of the cost and schedule im-
7 pact, if any, to the space-based infrared system
8 wide-field-of-view program if the spacecraft bus is
9 used for another purpose.

10 (c) FORM.—The report required by subsection (a)
11 shall be submitted in unclassified form, but may contain
12 a classified annex if necessary to protect the national secu-
13 rity interests of the United States.

14 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
15 DEFINED.—In this section, the term “appropriate con-
16 gressional committees” means—

17 (1) the congressional defense committees; and

18 (2) the Permanent Select Committee on Intel-
19 ligence of the House of Representatives and the Se-
20 lect Committee on Intelligence of the Senate.

21 **SEC. 1620. PROVISION OF CERTAIN INFORMATION TO GOV-**
22 **ERNMENT ACCOUNTABILITY OFFICE BY NA-**
23 **TIONAL RECONNAISSANCE OFFICE.**

24 (a) IN GENERAL.—The Director of the National Re-
25 connaissance Office shall provide to the Comptroller Gen-

1 eral of the United States, in a timely manner, access to
2 the cost, schedule, and performance information the
3 Comptroller General requires to conduct assessments, as
4 required by any of the appropriate congressional commit-
5 tees, of programs of the National Reconnaissance Office.

6 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
7 DEFINED.—In this section, the term “appropriate con-
8 gressional committees” means—

- 9 (1) the congressional defense committees; and
- 10 (2) the Select Committee on Intelligence of the
11 Senate and the Permanent Select Committee on In-
12 telligence of the House of Representatives.

13 **SEC. 1621. COST-BENEFIT ANALYSIS OF COMMERCIAL USE**
14 **OF EXCESS BALLISTIC MISSILE SOLID ROCK-**
15 **ET MOTORS.**

16 (a) IN GENERAL.—The Comptroller General of the
17 United States shall conduct an analysis of the costs and
18 benefits of allowing the use of solid rocket motors from
19 missiles described in section 50134(e) of title 51, United
20 States Code, for commercial space launch purposes. Such
21 analysis shall include an evaluation of the effect, if any,
22 of allowing such use on national security, the Department
23 of Defense, the solid rocket motor industrial base, the
24 commercial space launch market, and any other areas the
25 Comptroller General considers appropriate.

1 (b) BRIEFINGS.—

2 (1) INTERIM BRIEFING.—Not later than March
3 15, 2017, the Comptroller General shall provide to
4 the appropriate congressional committees an interim
5 briefing on the analysis under subsection (a).

6 (2) FINAL BRIEFING.—Not later than 180 days
7 after the date of the enactment of this Act, the
8 Comptroller General shall provide to the appropriate
9 congressional committees a final briefing on the
10 analysis under subsection (a).

11 (3) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES DEFINED.—In this subsection, the term “ap-
13 propriate congressional committees” means the fol-
14 lowing:

15 (A) The congressional defense committees.

16 (B) The Committee on Commerce, Science,
17 and Transportation of the Senate and the Com-
18 mittee on Science, Space, and Technology of
19 the House of Representatives.

20 **SEC. 1622. INDEPENDENT ASSESSMENT OF GLOBAL POSI-**
21 **TIONING SYSTEM NEXT GENERATION OPER-**
22 **ATIONAL CONTROL SYSTEM.**

23 (a) IN GENERAL.—Not later than 60 days after the
24 date of the enactment of this Act, the Secretary of Defense
25 shall seek to enter into an arrangement with a federally

1 funded research and development center, or other appro-
2 priate independent entity, to assess the acquisition strat-
3 egy of the Air Force for the Global Positioning System
4 Next Generation Operational Control System (in this sec-
5 tion referred to as “OCX”).

6 (b) ELEMENTS.—The assessment required by sub-
7 section (a) shall include the following:

8 (1) An assessment of the ability of the Air
9 Force to complete blocks zero through two of the
10 OCX operating system on a schedule necessary to
11 transition the OCX to full operation.

12 (2) An estimate of the cost of completing blocks
13 zero through two on the schedule described in para-
14 graph (1), taking into account—

15 (A) the rate of software defects;

16 (B) earned value management; and

17 (C) information assurance requirements.

18 (3) An assessment of the ability of the Air
19 Force to implement contingency plans for sustaining
20 the Global Positioning System constellation to miti-
21 gate the effects of delays to the implementation of
22 the OCX and to alleviate challenges with respect to
23 the operations and checkout of the Global Posi-
24 tioning System III satellites.

1 (4) An assessment of any risks to the viability
2 and required availability of the Global Positioning
3 System constellation associated with efforts to com-
4 plete blocks zero through two as described in para-
5 graph (1) or the contingency plans described in
6 paragraph (3).

7 (5) An assessment of whether there are well-de-
8 fined methods for terminating the OCX program
9 (including an analysis of the ability of alternative
10 systems to satisfy the requirements of the Depart-
11 ment of Defense), in the event of the inability of the
12 Air Force to successfully complete blocks zero
13 through two or other requirements for the OCX
14 while ensuring that the Global Positioning System
15 constellation meets requirements for the availability
16 of that System.

17 (6) Any other matters the entity conducting the
18 assessment determines appropriate.

19 (c) SUBMISSION.—Not later than one year after the
20 date of the enactment of this Act, the Secretary shall sub-
21 mit to the congressional defense committees a report on
22 the results of the assessment required by subsection (a).

1 **Subtitle B—Defense Intelligence**
2 **and Intelligence-Related Activities**

3 **SEC. 1631. REPORT ON UNITED STATES CENTRAL COM-**
4 **MAND INTELLIGENCE FUSION CENTER.**

5 (a) REPORT ON PROCEDURES.—Not later than
6 March 1, 2017, the Commander of the United States Cen-
7 tral Command shall submit to the appropriate congres-
8 sional committees a report on the steps taken by the Com-
9 mander to formalize and disseminate procedures for estab-
10 lishing, staffing, and operating the Intelligence Fusion
11 Center of the United States Central Command.

12 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
13 DEFINED.—In this section, the term “appropriate con-
14 gressional committees” means—

- 15 (1) the congressional defense committees; and
16 (2) the Permanent Select Committee on Intel-
17 ligence of the House of Representatives.

18 **SEC. 1632. PROHIBITION ON AVAILABILITY OF FUNDS FOR**
19 **CERTAIN RELOCATION ACTIVITIES FOR NATO**
20 **INTELLIGENCE FUSION CELL.**

21 (a) PROHIBITION.—None of the funds authorized to
22 be appropriated by this Act or otherwise made available
23 for fiscal year 2017 for operation and maintenance may
24 be obligated or expended for the procurement of fit-out
25 supplies and equipment to support the relocation of the

1 NATO Intelligence Fusion Cell from Royal Air Force
2 Molesworth, United Kingdom, to Royal Air Force
3 Croughton, United Kingdom.

4 (b) REPORT.—Not later than 120 days after the date
5 of the enactment of this Act, the Secretary of Defense,
6 in coordination with the Director of National Intelligence,
7 shall submit to the appropriate congressional committees
8 a report on the NATO Intelligence Fusion Cell that out-
9 lines—

10 (1) the current facility and support require-
11 ments and associated costs, including any adjust-
12 ments of such requirements and costs, for the
13 NATO Intelligence Fusion Cell to be located and
14 operationally viable at Royal Air Force Croughton;
15 and

16 (2) the operational requirements of, and costs
17 associated with, any operations of the United States
18 collocated with the NATO Intelligence Fusion Cell.

19 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
20 FINED.—In this section, the term “appropriate congres-
21 sional committees” means—

22 (1) the congressional defense committees; and

23 (2) the Permanent Select Committee on Intel-
24 ligence of the House of Representatives and the Se-
25 lect Committee on Intelligence of the Senate.

1 **SEC. 1633. SURVEY AND REVIEW OF DEFENSE INTEL-**
2 **LIGENCE ENTERPRISE.**

3 (a) SURVEY AND REVIEW.—

4 (1) IN GENERAL.—Not later than 120 days
5 after the date of the enactment of this Act, the
6 Chairman of the Joint Chiefs of Staff shall—

7 (A) review the organization, resources, and
8 processes of the Defense Intelligence Enter-
9 prise, including the defense intelligence agencies
10 and intelligence elements of the combatant com-
11 mands and military departments, to assess the
12 capabilities and capacity of such Enterprise,
13 along with the intelligence community, to meet
14 present and future defense intelligence require-
15 ments; and

16 (B) conduct a survey of each geographic
17 combatant command to assess—

18 (i) the current state of intelligence
19 support to military operations;

20 (ii) the prioritization and allocation of
21 intelligence resources within each combat-
22 ant command; and

23 (iii) whether intelligence resources are
24 balanced between support to theater com-
25 manders and support to operational com-
26 manders.

1 (2) ELEMENTS.—The review and survey re-
2 quired by paragraph (1) shall include the following:

3 (A) A comprehensive assessment of the
4 Defense Intelligence Enterprise and whether
5 such Enterprise—

6 (i) is organized and has resources to
7 meet current and future defense intel-
8 ligence requirements;

9 (ii) is balancing resources appro-
10 priately between operational and strategic
11 defense intelligence requirements;

12 (iii) is responding with sufficient agil-
13 ity to emerging or unexpected require-
14 ments; and

15 (iv) is sufficiently integrated with
16 combatant commands, subordinate com-
17 mands, and joint task forces.

18 (B) With respect to each geographic com-
19 batant command surveyed—

20 (i) information on the total intel-
21 ligence workforce assigned to the combat-
22 ant command, including civilians, military,
23 and contract personnel;

1 (ii) detailed information on the alloca-
2 tion of intelligence resources to meet com-
3 batant commander priorities;

4 (iii) detailed information on the intel-
5 ligence priorities of the commander of the
6 combatant command and intelligence re-
7 sources allocated to each priority; and

8 (iv) detailed information on the intel-
9 ligence resources, including personnel and
10 assets, dedicated to each of the following:

11 (I) Direct support to the combat-
12 ant commander.

13 (II) Contingency planning.

14 (III) Ongoing operations.

15 (IV) Crisis response.

16 (b) REPORT.—

17 (1) SUBMISSION.—Not later than 270 days
18 after the date of the enactment of this Act, the
19 Chairman of the Joint Chiefs of Staff shall submit
20 to the appropriate congressional committees and the
21 Under Secretary of Defense for Intelligence a report
22 on the findings of the Chairman with respect to the
23 review and survey required by subsection (a)(1).

24 (2) CONTENT.—The report required by para-
25 graph (1) shall include—

1 (A) a detailed analysis of how each com-
2 batant command uses the intelligence resources
3 available to such command; and

4 (B) the recommendations of the Chairman,
5 if any, to improve the Defense Intelligence En-
6 terprise to fulfill operational military require-
7 ments.

8 (c) DEFINITIONS.—In this section:

9 (1) The term “appropriate congressional com-
10 mittees” means—

11 (A) the congressional defense committees;
12 and

13 (B) the Permanent Select Committee on
14 Intelligence of the House of Representatives.

15 (2) The term “Defense Intelligence Enterprise”
16 means the organizations, infrastructure, and meas-
17 ures, including policies, processes, procedures, and
18 products, of the intelligence, counterintelligence, and
19 security components of each of the following:

20 (A) The Department of Defense.

21 (B) The Joint Staff.

22 (C) The combatant commands.

23 (D) The military departments.

24 (E) Other elements of the Department of
25 Defense that perform national intelligence, de-

1 fense intelligence, intelligence-related, counter-
2 intelligence, or security functions.

3 **Subtitle C—Cyberspace-Related**
4 **Matters**

5 **SEC. 1641. SPECIAL EMERGENCY PROCUREMENT AUTHOR-**
6 **ITY TO FACILITATE THE DEFENSE AGAINST**
7 **OR RECOVERY FROM A CYBER ATTACK.**

8 Section 1903(a)(2) of title 41, United States Code,
9 is amended by inserting “cyber,” before “nuclear,”.

10 **SEC. 1642. LIMITATION ON TERMINATION OF DUAL-HAT AR-**
11 **RANGEMENT FOR COMMANDER OF THE**
12 **UNITED STATES CYBER COMMAND.**

13 (a) LIMITATION ON TERMINATION OF DUAL-HAT AR-
14 RANGEMENT.—The Secretary of Defense may not termi-
15 nate the dual-hat arrangement until the date on which the
16 Secretary and the Chairman of the Joint Chiefs of Staff
17 jointly certify to the appropriate committees of Congress
18 that—

19 (1) the Secretary and the Chairman carried out
20 the assessment under subsection (b);

21 (2) each of the conditions described in para-
22 graph (2)(C) of such subsection has been met; and

23 (3) termination of the dual-hat arrangement
24 will not pose risks to the military effectiveness of the
25 United States Cyber Command that are unaccept-

1 able to the national security interests of the United
2 States.

3 (b) ASSESSMENT.—

4 (1) IN GENERAL.—The Secretary and the
5 Chairman shall jointly assess the military and intel-
6 ligence necessity and benefit of the dual-hat arrange-
7 ment.

8 (2) ELEMENTS.—The assessment under para-
9 graph (1) shall include the following elements:

10 (A) An evaluation of the operational de-
11 pendence of the United States Cyber Command
12 on the National Security Agency.

13 (B) An evaluation of the ability of the
14 United States Cyber Command and the Na-
15 tional Security Agency to carry out their re-
16 spective roles and responsibilities independently.

17 (C) A determination of whether the fol-
18 lowing conditions have been met:

19 (i) Robust operational infrastructure
20 has been deployed that is sufficient to meet
21 the unique cyber mission needs of the
22 United States Cyber Command and the
23 National Security Agency, respectively.

24 (ii) Robust command and control sys-
25 tems and processes have been established

1 for planning, deconflicting, and executing
2 military cyber operations.

3 (iii) The tools and weapons used in
4 cyber operations are sufficient for achiev-
5 ing required effects.

6 (iv) Capabilities have been established
7 to enable intelligence collection and oper-
8 ational preparation of the environment for
9 cyber operations.

10 (v) Capabilities have been established
11 to train cyber operations personnel, test
12 cyber capabilities, and rehearse cyber mis-
13 sions.

14 (vi) The cyber mission force has
15 achieved full operational capability.

16 (c) DEFINITIONS.—In this section:

17 (1) APPROPRIATE COMMITTEES OF CON-
18 GRESS.—The term “appropriate committees of Con-
19 gress” means—

20 (A) the Committee on Armed Services, the
21 Committee on Appropriations, and the Select
22 Committee on Intelligence of the Senate; and

23 (B) the Committee on Armed Services, the
24 Committee on Appropriations, and the Perma-

1 nent Select Committee on Intelligence of the
2 House of Representatives.

3 (2) DUAL-HAT ARRANGEMENT.—The term
4 “dual-hat arrangement” means the arrangement
5 under which the Commander of the United States
6 Cyber Command also serves as the Director of the
7 National Security Agency.

8 **SEC. 1643. CYBER MISSION FORCES MATTERS.**

9 (a) ACTIONS PENDING FULL IMPLEMENTATION OF
10 PLAN FOR CYBER MISSION FORCE POSITIONS.—Until the
11 Secretary of Defense completes implementation of the au-
12 thority in subsection (a) of section 1599f of title 10,
13 United States Code, for United States Cyber Command
14 workforce positions in accordance with the implementation
15 plan required by subsection (d) of such section, the Sec-
16 retary shall do each of the following:

17 (1) Notwithstanding sections 3309 through
18 3318 of title 5, United States Code, provide for and
19 implement an interagency transfer agreement be-
20 tween excepted service position systems and competi-
21 tive service position systems in military departments
22 and Defense Agencies concerned to satisfy the re-
23 quirements for cyber workforce positions from
24 among a mix of employees in the excepted service

1 and the competitive service in such military depart-
2 ments and Defense Agencies.

3 (2) Implement in the defense civilian cyber per-
4 sonnel system a classification system commonly
5 known as a “Rank-in-person” classification system
6 similar to such classification system used by the Na-
7 tional Security Agency as of the date of the enact-
8 ment of this Act.

9 (3) Approve direct hiring authority for cyber
10 workforce positions up to the GG or GS-15 level in
11 accordance with the criteria in section 3304 of title
12 5, United States Code.

13 (4) Notwithstanding section 5333 of title 5,
14 United States Code, authorize officials conducting
15 hiring in the competitive service for cyber workforce
16 positions to set starting salaries at up to a step-five
17 level with no justification and at up to a step-ten
18 level with justification that meets published guide-
19 lines applicable to the excepted service.

20 (b) OTHER MATTERS.—The Principal Cyber Advisor,
21 acting through the cross-functional team established by
22 section 932(c)(3) of the National Defense Authorization
23 Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C.
24 2224 note) and in consultation with the Commander of
25 the United States Cyber Command, shall supervise—

1 (1) the development of training standards for
2 computer network operations tool developers for
3 military, civilian, and contractor personnel sup-
4 porting the cyber mission forces;

5 (2) the rapid enhancement of capacity to train
6 personnel to those standards to meet the needs of
7 the cyber mission forces for tool development; and

8 (3) actions necessary to ensure timely comple-
9 tion of personnel security investigations and adju-
10 dications of security clearances for tool development
11 personnel.

12 **SEC. 1644. REQUIREMENT TO ENTER INTO AGREEMENTS**
13 **RELATING TO USE OF CYBER OPPOSITION**
14 **FORCES.**

15 (a) **REQUIREMENT FOR AGREEMENTS.**—Not later
16 than September 30, 2017, the Secretary of Defense shall
17 ensure that each commander of a combatant command es-
18 tablishes appropriate agreements with the Secretary relat-
19 ing to the use of cyber opposition forces. Each agreement
20 shall require the command—

21 (1) to support a high state of mission readiness
22 in the command through the use of one or more
23 cyber opposition forces in continuous exercises and
24 other training activities as considered appropriate by
25 the commander of the command; and

1 (2) in conducting such exercises and training
2 activities, meet the standard required under sub-
3 section (b).

4 (b) JOINT STANDARD FOR CYBER OPPOSITION
5 FORCES.—Not later than March 31, 2017, the Secretary
6 of Defense shall issue a joint training and certification
7 standard for use by all cyber opposition forces within the
8 Department of Defense.

9 (c) JOINT STANDARD FOR PROTECTION OF CONTROL
10 SYSTEMS.—Not later than June 30, 2017, the Secretary
11 of Defense shall issue a joint training and certification
12 standard for the protection of control systems for use by
13 all cyber operations forces within the Department of De-
14 fense. Such standard shall—

15 (1) provide for applied training and exercise ca-
16 pabilities; and

17 (2) use expertise and capabilities from other de-
18 partments and agencies of the Federal Government,
19 as appropriate.

20 (d) BRIEFING REQUIRED.—Not later than Sep-
21 tember 30, 2017, the Secretary of Defense shall provide
22 to the Committees on Armed Services of the Senate and
23 the House of Representatives a briefing that includes—

24 (1) a list of each combatant command that has
25 established an agreement under subsection (a);

1 (2) with respect to each such agreement—

2 (A) special conditions in the agreement
3 placed on any cyber opposition force used by
4 the command;

5 (B) the process for making decisions about
6 deconfliction and risk mitigation of cyber oppo-
7 sition force activities in continuous exercises
8 and training;

9 (C) identification of cyber opposition forces
10 trained and certified to operate at the joint
11 standard, as issued under subsection (b);

12 (D) identification of the annual exercises
13 that will include participation of the cyber oppo-
14 sition forces; and

15 (E) identification of any shortfalls in re-
16 sources that may prevent annual exercises using
17 cyber opposition forces; and

18 (3) any other matters the Secretary of Defense
19 considers appropriate.

20 **SEC. 1645. CYBER PROTECTION SUPPORT FOR DEPART-**
21 **MENT OF DEFENSE PERSONNEL IN POSI-**
22 **TIONS HIGHLY VULNERABLE TO CYBER AT-**
23 **TACK.**

24 (a) **AUTHORITY TO PROVIDE CYBER PROTECTION**
25 **SUPPORT.—**

1 (1) IN GENERAL.—Subject to a determination
2 by the Secretary of Defense, the Secretary may pro-
3 vide cyber protection support for the personal tech-
4 nology devices of the personnel described in para-
5 graph (2).

6 (2) AT-RISK PERSONNEL.—The personnel de-
7 scribed in this paragraph are personnel of the De-
8 partment of Defense—

9 (A) who the Secretary determines to be
10 highly vulnerable to cyber attacks and hostile
11 information collection activities because of the
12 positions occupied by such personnel in the De-
13 partment; and

14 (B) whose personal technology devices are
15 highly vulnerable to cyber attacks and hostile
16 information collection activities.

17 (b) NATURE OF CYBER PROTECTION SUPPORT.—
18 Subject to the availability of resources, the cyber protec-
19 tion support provided to personnel under subsection (a)
20 may include training, advice, assistance, and other services
21 relating to cyber attacks and hostile information collection
22 activities.

23 (c) LIMITATION ON SUPPORT.—Nothing in this sec-
24 tion shall be construed—

1 (1) to encourage personnel of the Department
2 of Defense to use personal technology devices for of-
3 ficial business; or

4 (2) to authorize cyber protection support for
5 senior Department personnel using personal devices
6 and networks in an official capacity.

7 (d) REPORT.—Not later than 180 days after the date
8 of the enactment of this Act, the Secretary shall submit
9 to the Committees on Armed Services of the Senate and
10 the House of Representatives a report on the provision
11 of cyber protection support under subsection (a). The re-
12 port shall include—

13 (1) a description of the methodology used to
14 make the determination under subsection (a)(2); and

15 (2) guidance for the use of cyber protection
16 support and tracking of support requests for per-
17 sonnel receiving cyber protection support under sub-
18 section (a).

19 (e) PERSONAL TECHNOLOGY DEVICES DEFINED.—
20 In this section, the term “personal technology devices”
21 means technology devices used by Department of Defense
22 personnel outside of the scope of their employment with
23 the Department and includes networks to which such de-
24 vices connect.

1 **SEC. 1646. LIMITATION ON FULL DEPLOYMENT OF JOINT**
2 **REGIONAL SECURITY STACKS.**

3 (a) **LIMITATION.**—The Secretary of a military de-
4 partment or the head of a Defense Agency may not declare
5 that such department or Defense Agency has achieved full
6 operational capability for the deployment of joint regional
7 security stacks until the date on which—

8 (1) the department or Defense Agency con-
9 cerned completes operational test and evaluation ac-
10 tivities to determine the effectiveness, suitability,
11 and survivability of the joint regional security stacks
12 system of such department or Defense Agency; and

13 (2) written certification that such testing and
14 evaluation activities have been completed is provided
15 to the Secretary of such department or the head of
16 such Defense Agency by the appropriate operational
17 test and evaluation organization of such department
18 or Defense Agency.

19 (b) **WAIVER.**—

20 (1) **IN GENERAL.**—The Secretary of a military
21 department or the head of a Defense Agency may
22 waive the requirements of subsection (a) if a certifi-
23 cation described in paragraph (2) is provided to the
24 Secretary of Defense, and signed by—

1 (A) the Secretary of the military depart-
2 ment or the head of the Defense Agency con-
3 cerned;

4 (B) the Director of Operational Test and
5 Evaluation for the Department of Defense; and

6 (C) the Chief Information Officer of the
7 Department of Defense.

8 (2) CERTIFICATION.—A certification described
9 in this subsection is a written certification that—

10 (A) the testing and evaluation activities re-
11 quired under subsection (a) are unnecessary,
12 accompanied by an explanation of the reasons
13 such activities are unnecessary;

14 (B) the effectiveness, suitability, and sur-
15 vivability of the joint regional security stacks
16 system of the military department or Defense
17 Agency concerned has been demonstrated by
18 methods other than the testing and evaluation
19 activities required under subsection (a), accom-
20 panied by supporting data; or

21 (C) national security needs justify full de-
22 ployment of the joint regional security stacks
23 system of the military department or Defense
24 Agency concerned before the test and evaluation
25 activities required under subsection (a) can be

1 completed, accompanied by an explanation of
2 such justification and a risk management plan.

3 **SEC. 1647. ADVISORY COMMITTEE ON INDUSTRIAL SECUR-**
4 **RITY AND INDUSTRIAL BASE POLICY.**

5 (a) ADVISORY COMMITTEE.—Not later than April 30,
6 2017, the Secretary of Defense shall establish an advisory
7 committee (referred to in this section as the “Committee”)
8 to review, assess, and make recommendations with respect
9 to industrial security and industrial base policy.

10 (b) DUTIES.—The Committee shall—

11 (1) review and assess—

12 (A) the national industrial security pro-
13 gram for cleared facilities and the protection of
14 the information and networking systems of
15 cleared defense contractors;

16 (B) policies and practices relating to phys-
17 ical security and installation access at installa-
18 tions of the Department of Defense;

19 (C) information security and cyber defense
20 policies, practices, and reporting relating to the
21 unclassified information and networking sys-
22 tems of defense contractors;

23 (D) policies, practices, regulations, and re-
24 porting relating to industrial base issues; and

1 (E) any other matters the Secretary deter-
2 mines to be appropriate; and

3 (2) make recommendations to the Secretary
4 based on such review and assessment.

5 (c) MEMBERS.—The Committee shall be composed of
6 10 members appointed by the Secretary of Defense of
7 which five members shall be representatives of non-govern-
8 mental entities and five members shall be representatives
9 of departments or agencies of the Federal Government.

10 (d) MEETINGS.—The Committee shall meet not less
11 often than once annually until the date on which the Com-
12 mittee terminates under subsection (e).

13 (e) TERMINATION.—The Committee shall terminate
14 on September 30, 2022.

15 **SEC. 1648. CHANGE IN NAME OF NATIONAL DEFENSE UNI-**
16 **VERSITY'S INFORMATION RESOURCES MAN-**
17 **AGEMENT COLLEGE TO COLLEGE OF INFOR-**
18 **MATION AND CYBERSPACE.**

19 (a) IN GENERAL.—Section 2165(b)(5) of title 10,
20 United States Code, is amended by striking “Information
21 Resources Management College” and inserting “College of
22 Information and Cyberspace”.

23 (b) REFERENCES.—Any reference in any law, regula-
24 tion, document, record, or other paper of the United
25 States to the Information Resources Management College

1 shall be considered to be a reference to the College of In-
2 formation and Cyberspace.

3 **SEC. 1649. EVALUATION OF CYBER VULNERABILITIES OF F-**
4 **35 AIRCRAFT AND SUPPORT SYSTEMS.**

5 (a) EVALUATION AND REPORT.—

6 (1) EVALUATION.—Not later than 120 days
7 after the date of the enactment of this Act, the Sec-
8 retary of Defense shall complete an evaluation of the
9 cyber vulnerabilities of the F-35 aircraft and the
10 support systems of the aircraft under section
11 1647(a)(1) of the National Defense Authorization
12 Act for Fiscal Year 2016 (Public Law 114-92; 129
13 Stat. 1118).

14 (2) REPORT.—Not later than 180 days after
15 the date of the enactment of this Act, the Secretary
16 shall submit to the congressional defense committees
17 a report on the evaluation completed under para-
18 graph (1) that includes—

19 (A) the findings of the Secretary with re-
20 spect to the evaluation;

21 (B) identification of any major information
22 assurance deficiencies relating to the F-35 air-
23 craft or the support systems of the aircraft (in-
24 cluding the autonomic logistics information sys-
25 tem); and

1 (C) a cyber vulnerability mitigation strat-
2 egy for F-35 aircraft and the support systems
3 of the aircraft.

4 (3) WAIVER PROHIBITED.—Notwithstanding
5 section 1647(a)(2) of the National Defense Author-
6 ization Act for Fiscal Year 2016 (Public Law 114-
7 92; 129 Stat. 1118), the Secretary may not waive
8 the requirements of paragraphs (1) and (2).

9 (b) TOOLS AND SOLUTIONS FOR ASSESSING AND
10 MITIGATING CYBER VULNERABILITIES.—Section 1647 of
11 the National Defense Authorization Act for Fiscal Year
12 2016 (Public Law 114-92; 129 Stat. 1118) is amended—

13 (1) by redesignating subsections (d) and (e) as
14 subsections (e) and (f), respectively; and

15 (2) by inserting after subsection (c) the fol-
16 lowing new subsection:

17 “(d) TOOLS AND SOLUTIONS FOR ASSESSING AND
18 MITIGATING CYBER VULNERABILITIES.—In addition to
19 carrying out the evaluation of cyber vulnerabilities of
20 major weapon systems of the Department under this sec-
21 tion, the Secretary may—

22 “(1) develop tools to improve the detection and
23 evaluation of cyber vulnerabilities;

1 “(2) conduct non-recurring engineering for the
2 design of solutions to mitigate cyber vulnerabilities;
3 and

4 “(3) establish Department-wide information re-
5 positories to share findings relating to the evaluation
6 and mitigation of cyber vulnerabilities.”.

7 **SEC. 1650. EVALUATION OF CYBER VULNERABILITIES OF**
8 **DEPARTMENT OF DEFENSE CRITICAL INFRA-**
9 **STRUCTURE.**

10 (a) PLAN FOR EVALUATION.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date of the enactment of this Act, the Sec-
13 retary shall submit to the congressional defense com-
14 mittees a plan for the evaluation of the cyber
15 vulnerabilities of the critical infrastructure of the
16 Department of Defense.

17 (2) ELEMENTS.—The plan under paragraph (1)
18 shall include—

19 (A) an identification of each of the military
20 installations to be evaluated; and

21 (B) an estimate of the cost of the evalua-
22 tion.

23 (3) PRIORITY IN EVALUATION.—The plan under
24 paragraph (1) shall prioritize the evaluation of mili-
25 tary installations based on the criticality of the in-

1 frastructure supporting such installations, as deter-
2 mined by the Chairman of the Joint Chiefs of Staff
3 based on an assessment of—

4 (A) the Armed Forces stationed at such
5 military installations; and

6 (B) threats to such military installations.

7 (4) INTEGRATION WITH OTHER EFFORTS.—The
8 plan under paragraph (1) shall build upon other ef-
9 forts of Department of Defense relating to the iden-
10 tification and mitigation of cyber vulnerabilities of
11 major weapon systems and critical infrastructure of
12 the Department and shall not duplicate such efforts.

13 (b) PILOT PROGRAM.—

14 (1) IN GENERAL.—Not later than 30 days after
15 the date on which the Secretary submits the plan
16 under subsection (a), the Secretary, acting through
17 a covered research laboratory, shall initiate a pilot
18 program under which the Secretary shall assess the
19 feasibility and advisability of applying new, innova-
20 tive methodologies or engineering approaches—

21 (A) to improve the defense of control sys-
22 tems against cyber attacks;

23 (B) to increase the resilience of military in-
24 stallations against cybersecurity threats;

1 (C) to prevent or mitigate the potential for
2 high-consequence cyber attacks; and

3 (D) to inform future requirements for the
4 development of such control systems.

5 (2) LOCATIONS.—The Secretary shall carry out
6 the pilot program under paragraph (1) at not fewer
7 than two military installations selected by the Sec-
8 retary from among military installations that sup-
9 port the most critical mission-essential functions of
10 the Department of Defense as identified in the plan
11 under subsection (a).

12 (3) TOOLS.—In carrying out the pilot program
13 under paragraph (1), the Secretary may use tools
14 and solutions developed under subsection (e).

15 (4) REPORT.—Not later than December 31,
16 2019, the Secretary shall submit to the congres-
17 sional defense committees a final report on the pilot
18 program that includes—

19 (A) a description of the activities carried
20 out under the pilot program at each military in-
21 stallation concerned;

22 (B) an assessment of the value of the
23 methodologies or tools applied during the pilot
24 program in increasing the resilience of military
25 installations against cybersecurity threats;

1 (C) recommendations for administrative or
2 legislative actions to improve the ability of the
3 Department to employ methodologies and tools
4 for reducing cyber vulnerabilities in other activi-
5 ties of the Department of Defense; and

6 (D) recommendations for including such
7 methodologies or tools as requirements for rel-
8 evant activities, including technical require-
9 ments for systems or military construction
10 projects.

11 (5) TERMINATION.—The authority of the Sec-
12 retary to carry out the pilot program under this sub-
13 section shall terminate on September 30, 2019.

14 (c) EVALUATION.—

15 (1) IN GENERAL.—Not later than December 31,
16 2020, the Secretary shall complete an evaluation of
17 the cyber vulnerabilities of the critical infrastructure
18 of the Department of Defense in accordance with
19 the plan under subsection (a).

20 (2) RISK MITIGATION STRATEGIES.—The Sec-
21 retary shall develop strategies for mitigating the
22 risks of cyber vulnerabilities identified in the course
23 of the evaluation under paragraph (1).

24 (d) STATUS ON PROGRESS.—The Secretary shall in-
25 clude in each quarterly cyber operations briefing sub-

1 mitted to Congress under section 484 of title 10, United
2 States Code, a summary of any activities carried out as
3 part of—

- 4 (1) the pilot program under subsection (b); or
- 5 (2) the evaluation under subsection (c).

6 (e) TOOLS AND SOLUTIONS.—The Secretary may—

- 7 (1) develop tools that improve assessments of
8 cyber vulnerabilities of Department of Defense crit-
9 ical infrastructure;
- 10 (2) conduct non-recurring engineering for the
11 design of mitigation solutions for such
12 vulnerabilities; and
- 13 (3) establish Department-wide information re-
14 positories to share findings relating to such assess-
15 ments and to share such mitigation solutions.

16 (f) DEFINITIONS.—In this section:

- 17 (1) CRITICAL INFRASTRUCTURE OF THE DE-
18 PARTMENT OF DEFENSE.—The term “critical infra-
19 structure of the Department of Defense” means any
20 asset of the Department of Defense of such extraor-
21 dinary importance to the functioning of the Depart-
22 ment and the operation of the Armed Forces that
23 the incapacitation or destruction of such asset by a
24 cyber attack would have a debilitating effect on the
25 ability of the Department to fulfill its missions.

1 (2) COVERED RESEARCH LABORATORY.—The
2 term “covered research laboratory” means—

3 (A) a research laboratory of the Depart-
4 ment of Defense; or

5 (B) a research laboratory of the Depart-
6 ment of Energy approved by the Secretary of
7 Energy to carry out the pilot program under
8 subsection (b).

9 **SEC. 1651. STRATEGY TO INCORPORATE ARMY RESERVE**
10 **COMPONENT CYBER PROTECTION TEAMS**
11 **INTO DEPARTMENT OF DEFENSE CYBER MIS-**
12 **SION FORCE.**

13 (a) STRATEGY REQUIRED.—Not later than 180 days
14 after the date of the enactment of this Act, the Secretary
15 of the Army shall provide to the Committees on Armed
16 Services of the Senate and the House of Representatives
17 a briefing on a strategy for incorporating reserve compo-
18 nent cyber protection teams into the cyber mission force
19 of the Department of Defense.

20 (b) ELEMENTS OF STRATEGY.—The strategy re-
21 quired by subsection (a) shall include, at minimum, the
22 following:

23 (1) A timeline for incorporating reserve compo-
24 nent cyber protection teams into the cyber mission

1 force of the Department of Defense, including a
2 timeline for the appropriate training of such teams.

3 (2) Identification of the specific reserve compo-
4 nent cyber protection teams to be incorporated into
5 the cyber mission force of the Department of De-
6 fense.

7 (3) An assessment of how the incorporation of
8 reserve component cyber protection teams into the
9 cyber mission force of the Department of Defense
10 might be used to enhance readiness through im-
11 proved individual and collective training capabilities.

12 (4) A status report on the progress of the Army
13 in issuing additional guidance that clarifies how re-
14 serve component cyber protection teams of the Army
15 National Guard can support State and civil oper-
16 ations in National Guard status under title 32,
17 United States Code.

18 (5) Other matters as considered appropriate by
19 the Secretary of the Army.

20 (c) RESERVE COMPONENT CYBER PROTECTION
21 TEAMS DEFINED.—In this section, the term “reserve
22 component cyber protection teams” means cyber protec-
23 tion teams of—

24 (1) the Army National Guard; and

25 (2) the other reserve components of the Army.

1 **SEC. 1652. STRATEGIC PLAN FOR THE DEFENSE INFORMA-**
2 **TION SYSTEMS AGENCY.**

3 (a) STRATEGIC PLAN REQUIRED.—Not later than
4 180 days after the date of the enactment of this Act and
5 not less often than once every 2 fiscal years thereafter
6 until September 30, 2022, the Director of the Defense In-
7 formation Systems Agency, in consultation with the Under
8 Secretary of Defense for Acquisition, Technology, and Lo-
9 gistics and the Chief Information Officer of the Depart-
10 ment of Defense, shall develop or update, as appropriate,
11 a strategic plan for the Agency that includes—

12 (1) a comprehensive review of the requirements
13 and mission of the Agency with respect to research,
14 development, test, and evaluation; and

15 (2) an assessment of the adequacy of the activi-
16 ties, facilities, workforce, and resources of the Agen-
17 cy in meeting such requirements and fulfilling such
18 mission.

19 (b) COVERED PERIOD.—Each strategic plan under
20 subsection (a) shall cover the period of five fiscal years
21 beginning with the fiscal year in which the plan is devel-
22 oped or updated.

23 (c) ELEMENTS.—Each strategic plan under sub-
24 section (a) shall include the following elements:

25 (1) A statement of the mission of the Defense
26 Information Systems Agency that—

1 (A) addresses the critical operations and
2 functions carried out by the Agency; and

3 (B) includes an assessment of projected
4 changes to such operations and functions for
5 the period covered by the plan.

6 (2) An assessment of the personnel, facilities,
7 and research, development, test, and evaluation re-
8 quirements of the Department of Defense that are
9 needed to support the operations of the Agency for
10 the period covered by the plan.

11 (3) An identification of performance metrics for
12 measuring the successful achievement of objectives
13 for the period covered by the plan.

14 (4) An assessment of the programs and plans
15 of the Agency with respect to research, development,
16 test, and evaluation, including the projected re-
17 sources, personnel, and supporting infrastructure
18 needed to carry out such programs and plans.

19 (5) An assessment of the facilities and re-
20 sources of the Agency that are used for research, de-
21 velopment, test, and evaluation activities.

22 (6) A description of the plans and business case
23 analyses supporting any significant modifications to
24 the facilities, workforce, and resources of the Agency
25 (including any modifications involving the expansion,

1 divestment, consolidation, or curtailment of activi-
2 ties) that are proposed, projected, or recommended
3 by the Director.

4 (7) Any other matters determined to be appro-
5 priate by the Director.

6 **SEC. 1653. PLAN FOR INFORMATION SECURITY CONTIN-**
7 **UOUS MONITORING CAPABILITY AND COM-**
8 **PLY-TO-CONNECT POLICY; LIMITATION ON**
9 **SOFTWARE LICENSING.**

10 (a) INFORMATION SECURITY MONITORING PLAN AND
11 POLICY.—

12 (1) PLAN AND POLICY.—The Chief Information
13 Officer of the Department of Defense and the Com-
14 mander of the United States Cyber Command shall
15 jointly develop—

16 (A) a plan for a modernized, Department-
17 wide automated information security continuous
18 monitoring capability that includes—

19 (i) a proposed information security ar-
20 chitecture for the capability;

21 (ii) a concept of operations for the ca-
22 pability; and

23 (iii) requirements with respect to the
24 functionality and interoperability of the
25 tools, sensors, systems, processes, and

1 other components of the continuous moni-
2 toring capability; and

3 (B) a comply-to-connect policy that re-
4 quires systems to automatically comply with the
5 configurations of the networks of the Depart-
6 ment as a condition of connecting to such net-
7 works.

8 (2) CONSULTATION.—In developing the plan
9 and policy under paragraph (1), the Chief Informa-
10 tion Officer and the Commander shall consult with
11 the Principal Cyber Advisor to the Secretary of De-
12 fense.

13 (3) IMPLEMENTATION.—The Chief Information
14 Officer and the Commander shall each issue such di-
15 rectives as they each consider appropriate to ensure
16 compliance with the plan and policy developed under
17 paragraph (1).

18 (4) INCLUSION IN BUDGET MATERIALS.—The
19 Secretary of Defense shall include funding and pro-
20 gram plans relating to the plan and policy under
21 paragraph (1) in the budget materials submitted by
22 the Secretary in support of the budget of the Presi-
23 dent for fiscal year 2019 (as submitted to Congress
24 under section 1105(a) of title 31, United States
25 Code).

1 (5) INTEGRATION WITH OTHER CAPABILI-
2 TIES.—The Chief Information Officer and the Com-
3 mander shall ensure that information generated
4 through automated and automation-assisted proc-
5 esses for continuous monitoring, asset management,
6 and comply-to-connect policies and processes shall be
7 accessible and usable in machine-readable form to
8 appropriate cyber protection teams and computer
9 network defense service providers.

10 (6) SOFTWARE LICENSE COMPLIANCE MAT-
11 TERS.—The plan and policy required by paragraph
12 (1) shall comply with the software license inventory
13 requirements of the plan issued pursuant to section
14 937 of the National Defense Authorization Act for
15 Fiscal Year 2013 (Public Law 112–239; 10 U.S.C.
16 2223 note) and updated pursuant to section 935 of
17 the National Defense Authorization Act for Fiscal
18 Year 2014 (Public Law 113–66; 10 U.S.C. 2223
19 note).

20 (b) LIMITATION ON FUTURE SOFTWARE LICENS-
21 ING.—

22 (1) IN GENERAL.—Subject to paragraph (2),
23 none of the funds authorized to be appropriated by
24 this Act or otherwise made available for fiscal year
25 2017 or any fiscal year thereafter for the Depart-

1 ment of Defense may be obligated or expended on a
2 contract for a software license with a cost of more
3 than \$5,000,000 in a fiscal year unless the Depart-
4 ment is able, through automated means—

5 (A) to count the number of such licenses
6 in use; and

7 (B) to determine the security status of
8 each instance of use of the software licensed.

9 (2) **EFFECTIVE DATE.**—Paragraph (1) shall
10 apply—

11 (A) beginning on January 1, 2018, with
12 respect to any contract entered into by the Sec-
13 retary of Defense on or after such date for the
14 licensing of software; and

15 (B) beginning on January 1, 2020, with
16 respect to any contract entered into by the Sec-
17 retary for the licensing of software that was in
18 effect on December 31, 2017.

19 **SEC. 1654. REPORTS ON DETERRENCE OF ADVERSARIES IN**
20 **CYBERSPACE.**

21 (a) **REPORT OF THE SECRETARY OF DEFENSE.**—

22 (1) **IN GENERAL.**—Not later than 180 days
23 after the date of the enactment of this Act, the Sec-
24 retary of Defense, in consultation with the Chairman
25 of the Joint Chiefs of Staff, shall submit to the

1 President and the congressional defense committees
2 a report on the military and nonmilitary options
3 available to the United States for deterring and re-
4 sponding to imminent threats in cyberspace and ma-
5 licious cyber activities carried out against the United
6 States by foreign governments and terrorist organi-
7 zations.

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

10 (A) A description of the military and non-
11 military options described in paragraph (1), in-
12 cluding citations to relevant provisions of law,
13 regulation, or directives or other policy docu-
14 ments of the Federal Government.

15 (B) Descriptions of relevant authorities,
16 rules of engagement, command and control
17 structures, and response plans relating to such
18 options, including—

19 (i) authorities that have been dele-
20 gated by the President to the Secretary of
21 Defense for the conduct of cyber oper-
22 ations;

23 (ii) operational authorities delegated
24 by the Secretary to the Commander of the

1 United States Cyber Command for military
2 cyber operations;

3 (iii) identification of how the law of
4 war applies to cyber operations of the De-
5 partment of Defense;

6 (iv) an assessment of the effectiveness
7 of each such option; and

8 (v) an integrated priorities list for
9 cyber deterrence capabilities of the Depart-
10 ment of Defense that identifies, at a min-
11 imum, high priority capability needs
12 prioritized by armed force, function, risk
13 areas, and long-term strategic planning
14 issues.

15 (b) REPORT OF THE PRESIDENT.—

16 (1) IN GENERAL.—Not later than 180 days
17 after the date on which the Secretary of Defense
18 submits the report under subsection (a), the Presi-
19 dent shall submit to the congressional defense com-
20 mittees a report describing the types of actions car-
21 ried out in cyberspace against the United States
22 that may warrant a military response.

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

1 (A) Discussion of the types of actions car-
2 ried out in cyberspace that may warrant a mili-
3 tary response or operation.

4 (B) A description of the role of the mili-
5 tary in responding to acts of aggression in
6 cyberspace against the United States.

7 (C) A description of the circumstances re-
8 quired for a military response to a cyber attack
9 against the United States.

10 (D) A plan for articulating a declaratory
11 policy on the use of cyber weapons by the
12 United States.

13 **SEC. 1655. SENSE OF CONGRESS ON CYBER RESILIENCY OF**
14 **THE NETWORKS AND COMMUNICATIONS SYS-**
15 **TEMS OF THE NATIONAL GUARD.**

16 It is the sense of Congress that, to the greatest extent
17 practicable, the National Guard should continuously seek
18 ways to improve, expand, and provide resources for its
19 communications and networking systems to enhance the
20 performance and resilience of such systems in the face of
21 cyber attacks, disruptions, and other threats.

1 **Subtitle D—Nuclear Forces**

2 **SEC. 1661. IMPROVEMENTS TO COUNCIL ON OVERSIGHT OF**
3 **NATIONAL LEADERSHIP COMMAND, CON-**
4 **TROL, AND COMMUNICATIONS SYSTEM.**

5 (a) RESPONSIBILITIES.—Subsection (d) of section
6 171a of title 10, United States Code, is amended—

7 (1) in paragraph (1), by inserting before the pe-
8 riod the following: “, and including with respect to
9 the integrated tactical warning and attack assess-
10 ment systems, processes, and enablers, and con-
11 tinuity of the governmental functions of the Depart-
12 ment of Defense”; and

13 (2) in paragraph (2)(C), by inserting before the
14 period the following: “(including space system archi-
15 tectures and associated user terminals and ground
16 segments)”.

17 (b) ENSURING CAPABILITIES.—Such section is fur-
18 ther amended—

19 (1) by redesignating subsection (i) as subsection
20 (k); and

21 (2) by inserting after subsection (h) the fol-
22 lowing new subsections:

23 “(i) REPORTS ON SPACE ARCHITECTURE DEVELOP-
24 MENT.—(1) Not less than 90 days before each of the dates
25 on which a system described in paragraph (2) achieves

1 Milestone A or Milestone B approval, the Under Secretary
2 of Defense for Acquisitions, Technology, and Logistics
3 shall submit to the congressional defense committees a re-
4 port prepared by the Council detailing the implications of
5 any changes to the architecture of such a system with re-
6 spect to the systems, capabilities, and programs covered
7 under subsection (d).

8 “(2) A system described in this paragraph is any of
9 the following:

10 “(A) Advanced extremely high frequency sat-
11 ellites.

12 “(B) The space-based infrared system.

13 “(C) The integrated tactical warning and attack
14 assessment system and its command and control sys-
15 tem.

16 “(D) The enhanced polar system.

17 “(3) In this subsection, the terms ‘Milestone A ap-
18 proval’ and ‘Milestone B approval’ have the meanings
19 given such terms in section 2366(e) of this title.

20 “(j) NOTIFICATION OF REDUCTION OF CERTAIN
21 WARNING TIME.—(1) None of the funds authorized to be
22 appropriated or otherwise made available to the Depart-
23 ment of Defense for any fiscal year may be used to change
24 any command, control, and communications system de-
25 scribed in subsection (d)(1) in a manner that reduces the

1 warning time provided to the national leadership of the
2 United States with respect to a warning of a strategic mis-
3 sile attack on the United States unless—

4 “(A) the Secretary of Defense notifies the con-
5 gressional defense committees of such proposed
6 change and reduction; and

7 “(B) a period of one year elapses following the
8 date of such notification.

9 “(2) Not later than March 1, 2017, and each year
10 thereafter, the Council shall determine whether the inte-
11 grated tactical warning and attack assessment system and
12 its command and control system have met all warfighter
13 requirements for operational availability, survivability, and
14 durability. If the Council determines that such systems
15 have not met such requirements, the Secretary of Defense
16 and the Chairman of the Joint Chiefs of Staff shall jointly
17 submit to the congressional defense committees—

18 “(A) an explanation for such negative deter-
19 mination;

20 “(B) a description of the mitigations that are in
21 place or being put in place as a result of such nega-
22 tive determination; and

23 “(C) the plan of the Secretary and the Chair-
24 man to ensure that the Council is able to make a
25 positive determination in the following year.”.

1 (c) REPORTING REQUIREMENTS.—Subsection (e) of
2 such section is amended—

3 (1) in the matter preceding paragraph (1), by
4 striking “At the same time” and all that follows
5 through “title 31,” and inserting the following:
6 “During the period preceding January 31, 2021, at
7 the same time each year that the budget of the
8 President is submitted to Congress pursuant to sec-
9 tion 1105(a) of title 31, and from time to time after
10 such period at the discretion of the Council,”; and

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

13 “(6) An assessment of the readiness of the com-
14 mand, control, and communications system for the
15 national leadership of the United States and of each
16 layer of the system, as that layer relates to nuclear
17 command, control, and communications.”.

18 **SEC. 1662. TREATMENT OF CERTAIN SENSITIVE INFORMA-**
19 **TION BY STATE AND LOCAL GOVERNMENTS.**

20 (a) SPECIAL NUCLEAR MATERIAL.—

21 (1) IN GENERAL.—Section 128 of title 10,
22 United States Code, is amended by adding at the
23 end the following new subsection:

24 “(d) Information that the Secretary prohibits to be
25 disseminated pursuant to subsection (a) that is provided

1 to a State or local government shall remain under the con-
2 trol of the Department of Defense, and a State or local
3 law authorizing or requiring a State or local government
4 to disclose such information shall not apply to such infor-
5 mation.”.

6 (2) CONFORMING AMENDMENT.—The heading
7 of such section is amended by striking “**Physical**
8 **protection**” and inserting “**Control and phys-**
9 **ical protection**”.

10 (3) CLERICAL AMENDMENT.—The table of sec-
11 tions at the beginning of chapter 3 of such title is
12 amended by striking the item relating to section 128
13 and inserting the following new item:

“128. Control and physical protection of special nuclear material: limitation on
dissemination of unclassified information.”.

14 (b) CRITICAL INFRASTRUCTURE SECURITY INFORMA-
15 TION.—Section 130e of such title is amended—

16 (1) by transferring subsection (c) to the end of
17 such section and redesignating such subsection, as
18 so transferred, as subsection (f); and

19 (2) by striking subsection (b) and inserting the
20 following new subsections:

21 “(b) DESIGNATION OF DEPARTMENT OF DEFENSE
22 CRITICAL INFRASTRUCTURE SECURITY INFORMATION.—

23 In addition to any other authority or requirement regard-
24 ing protection from dissemination of information, the Sec-

1 retary may designate information as being Department of
2 Defense critical infrastructure security information, in-
3 cluding during the course of creating such information,
4 to ensure that such information is not disseminated with-
5 out authorization. Information so designated is subject to
6 the determination process under subsection (a) to deter-
7 mine whether to exempt such information from disclosure
8 described in such subsection.

9 “(c) INFORMATION PROVIDED TO STATE AND LOCAL
10 GOVERNMENTS.—(1) Department of Defense critical in-
11 frastructure security information covered by a written de-
12 termination under subsection (a) or designated under sub-
13 section (b) that is provided to a State or local government
14 shall remain under the control of the Department of De-
15 fense.

16 “(2)(A) A State or local law authorizing or requiring
17 a State or local government to disclose Department of De-
18 fense critical infrastructure security information that is
19 covered by a written determination under subsection (a)
20 shall not apply to such information.

21 “(B) If a person requests pursuant to a State or local
22 law that a State or local government disclose information
23 that is designated as Department of Defense critical infra-
24 structure security information under subsection (b), the
25 State or local government shall provide the Secretary an

1 opportunity to carry out the determination process under
2 subsection (a) to determine whether to exempt such infor-
3 mation from disclosure pursuant to subparagraph (A).”.

4 **SEC. 1663. PROCUREMENT AUTHORITY FOR CERTAIN**
5 **PARTS OF INTERCONTINENTAL BALLISTIC**
6 **MISSILE FUZES.**

7 (a) AVAILABILITY OF FUNDS.—Notwithstanding sec-
8 tion 1502(a) of title 31, United States Code, of the
9 amount authorized to be appropriated for fiscal year 2017
10 by section 101 and available for Missile Procurement, Air
11 Force, as specified in the funding table in section 4101,
12 \$17,095,000 shall be available for the procurement of cov-
13 ered parts pursuant to contracts entered into under sec-
14 tion 1645(a) of the Carl Levin and Howard P. “Buck”
15 McKeon National Defense Authorization Act for Fiscal
16 Year 2015 (Public Law 113–291; 128 Stat. 3651).

17 (b) COVERED PARTS DEFINED.—In this section, the
18 term “covered parts” means commercially available off-
19 the-shelf items as defined in section 104 of title 41, United
20 States Code.

21 **SEC. 1664. PROHIBITION ON AVAILABILITY OF FUNDS FOR**
22 **MOBILE VARIANT OF GROUND-BASED STRA-**
23 **TEGIC DETERRENT MISSILE.**

24 None of the funds authorized to be appropriated by
25 this Act or otherwise made available for any of fiscal years

1 2017 or 2018 may be obligated or expended to retain the
2 option for, or develop, a mobile variant of the ground-
3 based strategic deterrent missile.

4 **SEC. 1665. LIMITATION ON AVAILABILITY OF FUNDS FOR**
5 **EXTENSION OF NEW START TREATY.**

6 (a) **LIMITATION.**—None of the funds authorized to
7 be appropriated by this Act or otherwise made available
8 for fiscal year 2017 or any other fiscal year for the De-
9 partment of Defense may be obligated or expended to ex-
10 tend the New START Treaty unless—

11 (1) the Chairman of the Joint Chiefs of Staff
12 submits the report under subsection (b);

13 (2) the Director of National Intelligence sub-
14 mits the National Intelligence Estimate under sub-
15 section (c)(2); and

16 (3) a period of 120 days elapses following the
17 submission of both the report and the National In-
18 telligence Estimate.

19 (b) **REPORT.**—The Chairman of the Joint Chiefs of
20 Staff shall submit to the appropriate congressional com-
21 mittees a report detailing the following:

22 (1) The impacts on the nuclear forces and force
23 planning of the United States with respect to a
24 State Party to the New START Treaty developing

1 a capability to conduct a rapid reload of its ballistic
2 missiles.

3 (2) Whether any State Party to the New
4 START Treaty has significantly increased its upload
5 capability with non-deployed nuclear warheads and
6 the degree to which such developments impact crisis
7 stability and the nuclear forces, force planning, use
8 concepts, and deterrent strategy of the United
9 States.

10 (3) The extent to which non-treaty-limited nu-
11 clear or strategic conventional systems pose a threat
12 to the United States or the allies of the United
13 States.

14 (4) The extent to which violations of arms con-
15 trol treaty and agreement obligations pose a risk to
16 the national security of the United States and the
17 allies of the United States, including the perpetua-
18 tion of violations ongoing as of the date of the enact-
19 ment of this Act, as well as potential further viola-
20 tions.

21 (5) The extent to which—

22 (A) the “escalate-to-deescalate” nuclear
23 use doctrine of the Russian Federation is de-
24 terred under the current nuclear force struc-

1 ture, weapons capabilities, and declaratory pol-
2 icy of the United States; and

3 (B) deterring the implementation of such a
4 doctrine has been integrated into the war plans
5 of the United States.

6 (6) The status of the nuclear weapons, nuclear
7 weapons infrastructure, and nuclear command and
8 control modernization activities of the United States,
9 and the impact such status has on plans to—

10 (A) implement the reduction of the nuclear
11 weapons of the United States; or

12 (B) further reduce the numbers and types
13 of such weapons.

14 (7) Whether, and if so, the reasons that, the
15 New START Treaty, and the extension of the treaty
16 as of the date of the report, is in the national secu-
17 rity interests of the United States.

18 (c) NATIONAL INTELLIGENCE ESTIMATE.—

19 (1) PRODUCTION.—The Director of National
20 Intelligence shall produce a National Intelligence Es-
21 timate on the following:

22 (A) The nuclear forces and doctrine of the
23 Russian Federation.

24 (B) The nuclear weapons research and
25 production capability of Russia.

1 (C) The compliance of Russia with respect
2 to arms control obligations (including treaties,
3 agreements, and other obligations).

4 (D) The doctrine of Russia with respect to
5 targeting adversary critical infrastructure and
6 the relationship between such doctrine and
7 other Russian war planning, including, at a
8 minimum, “escalate-to-deescalate” concepts.

9 (2) SUBMISSION.—The Director of National In-
10 telligence shall submit, consistent with the protection
11 of sources and methods, to the appropriate congres-
12 sional committees the National Intelligence Estimate
13 produced under paragraph (1).

14 (d) DEFINITIONS.—In this section:

15 (1) The term “appropriate congressional com-
16 mittees” means—

17 (A) the Committees on Armed Services of
18 the House of Representatives and the Senate;

19 (B) the Committee on Foreign Affairs of
20 the House of Representatives and the Com-
21 mittee on Foreign Relations of the Senate; and

22 (C) the Permanent Select Committee on
23 Intelligence of the House of Representatives
24 and the Select Committee on Intelligence of the
25 Senate.

1 (2) The term “New START Treaty” means the
2 Treaty between the United States of America and
3 the Russian Federation on Measures for the Further
4 Reduction and Limitation of Strategic Offensive
5 Arms, signed on April 8, 2010, and entered into
6 force on February 5, 2011.

7 **SEC. 1666. CERTIFICATIONS REGARDING INTEGRATED TAC-**
8 **TICAL WARNING AND ATTACK ASSESSMENT**
9 **MISSION OF THE AIR FORCE.**

10 (a) ANNUAL CERTIFICATION.—Not later than March
11 31, 2017, and each year thereafter through 2020, the
12 Commander of the United States Strategic Command
13 shall certify to the Secretary of Defense and the congres-
14 sional defense committees that—

15 (1) the Air Force is appropriately organized,
16 staffed, trained, and equipped to carry out the por-
17 tions of the integrated tactical warning and attack
18 assessment mission assigned to the Air Force that
19 are survivable and enduring; and

20 (2) the programs and plans of the Air Force for
21 sustaining, modernizing, training, and exercising ca-
22 pabilities relating to such mission are sufficient to
23 ensure the success of the mission.

24 (b) INABILITY TO CERTIFY.—If the Commander does
25 not make a certification under subsection (a) by March

1 31 of any year in which a certification is required under
2 such subsection, the Secretary of the Air Force shall take
3 immediate actions to consolidate all terrestrial and aerial
4 components of the integrated tactical warning and attack
5 assessment system of the Air Force that are survivable
6 and enduring under the major command of the Air Force
7 commanded by the single general officer that is respon-
8 sible for all aspects of the Air Force nuclear mission, as
9 described by Air Force Program Action Directive D16-
10 01 dated August 2, 2016.

11 (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-
12 tion may be construed to affect any responsibilities and
13 authorities relating to the integrated tactical warning and
14 attack assessment system in effect on the date of the en-
15 actment of this Act pursuant to the Agreement Between
16 the Government of the United States of America and the
17 Government of Canada on the North American Aerospace
18 Defense Command and the terms of reference for the
19 North American Aerospace Defense Command.

20 **SEC. 1667. MATTERS RELATING TO INTERCONTINENTAL**
21 **BALLISTIC MISSILES.**

22 (a) **PROHIBITION.**—

23 (1) **IN GENERAL.**—Except as provided by para-
24 graph (2), none of the funds authorized to be appro-
25 priated by this Act or otherwise made available for

1 fiscal year 2017 for the Department of Defense shall
2 be obligated or expended for—

3 (A) reducing, or preparing to reduce, the
4 responsiveness or alert level of the interconti-
5 nental ballistic missiles of the United States; or

6 (B) reducing, or preparing to reduce, the
7 quantity of deployed intercontinental ballistic
8 missiles of the United States to a number less
9 than 400.

10 (2) EXCEPTION.—The prohibition in paragraph
11 (1) shall not apply to any of the following activities:

12 (A) The maintenance or sustainment of
13 intercontinental ballistic missiles.

14 (B) Ensuring the safety, security, or reli-
15 ability of intercontinental ballistic missiles.

16 (C) Reduction in the number of deployed
17 intercontinental ballistic missiles that are car-
18 ried out in compliance with—

19 (i) the limitations of the New START
20 Treaty (as defined in section 494(a)(2)(D)
21 of title 10, United States Code); and

22 (ii) section 1644 of the Carl Levin an
23 Howard P. “Buck” McKeon National De-
24 fense Authorization Act for Fiscal Year

1 2015 (Public Law 113–291; 128 Stat.
2 3651; 10 U.S.C. 494 note).

3 (b) REPORT.—

4 (1) IN GENERAL.—Not later than 60 days after
5 the date of the enactment of this Act, the Secretary
6 of the Air Force and the Chairman of the Nuclear
7 Weapons Council shall submit to the congressional
8 defense committees a report regarding efforts to
9 carry out section 1057 of the National Defense Au-
10 thorization Act for Fiscal Year 2014 (Public Law
11 113–66; 10 U.S.C. 495 note).

12 (2) ELEMENTS.—The report under paragraph
13 (1) shall include the following with respect to the pe-
14 riod of the expected lifespan of the Minuteman III
15 system:

16 (A) The number of nuclear warheads re-
17 quired to support the capability to redeploy
18 multiple independently retargetable reentry ve-
19 hicles across the full intercontinental ballistic
20 missile fleet.

21 (B) The current and planned (through
22 2030) readiness state of nuclear warheads in-
23 tended to support the capability to redeploy
24 multiple independently retargetable reentry ve-
25 hicles across the full intercontinental ballistic

1 missile fleet, including which portion of the ac-
2 tive or inactive stockpile such warheads are
3 classified within.

4 (C) The current and planned (through
5 2030) reserve of components or subsystems re-
6 quired to redeploy multiple independently re-
7 targetable reentry vehicles across the full inter-
8 continental ballistic missile fleet, including the
9 plans or industrial capability and capacity to
10 produce more such components or subsystems,
11 if needed.

12 (D) The current and planned (through
13 2030) time required to commence redeployment
14 of multiple independently retargetable reentry
15 vehicles across the intercontinental ballistic mis-
16 sile fleet, including the time required to finish
17 deployment across the full fleet.

18 (E) The estimated cost of maintaining the
19 capability and warheads required to redeploy
20 multiple independently retargetable reentry ve-
21 hicles across the full intercontinental ballistic
22 missile fleet.

1 **SEC. 1668. REQUESTS FOR FORCES TO MEET SECURITY RE-**
2 **QUIREMENTS FOR LAND-BASED NUCLEAR**
3 **FORCES.**

4 (a) EXPEDITED DECISION FOR SECURING LAND-
5 BASED MISSILE FIELDS.—To mitigate any risk posed to
6 the nuclear forces of the United States by the failure to
7 replace the UH–1N helicopter, the Secretary of Defense
8 shall, in consultation with the Chairman of the Joint
9 Chiefs of Staff—

10 (1) decide if the land-based missile fields using
11 UH–1N helicopters meet security requirements and
12 if there are any shortfalls or gaps in meeting such
13 requirements;

14 (2) not later than 30 days after the date of the
15 enactment of this Act, submit to Congress a report
16 on the decision relating to a request for forces re-
17 quired by paragraph (1); and

18 (3) if the Chairman determines the implementa-
19 tion of the decision to be warranted to mitigate any
20 risk posed to the nuclear forces of the United
21 States—

22 (A) not later than 60 days after such date
23 of enactment, implement that decision; or

24 (B) if the Secretary cannot implement that
25 decision during the period specified in subpara-
26 graph (A), not later than 45 days after such

1 date of enactment, submit to Congress a report
2 that includes a proposal for the date by which
3 the Secretary can implement that decision and
4 a plan to carry out that proposal.

5 (b) LIMITATION.—Of the funds authorized to be ap-
6 propriated by this Act or otherwise made available for fis-
7 cal year 2017 for the travel and representational expenses
8 of the Under Secretary of Defense for Acquisition, Tech-
9 nology, and Logistics, not more than 75 percent may be
10 obligated or expended until the date on which the Under
11 Secretary certifies to the congressional defense committees
12 that there is a acquisition process in place to ensure that
13 a UH–1N replacement aircraft is under contract in fiscal
14 year 2018.

15 **SEC. 1669. REPORT ON RUSSIAN AND CHINESE POLITICAL**
16 **AND MILITARY LEADERSHIP SURVIVABILITY,**
17 **COMMAND AND CONTROL, AND CONTINUITY**
18 **OF GOVERNMENT PROGRAMS AND ACTIVI-**
19 **TIES.**

20 (a) REPORT.—Not later than January 15, 2017, the
21 Director of National Intelligence shall submit to the ap-
22 propriate congressional committees, consistent with the
23 protection of sources and methods, a report on the leader-
24 ship survivability, command and control, and continuity
25 of government programs and activities with respect to the

1 People's Republic of China and the Russian Federation,
2 respectively. The report shall include the following:

3 (1) The goals and objectives of such programs
4 and activities of each respective country.

5 (2) An assessment of how such programs and
6 activities fit into the political and military doctrine
7 and strategy of each respective country.

8 (3) An assessment of the size and scope of such
9 activities, including the location and description of
10 above-ground and underground facilities important
11 to the political and military leadership survivability,
12 command and control, and continuity of government
13 programs and activities of each respective country.

14 (4) An identification of which facilities various
15 senior political and military leaders of each respec-
16 tive country are expected to operate out of during
17 crisis and wartime.

18 (5) A technical assessment of the political and
19 military means and methods for command and con-
20 trol in wartime of each respective country.

21 (6) An identification of key officials and organi-
22 zations of each respective country involved in man-
23 aging and operating such facilities, programs, and
24 activities, including the command structure for each

1 organization involved in such programs and activi-
2 ties.

3 (7) An assessment of how senior leaders of each
4 respective country measure the effectiveness of such
5 programs and activities.

6 (8) An estimate of the annual cost of such pro-
7 grams and activities.

8 (9) An assessment of the degree of enhanced
9 survivability such programs and activities can be ex-
10 pected to provide in various military scenarios rang-
11 ing from limited conventional conflict to strategic
12 nuclear employment.

13 (10) An assessment of the type and extent of
14 foreign assistance, if any, in such programs and ac-
15 tivities.

16 (11) An assessment of the status and the effec-
17 tiveness of the intelligence collection of the United
18 States on such programs and capabilities, and any
19 gaps in such collection.

20 (12) Any other matters the Director determines
21 appropriate.

22 (b) COUNCIL ASSESSMENT.—Not later than 90 days
23 after the date on which the Director submits the report
24 under subsection (a), the Council on Oversight of the Na-
25 tional Leadership Command, Control, and Communica-

1 tions System established by section 171a of title 10,
2 United States Code, shall submit to the appropriate con-
3 gressional committees an assessment of how the command,
4 control, and communications systems for the national
5 leadership of the People’s Republic of China and the Rus-
6 sian Federation, respectively, compare to such system of
7 the United States.

8 (c) STRATCOM.—Together with the assessment
9 submitted under subsection (b), the Commander of the
10 United States Strategic Command shall submit to the ap-
11 propriate congressional committees the views of the Com-
12 mander on the report under subsection (a), including a
13 detailed description for how the leadership survivability,
14 command and control, and continuity of government pro-
15 grams and activities of the People’s Republic of China and
16 the Russian Federation, respectively, are considered in the
17 plans and options under the responsibility of the Com-
18 mander under the unified command plan.

19 (d) FORMS.—Each report or assessment submitted
20 under this section may be submitted in unclassified form,
21 but may include a classified annex.

22 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
23 FINED.—In this section, the term “appropriate congres-
24 sional committees” means—

25 (1) the congressional defense committees; and

1 (2) the Permanent Select Committee on Intel-
2 ligence of the House of Representatives and the Se-
3 lect Committee on Intelligence of the Senate.

4 **SEC. 1670. REVIEW BY COMPTROLLER GENERAL OF THE**
5 **UNITED STATES OF RECOMMENDATIONS RE-**
6 **LATING TO NUCLEAR ENTERPRISE OF DE-**
7 **PARTMENT OF DEFENSE.**

8 (a) IN GENERAL.—During each of fiscal years 2017
9 through 2021, the Comptroller General of the United
10 States shall conduct a review of the following:

11 (1) The processes of the Department of Defense
12 for addressing the recommendations of the Depart-
13 ment of Defense Internal Nuclear Enterprise Re-
14 view, the Independent Review of the Department of
15 Defense Nuclear Enterprise, and other recommenda-
16 tions affecting the health of the nuclear enterprise of
17 the Department of Defense identified or tracked by
18 the Nuclear Deterrence Enterprise Review Group,
19 including the process used by the Director of Cost
20 Assessment and Program Evaluation to evaluate the
21 implementation of such recommendations.

22 (2) The processes used to implement rec-
23 ommendations from other assessments of the nuclear
24 enterprise of the Department of Defense, including
25 the National Leadership Command Capability and

1 Nuclear Command, Control, and Communications
2 Enterprise Review.

3 (b) BRIEFING.—After conducting each review under
4 subsection (a), the Comptroller General shall provide to
5 the congressional defense committees a briefing on the re-
6 view.

7 (c) CONFORMING REPEAL.—Section 1658 of the Na-
8 tional Defense Authorization Act for Fiscal Year 2016
9 (Public Law 114–92; 129 Stat. 1125) is repealed.

10 **SEC. 1671. SENSE OF CONGRESS ON NUCLEAR DETER-**
11 **RENCE.**

12 It is the sense of Congress that—

13 (1) the nuclear forces of the United States con-
14 tinue to play a fundamental role in deterring aggres-
15 sion against the interests of the United States and
16 the allies of the United States in an increasingly
17 dangerous world in which foreign adversaries, in-
18 cluding the Russian Federation, are making explicit
19 nuclear threats against the United States and such
20 allies;

21 (2) strong United States nuclear forces assure
22 the allies of the United States that the extended de-
23 terrence guarantees of the United States are credible
24 and that the resolve of the United States remains

1 strong even in the face of nuclear provocations, in-
2 cluding nuclear coercion and blackmail;

3 (3) the prevention of war through effective de-
4 terrence requires survivable and flexible nuclear
5 forces that are well exercised and ready to respond
6 to nuclear escalation if necessary;

7 (4) possessing a range of capabilities and op-
8 tions to counter nuclear threats assures the allies of
9 the United States and enhances the credibility of
10 United States nuclear deterrence by reinforcing the
11 resolve of the United States in the minds of such al-
12 lies and potential adversaries;

13 (5) the declared policy of the United States
14 with respect to the use of nuclear weapons must be
15 coordinated and communicate clearly that the use of
16 nuclear weapons against the United States or its
17 vital interests would ultimately fail and subject the
18 aggressor to incalculable consequences;

19 (6) in support of a strong and credible nuclear
20 deterrent, the United States must—

21 (A) maintain a nuclear force with a di-
22 verse, flexible range of nuclear yield and deliv-
23 ery modes that are ready, capable, and credible;

24 (B) afford the highest priority to the mod-
25 ernization of the nuclear triad, dual-capable air-

1 craft, and related command and control ele-
2 ments; and

3 (C) ensure the broadest participation of al-
4 lies of the United States in nuclear defense
5 planning, training, and exercises to demonstrate
6 the commitment of the United States and such
7 allies and their solidarity against nuclear
8 threats and coercion; and

9 (7) with respect to the North Atlantic Treaty
10 Organization (NATO)—

11 (A) NATO has made it clear at the NATO
12 summit in Warsaw, Poland, in July 2018,
13 that—

14 (i) “the fundamental purpose of
15 NATO’s nuclear capability is to preserve
16 peace, prevent coercion, and deter aggres-
17 sion”; and

18 (ii) “Nuclear weapons are unique. Any
19 employment of nuclear weapons against
20 NATO would fundamentally alter the na-
21 ture of a conflict. The circumstances in
22 which NATO might have to use nuclear
23 weapons are extremely remote. If the fun-
24 damental security of any of its members
25 were to be threatened however, NATO has

1 the capabilities and resolve to impose costs
2 on an adversary that would be unaccept-
3 able and far outweigh the benefits that an
4 adversary could hope to achieve.”; and

5 (B) accordingly, effective deterrence re-
6 quires that NATO conduct realistic nuclear
7 planning and exercises, and modernize the full
8 suite of dual-capable aircraft and associated
9 command and control networks and facilities.

10 **SEC. 1672. SENSE OF CONGRESS ON IMPORTANCE OF INDE-**
11 **PENDENT NUCLEAR DETERRENT OF UNITED**
12 **KINGDOM.**

13 It is the sense of Congress that—

14 (1) the United States believes that the inde-
15 pendent nuclear deterrent and decision-making of
16 the United Kingdom provides a crucial contribution
17 to international stability, the North Atlantic Treaty
18 Organization alliance, and the national security of
19 the United States;

20 (2) nuclear deterrence is and will continue to be
21 the highest priority mission of the Department of
22 Defense and the United States benefits when the
23 closest ally of the United States clearly and un-
24 equivocally sets similar priorities;

1 (3) the United States sees the nuclear deterrent
2 of the United Kingdom as central to trans-Atlantic
3 security and to the commitment of the United King-
4 dom to NATO to spend two percent of gross domes-
5 tic product on defense;

6 (4) the commitment of the United Kingdom to
7 maintain a continuous at-sea deterrence posture
8 today and in the future complements the deterrent
9 capabilities of the United States and provides a
10 credible “second center of decision making” which
11 ensures potential attackers cannot discount the soli-
12 darity of the mutual relationship of the United
13 States and the United Kingdom;

14 (5) the United States Navy must execute the
15 Ohio-class replacement submarine program on time
16 and within budget, seeking efficiencies and cost sav-
17 ings wherever possible, to ensure that the program
18 delivers a Common Missile Compartment, the Tri-
19 dent II (D5) Strategic Weapon System, and associ-
20 ated equipment and production capabilities, that
21 support the successful development and deployment
22 of the Dreadnought submarines of the United King-
23 dom; and

24 (6) the close technical collaboration, especially
25 expert mutual scientific peer review, provides valu-

1 able resilience and cost effectiveness to the respec-
2 tive deterrence programs of the United States and
3 the United Kingdom.

4 **Subtitle E—Missile Defense**
5 **Programs**

6 **SEC. 1681. NATIONAL MISSILE DEFENSE POLICY.**

7 (a) **POLICY.**—It is the policy of the United States to
8 maintain and improve an effective, robust layered missile
9 defense system capable of defending the territory of the
10 United States, allies, deployed forces, and capabilities
11 against the developing and increasingly complex ballistic
12 missile threat with funding subject to the annual author-
13 ization of appropriations and the annual appropriation of
14 funds for National Missile Defense.

15 (b) **CONFORMING REPEAL.**—Section 2 of the Na-
16 tional Missile Defense Act of 1999 (Public Law 106–38;
17 10 U.S.C. 2431 note) is repealed.

18 **SEC. 1682. EXTENSIONS OF PROHIBITIONS RELATING TO**
19 **MISSILE DEFENSE INFORMATION AND SYS-**
20 **TEMS.**

21 (a) **PROHIBITION ON INTEGRATION OF CERTAIN MIS-**
22 **SILE DEFENSE SYSTEMS.**—

23 (1) **IN GENERAL.**—Section 130h of title 10,
24 United States Code, is amended—

1 (A) by redesignating subsection (d) as sub-
2 section (e);

3 (B) by inserting after subsection (c) the
4 following new subsection (d):

5 “(d) INTEGRATION.—None of the funds authorized to
6 be appropriated or otherwise made available for any fiscal
7 year for the Department of Defense may be obligated or
8 expended to integrate a missile defense system of the Rus-
9 sian Federation or a missile defense system of the People’s
10 Republic of China into any missile defense system of the
11 United States.”; and

12 (C) by striking the section heading and in-
13 serting the following: “**Prohibitions relat-**
14 **ing to missile defense information**
15 **and systems”**.”

16 (2) CLERICAL AMENDMENT.—The table of sec-
17 tions at the beginning of chapter 3 of title 10,
18 United States Code, is amended by striking the item
19 relating to section 130h and inserting the following
20 new item:

“130h. Prohibitions relating to missile defense information and systems.”.

21 (3) CONFORMING REPEALS.—Sections 1672
22 and 1673 of the National Defense Authorization Act
23 for Fiscal Year 2016 (Public Law 114–92; 129 Stat.
24 1130) are repealed.

1 (b) EXTENSION OF SUNSET.—Section 130h(e) of
2 title 10, United States Code, as redesignated by subsection
3 (a)(1), is amended to read as follows:

4 “(e) SUNSET.—The prohibitions in subsections (a),
5 (b), and (d) shall expire on January 1, 2019.”.

6 **SEC. 1683. NON-TERRESTRIAL MISSILE DEFENSE INTER-**
7 **CEPT AND DEFEAT CAPABILITY FOR THE**
8 **BALLISTIC MISSILE DEFENSE SYSTEM.**

9 Section 1685 of the National Defense Authorization
10 Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat.
11 1142) is amended—

12 (1) in subsection (c)(2), by inserting before the
13 semicolon at the end the following: “for each fiscal
14 year over the five-fiscal-year period beginning with
15 the fiscal year following the fiscal year in which the
16 report is submitted, assuming such potential pro-
17 gram of record is technically feasible and could be
18 deployed by December 31, 2027”; and

19 (2) by adding at the end the following new sub-
20 section:

21 “(d) COMMENCEMENT OF RDT&E.—Not later than
22 60 days after the submittal of the report required by sub-
23 section (c), the Director may commence coordination and
24 activities associated with research, development, test, and

1 evaluation on the programs described in subsection
2 (c)(2).”.

3 **SEC. 1684. REVIEW OF THE MISSILE DEFEAT POLICY AND**
4 **STRATEGY OF THE UNITED STATES.**

5 (a) NEW REVIEW.—The Secretary of Defense and
6 the Chairman of the Joint Chiefs of Staff shall jointly con-
7 duct a new review of the missile defeat capability, policy,
8 and strategy of the United States, with respect to—

9 (1) left- and right-of-launch ballistic missile de-
10 fense for—

11 (A) both regional and homeland purposes;

12 and

13 (B) the full range of active, passive, ki-
14 netic, and nonkinetic defense measures across
15 the full spectrum of land-, air-, sea-, and space-
16 based platforms;

17 (2) the integration of offensive and defensive
18 forces for the defeat of ballistic missiles, including
19 against weapons initially deployed on ballistic mis-
20 siles, such as hypersonic glide vehicles; and

21 (3) cruise missile defense of the homeland.

22 (b) ELEMENTS.—The review under subsection (a)
23 shall address the following:

24 (1) The missile defeat policy, strategy, and ob-
25 jectives of the United States in relation to the na-

1 tional security strategy of the United States and the
2 military strategy of the United States.

3 (2) The role of deterrence in the missile defeat
4 policy and strategy of the United States.

5 (3) The missile defeat posture, capability, and
6 force structure of the United States.

7 (4) With respect to both the five- and ten-year
8 periods beginning on the date of the review, the
9 planned and desired end-state of the missile defeat
10 programs of the United States, including regarding
11 the integration and interoperability of such pro-
12 grams with the joint forces and the integration and
13 interoperability of such programs with allies, and
14 specific benchmarks, milestones, and key steps re-
15 quired to reach such end-states.

16 (5) The process for determining requirements,
17 force structure, and inventory objectives for missile
18 defeat capabilities under such programs, including
19 input from the joint military requirements process.

20 (6) The organization, execution, and oversight
21 of acquisition for the missile defeat programs of the
22 United States.

23 (7) The roles and responsibilities of the Office
24 of the Secretary of Defense, Defense Agencies, com-
25 batant commands, the Joint Chiefs of Staff, the

1 military departments, and the intelligence commu-
2 nity in such programs and the process for ensuring
3 accountability of each stakeholder.

4 (8) Standards for the military utility, oper-
5 ational effectiveness, suitability, and survivability of
6 the missile defeat systems of the United States.

7 (9) The method in which resources for the mis-
8 sile defeat mission are planned, programmed, and
9 budgeted within the Department of Defense.

10 (10) The near-term and long-term costs and
11 cost effectiveness of such programs.

12 (11) The options for affecting the offense-de-
13 fense cost curve.

14 (12) The role of international cooperation in
15 the missile defeat policy and strategy of the United
16 States and the plans, policies, and requirements for
17 integration and interoperability of missile defeat ca-
18 pability with allies.

19 (13) Options for increasing the frequency of the
20 codevelopment of missile defeat capabilities with al-
21 lies of the United States in the near-term and far-
22 term.

23 (14) Declaratory policy governing the employ-
24 ment of missile defeat capabilities and the military

1 options and plans and employment options of such
2 capabilities.

3 (15) The role of multi-mission defense and
4 other assets of the United States, including space
5 and terrestrial sensors and plans to achieve multi-
6 mission capability in current, planned, and other fu-
7 ture assets and acquisition programs.

8 (16) The indications and warning required to
9 meet the missile defeat strategy and objectives of the
10 United States described in paragraph (1) and the
11 key enablers and programs to achieve such indica-
12 tions and warning.

13 (17) The impact of the mobility, counter-
14 measures, and denial and deception capabilities of
15 adversaries on the indications and warning described
16 in paragraph (16) and the consequences on the mis-
17 sile defeat capability, objectives, and military options
18 of the United States and the plans of the combatant
19 commanders.

20 (18) Any other matters the Secretary deter-
21 mines relevant.

22 (c) REPORTS.—

23 (1) RESULTS.—Not later than January 31,
24 2018, the Secretary shall submit to the congres-

1 sional defense committees a report setting forth the
2 results of the review under subsection (a).

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

6 (3) ANNUAL IMPLEMENTATION UPDATES.—
7 During the five-year period beginning on the date of
8 the submission of the report under paragraph (1),
9 the Director of Cost Assessment and Program Eval-
10 uation shall submit to the Secretary of Defense, the
11 Chairman of the Joint Chiefs of Staff, and the con-
12 gressional defense committees annual status updates
13 detailing the progress of the Secretary in imple-
14 menting the missile defeat strategy of the United
15 States.

16 (4) THREAT REPORT.—Not later than 180 days
17 after the date of the enactment of this Act, the Di-
18 rector of National Intelligence shall submit to the
19 congressional defense committees, the Permanent
20 Select Committee on Intelligence of the House of
21 Representatives, and the Select Committee on Intel-
22 ligence of the Senate a report containing an unclas-
23 sified summary, consistent with the protection of in-
24 telligence sources and methods, of—

1 (A) as of the date of the report required by
2 this paragraph, the ballistic and cruise missile
3 threat to the United States, deployed forces of
4 the United States, and friends and allies of the
5 United States from short-, medium-, inter-
6 mediate-, and long-range nuclear and non-nu-
7 clear ballistic and cruise missile threats; and

8 (B) an assessment of such threat in 2026.

9 (5) DECLARATORY POLICY, CONCEPT OF OPER-
10 ATIONS, AND EMPLOYMENT GUIDELINES FOR LEFT-
11 OF-LAUNCH CAPABILITY.—Not later than 120 days
12 after the date of the enactment of this Act, the Sec-
13 retary of Defense and the Chairman of the Joint
14 Chiefs of Staff shall jointly submit to the congres-
15 sional defense committees the following:

16 (A) The unclassified declaratory policy of
17 the United States regarding the use of the left-
18 of-launch capability of the United States
19 against potential targets.

20 (B) Both the classified and unclassified
21 concept of operations for the use of such capa-
22 bility across and between the combatant com-
23 mands.

1 (C) Both the classified and unclassified
2 employment strategy, plans, and options for
3 such capability.

4 (d) NOTIFICATION.—

5 (1) LIMITATION.—None of the funds authorized
6 to be appropriated by this Act or otherwise made
7 available for fiscal year 2017 or fiscal year 2018 for
8 the Secretary of Defense may be obligated or ex-
9 pended to change the non-standard acquisition proc-
10 esses and responsibilities described in paragraph (2)
11 until—

12 (A) the Secretary notifies the congressional
13 defense committees of such proposed change;
14 and

15 (B) a period of 180 days has elapsed fol-
16 lowing the date of such notification.

17 (2) NON-STANDARD ACQUISITION PROCESSES
18 AND RESPONSIBILITIES DESCRIBED.—The non-
19 standard acquisition processes and responsibilities
20 described in this paragraph are such processes and
21 responsibilities described in—

22 (A) the memorandum of the Secretary of
23 Defense titled “Missile Defense Program Direc-
24 tion” signed on January 2, 2002; and

1 (B) Department of Defense Directive
2 5134.09, as in effect on the date of the enact-
3 ment of this Act.

4 (e) DESIGNATION REQUIRED.—

5 (1) AUTHORITY.—Not later than March 31,
6 2018, the Secretary of Defense shall designate a
7 military department or Defense Agency with acquisi-
8 tion authority with respect to—

9 (A) the capability to defend the homeland
10 from cruise missiles; and

11 (B) left-of-launch ballistic missile defeat
12 capability.

13 (2) DISCRETION.—The Secretary may designate
14 a single military department or Defense Agency with
15 the acquisition authority described in paragraph (1)
16 or designate a separate military department or De-
17 fense Agency for each function specified in such
18 paragraph.

19 (3) VALIDATION.—In making a designation
20 under paragraph (1), the Secretary shall include a
21 description of the manner in which the military re-
22 quirements for such capabilities will be validated.

23 (f) DEFINITIONS.—In this section:

1 (1) The term “Defense Agency” has the mean-
2 ing given that term in section 101(a)(11) of title 10,
3 United States Code.

4 (2) The term “intelligence community” has the
5 meaning given that term in section 3 of the National
6 Security Act of 1947 (50 U.S.C. 3003).

7 **SEC. 1685. MAXIMIZING AEGIS ASHORE CAPABILITY AND**
8 **DEVELOPING MEDIUM RANGE DISCRIMINA-**
9 **TION RADAR.**

10 (a) ANTI-AIR WARFARE CAPABILITY OF AEGIS
11 ASHORE SITES.—

12 (1) AUTHORIZATION.—Using funds authorized
13 to be appropriated by sections 101 and 201 of this
14 Act or otherwise made available for fiscal year 2017
15 for procurement and research, development, test,
16 and evaluation, the Secretary of Defense shall con-
17 tinue the development, procurement, and deployment
18 of anti-air warfare capabilities at each Aegis Ashore
19 site in Romania and Poland.

20 (2) LONG-LEAD COMPONENTS.—Of the funds
21 specified in paragraph (1), not more than
22 \$25,000,000 may be obligated or expended for the
23 procurement of long-lead components to provide the
24 anti-air warfare capabilities described in such para-
25 graph.

1 (3) REPROGRAMMING AND TRANSFERS.—Any
2 reprogramming or transfer made to carry out para-
3 graph (1) shall be carried out in accordance with es-
4 tablished procedures for reprogramming or trans-
5 fers.

6 (b) AEGIS ASHORE CAPABILITY EVALUATION.—Not
7 later than 120 days after the date of the enactment of
8 this Act, the Secretary of Defense and the Chairman of
9 the Joint Chiefs of Staff shall jointly submit to the con-
10 gressional defense committees an evaluation of the ballistic
11 missile and air threat against the continental United
12 States and the efficacy (including with respect to cost,
13 ideal and optimal deployment locations, and potential de-
14 ployment schedule) of deploying one or more Aegis Ashore
15 sites and Aegis Ashore components for the ballistic and
16 cruise missile defense of the continental United States.

17 (c) AEGIS ASHORE SITE AND MEDIUM RANGE DIS-
18 CRIMINATION RADAR ON THE PACIFIC MISSILE RANGE
19 FACILITY.—

20 (1) LIMITATION.—During fiscal year 2017, the
21 Secretary of Defense may not reduce the manning
22 levels or test capability, as such levels and capability
23 existed on January 1, 2015, of the Aegis Ashore site
24 at the Pacific Missile Range Facility in Hawaii, in-

1 cluding by putting such site into a “cold” or “stand
2 by” status.

3 (2) ENVIRONMENTAL IMPACT STATEMENT.—

4 (A) Not later than 60 days after the date
5 of the enactment of this Act, the Director of
6 the Missile Defense Agency shall notify the con-
7 gressional defense committees on whether the
8 preferred alternative for fielding a medium
9 range ballistic missile defense sensor for the de-
10 fense of Hawaii identified by the report under
11 section 1689(b)(2) of the National Defense Au-
12 thorization Act for Fiscal Year 2016 (Public
13 Law 114–92; 129 Stat. 1144) would require an
14 update to the environmental impact statement
15 required for constructing the Aegis Ashore site
16 at the Pacific Missile Range Facility.

17 (B) In carrying out the preferred alter-
18 native for fielding a medium range ballistic mis-
19 sile defense sensor for the defense of Hawaii, if
20 the Director determines that an updated envi-
21 ronmental impact statement, a new environ-
22 mental impact statement, or another action is
23 required or recommended pursuant to the Na-
24 tional Environmental Policy Act of 1969 (42
25 U.S.C. et seq.), the Director shall commence

1 such action by not later than 60 days after the
2 date on which the Director makes the notifica-
3 tion under subparagraph (A).

4 (3) EVALUATION.—Not later than 60 days after
5 the date of the enactment of this Act, the Secretary
6 of Defense and the Chairman of the Joint Chiefs of
7 Staff shall jointly submit to the congressional de-
8 fense committees an evaluation of the ballistic mis-
9 sile and air threat against Hawaii (including with re-
10 spect to threats to the Armed Forces and installa-
11 tions located in Hawaii) and the efficacy (including
12 with respect to cost and potential alternatives) of—

13 (A) making the Aegis Ashore site at the
14 Pacific Missile Range Facility operational;

15 (B) deploying the preferred alternative for
16 fielding a medium range ballistic missile defense
17 sensor for the defense of Hawaii described in
18 paragraph (2)(A); and

19 (C) any other alternative the Secretary and
20 the Chairman determine appropriate.

21 (d) FORMS.—The evaluations submitted under sub-
22 sections (b) and (c)(3) shall each be submitted in unclassi-
23 fied form, but may each include a classified annex.

1 **SEC. 1686. TECHNICAL AUTHORITY FOR INTEGRATED AIR**
2 **AND MISSILE DEFENSE ACTIVITIES AND PRO-**
3 **GRAMS.**

4 (a) AUTHORITY.—

5 (1) IN GENERAL.—The Director of the Missile
6 Defense Agency is the technical authority of the De-
7 partment of Defense for integrated air and missile
8 defense activities and programs, including joint engi-
9 neering and integration efforts for such activities
10 and programs, including with respect to defining and
11 controlling the interfaces of such activities and pro-
12 grams and the allocation of technical requirements
13 for such activities and programs.

14 (2) DETAILEES.—

15 (A) In carrying out the technical authority
16 under paragraph (1), the Director may seek to
17 have staff detailed to the Missile Defense Agen-
18 cy from the Joint Functional Component Com-
19 mand for Integrated Missile Defense and the
20 Joint Integrated Air and Missile Defense Orga-
21 nization in a number the Director determines
22 necessary in accordance with subparagraph (B).

23 (B) In detailing staff under subparagraph
24 (A) to carry out the technical authority under
25 paragraph (1), the total number of staff, in-
26 cluding detailees, of the Missile Defense Agency

1 who carry out such authority may not exceed
2 the number that is twice the number of such
3 staff carrying out such authority as of January
4 1, 2016.

5 (b) ASSESSMENTS AND PLANS.—

6 (1) BIENNIAL SUBMISSION.—Not later than
7 January 31, 2017, and biennially thereafter through
8 2021, the Director shall submit to the congressional
9 defense committees an assessment of the state of in-
10 tegration and interoperability of the integrated air
11 and missile defense capabilities of the Department of
12 Defense.

13 (2) ELEMENTS.—Each assessment under para-
14 graph (1) shall include the following:

15 (A) Identification of any gaps in the inte-
16 gration and interoperability of the integrated
17 air and missile defense capabilities of the De-
18 partment.

19 (B) A description of the options to improve
20 such capabilities and remediate such gaps.

21 (C) A plan to carry out such improvements
22 and remediations, including milestones and
23 costs for such plan.

24 (3) FORM.—Each assessment under paragraph
25 (1) shall be submitted in classified form unless the

1 Director determines that submitting such assess-
2 ment in unclassified form is useful and expedient.

3 **SEC. 1687. HYPERSONIC DEFENSE CAPABILITY DEVELOP-**
4 **MENT.**

5 (a) EXECUTIVE AGENT.—The Director of the Missile
6 Defense Agency shall serve as the executive agent for the
7 Department of Defense for the development of a capability
8 by the United States to counter hypersonic boost-glide ve-
9 hicle capabilities and conventional prompt strike capabili-
10 ties that may be employed against the United States, the
11 allies of the United States, and the deployed forces of the
12 United States.

13 (b) DUTIES.—In carrying out subsection (a), the Di-
14 rector shall—

15 (1) develop architectures for a hypersonic de-
16 fense capability, from detecting threats to inter-
17 cepting such threats, that—

18 (A) involves systems of the military depart-
19 ments and the Defense Agencies; and

20 (B) includes both kinetic and nonkinetic
21 options for such interception; and

22 (2) not later than September 30, 2017, estab-
23 lish a program of record to develop a hypersonic de-
24 fense capability.

1 (c) REPORTS REQUIRED.—Not later than March 31,
2 2017—

3 (1) the Director shall submit to the congres-
4 sional defense committees a report on the architec-
5 tures and sensors evaluated pursuant to subsection
6 (b); and

7 (2) the Chairman of the Joint Chiefs of Staff
8 shall submit to the congressional defense committees
9 a report on the military capability or capabilities and
10 capability gaps relating to the threat posed by
11 hypersonic boost-glide vehicles and maneuvering bal-
12 listic missiles to the United States, the allies of the
13 United States, and the deployed forces of the United
14 States.

15 (d) NOTIFICATION OF FUNDING PROCEDURES.—Not
16 later than 90 days after the date on which the Director
17 submits the report under subsection (c)(1), the Director
18 shall notify the congressional defense committees with re-
19 spect to whether the Director intends to use established
20 procedures for reprogramming or transfers to carry out
21 subsection (a) to conduct activities regarding experimen-
22 tation, modeling and simulation, or research and develop-
23 ment, to develop a hypersonic defense capability.

24 (e) DEFINITIONS.—In this section:

1 (1) The term “Defense Agencies” has the
2 meaning given that term in section 101(a)(11) of
3 title 10, United States Code.

4 (2) The term “executive agent” has the mean-
5 ing given the term “DoD Executive Agent” in De-
6 partment of Defense Directive 5101.1, or any suc-
7 cessor directive relating to the responsibilities of an
8 executive agent of the Department of Defense.

9 (3) The term “hypersonic defense capability”
10 means the capability to counter hypersonic boost-
11 glide vehicles and conventional prompt strike bal-
12 listic missiles.

13 **SEC. 1688. CONVENTIONAL PROMPT GLOBAL STRIKE WEAP-**
14 **ONS SYSTEM.**

15 (a) MILESTONE A APPROVAL DECISION.—The Sec-
16 retary of Defense shall make a decision regarding Mile-
17 stone A approval (as defined in section 2366(e) of title
18 10, United States Code) for the conventional prompt glob-
19 al strike weapons system not later than the earlier of—

20 (1) September 30, 2020; or

21 (2) the date that is 240 days after the date of
22 the successful completion of intermediate range
23 flight 2 of such system.

24 (b) LIMITATION ON AVAILABILITY OF FUNDS.—Of
25 the funds authorized to be appropriated by this Act or

1 otherwise made available for fiscal year 2017 for research,
2 development, test, and evaluation, Defense-wide, for the
3 conventional prompt global strike weapons system, not
4 more than 75 percent may be obligated or expended until
5 the date on which the Chairman of the Joint Chiefs of
6 Staff, in consultation with the Commander of the United
7 States European Command, the Commander of the United
8 States Pacific Command, and the Commander of the
9 United States Strategic Command, submits to the con-
10 gressional defense committees a report on—

11 (1) whether there are warfighter requirements
12 or integrated priorities list submitted needs for a
13 limited operational conventional prompt strike capa-
14 bility; and

15 (2) whether the program plan and schedule pro-
16 posed by the program office in the Office of the
17 Under Secretary of Defense for Acquisition, Tech-
18 nology, and Logistics supports such requirements
19 and integrated priorities lists submissions.

20 **SEC. 1689. REQUIRED TESTING BY MISSILE DEFENSE AGEN-**
21 **CY OF GROUND-BASED MIDCOURSE DEFENSE**
22 **ELEMENT OF BALLISTIC MISSILE DEFENSE**
23 **SYSTEM.**

24 (a) TESTING REQUIRED.—Except as provided in sub-
25 section (c), not less frequently than once each fiscal year,

1 the Director of the Missile Defense Agency shall admin-
2 ister a flight test of the ground-based midcourse defense
3 element of the ballistic missile defense system.

4 (b) REQUIREMENTS.—The Director shall ensure that
5 each test carried out under subsection (a) provides, when
6 possible, for one or more of the following:

7 (1) The validation of technical improvements
8 made to increase system performance and reliability.

9 (2) The evaluation of the operational effective-
10 ness of the ground-based midcourse defense element
11 of the ballistic missile defense system.

12 (3) The use of threat-representative targets and
13 critical engagement conditions.

14 (4) The evaluation of new configurations of
15 interceptors before they are fielded.

16 (5) The satisfaction of the “fly before buy” ac-
17 quisition approach for new interceptor components
18 or software.

19 (6) The evaluation of the interoperability of the
20 ground-based midcourse defense element with other
21 elements of the ballistic missile defense systems.

22 (c) EXCEPTIONS.—The Director may forgo a test
23 under subsection (a) in a fiscal year under one or more
24 of the following conditions:

1 (1) Such a test would jeopardize national secu-
2 rity.

3 (2) Insufficient time considerations between
4 post-test analysis and subsequent pre-test design.

5 (3) Insufficient funding.

6 (4) An interceptor is unavailable.

7 (5) A target is unavailable or is insufficiently
8 representative of threats.

9 (6) The test range or necessary test assets are
10 unavailable.

11 (7) Inclement weather.

12 (8) Any other condition the Director considers
13 appropriate.

14 (d) CERTIFICATION.—Not later than 45 days after
15 forgoing a test for a condition or conditions under sub-
16 section (c)(8), the Under Secretary of Defense for Acquisi-
17 tion, Technology, and Logistics shall submit to the con-
18 gressional defense committees a certification setting forth
19 the condition or conditions that caused the test to be for-
20 gone under such subsection.

21 (e) REPORT.—Not later than 45 days after forgoing
22 a test for any condition specified in subsection (c), the
23 Director shall submit to the congressional defense commit-
24 tees a report setting forth the rationale for forgoing the
25 test and a plan to restore an intercept flight test in the

1 Integrated Master Test Plan of the Missile Defense Agen-
2 cy. In the case of a test forgone for a condition or condi-
3 tions under subsection (c)(8), the report required by this
4 subsection is in addition to the certification required by
5 subsection (d).

6 **SEC. 1690. IRON DOME SHORT-RANGE ROCKET DEFENSE**
7 **SYSTEM AND ISRAELI COOPERATIVE MISSILE**
8 **DEFENSE PROGRAM CODEVELOPMENT AND**
9 **COPRODUCTION.**

10 (a) IRON DOME SHORT-RANGE ROCKET DEFENSE
11 SYSTEM.—

12 (1) AVAILABILITY OF FUNDS.—Of the funds
13 authorized to be appropriated by this Act or other-
14 wise made available for fiscal year 2017 for procure-
15 ment, Defense-wide, and available for the Missile
16 Defense Agency, not more than \$62,000,000 may be
17 provided to the Government of Israel to procure
18 Tamir interceptors for the Iron Dome short-range
19 rocket defense system through coproduction of such
20 interceptors in the United States by industry of the
21 United States.

22 (2) CONDITIONS.—

23 (A) AGREEMENT.—Funds described in
24 paragraph (1) for the Iron Dome short-range
25 rocket defense program shall be available sub-

1 ject to the terms and conditions in the Agree-
2 ment Between the Department of Defense of
3 the United States of America and the Ministry
4 of Defense of the State of Israel Concerning
5 Iron Dome Defense System Procurement,
6 signed on March 5, 2014, subject to an amend-
7 ed bilateral international agreement for co-
8 production for Tamir interceptors. In negotia-
9 tions by the Missile Defense Agency and the
10 Missile Defense Organization of the Govern-
11 ment of Israel regarding such production, the
12 goal of the United States is to maximize oppor-
13 tunities for coproduction of the Tamir intercep-
14 tors described in paragraph (1) in the United
15 States by industry of the United States.

16 (B) CERTIFICATION.—Not later than 30
17 days prior to the initial obligation of funds de-
18 scribed in paragraph (1), the Director of the
19 Missile Defense Agency and the Under Sec-
20 retary of Defense for Acquisition, Technology,
21 and Logistics shall jointly submit to the appro-
22 priate congressional committees—

23 (i) a certification that the amended bi-
24 lateral international agreement specified in

1 subparagraph (A) is being implemented as
2 provided in such agreement; and

3 (ii) an assessment detailing any risks
4 relating to the implementation of such
5 agreement.

6 (b) ISRAELI COOPERATIVE MISSILE DEFENSE PRO-
7 GRAM CODEVELOPMENT AND COPRODUCTION.—

8 (1) IN GENERAL.—Subject to paragraph (2), of
9 the funds authorized to be appropriated for fiscal
10 year 2017 for procurement, Defense-wide, and avail-
11 able for the Missile Defense Agency—

12 (A) not more than \$150,000,000 may be
13 provided to the Government of Israel to procure
14 the David's Sling Weapon System, including for
15 coproduction of parts and components in the
16 United States by United States industry; and

17 (B) not more than \$120,000,000 may be
18 provided to the Government of Israel for the
19 Arrow 3 Upper Tier Interceptor Program, in-
20 cluding for coproduction of parts and compo-
21 nents in the United States by United States in-
22 dustry.

23 (2) CERTIFICATION.—

24 (A) CRITERIA.—Except as provided by
25 paragraph (3), the Under Secretary of Defense

1 for Acquisition, Technology, and Logistics shall
2 submit to the appropriate congressional com-
3 mittees a certification that—

4 (i) the Government of Israel has dem-
5 onstrated the successful completion of the
6 knowledge points, technical milestones, and
7 production readiness reviews required by
8 the research, development, and technology
9 agreements for the David's Sling Weapon
10 System and the Arrow 3 Upper Tier De-
11 velopment Program, respectively;

12 (ii) funds specified in subparagraphs
13 (A) and (B) of paragraph (1) will be pro-
14 vided on the basis of a one-for-one cash
15 match made by Israel for such respective
16 systems or in another matching amount
17 that otherwise meets best efforts (as mutu-
18 ally agreed to by the United States and
19 Israel);

20 (iii) the United States has entered
21 into a bilateral international agreement
22 with Israel that establishes, with respect to
23 the use of such funds—

24 (I) in accordance with clause (iv),
25 the terms of coproduction of parts

1 and components of such respective
2 systems on the basis of the greatest
3 practicable coproduction of parts,
4 components, and all-up rounds (if ap-
5 propriate) by United States industry
6 and minimizes nonrecurring engineer-
7 ing and facilitization expenses to the
8 costs needed for coproduction;

9 (II) complete transparency on the
10 requirement of Israel for the number
11 of interceptors and batteries of such
12 respective systems that will be pro-
13 cured, including with respect to the
14 procurement plans, acquisition strat-
15 egy, and funding profiles of Israel;

16 (III) technical milestones for co-
17 production of parts and components
18 and procurement of such respective
19 systems; and

20 (IV) joint approval processes for
21 third-party sales of such respective
22 systems and the components of such
23 respective systems;

24 (iv) the level of coproduction described
25 in clause (iii)(I) for the Arrow 3 Upper

1 Tier Interceptor Program and the David's
2 Sling Weapon System is not less than 50
3 percent; and

4 (v) of the funds specified in subpara-
5 graph (B) of paragraph (1), not more than
6 \$5,000,000 may be obligated or expended
7 to cover costs related to any delays, includ-
8 ing delays with respect to exchanging tech-
9 nical data or specifications, of the Arrow 3
10 Upper Tier Interceptor Program.

11 (B) NUMBER.—In carrying out subpara-
12 graph (A), the Under Secretary may submit—

13 (i) one certification covering both the
14 David's Sling Weapon System and the
15 Arrow 3 Upper Tier Interceptor Program;
16 or

17 (ii) separate certifications for each re-
18 spective system.

19 (C) TIMING.—The Under Secretary shall
20 submit to the congressional defense committees
21 the certification under subparagraph (A) by not
22 later than 60 days before the funds specified in
23 paragraph (1) for the respective system covered
24 by the certification are provided to the Govern-
25 ment of Israel.

1 (3) WAIVER.—The Under Secretary may waive
2 the certification required by paragraph (2) if the
3 Under Secretary certifies to the appropriate congress-
4 sional committees that the Under Secretary has re-
5 ceived sufficient data from the Government of Israel
6 to demonstrate—

7 (A) the funds specified in subparagraphs
8 (A) and (B) of paragraph (1) are provided to
9 Israel solely for funding the procurement of
10 long-lead components and critical hardware in
11 accordance with a production plan, including a
12 funding profile detailing Israeli contributions
13 for production, including long-lead production,
14 of either David’s Sling Weapon System or the
15 Arrow 3 Upper Tier Interceptor Program;

16 (B) such long-lead components have suc-
17 cessfully completed knowledge points, technical
18 milestones, and production readiness reviews;
19 and

20 (C) the long-lead procurement will be con-
21 ducted in a manner that maximizes coproduc-
22 tion in the United States without incurring
23 nonrecurring engineering activity or cost other
24 than such activity or cost required for suppliers

1 of the United States to start or restart produc-
2 tion in the United States.

3 (c) LIMITATION ON FUNDING FOR DAVID'S SLING
4 WEAPON SYSTEM.—None of the amounts appropriated or
5 otherwise made available pursuant to subsection (a)(1) of
6 section 1679 of the National Defense Authorization Act
7 for Fiscal Year 2016 (Public Law 114–92; 129 Stat.
8 1135) that remain available and are unobligated as of the
9 date of the enactment of this Act may be obligated or ex-
10 pended until the appropriate congressional committees re-
11 ceive the plan required by subsection (d) of such section.

12 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
13 DEFINED.—In this section, the term “appropriate con-
14 gressional committees” means the following:

15 (1) The congressional defense committees.

16 (2) The Committee on Foreign Affairs of the
17 House of Representatives and the Committee on
18 Foreign Relations of the Senate.

19 **SEC. 1691. LIMITATIONS ON AVAILABILITY OF FUNDS FOR**
20 **LOWER TIER AIR AND MISSILE DEFENSE CA-**
21 **PABILITY OF THE ARMY.**

22 (a) LIMITATION.—Of the funds authorized to be ap-
23 propriated by this Act or otherwise made available for fis-
24 cal year 2017 for lower tier missile defense capability (PE
25 0604114A) radar replacement, not more than 75 percent

1 may be obligated or expended until each of the following
2 occurs:

3 (1) The Director of the Missile Defense Agency,
4 in coordination with the Chief of Staff of the Army,
5 submits to the congressional defense committees a
6 report on the manner in which the Director, acting
7 as the technical integrating authority for air and
8 missile defense, will ensure that the lower tier air
9 and missile defense radar will meet the requirements
10 of the commanders of the combatant commands for
11 interoperability with the ballistic missile defense sys-
12 tem and other air and missile defense capabilities
13 deployed and planned to be deployed by the United
14 States, including the establishment of key military
15 requirements for such integrated capability and pro-
16 gram development milestones.

17 (2) The Chairman of the Joint Chiefs of
18 Staff—

19 (A) certifies to the congressional defense
20 committees that the planned lower tier air and
21 missile defense radar of the Army is being de-
22 signed to fully support the required attributes
23 for modularity sought by the commanders of
24 the geographic combatant commands, including
25 a description of such required attributes and

1 the key milestones that will be used to ensure
2 such modularity is achieved; and

3 (B) notifies the congressional defense com-
4 mittees of any objective requirements not met
5 in the threshold requirement for the air and
6 missile defense capability of the Army, includ-
7 ing an assessment of any resulting capability
8 gaps to military air and missile defense capa-
9 bility.

10 (b) ADDITIONAL LIMITATION.—In addition to the
11 limitation in subsection (a), of the funds authorized to be
12 appropriated by this Act or otherwise made available for
13 fiscal year 2017 for lower tier missile defense capability
14 (PE 0604114A) radar replacement, not more than 90 per-
15 cent may be obligated or expended until the date on which
16 the Chief of Staff of the Army, in coordination with the
17 Secretary of the Army, submits to the congressional de-
18 fense committees a determination regarding—

19 (1) whether the technology demonstration and
20 knowledge points progression of the technology mat-
21 uration and risk reduction phase of the lower tier air
22 and missile defense radar acquisition program sup-
23 port a fair, full, and open acquisition program that
24 can begin low-rate initial production earlier than
25 2021; and

1 tor of the Missile Defense Agency shall carry out a pilot
2 program to implement improvements to the data protec-
3 tion options in the programs of the Missile Defense Agen-
4 cy (including the contractors of the Agency), particularly
5 with respect to unclassified, controlled technical informa-
6 tion and controlled unclassified information.

7 (b) PRIORITY.—In carrying out the pilot program
8 under subsection (a), the Director shall give priority to
9 implementing data protection options that are used by the
10 private sector and have been proven successful.

11 (c) DURATION.—The Director shall carry out the
12 pilot program under subsection (a) for not more than a
13 5-year period.

14 (d) NOTIFICATION.—Not later than 30 days before
15 the date on which the Director commences the pilot pro-
16 gram under subsection (a), the Director shall notify the
17 congressional defense committees, the Committee on Over-
18 sight and Government Reform of the House of Represent-
19 atives, and the Committee on Homeland Security and Gov-
20 ernmental Affairs of the Senate of—

21 (1) the data protection options that the Direc-
22 tor is considering to implement under the pilot pro-
23 gram and the potential costs of such options; and

24 (2) such option that is the preferred option of
25 the Director.

1 (e) DATA PROTECTION OPTIONS.—In this section,
2 the term “data protection options” means actions to im-
3 prove processes, practices, and systems that relate to the
4 safeguarding, hygiene, and data protection of information.

5 **SEC. 1693. PLAN FOR PROCUREMENT OF MEDIUM-RANGE**
6 **DISCRIMINATION RADAR TO IMPROVE HOME-**
7 **LAND MISSILE DEFENSE.**

8 (a) PLAN.—

9 (1) DEVELOPMENT.—The Director of the Mis-
10 sile Defense Agency shall develop a plan to—

11 (A) procure a medium-range discrimination
12 radar or equivalent sensor for a location the Di-
13 rector determines will improve homeland missile
14 defense for the defense of Hawaii from the lim-
15 ited ballistic missile threat (including accidental
16 or unauthorized launch); and

17 (B) field such radar or equivalent sensor
18 by not later than December 31, 2021.

19 (2) SUBMISSION.—Not later than 60 days after
20 the date of the enactment of this Act, the Director
21 shall submit to the congressional defense committees
22 the plan developed under paragraph (1).

23 (b) REQUEST FOR PROPOSALS.—Not later than Oc-
24 tober 1, 2017, the Director shall issue a request for pro-

1 posals for the medium-range discrimination radar or
2 equivalent sensor specified in subsection (a)(1)(A).

3 **SEC. 1694. REVIEW OF MISSILE DEFENSE AGENCY BUDGET**
4 **SUBMISSIONS FOR GROUND-BASED MID-**
5 **COURSE DEFENSE AND EVALUATION OF AL-**
6 **TERNATIVE GROUND-BASED INTERCEPTOR**
7 **DEPLOYMENTS.**

8 (a) BUDGET SUFFICIENCY.—

9 (1) REPORT.—Not later than 180 days after
10 the date of the enactment of this Act, the Director
11 of Cost Assessment and Program Evaluation shall
12 submit to the congressional defense committees a re-
13 port on the ground-based midcourse defense system.

14 (2) ELEMENTS.—The report under paragraph
15 (1) shall include an evaluation of each of the fol-
16 lowing:

17 (A) The modernization requirements for
18 the ground-based midcourse system, including
19 all command and control, ground systems, sen-
20 sors and sensor interfaces, boosters and kill ve-
21 hicles, and integration of known future systems
22 and components.

23 (B) The obsolescence of such systems and
24 components.

1 (C) The industrial base requirements relat-
2 ing to the ground-based midcourse system, as
3 determined by the Director of the Missile De-
4 fense Agency.

5 (D) The extent to which the estimated lev-
6 els of annual funding included in the most re-
7 cent budget and the future-years defense pro-
8 gram submitted under section 221 of title 10,
9 United States Code, fully fund the requirements
10 under subparagraph (A).

11 (3) UPDATES.—Not later than 30 days after
12 the date on which each budget is submitted through
13 January 31, 2021, the Director shall submit to the
14 congressional defense committees an update to the
15 report under paragraph (1).

16 (b) EVALUATION OF TRANSPORTABLE GROUND-
17 BASED INTERCEPTOR.—Not later than 180 days after the
18 date of the enactment of this Act, the Director of the Mis-
19 sile Defense Agency shall submit to the congressional de-
20 fense committees a report on transportable ground-based
21 interceptors. Such report shall detail the views of the Di-
22 rector regarding—

23 (1) the cost that is unconstrained by current
24 projected budget levels for the Missile Defense Agen-
25 cy (including a detailed program development pro-

1 duction and deployment cost and schedule for the
2 earliest technically possible deployment), the associ-
3 ated manning, and the comparative cost (including
4 as compared to developing a fixed ground-based in-
5 terceptor site), technical readiness, and feasibility of
6 a transportable ground-based interceptor as a means
7 to deploy additional ground-based interceptors for
8 the defense of the United States and the operational
9 value of a transportable ground-based interceptor for
10 the defense of the homeland against a limited bal-
11 listic missile attack, including from accidental or un-
12 authorized ballistic missile launch;

13 (2) the type and number of flight and or inter-
14 cept tests that would be required to validate the ca-
15 pability and compatibility of a transportable ground-
16 based interceptor in the ballistic missile defense sys-
17 tem;

18 (3) the enabling capabilities, and the cost of
19 such capabilities, to support such a system;

20 (4) any safety consideration of a transportable
21 ground-based interceptor; and

22 (5) other matters that the Director determines
23 pertinent to such a system.

1 (c) FORM.—The report submitted under subsection
2 (b) shall be submitted in unclassified form, but may in-
3 clude a classified annex.

4 (d) DEFINITIONS.—In this section, the terms “budg-
5 et” and “defense budget materials” have the meanings
6 given those terms in section 231 of title 10, United States
7 Code.

8 **SEC. 1695. SEMIANNUAL NOTIFICATIONS ON MISSILE DE-**
9 **FENSE TESTS AND COSTS.**

10 (a) NOTIFICATIONS.—Not less than once every 180-
11 day period beginning 90 days after the date of the enact-
12 ment of this Act and ending on January 31, 2021, the
13 Director of the Missile Defense Agency shall submit to the
14 congressional defense committees a notification on—

15 (1) the outcome of each planned flight test, in-
16 cluding intercept tests, occurring during the period
17 covered by the notification; and

18 (2) flight tests, including intercept tests,
19 planned to occur after the date of the notification.

20 (b) ELEMENTS.—Each notification shall include the
21 following:

22 (1) With respect to each test described in sub-
23 section (a)(1)—

24 (A) the cost;

1 (B) any changes made to the scope or ob-
2 jectives of the test, or future tests, and an ex-
3 planation for such changes;

4 (C) in the event of a failure of the test or
5 a decision to delay or cancel the test—

6 (i) the reasons such test did not suc-
7 ceed or occur;

8 (ii) the funds expended on such at-
9 tempted test; and

10 (iii) in the case of a test failure or
11 cancelled test that is the result of con-
12 tractor performance, the contractor liabil-
13 ity, if appropriate, as compared to the cost
14 of such test and potential retest; and

15 (D) the plan to conduct a retest, if nec-
16 essary, and an estimate of the cost of such
17 retest.

18 (2) With respect to each test described in sub-
19 section (a)(2)—

20 (A) any changes made to the scope of the
21 test;

22 (B) whether the test was to occur earlier
23 but was delayed; and

24 (C) an explanation for any such changes or
25 delays.

1 (B) The additional amount of funds rec-
2 ommended in connection with the objectives
3 under subparagraph (A).

4 (C) Account information with respect to
5 such priority, including the following (as appli-
6 cable):

7 (i) Line Item Number (LIN) for ap-
8 plicable procurement accounts.

9 (ii) Program Element (PE) number
10 for applicable research, development, test,
11 and evaluation accounts.

12 (iii) Sub-activity group (SAG) for ap-
13 plicable operation and maintenance ac-
14 counts.

15 (2) PRIORITIZATION OF PRIORITIES.—Each re-
16 port under subsection (a) shall present the unfunded
17 priorities covered by such report in order of urgency
18 of priority.

19 (c) UNFUNDED PRIORITY DEFINED.—In this section,
20 the term “unfunded priority”, in the case of a fiscal year,
21 means a program, activity, or mission requirement of the
22 Missile Defense Agency that—

23 (1) is not funded in the budget of the President
24 for the fiscal year as submitted to Congress pursu-
25 ant to section 1105 of title 31, United States Code;

1 (2) is necessary to fulfill a requirement associ-
2 ated with an operational or contingency plan of a
3 combatant command or other validated requirement;
4 and

5 (3) would have been recommended for funding
6 through the budget referred to in paragraph (1) by
7 the Director of the Missile Defense Agency in con-
8 nection with the budget if—

9 (A) additional resources had been available
10 for the budget to fund the program, activity, or
11 mission requirement; or

12 (B) the program, activity, or mission re-
13 quirement has emerged since the budget was
14 formulated.

15 **Subtitle F—Other Matters**

16 **SEC. 1697. PROTECTION OF CERTAIN FACILITIES AND AS-** 17 **SETS FROM UNMANNED AIRCRAFT.**

18 (a) IN GENERAL.—Chapter 3 of title 10, United
19 States Code, is amended by adding at the end the fol-
20 lowing new section:

21 **“§ 130i. Protection of certain facilities and assets** 22 **from unmanned aircraft**

23 “(a) AUTHORITY.—Notwithstanding any provision of
24 title 18, the Secretary of Defense may take, and may au-
25 thorize the armed forces to take, such actions described

1 in subsection (b)(1) that are necessary to mitigate the
2 threat (as defined by the Secretary of Defense, in con-
3 sultation with the Secretary of Transportation) that an
4 unmanned aircraft system or unmanned aircraft poses to
5 the safety or security of a covered facility or asset.

6 “(b) ACTIONS DESCRIBED.—(1) The actions de-
7 scribed in this paragraph are the following:

8 “(A) Detect, identify, monitor, and track the
9 unmanned aircraft system or unmanned aircraft,
10 without prior consent, including by means of inter-
11 cept or other access of a wire, oral, or electronic
12 communication used to control the unmanned air-
13 craft system or unmanned aircraft.

14 “(B) Warn the operator of the unmanned air-
15 craft system or unmanned aircraft, including by pas-
16 sive or active, and direct or indirect physical, elec-
17 tronic, radio, and electromagnetic means.

18 “(C) Disrupt control of the unmanned aircraft
19 system or unmanned aircraft, without prior consent,
20 including by disabling the unmanned aircraft system
21 or unmanned aircraft by intercepting, interfering, or
22 causing interference with wire, oral, electronic, or
23 radio communications used to control the unmanned
24 aircraft system or unmanned aircraft.

1 “(D) Seize or exercise control of the unmanned
2 aircraft system or unmanned aircraft.

3 “(E) Seize or otherwise confiscate the un-
4 manned aircraft system or unmanned aircraft.

5 “(F) Use reasonable force to disable, damage,
6 or destroy the unmanned aircraft system or un-
7 manned aircraft.

8 “(2) The Secretary of Defense shall develop the ac-
9 tions described in paragraph (1) in coordination with the
10 Secretary of Transportation.

11 “(c) FORFEITURE.—Any unmanned aircraft system
12 or unmanned aircraft described in subsection (a) that is
13 seized by the Secretary of Defense is subject to forfeiture
14 to the United States.

15 “(d) REGULATIONS.—The Secretary of Defense and
16 the Secretary of Transportation may prescribe regulations
17 and shall issue guidance in the respective areas of each
18 Secretary to carry out this section.

19 “(e) DEFINITIONS.—In this section:

20 “(1) The term ‘covered facility or asset’ means
21 any facility or asset that—

22 “(A) is identified by the Secretary of De-
23 fense for purposes of this section;

1 “(B) is located in the United States (in-
2 cluding the territories and possessions of the
3 United States); and

4 “(C) relates to—

5 “(i) the nuclear deterrence mission of
6 the Department of Defense, including with
7 respect to nuclear command and control,
8 integrated tactical warning and attack as-
9 sessment, and continuity of government;

10 “(ii) the missile defense mission of the
11 Department; or

12 “(iii) the national security space mis-
13 sion of the Department.

14 “(2) The terms ‘unmanned aircraft’ and ‘un-
15 manned aircraft system’ have the meanings given
16 those terms in section 331 of the FAA Moderniza-
17 tion and Reform Act of 2012 (Public Law 112–95;
18 49 U.S.C. 40101 note).”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of such chapter is amended by inserting
21 after the item relating to section 130h the following new
22 item:

 “130i. Protection of certain facilities and assets from unmanned aircraft.”.

1 **SEC. 1698. HARMFUL INTERFERENCE TO DEPARTMENT OF**
2 **DEFENSE GLOBAL POSITIONING SYSTEM.**

3 (a) FEDERAL COMMUNICATIONS COMMISSION CON-
4 DITIONS ON COMMERCIAL TERRESTRIAL OPERATIONS.—
5 Part I of title III of the Communications Act of 1934 (47
6 U.S.C. 301 et seq.) is amended by adding at the end the
7 following:

8 **“SEC. 343. CONDITIONS ON COMMERCIAL TERRESTRIAL**
9 **OPERATIONS.**

10 “(a) IN GENERAL.—The Commission shall not per-
11 mit commercial terrestrial operations in the 1525–1559
12 megahertz band or the 1626.5–1660.5 megahertz band
13 until the date that is 90 days after the Commission re-
14 solves concerns of widespread harmful interference by
15 such operations in such band to covered GPS devices.

16 “(b) NOTICE TO CONGRESS.—

17 “(1) IN GENERAL.—At the conclusion of the de-
18 cision regarding whether to permit such operations
19 in such band, the Commission shall submit to the
20 congressional committees described in paragraph (2)
21 official copies of the documents containing the final
22 decision of the Commission. If the decision is to per-
23 mit such operations in such band, such documents
24 shall contain or be accompanied by an explanation of
25 how the concerns described in subsection (a) have
26 been resolved.

1 “(2) CONGRESSIONAL COMMITTEES DE-
2 SCRIBED.—The congressional committees described
3 in this paragraph are the following:

4 “(A) The Committee on Energy and Com-
5 merce and the Committee on Armed Services of
6 the House of Representatives.

7 “(B) The Committee on Commerce,
8 Science, and Transportation and the Committee
9 on Armed Services of the Senate.

10 “(c) COVERED GPS DEVICE DEFINED.—In this sec-
11 tion, the term ‘covered GPS device’ means a Global Posi-
12 tioning System device of the Department of Defense.”.

13 (b) SECRETARY OF DEFENSE REVIEW OF HARMFUL
14 INTERFERENCE.—

15 (1) REVIEW.—Not later than 90 days after the
16 date of the enactment of this Act, and every 90 days
17 thereafter until the date referred to in paragraph
18 (3), the Secretary of Defense shall conduct a review
19 to—

20 (A) assess the ability of covered GPS de-
21 vices to receive signals from Global Positioning
22 System satellites without widespread harmful
23 interference; and

24 (B) determine if commercial communica-
25 tions services are causing or will cause wide-

1 spread harmful interference with covered GPS
2 devices.

3 (2) NOTICE TO CONGRESS.—

4 (A) NOTICE.—If the Secretary of Defense
5 determines during a review under paragraph
6 (1) that commercial communications services
7 are causing or will cause widespread harmful
8 interference with covered GPS devices, the Sec-
9 retary shall promptly submit to the congres-
10 sional defense committees notice of such inter-
11 ference.

12 (B) CONTENTS.—The notice required
13 under subparagraph (A) shall include—

14 (i) a list and description of the cov-
15 ered GPS devices that are being or ex-
16 pected to be interfered with by commercial
17 communications services;

18 (ii) a description of the source of, and
19 the entity causing or expected to cause, the
20 interference with such devices;

21 (iii) a description of the manner in
22 which such source or such entity is causing
23 or expected to cause such interference;

1 (iv) a description of the magnitude of
2 harm caused or expected to be caused by
3 such interference;

4 (v) a description of the duration of
5 and the conditions and circumstances
6 under which such interference is occurring
7 or expected to occur;

8 (vi) a description of the impact of
9 such interference on the national security
10 interests of the United States; and

11 (vii) a description of the plans of the
12 Secretary to address, alleviate, or mitigate
13 such interference, including the cost of
14 such plans.

15 (C) FORM.—The notice required under
16 subparagraph (A) shall be submitted in unclas-
17 sified form, but may include a classified annex.

18 (3) TERMINATION DATE.—The date referred to
19 in this paragraph is the earlier of—

20 (A) the date that is two years after the
21 date of the enactment of this Act; or

22 (B) the date on which the Secretary—

23 (i) determines that commercial com-
24 munications services are not causing any

1 widespread harmful interference with cov-
2 ered GPS devices; and

3 (ii) submits to the congressional de-
4 fense committees notice of the determina-
5 tion made under clause (i).

6 (c) COVERED GPS DEVICE DEFINED.—In this sec-
7 tion, the term “covered GPS device” means a Global Posi-
8 tioning System device of the Department of Defense.

9 (d) CONFORMING REPEAL.—Section 911 of the Na-
10 tional Defense Authorization Act for Fiscal Year 2012
11 (Public Law 112–81; 125 Stat. 1534) is repealed.

12 **TITLE XVII—GUAM WORLD WAR** 13 **II LOYALTY RECOGNITION ACT**

Sec. 1701. Short title.

Sec. 1702. Recognition of the suffering and loyalty of the residents of Guam.

Sec. 1703. Guam World War II Claims Fund.

Sec. 1704. Payments for Guam World War II claims.

Sec. 1705. Adjudication.

Sec. 1706. Grants program to memorialize the occupation of Guam during
World War II.

Sec. 1707. Authorization of appropriations.

14 **SEC. 1701. SHORT TITLE.**

15 This title may be cited as the “Guam World War II
16 Loyalty Recognition Act”.

17 **SEC. 1702. RECOGNITION OF THE SUFFERING AND LOY-** 18 **ALTY OF THE RESIDENTS OF GUAM.**

19 (a) RECOGNITION OF THE SUFFERING OF THE RESI-
20 DENTS OF GUAM.—The United States recognizes that, as
21 described by the Guam War Claims Review Commission,

1 the residents of Guam, on account of their United States
2 nationality, suffered unspeakable harm as a result of the
3 occupation of Guam by Imperial Japanese military forces
4 during World War II, by being subjected to death, rape,
5 severe personal injury, personal injury, forced labor,
6 forced march, or internment.

7 (b) RECOGNITION OF THE LOYALTY OF THE RESI-
8 DENTS OF GUAM.—The United States forever will be
9 grateful to the residents of Guam for their steadfast loy-
10 alty to the United States, as demonstrated by the count-
11 less acts of courage they performed despite the threat of
12 death or great bodily harm they faced at the hands of the
13 Imperial Japanese military forces that occupied Guam
14 during World War II.

15 **SEC. 1703. GUAM WORLD WAR II CLAIMS FUND.**

16 (a) ESTABLISHMENT OF FUND.—The Secretary of
17 the Treasury shall establish in the Treasury of the United
18 States a special fund (in this title referred to as the
19 “Claims Fund”) for the payment of claims submitted by
20 compensable Guam victims and survivors of compensable
21 Guam decedents in accordance with sections 1704 and
22 1705.

23 (b) COMPOSITION OF FUND.—The Claims Fund es-
24 tablished under subsection (a) shall be composed of
25 amounts deposited into the Claims Fund under subsection

1 (c) and any other payments made available for the pay-
2 ment of claims under this title.

3 (c) PAYMENT OF CERTAIN DUTIES, TAXES, AND
4 FEES COLLECTED FROM GUAM DEPOSITED INTO
5 FUND.—

6 (1) IN GENERAL.—Notwithstanding section 30
7 of the Organic Act of Guam (48 U.S.C. 1421h), the
8 excess of—

9 (A) any amount of duties, taxes, and fees
10 collected under such section after fiscal year
11 2014, over

12 (B) the amount of duties, taxes, and fees
13 collected under such section during fiscal year
14 2014,

15 shall be deposited into the Claims Fund.

16 (2) APPLICATION.—Paragraph (1) shall not
17 apply after the date for which the Secretary of the
18 Treasury determines that all payments required to
19 be made under section 1704 have been made.

20 (d) LIMITATION ON PAYMENTS MADE FROM
21 FUND.—

22 (1) IN GENERAL.—No payment may be made in
23 a fiscal year under section 1704 until funds are de-
24 posited into the Claims Fund in such fiscal year
25 under subsection (c).

1 (2) AMOUNTS.—For each fiscal year in which
2 funds are deposited into the Claims Fund under
3 subsection (c), the total amount of payments made
4 in a fiscal year under section 1704 may not exceed
5 the amount of funds available in the Claims Fund
6 for such fiscal year.

7 (e) DEDUCTIONS FROM FUND FOR ADMINISTRATIVE
8 EXPENSES.—The Secretary of the Treasury shall deduct
9 from any amounts deposited into the Claims Fund an
10 amount equal to 5 percent of such amounts as reimburse-
11 ment to the Federal Government for expenses incurred by
12 the Foreign Claims Settlement Commission and by the
13 Department of the Treasury in the administration of this
14 title. The amounts so deducted shall be covered into the
15 Treasury as miscellaneous receipts.

16 **SEC. 1704. PAYMENTS FOR GUAM WORLD WAR II CLAIMS.**

17 (a) PAYMENTS FOR DEATH, PERSONAL INJURY,
18 FORCED LABOR, FORCED MARCH, AND INTERNMENT.—
19 After the Secretary of the Treasury receives the certifi-
20 cation from the Chairman of the Foreign Claims Settle-
21 ment Commission as required under section 1705(b)(8),
22 the Secretary of the Treasury shall make payments, sub-
23 ject to the availability of appropriations, to compensable
24 Guam victims and survivors of a compensable Guam dece-
25 dents as follows:

1 (1) COMPENSABLE GUAM VICTIM.—Before mak-
2 ing any payments under paragraph (2), the Sec-
3 retary shall make payments to compensable Guam
4 victims as follows:

5 (A) In the case of a victim who has suf-
6 fered an injury described in subsection
7 (c)(2)(A), \$15,000.

8 (B) In the case of a victim who is not de-
9 scribed in subparagraph (A), but who has suf-
10 fered an injury described in subsection
11 (c)(2)(B), \$12,000.

12 (C) In the case of a victim who is not de-
13 scribed in subparagraph (A) or (B), but who
14 has suffered an injury described in subsection
15 (c)(2)(C), \$10,000.

16 (2) SURVIVORS OF COMPENSABLE GUAM DECE-
17 DENTS.—In the case of a compensable Guam dece-
18 dent, the Secretary shall pay \$25,000 for distribu-
19 tion to survivors of the decedent in accordance with
20 subsection (b). The Secretary shall make payments
21 under this paragraph only after all payments are
22 made under paragraph (1).

23 (b) DISTRIBUTION OF SURVIVOR PAYMENTS.—A
24 payment made under subsection (a)(2) to the survivors of

1 a compensable Guam decedent shall be distributed as fol-
2 lows:

3 (1) In the case of a decedent whose spouse is
4 living as of the date of the enactment of this Act,
5 but who had no living children as of such date, the
6 payment shall be made to such spouse.

7 (2) In the case of a decedent whose spouse is
8 living as of the date of the enactment of this Act
9 and who had one or more living children as of such
10 date, 50 percent of the payment shall be made to the
11 spouse and 50 percent shall be made to such chil-
12 dren, to be divided among such children to the
13 greatest extent possible into equal shares.

14 (3) In the case of a decedent whose spouse is
15 not living as of the date of the enactment of this Act
16 and who had one or more living children as of such
17 date, the payment shall be made to such children, to
18 be divided among such children to the greatest ex-
19 tent possible into equal shares.

20 (4) In the case of a decedent whose spouse is
21 not living as of the date of the enactment of this Act
22 and who had no living children as of such date, but
23 who—

1 (A) had a parent who is living as of such
2 date, the payment shall be made to the parent;
3 or

4 (B) had two parents who are living as of
5 such date, the payment shall be divided equally
6 between the parents.

7 (5) In the case of a decedent whose spouse is
8 not living as of the date of the enactment of this
9 Act, who had no living children as of such date, and
10 who had no parents who are living as of such date,
11 no payment shall be made.

12 (c) DEFINITIONS.—For purposes of this title:

13 (1) COMPENSABLE GUAM DECEDENT.—The
14 term “compensable Guam decedent” means an indi-
15 vidual determined under section 1705 to have been
16 a resident of Guam who died as a result of the at-
17 tack and occupation of Guam by Imperial Japanese
18 military forces during World War II, or incident to
19 the liberation of Guam by United States military
20 forces, and whose death would have been compen-
21 sable under the Guam Meritorious Claims Act of
22 1945 (Public Law 79–224) if a timely claim had
23 been filed under the terms of such Act.

24 (2) COMPENSABLE GUAM VICTIM.—The term
25 “compensable Guam victim” means an individual

1 who is not deceased as of the date of the enactment
2 of this Act and who is determined under section
3 1705 to have suffered, as a result of the attack and
4 occupation of Guam by Imperial Japanese military
5 forces during World War II, or incident to the lib-
6 eration of Guam by United States military forces,
7 any of the following:

8 (A) Rape or severe personal injury (such
9 as loss of a limb, dismemberment, or paralysis).

10 (B) Forced labor or a personal injury not
11 under subparagraph (A) (such as disfigure-
12 ment, scarring, or burns).

13 (C) Forced march, internment, or hiding
14 to evade internment.

15 (3) DEFINITIONS OF SEVERE PERSONAL INJU-
16 RIES AND PERSONAL INJURIES.—Not later than 180
17 days after the date of the enactment of this Act, the
18 Foreign Claims Settlement Commission shall pro-
19 mulgate regulations to specify the injuries that con-
20 stitute a severe personal injury or a personal injury
21 for purposes of subparagraphs (A) and (B), respec-
22 tively, of paragraph (2).

23 **SEC. 1705. ADJUDICATION.**

24 (a) AUTHORITY OF FOREIGN CLAIMS SETTLEMENT
25 COMMISSION.—

1 (1) IN GENERAL.—The Foreign Claims Settle-
2 ment Commission shall adjudicate claims and deter-
3 mine the eligibility of individuals for payments under
4 section 1704.

5 (2) RULES AND REGULATIONS.—Not later than
6 180 days after the date of the enactment of this Act,
7 the Chairman of the Foreign Claims Settlement
8 Commission shall publish in the Federal Register
9 such rules and regulations as may be necessary to
10 enable the Commission to carry out the functions of
11 the Commission under this title.

12 (b) CLAIMS SUBMITTED FOR PAYMENTS.—

13 (1) SUBMITTAL OF CLAIM.—For purposes of
14 subsection (a)(1) and subject to paragraph (2), the
15 Foreign Claims Settlement Commission may not de-
16 termine an individual is eligible for a payment under
17 section 1704 unless the individual submits to the
18 Commission a claim in such manner and form and
19 containing such information as the Commission
20 specifies.

21 (2) FILING PERIOD FOR CLAIMS AND NOTICE.—

22 (A) FILING PERIOD.—An individual filing
23 a claim for a payment under section 1704 shall
24 file such claim not later than one year after the
25 date on which the Foreign Claims Settlement

1 Commission publishes the notice described in
2 subparagraph (B).

3 (B) NOTICE OF FILING PERIOD.—Not later
4 than 180 days after the date of the enactment
5 of this Act, the Foreign Claims Settlement
6 Commission shall publish a notice of the dead-
7 line for filing a claim described in subparagraph
8 (A)—

9 (i) in the Federal Register; and

10 (ii) in newspaper, radio, and television
11 media in Guam.

12 (3) ADJUDICATORY DECISIONS.—The decision
13 of the Foreign Claims Settlement Commission on
14 each claim filed under this title shall—

15 (A) be by majority vote;

16 (B) be in writing;

17 (C) state the reasons for the approval or
18 denial of the claim; and

19 (D) if approved, state the amount of the
20 payment awarded and the distribution, if any,
21 to be made of the payment.

22 (4) DEDUCTIONS IN PAYMENT.—The Foreign
23 Claims Settlement Commission shall deduct, from a
24 payment made to a compensable Guam victim or
25 survivors of a compensable Guam decedent under

1 this section, amounts paid to such victim or sur-
2 vivors under the Guam Meritorious Claims Act of
3 1945 (Public Law 79–224) before the date of the
4 enactment of this Act.

5 (5) INTEREST.—No interest shall be paid on
6 payments made by the Foreign Claims Settlement
7 Commission under section 1704.

8 (6) LIMITED COMPENSATION FOR PROVISION
9 OF REPRESENTATIONAL SERVICES.—

10 (A) LIMIT ON COMPENSATION.—Any
11 agreement under which an individual who pro-
12 vided representational services to an individual
13 who filed a claim for a payment under this title
14 that provides for compensation to the individual
15 who provided such services in an amount that
16 is more than one percent of the total amount of
17 such payment shall be unlawful and void.

18 (B) PENALTIES.—Whoever demands or re-
19 ceives any compensation in excess of the
20 amount allowed under subparagraph (A) shall
21 be fined not more than \$5,000 or imprisoned
22 not more than one year, or both.

23 (7) APPEALS AND FINALITY.—Objections and
24 appeals of decisions of the Foreign Claims Settle-
25 ment Commission shall be to the Commission, and

1 upon rehearing, the decision in each claim shall be
2 final, and not subject to further review by any court
3 or agency.

4 (8) CERTIFICATIONS FOR PAYMENT.—After a
5 decision approving a claim becomes final, the Chair-
6 man of the Foreign Claims Settlement Commission
7 shall certify such decision to the Secretary of the
8 Treasury for authorization of a payment under sec-
9 tion 1704.

10 (9) TREATMENT OF AFFIDAVITS.—For pur-
11 poses of section 1704 and subject to paragraph (2),
12 the Foreign Claims Settlement Commission shall
13 treat a claim that is accompanied by an affidavit of
14 an individual that attests to all of the material facts
15 required for establishing the eligibility of such indi-
16 vidual for payment under such section as estab-
17 lishing a prima facie case of the eligibility of the in-
18 dividual for such payment without the need for fur-
19 ther documentation, except as the Commission may
20 otherwise require. Such material facts shall include,
21 with respect to a claim for a payment made under
22 section 1704(a), a detailed description of the injury
23 or other circumstance supporting the claim involved,
24 including the level of payment sought.

1 (10) RELEASE OF RELATED CLAIMS.—Accept-
2 ance of a payment under section 1704 by an indi-
3 vidual for a claim related to a compensable Guam
4 decedent or a compensable Guam victim shall be in
5 full satisfaction of all claims related to such dece-
6 dent or victim, respectively, arising under the Guam
7 Meritorious Claims Act of 1945 (Public Law 79–
8 224), the implementing regulations issued by the
9 United States Navy pursuant to such Act (Public
10 Law 79–224), or this title.

11 **SEC. 1706. GRANTS PROGRAM TO MEMORIALIZE THE OCCU-**
12 **PATION OF GUAM DURING WORLD WAR II.**

13 (a) ESTABLISHMENT.—Subject to subsection (b), the
14 Secretary of the Interior shall establish a grant program
15 under which the Secretary shall award grants for research,
16 educational, and media activities for purposes of appro-
17 priately illuminating and interpreting the causes and cir-
18 cumstances of the occupation of Guam during World War
19 II and other similar occupations during the war that—

20 (1) memorialize the events surrounding such oc-
21 cupation; or

22 (2) honor the loyalty of the people of Guam
23 during such occupation.

24 (b) ELIGIBILITY.—The Secretary of the Interior may
25 not award a grant under subsection (a) unless the person

1 seeking the grant submits an application to the Secretary
2 for such grant, in such time, manner, and form and con-
3 taining such information as the Secretary specifies.

4 **SEC. 1707. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) GUAM WORLD WAR II CLAIMS PAYMENTS AND
6 ADJUDICATION.—For the purposes of carrying out sec-
7 tions 1704 and 1705, there is authorized to be appro-
8 priated for any fiscal year beginning after the date of en-
9 actment of this Act, an amount equal to the amount de-
10 posited into the Claims Fund in a fiscal year under section
11 1703. Not more than 5 percent of funds made available
12 under this subsection shall be used for administrative
13 costs. Amounts appropriated under this section may re-
14 main available until expended.

15 (b) GUAM WORLD WAR II GRANTS PROGRAM.—For
16 purposes of carrying out section 1706, there are author-
17 ized to be appropriated \$5,000,000 for each fiscal year
18 beginning after the date of the enactment of this Act.

19 **TITLE XVIII—MATTERS RELAT-**
20 **ING TO SMALL BUSINESS**
21 **PROCUREMENT**

Subtitle A—Improving Transparency and Clarity for Small Businesses

Sec. 1801. Plain language rewrite of requirements for small business procure-
ments.

Sec. 1802. Transparency in small business goals.

Subtitle B—Clarifying the Roles of Small Business Advocates

Sec. 1811. Scope of review by procurement center representatives.

Sec. 1812. Duties of the Office of Small and Disadvantaged Business Utilization.

Sec. 1813. Improving contractor compliance.

Sec. 1814. Improving education on small business regulations.

Subtitle C—Strengthening Opportunities for Competition in Subcontracting

Sec. 1821. Good faith in subcontracting.

Sec. 1822. Pilot program to provide opportunities for qualified subcontractors to obtain past performance ratings.

Sec. 1823. Amendments to the Mentor-Protege Program of the Department of Defense.

Subtitle D—Miscellaneous Provisions

Sec. 1831. Improvements to size standards for small agricultural producers.

Sec. 1832. Uniformity in service-disabled veteran definitions.

Sec. 1833. Office of Hearings and Appeals.

Sec. 1834. Extension of SBIR and STTR programs.

Sec. 1835. Issuance of guidance on small business matters.

Subtitle E—Improving Cyber Preparedness for Small Businesses

Sec. 1841. Small Business Development Center Cyber Strategy and outreach.

Sec. 1842. Role of small business development centers in cybersecurity and preparedness.

Sec. 1843. Additional cybersecurity assistance for small business development centers.

Sec. 1844. Prohibition on additional funds.

1 **Subtitle A—Improving Transparency and Clarity for Small**
2 **Businesses**

4 **SEC. 1801. PLAIN LANGUAGE REWRITE OF REQUIREMENTS**
5 **FOR SMALL BUSINESS PROCUREMENTS.**

6 Section 15(a) of the Small Business Act (15 U.S.C.
7 644(a)) is amended to read as follows:

8 “(a) SMALL BUSINESS PROCUREMENTS.—

9 “(1) IN GENERAL.—For purposes of this Act,
10 small business concerns shall receive any award or
11 contract if such award or contract is, in the deter-

1 mination of the Administrator and the contracting
2 agency, in the interest of—

3 “(A) maintaining or mobilizing the full
4 productive capacity of the United States;

5 “(B) war or national defense programs; or

6 “(C) assuring that a fair proportion of the
7 total purchase and contracts for goods and
8 services of the Government in each industry
9 category (as defined under paragraph (2)) are
10 awarded to small business concerns.

11 “(2) INDUSTRY CATEGORY DEFINED.—

12 “(A) IN GENERAL.—In this subsection, the
13 term ‘industry category’ means a discrete group
14 of similar goods and services, as determined by
15 the Administrator in accordance with the North
16 American Industry Classification System codes
17 used to establish small business size standards,
18 except that the Administrator shall limit an in-
19 dustry category to a greater extent than pro-
20 vided under the North American Industry Clas-
21 sification System codes if the Administrator re-
22 ceives evidence indicating that further seg-
23 mentation of the industry category is war-
24 ranted—

1 “(i) due to special capital equipment
2 needs;

3 “(ii) due to special labor require-
4 ments;

5 “(iii) due to special geographic re-
6 quirements, except as provided in subpara-
7 graph (B);

8 “(iv) due to unique Federal buying
9 patterns or requirements; or

10 “(v) to recognize a new industry.

11 “(B) EXCEPTION FOR GEOGRAPHIC RE-
12 QUIREMENTS.—The Administrator may not fur-
13 ther segment an industry category based on ge-
14 ographic requirements unless—

15 “(i) the Government typically des-
16 ignates the geographic area where work for
17 contracts for goods or services is to be per-
18 formed;

19 “(ii) Government purchases comprise
20 the major portion of the entire domestic
21 market for such goods or services; and

22 “(iii) it is unreasonable to expect com-
23 petition from business concerns located
24 outside of the general geographic area due
25 to the fixed location of facilities, high mo-

1 bilization costs, or similar economic fac-
2 tors.

3 “(3) DETERMINATIONS WITH RESPECT TO
4 AWARDS OR CONTRACTS.—Determinations made
5 pursuant to paragraph (1) may be made for indi-
6 vidual awards or contracts, any part of an award or
7 contract or task order, or for classes of awards or
8 contracts or task orders.

9 “(4) INCREASING PRIME CONTRACTING OPPOR-
10 TUNITIES FOR SMALL BUSINESS CONCERNS.—

11 “(A) DESCRIPTION OF COVERED PRO-
12 POSED PROCUREMENTS.—The requirements of
13 this paragraph shall apply to a proposed pro-
14 curement that includes in its statement of work
15 goods or services currently being supplied or
16 performed by a small business concern and, as
17 determined by the Administrator—

18 “(i) is in a quantity or of an esti-
19 mated dollar value which makes the par-
20 ticipation of a small business concern as a
21 prime contractor unlikely;

22 “(ii) in the case of a proposed pro-
23 curement for construction, seeks to bundle
24 or consolidate discrete construction
25 projects; or

1 “(iii) is a solicitation that involves an
2 unnecessary or unjustified bundling of con-
3 tract requirements.

4 “(B) NOTICE TO PROCUREMENT CENTER
5 REPRESENTATIVES.—With respect to proposed
6 procurements described in subparagraph (A), at
7 least 30 days before issuing a solicitation and
8 concurrent with other processing steps required
9 before issuing the solicitation, the contracting
10 agency shall provide a copy of the proposed pro-
11 curement to the procurement center representa-
12 tive of the contracting agency (as described in
13 subsection (l)) along with a statement explain-
14 ing—

15 “(i) why the proposed procurement
16 cannot be divided into reasonably small
17 lots (not less than economic production
18 runs) to permit offers on quantities less
19 than the total requirement;

20 “(ii) why delivery schedules cannot be
21 established on a realistic basis that will en-
22 courage the participation of small business
23 concerns in a manner consistent with the
24 actual requirements of the Government;

1 “(iii) why the proposed procurement
2 cannot be offered to increase the likelihood
3 of the participation of small business con-
4 cerns;

5 “(iv) in the case of a proposed pro-
6 curement for construction, why the pro-
7 posed procurement cannot be offered as
8 separate discrete projects; or

9 “(v) why the contracting agency has
10 determined that the bundling of contract
11 requirements is necessary and justified.

12 “(C) ALTERNATIVES TO INCREASE PRIME
13 CONTRACTING OPPORTUNITIES FOR SMALL
14 BUSINESS CONCERNS.—If the procurement cen-
15 ter representative believes that the proposed
16 procurement will make the participation of
17 small business concerns as prime contractors
18 unlikely, the procurement center representative,
19 within 15 days after receiving the statement de-
20 scribed in subparagraph (B), shall recommend
21 to the contracting agency alternative procure-
22 ment methods for increasing prime contracting
23 opportunities for small business concerns.

24 “(D) FAILURE TO AGREE ON AN ALTER-
25 NATIVE PROCUREMENT METHOD.—If the pro-

1 curement center representative and the con-
2 tracting agency fail to agree on an alternative
3 procurement method, the Administrator shall
4 submit the matter to the head of the appro-
5 priate department or agency for a determina-
6 tion.

7 “(5) CONTRACTS FOR SALE OF GOVERNMENT
8 PROPERTY.—With respect to a contract for the sale
9 of Government property, small business concerns
10 shall receive any such contract if, in the determina-
11 tion of the Administrator and the disposal agency,
12 the award of such contract is in the interest of as-
13 suring that a fair proportion of the total sales of
14 Government property be made to small business con-
15 cerns.

16 “(6) SALE OF ELECTRICAL POWER OR OTHER
17 PROPERTY.—Nothing in this subsection shall be con-
18 strued to change any preferences or priorities estab-
19 lished by law with respect to the sale of electrical
20 power or other property by the Federal Government.

21 “(7) COSTS EXCEEDING FAIR MARKET PRICE.—
22 A contract may not be awarded under this sub-
23 section if the cost of the contract to the awarding
24 agency exceeds a fair market price.”.

1 **SEC. 1802. TRANSPARENCY IN SMALL BUSINESS GOALS.**

2 Section 15(h)(3) of the Small Business Act (15
3 U.S.C. 644(h)(3)) is amended to read as follows:

4 “(3) PROCUREMENT DATA.—

5 “(A) FEDERAL PROCUREMENT DATA SYS-
6 TEM.—

7 “(i) IN GENERAL.—To assist in the
8 implementation of this section, the Admin-
9 istrator shall have access to information
10 collected through the Federal Procurement
11 Data System, Federal Subcontracting Re-
12 porting System, or any new or successor
13 system.

14 “(ii) GSA REPORT.—On the date that
15 the Administrator makes available the re-
16 port required under paragraph (2), the Ad-
17 istrator of the General Services Admin-
18 istration shall submit to the President and
19 Congress, and shall make available on a
20 public website, a report in the same form
21 and manner, and including the same infor-
22 mation, as the report required under para-
23 graph (2). The report shall include all pro-
24 curements made for the period covered by
25 the report and may not exclude any con-
26 tract awarded.

1 “(B) AGENCY PROCUREMENT DATA
2 SOURCES.—To assist in the implementation of
3 this section, the head of each contracting agen-
4 cy shall provide, upon request of the Adminis-
5 trator, procurement information collected
6 through agency data collection sources in exist-
7 ence at the time of the request. Contracting
8 agencies shall not be required to establish new
9 data collection systems to provide such data.”.

10 **Subtitle B—Clarifying the Roles of** 11 **Small Business Advocates**

12 **SEC. 1811. SCOPE OF REVIEW BY PROCUREMENT CENTER** 13 **REPRESENTATIVES.**

14 (a) Section 15(l) of the Small Business Act (15
15 U.S.C. 644(l)) is amended by adding at the end the fol-
16 lowing new paragraph:

17 “(9) SCOPE OF REVIEW.—The Administrator—
18 “(A) may not limit the scope of review by
19 the procurement center representative for any
20 solicitation of a contract or task order without
21 regard to whether the contract or task order or
22 part of the contract or task order is set aside
23 for small business concerns, whether 1 or more
24 contracts or task order awards are reserved for
25 small business concerns under a multiple award

1 contract, or whether or not the solicitation
2 would result in a bundled or consolidated con-
3 tract (as defined in subsection (s)) or a bundled
4 or consolidated task order; and

5 “(B) shall, unless the contracting agency
6 requests a review, limit the scope of review by
7 the procurement center representative for any
8 solicitation of a contract or task order if such
9 solicitation is awarded by or for the Depart-
10 ment of Defense and—

11 “(i) is conducted pursuant to section
12 22 of the Arms Export Control Act (22
13 U.S.C. 2762);

14 “(ii) is a humanitarian operation as
15 defined in section 401(e) of title 10,
16 United States Code;

17 “(iii) is for a contingency operation,
18 as defined in section 101(a)(13) of title 10,
19 United States Code;

20 “(iv) is to be awarded pursuant to an
21 agreement with the government of a for-
22 eign country in which Armed Forces of the
23 United States are deployed; or

1 “(v) both the place of award and the
2 place of performance are outside of the
3 United States and its territories.”.

4 (b) Section 15(g)(2)(B) of the Small Business Act
5 (15 U.S.C. 644(g)(2)(B) is amended by inserting after the
6 period at the end the following new sentence: “Contracts
7 excluded from review by procurement center representa-
8 tives pursuant to subsection (l)(9)(B) shall not be consid-
9 ered when establishing these goals.”.

10 **SEC. 1812. DUTIES OF THE OFFICE OF SMALL AND DIS-**
11 **ADVANTAGED BUSINESS UTILIZATION.**

12 Section 15(k) of the Small Business Act (15 U.S.C.
13 644(k)) is amended—

14 (1) by striking “section 8, 15 or 44” and in-
15 serting “section 8, 15, 31, 36, or 44”;

16 (2) by striking “sections 8 and 15” each place
17 such term appears and inserting “sections 8, 15, 31,
18 36, and 44”;

19 (3) in paragraph (10), by striking “section
20 8(a)” and inserting “section 8, 15, 31, or 36”;

21 (4) in paragraph (17)(C), by striking the period
22 at the end and inserting a semicolon;

23 (5) by inserting after paragraph (17) the fol-
24 lowing new paragraph:

1 “(18) shall review summary data provided by
2 purchase card issuers of purchases made by the
3 agency greater than the micro-purchase threshold
4 (as defined under section 1902 of title 41, United
5 Stated Code) and less than the simplified acquisition
6 threshold to ensure that the purchases have been
7 made in compliance with the provisions of this Act
8 and have been properly recorded in the Federal Pro-
9 curement Data System, if the method of payment is
10 a purchase card issued by the Department of De-
11 fense pursuant to section 2784 of title 10, United
12 States Code, or by the head of an executive agency
13 pursuant to section 1909 of title 41, United States
14 Code;” and

15 (6) in paragraph (16)—

16 (A) in subparagraph (B), by striking
17 “and” at the end; and

18 (B) by adding at the end the following new
19 subparagraph:

20 “(D) any failure of the agency to comply
21 with section 8, 15, 31, or 36;”.

22 **SEC. 1813. IMPROVING CONTRACTOR COMPLIANCE.**

23 (a) **REQUIREMENTS FOR THE OFFICE OF SMALL AND**
24 **DISADVANTAGED BUSINESS UTILIZATION.**—Section 15(k)
25 of the Small Business Act (15 U.S.C. 644(k)(8)), as

1 amended by this Act, is further amended by inserting after
2 paragraph (18) (as inserted by section 1812 of this Act)
3 the following new paragraph:

4 “(19) shall provide assistance to a small busi-
5 ness concern awarded a contract or subcontract
6 under this Act or under title 10 or title 41, United
7 States Code, in finding resources for education and
8 training on compliance with contracting regulations
9 (including the Federal Acquisition Regulation) after
10 award of such a contract or subcontract; and”.

11 (b) REQUIREMENTS UNDER THE MENTOR-PROTEGE
12 PROGRAM OF THE DEPARTMENT OF DEFENSE.—Section
13 831(e)(1) of the National Defense Authorization Act for
14 Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1607;
15 10 U.S.C. 2302 note) is amended—

16 (1) in subparagraph (B), by striking “and” at
17 the end;

18 (2) in subparagraph (C), by striking the period
19 at the end and inserting “; and”; and

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

22 “(D) the assistance the mentor firm will
23 provide to the protege firm in understanding
24 contract regulations of the Federal Government
25 and the Department of Defense (including the

1 Federal Acquisition Regulation and the Defense
2 Federal Acquisition Regulation Supplement)
3 after award of a subcontract under this section,
4 if applicable.”.

5 (c) RESOURCES FOR SMALL BUSINESS CONCERNS.—
6 Section 15 of the Small Business Act (15 U.S.C. 644) is
7 amended by adding at the end the following new sub-
8 section:

9 “(u) POST-AWARD COMPLIANCE RESOURCES.—The
10 Administrator shall provide to small business development
11 centers and entities participating in the Procurement
12 Technical Assistance Cooperative Agreement Program
13 under chapter 142 of title 10, United States Code, and
14 shall make available on the website of the Administration,
15 a list of resources for small business concerns seeking edu-
16 cation and assistance on compliance with contracting reg-
17 ulations (including the Federal Acquisition Regulation)
18 after award of a contract or subcontract.”.

19 (d) REQUIREMENTS FOR PROCUREMENT CENTER
20 REPRESENTATIVES.—Section 15(l)(2) of the Small Busi-
21 ness Act (15 U.S.C. 644(l)(2)) is amended—

22 (1) by redesignating subparagraph (I) as sub-
23 paragraph (J);

24 (2) in subparagraph (H), by striking “and” at
25 the end; and

1 (3) by inserting after subparagraph (H) the fol-
2 lowing new subparagraph:

3 “(I) assist small business concerns with
4 finding resources for education and training on
5 compliance with contracting regulations (includ-
6 ing the Federal Acquisition Regulation) after
7 award of a contract or subcontract; and”.

8 (e) **REQUIREMENTS UNDER THE MENTOR-PROTEGE**
9 **PROGRAM OF THE SMALL BUSINESS ADMINISTRATION.**—
10 Section 45(b)(3) of the Small Business Act (15 U.S.C.
11 657r(b)(3)) is amended by adding at the end the following
12 new subparagraph:

13 “(K) The types of assistance provided by a
14 mentor to assist with compliance with the re-
15 quirements of contracting with the Federal
16 Government after award of a contract or sub-
17 contract under this section.”.

18 **SEC. 1814. IMPROVING EDUCATION ON SMALL BUSINESS**
19 **REGULATIONS.**

20 (a) **REGULATORY CHANGES AND TRAINING MATE-**
21 **RIALS.**—Section 15 of the Small Business Act (15 U.S.C.
22 644), as amended by section 1813, is further amended by
23 adding at the end the following new subsection:

24 “(v) **REGULATORY CHANGES AND TRAINING MATE-**
25 **RIALS.**—Not less than annually, the Administrator shall

1 provide to the Defense Acquisition University (established
2 under section 1746 of title 10, United States Code), the
3 Federal Acquisition Institute (established under section
4 1201 of title 41, United States Code), the individual re-
5 sponsible for mandatory training and education of the ac-
6 quisition workforce of each agency (described under sec-
7 tion 1703(f)(1)(C) of title 41, United States Code), small
8 business development centers, and entities participating in
9 the Procurement Technical Assistance Cooperative Agree-
10 ment Program under chapter 142 of title 10, United
11 States Code—

12 “(1) a list of all changes made in the prior year
13 to regulations promulgated—

14 “(A) by the Administrator that affect Fed-
15 eral acquisition; and

16 “(B) by the Federal Acquisition Council
17 that implement amendments to this Act; and

18 “(2) any materials the Administrator has devel-
19 oped that explain, train, or assist Federal agencies
20 or departments or small business concerns with com-
21 pliance with the regulations described in paragraph
22 (1).”.

23 (b) TRAINING TO BE UPDATED.—After receipt of in-
24 formation from the Administrator of the Small Business
25 Administration pursuant to section 15(v) of the Small

1 Business Act, the Defense Acquisition University (estab-
2 lished under section 1746 of title 10, United States Code)
3 and the Federal Acquisition Institute (established under
4 section 1201 of title 41, United States Code) shall periodi-
5 cally update the training provided to the acquisition work-
6 force to incorporate such information.

7 **Subtitle C—Strengthening Oppor-**
8 **tunities for Competition in Sub-**
9 **contracting**

10 **SEC. 1821. GOOD FAITH IN SUBCONTRACTING.**

11 (a) TRANSPARENCY IN SUBCONTRACTING GOALS.—
12 Section 8(d)(9) of the Small Business Act (15 U.S.C.
13 637(d)(9)) is amended—

14 (1) by striking “(9) The failure” and inserting
15 the following:

16 “(9) MATERIAL BREACH.—The failure”;

17 (2) in subparagraph (A), by striking “or” at
18 the end;

19 (3) in subparagraph (B), by inserting “or” at
20 the end;

21 (4) by inserting after subparagraph (B) the fol-
22 lowing new subparagraph:

23 “(C) assurances provided under paragraph

24 (6)(E),”; and

1 (5) by moving the margins of subparagraphs
2 (A) and (B), and the matter after subparagraph (C)
3 (as inserted by paragraph (4)), 2 ems to the right.

4 (b) REVIEW OF SUBCONTRACTING PLANS.—Section
5 15(k) of the Small Business Act (15 U.S.C. 644(k)) as
6 amended by this Act, is further amended by inserting after
7 paragraph (19) (as inserted by section 1813 of this Act)
8 the following new paragraph:

9 “(20) shall review all subcontracting plans re-
10 quired by paragraph (4) or (5) of section 8(d) to en-
11 sure that the plan provides maximum practicable op-
12 portunity for small business concerns to participate
13 in the performance of the contract to which the plan
14 applies.”.

15 (c) GOOD FAITH COMPLIANCE.—Not later than 270
16 days after the date of enactment of this title, the Adminis-
17 trator of the Small Business Administration shall provide
18 examples of activities that would be considered a failure
19 to make a good faith effort to comply with the require-
20 ments imposed on an entity (other than a small business
21 concern as defined under section 3 of the Small Business
22 Act (15 U.S.C. 632)) that is awarded a prime contract
23 containing the clauses required under paragraph (4) or (5)
24 of section 8(d) of the Small Business Act (15 U.S.C.
25 637(d)).

1 **SEC. 1822. PILOT PROGRAM TO PROVIDE OPPORTUNITIES**
2 **FOR QUALIFIED SUBCONTRACTORS TO OB-**
3 **TAIN PAST PERFORMANCE RATINGS.**

4 Section 8(d) of the Small Business Act (15 U.S.C.
5 637(d)) is amended by adding at the end the following
6 new paragraph:

7 “(17) PILOT PROGRAM PROVIDING PAST PERFORM-
8 ANCE RATINGS FOR OTHER SMALL BUSINESS SUB-
9 CONTRACTORS.—

10 “(A) ESTABLISHMENT.—The Administrator
11 shall establish a pilot program for a small business
12 concern without a past performance rating as a
13 prime contractor performing as a first tier subcon-
14 tractor for a covered contract (as defined in para-
15 graph 13(A)) to request a past performance rating
16 in the system used by the Federal Government to
17 monitor or record contractor past performance.

18 “(B) APPLICATION.—A small business concern
19 described in subparagraph (A) shall submit an appli-
20 cation to the appropriate official for a past perform-
21 ance rating no later than 270 days after the small
22 business concern completed the work for which it
23 seeks a past performance rating or 180 days after
24 the prime contractor completes work on the covered
25 contract, whichever is earlier. Such application shall
26 include written evidence of the past performance fac-

1 tors for which the small business concern seeks a
2 rating and a suggested rating.

3 “(C) DETERMINATION.—The appropriate offi-
4 cial shall submit the application from the small busi-
5 ness concern to the Office of Small and Disadvan-
6 taged Business Utilization for the covered contract
7 and to the prime contractor for review. The Office
8 of Small and Disadvantaged Business Utilization
9 and the prime contractor shall, not later than 30
10 days after receipt of the application, submit to the
11 appropriate official a response regarding the applica-
12 tion.

13 “(i) AGREEMENT ON RATING.—If the Of-
14 fice of Small and Disadvantaged Business Utili-
15 zation and the prime contractor agree on a past
16 performance rating, or if either the Office of
17 Small and Disadvantaged Business Utilization
18 or the prime contractor fail to respond and the
19 responding person agrees with the rating of the
20 applicant small business concern, the appro-
21 priate official shall enter the agreed-upon past
22 performance rating in the system described in
23 subparagraph (A).

24 “(ii) DISAGREEMENT ON RATING.—If the
25 Office of Small and Disadvantaged Business

1 Utilization and the prime contractor fail to re-
2 spond within 30 days or if they disagree about
3 the rating, or if either the Office of Small and
4 Disadvantaged Business Utilization or the
5 prime contractor fail to respond and the re-
6 sponding person disagrees with the rating of
7 the applicant small business concern, the Office
8 of Small and Disadvantaged Business Utiliza-
9 tion or the prime contractor shall submit a no-
10 tice contesting the application to the appro-
11 priate official. The appropriate official shall fol-
12 low the requirements of subparagraph (D).

13 “(D) PROCEDURE FOR RATING.—Not later
14 than 14 calendar days after receipt of a notice under
15 subparagraph (C)(ii), the appropriate official shall
16 submit such notice to the applicant small business
17 concern. Such concern may submit comments,
18 rebuttals, or additional information relating to the
19 past performance of such concern not later 14 cal-
20 endar days after receipt of such notice. The appro-
21 priate official shall enter into the system described
22 in subparagraph (A) a rating that is neither favor-
23 able nor unfavorable along with the initial applica-
24 tion from such concern, any responses of the Office
25 of Small and Disadvantaged Business Utilization

1 and the prime contractor, and any additional infor-
2 mation provided by such concern. A copy of the in-
3 formation submitted shall be provided to the con-
4 tracting officer (or designee of such officer) for the
5 covered contract.

6 “(E) USE OF INFORMATION.—A small business
7 subcontractor may use a past performance rating
8 given under this paragraph to establish its past per-
9 formance for a prime contract.

10 “(F) DURATION.—The pilot program estab-
11 lished under this paragraph shall terminate 3 years
12 after the date on which the first applicant small
13 business concern receives a past performance rating
14 for performance as a first tier subcontractor.

15 “(G) REPORT.—The Comptroller General of the
16 United States shall begin an assessment of the pilot
17 program 1 year after the establishment of such pro-
18 gram. Not later than 6 months after beginning such
19 assessment, the Comptroller General shall submit a
20 report to the Committee on Small Business and En-
21 trepreneurship of the Senate and the Committee on
22 Small Business of the House of Representatives,
23 which shall include—

1 “(i) the number of small business concerns
2 that have received past performance ratings
3 under the pilot program;

4 “(ii) the number of applications in which
5 the contracting officer (or designee) or the
6 prime contractor contested the application of
7 the small business concern;

8 “(iii) any suggestions or recommendations
9 the Comptroller General or the small business
10 concerns participating in the program have to
11 address disputes between the small business
12 concern, the contracting officer (or designee),
13 and the prime contractor on past performance
14 ratings;

15 “(iv) the number of small business con-
16 cerns awarded prime contracts after receiving a
17 past performance rating under this pilot pro-
18 gram; and

19 “(v) any suggestions or recommendation
20 the Comptroller General has to improve the op-
21 eration of the pilot program.

22 “(H) APPROPRIATE OFFICIAL DEFINED.—In
23 this paragraph, the term ‘appropriate official’
24 means—

25 “(i) a commercial market representative;

1 “(ii) another individual designated by the
2 senior official appointed by the Administrator
3 with responsibilities under sections 8, 15, 31,
4 and 36; or

5 “(iii) the Office of Small and Disadvan-
6 taged Business Utilization of a Federal agency,
7 if the head of the Federal agency and the Ad-
8 ministrator agree.”.

9 **SEC. 1823. AMENDMENTS TO THE MENTOR-PROTEGE PRO-**
10 **GRAM OF THE DEPARTMENT OF DEFENSE.**

11 Section 831 of the National Defense Authorization
12 Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat.
13 1607; 10 U.S.C. 2302 note) is amended—

14 (1) by amending subsection (d) to read as fol-
15 lows:

16 “(d) MENTOR FIRM ELIGIBILITY.—

17 “(1) Subject to subsection (e)(1), a mentor firm
18 may enter into an agreement with one or more pro-
19 tege firms under subsection (e) and provide assist-
20 ance under the program pursuant to that agreement
21 if the mentor firm—

22 “(A) is eligible for award of Federal con-
23 tracts; and

24 “(B) demonstrates that it—

1 “(i) is qualified to provide assistance
2 that will contribute to the purpose of the
3 program;

4 “(ii) is of good financial health and
5 character and does not appear on a Fed-
6 eral list of debarred or suspended contrac-
7 tors; and

8 “(iii) can impart value to a protege
9 firm because of experience gained as a De-
10 partment of Defense contractor or through
11 knowledge of general business operations
12 and government contracting, as dem-
13 onstrated by evidence that—

14 “(I) during the fiscal year pre-
15 ceding the fiscal year in which the
16 mentor firm enters into the agree-
17 ment, the total amount of the Depart-
18 ment of Defense contracts awarded
19 such mentor firm and the sub-
20 contracts awarded such mentor firm
21 under Department of Defense con-
22 tracts was equal to or greater than
23 \$100,000,000; or

24 “(II) the mentor firm dem-
25 onstrates the capability to assist in

1 the development of protege firms, and
2 is approved by the Secretary of De-
3 fense pursuant to criteria specified in
4 the regulations prescribed pursuant to
5 subsection (k).

6 “(2) A mentor firm may not enter into an
7 agreement with a protege firm if the Administrator
8 of the Small Business Administration has made a
9 determination finding affiliation between the mentor
10 firm and the protege firm.

11 “(3) If the Administrator of the Small Business
12 Administration has not made such a determination
13 and if the Secretary has reason to believe (based on
14 the regulations promulgated by the Administrator
15 regarding affiliation) that the mentor firm is affili-
16 ated with the protege firm, the Secretary shall re-
17 quest a determination regarding affiliation from the
18 Administrator of the Small Business Administra-
19 tion.”;

20 (2) in subsection (n), by amending paragraph
21 (9) to read as follows:

22 “(9) The term ‘affiliation’, with respect to a re-
23 lationship between a mentor firm and a protege
24 firm, means a relationship described under section

1 121.103 of title 13, Code of Federal Regulations (or
2 any successor regulation).”; and

3 (3) in subsection (f)(6)—

4 (A) in subparagraph (B), by striking “or”
5 at the end;

6 (B) in subparagraph (C), by striking the
7 period at the end and inserting “; or”; and

8 (C) by adding at the end the following new
9 subparagraph:

10 “(D) women’s business centers described
11 in section 29 of the Small Business Act (15
12 U.S.C. 656).”.

13 **Subtitle D—Miscellaneous** 14 **Provisions**

15 **SEC. 1831. IMPROVEMENTS TO SIZE STANDARDS FOR** 16 **SMALL AGRICULTURAL PRODUCERS.**

17 (a) **AMENDMENT TO DEFINITION OF AGRICULTURAL**
18 **ENTERPRISES.**—Paragraph (1) of section 18(b) of the
19 Small Business Act (15 U.S.C. 647(b)(1)) is amended by
20 striking “businesses” and inserting “small business con-
21 cerns”.

22 (b) **EQUAL TREATMENT OF SMALL FARMS.**—Para-
23 graph (1) of section 3(a) of the Small Business Act (15
24 U.S.C. 632(a)(1)) is amended by striking “operation: *Pro-*

1 *vided,*” and all that follows through the period at the end
2 and inserting “operation.”.

3 (c) UPDATED SIZE STANDARDS.—Size standards es-
4 tablished for agricultural enterprises under section 3(a) of
5 the Small Business Act (15 U.S.C. 632(a)) shall be sub-
6 ject to the rolling review procedures established under sec-
7 tion 1344(a) of the Small Business Jobs Act of 2010 (15
8 U.S.C. 632 note).

9 **SEC. 1832. UNIFORMITY IN SERVICE-DISABLED VETERAN**
10 **DEFINITIONS.**

11 (a) SMALL BUSINESS DEFINITION OF SMALL BUSI-
12 NESS CONCERN CONSOLIDATED.—Section 3(q) of the
13 Small Business Act (15 U.S.C. 632(q)) is amended—

14 (1) by amending paragraph (2) to read as fol-
15 lows:

16 “(2) SMALL BUSINESS CONCERN OWNED AND
17 CONTROLLED BY SERVICE-DISABLED VETERANS.—

18 The term ‘small business concern owned and con-
19 trolled by service-disabled veterans’ means any of
20 the following:

21 “(A) A small business concern—

22 “(i) not less than 51 percent of which
23 is owned by one or more service-disabled
24 veterans or, in the case of any publicly
25 owned business, not less than 51 percent

1 of the stock (not including any stock
2 owned by an ESOP) of which is owned by
3 one or more service-disabled veterans; and

4 “(ii) the management and daily busi-
5 ness operations of which are controlled by
6 one or more service-disabled veterans or, in
7 the case of a veteran with permanent and
8 severe disability, the spouse or permanent
9 caregiver of such veteran.

10 “(B) A small business concern—

11 “(i) not less than 51 percent of which
12 is owned by one or more service-disabled
13 veterans with a disability that is rated by
14 the Secretary of Veterans Affairs as a per-
15 manent and total disability who are unable
16 to manage the daily business operations of
17 such concern; or

18 “(ii) in the case of a publicly owned
19 business, not less than 51 percent of the
20 stock (not including any stock owned by an
21 ESOP) of which is owned by one or more
22 such veterans.

23 “(C)(i) During the time period described in
24 clause (ii), a small business concern that was a
25 small business concern described in subpara-

1 graph (A) or (B) immediately prior to the death
2 of a service-disabled veteran who was the owner
3 of the concern, the death of whom causes the
4 concern to be less than 51 percent owned by
5 one or more service-disabled veterans, if—

6 “(I) the surviving spouse of the de-
7 ceased veteran acquires such veteran’s
8 ownership interest in such concern;

9 “(II) such veteran had a service-con-
10 nected disability (as defined in section
11 101(16) of title 38, United States Code)
12 rated as 100 percent disabling under the
13 laws administered by the Secretary of Vet-
14 erans Affairs or such veteran died as a re-
15 sult of a service-connected disability; and

16 “(III) immediately prior to the death
17 of such veteran, and during the period de-
18 scribed in clause (ii), the small business
19 concern is included in the database de-
20 scribed in section 8127(f) of title 38,
21 United States Code.

22 “(ii) The time period described in this
23 clause is the time period beginning on the date
24 of the veteran’s death and ending on the earlier
25 of—

1 “(I) the date on which the surviving
2 spouse remarries;

3 “(II) the date on which the surviving
4 spouse relinquishes an ownership interest
5 in the small business concern; or

6 “(III) the date that is 10 years after
7 the date of the death of the veteran.”; and

8 (2) by adding at the end the following new
9 paragraphs:

10 “(6) ESOP.—The term ‘ESOP’ has the mean-
11 ing given the term ‘employee stock ownership plan’
12 in section 4975(e)(7) of the Internal Revenue Code
13 of 1986 (26 U.S.C. 4975(e)(7)).

14 “(7) SURVIVING SPOUSE.—The term ‘surviving
15 spouse’ has the meaning given such term in section
16 101(3) of title 38, United States Code.”.

17 (b) VETERANS AFFAIRS DEFINITION OF SMALL
18 BUSINESS CONCERN CONSOLIDATED.—

19 (1) IN GENERAL.—Section 8127 of title 38,
20 United States Code, is amended—

21 (A) by striking subsection (h) and redesign-
22 ating subsections (i) through (l) as subsections
23 (h) through (k), respectively; and

24 (B) in subsection (k), as so redesignated—

1 (i) by amending paragraph (2) to read
2 as follows:

3 “(2) The term ‘small business concern owned
4 and controlled by veterans’ has the meaning given
5 that term under section 3(q)(3) of the Small Busi-
6 ness Act (15 U.S.C. 632(q)(3)).”; and

7 (ii) by adding at the end the following
8 new paragraph:

9 “(3) The term ‘small business concern owned
10 and controlled by veterans with service-connected
11 disabilities’ has the meaning given the term ‘small
12 business concern owned and controlled by service-
13 disabled veterans’ under section 3(q)(2) of the Small
14 Business Act (15 U.S.C. 632(q)(2)).”.

15 (2) CONFORMING AMENDMENTS.—Such section
16 is further amended—

17 (A) in subsection (b), by inserting “or a
18 small business concern owned and controlled by
19 veterans with service-connected disabilities”
20 after “a small business concern owned and con-
21 trolled by veterans”;

22 (B) in subsection (c), by inserting “or a
23 small business concern owned and controlled by
24 veterans with service-connected disabilities”

1 after “a small business concern owned and con-
2 trolled by veterans”;

3 (C) in subsection (d) by inserting “or small
4 business concerns owned and controlled by vet-
5 erans with service-connected disabilities” after
6 “small business concerns owned and controlled
7 by veterans” both places it appears; and

8 (D) in subsection (f)(1), by inserting “,
9 small business concerns owned and controlled
10 by veterans with service-connected disabilities,”
11 after “small business concerns owned and con-
12 trolled by veterans”.

13 (c) TECHNICAL CORRECTION.—Section 8(d)(3) of the
14 Small Business Act (15 U.S.C. 637(d)(3)), is amended by
15 adding at the end the following new subparagraph:

16 “(H) In this contract, the term ‘small business
17 concern owned and controlled by service-disabled
18 veterans’ has the meaning given that term in section
19 3(q).”.

20 (d) REGULATIONS RELATING TO DATABASE OF THE
21 SECRETARY OF VETERANS AFFAIRS.—

22 (1) REQUIREMENT TO USE CERTAIN SMALL
23 BUSINESS ADMINISTRATION REGULATIONS.—Section
24 8127(f)(4) of title 38, United States Code, is
25 amended by striking “verified” and inserting

1 “verified, using regulations issued by the Adminis-
2 trator of the Small Business Administration with re-
3 spect to the status of the concern as a small busi-
4 ness concern and the ownership and control of such
5 concern.”.

6 (2) PROHIBITION ON SECRETARY OF VETERANS
7 AFFAIRS ISSUING CERTAIN REGULATIONS.—Section
8 8127(f) of title 38, United States Code, is amended
9 by adding at the end the following new paragraph:

10 “(7) The Secretary may not issue regulations related
11 to the status of a concern as a small business concern and
12 the ownership and control of such small business con-
13 cern.”.

14 (e) DELAYED EFFECTIVE DATE.—The amendments
15 made by subsections (a), (b), (c), and (d) shall take effect
16 on the date on which the Administrator of the Small Busi-
17 ness Administration and the Secretary of Veterans Affairs
18 jointly issue regulations implementing such sections.

19 (f) APPEALS OF INCLUSION IN DATABASE.—

20 (1) IN GENERAL.—Section 8127(f) of title 38,
21 United States Code, as amended by this section, is
22 further amended by adding at the end the following
23 new paragraph:

24 “(8)(A) If a small business concern is not included
25 in the database because the Secretary does not verify the

1 status of the concern as a small business concern or the
2 ownership or control of the concern, the concern may ap-
3 peal the denial of verification to the Office of Hearings
4 and Appeals of the Small Business Administration (as es-
5 tablished under section 5(i) of the Small Business Act).
6 The decision of the Office of Hearings and Appeals shall
7 be considered a final agency action.

8 “(B)(i) If an interested party challenges the inclusion
9 in the database of a small business concern owned and
10 controlled by veterans or a small business concern owned
11 and controlled by veterans with service-connected disabil-
12 ities based on the status of the concern as a small business
13 concern or the ownership or control of the concern, the
14 challenge shall be heard by the Office of Hearings and
15 Appeals of the Small Business Administration as de-
16 scribed in subparagraph (A). The decision of the Office
17 of Hearings and Appeals shall be considered final agency
18 action.

19 “(ii) In this subparagraph, the term ‘interested party’
20 means—

21 “(I) the Secretary; or

22 “(II) in the case of a small business concern
23 that is awarded a contract, the contracting officer of
24 the Department or another small business concern
25 that submitted an offer for the contract that was

1 awarded to the small business concern that is the
2 subject of a challenge made under clause (i).

3 “(C) For each fiscal year, the Secretary shall reim-
4 burse the Administrator of the Small Business Adminis-
5 tration in an amount necessary to cover any cost incurred
6 by the Office of Hearings and Appeals of the Small Busi-
7 ness Administration for actions taken by the Office under
8 this paragraph. The Administrator is authorized to accept
9 such reimbursement. The amount of any such reimburse-
10 ment shall be determined jointly by the Secretary and the
11 Administrator and shall be provided from fees collected
12 by the Secretary under multiple-award schedule contracts.
13 Any disagreement about the amount shall be resolved by
14 the Director of the Office of Management and Budget.”.

15 (2) EFFECTIVE DATE.—Paragraph (8) of sub-
16 section (f) of title 38, United States Code, as added
17 by paragraph (1), shall apply with respect to a
18 verification decision made by the Secretary of Vet-
19 erans Affairs on or after the date of the enactment
20 of this Act.

21 **SEC. 1833. OFFICE OF HEARINGS AND APPEALS.**

22 (a) CLARIFICATION AS TO JURISDICTION.—Section
23 5(i)(1)(B) of the Small Business Act (15 U.S.C.
24 634(i)(1)(B)) is amended to read as follows:

25 “(B) JURISDICTION.—

1 “(i) IN GENERAL.—Except as pro-
2 vided in clause (ii), the Office of Hearings
3 and Appeals shall hear appeals of agency
4 actions under or pursuant to this Act, the
5 Small Business Investment Act of 1958
6 (15 U.S.C. 661 et seq.), and title 13 of the
7 Code of Federal Regulations, and shall
8 hear such other matters as the Adminis-
9 trator may determine appropriate.

10 “(ii) EXCEPTION.—The Office of
11 Hearings and Appeals shall not adjudicate
12 disputes that require a hearing on the
13 record, except disputes pertaining to the
14 small business programs described in this
15 Act.”.

16 (b) NEW RULES OR GUIDANCE FOR PETITIONS FOR
17 RECONSIDERATION.—Section 3(a)(9) of the Small Busi-
18 ness Act (15 U.S.C. 632(a)(9)) is amended by adding at
19 the end the following new subparagraph:

20 “(E) RULES OR GUIDANCE.—The Office of
21 Hearings and Appeals shall begin accepting pe-
22 titions for reconsideration described in subpara-
23 graph (A) after the date on which the Adminis-
24 tration issues a rule or other guidance imple-
25 menting this paragraph. Notwithstanding the

1 provisions of subparagraph (B), petitions for re-
2 consideration of size standards revised, modi-
3 fied, or established in a Federal Register final
4 rule published between November 25, 2015, and
5 the effective date of such rule or other guidance
6 shall be considered timely if filed within 30
7 days of such effective date.”.

8 **SEC. 1834. EXTENSION OF SBIR AND STTR PROGRAMS.**

9 (a) SBIR.—Section 9(m) of the Small Business Act
10 (15 U.S.C. 638(m)) is amended by striking “September
11 30, 2017” and inserting “September 30, 2022”.

12 (b) STTR.—Section 9(n)(1) of the Small Business
13 Act (15 U.S.C. 638(n)(1)) is amended by striking “fiscal
14 year 2017” and inserting “fiscal year 2022”.

15 **SEC. 1835. ISSUANCE OF GUIDANCE ON SMALL BUSINESS**
16 **MATTERS.**

17 Not later than 180 days after the date of enactment
18 of this Act, the Administrator of the Small Business Ad-
19 ministration and the Secretary of Veterans Affairs shall
20 issue guidance pertaining to the amendments made by this
21 title to the Small Business Act and section 8127 of title
22 38, United States Code. The Administrator and the Sec-
23 retary shall provide notice and opportunity for comment
24 on such guidance for a period of not less than 60 days.

1 **Subtitle E—Improving Cyber**
2 **Preparedness for Small Businesses**

3 **SEC. 1841. SMALL BUSINESS DEVELOPMENT CENTER**
4 **CYBER STRATEGY AND OUTREACH.**

5 (a) SMALL BUSINESS DEVELOPMENT CENTER
6 CYBER STRATEGY.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date of the enactment of this Act, the Ad-
9 ministrator of the Small Business Administration
10 and the Secretary of Homeland Security shall work
11 collaboratively to develop a cyber strategy for small
12 business development centers to be known as the
13 “Small Business Development Center Cyber Strat-
14 egy”.

15 (2) CONSULTATION.—In developing the strat-
16 egy under this subsection, the Administrator of the
17 Small Business Administration and the Secretary of
18 Homeland Security shall consult with entities rep-
19 resenting the concerns of small business development
20 centers, including any association recognized under
21 section 21(a)(3)(A) of the Small Business Act (15
22 U.S.C. 648(a)(3)(A)).

23 (3) CONTENT.—The strategy required under
24 paragraph (1) shall include, at minimum, the fol-
25 lowing:

1 (A) Plans for allowing small business de-
2 velopment centers (hereinafter in this para-
3 graph referred to as “SBDCs”) to access exist-
4 ing cyber programs of the Department of
5 Homeland Security and other appropriate Fed-
6 eral agencies to enhance services and streamline
7 cyber assistance to small business concerns.

8 (B) To the extent practicable, methods for
9 providing counsel and assistance to improve a
10 small business concern’s cybersecurity infra-
11 structure, awareness of cyber threat indicators,
12 and cyber training programs for employees, in-
13 cluding—

14 (i) working to ensure individuals are
15 aware of best practices in the areas of cy-
16 bersecurity, awareness of cyber threat indi-
17 cators, and cyber training;

18 (ii) working with individuals to de-
19 velop cost-effective plans for implementing
20 best practices in these areas;

21 (iii) entering into agreements, where
22 practical, with Information Sharing and
23 Analysis Centers or similar entities that
24 share cyber information to gain an aware-
25 ness of actionable cyber threat indicators

1 that may be beneficial to small business
2 concerns; and

3 (iv) providing referrals to area special-
4 ists when necessary.

5 (C) An analysis of—

6 (i) how Federal Government pro-
7 grams, projects, and activities can be lever-
8 aged by SBDCs to improve access to high-
9 quality cyber support for small business
10 concerns;

11 (ii) additional resources SBDCs may
12 need to effectively carry out their role; and

13 (iii) how SBDCs can leverage existing
14 partnerships and develop new partnerships
15 with Federal, State, and local government
16 entities as well as private entities to im-
17 prove the quality of cyber support services
18 to small business concerns.

19 (4) DELIVERY OF STRATEGY.—Not later than 1
20 year after the date of the enactment of this Act, the
21 Small Business Administrator and the Secretary of
22 Homeland Security shall submit to the Committees
23 on Homeland Security and Small Business of the
24 House of Representatives and the Committees on
25 Homeland Security and Governmental Affairs and

1 Small Business and Entrepreneurship of the Senate
2 the Small Business Development Center Cyber
3 Strategy developed under paragraph (1).

4 (5) DEFINITIONS.—In this subsection, the fol-
5 lowing definitions shall apply:

6 (A) CYBER THREAT INDICATOR.—The
7 term “cyber threat indicator” has the meaning
8 given such term in section 227(a) of the Home-
9 land Security Act of 2002 (6 U.S.C. 148(a)).

10 (B) SMALL BUSINESS DEVELOPMENT CEN-
11 TER.—The term “small business development
12 center” has the meaning given such term in
13 section 3 of the Small Business Act (15 U.S.C.
14 632).

15 (b) CYBERSECURITY OUTREACH FOR SMALL BUSI-
16 NESS DEVELOPMENT CENTERS.—Section 227 of the
17 Homeland Security Act of 2002 (6 U.S.C. 148) is amend-
18 ed—

19 (1) by redesignating subsection (l) as subsection
20 (m); and

21 (2) by inserting after subsection (k) the fol-
22 lowing new subsection:

23 “(l) CYBERSECURITY OUTREACH.—

24 “(1) IN GENERAL.—The Secretary may lever-
25 age small business development centers to provide

1 assistance to small business concerns by dissemi-
2 nating information on cyber threat indicators, de-
3 fense measures, cybersecurity risks, incidents, anal-
4 yses, and warnings to help small business concerns
5 in developing or enhancing cybersecurity infrastruc-
6 ture, awareness of cyber threat indicators, and cyber
7 training programs for employees.

8 “(2) DEFINITIONS.—For purposes of this sub-
9 section, the terms ‘small business concern’ and
10 ‘small business development center’ have the mean-
11 ing given such terms, respectively, under section 3 of
12 the Small Business Act.”.

13 **SEC. 1842. ROLE OF SMALL BUSINESS DEVELOPMENT CEN-**
14 **TERS IN CYBERSECURITY AND PREPARED-**
15 **NESS.**

16 Section 21 of the Small Business Act (15 U.S.C. 648)
17 is amended—

18 (1) in subsection (a)(1), by striking “and pro-
19 viding access to business analysts who can refer
20 small business concerns to available experts:” and
21 inserting “providing access to business analysts who
22 can refer small business concerns to available ex-
23 perts; and, to the extent practicable, providing as-
24 sistance in furtherance of the Small Business Devel-
25 opment Center Cyber Strategy developed under sec-

1 tion 1841(a) of the National Defense Authorization
2 Act for Fiscal Year 2017.”; and

3 (2) in subsection (c)(2)—

4 (A) in subparagraph (E), by striking
5 “and” at the end;

6 (B) in subparagraph (F), by striking the
7 period at the end and inserting “; and”; and

8 (C) by adding at the end of the following
9 new subparagraph:

10 “(G) access to cybersecurity specialists to coun-
11 sel, assist, and inform small business concern clients,
12 in furtherance of the Small Business Development
13 Center Cyber Strategy developed under section
14 1841(a) of the National Defense Authorization Act
15 for Fiscal Year 2017.”.

16 **SEC. 1843. ADDITIONAL CYBERSECURITY ASSISTANCE FOR**
17 **SMALL BUSINESS DEVELOPMENT CENTERS.**

18 Section 21(a) of the Small Business Act (15 U.S.C.
19 648(a)) is amended by adding at the end the following
20 new paragraph:

21 “(8) CYBERSECURITY ASSISTANCE.—

22 “(A) IN GENERAL.—The Department of
23 Homeland Security, and any other Federal de-
24 partment or agency in coordination with the
25 Department of Homeland Security, may lever-

1 age small business development centers to pro-
2 vide assistance to small business concerns by
3 disseminating information relating to cybersecu-
4 rity risks and other homeland security matters
5 to help small business concerns in developing or
6 enhancing cybersecurity infrastructure, aware-
7 ness of cyber threat indicators, and cyber train-
8 ing programs for employees.

9 “(B) DEFINITIONS.—In this paragraph,
10 the terms ‘cybersecurity risk’ and ‘cyber threat
11 indicator’ have the meanings given such terms,
12 respectively, under section 227(a) of the Home-
13 land Security Act of 2002 (6 U.S.C. 148(a)).”.

14 **SEC. 1844. PROHIBITION ON ADDITIONAL FUNDS.**

15 No additional funds are authorized to be appro-
16 priated to carry out sections 1841 through 1843 or the
17 amendments made by such sections.

18 **TITLE XIX—DEPARTMENT OF**
19 **HOMELAND SECURITY CO-**
20 **ORDINATION**

Sec. 1901. Department of Homeland Security coordination.

Sec. 1902. Office of Strategy, Policy, and Plans of the Department of Home-
land Security.

Sec. 1903. Management and execution.

Sec. 1904. Chief Human Capital Officer of the Department of Homeland Secu-
rity.

Sec. 1905. Department of Homeland Security transparency.

Sec. 1906. Transparency in research and development.

Sec. 1907. United States Government review of certain foreign fighters.

Sec. 1908. National strategy to combat terrorist travel.

Sec. 1909. National Operations Center.

Sec. 1910. Department of Homeland Security strategy for international programs.

Sec. 1911. State and high-risk urban area working groups.

Sec. 1912. Cybersecurity strategy for the Department of Homeland Security.

Sec. 1913. EMP and GMD planning, research and development, and protection and preparedness.

1 **SEC. 1901. DEPARTMENT OF HOMELAND SECURITY CO-**
2 **ORDINATION.**

3 (a) IN GENERAL.—Subsection (d) of section 103 of
4 the Homeland Security Act of 2002 (6 U.S.C. 113) is
5 amended by adding at the end the following new para-
6 graph:

7 “(5) Any Director of a Joint Task Force under
8 section 708.”.

9 (b) JOINT TASK FORCES.—Title VII of the Home-
10 land Security Act of 2002 (6 U.S.C. 341 et seq.) is amend-
11 ed by adding at the end the following new section:

12 **“SEC. 708. JOINT TASK FORCES.**

13 “(a) DEFINITION.—In this section, the term ‘situa-
14 tional awareness’ means knowledge and unified under-
15 standing of unlawful cross-border activity, including—

16 “(1) threats and trends concerning illicit traf-
17 ficking and unlawful crossings;

18 “(2) the ability to forecast future shifts in such
19 threats and trends;

20 “(3) the ability to evaluate such threats and
21 trends at a level sufficient to create actionable plans;

22 and

1 “(4) the operational capability to conduct con-
2 tinuous and integrated surveillance of the air, land,
3 and maritime borders of the United States.

4 “(b) JOINT TASK FORCES.—

5 “(1) ESTABLISHMENT.—The Secretary may es-
6 tablish and operate departmental Joint Task Forces
7 to conduct joint operations using personnel and ca-
8 pabilities of the Department for the purposes speci-
9 fied in paragraph (2).

10 “(2) PURPOSES.—

11 “(A) IN GENERAL.—Subject to subpara-
12 graph (B), the purposes referred to in para-
13 graph (1) are or relate to the following:

14 “(i) Securing the land and maritime
15 borders of the United States.

16 “(ii) Homeland security crises.

17 “(iii) Establishing regionally-based op-
18 erations.

19 “(B) LIMITATION.—

20 “(i) IN GENERAL.—The Secretary
21 may not establish a Joint Task Force for
22 any major disaster or emergency declared
23 under the Robert T. Stafford Disaster Re-
24 lief and Emergency Assistance Act (42
25 U.S.C. 5121 et seq.) or an incident for

1 which the Federal Emergency Management
2 Agency has primary responsibility for man-
3 agement of the response under title V of
4 this Act, including section 504(a)(3)(A),
5 unless the responsibilities of such a Joint
6 Task Force—

7 “(I) do not include operational
8 functions related to incident manage-
9 ment, including coordination of oper-
10 ations; and

11 “(II) are consistent with the re-
12 quirements of paragraphs (3) and
13 (4)(A) of section 503(c) and section
14 509(c) of this Act, and section 302 of
15 the Robert T. Stafford Disaster Relief
16 and Emergency Assistance Act (42
17 U.S.C. 5143).

18 “(ii) RESPONSIBILITIES AND FUNC-
19 TIONS NOT REDUCED.—Nothing in this
20 section may be construed to reduce the re-
21 sponsibilities or functions of the Federal
22 Emergency Management Agency or the
23 Administrator of the Agency under title V
24 of this Act or any other provision of law,
25 including the diversion of any asset, func-

1 tion, or mission from the Agency or the
2 Administrator of the Agency pursuant to
3 section 506.

4 “(3) JOINT TASK FORCE DIRECTORS.—

5 “(A) DIRECTOR.—Each Joint Task Force
6 established and operated pursuant to paragraph
7 (1) shall be headed by a Director, appointed by
8 the President, for a term of not more than two
9 years. The Secretary shall submit to the Presi-
10 dent recommendations for such appointments
11 after consulting with the heads of the compo-
12 nents of the Department with membership on
13 any such Joint Task Force. Any Director ap-
14 pointed by the President shall be—

15 “(i) a current senior official of the
16 Department with not less than one year of
17 significant leadership experience at the De-
18 partment; or

19 “(ii) if no suitable candidate is avail-
20 able at the Department, an individual
21 with—

22 “(I) not less than one year of sig-
23 nificant leadership experience in a
24 Federal agency since the establish-
25 ment of the Department; and

1 “(II) a demonstrated ability in,
2 knowledge of, and significant experi-
3 ence working on the issues to be ad-
4 dressed by any such Joint Task
5 Force.

6 “(B) EXTENSION.—The Secretary may ex-
7 tend the appointment of a Director of a Joint
8 Task Force under subparagraph (A) for not
9 more than two years if the Secretary deter-
10 mines that such an extension is in the best in-
11 terest of the Department.

12 “(4) JOINT TASK FORCE DEPUTY DIRECTORS.—
13 For each Joint Task Force, the Secretary shall ap-
14 point a Deputy Director who shall be an official of
15 a different component or office of the Department
16 than the Director of such Joint Task Force.

17 “(5) RESPONSIBILITIES.—The Director of a
18 Joint Task Force, subject to the oversight, direction,
19 and guidance of the Secretary, shall—

20 “(A) when established for the purpose re-
21 ferred to in paragraph (2)(A)(i), maintain situ-
22 ational awareness within the areas of responsi-
23 bility of the Joint Task Force, as determined by
24 the Secretary;

1 “(B) provide operational plans and re-
2 quirements for standard operating procedures
3 and contingency operations within the areas of
4 responsibility of the Joint Task Force, as deter-
5 mined by the Secretary;

6 “(C) plan and execute joint task force ac-
7 tivities within the areas of responsibility of the
8 Joint Task Force, as determined by the Sec-
9 retary;

10 “(D) set and accomplish strategic objec-
11 tives through integrated operational planning
12 and execution;

13 “(E) exercise operational direction over
14 personnel and equipment from components and
15 offices of the Department allocated to the Joint
16 Task Force to accomplish the objectives of the
17 Joint Task Force;

18 “(F) when established for the purpose re-
19 ferred to in paragraph (2)(A)(i), establish oper-
20 ational and investigative priorities within the
21 areas of responsibility of the Joint Task Force,
22 as determined by the Secretary;

23 “(G) coordinate with foreign governments
24 and other Federal, State, and local agencies, as

1 appropriate, to carry out the mission of the
2 Joint Task Force; and

3 “(H) carry out other duties and powers the
4 Secretary determines appropriate.

5 “(6) PERSONNEL AND RESOURCES.—

6 “(A) IN GENERAL.—The Secretary may,
7 upon request of the Director of a Joint Task
8 Force, and giving appropriate consideration of
9 risk to the other primary missions of the De-
10 partment, allocate to such Joint Task Force on
11 a temporary basis personnel and equipment of
12 components and offices of the Department.

13 “(B) COST NEUTRALITY.—A Joint Task
14 Force may not require more resources than
15 would have otherwise been required by the De-
16 partment to carry out the duties assigned to
17 such Joint Task Force if such Joint Task
18 Force had not been established.

19 “(C) LOCATION OF OPERATIONS.—In es-
20 tablishing a location of operations for a Joint
21 Task Force, the Secretary shall, to the extent
22 practicable, use existing facilities that integrate
23 efforts of components of the Department and
24 State, local, tribal, or territorial law enforce-
25 ment or military entities.

1 “(D) CONSIDERATION OF IMPACT.—When
2 reviewing requests for allocation of component
3 personnel and equipment under subparagraph
4 (A), the Secretary shall consider the impact of
5 such allocation on the ability of the donating
6 component or office to carry out the primary
7 missions of the Department, and in the case of
8 the Coast Guard, the missions specified in sec-
9 tion 888.

10 “(E) LIMITATION.—Personnel and equip-
11 ment of the Coast Guard allocated under this
12 paragraph may be used only to carry out oper-
13 ations and investigations related to the missions
14 specified in section 888.

15 “(F) REPORT.—The Secretary shall, at the
16 time the budget of the President is submitted
17 to Congress for a fiscal year under section
18 1105(a) of title 31, United States Code, submit
19 to the Committee on Homeland Security and
20 the Committee on Transportation and Infra-
21 structure of the House of Representatives and
22 the Committee on Homeland Security and Gov-
23 ernmental Affairs and the Committee on Com-
24 merce, Science, and Transportation of the Sen-
25 ate a report on the total funding, personnel,

1 and other resources that each component or of-
2 fice of the Department allocated under this
3 paragraph to each Joint Task Force to carry
4 out the mission of such Joint Task Force dur-
5 ing the fiscal year immediately preceding each
6 such report, and a description of the degree to
7 which the resources drawn from each compo-
8 nent or office impact the primary mission of
9 such component or office.

10 “(7) COMPONENT RESOURCE AUTHORITY.—As
11 directed by the Secretary—

12 “(A) each Director of a Joint Task Force
13 shall be provided sufficient resources from rel-
14 evant components and offices of the Depart-
15 ment and the authority necessary to carry out
16 the missions and responsibilities of such Joint
17 Task Force required under this section;

18 “(B) the resources referred to in subpara-
19 graph (A) shall be under the operational au-
20 thority, direction, and control of the Director of
21 the Joint Task Force to which such resources
22 are assigned; and

23 “(C) the personnel and equipment of each
24 Joint Task Force shall remain under the ad-
25 ministrative direction of the head of the compo-

1 nent or office of the Department that provided
2 such personnel or equipment.

3 “(8) JOINT TASK FORCE STAFF.—Each Joint
4 Task Force shall have a staff, composed of officials
5 from relevant components and offices of the Depart-
6 ment, to assist the Director of such Joint Task
7 Force in carrying out the mission and responsibil-
8 ities of such Joint Task Force.

9 “(9) ESTABLISHMENT OF PERFORMANCE
10 METRICS.—The Secretary shall—

11 “(A) establish outcome-based and other
12 appropriate performance metrics to evaluate the
13 effectiveness of each Joint Task Force;

14 “(B) not later than 120 days after the
15 date of the enactment of this section and 120
16 days after the establishment of a new Joint
17 Task Force, as appropriate, submit to the Com-
18 mittee on Homeland Security and the Com-
19 mittee on Transportation and Infrastructure of
20 the House of Representatives and the Com-
21 mittee on Homeland Security and Govern-
22 mental Affairs and the Committee on Com-
23 merce, Science, and Transportation of the Sen-
24 ate the metrics established under subparagraph
25 (A).

1 “(C) not later than January 31 of each
2 year beginning in 2017, submit to each com-
3 mittee specified in subparagraph (B) a report
4 that contains the evaluation described in sub-
5 paragraph (A).

6 “(10) JOINT DUTY TRAINING PROGRAM.—

7 “(A) IN GENERAL.—The Secretary shall—

8 “(i) establish a joint duty training
9 program in the Department for the pur-
10 poses of—

11 “(I) enhancing coordination with-
12 in the Department; and

13 “(II) promoting workforce profes-
14 sional development; and

15 “(ii) tailor such joint duty training
16 program to improve joint operations as
17 part of the Joint Task Forces.

18 “(B) ELEMENTS.—The joint duty training
19 program established under subparagraph (A)
20 shall address, at a minimum, the following top-
21 ics:

22 “(i) National security strategy.

23 “(ii) Strategic and contingency plan-
24 ning.

1 “(iii) Command and control of oper-
2 ations under joint command.

3 “(iv) International engagement.

4 “(v) The homeland security enter-
5 prise.

6 “(vi) Interagency collaboration.

7 “(vii) Leadership.

8 “(viii) Specific subject matters rel-
9 evant to the Joint Task Force, including
10 matters relating to the missions specified
11 in section 888, to which the joint duty
12 training program is assigned.

13 “(C) TRAINING REQUIRED.—

14 “(i) DIRECTORS AND DEPUTY DIREC-
15 TORS.—Except as provided in clauses (iii)
16 and (iv), an individual shall complete the
17 joint duty training program before being
18 appointed Director or Deputy Director of a
19 Joint Task Force.

20 “(ii) JOINT TASK FORCE STAFF.—
21 Each official serving on the staff of a Joint
22 Task Force shall complete the joint duty
23 training program within the first year of
24 assignment to such Joint Task Force.

1 “(iii) EXCEPTION.—Clause (i) shall
2 not apply to the first Director or Deputy
3 Director appointed to a Joint Task Force
4 on or after the date of the enactment of
5 this section.

6 “(iv) WAIVER.—The Secretary may
7 waive the application of clause (i) if the
8 Secretary determines that such a waiver is
9 in the interest of homeland security or nec-
10 essary to carry out the mission for which
11 a Joint Task Force was established.

12 “(11) NOTIFICATION OF JOINT TASK FORCE
13 FORMATION.—

14 “(A) IN GENERAL.—Not later than 90
15 days before establishing a Joint Task Force
16 under this subsection, the Secretary shall sub-
17 mit to the majority leader of the Senate, the
18 minority leader of the Senate, the Speaker of
19 the House of Representatives, the majority
20 leader of the House of Representatives, the mi-
21 nority leader of the House of Representatives,
22 and the Committee on Homeland Security and
23 the Committee on Transportation and Infra-
24 structure of the House of Representatives and
25 the Committee on Homeland Security and Gov-

1 ernmental Affairs and the Committee on Com-
2 merce, Science, and Transportation of the Sen-
3 ate a notification regarding such establishment.

4 “(B) WAIVER AUTHORITY.—The Secretary
5 may waive the requirement under subparagraph
6 (A) in the event of an emergency circumstance
7 that imminently threatens the protection of
8 human life or property.

9 “(12) REVIEW.—

10 “(A) IN GENERAL.—Not later than Janu-
11 ary 31, 2018, and January 31, 2021, the In-
12 specter General of the Department shall submit
13 to the Committee on Homeland Security and
14 the Committee on Transportation and Infra-
15 structure of the House of Representatives and
16 the Committee on Homeland Security and Gov-
17 ernmental Affairs and the Committee on Com-
18 merce, Science, and Transportation of the Sen-
19 ate a review of the Joint Task Forces estab-
20 lished under this subsection.

21 “(B) CONTENTS.—The reviews required
22 under subparagraph (A) shall include—

23 “(i) an assessment of the effectiveness
24 of the structure of each Joint Task Force;
25 and

1 “(ii) recommendations for enhance-
2 ments to such structure to strengthen the
3 effectiveness of each Joint Task Force.

4 “(13) SUNSET.—This section expires on Sep-
5 tember 30, 2022.

6 “(c) JOINT DUTY ASSIGNMENT PROGRAM.—After es-
7 tablishing the joint duty training program under sub-
8 section (b)(10), the Secretary shall establish a joint duty
9 assignment program within the Department for the pur-
10 poses of enhancing coordination in the Department and
11 promoting workforce professional development.”.

12 (c) TRANSITION.—An individual serving as a Direc-
13 tor of a Joint Task Force of the Department of Homeland
14 Security in existence on the day before the date of the
15 enactment of this section may serve as the Director of
16 such Joint Task Force on and after such date of enact-
17 ment until a Director of such Joint Task Force is ap-
18 pointed pursuant to subparagraph (A) of section
19 708(b)(3), as added by subsection (a) of this section.

20 (d) CONFORMING AMENDMENTS.—The Homeland
21 Security Act of 2002 is amended—

22 (1) in subsection (c) of section 506 (6 U.S.C.
23 316)—

1 (A) in paragraph (1), by inserting “, in-
2 cluding through a Joint Task Force established
3 under section 708,” after “reduce”; and

4 (B) in paragraph (2), by inserting “includ-
5 ing a Joint Task Force established under sec-
6 tion 708,” after “Department,”; and

7 (2) in paragraph (2) of section 509(e) (6
8 U.S.C. 319)—

9 (A) in the paragraph heading, by inserting
10 “; JOINT TASK FORCE” after “OFFICIAL”; and

11 (B) in the matter preceding subparagraph
12 (A), by inserting “or Director of a Joint Task
13 Force established under section 708” before
14 “shall”.

15 (e) CLERICAL AMENDMENT.—The table of contents
16 in section 1(b) of the Homeland Security Act of 2002 is
17 amended by inserting after the item relating to section
18 707 the following new item:

“Sec. 708. Joint Task Forces.”.

19 **SEC. 1902. OFFICE OF STRATEGY, POLICY, AND PLANS OF**
20 **THE DEPARTMENT OF HOMELAND SECURITY.**

21 (a) OFFICE OF STRATEGY, POLICY, AND PLANS.—
22 Title VII of the Homeland Security Act of 2002 (6 U.S.C.
23 341 et seq.), as amended by section 1901 of this title, is
24 further amended by adding at the end the following new
25 section:

1 **“SEC. 709. OFFICE OF STRATEGY, POLICY, AND PLANS.**

2 “(a) IN GENERAL.—There is established in the De-
3 partment an Office of Strategy, Policy, and Plans.

4 “(b) HEAD OF OFFICE.—The Office of Strategy, Pol-
5 icy, and Plans shall be headed by an Under Secretary for
6 Strategy, Policy, and Plans, who shall serve as the prin-
7 cipal policy advisor to the Secretary. The Under Secretary
8 for Strategy, Policy, and Plans shall be appointed by the
9 President, by and with the advice and consent of the Sen-
10 ate.

11 “(c) FUNCTIONS.—The Under Secretary for Strat-
12 egy, Policy, and Plans shall—

13 “(1) lead, conduct, and coordinate Department-
14 wide policy development and implementation and
15 strategic planning;

16 “(2) develop and coordinate policies to promote
17 and ensure quality, consistency, and integration for
18 the programs, components, offices, and activities
19 across the Department;

20 “(3) develop and coordinate strategic plans and
21 long-term goals of the Department with risk-based
22 analysis and planning to improve operational mission
23 effectiveness, including consultation with the Sec-
24 retary regarding the quadrennial homeland security
25 review under section 707;

1 “(4) manage Department leadership councils
2 and provide analytics and support to such councils;

3 “(5) manage international coordination and en-
4 gagement for the Department;

5 “(6) review and incorporate, as appropriate, ex-
6 ternal stakeholder feedback into Department policy;
7 and

8 “(7) carry out such other responsibilities as the
9 Secretary determines appropriate.

10 “(d) DEPUTY UNDER SECRETARY.—

11 “(1) IN GENERAL.—The Secretary may—

12 “(A) establish within the Office of Strat-
13 egy, Policy, and Plans a position of Deputy
14 Under Secretary to support the Under Sec-
15 retary for Strategy, Policy, and Plans in car-
16 rying out the Under Secretary’s responsibilities;
17 and

18 “(B) appoint a career employee to such po-
19 sition.

20 “(2) LIMITATION ON ESTABLISHMENT OF DEP-
21 UTY UNDER SECRETARY POSITIONS.—A Deputy
22 Under Secretary position (or any substantially simi-
23 lar position) within the Office of Strategy, Policy,
24 and Plans may not be established except for the po-

1 sition provided for by paragraph (1), unless the Sec-
2 retary receives prior authorization from Congress.

3 “(3) DEFINITIONS.—For purposes of paragraph
4 (1)—

5 “(A) the term ‘career employee’ means any
6 employee (as such term is defined in section
7 2105 of title 5, United States Code), but does
8 not include a political appointee; and

9 “(B) the term ‘political appointee’ means
10 any employee who occupies a position which has
11 been excepted from the competitive service by
12 reason of its confidential, policy-determining,
13 policy-making, or policy-advocating character.

14 “(e) COORDINATION BY DEPARTMENT COMPO-
15 NENTS.—To ensure consistency with the policy priorities
16 of the Department, the head of each component of the
17 Department shall coordinate with the Office of Strategy,
18 Policy, and Plans in establishing or modifying policies or
19 strategic planning guidance with respect to each such com-
20 ponent.

21 “(f) HOMELAND SECURITY STATISTICS AND JOINT
22 ANALYSIS.—

23 “(1) HOMELAND SECURITY STATISTICS.—The
24 Under Secretary for Strategy, Policy, and Plans
25 shall—

1 “(A) establish standards of reliability and
2 validity for statistical data collected and ana-
3 lyzed by the Department;

4 “(B) be provided by the heads of all com-
5 ponents of the Department with statistical data
6 maintained by the Department regarding the
7 operations of the Department;

8 “(C) conduct or oversee analysis and re-
9 porting of such data by the Department as re-
10 quired by law or as directed by the Secretary;
11 and

12 “(D) ensure the accuracy of metrics and
13 statistical data provided to Congress.

14 “(2) TRANSFER OF RESPONSIBILITIES.—There
15 shall be transferred to the Under Secretary for
16 Strategy, Policy, and Plans the maintenance of all
17 immigration statistical information of U.S. Customs
18 and Border Protection, U.S. Immigration and Cus-
19 toms Enforcement, and United States Citizenship
20 and Immigration Services, which shall include infor-
21 mation and statistics of the type contained in the
22 publication entitled ‘Yearbook of Immigration Statis-
23 tics’ prepared by the Office of Immigration Statis-
24 tics, including region-by-region statistics on the ag-
25 gregate number of applications and petitions filed by

1 an alien (or filed on behalf of an alien) and denied,
2 and the reasons for such denials, disaggregated by
3 category of denial and application or petition type.

4 “(g) LIMITATION.—Nothing in this section overrides
5 or otherwise affects the requirements specified in section
6 888.”.

7 (b) CONFORMING AMENDMENT.—Subparagraph (B)
8 of section 707(a)(3) of the Homeland Security Act of 2002
9 (6 U.S.C. 347(a)(3)) is amended by inserting before the
10 semicolon the following: “, including the Under Secretary
11 for Strategy, Policy, and Plans”.

12 (c) CLERICAL AMENDMENT.—The table of contents
13 in section 1(b) of the Homeland Security Act of 2002 ,
14 as amended by section 1901 of this title, is further amend-
15 ed by inserting after the item relating to section 708 the
16 following new item:

“Sec. 709. Office of Strategy, Policy, and Plans.”.

17 **SEC. 1903. MANAGEMENT AND EXECUTION.**

18 (a) IN GENERAL.—Section 103 of the Homeland Se-
19 curity Act of 2002 (6 U.S.C. 113) is amended—

20 (1) in subsection (a)(1)—

21 (A) in subparagraph (F), by inserting be-
22 fore the period at the end the following: “, who
23 shall be first assistant to the Deputy Secretary
24 of Homeland Security for purposes of sub-

1 chapter III of chapter 33 of title 5, United
2 States Code”; and

3 (B) by adding at the end the following:

4 “(K) An Under Secretary for Strategy,
5 Policy, and Plans.”; and

6 (2) by adding at the end the following:

7 “(g) VACANCIES.—

8 “(1) ABSENCE, DISABILITY, OR VACANCY OF
9 SECRETARY OR DEPUTY SECRETARY.—Notwith-
10 standing chapter 33 of title 5, United States Code,
11 the Under Secretary for Management shall serve as
12 the Acting Secretary if by reason of absence, dis-
13 ability, or vacancy in office, neither the Secretary
14 nor Deputy Secretary is available to exercise the du-
15 ties of the Office of the Secretary.

16 “(2) FURTHER ORDER OF SUCCESSION.—Not-
17 withstanding chapter 33 of title 5, United States
18 Code, the Secretary may designate such other offi-
19 cers of the Department in further order of succes-
20 sion to serve as Acting Secretary.

21 “(3) NOTIFICATION OF VACANCIES.—The Sec-
22 retary shall notify the Committee on Homeland Se-
23 curity and Governmental Affairs of the Senate and
24 the Committee on Homeland Security of the House
25 of Representatives of any vacancies that require no-

1 tification under sections 3345 through 3349d of title
2 5, United States Code (commonly known as the
3 ‘Federal Vacancies Reform Act of 1998’).”.

4 (b) UNDER SECRETARY FOR MANAGEMENT.—Sec-
5 tion 701 of the Homeland Security Act of 2002 (6 U.S.C.
6 341) is amended—

7 (1) in subsection (a)—

8 (A) by striking paragraph (9) and insert-
9 ing the following:

10 “(9) The management integration and trans-
11 formation within each functional management dis-
12 cipline of the Department, including information
13 technology, financial management, acquisition man-
14 agement, and human capital management, to ensure
15 an efficient and orderly consolidation of functions
16 and personnel in the Department, including—

17 “(A) the development of centralized data
18 sources and connectivity of information systems
19 to the greatest extent practicable to enhance
20 program visibility, transparency, and oper-
21 ational effectiveness and coordination;

22 “(B) the development of standardized and
23 automated management information to manage
24 and oversee programs and make informed deci-

1 sions to improve the efficiency of the Depart-
2 ment;

3 “(C) the development of effective program
4 management and regular oversight mechanisms,
5 including clear roles and processes for program
6 governance, sharing of best practices, and ac-
7 cess to timely, reliable, and evaluated data on
8 all acquisitions and investments; and

9 “(D) the overall supervision, including the
10 conduct of internal audits and management
11 analyses, of the programs and activities of the
12 Department, including establishment of over-
13 sight procedures to ensure a full and effective
14 review of the efforts by components of the De-
15 partment to implement policies and procedures
16 of the Department for management integration
17 and transformation.”;

18 (B) by redesignating paragraphs (10) and
19 (11) as paragraphs (12) and (13), respectively;
20 and

21 (C) by inserting after paragraph (9) the
22 following:

23 “(10) The development of a transition and suc-
24 cession plan, before December 1 of each year in
25 which a Presidential election is held, to guide the

1 transition of Department functions to a new Presi-
2 dential administration, and making such plan avail-
3 able to the next Secretary and Under Secretary for
4 Management and to the congressional homeland se-
5 curity committees.

6 “(11) Reporting to the Government Account-
7 ability Office every six months to demonstrate meas-
8 urable, sustainable progress made in implementing
9 the corrective action plans of the Department to ad-
10 dress the designation of the management functions
11 of the Department on the bi-annual high risk list of
12 the Government Accountability Office, until the
13 Comptroller General of the United States submits to
14 the appropriate congressional committees written no-
15 tification of removal of the high-risk designation.”;

16 (2) by striking subsection (b) and inserting the
17 following:

18 “(b) WAIVERS FOR CONDUCTING BUSINESS WITH
19 SUSPENDED OR DEBARRED CONTRACTORS.—Not later
20 than five days after the date on which the Chief Procure-
21 ment Officer or Chief Financial Officer of the Department
22 issues a waiver of the requirement that an agency not en-
23 gage in business with a contractor or other recipient of
24 funds listed as a party suspended or debarred from receiv-
25 ing contracts, grants, or other types of Federal assistance

1 in the System for Award Management maintained by the
2 General Services Administration, or any successor thereto,
3 the Under Secretary for Management shall submit to the
4 congressional homeland security committees and the In-
5 spector General of the Department notice of the waiver
6 and an explanation of the finding by the Under Secretary
7 that a compelling reason exists for the waiver.”;

8 (3) by redesignating subsection (d) as sub-
9 section (e); and

10 (4) by inserting after subsection (c) the fol-
11 lowing:

12 “(d) SYSTEM FOR AWARD MANAGEMENT CONSULTA-
13 TION.—The Under Secretary for Management shall re-
14 quire that all Department contracting and grant officials
15 consult the System for Award Management (or successor
16 system) as maintained by the General Services Adminis-
17 tration prior to awarding a contract or grant or entering
18 into other transactions to ascertain whether the selected
19 contractor is excluded from receiving Federal contracts,
20 certain subcontracts, and certain types of Federal finan-
21 cial and non-financial assistance and benefits.”.

22 **SEC. 1904. CHIEF HUMAN CAPITAL OFFICER OF THE DE-**
23 **PARTMENT OF HOMELAND SECURITY.**

24 Section 704 of the Homeland Security Act of 2002
25 (6 U.S.C. 344) is amended to read as follows:

1 **“SEC. 704. CHIEF HUMAN CAPITAL OFFICER.**

2 “(a) IN GENERAL.—The Chief Human Capital Offi-
3 cer shall report directly to the Under Secretary for Man-
4 agement.

5 “(b) RESPONSIBILITIES.—In addition to the respon-
6 sibilities set forth in chapter 14 of title 5, United States
7 Code, and other applicable law, the Chief Human Capital
8 Officer of the Department shall—

9 “(1) develop and implement strategic workforce
10 planning policies that are consistent with Govern-
11 ment-wide leading principles and in line with De-
12 partment strategic human capital goals and prior-
13 ities, taking into account the special requirements of
14 members of the Armed Forces serving in the Coast
15 Guard;

16 “(2) develop performance measures to provide a
17 basis for monitoring and evaluating Department-
18 wide strategic workforce planning efforts;

19 “(3) develop, improve, and implement policies,
20 including compensation flexibilities available to Fed-
21 eral agencies where appropriate, to recruit, hire,
22 train, and retain the workforce of the Department,
23 in coordination with all components of the Depart-
24 ment;

25 “(4) identify methods for managing and over-
26 seeing human capital programs and initiatives, in co-

1 ordination with the head of each component of the
2 Department;

3 “(5) develop a career path framework and cre-
4 ate opportunities for leader development in coordina-
5 tion with all components of the Department;

6 “(6) lead the efforts of the Department for
7 managing employee resources, including training and
8 development opportunities, in coordination with each
9 component of the Department;

10 “(7) work to ensure the Department is imple-
11 menting human capital programs and initiatives and
12 effectively educating each component of the Depart-
13 ment about these programs and initiatives;

14 “(8) identify and eliminate unnecessary and du-
15 plicative human capital policies and guidance;

16 “(9) provide input concerning the hiring and
17 performance of the Chief Human Capital Officer or
18 comparable official in each component of the De-
19 partment; and

20 “(10) ensure that all employees of the Depart-
21 ment are informed of their rights and remedies
22 under chapters 12 and 23 of title 5, United States
23 Code.

24 “(c) COMPONENT STRATEGIES.—

1 “(1) IN GENERAL.—Each component of the De-
2 partment shall, in coordination with the Chief
3 Human Capital Officer of the Department, develop
4 a 5-year workforce strategy for the component that
5 will support the goals, objectives, and performance
6 measures of the Department for determining the
7 proper balance of Federal employees and private
8 labor resources.

9 “(2) STRATEGY REQUIREMENTS.—In devel-
10 oping the strategy required under paragraph (1),
11 each component shall consider the effect on human
12 resources associated with creating additional Federal
13 full-time equivalent positions, converting private con-
14 tractors to Federal employees, or relying on the pri-
15 vate sector for goods and services.

16 “(d) ANNUAL SUBMISSION.—Not later than 90 days
17 after the date on which the Secretary submits the annual
18 budget justification for the Department, the Secretary
19 shall submit to the congressional homeland security com-
20 mittees a report that includes a table, delineated by com-
21 ponent with actual and enacted amounts, including—

22 “(1) information on the progress within the De-
23 partment of fulfilling the workforce strategies devel-
24 oped under subsection (c);

1 of the Homeland Security Act of 2002 (6 U.S.C. 604 and
2 605), respectively.

3 (b) REPORT.—Not later than one year after the date
4 of the enactment of this Act, the Administrator of the
5 Federal Emergency Management Agency shall submit to
6 the Committee on Homeland Security of the House of
7 Representatives and the Committee on Homeland Security
8 and Governmental Affairs a report on the results of the
9 study required under subsection (a).

10 **SEC. 1906. TRANSPARENCY IN RESEARCH AND DEVELOP-**
11 **MENT.**

12 (a) IN GENERAL.—Title III of the Homeland Secu-
13 rity Act of 2002 (6 U.S.C. 181 et seq.) is amended by
14 adding at the end the following new section:

15 **“SEC. 319. TRANSPARENCY IN RESEARCH AND DEVELOP-**
16 **MENT.**

17 **“(a) REQUIREMENT TO LIST RESEARCH AND DEVEL-**
18 **OPMENT PROGRAMS.—**

19 **“(1) IN GENERAL.—**The Secretary shall main-
20 tain a detailed list of the following:

21 **“(A) Each classified and unclassified re-**
22 **search and development project, and all appro-**
23 **prate details for each such project, including**
24 **the component of the Department responsible**
25 **for each such project.**

1 “(B) Each task order for a Federally
2 Funded Research and Development Center not
3 associated with a research and development
4 project.

5 “(C) Each task order for a University-
6 based center of excellence not associated with a
7 research and development project.

8 “(D) The indicators developed and tracked
9 by the Under Secretary for Science and Tech-
10 nology with respect to transitioned projects pur-
11 suant to subsection (c).

12 “(2) EXCEPTION FOR CERTAIN COMPLETED
13 PROJECTS.—Paragraph (1) shall not apply to a
14 project completed or otherwise terminated before the
15 date of the enactment of this section.

16 “(3) UPDATES.—The list required under para-
17 graph (1) shall be updated as frequently as possible,
18 but not less frequently than once per quarter.

19 “(4) RESEARCH AND DEVELOPMENT DE-
20 FINED.—For purposes of the list required under
21 paragraph (1), the Secretary shall provide a defini-
22 tion for the term ‘research and development’.

23 “(b) REQUIREMENT TO REPORT TO CONGRESS ON
24 ALL PROJECTS.—Not later than January 1, 2017, and
25 annually thereafter, the Secretary shall submit to the

1 Committee on Homeland Security of the House of Rep-
2 resentatives and the Committee on Homeland Security
3 and Governmental Affairs of the Senate a classified and
4 unclassified report, as applicable, that lists each ongoing
5 classified and unclassified project at the Department, in-
6 cluding all appropriate details of each such project.

7 “(c) INDICATORS OF SUCCESS OF TRANSITIONED
8 PROJECTS.—

9 “(1) IN GENERAL.—For each project that has
10 been transitioned to practice from research and de-
11 velopment, the Under Secretary for Science and
12 Technology shall develop and track indicators to
13 demonstrate the uptake of the technology or project
14 among customers or end-users.

15 “(2) REQUIREMENT.—To the fullest extent pos-
16 sible, the tracking of a project required under para-
17 graph (1) shall continue for the three-year period be-
18 ginning on the date on which such project was
19 transitioned to practice from research and develop-
20 ment.

21 “(d) DEFINITIONS.—In this section:

22 “(1) ALL APPROPRIATE DETAILS.—The term
23 ‘all appropriate details’ means, with respect to a re-
24 search and development project—

1 “(A) the name of such project, including
2 both classified and unclassified names if appli-
3 cable;

4 “(B) the name of the component of the
5 Department carrying out such project;

6 “(C) an abstract or summary of such
7 project;

8 “(D) funding levels for such project;

9 “(E) project duration or timeline;

10 “(F) the name of each contractor, grantee,
11 or cooperative agreement partner involved in
12 such project;

13 “(G) expected objectives and milestones for
14 such project; and

15 “(H) to the maximum extent practicable,
16 relevant literature and patents that are associ-
17 ated with such project.

18 “(2) CLASSIFIED.—The term ‘classified’ means
19 anything containing—

20 “(A) classified national security informa-
21 tion as defined in section 6.1 of Executive
22 Order 13526 (50 U.S.C. 3161 note) or any suc-
23 cessor order;

24 “(B) Restricted Data or data that was for-
25 merly Restricted Data, as defined in section

1 11y. of the Atomic Energy Act of 1954 (42
2 U.S.C. 2014(y));

3 “(C) material classified at the Sensitive
4 Compartmented Information (SCI) level, as de-
5 fined in section 309 of the Intelligence Author-
6 ization Act for Fiscal Year 2001 (50 U.S.C.
7 3345); or

8 “(D) information relating to a special ac-
9 cess program, as defined in section 6.1 of Exec-
10 utive Order 13526 (50 U.S.C. 3161 note) or
11 any successor order.

12 “(3) CONTROLLED UNCLASSIFIED INFORMA-
13 TION.—The term ‘controlled unclassified informa-
14 tion’ means information described as ‘Controlled Un-
15 classified Information’ under Executive Order 13556
16 (50 U.S.C. 3501 note) or any successor order.

17 “(4) PROJECT.—The term ‘project’ means a re-
18 search or development project, program, or activity
19 administered by the Department, whether ongoing,
20 completed, or otherwise terminated.

21 “(e) LIMITATION.—Nothing in this section overrides
22 or otherwise affects the requirements specified in section
23 888.”.

24 (b) CLERICAL AMENDMENT.—The table of contents
25 in section 1(b) of the Homeland Security Act of 2002 is

1 amended by inserting after the item relating to section
2 318 the following new item:

“Sec. 319. Transparency in research and development.”.

3 **SEC. 1907. UNITED STATES GOVERNMENT REVIEW OF CER-**
4 **TAIN FOREIGN FIGHTERS.**

5 (a) REVIEW.—Not later than 30 days after the date
6 of the enactment of this Act, the President shall initiate
7 a review of known instances since 2011 in which a person
8 has traveled or attempted to travel to a conflict zone in
9 Iraq or Syria from the United States to join or provide
10 material support or resources to a terrorist organization.

11 (b) SCOPE OF REVIEW.—The review under sub-
12 section (a) shall—

13 (1) include relevant unclassified and classified
14 information held by the United States Government
15 related to each instance described in subsection (a);

16 (2) ascertain which factors, including oper-
17 ational issues, security vulnerabilities, systemic chal-
18 lenges, or other issues, which may have undermined
19 efforts to prevent the travel of persons described in
20 subsection (a) to a conflict zone in Iraq or Syria
21 from the United States, including issues related to
22 the timely identification of suspects, information
23 sharing, intervention, and interdiction; and

24 (3) identify lessons learned and areas that can
25 be improved to prevent additional travel by persons

1 described in subsection (a) to a conflict zone in Iraq
2 or Syria, or other terrorist safe haven abroad, to
3 join or provide material support or resources to a
4 terrorist organization.

5 (c) INFORMATION SHARING.—The President shall di-
6 rect the heads of relevant Federal agencies to provide the
7 appropriate information that may be necessary to com-
8 plete the review required under this section.

9 (d) SUBMISSION TO CONGRESS.—Not later than 120
10 days after the date of the enactment of this Act, the Presi-
11 dent, consistent with the protection of classified informa-
12 tion, shall submit a report to the majority leader of the
13 Senate, the minority leader of the Senate, the Speaker of
14 the House of Representatives, the majority leader of the
15 House of Representatives, the minority leader of the
16 House of Representatives, and the appropriate congress-
17 sional committees that includes the results of the review
18 required under this section, including information on trav-
19 el routes of greatest concern, as appropriate.

20 (e) DEFINITIONS.—In this section:

21 (1) APPROPRIATE CONGRESSIONAL COMMIT-
22 TEES.—The term “appropriate congressional com-
23 mittees” means—

24 (A) the Committee on Homeland Security
25 and Governmental Affairs of the Senate;

1 (B) the Select Committee on Intelligence
2 of the Senate;

3 (C) the Committee on the Judiciary of the
4 Senate;

5 (D) the Committee on Armed Services of
6 the Senate;

7 (E) the Committee on Foreign Relations of
8 the Senate;

9 (F) the Committee on Banking, Housing,
10 and Urban Affairs of the Senate;

11 (G) the Committee on Appropriations of
12 the Senate;

13 (H) the Committee on Homeland Security
14 of the House of Representatives;

15 (I) the Permanent Select Committee on In-
16 telligence of the House of Representatives;

17 (J) the Committee on the Judiciary of the
18 House of Representatives;

19 (K) the Committee on Armed Services of
20 the House of Representatives;

21 (L) the Committee on Foreign Affairs of
22 the House of Representatives;

23 (M) the Committee on Appropriations of
24 the House of Representatives; and

1 (N) the Committee on Financial Services
2 of the House of Representatives.

3 (2) MATERIAL SUPPORT OR RESOURCES.—The
4 term “material support or resources” has the mean-
5 ing given such term in section 2339A of title 18,
6 United States Code.

7 **SEC. 1908. NATIONAL STRATEGY TO COMBAT TERRORIST**
8 **TRAVEL.**

9 (a) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that it should be the policy of the United States to—

11 (1) continue to regularly assess the evolving ter-
12 rorist threat to the United States;

13 (2) catalog existing Federal Government efforts
14 to obstruct terrorist and foreign fighter travel into,
15 out of, and within the United States, and overseas;

16 (3) identify such efforts that may benefit from
17 reform or consolidation, or require elimination;

18 (4) identify potential security vulnerabilities in
19 United States defenses against terrorist travel; and

20 (5) prioritize resources to address any such se-
21 curity vulnerabilities in a risk-based manner.

22 (b) NATIONAL STRATEGY AND UPDATES.—

23 (1) IN GENERAL.—Not later than 180 days
24 after the date of the enactment of this Act, the
25 President shall submit to the majority leader of the

1 Senate, the minority leader of the Senate, the
2 Speaker of the House of Representatives, the major-
3 ity leader of the House of Representatives, the mi-
4 nority leader of the House of Representatives, and
5 the appropriate congressional committees a national
6 strategy to combat terrorist travel. The strategy
7 shall address efforts to intercept terrorists and for-
8 eign fighters and constrain the domestic and inter-
9 national travel of such persons. Consistent with the
10 protection of classified information, the strategy
11 shall be submitted in unclassified form, including, as
12 appropriate, a classified annex.

13 (2) UPDATED STRATEGIES.—Not later than
14 180 days after the date on which a new President
15 is inaugurated, the President shall submit to the
16 majority leader of the Senate, the minority leader of
17 the Senate, the Speaker of the House of Representa-
18 tives, the majority leader of the House of Represent-
19 atives, the minority leader of the House of Rep-
20 resentatives, and the appropriate congressional com-
21 mittees an updated version of the strategy described
22 in paragraph (1).

23 (3) CONTENTS.—The strategy and updates re-
24 quired under this subsection shall—

1 (A) include an accounting and description
2 of all Federal Government programs, projects,
3 and activities designed to constrain domestic
4 and international travel by terrorists and for-
5 eign fighters;

6 (B) identify specific security vulnerabilities
7 within the United States and outside of the
8 United States that may be exploited by terror-
9 ists and foreign fighters;

10 (C) delineate goals for—

11 (i) closing the security vulnerabilities
12 identified under subparagraph (B); and

13 (ii) enhancing the ability of the Fed-
14 eral Government to constrain domestic and
15 international travel by terrorists and for-
16 eign fighters; and

17 (D) describe the actions that will be taken
18 to achieve the goals delineated under subpara-
19 graph (C) and the means needed to carry out
20 such actions, including—

21 (i) steps to reform, improve, and
22 streamline existing Federal Government ef-
23 forts to align with the current threat envi-
24 ronment;

1 (ii) new programs, projects, or activi-
2 ties that are requested, under development,
3 or undergoing implementation;

4 (iii) new authorities or changes in ex-
5 isting authorities needed from Congress;

6 (iv) specific budget adjustments being
7 requested to enhance United States secu-
8 rity in a risk-based manner; and

9 (v) the Federal departments and
10 agencies responsible for the specific actions
11 described in this subparagraph.

12 (4) SUNSET.—The requirement to submit up-
13 dated national strategies under this subsection shall
14 terminate on the date that is seven years after the
15 date of the enactment of this Act.

16 (c) DEVELOPMENT OF IMPLEMENTATION PLANS.—
17 For each national strategy required under subsection (b),
18 the President shall direct the heads of relevant Federal
19 agencies to develop implementation plans for each such
20 agency.

21 (d) IMPLEMENTATION PLANS.—

22 (1) IN GENERAL.—The President shall submit
23 to the majority leader of the Senate, the minority
24 leader of the Senate, the Speaker of the House of
25 Representatives, the majority leader of the House of

1 Representatives, the minority leader of the House of
2 Representatives, and the appropriate congressional
3 committees an implementation plan developed under
4 subsection (c) with each national strategy required
5 under subsection (b). Consistent with the protection
6 of classified information, each such implementation
7 plan shall be submitted in unclassified form, but
8 may include a classified annex.

9 (2) ANNUAL UPDATES.—The President shall
10 submit to the majority leader of the Senate, the mi-
11 nority leader of the Senate, the Speaker of the
12 House of Representatives, the majority leader of the
13 House of Representatives, the minority leader of the
14 House of Representatives, and the appropriate con-
15 gressional committees an annual updated implemen-
16 tation plan during the ten-year period beginning on
17 the date of the enactment of this Act.

18 (e) DEFINITION.—In this section, the term “appro-
19 priate congressional committees” means—

20 (1) in the House of Representatives—

21 (A) the Committee on Homeland Security;

22 (B) the Committee on Armed Services;

23 (C) the Permanent Select Committee on
24 Intelligence;

25 (D) the Committee on the Judiciary;

1 (E) the Committee on Foreign Affairs;

2 (F) the Committee on Appropriations; and

3 (2) in the Senate—

4 (A) the Committee on Homeland Security
5 and Governmental Affairs;

6 (B) the Committee on Armed Services;

7 (C) the Select Committee on Intelligence;

8 (D) the Committee on the Judiciary;

9 (E) the Committee on Foreign Relations;

10 and

11 (F) the Committee on Appropriations.

12 (f) SPECIAL RULE FOR CERTAIN RECEIPT.—The
13 definition under subsection (e) shall be treated as includ-
14 ing the Committee on Transportation and Infrastructure
15 of the House of Representatives and the Committee on
16 Commerce, Science, and Transportation of the Senate for
17 purposes of receipt of those portions of—

18 (1) the national strategy (including updates
19 thereto), and

20 (2) the implementation plan (including updates
21 thereto),

22 required under this section that relate to maritime travel
23 into and out of the United States.

1 **SEC. 1909. NATIONAL OPERATIONS CENTER.**

2 Section 515 of the Homeland Security Act of 2002

3 (6 U.S.C. 321d) is amended—

4 (1) in subsection (a)—

5 (A) by striking “emergency managers and
6 decision makers” and inserting “emergency
7 managers, decision makers, and other appro-
8 priate officials”; and

9 (B) by inserting “and steady-state activ-
10 ity” before the period at the end;

11 (2) in subsection (b)—

12 (A) in paragraph (1)—

13 (i) by striking “and tribal govern-
14 ments” and inserting “tribal, and terri-
15 torial governments, the private sector, and
16 international partners”;

17 (ii) by striking “in the event of” and
18 inserting “for events, threats, and inci-
19 dents involving”; and

20 (iii) by striking “and” at the end;

21 (B) in paragraph (2), by striking the pe-
22 riod at the end and inserting “; and”; and

23 (C) by adding at the end the following:

24 “(3) enter into agreements with other Federal
25 operations centers and other homeland security part-

1 ners, as appropriate, to facilitate the sharing of in-
2 formation.”;

3 (4) in subsection (c)—

4 (A) in the subsection heading, by striking
5 “Fire Service” and inserting “Emergency Re-
6 sponder”;

7 (B) by striking paragraph (1) and insert-
8 ing the following:

9 “(1) ESTABLISHMENT OF POSITIONS.—The
10 Secretary shall establish a position, on a rotating
11 basis, for a representative of State and local emer-
12 gency responders at the National Operations Center
13 established under subsection (b) to ensure the effec-
14 tive sharing of information between the Federal Gov-
15 ernment and State and local emergency response
16 services.”;

17 (C) by striking paragraph (2); and

18 (D) by redesignating paragraph (3) as
19 paragraph (2).

20 **SEC. 1910. DEPARTMENT OF HOMELAND SECURITY STRAT-**
21 **EGY FOR INTERNATIONAL PROGRAMS.**

22 (a) IN GENERAL.—Not later than 180 days after the
23 date of the enactment of this Act, the Secretary of Home-
24 land Security shall submit to the Committee on Homeland
25 Security of the House of Representatives and the Com-

1 mittee on Homeland Security and Governmental Affairs
2 of the Senate a comprehensive three-year strategy for
3 international programs of the Department of Homeland
4 Security in which personnel and resources of the Depart-
5 ment are deployed abroad for vetting and screening of per-
6 sons seeking to enter the United States.

7 (b) CONTENTS.—The strategy required under sub-
8 section (a) shall include, at a minimum, the following:

9 (1) Specific Department of Homeland Security
10 risk-based goals for international programs of the
11 Department in which personnel and resources of the
12 Department are deployed abroad for vetting and
13 screening of persons seeking to enter the United
14 States.

15 (2) A risk-based method for determining wheth-
16 er to establish new international programs in new lo-
17 cations, given resource constraints, or expand exist-
18 ing international programs of the Department, in
19 which personnel and resources of the Department
20 are deployed abroad for vetting and screening of
21 persons seeking to enter the United States.

22 (3) Alignment with the highest Department-
23 wide and Government-wide strategic priorities of re-
24 source allocations on international programs of the
25 Department in which personnel and resources of the

1 Department are deployed abroad for vetting and
2 screening of persons seeking to enter the United
3 States.

4 (4) A common reporting framework for the sub-
5 mission of reliable, comparable cost data by compo-
6 nents of the Department on overseas expenditures
7 attributable to international programs of the De-
8 partment in which personnel and resources of the
9 Department are deployed abroad for vetting and
10 screening of persons seeking to enter the United
11 States.

12 (c) CONSIDERATIONS.—In developing the strategy re-
13 quired under subsection (a), the Secretary of Homeland
14 Security shall consider, at a minimum, the following:

15 (1) Information on existing operations of inter-
16 national programs of the Department of Homeland
17 Security in which personnel and resources of the De-
18 partment are deployed abroad for vetting and
19 screening of persons seeking to enter the United
20 States that includes corresponding information for
21 each location in which each such program operates.

22 (2) The number of Department personnel de-
23 ployed to each location at which an international
24 program referred to in subparagraph (A) is in oper-
25 ation during the current and preceding fiscal year.

1 (3) Analysis of the impact of each international
2 program referred to in paragraph (1) on domestic
3 activities of components of the Department of
4 Homeland Security.

5 (4) Analysis of barriers to the expansion of an
6 international program referred to in paragraph (1).

7 (d) FORM.—The strategy required under subsection
8 (a) shall be submitted in unclassified form but may con-
9 tain a classified annex if the Secretary of Homeland Secu-
10 rity determines that such is appropriate.

11 **SEC. 1911. STATE AND HIGH-RISK URBAN AREA WORKING**
12 **GROUPS.**

13 Subsection (b) of section 2021 of the Homeland Se-
14 curity Act of 2002 (6 U.S.C. 611) is amended to read
15 as follows:

16 “(b) PLANNING COMMITTEES.—

17 “(1) IN GENERAL.—Any State or high-risk
18 urban area receiving a grant under section 2003 or
19 2004 shall establish a State planning committee or
20 urban area working group to assist in preparation
21 and revision of the State, regional, or local homeland
22 security plan or the threat and hazard identification
23 and risk assessment, as the case may be, and to as-
24 sist in determining effective funding priorities for
25 grants under such sections.

1 “(2) COMPOSITION.—

2 “(A) IN GENERAL.—The State planning
3 committees and urban area working groups re-
4 ferred to in paragraph (1) shall include at least
5 one representative from each of the following
6 significant stakeholders:

7 “(i) Local or tribal government offi-
8 cials.

9 “(ii) Emergency response providers,
10 which shall include representatives of the
11 fire service, law enforcement, emergency
12 medical services, and emergency managers.

13 “(iii) Public health officials and other
14 appropriate medical practitioners.

15 “(iv) Individuals representing edu-
16 cational institutions, including elementary
17 schools, community colleges, and other in-
18 stitutions of higher education.

19 “(v) State and regional interoperable
20 communications coordinators, as appro-
21 priate.

22 “(vi) State and major urban area fu-
23 sion centers, as appropriate.

24 “(B) GEOGRAPHIC REPRESENTATION.—
25 The members of the State planning committee

1 or urban area working group, as the case may
2 be, shall be a representative group of individ-
3 uals from the counties, cities, towns, and Indian
4 tribes within the State or high-risk urban area,
5 including, as appropriate, representatives of
6 rural, high-population, and high-threat jurisdic-
7 tions.

8 “(3) EXISTING PLANNING COMMITTEES.—Noth-
9 ing in this subsection may be construed to require
10 that any State or high-risk urban area create a
11 State planning committee or urban area working
12 group, as the case may be, if that State or high-risk
13 urban area has established and uses a multijuris-
14 dictional planning committee or commission that
15 meets the requirements of this subsection.”.

16 **SEC. 1912. CYBERSECURITY STRATEGY FOR THE DEPART-**
17 **MENT OF HOMELAND SECURITY.**

18 (a) IN GENERAL.—Subtitle C of title II of the Home-
19 land Security Act of 2002 (6 U.S.C. 141 et seq.) is amend-
20 ed by inserting after section 228 the following new section:

21 **“SEC. 228A. CYBERSECURITY STRATEGY.**

22 “(a) IN GENERAL.—Not later than 90 days after the
23 date of the enactment of this section, the Secretary shall
24 develop a departmental strategy to carry out cybersecurity
25 responsibilities as set forth in law.

1 “(b) CONTENTS.—The strategy required under sub-
2 section (a) shall include the following:

3 “(1) Strategic and operational goals and prior-
4 ities to successfully execute the full range of the Sec-
5 retary’s cybersecurity responsibilities.

6 “(2) Information on the programs, policies, and
7 activities that are required to successfully execute
8 the full range of the Secretary’s cybersecurity re-
9 sponsibilities, including programs, policies, and ac-
10 tivities in furtherance of the following:

11 “(A) Cybersecurity functions set forth in
12 the section 227 (relating to the national cyber-
13 security and communications integration cen-
14 ter).

15 “(B) Cybersecurity investigations capabili-
16 ties.

17 “(C) Cybersecurity research and develop-
18 ment.

19 “(D) Engagement with international cyber-
20 security partners.

21 “(c) CONSIDERATIONS.—In developing the strategy
22 required under subsection (a), the Secretary shall—

23 “(1) consider—

1 “(A) the cybersecurity strategy for the
2 Homeland Security Enterprise published by the
3 Secretary in November 2011;

4 “(B) the Department of Homeland Security
5 Fiscal Years 2014–2018 Strategic Plan;
6 and

7 “(C) the most recent Quadrennial Home-
8 land Security Review issued pursuant to section
9 707; and

10 “(2) include information on the roles and re-
11 sponsibilities of components and offices of the De-
12 partment, to the extent practicable, to carry out
13 such strategy.

14 “(d) IMPLEMENTATION PLAN.—Not later than 90
15 days after the development of the strategy required under
16 subsection (a), the Secretary shall issue an implementa-
17 tion plan for the strategy that includes the following:

18 “(1) Strategic objectives and corresponding
19 tasks.

20 “(2) Projected timelines and costs for such
21 tasks.

22 “(3) Metrics to evaluate performance of such
23 tasks.

24 “(e) CONGRESSIONAL OVERSIGHT.—The Secretary
25 shall submit to Congress for assessment the following:

1 “(1) A copy of the strategy required under sub-
2 section (a) upon issuance.

3 “(2) A copy of the implementation plan re-
4 quired under subsection (d) upon issuance, together
5 with detailed information on any associated legisla-
6 tive or budgetary proposals.

7 “(f) CLASSIFIED INFORMATION.—The strategy re-
8 quired under subsection (a) shall be in an unclassified
9 form but may contain a classified annex.

10 “(g) RULE OF CONSTRUCTION.—Nothing in this sec-
11 tion may be construed as permitting the Department to
12 engage in monitoring, surveillance, exfiltration, or other
13 collection activities for the purpose of tracking an individ-
14 ual’s personally identifiable information.

15 “(h) DEFINITION.—In this section, the term ‘Home-
16 land Security Enterprise’ means relevant governmental
17 and nongovernmental entities involved in homeland secu-
18 rity, including Federal, State, local, and tribal government
19 officials, private sector representatives, academics, and
20 other policy experts.”.

21 (b) CLERICAL AMENDMENT.—The table of contents
22 in section 1(b) of the Homeland Security Act of 2002 is
23 amended by inserting after the item relating to section
24 228 the following new item:

 “Sec. 228A. Cybersecurity strategy.”.

1 **SEC. 1913. EMP AND GMD PLANNING, RESEARCH AND DE-**
2 **VELOPMENT, AND PROTECTION AND PRE-**
3 **PAREDNESS.**

4 (a) IN GENERAL.—The Homeland Security Act of
5 2002 (6 U.S.C. 101 et seq.) is amended—

6 (1) in section 2 (6 U.S.C. 101)—

7 (A) by redesignating paragraphs (9)
8 through (18) as paragraphs (11) through (20),
9 respectively;

10 (B) by redesignating paragraphs (7) and
11 (8) as paragraphs (8) and (9), respectively;

12 (C) by inserting after paragraph (6) the
13 following new paragraph:

14 “(7) The term ‘EMP’ means an electromagnetic
15 pulse caused by a nuclear device or nonnuclear de-
16 vice, including such a pulse caused by an act of ter-
17 rorism.”; and

18 (D) by inserting after paragraph (9), as so
19 redesignated, the following new paragraph:

20 “(10) The term ‘GMD’ means a geomagnetic
21 disturbance caused by a solar storm or another nat-
22 urally occurring phenomenon.”;

23 (2) in subsection (d) of section 201 (6 U.S.C.
24 121), by adding at the end the following new para-
25 graph:

1 “(26)(A) Not later than six months after the
2 date of the enactment of this paragraph, to conduct
3 an intelligence-based review and comparison of the
4 risks and consequences of EMP and GMD facing
5 critical infrastructure, and submit to the Committee
6 on Homeland Security and the Permanent Select
7 Committee on Intelligence of the House of Rep-
8 resentatives and the Committee on Homeland Secu-
9 rity and Governmental Affairs and the Select Com-
10 mittee on Intelligence of the Senate—

11 “(i) a recommended strategy to pro-
12 tect and prepare the critical infrastructure
13 of the homeland against threats of EMP
14 and GMD; and

15 “(ii) not less frequently than every
16 two years thereafter for the next six years,
17 updates of the recommended strategy.

18 “(B) The recommended strategy under
19 subparagraph (A) shall—

20 “(i) be based on findings of the re-
21 search and development conducted under
22 section 319;

23 “(ii) be developed in consultation with
24 the relevant Federal sector-specific agen-

1 cies (as defined under Presidential Policy
2 Directive-21) for critical infrastructure;

3 “(iii) be developed in consultation
4 with the relevant sector coordinating coun-
5 cils for critical infrastructure;

6 “(iv) be informed, to the extent prac-
7 ticable, by the findings of the intelligence-
8 based review and comparison of the risks
9 and consequences of EMP and GMD fac-
10 ing critical infrastructure conducted under
11 subparagraph (A); and

12 “(v) be submitted in unclassified
13 form, but may include a classified annex.

14 “(C) The Secretary may, if appropriate, in-
15 corporate the recommended strategy into a
16 broader recommendation developed by the De-
17 partment to help protect and prepare critical in-
18 frastructure from terrorism, cyber attacks, and
19 other threats if, as incorporated, the rec-
20 ommended strategy complies with subparagraph
21 (B).”;

22 (3) in title III (6 U.S.C. 181 et seq.), by adding
23 at the end the following new section:

1 **“SEC. 319. EMP AND GMD MITIGATION RESEARCH AND DE-**
2 **VELOPMENT.**

3 “(a) IN GENERAL.—In furtherance of domestic pre-
4 paredness and response, the Secretary, acting through the
5 Under Secretary for Science and Technology, and in con-
6 sultation with other relevant executive agencies, relevant
7 State, local, and tribal governments, and relevant owners
8 and operators of critical infrastructure, shall, to the extent
9 practicable, conduct research and development to mitigate
10 the consequences of threats of EMP and GMD.

11 “(b) SCOPE.—The scope of the research and develop-
12 ment under subsection (a) shall include the following:

13 “(1) An objective scientific analysis—

14 “(A) evaluating the risks to critical infra-
15 structure from a range of threats of EMP and
16 GMD; and

17 “(B) which shall—

18 “(i) be conducted in conjunction with
19 the Office of Intelligence and Analysis; and

20 “(ii) include a review and comparison
21 of the range of threats and hazards facing
22 critical infrastructure of the electrical grid.

23 “(2) Determination of the critical utilities and
24 national security assets and infrastructure that are
25 at risk from threats of EMP and GMD.

1 “(3) An evaluation of emergency planning and
2 response technologies that would address the find-
3 ings and recommendations of experts, including
4 those of the Commission to Assess the Threat to the
5 United States from Electromagnetic Pulse Attack,
6 which shall include a review of the feasibility of rap-
7 idly isolating one or more portions of the electrical
8 grid from the main electrical grid.

9 “(4) An analysis of technology options that are
10 available to improve the resiliency of critical infra-
11 structure to threats of EMP and GMD, including an
12 analysis of neutral current blocking devices that may
13 protect high-voltage transmission lines.

14 “(5) The restoration and recovery capabilities
15 of critical infrastructure under differing levels of
16 damage and disruption from various threats of EMP
17 and GMD, as informed by the objective scientific
18 analysis conducted under paragraph (1).

19 “(6) An analysis of the feasibility of a real-time
20 alert system to inform electrical grid operators and
21 other stakeholders within milliseconds of a high-alti-
22 tude nuclear explosion.

23 “(c) EXEMPTION FROM DISCLOSURE.—

24 “(1) INFORMATION SHARED WITH THE FED-
25 ERAL GOVERNMENT.—Section 214, and any regula-

1 tions issued pursuant to such section, shall apply to
2 any information shared with the Federal Govern-
3 ment under this section.

4 “(2) INFORMATION SHARED BY THE FEDERAL
5 GOVERNMENT.—Information shared by the Federal
6 Government with a State, local, or tribal government
7 under this section shall be exempt from disclosure
8 under any provision of State, local, or tribal freedom
9 of information law, open government law, open
10 meetings law, open records law, sunshine law, or
11 similar law requiring the disclosure of information or
12 records.”; and

13 (4) in title V (6 U.S.C. 311 et seq.), by adding
14 at the end the following new section:

15 **“SEC. 527. NATIONAL PLANNING AND EDUCATION.**

16 “The Secretary shall, to the extent practicable—

17 “(1) include in national planning frameworks
18 the threat of an EMP or GMD event; and

19 “(2) conduct outreach to educate owners and
20 operators of critical infrastructure, emergency plan-
21 ners, and emergency response providers at all levels
22 of government regarding threats of EMP and
23 GMD.”.

24 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

1 (1) The table of contents in section 1(b) of the
2 Homeland Security Act of 2002 is amended—

3 (A) by inserting after the item relating to
4 section 317 the following new item:

“Sec. 319. EMP and GMD mitigation research and development.”; and

5 (B) by inserting after the item relating to
6 section 525 the following:

“Sec. 526. Integrated Public Alert and Warning System modernization.

“Sec. 527. National planning and education.”.

7 (2) Section 501(13) of the Homeland Security
8 Act of 2002 (6 U.S.C. 311(13)) is amended by strik-
9 ing “section 2(11)(B)” and inserting “section
10 2(13)(B)”.

11 (3) Section 712(a) of title 14, United States
12 Code, is amended by striking “section 2(16) of the
13 Homeland Security Act of 2002 (6 U.S.C. 101(16))”
14 and inserting “section 2 of the Homeland Security
15 Act of 2002 (6 U.S.C. 101)”.

16 (c) DEADLINE FOR INITIAL RECOMMENDED STRAT-
17 EGY.—Not later than one year after the date of the enact-
18 ment of this section, the Secretary of Homeland Security
19 shall submit the recommended strategy required under
20 paragraph (26) of section 201(d) of the Homeland Secu-
21 rity Act of 2002 (6 U.S.C. 121(d)), as added by this sec-
22 tion.

1 (d) REPORT.—Not later than 180 days after the date
2 of the enactment of this section, the Secretary of Home-
3 land Security shall submit to Congress a report describing
4 the progress made in, and an estimated date by which the
5 Department of Homeland Security will have completed—

6 (1) including threats of EMP and GMD (as
7 those terms are defined in section 2 of the Home-
8 land Security Act of 2002, as amended by this sec-
9 tion) in national planning, as described in section
10 527 of the Homeland Security Act of 2002, as
11 added by this section;

12 (2) research and development described in sec-
13 tion 319 of the Homeland Security Act of 2002, as
14 added by this section;

15 (3) development of the recommended strategy
16 required under paragraph (26) of section 201(d) of
17 the Homeland Security Act of 2002 (6 U.S.C.
18 121(d)), as added by this section; and

19 (4) beginning to conduct outreach to educate
20 emergency planners and emergency response pro-
21 viders at all levels of government regarding threats
22 of EMP and GMD events.

23 (e) NO REGULATORY AUTHORITY.—Nothing in this
24 section, including the amendments made by this section,
25 shall be construed to grant any regulatory authority.

1 (f) NO NEW AUTHORIZATION OF APPROPRIA-
2 TIONS.—This section, including the amendments made by
3 this section, may be carried out only by using funds appro-
4 priated under the authority of other laws.

5 **DIVISION B—MILITARY CON-**
6 **STRUCTION AUTHORIZA-**
7 **TIONS**

8 **SEC. 2001. SHORT TITLE.**

9 This division may be cited as the “Military Construc-
10 tion Authorization Act for Fiscal Year 2017”.

11 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**
12 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
13 **LAW.**

14 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
15 YEARS.—Except as provided in subsection (b), all author-
16 izations contained in titles XXI through XXVII and title
17 XXIX for military construction projects, land acquisition,
18 family housing projects and facilities, and contributions to
19 the North Atlantic Treaty Organization Security Invest-
20 ment Program (and authorizations of appropriations
21 therefor) shall expire on the later of—

22 (1) October 1, 2019; or

23 (2) the date of the enactment of an Act author-
24 izing funds for military construction for fiscal year
25 2020.

1 (b) EXCEPTION.—Subsection (a) shall not apply to
2 authorizations for military construction projects, land ac-
3 quisition, family housing projects and facilities, and con-
4 tributions to the North Atlantic Treaty Organization Se-
5 curity Investment Program (and authorizations of appro-
6 priations therefor), for which appropriated funds have
7 been obligated before the later of—

8 (1) October 1, 2019; or

9 (2) the date of the enactment of an Act author-
10 izing funds for fiscal year 2020 for military con-
11 struction projects, land acquisition, family housing
12 projects and facilities, or contributions to the North
13 Atlantic Treaty Organization Security Investment
14 Program.

15 **SEC. 2003. EFFECTIVE DATE.**

16 Titles XXI through XXVII and title XXIX shall take
17 effect on the later of—

18 (1) October 1, 2016; or

19 (2) the date of the enactment of this Act.

20 **TITLE XXI—ARMY MILITARY**
21 **CONSTRUCTION**

Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Authorization of appropriations, Army.

Sec. 2104. Modification of authority to carry out certain fiscal year 2014
project.

Sec. 2105. Extension of authorizations of certain fiscal year 2013 projects.

Sec. 2106. Extension of authorizations of certain fiscal year 2014 projects.

1 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**
 2 **ACQUISITION PROJECTS.**

3 (a) **INSIDE THE UNITED STATES.**—Using amounts
 4 appropriated pursuant to the authorization of appropria-
 5 tions in section 2103(a) and available for military con-
 6 struction projects inside the United States as specified in
 7 the funding table in section 4601, the Secretary of the
 8 Army may acquire real property and carry out military
 9 construction projects for the installations or locations in-
 10 side the United States, and in the amounts, set forth in
 11 the following table:

Army: Inside the United States

State	Installation	Amount
Alaska	Fort Wainwright	\$47,000,000
California	Concord	\$12,600,000
Colorado	Fort Carson	\$13,100,000
Georgia	Fort Gordon	\$100,600,000
	Fort Stewart	\$14,800,000
Missouri	Fort Leonard Wood	\$6,900,000
Texas	Fort Hood	\$7,600,000
Utah	Camp Williams	\$7,400,000
Virginia	Fort Belvoir	\$23,000,000

12 (b) **OUTSIDE THE UNITED STATES.**—Using amounts
 13 appropriated pursuant to the authorization of appropria-
 14 tions in section 2103(a) and available for military con-
 15 struction projects outside the United States as specified
 16 in the funding table in section 4601, the Secretary of the
 17 Army may acquire real property and carry out the military
 18 construction project for the installations or locations out-
 19 side the United States, and in the amount, set forth in
 20 the following table:

Army: Outside the United States

Country	Installation	Amount
Cuba	Guantanamo Bay	\$33,000,000
Germany	East Camp Grafenwoehr	\$22,000,000
	Garmisch	\$9,600,000
	Wiesbaden Army Airfield	\$19,200,000

1 SEC. 2102. FAMILY HOUSING.

2 (a) CONSTRUCTION AND ACQUISITION.—Using
 3 amounts appropriated pursuant to the authorization of ap-
 4 propriations in section 2103(a) and available for military
 5 family housing functions as specified in the funding table
 6 in section 4601, the Secretary of the Army may construct
 7 or acquire family housing units (including land acquisition
 8 and supporting facilities) at the installations or locations,
 9 in the number of units, and in the amounts set forth in
 10 the following table:

Army: Family Housing

State/Country	Installation	Units	Amount
Korea	Camp Humphreys	Family Housing New Construction	\$297,000,000
	Camp Walker	Family Housing New Construction	\$54,554,000

11 (b) PLANNING AND DESIGN.—Using amounts appro-
 12 priated pursuant to the authorization of appropriations in
 13 section 2103(a) and available for military family housing
 14 functions as specified in the funding table in section 4601,
 15 the Secretary of the Army may carry out architectural and
 16 engineering services and construction design activities
 17 with respect to the construction or improvement of family
 18 housing units in an amount not to exceed \$2,618,000.

1 **SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
3 are hereby authorized to be appropriated for fiscal years
4 beginning after September 30, 2016, for military con-
5 struction, land acquisition, and military family housing
6 functions of the Department of the Army as specified in
7 the funding table in section 4601.

8 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
9 PROJECTS.—Notwithstanding the cost variations author-
10 ized by section 2853 of title 10, United States Code, and
11 any other cost variation authorized by law, the total cost
12 of all projects carried out under section 2101 of this Act
13 may not exceed the total amount authorized to be appro-
14 priated under subsection (a), as specified in the funding
15 table in section 4601.

16 **SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT**
17 **CERTAIN FISCAL YEAR 2014 PROJECT.**

18 In the case of the authorization contained in the table
19 in section 2101(a) of the Military Construction Authoriza-
20 tion Act for Fiscal Year 2014 (division B of Public Law
21 113–66; 127 Stat. 986) for Joint Base Lewis-McChord,
22 Washington, for construction of an aircraft maintenance
23 hangar at the installation, the Secretary of the Army may
24 construct an aircraft washing apron.

1 **SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 2 **FISCAL YEAR 2013 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2002 of
 4 the Military Construction Authorization Act for Fiscal
 5 Year 2013 (division B of Public Law 112-239; 126 Stat.
 6 2118), the authorizations set forth in the table in sub-
 7 section (b), as provided in section 2101 of that Act (126
 8 Stat. 2119) and extended by section 2107 of the Military
 9 Construction Authorization Act for Fiscal Year 2016 (di-
 10 vision B of Public Law 114-92; 129 Stat. 1148), shall
 11 remain in effect until October 1, 2017, or the date of the
 12 enactment of an Act authorizing funds for military con-
 13 struction for fiscal year 2018, whichever is later.

14 (b) TABLE.—The table referred to in subsection (a)
 15 is as follows:

Army: Extension of 2013 Project Authorizations

State/Country	Installation or Location	Project	Amount
Kansas	Fort Riley	Unmanned Aerial Vehicle Complex	\$12,200,000
Virginia	Fort Belvoir	Secure Admin/Operations Facility	\$172,200,000
Italy	Camp Ederle	Barracks	\$36,000,000
Japan	Sagami	Vehicle Maintenance Shop	\$18,000,000

16 **SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 17 **FISCAL YEAR 2014 PROJECTS.**

18 (a) EXTENSION.—Notwithstanding section 2002 of
 19 the Military Construction Authorization Act for Fiscal
 20 Year 2014 (division B of Public Law 113-66; 127 Stat.

1 985), the authorizations set forth in the table in sub-
 2 section (b), as provided in section 2101 of that Act (127
 3 Stat. 986) shall remain in effect until October 1, 2017,
 4 or the date of the enactment of an Act authorizing funds
 5 for military construction for fiscal year 2018, whichever
 6 is later.

7 (b) TABLE.—The table referred to in subsection (a)
 8 is as follows:

Army: Extension of 2014 Project Authorizations

State or Country	Installation or Location	Project	Amount
Maryland ..	Fort Detrick	Entry Control Point	\$2,500,000
Marshall Islands ..	Kwajalein Atoll	Pier	\$63,000,000
Japan	Kyotango City	Company Operations Complex	\$33,000,000

9 **TITLE XXII—NAVY MILITARY**
 10 **CONSTRUCTION**

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
- Sec. 2203. Improvements to military family housing units.
- Sec. 2204. Authorization of appropriations, Navy.
- Sec. 2205. Modification of authority to carry out certain fiscal year 2014 project.
- Sec. 2206. Extension of authorizations of certain fiscal year 2013 projects.
- Sec. 2207. Extension of authorizations of certain fiscal year 2014 projects.
- Sec. 2208. Status of “net negative” policy regarding Navy acreage on Guam.

11 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**
 12 **ACQUISITION PROJECTS.**

13 (a) **INSIDE THE UNITED STATES.**—Using amounts
 14 appropriated pursuant to the authorization of appropria-
 15 tions in section 2204(a) and available for military con-

1 construction projects inside the United States as specified in
 2 the funding table in section 4601, the Secretary of the
 3 Navy may acquire real property and carry out military
 4 construction projects for the installations or locations in-
 5 side the United States, and in the amounts, set forth in
 6 the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Yuma	\$48,355,000
California	Coronado	\$104,501,000
	Lemoore	\$26,723,000
	Miramar	\$193,600,000
	Seal Beach	\$21,007,000
	Eglin Air Force Base	\$20,489,000
Florida	Joint Region Marianas	\$89,185,000
Guam	Barking Sands	\$43,384,000
Hawaii	Kaneohe Bay	\$72,565,000
	Kittery	\$47,892,000
Maryland	Patuxent River	\$40,576,000
Nevada	Fallon	\$13,523,000
North Carolina	Camp Lejeune	\$18,482,000
	Cherry Point Marine Corps Air Station	\$12,515,000
	Beaufort	\$83,490,000
South Carolina	Parris Island	\$29,882,000
	Norfolk	\$27,000,000
Virginia	Bangor	\$113,415,000
Washington	Bremerton	\$6,704,000
	Whidbey Island	\$75,976,000

7 (b) OUTSIDE THE UNITED STATES.—Using amounts
 8 appropriated pursuant to the authorization of appropria-
 9 tions in section 2204(a) and available for military con-
 10 struction projects outside the United States as specified
 11 in the funding table in section 4601, the Secretary of the
 12 Navy may acquire real property and carry out military
 13 construction projects for the installation or location out-
 14 side the United States, and in the amounts, set forth in
 15 the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Japan	Kadena Air Base	\$26,489,000
	Sasebo	\$16,420,000
Spain	Rota	\$23,607,000
Worldwide Unspecified	Unspecified Worldwide Locations	\$41,380,000

1 SEC. 2202. FAMILY HOUSING.

2 (a) CONSTRUCTION AND ACQUISITION.—Using
 3 amounts appropriated pursuant to the authorization of ap-
 4 propriations in section 2204(a) and available for military
 5 family housing functions as specified in the funding table
 6 in section 4601, the Secretary of the Navy may construct
 7 or acquire family housing units (including land acquisition
 8 and supporting facilities) at the installation or location,
 9 in the number of units, and in the amount set forth in
 10 the following table:

Navy: Family Housing

State	Installation or Location	Units	Amount
Mariana Is-lands	Guam	Replace Andersen Housing PH 1	\$78,815,000

11 (b) PLANNING AND DESIGN.—Using amounts appro-
 12 priated pursuant to the authorization of appropriations in
 13 section 2204(a) and available for military family housing
 14 functions as specified in the funding table in section 4601,
 15 the Secretary of the Navy may carry out architectural and
 16 engineering services and construction design activities
 17 with respect to the construction or improvement of family
 18 housing units in an amount not to exceed \$4,149,000.

1 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
2 **UNITS.**

3 Subject to section 2825 of title 10, United States
4 Code, and using amounts appropriated pursuant to the
5 authorization of appropriations in section 2204(a) and
6 available for military family housing functions as specified
7 in the funding table in section 4601, the Secretary of the
8 Navy may improve existing military family housing units
9 in an amount not to exceed \$11,047,000.

10 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

11 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
12 are hereby authorized to be appropriated for fiscal years
13 beginning after September 30, 2016, for military con-
14 struction, land acquisition, and military family housing
15 functions of the Department of the Navy, as specified in
16 the funding table in section 4601.

17 (b) **LIMITATION ON TOTAL COST OF CONSTRUCTION**
18 **PROJECTS.**—Notwithstanding the cost variations author-
19 ized by section 2853 of title 10, United States Code, and
20 any other cost variation authorized by law, the total cost
21 of all projects carried out under section 2201 of this Act
22 may not exceed the total amount authorized to be appro-
23 priated under subsection (a), as specified in the funding
24 table in section 4601.

1 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**
2 **CERTAIN FISCAL YEAR 2014 PROJECT.**

3 In the case of the authorization contained in the table
4 in section 2201 of the Military Construction Authorization
5 Act for Fiscal Year 2014 (division B of Public Law 113–
6 66; 127 Stat. 989) for Pearl City, Hawaii, for construction
7 of a water transmission line at that location, the Secretary
8 of the Navy may construct a 591-meter (1,940-foot) long
9 16-inch diameter water transmission line as part of the
10 network required to provide the main water supply to
11 Joint Base Pearl Harbor-Hickam, Hawaii.

12 **SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
13 **FISCAL YEAR 2013 PROJECTS.**

14 (a) EXTENSION.—Notwithstanding section 2002 of
15 the Military Construction Authorization Act for Fiscal
16 Year 2013 (division B of Public Law 112–239; 126 Stat.
17 2118), the authorizations set forth in the table in sub-
18 section (b), as provided in section 2201 of that Act (126
19 Stat. 2122) and extended by section 2206 of the Military
20 Construction Authorization Act for Fiscal Year 2016 (di-
21 vision B of Public Law 114–92; 129 Stat. 1151), shall
22 remain in effect until October 1, 2017, or the date of the
23 enactment of an Act authorizing funds for military con-
24 struction for fiscal year 2018, whichever is later.

25 (b) TABLE.—The table referred to in subsection (a)
26 is as follows:

Navy: Extension of 2013 Project Authorizations

State/Country	Installation or Location	Project	Amount
California	Camp Pendleton	Comm. Information Systems Ops Complex	\$78,897,000
Greece	Souda Bay	Intermodal Access Road	\$4,630,000
South Carolina	Beaufort	Recycling/Hazardous Waste Facility	\$3,743,000
Worldwide Unspecified	Various Worldwide Locations	BAMS Operational Facilities	\$34,048,000

**1 SEC. 2207. EXTENSION OF AUTHORIZATIONS OF CERTAIN
2 FISCAL YEAR 2014 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2002 of
4 the Military Construction Authorization Act for Fiscal
5 Year 2014 (division B of Public Law 113–66; 127 Stat.
6 985), the authorizations set forth in the table in sub-
7 section (b), as provided in section 2201 of that Act (127
8 Stat. 989), shall remain in effect until October 1, 2017,
9 or the date of the enactment of an Act authorizing funds
10 for military construction for fiscal year 2018, whichever
11 is later.

12 (b) TABLE.—The table referred to in subsection (a)
13 is as follows:

Navy: Extension of 2014 Project Authorizations

State/Country	Installation or Location	Project	Amount
Hawaii	Kaneohe	Aircraft Maintenance Hangar Upgrades	\$31,820,000
	Pearl City	Water Transmission Line	\$30,100,000
Illinois	Great Lakes	Unaccompanied Housing	\$35,851,000

Navy: Extension of 2014 Project Authorizations—Continued

State/Country	Installation or Location	Project	Amount
Maine	Bangor	NCTAMS VLF Commercial Power Connection	\$13,800,000
Nevada	Fallon	Wastewater Treatment Plant	\$11,334,000
Virginia	Quantico	Academic Instruction Facility	\$25,731,000
	Quantico	TECOM Schools	
		Fuller Road Improvements	\$9,013,000

1 **SEC. 2208. STATUS OF “NET NEGATIVE” POLICY REGARD-**
2 **ING NAVY ACREAGE ON GUAM.**

3 (a) REPORT ON STATUS.—

4 (1) REPORT.—Not later than 6 months after
5 the date of the enactment of this Act, the Secretary
6 of the Navy shall submit a report to the congress-
7 sional defense committees regarding the status of
8 the implementation of the “net negative” policy re-
9 garding the total number of acres of the real prop-
10 erty controlled by the Department of the Navy on
11 Guam, as described in subsection (b).

12 (2) CONTENTS.—The report required under
13 paragraph (1) shall include the following informa-
14 tion:

15 (A) A description of the real property con-
16 trolled by the Navy on Guam which the Navy
17 has transferred to the control of Guam after
18 January 20, 2011, or which the Navy plans to
19 transfer to the control of Guam, as well as a

1 description of the specific legal authority under
2 which the Navy has transferred or will transfer
3 each such property.

4 (B) The methodology and process the
5 Navy will use to determine the total number of
6 acres of real property that the Navy will trans-
7 fer or has transferred to the control of Guam
8 as part of the “net negative” policy, and the
9 date on which the Navy will transfer or has
10 transferred control of any such property.

11 (C) A description of the real property con-
12 trolled by the Navy on Guam which the Navy
13 plans to retain under its control and the rea-
14 sons for retaining such property, including a
15 detailed explanation of the reasons for retaining
16 any such property which has not been developed
17 or for which no development has been proposed
18 under the current installation master plans for
19 major military installations (as described in sec-
20 tion 2864 of title 10, United States Code).

21 (3) EXCLUSION OF CERTAIN PROPERTY.—In
22 preparing and submitting the report under this sub-
23 section, the Secretary may not take into account any
24 real property which has been transferred to the Gov-
25 ernment of Guam prior to January 20, 2011, to in-

1 include property under the Guam Excess Lands Act
2 (Public Law 103–339) or the Guam Land Use Plan
3 (GLUP) 1977, or pursuant to base realignment and
4 closure authorized under the Defense Base Closure
5 and Realignment Act of 1990 (part A of title XXIX
6 of Public Law 101–510; 10 U.S.C. 2687 note).

7 (b) POLICY DESCRIBED.—The “net negative” policy
8 described in this section is the policy of the Secretary of
9 the Navy, as expressed in the statement released by Under
10 Secretary of the Navy on January 20, 2011, that the relo-
11 cation of Marines to Guam occurring during 2011 will not
12 cause the total number of acres of real property controlled
13 by the Navy on Guam upon the completion of such reloca-
14 tion to exceed the total number of acres of real property
15 controlled by the Navy on Guam prior to such relocation.

16 **TITLE XXIII—AIR FORCE**
17 **MILITARY CONSTRUCTION**

Sec. 2301. Authorized Air Force construction and land acquisition projects.

Sec. 2302. Family housing.

Sec. 2303. Improvements to military family housing units.

Sec. 2304. Authorization of appropriations, Air Force.

Sec. 2305. Modification of authority to carry out certain fiscal year 2016
project.

Sec. 2306. Extension of authorization of certain fiscal year 2013 project.

Sec. 2307. Extension of authorization of certain fiscal year 2014 project.

Sec. 2308. Restriction on acquisition of property in Northern Mariana Islands.

18 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**
19 **LAND ACQUISITION PROJECTS.**

20 (a) INSIDE THE UNITED STATES.—Using amounts
21 appropriated pursuant to the authorization of appropria-

1 tions in section 2304(a) and available for military con-
 2 struction projects inside the United States as specified in
 3 the funding table in section 4601, the Secretary of the
 4 Air Force may acquire real property and carry out mili-
 5 tary construction projects for the installations or locations
 6 inside the United States, and in the amounts, set forth
 7 in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alabama	Maxwell Air Force Base	\$15,000,000
Alaska	Clear Air Force Station	\$20,000,000
	Eielson Air Force Base	\$295,600,000
	Joint Base Elmendorf-Richard- son	\$29,000,000
Arizona	Luke Air Force Base	\$20,000,000
California	Edwards Air Force Base	\$24,000,000
Colorado	Buckley Air Force Base	\$13,500,000
Delaware	Dover Air Force Base	\$39,000,000
Florida	Eglin Air Force Base	\$123,600,000
	Patrick Air Force Base	\$13,500,000
Georgia	Moody Air Force Base	\$30,900,000
Guam	Joint Region Marianas	\$80,658,000
Illinois	Scott Air Force Base	\$41,000,000
Kansas	McConnell Air Force Base	\$19,800,000
Louisiana	Barksdale Air Force Base	\$21,000,000
Maryland	Joint Base Andrews	\$66,500,000
Massachusetts	Hanscom Air Force Base	\$30,965,000
Montana	Malmstrom Air Force Base	\$14,600,000
Nevada	Nellis Air Force Base	\$10,600,000
New Mexico	Cannon Air Force Base	\$21,000,000
	Holloman Air Force Base	\$10,600,000
	Kirtland Air Force Base	\$7,300,000
Ohio	Wright-Patterson Air Force Base	\$12,600,000
Oklahoma	Altus Air Force Base	\$11,600,000
	Tinker Air Force Base	\$43,000,000
South Carolina	Joint Base Charleston	\$17,000,000
Texas	Joint Base San Antonio	\$67,300,000
Utah	Hill Air Force Base	\$44,500,000
Virginia	Joint Base Langley-Eustis	\$59,200,000
Washington	Fairechild Air Force Base	\$27,000,000
Wyoming	F.E. Warren Air Force Base	\$5,550,000

8 (b) OUTSIDE THE UNITED STATES.—Using amounts
 9 appropriated pursuant to the authorization of appropria-
 10 tions in section 2304(a) and available for military con-
 11 struction projects outside the United States as specified

1 in the funding table in section 4601, the Secretary of the
 2 Air Force may acquire real property and carry out mili-
 3 tary construction projects for the installation or location
 4 outside the United States, and in the amount, set forth
 5 in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Australia	Darwin	\$30,400,000
Germany	Ramstein Air Base	\$13,437,000
	Spangdahlem Air Base	\$43,465,000
Japan	Kadena Air Base	\$19,815,000
	Yokota Air Base	\$32,020,000
Mariana Islands	Unspecified Location	\$9,000,000
Turkey	Incirlik Air Base	\$13,449,000
United Arab Emirates	Al Dhafra	\$35,400,000
United Kingdom	Royal Air Force Croughton	\$69,582,00

6 SEC. 2302. FAMILY HOUSING.

7 Using amounts appropriated pursuant to the author-
 8 ization of appropriations in section 2304(a) and available
 9 for military family housing functions as specified in the
 10 funding table in section 4601, the Secretary of the Air
 11 Force may carry out architectural and engineering serv-
 12 ices and construction design activities with respect to the
 13 construction or improvement of family housing units in an
 14 amount not to exceed \$4,368,000.

15 SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING
16 UNITS.

17 Subject to section 2825 of title 10, United States
 18 Code, and using amounts appropriated pursuant to the
 19 authorization of appropriations in section 2304(a) and
 20 available for military family housing functions as specified

1 in the funding table in section 4601, the Secretary of the
2 Air Force may improve existing military family housing
3 units in an amount not to exceed \$56,984,000.

4 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
5 **FORCE.**

6 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
7 are hereby authorized to be appropriated for fiscal years
8 beginning after September 30, 2016, for military con-
9 struction, land acquisition, and military family housing
10 functions of the Department of the Air Force, as specified
11 in the funding table in section 4601.

12 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
13 PROJECTS.—Notwithstanding the cost variations author-
14 ized by section 2853 of title 10, United States Code, and
15 any other cost variation authorized by law, the total cost
16 of all projects carried out under section 2301 of this Act
17 may not exceed the total amount authorized to be appro-
18 priated under subsection (a), as specified in the funding
19 table in section 4601.

20 **SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT**
21 **CERTAIN FISCAL YEAR 2016 PROJECT.**

22 In the case of the authorization contained in the table
23 in section 2301(a) of the Military Construction Authoriza-
24 tion Act for Fiscal Year 2016 (division B of Public Law
25 114–92; 129 Stat. 1153) for Malmstrom Air Force Base,

1 Montana, for construction of a Tactical Response Force
 2 Alert Facility at the installation, the Secretary of the Air
 3 Force may construct an emergency power generator sys-
 4 tem consistent with the Air Force’s construction guide-
 5 lines.

6 **SEC. 2306. EXTENSION OF AUTHORIZATION OF CERTAIN**
 7 **FISCAL YEAR 2013 PROJECT.**

8 (a) **EXTENSION.**—Notwithstanding section 2002 of
 9 the Military Construction Authorization Act for Fiscal
 10 Year 2013 (division B of Public Law 112–239; 126 Stat.
 11 2118), the authorization set forth in the table in sub-
 12 section (b), as provided in section 2301 of that Act (126
 13 Stat. 2126) and extended by section 2309 of the Military
 14 Construction Authorization Act for Fiscal Year 2016 (di-
 15 vision B of Public Law 114–92; 129 Stat. 1155), shall
 16 remain in effect until October 1, 2017, or the date of the
 17 enactment of an Act authorizing funds for military con-
 18 struction for fiscal year 2018, whichever is later.

19 (b) **TABLE.**—The table referred to in subsection (a)
 20 is as follows:

Air Force: Extension of 2013 Project Authorization

State/Country	Installation or Location	Project	Amount
Portugal	Lajes Field	Sanitary Sewer Lift/ Pump Station	\$2,000,000

1 **SEC. 2307. EXTENSION OF AUTHORIZATION OF CERTAIN**
 2 **FISCAL YEAR 2014 PROJECT.**

3 (a) EXTENSION.—Notwithstanding section 2002 of
 4 the Military Construction Authorization Act for Fiscal
 5 Year 2014 (division B of Public Law 113–66; 127 Stat.
 6 985), the authorization set forth in the table in subsection
 7 (b), as provided in section 2301 of that Act (127 Stat.
 8 992), shall remain in effect until October 1, 2017, or the
 9 date of the enactment of an Act authorizing funds for mili-
 10 tary construction for fiscal year 2018, whichever is later.

11 (b) TABLE.—The table referred to in subsection (a)
 12 is as follows:

Air Force: Extension of 2014 Project Authorizations

Country	Installation or Location	Project	Amount
Worldwide Unspecified (Italy)	Aviano Air Base	Guardian Angel Operations Facility ...	\$22,047,000

13 **SEC. 2308. RESTRICTION ON ACQUISITION OF PROPERTY IN**
 14 **NORTHERN MARIANA ISLANDS.**

15 The Secretary of the Air Force may not use any of
 16 the amounts authorized to be appropriated under section
 17 2304 to acquire property or interests in property at an
 18 unspecified location in the Commonwealth of the Northern
 19 Mariana Islands, as specified in the funding table set forth
 20 in section 2301(b) and the funding table in section 4601,
 21 until the congressional defense committees have received

1 from the Secretary a report providing the following infor-
2 mation:

3 (1) The specific location of the property or in-
4 terest in property to be acquired.

5 (2) The total cost, scope, and location of the
6 military construction projects and the acquisition of
7 property or interests in property required to support
8 the Secretary's proposed divert activities and exer-
9 cises in the Commonwealth of the Northern Mariana
10 Islands.

11 (3) An analysis of any alternative locations that
12 the Secretary considered acquiring, including other
13 locations or interests within the Commonwealth of
14 the Northern Mariana Islands or the Freely Associ-
15 ated States. For purposes of this paragraph, the
16 term "Freely Associated States" means the Republic
17 of the Marshall Islands, the Federated States of Mi-
18 cronesia, and the Republic of Palau.

19 **TITLE XXIV—DEFENSE AGEN-**
20 **CIES MILITARY CONSTRUC-**
21 **TION**

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

Sec. 2402. Authorized energy conservation projects.

Sec. 2403. Authorization of appropriations, Defense Agencies.

Sec. 2404. Modification of authority to carry out certain fiscal year 2014 project.

Sec. 2405. Extension of authorizations of certain fiscal year 2013 projects.

Sec. 2406. Extension of authorizations of certain fiscal year 2014 projects.

1 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
 2 **TION AND LAND ACQUISITION PROJECTS.**

3 (a) INSIDE THE UNITED STATES.—Using amounts
 4 appropriated pursuant to the authorization of appropria-
 5 tions in section 2403(a) and available for military con-
 6 struction projects inside the United States as specified in
 7 the funding table in section 4601, the Secretary of De-
 8 fense may acquire real property and carry out military
 9 construction projects for the installations or locations in-
 10 side the United States, and in the amounts, set forth in
 11 the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Alaska	Clear Air Force Station	\$155,000,000
	Fort Greely	\$9,560,000
	Joint Base Elmendorf-Richardson	\$4,900,000
Arizona	Fort Huachuca	\$4,493,000
California	Coronado	\$175,412,000
	Travis Air Force Base	\$26,500,000
Delaware	Dover Air Force Base	\$44,115,000
Florida	Patrick Air Force Base	\$10,100,000
Georgia	Fort Benning	\$4,820,000
	Fort Gordon	\$25,000,000
Maine	Portsmouth	\$27,100,000
Maryland	Bethesda Naval Hospital	\$510,000,000
	Fort Meade	\$38,000,000
Missouri	St. Louis	\$801,000
North Carolina	Camp Lejeune	\$31,000,000
	Fort Bragg	\$86,593,000
South Carolina	Joint Base Charleston	\$17,000,000
Texas	Red River Army Depot	\$44,700,000
	Sheppard Air Force Base	\$91,910,000
Virginia	Pentagon	\$20,216,000

12 (b) OUTSIDE THE UNITED STATES.—Using amounts
 13 appropriated pursuant to the authorization of appropria-
 14 tions in section 2403(a) and available for military con-
 15 struction projects outside the United States as specified
 16 in the funding table in section 4601, the Secretary of De-

1 fense may acquire real property and carry out military
 2 construction projects for the installations or locations out-
 3 side the United States, and in the amounts, set forth in
 4 the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Diego Garcia	Diego Garcia	\$30,000,000
Germany	Kaiserslautern	\$45,221,000
Japan	Ikakuni	\$6,664,000
	Kadena Air Base	\$161,224,000
	Yokota Air Base	\$113,731,000
Kwajalein	Kwajalein Atoll	\$85,500,000
United Kingdom	Royal Air Force Croughton	\$71,424,000
	Royal Air Force Lakenheath	\$13,500,000
Wake Island	Wake Island	\$11,670,000

5 **SEC. 2402. AUTHORIZED ENERGY CONSERVATION**
 6 **PROJECTS.**

7 (a) INSIDE THE UNITED STATES.—Using amounts
 8 appropriated pursuant to the authorization of appropria-
 9 tions in section 2403(a) and available for energy conserva-
 10 tion projects as specified in the funding table in section
 11 4601, the Secretary of Defense may carry out energy con-
 12 servation projects under chapter 173 of title 10, United
 13 States Code, in the amount set forth in the following table:

Energy Conservation Projects: Inside the United States

State	Installation or Location	Amount
California	Edwards Air Force Base	\$8,400,000
	Naval Base San Diego	\$4,230,000
	Fort Hunter Liggett	\$5,400,000
Colorado	Fort Carson	\$5,000,000
	Schriever Air Force Base	\$3,295,000
Florida	SUBASE Kings Bay NAS Jacksonville	\$3,230,000
Guam	NAVBASE Guam	\$8,540,000
Hawaii	NSAH Wahiawa Kunia Oahu	\$14,890,000
Ohio	Wright Patterson Air Force Base	\$14,400,000
Utah	Dugway Proving Ground	\$7,500,000
	Tooele Army Depot	\$8,200,000
Various Locations	Various Locations	\$28,088,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
 2 appropriated pursuant to the authorization of appropria-
 3 tions in section 2403(a) and available for energy conserva-
 4 tion projects outside the United States as specified in the
 5 funding table in section 4601, the Secretary of Defense
 6 may carry out energy conservation projects under chapter
 7 173 of title 10, United States Code, for the installations
 8 or locations outside the United States, and in the
 9 amounts, set forth in the following table:

Energy Conservation Projects: Outside the United States

Country	Installation or Location	Amount
Cuba	Guantanamo Bay	\$6,080,000
Diego Garcia	NSF Diego Garcia	\$17,010,000
Japan	Kadena Air Base	\$4,007,000
	Misawa Air Base	\$5,315,000
Spain	Rota	\$3,710,000
Various Locations	Various Locations	\$2,705,000

10 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**
 11 **FENSE AGENCIES.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
 13 are hereby authorized to be appropriated for fiscal years
 14 beginning after September 30, 2016, for military con-
 15 struction, land acquisition, and military family housing
 16 functions of the Department of Defense (other than the
 17 military departments), as specified in the funding table
 18 in section 4601.

19 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
 20 PROJECTS.—Notwithstanding the cost variations author-
 21 ized by section 2853 of title 10, United States Code, and

1 any other cost variation authorized by law, the total cost
2 of all projects carried out under section 2401 of this Act
3 may not exceed the total amount authorized to be appro-
4 priated under subsection (a), as specified in the funding
5 table in section 4601.

6 **SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT**
7 **CERTAIN FISCAL YEAR 2014 PROJECT.**

8 In the case of the authorization in the table in section
9 2401(b) of the Military Construction Authorization Act
10 for Fiscal Year 2014 (division B of Public Law 113–66;
11 127 Stat. 996), for Royal Air Force Lakenheath, United
12 Kingdom, for construction of a high school, the Secretary
13 of Defense may construct a combined middle/high school.

14 **SEC. 2405. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
15 **FISCAL YEAR 2013 PROJECTS.**

16 (a) EXTENSION.—Notwithstanding section 2002 of
17 the Military Construction Authorization Act for Fiscal
18 Year 2013 (division B of Public Law 112–239; 126 Stat.
19 2118), the authorizations set forth in the table in sub-
20 section (b), as provided in section 2401 of that Act (126
21 Stat. 2127) and amended by section 2406(a) of the Mili-
22 tary Construction Authorization Act for Fiscal Year 2016
23 (division B of Public Law 114–92; 129 Stat. 1160), shall
24 remain in effect until October 1, 2017, or the date of the

1 enactment of an Act authorizing funds for military con-
 2 struction for fiscal year 2018, whichever is later.

3 (b) TABLE.—The table referred to in subsection (a)
 4 is as follows:

Defense Agencies: Extension of 2013 Project Authorizations

State/Country	Installation or Location	Project	Amount
Japan	Camp Zama	Renovate Zama High School	\$13,273,000
Pennsylvania	New Cumberland	Replace reservoir	\$4,300,000

5 **SEC. 2406. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 6 **FISCAL YEAR 2014 PROJECTS.**

7 (a) EXTENSION.—Notwithstanding section 2002 of
 8 the Military Construction Authorization Act for Fiscal
 9 Year 2014 (division B of Public Law 113–66; 127 Stat.
 10 985), the authorizations set forth in the table in sub-
 11 section (b), as provided in section 2401 of that Act (127
 12 Stat. 995), shall remain in effect until October 1, 2017,
 13 or the date of the enactment of an Act authorizing funds
 14 for military construction for fiscal year 2018, whichever
 15 is later.

16 (b) TABLE.—The table referred to in subsection (a)
 17 is as follows:

Defense Agencies: Extension of 2014 Project Authorizations

State/Country	Installation or Location	Project	Amount
California	Brawley	SOF Desert Warfare Training Center	\$23,095,000
Germany	Kaiserslautern	Replace Kaiserslautern Elementary School	\$49,907,000
	Ramstein Air Base	Replace Ramstein High School	\$98,762,000

1 of the amount authorized to be appropriated for this pur-
 2 pose in section 2502 and the amount collected from the
 3 North Atlantic Treaty Organization as a result of con-
 4 struction previously financed by the United States.

5 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

6 Funds are hereby authorized to be appropriated for
 7 fiscal years beginning after September 30, 2016, for con-
 8 tributions by the Secretary of Defense under section 2806
 9 of title 10, United States Code, for the share of the United
 10 States of the cost of projects for the North Atlantic Treaty
 11 Organization Security Investment Program authorized by
 12 section 2501 as specified in the funding table in section
 13 4601.

14 **Subtitle B—Host Country In-Kind**
 15 **Contributions**

16 **SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION**
 17 **PROJECTS.**

18 Pursuant to agreement with the Republic of Korea
 19 for required in-kind contributions, the Secretary of De-
 20 fense may accept military construction projects for the in-
 21 stallations or locations, and in the amounts, set forth in
 22 the following table:

Republic of Korea Funded Construction Projects

Country	Compo- nent	Installa- tion or Lo- cation	Project	Amount
Korea	Army	CP Tango ..	Repair Collective Protec- tion System (CPS)	\$11,600,000

Republic of Korea Funded Construction Projects—Continued

Country	Component	Installation or Location	Project	Amount
	Army	Camp Humphreys	Duplex Company Operations, Zoekler Station	\$10,200,00
	Army	Camp Humphreys	Vehicle Maintenance Facility & Company Ops Complex (3rd CAB) ...	\$49,500,000
	Army	Camp Humphreys	8th Army Correctional Facility	\$14,600,000
	Navy	Camp Mujuk	Marine Air Ground Task Force Operations Center	\$68,000,000
	Navy	Camp Mujuk	Camp Mujuk Life Support Area (LSA) Barracks #2	\$14,100,000
	Navy	Camp Mujuk	Camp Mujuk Life Support Area (LSA) Barracks #3	\$14,100,000
	Air Force	Kunsan Air Base	3rd Generation Hardened Aircraft Shelters (HAS); Phases 4, 5, 6	\$132,500,000
	Air Force	Kunsan Air Base	Upgrade Electrical Distribution System	\$13,000,000
	Air Force	Osan Air Base	Construct Korea Air Operations Center	\$160,000,000
	Air Force	Osan Air Base	Air Freight Terminal Facility	\$40,000,000
	Air Force	Osan Air Base	Construct F-16 Quick Turn Pad	\$7,500,000
	Defense-Wide ..	Camp Carroll	Sustainment Facilities Upgrade Phase I – DLA Warehouse	\$74,600,000
	Defense-Wide ..	USAG Humphreys	Elementary School	\$42,000,000
	Defense-Wide ..	Icheon Special Warfare Command	Special Operations Command, Korea (SOCKOR) Contingency Operations Center and Barracks	\$9,900,000

Republic of Korea Funded Construction Projects—Continued

Country	Component	Installation or Location	Project	Amount
	Defense-Wide ..	K-16 Air Base	Special Operations Forces (SOF) Operations Facility, B-606	\$11,000,000

1 **TITLE XXVI—GUARD AND**
2 **RESERVE FORCES FACILITIES**

 Subtitle A—Project Authorizations and Authorization of Appropriations

- Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
- Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
- Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
- Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
- Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
- Sec. 2606. Authorization of appropriations, National Guard and Reserve.

 Subtitle B—Other Matters

- Sec. 2611. Modification of authority to carry out certain fiscal year 2014 project.
- Sec. 2612. Modification of authority to carry out certain fiscal year 2015 project.
- Sec. 2613. Modification of authority to carry out certain fiscal year 2016 project.
- Sec. 2614. Extension of authorization of certain fiscal year 2013 project.
- Sec. 2615. Extension of authorizations of certain fiscal year 2014 projects.

3 **Subtitle A—Project Authorizations**
4 **and Authorization of Appropria-**
5 **tions**

6 **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-**
7 **STRUCTION AND LAND ACQUISITION**
8 **PROJECTS.**

9 Using amounts appropriated pursuant to the author-
10 ization of appropriations in section 2606 and available for

1 the National Guard and Reserve as specified in the fund-
 2 ing table in section 4601, the Secretary of the Army may
 3 acquire real property and carry out military construction
 4 projects for the Army National Guard locations inside the
 5 United States, and in the amounts, set forth in the fol-
 6 lowing table:

Army National Guard

State	Location	Amount
Colorado	Fort Carson	\$16,500,000
Hawaii	Hilo	\$31,000,000
Iowa	Davenport	\$23,000,000
Kansas	Fort Leavenworth	\$29,000,000
New Hampshire	Hooksett	\$11,000,000
	Rochester	\$8,900,000
Oklahoma	Ardmore	\$22,000,000
Pennsylvania	Fort Indiantown Gap	\$20,000,000
	York	\$9,300,000
Rhode Island	East Greenwich	\$20,000,000
Utah	Camp Williams	\$37,000,000
Wyoming	Camp Guernsey	\$31,000,000
	Laramie	\$21,000,000

7 **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION**
 8 **AND LAND ACQUISITION PROJECTS.**

9 Using amounts appropriated pursuant to the author-
 10 ization of appropriations in section 2606 and available for
 11 the National Guard and Reserve as specified in the fund-
 12 ing table in section 4601, the Secretary of the Army may
 13 acquire real property and carry out military construction
 14 projects for the Army Reserve locations inside the United
 15 States, and in the amounts, set forth in the following
 16 table:

Army Reserve

State	Location	Amount
Arizona	Phoenix	\$30,000,000
California	Camp Parks	\$19,000,000

Army Reserve—Continued

State	Location	Amount
Virginia	Fort Hunter Liggett	\$21,500,000
Wisconsin	Dublin	\$6,000,000
	Fort McCoy	\$11,400,000

1 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE**
 2 **CORPS RESERVE CONSTRUCTION AND LAND**
 3 **ACQUISITION PROJECTS.**

4 Using amounts appropriated pursuant to the author-
 5 ization of appropriations in section 2606 and available for
 6 the National Guard and Reserve as specified in the fund-
 7 ing table in section 4601, the Secretary of the Navy may
 8 acquire real property and carry out military construction
 9 projects for the Navy Reserve and Marine Corps Reserve
 10 locations inside the United States, and in the amounts,
 11 set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Louisiana	New Orleans	\$11,207,000
New York	Brooklyn	\$1,964,000
	Syracuse	\$13,229,000
Texas	Galveston	\$8,414,000

12 **SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUC-**
 13 **TION AND LAND ACQUISITION PROJECTS.**

14 Using amounts appropriated pursuant to the author-
 15 ization of appropriations in section 2606 and available for
 16 the National Guard and Reserve as specified in the fund-
 17 ing table in section 4601, the Secretary of the Air Force
 18 may acquire real property and carry out military construc-

1 tion projects for the Air National Guard locations inside
 2 the United States, and in the amounts, set forth in the
 3 following table:

Air National Guard

State	Location	Amount
Connecticut	Bradley IAP	\$6,300,000
Florida	Jacksonville IAP	\$9,000,000
Hawaii	Joint Base Pearl Harbor-Hickam	\$11,000,000
Iowa	Sioux Gateway Airport	\$12,600,000
Maryland	Joint Base Andrews	\$5,000,000
Minnesota	Duluth IAP	\$7,600,000
New Hampshire	Pease International Trade Port	\$1,500,000
North Carolina	Charlotte/Douglas IAP	\$50,600,000
Ohio	Toledo Express Airport	\$6,000,000
South Carolina	McEntire ANG S	\$8,400,000
Texas	Ellington Field	\$4,500,000
Vermont	Burlington IAP	\$4,500,000

4 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUC-**
 5 **TION AND LAND ACQUISITION PROJECTS.**

6 Using amounts appropriated pursuant to the author-
 7 ization of appropriations in section 2606 and available for
 8 the National Guard and Reserve as specified in the fund-
 9 ing table in section 4601, the Secretary of the Air Force
 10 may acquire real property and carry out military construc-
 11 tion projects for the Air Force Reserve locations inside
 12 the United States, and in the amounts, set forth in the
 13 following table:

Air Force Reserve

State	Location	Amount
North Carolina	Seymour Johnson Air Force Base	\$97,950,000
Pennsylvania	Pittsburgh International Airport	\$85,000,000

1 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NA-**
2 **TIONAL GUARD AND RESERVE.**

3 Funds are hereby authorized to be appropriated for
4 fiscal years beginning after September 30, 2016, for the
5 costs of acquisition, architectural and engineering services,
6 and construction of facilities for the Guard and Reserve
7 Forces, and for contributions therefor, under chapter
8 1803 of title 10, United States Code (including the cost
9 of acquisition of land for those facilities), as specified in
10 the funding table in section 4601.

11 **Subtitle B—Other Matters**

12 **SEC. 2611. MODIFICATION OF AUTHORITY TO CARRY OUT**
13 **CERTAIN FISCAL YEAR 2014 PROJECT.**

14 In the case of the authorization contained in the table
15 in section 2602 of the Military Construction Authorization
16 Act for Fiscal Year 2014 (division B of Public Law 113–
17 66; 127 Stat. 1001) for Bullville, New York, for construc-
18 tion of a new Army Reserve Center at that location, the
19 Secretary of the Army may add to or alter the existing
20 Army Reserve Center at Bullville, New York.

21 **SEC. 2612. MODIFICATION OF AUTHORITY TO CARRY OUT**
22 **CERTAIN FISCAL YEAR 2015 PROJECT.**

23 In the case of the authorization contained in the table
24 in section 2603 of the Military Construction Authorization
25 Act for Fiscal Year 2015 (division B of Public Law 113–
26 291; 128 Stat. 3689) for Pittsburgh, Pennsylvania, for

1 construction of a Reserve Training Center at that location,
2 the Secretary of the Navy may acquire approximately 8.5
3 acres (370,260 square feet) of adjacent land, obtain nec-
4 essary interest in land, and construct road improvements
5 and associated supporting facilities to provide required ac-
6 cess to the Reserve Training Center.

7 **SEC. 2613. MODIFICATION OF AUTHORITY TO CARRY OUT**
8 **CERTAIN FISCAL YEAR 2016 PROJECT.**

9 In the case of the authorization contained in the table
10 in section 2602 of the Military Construction Authorization
11 Act for Fiscal Year 2016 (division B of Public Law 114–
12 92; 129 Stat. 1163) for MacDill Air Force Base, Florida,
13 for construction of an Army Reserve Center/Aviation Sup-
14 port Facility at that location, the Secretary of the Army
15 may relocate and construct replacement skeet and grenade
16 launcher ranges necessary to clear the site for the new
17 Army Reserve facilities.

18 **SEC. 2614. EXTENSION OF AUTHORIZATION OF CERTAIN**
19 **FISCAL YEAR 2013 PROJECT.**

20 (a) **EXTENSION.**—Notwithstanding section 2002 of
21 the Military Construction Authorization Act for Fiscal
22 Year 2013 (division B of Public Law 112–239; 126 Stat.
23 2118), the authorizations set forth in the table in sub-
24 section (b), as provided in section 2603 of that Act (126
25 Stat. 2135) and extended by section 2614 of the Military

1 Construction Authorization Act for Fiscal Year 2016 (di-
 2 vision B of Public Law 114–92; 129 Stat. 1166), shall
 3 remain in effect until October 1, 2017, or the date of the
 4 enactment of an Act authorizing funds for military con-
 5 struction for fiscal year 2018, whichever is later.

6 (b) TABLE.—The table referred to in subsection (a)
 7 is as follows:

**National Guard and Reserve: Extension of 2013 Project
 Authorization**

State	Installation or Lo- cation	Project	Amount
Iowa	Fort Des Moines	Joint Reserve Center	\$19,162,000

8 **SEC. 2615. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 9 **FISCAL YEAR 2014 PROJECTS.**

10 (a) EXTENSION.—Notwithstanding section 2002 of
 11 the Military Construction Authorization Act for Fiscal
 12 Year 2014 (division B of Public Law 113–66; 127 Stat.
 13 985), the authorizations set forth in the table in sub-
 14 section (b), as provided in sections 2602, 2603, 2604, and
 15 2605 of that Act (127 Stat. 1001, 1002), shall remain
 16 in effect until October 1, 2017, or the date of the enact-
 17 ment of an Act authorizing funds for military construction
 18 for fiscal year 2018, whichever is later.

19 (b) TABLE.—The table referred to in subsection (a)
 20 is as follows:

National Guard and Reserve: Extension of 2014 Project Authorizations

State	Installation or Location	Project	Amount
California	Camp Parks	Army Reserve Center	\$17,500,000
	March Air Force Base	NOSC Moreno Valley Reserve Training Center	\$11,086,000
Florida	Homestead ARB	Entry Control Complex	\$9,800,000
Maryland	Fort Meade	175th Network Warfare Squadron Facility	\$4,000,000
	Martin State Airport	Cyber/ISR Facility ...	\$8,000,000
New York	Bullville	Army Reserve Center	\$14,500,000

1 **TITLE XXVII—BASE REALIGN-**
 2 **MENT AND CLOSURE ACTIVI-**
 3 **TIES**

Sec. 2701. Extension of authorizations of certain fiscal year 2014 projects.
 Sec. 2702. Prohibition on conducting additional Base Realignment and Closure (BRAC) round.

4 **SEC. 2701. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 5 **FISCAL YEAR 2014 PROJECTS.**

6 Funds are hereby authorized to be appropriated for
 7 fiscal years beginning after September 30, 2016, for base
 8 realignment and closure activities, including real property
 9 acquisition and military construction projects, as author-
 10 ized by the Defense Base Closure and Realignment Act
 11 of 1990 (part A of title XXIX of Public Law 101–510;
 12 10 U.S.C. 2687 note) and funded through the Department
 13 of Defense Base Closure Account established by section
 14 2906 of such Act (as amended by section 2711 of the Mili-
 15 tary Construction Authorization Act for Fiscal Year 2013

1 (division B of Public Law 112–239; 126 Stat. 2140)), as
2 specified in the funding table in section 4601.

3 **SEC. 2702. PROHIBITION ON CONDUCTING ADDITIONAL**
4 **BASE REALIGNMENT AND CLOSURE (BRAC)**
5 **ROUND.**

6 Nothing in this Act shall be construed to authorize
7 an additional Base Realignment and Closure (BRAC)
8 round.

9 **TITLE XXVIII—MILITARY CON-**
10 **STRUCTION GENERAL PROVI-**
11 **SIONS**

Subtitle A—Military Construction Program and Military Family Housing

- Sec. 2801. Modification of criteria for treatment of laboratory revitalization projects as minor military construction projects.
- Sec. 2802. Classification of facility conversion projects as repair projects.
- Sec. 2803. Limited authority for scope of work increase.
- Sec. 2804. Extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.
- Sec. 2805. Authority to expand energy conservation construction program to include energy resiliency projects.
- Sec. 2806. Additional entities eligible for participation in defense laboratory modernization pilot program.
- Sec. 2807. Extension of temporary authority for acceptance and use of contributions for certain construction, maintenance, and repair projects mutually beneficial to the Department of Defense and Kuwait military forces.

Subtitle B—Real Property and Facilities Administration

- Sec. 2811. Acceptance of military construction projects as payments in-kind and in-kind contributions.
- Sec. 2812. Allotment of space and provision of services to WIC offices operating on military installations.
- Sec. 2813. Sense of Congress regarding inclusion of stormwater systems and components within the meaning of “wastewater system” under the Department of Defense authority for conveyance of utility systems.
- Sec. 2814. Assessment of public schools on Department of Defense installations.
- Sec. 2815. Prior certification required for use of Department of Defense facilities by other Federal agencies for temporary housing support.

Subtitle C—Land Conveyances

- Sec. 2821. Land conveyance, High Frequency Active Auroral Research Program facility and adjacent property, Gakona, Alaska.
- Sec. 2822. Land conveyance, Campion Air Force Radar Station, Galena, Alaska.
- Sec. 2823. Lease, Joint Base Elmendorf-Richardson, Alaska.
- Sec. 2824. Transfer of administrative jurisdictions, Navajo Army Depot, Arizona.
- Sec. 2825. Exchange of property interests, San Diego Unified Port District, California.
- Sec. 2826. Release of property interests retained in connection with land conveyance, Eglin Air Force Base, Florida.
- Sec. 2827. Land exchange, Fort Hood, Texas.
- Sec. 2828. Land Conveyance, P-36 Warehouse, Colbern United States Army Reserve Center, Laredo, Texas.
- Sec. 2829. Land conveyance, St. George National Guard Armory, St. George, Utah.
- Sec. 2829A. Land acquisitions, Arlington County, Virginia.
- Sec. 2829B. Release of restrictions, Richland Innovation Center, Richland, Washington.
- Sec. 2829C. Modification of land conveyance, Rocky Mountain Arsenal National Wildlife Refuge.
- Sec. 2829D. Closure of St. Marys Airport.
- Sec. 2829E. Transfer of Fort Belvoir Mark Center Campus from the Secretary of the Army to the Secretary of Defense and applicability of certain provisions of law relating to the Pentagon Reservation.
- Sec. 2829F. Return of certain lands at Fort Wingate, New Mexico, to the original inhabitants.

Subtitle D—Military Memorials, Monuments, and Museums

- Sec. 2831. Cyber Center for Education and Innovation-Home of the National Cryptologic Museum.
- Sec. 2832. Renaming site of the Dayton Aviation Heritage National Historical Park, Ohio.
- Sec. 2833. Women's military service memorials and museums.
- Sec. 2834. Petersburg National Battlefield boundary modification.

Subtitle E—Designations and Other Matters

- Sec. 2841. Designation of portion of Moffett Federal Airfield, California, as Moffett Air National Guard Base.
- Sec. 2842. Redesignation of Mike O'Callaghan Federal Medical Center.
- Sec. 2843. Replenishment of Sierra Vista subwatershed regional aquifer, Arizona.
- Sec. 2844. Limited exceptions to restriction on development of public infrastructure in connection with realignment of Marine Corps forces in Asia-Pacific region.
- Sec. 2845. Duration of withdrawal and reservation of public land, Naval Air Weapons Station China Lake, California.

1 **Subtitle A—Military Construction**
2 **Program and Military Family**
3 **Housing**

4 **SEC. 2801. MODIFICATION OF CRITERIA FOR TREATMENT**
5 **OF LABORATORY REVITALIZATION PROJECTS**
6 **AS MINOR MILITARY CONSTRUCTION**
7 **PROJECTS.**

8 (a) INCREASE IN THRESHOLD.—Section 2805(d) of
9 title 10, United States Code, is amended by striking
10 “\$4,000,000” each place it appears in paragraph (1)(A),
11 (1)(B), and (2) and inserting “\$6,000,000”.

12 (b) NOTICE REQUIREMENTS.—Section 2805(d) of
13 such title is amended—

14 (1) by striking the second sentence of para-
15 graph (2); and

16 (2) by amending paragraph (3) to read as fol-
17 lows:

18 “(3) If the Secretary concerned makes a decision to
19 carry out an unspecified minor military construction
20 project to which this subsection applies, the Secretary con-
21 cerned shall notify in writing the appropriate committees
22 of Congress of that decision, of the justification for the
23 project, and of the estimated cost of the project. The
24 project may then be carried out only after the end of the
25 21-day period beginning on the date the notification is re-

1 ceived by the committees or, if earlier, the end of the 14-
2 day period beginning on the date on which a copy of the
3 notification is provided in an electronic medium pursuant
4 to section 480 of this title.”.

5 (c) EXTENSION OF SUNSET.—Paragraph (5) of sec-
6 tion 2805(d) of such title is amended by striking “2018”
7 and inserting “2025”.

8 **SEC. 2802. CLASSIFICATION OF FACILITY CONVERSION**
9 **PROJECTS AS REPAIR PROJECTS.**

10 Subsection (e) of section 2811 of title 10, United
11 States Code, is amended to read as follows:

12 “(e) REPAIR PROJECT DEFINED.—In this section,
13 the term ‘repair project’ means a project—

14 “(1) to restore a real property facility, system,
15 or component to such a condition that it may effec-
16 tively be used for its designated functional purpose;
17 or

18 “(2) to convert a real property facility, system,
19 or component to a new functional purpose without
20 increasing its external dimensions.”.

21 **SEC. 2803. LIMITED AUTHORITY FOR SCOPE OF WORK IN-**
22 **CREASE.**

23 (a) IN GENERAL.—Section 2853 of title 10, United
24 States Code, is amended—

1 (1) in subsection (b)(2), by striking “The scope
2 of work” and inserting “Except as provided in sub-
3 section (d), the scope of work”;

4 (2) by redesignating subsections (d) and (e) as
5 subsections (e) and (f), respectively; and

6 (3) by inserting after subsection (c) the fol-
7 lowing new subsection (d):

8 “(d) The limitation in subsection (b)(2) on an in-
9 crease in the scope of work does not apply if—

10 “(1) the increase in the scope of work is not
11 more than 10 percent of the amount specified for
12 that project, construction, improvement, or acquisi-
13 tion in the justification data provided to Congress as
14 part of the request for authorization of the project,
15 construction, improvement, or acquisition;

16 “(2) the increase is approved by the Secretary
17 concerned;

18 “(3) the Secretary concerned notifies the con-
19 gressional defense committees in writing of the in-
20 crease in scope and the reasons therefor; and

21 “(4) a period of 21 days has elapsed after the
22 date on which the notification is received by the
23 committees or, if over sooner, a period of 14 days
24 has elapsed after the date on which a copy of the

1 notification is provided in an electronic medium pur-
2 suant to section 480 of this title.”.

3 (b) **CROSS-REFERENCE AMENDMENTS.**—(1) Sub-
4 section (a) of such section is amended by striking “sub-
5 section (e) or (d)” and inserting “subsection (e), (d), or
6 (e)”.

7 (2) Subsection (f) of such section, as redesignated by
8 subsection (a)(2), is amended by striking “through (d)”
9 and inserting “through (e)”.

10 (c) **ADDITIONAL TECHNICAL AMENDMENT.**—Sub-
11 section (a) of such section is further amended by inserting
12 “of this title” after “section 2805(a)”.

13 **SEC. 2804. EXTENSION OF TEMPORARY, LIMITED AUTHOR-**
14 **ITY TO USE OPERATION AND MAINTENANCE**
15 **FUNDS FOR CONSTRUCTION PROJECTS OUT-**
16 **SIDE THE UNITED STATES.**

17 (a) **EXTENSION OF AUTHORITY.**—Subsection (h) of
18 section 2808 of the Military Construction Authorization
19 Act for Fiscal Year 2004 (division B of Public Law 108–
20 136; 117 Stat. 1723), as most recently amended by sec-
21 tion 2802 of the Military Construction Authorization Act
22 for Fiscal Year 2016 (division B of Public Law 114–92;
23 129 Stat. 1169), is amended—

24 (1) in paragraph (1), by striking “December
25 31, 2016” and inserting “December 31, 2017”; and

1 (2) in paragraph (2), by striking “fiscal year
2 2017” and inserting “fiscal year 2018”.

3 (b) LIMITATION ON USE OF AUTHORITY.—Sub-
4 section (c)(1) of such section is amended—

5 (1) by striking “October 1, 2015” and inserting
6 “October 1, 2016”;

7 (2) by striking “December 31, 2016” and in-
8 serting “December 31, 2017”; and

9 (3) by striking “fiscal year 2017” and inserting
10 “fiscal year 2018”.

11 **SEC. 2805. AUTHORITY TO EXPAND ENERGY CONSERVA-**
12 **TION CONSTRUCTION PROGRAM TO INCLUDE**
13 **ENERGY RESILIENCY PROJECTS.**

14 (a) EXPANSION OF AUTHORITY TO ENERGY RESIL-
15 IENCY AND ENERGY SECURITY PROJECTS.—

16 (1) IN GENERAL.—Section 2914 of title 10,
17 United States Code, is amended—

18 (A) in the section heading, by inserting
19 “**RESILIENCY AND**” before “**CONSERVATION**
20 **CONSTRUCTION PROJECTS**”; and

21 (B) in subsection (a), by striking “military
22 construction project for energy conservation”
23 and inserting “military construction project for
24 energy resiliency, energy security, or energy
25 conservation”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of chapter 173 of such title
3 is amended by striking the item relating to section
4 2914 and inserting the following new item:

“2914. Energy resiliency and conservation construction projects.”.

5 (b) NOTICE AND REPORTING REQUIREMENTS FOR
6 PROJECTS.—

7 (1) CONTENTS OF NOTIFICATIONS.—

8 (A) CONTENTS.—Section 2914(b) of title
9 10, United States Code, is amended—

10 (i) by striking “When a decision” and
11 inserting “(1) When a decision”; and

12 (ii) by adding at the end the following
13 new paragraph:

14 “(2) The Secretary of Defense shall include in each
15 notification submitted under paragraph (1) the following
16 information:

17 “(A) In the case of a military construction
18 project for energy conservation, the justification and
19 current cost estimate for the project, the expected
20 savings-to-investment ratio, simple payback esti-
21 mates, and the project’s measurement and
22 verification cost estimate.

23 “(B) In the case of a military construction
24 project for energy resiliency or energy security, the
25 rationale for how the project would enhance mission

1 assurance, support mission critical functions, and
2 address known vulnerabilities.”.

3 (B) EFFECTIVE DATE.—The amendment
4 made by subparagraph (A) shall apply with re-
5 spect to notifications provided during fiscal year
6 2017 or any succeeding fiscal year.

7 (2) ANNUAL REPORT.—Section 2914 of such
8 title is amended by adding at the end the following
9 new subsection:

10 “(c) ANNUAL REPORT.—Not later than 90 days after
11 the end of each fiscal year (beginning with fiscal year
12 2017), the Secretary of Defense shall submit to the appro-
13 priate committees of Congress a report on the status of
14 the planned and active projects carried out under this sec-
15 tion (including completed projects), and shall include in
16 the report with respect to each such project the following
17 information:

18 “(1) The title, location, a brief description of
19 the scope of work, the original project cost estimate,
20 and the current working cost estimate.

21 “(2) In the case of a military construction
22 project for energy conservation—

23 “(A) the original expected savings-to-in-
24 vestment ratio and simple payback estimates

1 and measurement and verification cost esti-
2 mate;

3 “(B) the most current expected savings-to-
4 investment ratio and simple payback estimates
5 and measurement and verification plan and
6 costs; and

7 “(C) a brief description of the measure-
8 ment and verification plan and planned funding
9 source.

10 “(3) In the case of a military construction
11 project for energy resiliency or energy security, the
12 rationale for how the project would enhance mission
13 assurance, support mission critical functions, and
14 address known vulnerabilities.

15 “(4) Such other information as the Secretary
16 considers appropriate.”.

17 **SEC. 2806. ADDITIONAL ENTITIES ELIGIBLE FOR PARTICI-
18 PATION IN DEFENSE LABORATORY MOD-
19 ERNIZATION PILOT PROGRAM.**

20 Section 2803(a) of the National Defense Authoriza-
21 tion Act for Fiscal Year 2016 (Public Law 114–92; 129
22 Stat. 1169; 10 U.S.C. 2358 note) is amended by adding
23 at the end the following:

24 “(4) A Department of Defense research, devel-
25 opment, test, and evaluation facility that is not des-

1 ignated as a Science and Technology Reinvention
2 Laboratory, but nonetheless is involved with develop-
3 mental test and evaluation.”.

4 **SEC. 2807. EXTENSION OF TEMPORARY AUTHORITY FOR**
5 **ACCEPTANCE AND USE OF CONTRIBUTIONS**
6 **FOR CERTAIN CONSTRUCTION, MAINTENANCE,**
7 **AND REPAIR PROJECTS MUTUALLY**
8 **BENEFICIAL TO THE DEPARTMENT OF DE-**
9 **FENSE AND KUWAIT MILITARY FORCES.**

10 Section 2804(f) of the National Defense Authoriza-
11 tion Act for Fiscal Year 2016 (Public Law 114–92; 129
12 Stat. 1171; 10 U.S.C. 2350j note) is amended by striking
13 “September 30, 2020” and inserting “September 30,
14 2030”.

15 **Subtitle B—Real Property and**
16 **Facilities Administration**

17 **SEC. 2811. ACCEPTANCE OF MILITARY CONSTRUCTION**
18 **PROJECTS AS PAYMENTS IN-KIND AND IN-**
19 **KIND CONTRIBUTIONS.**

20 (a) PAYMENTS-IN-KIND AND IN-KIND CONTRIBU-
21 TIONS.—Subsection (f) of section 2687a of title 10,
22 United States Code, is amended to read as follows:

23 “(f) ACCEPTANCE OF MILITARY CONSTRUCTION
24 PROJECTS AS PAYMENTS-IN-KIND AND IN-KIND CON-
25 TRIBUTIONS.—(1)(A) Except as provided in subparagraph

1 (B), a military construction project costing more than
2 \$6,000,000 may be accepted as payment-in-kind or as an
3 in-kind contribution required by a bilateral agreement
4 with a host country only if that military construction
5 project is authorized by law.

6 “(B) Subparagraph (A) does not apply to a military
7 construction project that—

8 “(i) was specified in a bilateral agreement with
9 a host country that was entered into before Decem-
10 ber 26, 2013;

11 “(ii) was the subject of negotiation between the
12 United States and a host country as of the date of
13 the enactment of the Military Construction Author-
14 ization Act for Fiscal Year 2015; or

15 “(iii) was accepted as payment-in-kind for the
16 residual value of improvements made by the United
17 States at military installations released to the host
18 country under section 2921 of the Military Con-
19 struction Authorization Act for Fiscal Year 1991
20 (division B of Public Law 101–510; 10 U.S.C. 2687
21 note) before December 26, 2013.

22 “(2)(A) If the Secretary of Defense accepts a military
23 construction project to be built for Department of Defense
24 personnel outside the United States as a payment-in-kind
25 or an in-kind contribution required by a bilateral agree-

1 ment with a host country, the Secretary shall submit to
2 the congressional defense committees a written notifica-
3 tion at least 30 days before the initiation date for any
4 such military construction project.

5 “(B) A notification under subparagraph (A) with re-
6 spect to a proposed military construction project shall in-
7 clude the following:

8 “(i) The requirements for, and purpose and de-
9 scription of, the proposed project.

10 “(ii) The cost of the proposed project.

11 “(iii) The scope of the proposed project.

12 “(iv) The schedule for the proposed project.

13 “(v) Such other details as the Secretary con-
14 siders relevant.

15 “(C) Subparagraph (A) shall not apply to a military
16 construction project authorized in a Military Construction
17 Authorization Act.

18 “(3) To the extent that a payment-in-kind or an in-
19 kind contribution is provided under a bilateral agreement
20 with a host country with respect to a military construction
21 project for which funds have already been obligated or ex-
22 pended by the Secretary of Defense, the Secretary shall
23 return to the Treasury funds in an amount equal to the
24 value of the funds already obligated or expended for the
25 project.

1 “(4) In this subsection, the term ‘military construc-
2 tion project’ has the meaning given such term in section
3 2801 of this title.”.

4 (b) CONFORMING AMENDMENT.—Section 2802 of
5 such title is amended by striking subsection (d).

6 (c) REPEAL.—Section 2803 of the Carl Levin and
7 Howard “Buck” McKeon National Defense Authorization
8 Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat.
9 3696) is repealed, and the provisions of law amended by
10 subsections (a) and (b) of that section shall be restored
11 as if such section had not been enacted into law.

12 **SEC. 2812. ALLOTMENT OF SPACE AND PROVISION OF**
13 **SERVICES TO WIC OFFICES OPERATING ON**
14 **MILITARY INSTALLATIONS.**

15 (a) ALLOTMENT OF SPACE AND PROVISION OF SERV-
16 ICES AUTHORIZED.—Chapter 152 of title 10, United
17 States Code, is amended by inserting after section 2566
18 the following new section:

19 **“§ 2567. Space and services: provision to WIC offices**

20 “(a) ALLOTMENT OF SPACE AND PROVISION OF
21 SERVICES AUTHORIZED.—Upon application by a WIC of-
22 fice, the Secretary of a military department may allot
23 space on a military installation under the jurisdiction of
24 the Secretary to the WIC office without charge for rent
25 or services if the Secretary determines that—

1 “(1) the WIC office provides or will provide
2 services solely to members of the armed forces as-
3 signed to the installation, civilian employees of the
4 Department of Defense employed at the installation,
5 or dependents of such members or employees;

6 “(2) space is available on the installation;

7 “(3) operation of the WIC office will not hinder
8 military mission requirements; and

9 “(4) the security situation at the installation
10 permits the presence of a non-Federal entity on the
11 installation.

12 “(b) DEFINITIONS.—In this section:

13 “(1) The term ‘services’ includes the provision
14 of lighting, heating, cooling, and electricity.

15 “(2) The term ‘WIC office’ means a local agen-
16 cy (as defined in subsection (b)(6) of section 17 of
17 the Child Nutrition Act of 1966 (42 U.S.C. 1786))
18 that participates in the special supplemental nutri-
19 tion program for women, infants, and children under
20 such section.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of chapter 152 of title 10, United States
23 Code, is amended by inserting after the item relating to
24 section 2566 the following new item:

“2567. Space and services: provision to WIC offices”.

1 **SEC. 2813. SENSE OF CONGRESS REGARDING INCLUSION**
2 **OF STORMWATER SYSTEMS AND COMPO-**
3 **NENTS WITHIN THE MEANING OF “WASTE-**
4 **WATER SYSTEM” UNDER THE DEPARTMENT**
5 **OF DEFENSE AUTHORITY FOR CONVEYANCE**
6 **OF UTILITY SYSTEMS.**

7 It is the sense of Congress that the reference to a
8 system for the collection or treatment of wastewater in the
9 definition of “utility system” in section 2688 of title 10,
10 United States Code, which authorizes the Department of
11 Defense to convey utility systems, includes stormwater
12 systems and components.

13 **SEC. 2814. ASSESSMENT OF PUBLIC SCHOOLS ON DEPART-**
14 **MENT OF DEFENSE INSTALLATIONS.**

15 (a) REPORT REQUIRED.—

16 (1) UPDATE OF 2011 ASSESSMENT ON SCHOOL
17 CAPACITY AND CONDITION.—Not later than one year
18 after the date of the enactment of this Act, the Sec-
19 retary of Defense shall submit to the congressional
20 defense committees an update of the assessment on
21 the capacity and facility condition deficiencies of ele-
22 mentary and secondary public schools on military in-
23 stallations conducted by the Secretary in July 2011
24 under section 8109 of the Department of Defense
25 and Full-Year Continuing Appropriations Act, 2011
26 (Public Law 112–10; 125 Stat. 82). In updating the

1 assessment, the Secretary shall take into consider-
2 ation factors including—

3 (A) schools that have had changes in their
4 condition or capacity since the original assess-
5 ment; and

6 (B) the capacity and facility condition defi-
7 ciencies of schools that may have been inadvert-
8 ently omitted from the original assessment.

9 (2) ADDITIONAL INFORMATION.—The Secretary
10 shall include in the update submitted under para-
11 graph (1) a report on the status of the funds already
12 appropriated, and the schedule for the completion of
13 projects already approved, under the programs fund-
14 ed under section 8109 of the Department of Defense
15 and Full-Year Continuing Appropriations Act, 2011
16 (Public Law 112–10; 125 Stat. 82), section 8118 of
17 the Consolidated Appropriations Act, 2012 (Public
18 Law 112–74; 125 Stat. 833), section 8108 of the
19 Consolidated and Further Continuing Appropria-
20 tions Act, 2013 (Public Law 113–6; 127 Stat. 322),
21 and section 8107 of the Consolidated and Further
22 Continuing Appropriations Act, 2015 (Public Law
23 113–235; 128 Stat. 2255).

24 (b) COMPTROLLER GENERAL EVALUATION.—Not
25 later than 180 days after the date of the submission of

1 the report under subsection (a), the Comptroller General
2 of the United States shall submit to the congressional de-
3 fense committees an evaluation of the updated assessment
4 prepared by the Secretary of Defense under paragraph (1)
5 of subsection (a), including an evaluation of the accuracy
6 and analytical sufficiency of the updated assessment.

7 **SEC. 2815. PRIOR CERTIFICATION REQUIRED FOR USE OF**
8 **DEPARTMENT OF DEFENSE FACILITIES BY**
9 **OTHER FEDERAL AGENCIES FOR TEM-**
10 **PORARY HOUSING SUPPORT.**

11 The Secretary of Defense shall not sign a memo-
12 randum of agreement with another Federal agency to pro-
13 vide the agency with a vacant facility for purposes of tem-
14 porary housing support unless the Secretary first submits
15 to the Committees on Armed Services of the House of
16 Representatives and Senate a certification that the provi-
17 sion of the facility to the agency for such purpose will not
18 negatively affect military training, operations, readiness,
19 or other military requirements, including National Guard
20 and Reserve readiness.

1 **Subtitle C—Land Conveyances**

2 **SEC. 2821. LAND CONVEYANCE, HIGH FREQUENCY ACTIVE**
3 **AURORAL RESEARCH PROGRAM FACILITY**
4 **AND ADJACENT PROPERTY, GAKONA, ALAS-**
5 **KA.**

6 (a) CONVEYANCES AUTHORIZED.—

7 (1) CONVEYANCE TO UNIVERSITY OF ALAS-
8 KA.—The Secretary of the Air Force may convey to
9 the University of Alaska (in this section referred to
10 as the “University”) all right, title, and interest of
11 the United States in and to a parcel of real prop-
12 erty, including improvements thereon, consisting of
13 approximately 1,158 acres near the Gulkana Village,
14 Alaska, which was purchased by the Secretary of the
15 Air Force from Ahtna, Incorporated, in January
16 1989, contain a High Frequency Active Auroral Re-
17 search Program facility, and comprise a portion of
18 the property more particularly described in sub-
19 section (b), for the purpose of permitting the Uni-
20 versity to use the conveyed property for public pur-
21 poses.

22 (2) CONVEYANCE TO ALASKA NATIVE CORPORA-
23 TION.—The Secretary of the Air Force may convey
24 to Ahtna, Incorporated (in this section referred to as
25 “Ahtna”), all right, title, and interest of the United

1 States in and to a parcel of real property, including
2 improvements thereon, consisting of approximately
3 4,259 acres near Gulkana Village, Alaska, which was
4 purchased by the Secretary of the Air Force from
5 Ahtna, Incorporated, in January 1989 and comprise
6 the portion of the property more particularly de-
7 scribed in subsection (b) that does not contain the
8 High Frequency Active Auroral Research Program
9 facility. The property to be conveyed under this
10 paragraph does not include any of the property au-
11 thorized for conveyance to the University under
12 paragraph (1).

13 (b) PROPERTY DESCRIBED.—Subject to the property
14 exclusions specified in subsection (c), the real property au-
15 thorized for conveyance under subsection (a) consists of
16 portions of sections within township 7 north, range 1 east;
17 township 7 north, range 2 east; township 8 north, range
18 1 east; and township 8 north, range 2 east; Copper River
19 Meridian, Chitina Recording District, Third Judicial Dis-
20 trict, State of Alaska, as follows:

21 (1) Township 7 north, range 1 east:

22 (A) Section 1.

23 (B) E¹/₂, S¹/₂NW¹/₄, SW¹/₄ of section 2.

24 (C) S¹/₂SE¹/₄, NE¹/₄SE¹/₄ of section 3.

25 (D) E¹/₂ of section 10.

1 (E) Sections 11 and 12.

2 (F) That portion of $N^{1/2}$, $N^{1/2}S^{1/2}$ of sec-
3 tion 13, excluding all lands lying southerly and
4 easterly of the Glenn Highway right-of-way.

5 (G) $N^{1/2}$, $N^{1/2}S^{1/2}$ of section 14.

6 (H) $NE^{1/4}$, $NE^{1/4}SE^{1/4}$ of section 15.

7 (2) Township 7 north, range 2 east:

8 (A) $W^{1/2}$ of section 6.

9 (B) $NW^{1/4}$ of section 7, and the portion of
10 $N^{1/2}SW^{1/4}$ and $NW^{1/4}SE^{1/4}$ of such section lying
11 northerly of the Glenn Highway right-of-way.

12 (3) Township 8 north, range 1 east:

13 (A) $SE^{1/4}SE^{1/4}$ of section 35.

14 (B) $E^{1/2}$, $SW^{1/4}$, $SE^{1/4}NW^{1/4}$ of section 36.

15 (4) Township 8 north, range 2 east:

16 (A) $W^{1/2}$ of section 31.

17 (c) EXCLUSION OF CERTAIN PROPERTY.—The real
18 property authorized for conveyance under subsection (a)
19 may not include the following:

20 (1) Public easements reserved pursuant to sec-
21 tion 17(b) of the Alaska Native Claims Settlement
22 Act (43 U.S.C. 1616(b)), as described in the War-
23 ranty Deed from Ahtna, Incorporated, to the United
24 States, dated March 1, 1990, recorded in Book 31,

1 pages 665 through 668 in the Chitina Recording
2 District, Third Judicial District, Alaska.

3 (2) Easement for an existing trail as described
4 in such Warranty Deed from Ahtna, Incorporated,
5 to the United States.

6 (3) The subsurface estate.

7 (d) CONSIDERATION.—

8 (1) CONVEYANCE TO UNIVERSITY.—As consid-
9 eration for the conveyance of property under sub-
10 section (a)(1), the University shall provide the
11 United States with consideration in an amount that
12 is acceptable to the Secretary of the Air Force,
13 whether in the form of cash payment, in-kind con-
14 sideration, or a combination thereof.

15 (2) CONVEYANCE TO AHTNA.—As consideration
16 for the conveyance of property under subsection
17 (a)(2), Ahtna shall provide the United States with
18 consideration in an amount that is acceptable to the
19 Secretary, whether in the form of cash payment, in-
20 kind consideration, a land exchange under the Alas-
21 ka Native Claims Settlement Act (43 U.S.C. 1601 et
22 seq.), or a combination thereof.

23 (3) TREATMENT OF CASH CONSIDERATION RE-
24 CEIVED.—Any cash payment received by the Sec-
25 retary as consideration for a conveyance under sub-

1 section (a) shall be deposited in the special account
2 in the Treasury established under subsection (b) of
3 section 572 of title 40, United States Code, and
4 shall be available in accordance with paragraph
5 (5)(B) of such subsection.

6 (e) REVERSIONARY INTEREST.—If the Secretary of
7 the Air Force determines at any time that the real prop-
8 erty conveyed under subsection (a)(1) is not being used
9 by the University in accordance with the purposes of the
10 conveyance specified in such subsection, all right, title, and
11 interest in and to the property, including any improve-
12 ments thereto, shall, at the option of the Secretary, revert
13 to and become the property of the United States, and the
14 United States shall have the right of immediate entry onto
15 such property. A determination by the Secretary under
16 this subsection shall be made on the record after an oppor-
17 tunity for a hearing.

18 (f) PAYMENT OF COSTS OF CONVEYANCE.—

19 (1) PAYMENT REQUIRED.—The Secretary of
20 the Air Force shall require the recipient of real
21 property under this section to cover all costs to be
22 incurred by the Secretary, or to reimburse the Sec-
23 retary for such costs incurred by the Secretary, to
24 carry out the conveyance of that property, including
25 survey costs, costs for environmental documentation,

1 and any other administrative costs related to the
2 conveyance. If amounts are collected in advance of
3 the Secretary incurring the actual costs, and the
4 amount collected exceeds the costs actually incurred
5 by the Secretary to carry out the conveyance, the
6 Secretary shall refund the excess amount to the re-
7 cipient.

8 (2) TREATMENT OF AMOUNTS RECEIVED.—
9 Amounts received under paragraph (1) as reim-
10 bursement for costs incurred by the Secretary to
11 carry out a conveyance under this section shall be
12 credited and made available to the Secretary as pro-
13 vided in section 2695(c) of title 10, United States
14 Code.

15 (g) CONVEYANCE AGREEMENT.—The conveyance of
16 property under this section shall be accomplished using
17 a quitclaim deed or other legal instrument and upon terms
18 and conditions mutually satisfactory to the Secretary of
19 the Air Force and the recipient of the property, including
20 such additional terms and conditions as the Secretary con-
21 siders appropriate to protect the interests of the United
22 States.

1 **SEC. 2822. LAND CONVEYANCE, CAMPION AIR FORCE**
2 **RADAR STATION, GALENA, ALASKA.**

3 (a) CONVEYANCE AUTHORIZED.—The Secretary of
4 the Air Force may convey, without consideration, to the
5 Town of Galena, Alaska (in this section referred to as the
6 “Town”), all right, title, and interest of the United States
7 in and to a parcel of real property, including improve-
8 ments thereon, at the former Campion Air Force Station,
9 Alaska, as further described in subsection (b), for the pur-
10 pose of permitting the Town to use the conveyed property
11 for public purposes. The conveyance under this subsection
12 is subject to valid existing rights.

13 (b) DESCRIPTION OF PROPERTY.—The property to
14 be conveyed under subsection (a) consists of up to approxi-
15 mately 1,300 acres of the remaining land withdrawn under
16 Public Land Order No. 843 of June 24, 1952, and Public
17 Land Order No. 1405 of April 4, 1957, for use by the
18 Secretary of the Air Force as the former Campion Air
19 Force Station. The portions of the former Air Force Sta-
20 tion that are not authorized to be conveyed under sub-
21 section (a) are those portions that are subject to environ-
22 mental land use restrictions or are undergoing environ-
23 mental remediation by the Secretary of the Air Force as
24 of the date of such conveyance.

25 (c) REVERSIONARY INTEREST.—If the Secretary of
26 the Air Force determines at any time that the real prop-

1 erty conveyed under subsection (a) is not being used in
2 accordance with the purpose of the conveyance specified
3 in such subsection, all right, title, and interest in and to
4 the land, including any improvements thereto, shall, at the
5 option of the Secretary, revert to and become the property
6 of the United States, and the United States shall have
7 the right of immediate entry onto such real property. A
8 determination by the Secretary under this subsection shall
9 be made on the record after an opportunity for a hearing.

10 (d) CONVEYANCE AGREEMENT.—The conveyance of
11 land under this section shall be accomplished using a quit-
12 claim deed or other legal instrument and upon terms and
13 conditions mutually satisfactory to the Secretary of the
14 Air Force, after consulting with the Secretary of the Inte-
15 rior, and the Town, including such additional terms and
16 conditions as the Secretary of the Air Force, after con-
17 sulting with the Secretary of the Interior, considers appro-
18 priate to protect the interests of the United States.

19 (e) PAYMENT OF COSTS OF CONVEYANCE.—

20 (1) PAYMENT REQUIRED.—The Secretary of
21 the Air Force shall require the Town to cover all
22 costs (except costs for environmental remediation of
23 the property) to be incurred by the Secretary of the
24 Air Force and by the Secretary of the Interior, or
25 to reimburse the appropriate Secretary for such

1 costs incurred by the Secretary, to carry out the
2 conveyance under this section, including survey
3 costs, costs for environmental documentation, and
4 any other administrative costs related to the convey-
5 ance. If amounts are collected from the Town in ad-
6 vance of the Secretary incurring the actual costs,
7 and the amount collected exceeds the costs actually
8 incurred by the Secretary to carry out the convey-
9 ance, the appropriate Secretary shall refund the ex-
10 cess amount to the Town.

11 (2) TREATMENT OF AMOUNTS RECEIVED.—
12 Amounts received under paragraph (1) as reim-
13 bursement for costs incurred by the Secretary of the
14 Air Force or by the Secretary of the Interior to
15 carry out the conveyance under subsection (a) shall
16 be credited to the fund or account that was used to
17 cover the costs incurred by the appropriate Sec-
18 retary in carrying out the conveyance, or to an ap-
19 propriate fund or account currently available to the
20 appropriate Secretary for the purposes for which the
21 costs were paid. Amounts so credited shall be
22 merged with amounts in such fund or account and
23 shall be available for the same purposes, and subject
24 to the same conditions and limitations, as amounts
25 in such fund or account.

1 (f) MAP AND LEGAL DESCRIPTION.—As soon as
2 practicable after the date of the enactment of this Act,
3 the Secretary of the Air Force, in consultation with the
4 Secretary of the Interior, shall finalize a map and the legal
5 description of the real property to be conveyed under sub-
6 section (a). The Secretary of the Air Force may correct
7 any minor errors in the map or the legal description. The
8 map and legal description shall be on file and available
9 for public inspection in the appropriate offices of the Bu-
10 reau of Land Management.

11 (g) SUPERSEDEANCE OF PUBLIC LAND ORDERS.—
12 Public Land Order Nos. 843 and 1405 are hereby super-
13 seded, but only insofar as the orders affect the lands con-
14 veyed to the Town under subsection (a).

15 **SEC. 2823. LEASE, JOINT BASE ELMENDORF-RICHARDSON,**
16 **ALASKA.**

17 (a) LEASES AUTHORIZED.—

18 (1) LEASE TO MUNICIPALITY OF ANCHOR-
19 AGE.—The Secretary of the Air Force may lease to
20 the Municipality of Anchorage, Alaska, certain real
21 property, to include improvements thereon, at Joint
22 Base Elmendorf-Richardson (“JBER”), Alaska, as
23 more particularly described in subsection (b) for the
24 purpose of permitting the Municipality to use the
25 leased property for recreational purposes.

1 (2) LEASE TO MOUNTAIN VIEW LIONS CLUB.—

2 The Secretary of the Air Force may lease to the
3 Mountain View Lions Club certain real property, to
4 include improvements thereon, at JBER, as more
5 particularly described in subsection (b) for the pur-
6 pose of the installation, operation, maintenance, pro-
7 tection, repair, and removal of recreational equip-
8 ment.

9 (b) DESCRIPTION OF PROPERTY.—

10 (1) The real property to be leased under sub-
11 section (a)(1) consists of the real property described
12 in Department of the Air Force Lease No.
13 DACA85-1-99-14.

14 (2) The real property to be leased under sub-
15 section (a)(2) consists of real property described in
16 Department of the Air Force Lease No. DACA85-
17 1-97-36.

18 (c) TERM AND CONDITIONS OF LEASES.—

19 (1) TERM OF LEASES.—The term of the leases
20 authorized under subsection (a) shall not exceed 25
21 years.

22 (2) OTHER TERMS AND CONDITIONS.—Except
23 as otherwise provided in this section—

24 (A) the remaining terms and conditions of
25 the lease under subsection (a)(1) shall consist

1 of the same terms and conditions described in
2 Department of the Air Force Lease No.
3 DACA85-1-99-14; and

4 (B) the remaining terms and conditions of
5 the lease under subsection (a)(2) shall consist
6 of the same terms and conditions described in
7 Department of the Air Force Lease No.
8 DACA85-1-97-36.

9 (d) **ADDITIONAL TERMS AND CONDITIONS.**—The
10 Secretary may require such additional terms and condi-
11 tions in connection with the leases under this section as
12 the Secretary considers appropriate to protect the inter-
13 ests of the United States.

14 **SEC. 2824. TRANSFER OF ADMINISTRATIVE JURISDICTIONS,**
15 **NAVAJO ARMY DEPOT, ARIZONA.**

16 (a) **IN GENERAL.**—All administrative jurisdiction of
17 the Secretary of Agriculture over 28,423 acres of National
18 Forest System land located within the Kaibab National
19 Forest and the Coconino National Forest shown on the
20 map entitled “Navajo Army Depot Jurisdiction” and
21 dated July 19, 2016, is hereby transferred to the Sec-
22 retary of the Army.

23 (b) **VOLUNTEER MOUNTAIN LOOKOUT.**—

24 (1) **AGREEMENT.**—The Secretary of the Army
25 and the Secretary of Agriculture shall enter into an

1 agreement to authorize the Secretary of Agriculture
2 to occupy, access by vehicle, and use Volunteer
3 Mountain Lookout for the purposes of wildfire detec-
4 tion and reporting for as long as needed by the Sec-
5 retary of Agriculture.

6 (2) MAINTENANCE.—The Secretary of Agri-
7 culture shall be responsible for maintaining the Vol-
8 unteer Mountain Lookout structure. The Secretary
9 of the Army, in coordination with the Secretary of
10 Agriculture, shall be responsible for maintaining
11 road access to Volunteer Mountain Lookout.

12 (c) RESTORATION OR REMEDIATION.—The Secretary
13 of the Army shall be responsible for, and fund any envi-
14 ronmental restoration or remediation that is required for,
15 the abatement of any release of hazardous substances, pol-
16 lutants, contaminants, or petroleum products on the land
17 referenced in subsection (a), and shall hold harmless the
18 Secretary of Agriculture from any financial obligation to
19 contribute to any such restoration or remediation.

20 (d) REVOCATION.—Public Land Order 59 (dated No-
21 vember 12, 1942) and Public Land Order 176 (dated Sep-
22 tember 29, 1943) are hereby revoked.

23 (e) REVERSIONARY INTEREST.—On the request of
24 the owners of the Camp Navajo railroad 1 parcel and the
25 Camp Navajo railroad 2 parcel, any reversionary interest

1 of the United States pursuant to the Act of July 27, 1866
2 (14 Stat. 292, chapter 278), in and to the Camp Navajo
3 railroad 1 parcel shall be transferred to the Camp Navajo
4 railroad 2 parcel.

5 (f) RELEASE.—On transfer of the reversionary inter-
6 est under subsection (e), the Camp Navajo railroad 1 par-
7 cel shall no longer be subject to the reversionary interest
8 described in that subsection.

9 (g) DEFINITIONS.—In this section:

10 (1) CAMP NAVAJO RAILROAD 1 PARCEL.—The
11 term “Camp Navajo railroad 1 parcel” means the
12 land described in the deed recorded in Coconino
13 County, Arizona, on October 6, 2014, as document
14 number 3703647.

15 (2) CAMP NAVAJO RAILROAD 2 PARCEL.—The
16 term “Camp Navajo railroad 2 parcel” means the
17 parcel of land as described in the deed recorded in
18 Coconino County, Arizona, on June 2, 2006, as doc-
19 ument number 3386576.

20 **SEC. 2825. EXCHANGE OF PROPERTY INTERESTS, SAN**
21 **DIEGO UNIFIED PORT DISTRICT, CALI-**
22 **FORNIA.**

23 (a) EXCHANGE OF PROPERTY INTERESTS AUTHOR-
24 IZED.—

1 (1) INTERESTS TO BE CONVEYED.—The Sec-
2 retary of the Navy (hereafter referred to as the
3 “Secretary”) may convey to the San Diego Unified
4 Port District (hereafter referred to as the “Dis-
5 trict”) all right, title, and interest of the United
6 States in and to a parcel of real property, including
7 any improvements thereon and, without limitation,
8 any leasehold interests of the United States therein,
9 consisting of approximately 0.33 acres and identified
10 as Parcel No. 4 on District Drawing No. 018–107
11 (April 2013). This parcel contains 48 parking spaces
12 central to the mission conducted on the site of the
13 Navy’s leasehold interest at 1220 Pacific Highway,
14 San Diego, California.

15 (2) INTERESTS TO BE ACQUIRED.—In exchange
16 for the property interests described in paragraph
17 (1), the Secretary may accept from the District
18 property interests of equal value and similar utility,
19 as determined by the Secretary, located within im-
20 mediate proximity to the property described in para-
21 graph (1), that provide the rights to an equivalent
22 number of parking spaces of equal value (subject to
23 subsection (c)(1)).

24 (b) ENCUMBRANCES.—

1 (1) NO ACCEPTANCE OF PROPERTY WITH EN-
2 CUMBRANCES PRECLUDING USE AS PARKING
3 SPACES.—In an exchange of property interests
4 under subsection (a), the Secretary may not accept
5 any property under subsection (a)(2) unless the
6 property is free of encumbrances that would pre-
7 clude the Department of the Navy from using the
8 property for parking spaces, as determined under
9 paragraph (2).

10 (2) DETERMINATION OF FREEDOM FROM EN-
11 CUMBRANCES.—For purposes of paragraph (1), a
12 property shall be considered to be free of encum-
13 brances that would preclude the Department of the
14 Navy from using the property for parking spaces
15 if—

16 (A) the District guarantees and certifies
17 that the property is free of such encumbrances
18 under its own authority to preclude the use of
19 the property for parking spaces; and

20 (B) the District obtains guarantees and
21 certifications from appropriate entities of the
22 State and units of local government that the
23 property is free of any such encumbrances that
24 may be in place pursuant to the Tidelands
25 Trust, the North Embarcadero Visionary Plan,

1 the Downtown Community Plan, or any other
2 law, regulation, plan, or document.

3 (c) EQUALIZATION.—

4 (1) TRANSFER OF RIGHTS TO ADDITIONAL
5 PARKING SPACES.—If the value of the property in-
6 terests described in subsection (a)(1) is greater than
7 the value of the property interests and rights to
8 parking spaces described in subsection (a)(2), the
9 values shall be equalized by the transfer to the Sec-
10 retary of rights to additional parking spaces.

11 (2) NO AUTHORIZATION OF CASH EQUALI-
12 ZATION PAYMENTS FROM SECRETARY.—If the value
13 of the property interests and parking rights de-
14 scribed in subsection (a)(2) are greater than the
15 value of the property interests described in sub-
16 section (a)(1), the Secretary may not make a cash
17 equalization payment to equalize the values.

18 (d) PAYMENT OF COSTS OF CONVEYANCE.—

19 (1) PAYMENT REQUIRED.—The Secretary shall
20 require the District to cover all costs to be incurred
21 by the Secretary, or to reimburse the Secretary for
22 such costs incurred by the Secretary, to carry out
23 the exchange of property interests under this sec-
24 tion, including survey costs, costs related to environ-
25 mental documentation, real estate due diligence such

1 as appraisals, and any other administrative costs re-
2 lated to the exchange of property interests. If
3 amounts are collected from the District in advance
4 of the Secretary incurring the actual costs and the
5 amount collected exceeds the costs actually incurred
6 by the Secretary to carry out the exchange of prop-
7 erty interests, the Secretary shall refund the excess
8 amount to the District.

9 (2) TREATMENT OF AMOUNTS RECEIVED.—
10 Amounts received as reimbursement under para-
11 graph (1) shall be credited to the fund or account
12 that was used to cover those costs incurred by the
13 Secretary in carrying out the exchange of property
14 interests. Amounts so credited shall be merged with
15 amounts in such fund or account and shall be avail-
16 able for the same purposes, and subject to the same
17 conditions and limitations, as amounts in such fund
18 or account.

19 (e) DESCRIPTION OF PROPERTY.—The exact acreage
20 and legal description of the property interests to be ex-
21 changed under this section shall be determined by surveys
22 satisfactory to the Secretary.

23 (f) CONVEYANCE AGREEMENT.—The exchange of
24 property interests under this section shall be accomplished
25 using a lease, lease amendment, or other legal instrument

1 and upon terms and conditions mutually satisfactory to
2 the Secretary and the District, including such additional
3 terms and conditions as the Secretary considers appro-
4 priate to protect the interests of the United States.

5 **SEC. 2826. RELEASE OF PROPERTY INTERESTS RETAINED**
6 **IN CONNECTION WITH LAND CONVEYANCE,**
7 **EGLIN AIR FORCE BASE, FLORIDA.**

8 (a) RELEASE OF EXCEPTIONS, LIMITATIONS, AND
9 CONDITIONS IN DEEDS.—With respect to approximately
10 126 acres of real property in Okaloosa County, Florida,
11 more particularly described in subsection (b), which were
12 conveyed by the United States to the Air Force Enlisted
13 Mens' Widows and Dependents Home Foundation, Incor-
14 porated (“Air Force Enlisted Village”), the Secretary of
15 the Air Force may release, without consideration, any and
16 all exceptions, limitations, and conditions specified by the
17 United States in the deeds conveying such real property.

18 (b) PROPERTY DESCRIBED.—The real property sub-
19 ject to subsection (a) was part of Eglin Air Force, Florida,
20 and consists of all parcels conveyed in exchange for fair
21 market value cash payment by the Air Force Enlisted Vil-
22 lage pursuant to section 809(c) of the Military Construc-
23 tion Authorization Act, 1979 (Public Law 95–356; 92
24 Stat. 587), as amended by section 2826 of the Military
25 Construction Authorization Act, 1989 (Public Law 100–

1 456; 102 Stat. 2123), and section 2861 of the Military
2 Construction Authorization Act for Fiscal Year 1999
3 (Public Law 105–261; 112 Stat. 2223).

4 (c) INSTRUMENT OF RELEASE AND DESCRIPTION OF
5 PROPERTY.—The Secretary may execute and record in the
6 appropriate office a deed of release, amended deed, or
7 other appropriate instrument reflecting the release of ex-
8 ceptions, limitations, and conditions under subsection (a).

9 (d) PAYMENT OF ADMINISTRATIVE COSTS.—

10 (1) PAYMENT REQUIRED.—The Secretary may
11 require the Air Force Enlisted Village to pay for any
12 costs to be incurred by the Secretary, or to reim-
13 burse the Secretary for costs incurred by the Sec-
14 retary, to carry out the release under subsection (a),
15 including survey costs, costs related to environ-
16 mental documentation, and other administrative
17 costs related to the release. If amounts paid to the
18 Secretary in advance exceed the costs actually in-
19 curred by the Secretary to carry out the release, the
20 Secretary shall refund the excess amount to the Air
21 Force Enlisted Village.

22 (2) TREATMENT OF AMOUNTS RECEIVED.—
23 Amounts received under paragraph (1) as reim-
24 bursement for costs incurred by the Secretary to
25 carry out the release under subsection (a) shall be

1 credited and made available to the Secretary as pro-
2 vided in section 2695(c) of title 10, United States
3 Code.

4 (e) **ADDITIONAL TERMS AND CONDITIONS.**—The
5 Secretary may require such additional terms and condi-
6 tions in connection with the release of exceptions, limita-
7 tions, and conditions under subsection (a) as the Secretary
8 considers appropriate to protect the interests of the
9 United States.

10 **SEC. 2827. LAND EXCHANGE, FORT HOOD, TEXAS.**

11 (a) **EXCHANGE AUTHORIZED.**—The Secretary of the
12 Army may convey to the City of Copperas Cove, Texas
13 (in this section referred to as the “City”), all right, title,
14 and interest of the United States in and to a parcel of
15 real property, including any improvements thereon, con-
16 sisting of approximately 437 acres at Fort Hood, Texas,
17 for the purpose of permitting the City to improve arterial
18 transportation routes in the vicinity of Fort Hood and to
19 promote economic development in the area of the City and
20 Fort Hood.

21 (b) **CONSIDERATION.**—As consideration for the con-
22 veyance under subsection (a), the City shall convey to the
23 Secretary of the Army all right, title, and interest of the
24 City in and to one or more parcels of real property that
25 are acceptable to the Secretary. The fair market value of

1 the real property acquired by the Secretary under this sub-
2 section shall be at least equal to the fair market value
3 of the real property conveyed under subsection (a), as de-
4 termined by appraisals acceptable to the Secretary.

5 (c) DESCRIPTION OF PROPERTY.—The exact acreage
6 and legal description of the real property to be exchanged
7 under this section shall be determined by surveys satisfac-
8 tory to the Secretary of the Army.

9 (d) PAYMENT OF COSTS OF CONVEYANCES.—

10 (1) PAYMENT REQUIRED.—The Secretary of
11 the Army shall require the City to cover costs to be
12 incurred by the Secretary, or to reimburse the Sec-
13 retary for costs incurred by the Secretary, to carry
14 out the conveyances under this section, including
15 survey costs related to the conveyances. If amounts
16 are collected from the City in advance of the Sec-
17 retary incurring the actual costs, and the amount
18 collected exceeds the costs actually incurred by the
19 Secretary to carry out the conveyances, the Sec-
20 retary shall refund the excess amount to the City.

21 (2) TREATMENT OF AMOUNTS RECEIVED.—
22 Amounts received under paragraph (1) as reim-
23 bursement for costs incurred by the Secretary to
24 carry out the conveyances under this section shall be
25 credited to the fund or account that was used to

1 cover the costs incurred by the Secretary in carrying
2 out the conveyances. Amounts so credited shall be
3 merged with amounts in such fund or account and
4 shall be available for the same purposes, and subject
5 to the same conditions and limitations, as amounts
6 in such fund or account.

7 (e) **ADDITIONAL TERMS AND CONDITIONS.**—The
8 Secretary of the Army may require such additional terms
9 and conditions in connection with the conveyances under
10 this section as the Secretary considers appropriate to pro-
11 tect the interests of the United States.

12 **SEC. 2828. LAND CONVEYANCE, P-36 WAREHOUSE,**
13 **COLBERN UNITED STATES ARMY RESERVE**
14 **CENTER, LAREDO, TEXAS.**

15 (a) **CONVEYANCE AUTHORIZED.**—The Secretary of
16 the Army may convey, without consideration, to the La-
17 redo Community College (in this section referred to as the
18 “LCC”) all right, title, and interest of the United States
19 in and to a parcel of real property consisting of approxi-
20 mately 0.077 acres, including the approximately 725 sq.
21 ft. Historic Building, P-36 Warehouse, and other im-
22 provements thereon, at Colbern United States Army Re-
23 serve Center, Laredo, Texas, for the purposes of edu-
24 cational use and historic preservation.

25 (b) **PAYMENT OF COSTS OF CONVEYANCE.**—

1 (1) PAYMENT REQUIRED.—The Secretary of
2 the Army shall require the LCC to cover costs (ex-
3 cept costs for environmental remediation of the
4 property) to be incurred by the Secretary, or to re-
5 imburse the Secretary for such costs incurred by the
6 Secretary, to carry out the conveyance under sub-
7 section (a), including survey costs, costs for environ-
8 mental documentation, and any other administrative
9 costs related to the conveyance. If amounts are col-
10 lected from the LCC in advance of the Secretary in-
11 ccurring the actual costs, and the amount collected
12 exceeds the costs actually incurred by the Secretary
13 to carry out the conveyance, the Secretary shall re-
14 fund the excess amount to the LCC.

15 (2) TREATMENT OF AMOUNTS RECEIVED.—
16 Amounts received as reimbursement under para-
17 graph (1) shall be credited to the fund or account
18 that was used to cover those costs incurred by the
19 Secretary in carrying out the conveyance. Amounts
20 so credited shall be merged with amounts in such
21 fund or account, and shall be available for the same
22 purposes, and subject to the same conditions and
23 limitations, as amounts in such fund or account.

24 (c) DESCRIPTION OF PROPERTY.—The exact acreage
25 and legal description of the property to be conveyed under

1 subsection (a) shall be determined by a survey satisfactory
2 to the Secretary of the Army.

3 (d) REVERSIONARY INTEREST.—

4 (1) REVERSION.—If the Secretary of the Army
5 determines at any time that the property conveyed
6 under subsection (a) is not being used in accordance
7 with the purpose of the conveyance specified in sub-
8 section (a), all right, title, and interest in and to
9 such property, including any improvements thereto,
10 shall, at the option of the Secretary, revert to and
11 become the property of the United States, and the
12 United States shall have the right of immediate
13 entry onto such property. A determination by the
14 Secretary under this paragraph shall be made on the
15 record after an opportunity for a hearing.

16 (2) PAYMENT OF CONSIDERATION IN LIEU OF
17 REVERSION.—In lieu of exercising the right of rever-
18 sion retained under paragraph (1) with respect to
19 the property conveyed under subsection (a), the Sec-
20 retary may require the LCC to pay to the United
21 States an amount equal to the fair market value of
22 the property conveyed, as determined by the Sec-
23 retary.

24 (3) TREATMENT OF CASH CONSIDERATION.—
25 Any cash payment received by the United States

1 under paragraph (2) shall be deposited in the special
2 account in the Treasury established under sub-
3 section (b) of section 572 of title 40, United States
4 Code, and shall be available in accordance with para-
5 graph (5)(B) of such subsection.

6 (e) **ADDITIONAL TERMS.**—The Secretary of the Army
7 may require such additional terms and conditions in con-
8 nection with the conveyance under subsection (a) as the
9 Secretary considers appropriate to protect the interests of
10 the United States.

11 **SEC. 2829. LAND CONVEYANCE, ST. GEORGE NATIONAL**
12 **GUARD ARMORY, ST. GEORGE, UTAH.**

13 (a) **LAND CONVEYANCE AUTHORIZED.**—The Sec-
14 retary of the Interior may convey, without consideration,
15 to the State of Utah all right, title, and interest of the
16 United States in and to a parcel of public land in St.
17 George, Utah, comprising approximately 70 acres, as de-
18 scribed in Public Land Order 6840 published in the Fed-
19 eral Register on March 29, 1991 (56 Fed. Reg. 13081),
20 and containing the St. George National Guard Armory for
21 the purpose of permitting the Utah National Guard to use
22 the conveyed land for military purposes.

23 (b) **TERMINATION OF PRIOR ADMINISTRATIVE AC-**
24 **TION.**—The Public Land Order described in subsection
25 (a), which provided for a 20-year withdrawal of the public

1 land described in the Public Land Order, is withdrawn
2 upon conveyance of the land under this section.

3 (c) DESCRIPTION OF PROPERTY.—The exact acreage
4 and legal description of the property to be conveyed under
5 this section shall be determined by a survey satisfactory
6 to the Secretary of the Interior.

7 (d) CONVEYANCE AGREEMENT.—The conveyance
8 under this section shall be accomplished using a quitclaim
9 deed or other legal instrument and upon terms and condi-
10 tions mutually satisfactory to the Secretary of the Interior
11 and the State of Utah, including such additional terms
12 and conditions as the Secretary considers appropriate to
13 protect the interests of the United States.

14 (e) REVERSIONARY INTEREST.—If the Secretary of
15 the Interior determines at any time that the property con-
16 veyed under subsection (a) is not being used in accordance
17 with the purpose of the conveyance specified in subsection
18 (a), all right, title, and interest in and to such property,
19 including any improvements thereto, shall, at the option
20 of the Secretary, revert to and become the property of the
21 United States, and the United States shall have the right
22 of immediate entry onto such property. A determination
23 by the Secretary under this paragraph shall be made on
24 the record after an opportunity for a hearing.

1 **SEC. 2829A. LAND ACQUISITIONS, ARLINGTON COUNTY,**
2 **VIRGINIA.**

3 (a) ACQUISITION AUTHORIZED.—

4 (1) IN GENERAL.—The Secretary of the Army
5 may acquire by purchase, exchange, donation, or by
6 other means, including condemnation, which the
7 Secretary determines is sufficient for the expansion
8 of Arlington National Cemetery for purposes of en-
9 suring maximization of interment sites and compat-
10 ible use of adjacent properties, including any appro-
11 priate cemetery or memorial parking, all right, title,
12 and interest in and to land—

13 (A) from Arlington County (in this section
14 referred to as the “County”), one or more par-
15 cels of real property in the area known as the
16 Southgate Road right-of-way, Columbia Pike
17 right-of-way, and South Joyce Street right-of-
18 way located in Arlington County, Virginia; and

19 (B) from the Commonwealth of Virginia
20 (in this section referred to as the “Common-
21 wealth”), one or more parcels of property in the
22 area known as the Columbia Pike right-of-way,
23 including the Washington Boulevard-Columbia
24 Pike interchange, but excluding the Virginia
25 Department of Transportation Maintenance
26 and Operations Facility.

1 (2) SELECTION OF PROPERTY FOR ACQUI-
2 TION.—The Memorandum of Understanding between
3 the Department of the Army and Arlington County
4 signed in January 2013 shall be used as a guide in
5 determining the properties to be acquired under this
6 section to expand Arlington National Cemetery to
7 the maximum extent practicable. After consultation
8 with the Commonwealth and the County, the Sec-
9 retary shall determine the exact parcels to be ac-
10 quired, and such determination shall be final. In se-
11 lecting the properties to be acquired under para-
12 graph (1), the Secretary shall seek—

13 (A) to remove existing barriers to the ex-
14 pansion of Arlington National Cemetery north
15 of Columbia Pike through a realignment of
16 Southgate Road to the western boundary of the
17 former Navy Annex site; and

18 (B) to support the realignment and
19 straightening of Columbia Pike and redesign of
20 the Washington Boulevard-Columbia Pike inter-
21 change.

22 (3) CONSIDERATION.—The Secretary is author-
23 ized to expend amounts up to fair market value con-
24 sideration for the interests in land acquired under
25 this subsection.

1 (b) EXCHANGE AUTHORIZED.—

2 (1) EXCHANGE.—In carrying out the acquisi-
3 tion authorized in subsection (a), in lieu of the con-
4 sideration authorized under subsection (a)(3), the
5 Secretary may convey through land exchange—

6 (A) to the County, all right, title, and in-
7 terest of the United States in and to one or
8 more parcels of real property, together with any
9 improvements thereon, located south of current
10 Columbia Pike and west of South Joyce Street
11 in Arlington County, Virginia;

12 (B) to the Commonwealth, all right, title,
13 and interest of the United States in and to one
14 or more parcels of property east of Joyce Street
15 in Arlington County, Virginia, necessary for the
16 realignment of Columbia Pike and the Wash-
17 ington Boulevard-Columbia Pike interchange,
18 as well as for future improvements to Interstate
19 395 ramps; and

20 (C) to either the County or the Common-
21 wealth, other real property under control of the
22 Secretary determined by the Secretary to be ex-
23 cess to the needs of the Army.

24 (2) EXCHANGE VALUE.—

1 (A) MINIMUM VALUE.—The Secretary
2 shall obtain no less than fair market value con-
3 sideration for any property conveyed under this
4 subsection.

5 (B) CASH EQUALIZATION.—Where the
6 value of property to be exchanged is greater
7 than the value of property to be acquired by the
8 Secretary, the Secretary may accept cash
9 equalization payments.

10 (C) TREATMENT OF CASH CONSIDERATION
11 RECEIVED.—Any cash payment received by the
12 United States as consideration for the convey-
13 ance under subparagraph (B) shall be deposited
14 in the special account in the Treasury estab-
15 lished under subsection (b) of section 572 of
16 title 40, United States Code, and shall be avail-
17 able in accordance with paragraph (5)(B) of
18 such subsection or, in the case of conveyance of
19 excess property located on a military installa-
20 tion closed under the Defense Base Closure and
21 Realignment Act of 1990 (part A of title XXIX
22 of Public Law 101–510; 10 U.S.C. 2687 note),
23 shall be deposited in the special account estab-
24 lished under section 2906 of such Act.

1 (c) APPRAISALS.—The value of property to be ac-
2 quired or conveyed under this section shall be determined
3 by appraisals acceptable to the Secretary.

4 (d) DESCRIPTION OF PROPERTY.—The exact acreage
5 and legal description of the real property to be acquired
6 or conveyed under this section shall be determined by sur-
7 veys satisfactory to the Secretary, in consultation with the
8 Commonwealth and the County where practicable.

9 (e) ADDITIONAL TERMS AND CONDITIONS.—The
10 Secretary may require such additional terms and condi-
11 tions in connection with transactions authorized under
12 this section as is considered appropriate to protect the in-
13 terests of the United States.

14 (f) REPEAL OF AUTHORITY.—Section 2841 of the
15 Military Construction Authorization Act for Fiscal Year
16 2015 (division B of Public Law 113–291; 128 Stat. 3712)
17 is repealed.

18 **SEC. 2829B. RELEASE OF RESTRICTIONS, RICHLAND INNO-**
19 **VATION CENTER, RICHLAND, WASHINGTON.**

20 (a) RELEASE AUTHORIZED.—The Secretary of
21 Transportation, acting through the Maritime Adminis-
22 trator and in consultation with the Administrator of Gen-
23 eral Services, may, upon receipt of full consideration as
24 provided in subsection (b), release all remaining right,
25 title, and interest of the United States in and to a parcel

1 of real property, including any improvements thereon, in
2 Richland, Washington, consisting as of the date of the en-
3 actment of this Act of approximately 71.5 acres and con-
4 taining personal and real property, to the Port of Benton
5 (hereafter in this section referred to as the “Port”).

6 (b) CONSIDERATION.—

7 (1) CONSIDERATION REQUIRED.—As consider-
8 ation for the release under subsection (a), the Port
9 shall provide an amount that is acceptable to the
10 Secretary of Transportation, whether by cash pay-
11 ment, in-kind consideration as described under para-
12 graph (2), or a combination thereof, at such time as
13 the Secretary may require. The Secretary may deter-
14 mine the level of acceptable consideration under this
15 paragraph on the basis of the value of the restric-
16 tions released under subsection (a), but only if the
17 value of such restrictions is determined without re-
18 gard to any improvements made by the Port.

19 (2) IN-KIND CONSIDERATION.—In-kind consid-
20 eration provided by the Port under paragraph (1)
21 may include the acquisition, construction, provision,
22 improvement, maintenance, repair, or restoration
23 (including environmental restoration), or combina-
24 tion thereof, of any facility or infrastructure under

1 the jurisdiction of any office of the Federal Govern-
2 ment.

3 (3) TREATMENT OF CONSIDERATION RE-
4 CEIVED.—Consideration in the form of cash pay-
5 ment received by the Secretary under paragraph (1)
6 shall be deposited in the separate fund in the Treas-
7 ury described in section 572(a)(1) of title 40, United
8 States Code.

9 (c) PAYMENT OF COST OF RELEASE.—

10 (1) PAYMENT REQUIRED.—The Secretary of
11 Transportation shall require the Port to cover costs
12 to be incurred by the Secretary, or to reimburse the
13 Secretary for such costs incurred by the Secretary,
14 to carry out the release under subsection (a), includ-
15 ing survey costs, costs for environmental documenta-
16 tion related to the release, and any other administra-
17 tive costs related to the release. If amounts are col-
18 lected from the Port in advance of the Secretary in-
19 curring the actual costs, and the amount collected
20 exceeds the costs actually incurred by the Secretary
21 to carry out the release, the Secretary shall refund
22 the excess amount to the Port.

23 (2) TREATMENT OF AMOUNTS RECEIVED.—
24 Amounts received as reimbursement under para-
25 graph (1) shall be credited to the fund or account

1 that was used to cover the costs incurred by the Sec-
2 retary in carrying out the release under subsection
3 (a) or, if the period of availability of obligations for
4 that appropriation has expired, to the appropriations
5 of fund that is currently available to the Secretary
6 for the same purpose. Amounts so credited shall be
7 merged with amounts in such fund or account and
8 shall be available for the same purposes, and subject
9 to the same conditions and limitations, as amounts
10 in such fund or account.

11 (d) DESCRIPTION OF PROPERTY.—The exact acreage
12 and legal description of the real property which is the sub-
13 ject of the release under subsection (a) shall be determined
14 by a survey satisfactory to the Secretary of Transpor-
15 tation.

16 (e) ADDITIONAL TERMS AND CONDITIONS.—The
17 Secretary of Transportation may require such additional
18 terms and conditions in connection with the release under
19 subsection (a) as the Secretary, in consultation with the
20 Administrator of General Services, considers appropriate
21 to protect the interests of the United States.

1 **SEC. 2829C. MODIFICATION OF LAND CONVEYANCE, ROCKY**
2 **MOUNTAIN ARSENAL NATIONAL WILDLIFE**
3 **REFUGE.**

4 Section 5(d)(1) of the Rocky Mountain Arsenal Na-
5 tional Wildlife Refuge Act of 1992 (Public Law 102–402;
6 16 U.S.C. 668dd note) is amended by adding at the end
7 the following new subparagraph:

8 “(C)(i) Notwithstanding clause (i) of subpara-
9 graph (A), the restriction attached to any deed to
10 any real property designated for disposal under this
11 section that prohibits the use of the property for res-
12 idential or industrial purposes may be modified or
13 removed if a determination is made that the prop-
14 erty will be protective of human health and the envi-
15 ronment for the proposed use with an adequate mar-
16 gin of safety following the modification or removal of
17 the restriction.

18 “(ii) The determination described in clause (i)
19 shall be made after—

20 “(I) the performance of a risk assessment
21 pursuant to the Comprehensive Environmental
22 Response, Compensation, and Liability Act of
23 1980 (42 U.S.C. 9601 et seq.); and

24 “(II) the completion of response actions
25 that are necessary to protect human health and
26 the environment to allow for the proposed use.

1 “(iii) The Secretary of the Army shall not be
2 responsible or liable for any of the following:

3 “(I) The cost of the risk assessment per-
4 formed under subclause (I) of clause (ii) or any
5 response actions described in subclause (II) of
6 clause (ii).

7 “(II) Any damages attributable to the use
8 of property for residential or industrial pur-
9 poses as the result of the modification or re-
10 moval of a deed restriction pursuant to clause
11 (i), or the costs of any actions taken in re-
12 sponse to such damages.”.

13 **SEC. 2829D. CLOSURE OF ST. MARYS AIRPORT.**

14 (a) **RELEASE OF RESTRICTIONS.**—Subject to sub-
15 section (b), the United States, acting through the Admin-
16 istrator of the Federal Aviation Administration, shall re-
17 lease the city of St. Marys, Georgia, from all restrictions,
18 conditions, and limitations on the use, encumbrance, con-
19 veyance, and closure of the St. Marys Airport, to the ex-
20 tent such restrictions, conditions, and limitations are en-
21 forceable by the Administrator.

22 (b) **REQUIREMENTS FOR RELEASE OF RESTRIC-**
23 **TIONS.**—The Administrator shall execute the release
24 under subsection (a) once all of the following occurs:

1 (1) The Secretary of the Navy transfers to the
2 Georgia Department of Transportation the amounts
3 described in subsection (c) and requires as an en-
4 forceable condition on such transfer that all funds
5 transferred shall be used only for airport develop-
6 ment (as defined in section 47102 of title 49, United
7 States Code) of a general aviation airport in Geor-
8 gia, consistent with planning efforts conducted by
9 the Administrator and the Georgia Department of
10 Transportation.

11 (2) The city of St. Marys, for consideration as
12 provided for in this section, grants to the United
13 States, under the administrative jurisdiction of the
14 Secretary, a restrictive use easement in the real
15 property used for the St. Marys Airport, as deter-
16 mined acceptable by the Secretary, under such terms
17 and conditions as the Secretary considers necessary
18 to protect the interests of the United States and
19 prohibiting the future use of such property for all
20 aviation-related purposes and any other purposes
21 deemed by the Secretary to be incompatible with the
22 operations, functions, and missions of Naval Sub-
23 marine Base, Kings Bay, Georgia.

24 (3) The Secretary obtains an appraisal to deter-
25 mine the fair market value of the real property used

1 for the St. Marys Airport in the manner described
2 in subsection (c)(1).

3 (4) The Administrator fulfills the obligations
4 under the National Environmental Policy Act of
5 1969 (42 U.S.C. 4321 et seq.) in connection with
6 the release under subsection (a). In carrying out
7 such obligations—

8 (A) the Administrator shall not assume or
9 consider any potential or proposed future rede-
10 velopment of the current St. Marys airport
11 property;

12 (B) any potential new general aviation air-
13 port in Georgia shall be deemed to be not con-
14 nected with the release noted in subsection (a)
15 nor the closure of St. Marys Airport; and

16 (C) any environmental review under the
17 National Environmental Policy Act of 1969 (42
18 U.S.C. 4321 et seq.) for a potential general
19 aviation airport in Georgia shall be considered
20 through an environmental review process sepa-
21 rate and apart from the environmental review
22 made a condition of release by this section.

23 (c) TRANSFER OF AMOUNTS DESCRIBED.—The
24 amounts described in this subsection are the following:

1 (1) An amount equal to the fair market value
2 of the real property of the St. Marys Airport, as de-
3 termined by the Secretary and concurred in by the
4 Administrator, based on an appraisal report and
5 title documentation that—

6 (A) is prepared or adopted by the Sec-
7 retary, and concurred in by the Administrator,
8 not more than 180 days prior to the transfer
9 described in subsection (b)(1); and

10 (B) meets all requirements of Federal law
11 and the appraisal and documentation standards
12 applicable to the acquisition and disposal of real
13 property interests of the United States.

14 (2) An amount equal to the unamortized por-
15 tion of any Federal development grants (including
16 grants available under a State block grant program
17 established pursuant to section 47128 of title 49,
18 United States Code), other than used for the acqui-
19 sition of land, paid to the city of St. Marys for use
20 as the St. Marys Airport.

21 (3) An amount equal to the airport revenues re-
22 maining in the airport account for the St. Marys
23 Airport as of the date of the enactment of this Act
24 and as otherwise due to or received by the city of
25 St. Marys after such date of enactment pursuant to

1 sections 47107(b) and 47133 of title 49, United
2 States Code.

3 (d) AUTHORIZATION FOR TRANSFER OF FUNDS.—

4 Using funds available to the Department of the Navy for
5 operation and maintenance, the Secretary may pay the
6 amounts described in subsection (c) to the Georgia De-
7 partment of Transportation, conditioned as described in
8 subsection (b)(1).

9 (e) ADDITIONAL REQUIREMENTS.—

10 (1) SURVEY.—The exact acreage and legal de-
11 scription of St. Marys Airport shall be determined
12 by a survey satisfactory to the Secretary and con-
13 curred in by the Administrator.

14 (2) PLANNING OF GENERAL AVIATION AIR-
15 PORT.—Any planning effort for the development of
16 a new general aviation airport in southeast Georgia
17 using the amounts described in subsection (c) shall
18 be conducted in coordination with the Secretary, and
19 shall ensure that any such airport does not encroach
20 on the operations, functions, and missions of Naval
21 Submarine Base, Kings Bay, Georgia.

22 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion may be construed to limit the applicability of—

24 (1) the requirements and processes under sec-
25 tion 46319 of title 49, United States Code;

1 (2) the requirements and processes under part
2 157 of title 14, Code of Federal Regulations; or

3 (3) the public notice requirements under section
4 47107(h)(2) of title 49, United States Code.

5 **SEC. 2829E. TRANSFER OF FORT BELVOIR MARK CENTER**
6 **CAMPUS FROM THE SECRETARY OF THE**
7 **ARMY TO THE SECRETARY OF DEFENSE AND**
8 **APPLICABILITY OF CERTAIN PROVISIONS OF**
9 **LAW RELATING TO THE PENTAGON RESERVA-**
10 **TION.**

11 (a) INCLUSION OF MARK CENTER CAMPUS UNDER
12 PENTAGON RESERVATION AUTHORITIES.—

13 (1) DEFINITION OF PENTAGON RESERVA-
14 TION.—Paragraph (1) of subsection (f) of section
15 2674 of title 10, United States Code, is amended to
16 read as follows:

17 “(1) The term ‘Pentagon Reservation’ means
18 the Pentagon, the Mark Center Campus, and the
19 Raven Rock Mountain Complex.”.

20 (2) OTHER DEFINITIONS.—Such subsection is
21 further amended by adding at the end the following
22 new paragraphs:

23 “(3) The term ‘Pentagon’ means that area of
24 land (consisting of approximately 227 acres) and im-
25 provements thereon, including parking areas, located

1 in Arlington County, Virginia, containing the Pen-
2 tagon Office Building and its supporting facilities.

3 “(4) The term ‘Mark Center Campus’ means
4 that area of land (consisting of approximately 16
5 acres) and improvements thereon, including parking
6 areas, located in Alexandria, Virginia, and known on
7 the day before the date of the enactment of this
8 paragraph as the Fort Belvoir Mark Center Cam-
9 pus.

10 “(5) The term ‘Raven Rock Mountain Complex’
11 means that area of land (consisting of approximately
12 720 acres) and improvements thereon, including
13 parking areas, at the Raven Rock Mountain Com-
14 plex and its supporting facilities located in Maryland
15 and Pennsylvania.”.

16 (3) CONFORMING AMENDMENT RELATING TO
17 LAW ENFORCEMENT AUTHORITY.—Subsection (b)(1)
18 of such section is amended by inserting “for the
19 Pentagon Reservation and” after “law enforcement
20 and security functions”.

21 (4) CONFORMING AMENDMENT RELATING TO
22 DEFINITIONS.—Subsection (g) of such section is re-
23 pealed.

1 (b) UPDATE TO REFERENCE TO SECRETARY OF DE-
2 FENSE AUTHORITY.—Subsection (a) of such section is
3 amended—

4 (1) by striking “Jurisdiction” and inserting
5 “The Secretary of Defense has jurisdiction”; and

6 (2) by striking “is transferred to the Secretary
7 of Defense”.

8 (c) REPEAL OF OBSOLETE REPORTING REQUIRE-
9 MENT.—Such subsection is further amended—

10 (1) by striking “(1)” after “(a)”; and

11 (2) by striking paragraphs (2) and (3).

12 (d) SUBSECTION CAPTIONS.—Such section is further
13 amended—

14 (1) in subsection (a), as amended by subsection
15 (c) of this section, by inserting “PENTAGON RES-
16 ERVATION.—” after “(a)”;

17 (2) in subsection (b), by striking “(b)(1)” and
18 inserting “(b) LAW ENFORCEMENT AUTHORITIES
19 AND PERSONNEL.—(1)”;

20 (3) in subsection (c), by striking “(c)(1)” and
21 inserting “(c) REGULATIONS AND ENFORCEMENT.—
22 (1)”;

23 (4) in subsection (d), by inserting “AUTHORITY
24 TO CHARGE FOR PROVISION OF CERTAIN SERVICES
25 AND FACILITIES.—” after “(d)”;

1 (5) in subsection (e), by striking “(e)(1)” and
2 inserting “(e) PENTAGON RESERVATION MAINTEN-
3 NANCE REVOLVING FUND.—(1)”; and

4 (6) in subsection (f), by inserting “DEFINI-
5 TIONS.—” after “(f)”.

6 **SEC. 2829F. RETURN OF CERTAIN LANDS AT FORT**
7 **WINGATE, NEW MEXICO, TO THE ORIGINAL**
8 **INHABITANTS.**

9 (a) DIVISION AND TREATMENT OF LANDS OF
10 FORMER FORT WINGATE DEPOT ACTIVITY, NEW MEX-
11 ICO, TO BENEFIT THE ZUNI TRIBE AND NAVAJO NA-
12 TION.—

13 (1) IMMEDIATE TRUST ON BEHALF OF ZUNI
14 TRIBE; EXCEPTION.—Subject to valid existing rights
15 and to easements reserved pursuant to subsection
16 (b), all right, title, and interest of the United States
17 in and to the lands of Former Fort Wingate Depot
18 Activity depicted in dark blue on the map titled
19 “The Fort Wingate Depot Activity Negotiated Prop-
20 erty Division April 2016” (in this section referred to
21 as the “Map”) and transferred to the Secretary of
22 the Interior are to be held in trust by the Secretary
23 of the Interior for the Zuni Tribe as part of the
24 Zuni Reservation, unless the Zuni Tribe otherwise

1 elects under clause (ii) of paragraph (3)(C) to have
2 the parcel conveyed to it in Restricted Fee Status.

3 (2) IMMEDIATE TRUST ON BEHALF OF THE
4 NAVAJO NATION; EXCEPTION.—Subject to valid ex-
5 isting rights and to easements reserved pursuant to
6 subsection (b), all right, title, and interest of the
7 United States in and to the lands of Former Fort
8 Wingate Depot Activity depicted in dark green on
9 the Map and transferred to the Secretary of the In-
10 terior are to be held in trust by the Secretary of the
11 Interior for the Navajo Nation as part of the Navajo
12 Reservation, unless the Navajo Nation otherwise
13 elects under clause (ii) of paragraph (3)(C) to have
14 the parcel conveyed to it in Restricted Fee Status.

15 (3) SUBSEQUENT TRANSFER AND TRUST; RE-
16 STRICTED FEE STATUS ALTERNATIVE.—

17 (A) TRANSFER UPON COMPLETION OF RE-
18 MEDIATION.—Not later than 60 days after the
19 date on which the Secretary of the Army, with
20 the concurrence of the New Mexico Environ-
21 ment Department, notifies the Secretary of the
22 Interior that remediation of a parcel of land of
23 Former Fort Wingate Depot Activity has been
24 completed consistent with subsection (c), the
25 Secretary of the Army shall transfer adminis-

1 trative jurisdiction over the parcel to the Sec-
2 retary of the Interior.

3 (B) NOTIFICATION OF TRANSFER.—Not
4 later than 30 days after the date on which the
5 Secretary of the Army transfers administrative
6 jurisdiction over a parcel of land of Former
7 Fort Wingate Depot Activity under subpara-
8 graph (A), the Secretary of the Interior shall
9 notify the Zuni Tribe and Navajo Nation of the
10 transfer of administrative jurisdiction over the
11 parcel.

12 (C) TRUST OR RESTRICTED FEE STA-
13 TUS.—

14 (i) TRUST.—Except as provided in
15 clause (ii), the Secretary of the Interior
16 shall hold each parcel of land of Former
17 Fort Wingate Depot Activity transferred
18 under subparagraph (A) in trust—

19 (I) for the Zuni Tribe, in the
20 case of land depicted in blue on the
21 Map; or

22 (II) for the Navajo Nation, in the
23 case of land depicted in green on the
24 Map.

1 (ii) RESTRICTED FEE STATUS.—In
2 lieu of having a parcel of land held in trust
3 under clause (i), the Zuni Tribe, with re-
4 spect to land depicted in blue on the Map,
5 and the Navajo Nation, with respect to
6 land depicted in green on the Map, may
7 elect to have the Secretary of the Interior
8 convey the parcel or any portion of the
9 parcel to it in restricted fee status.

10 (iii) NOTIFICATION OF ELECTION.—
11 Not later than 45 days after the date on
12 which the Zuni Tribe or the Navajo Nation
13 receives notice under subparagraph (B) of
14 the transfer of administrative jurisdiction
15 over a parcel of land of Former Fort
16 Wingate Depot Activity, the Zuni Tribe or
17 the Navajo Nation shall notify the Sec-
18 retary of the Interior of an election under
19 clause (ii) for conveyance of the parcel or
20 any portion of the parcel in restricted fee
21 status.

22 (iv) CONVEYANCE.—As soon as prac-
23 ticable after receipt of a notice from the
24 Zuni Tribe or the Navajo Nation under
25 clause (iii), but in no case later than 6

1 months after receipt of the notice, the Sec-
2 retary of the Interior shall convey, in re-
3 stricted fee status, the parcel of land of
4 Former Fort Wingate Depot Activity cov-
5 ered by the notice to the Zuni Tribe or the
6 Navajo Nation, as the case may be.

7 (v) RESTRICTED FEE STATUS DE-
8 FINED.—For purposes of this section only,
9 the term “restricted fee status”, with re-
10 spect to land conveyed under clause (iv),
11 means that the land so conveyed—

12 (I) shall be owned in fee by the
13 Indian tribe to whom the land is con-
14 veyed;

15 (II) shall be part of the Indian
16 tribe’s Reservation and expressly
17 made subject to the jurisdiction of the
18 Indian Tribe;

19 (III) shall not be sold by the In-
20 dian tribe without the consent of Con-
21 gress;

22 (IV) shall not be subject to tax-
23 ation by a State or local government
24 other than the government of the In-
25 dian tribe; and

1 (V) shall not be subject to any
2 provision of law providing for the re-
3 view or approval by the Secretary of
4 the Interior before an Indian tribe
5 may use the land for any purpose, di-
6 rectly or through agreement with an-
7 other party.

8 (4) SURVEY AND BOUNDARY REQUIREMENTS.—

9 (A) IN GENERAL.—The Secretary of the
10 Interior shall—

11 (i) provide for the survey of lands of
12 Former Fort Wingate Depot Activity taken
13 into trust for the Zuni Tribe or the Navajo
14 Nation or conveyed in restricted fee status
15 for the Zuni Tribe or the Navajo Nation
16 under paragraph (1), (2), or (3); and

17 (ii) establish legal boundaries based
18 on the Map as parcels are taken into trust
19 or conveyed in restricted fee status.

20 (B) CONSULTATION.—Not later than 90
21 days after the date of the enactment of this sec-
22 tion, the Secretary of the Interior shall consult
23 with the Zuni Tribe and the Navajo Nation to
24 determine their priorities regarding the order in
25 which parcels should be surveyed and, to the

1 greatest extent feasible, the Secretary shall fol-
2 low these priorities.

3 (5) RELATION TO CERTAIN REGULATIONS.—

4 Part 151 of title 25, Code of Federal Regulations,
5 shall not apply to taking lands of Former Fort
6 Wingate Depot Activity into trust under paragraph
7 (1), (2), or (3).

8 (6) FORT WINGATE LAUNCH COMPLEX LAND
9 STATUS.—Upon certification by the Secretary of De-
10 fense that the area generally depicted as “Fort
11 Wingate Launch Complex” on the Map is no longer
12 required for military purposes and can be trans-
13 ferred to the Secretary of the Interior—

14 (A) the areas generally depicted as
15 “FWLC A” and “FWLC B” on the Map shall
16 be held in trust by the Secretary of the Interior
17 for the Zuni Tribe in accordance with this sub-
18 section; and

19 (B) the areas generally depicted as
20 “FWLC C” and “FWLC D” on the Map shall
21 be held in trust by the Secretary of the Interior
22 for the Navajo Nation in accordance with this
23 subsection.

24 (b) TEMPORARY RETENTION OF NECESSARY EASE-
25 MENTS AND ACCESS.—

1 (1) TREATMENT OF EXISTING EASEMENTS,
2 PERMIT RIGHTS, AND RIGHTS-OF-WAY.—

3 (A) IN GENERAL.—The lands of Former
4 Fort Wingate Depot Activity held in trust or
5 conveyed in restricted fee status pursuant to
6 subsection (a) shall be held in trust with ease-
7 ments, permit rights, and rights-of-way, and ac-
8 cess associated with such easements, permit
9 rights, and rights-of-way, of any applicable util-
10 ity service provider in existence or for which an
11 application is pending for existing facilities at
12 the time of the conveyance or change to trust
13 status, including the right to upgrade applicable
14 utility services recognized and preserved, for a
15 period of 40 years beginning on the date of the
16 conveyance or change to trust status and with-
17 out the right of revocation during such period
18 (except as provided in subparagraph (B)).

19 (B) TERMINATION.—During the 40-year
20 period referred to in subparagraph (A), an
21 easement, permit right, or right-of-way recog-
22 nized and preserved under subparagraph (A)
23 shall terminate only—

24 (i) on the relocation of an applicable
25 utility service referred to in subparagraph

1 (A), but only with respect to that portion
2 of the utility facilities that are relocated; or
3 (ii) with the consent of the holder of
4 the easement, permit right, or right-of-
5 way.

6 (C) ADDITIONAL EASEMENTS.—During the
7 40-year period referred to in subparagraph (A),
8 the Secretary of the Interior shall grant to a
9 utility service provider, without consideration,
10 such additional easements across lands held in
11 trust or conveyed in restricted fee status pursu-
12 ant to subsection (a) as the Secretary considers
13 necessary to accommodate the relocation or re-
14 connection of a utility service existing on the
15 date of enactment of this section.

16 (2) ACCESS FOR ENVIRONMENTAL RESPONSE
17 ACTIONS.—The lands of Former Fort Wingate
18 Depot Activity held in trust or conveyed in restricted
19 fee status pursuant to subsection (a) shall be subject
20 to reserved access by the United States as the Sec-
21 retary of the Army and the Secretary of the Interior
22 determine are reasonably required to permit access
23 to lands of Former Fort Wingate Depot Activity for
24 administrative and environmental response purposes.
25 The Secretary of the Army shall provide to the gov-

1 ernments of the Zuni Tribe and the Navajo Nation
2 written copies of all access reservations under this
3 subsection.

4 (3) SHARED ACCESS.—

5 (A) PARCEL 1 SHARED CULTURAL AND RE-
6 LIGIOUS ACCESS.—In the case of the lands of
7 Former Fort Wingate Depot Activity depicted
8 as Parcel 1 on the Map, the lands shall be held
9 in trust subject to a shared easement for cul-
10 tural and religious purposes only. Both the
11 Zuni Tribe and the Navajo Nation shall have
12 unhindered access to their respective cultural
13 and religious sites within Parcel 1. Within 1
14 year after the date of the enactment of this sec-
15 tion, the Zuni Tribe and the Navajo Nation
16 shall exchange detailed information to docu-
17 ment the existence of cultural and religious
18 sites within Parcel 1 for the purpose of carrying
19 out this subparagraph. The information shall
20 also be provided to the Secretary of the Inte-
21 rior.

22 (B) OTHER SHARED ACCESS.—Subject to
23 the written consent of both the Zuni Tribe and
24 the Navajo Nation, the Secretary of the Interior
25 may facilitate shared access to other lands held

1 in trust or restricted fee status pursuant to
2 subsection (a), including, but not limited to, re-
3 ligious and cultural sites.

4 (4) I-40 FRONTAGE ROAD ENTRANCE.—The ac-
5 cess road for the Former Fort Wingate Depot Activ-
6 ity, which originates at the frontage road for Inter-
7 state 40 and leads to the parcel of the Former Fort
8 Wingate Depot Activity depicted as “administration
9 area” on the Map, shall be held in common by the
10 Zuni Tribe and Navajo Nation to provide for equal
11 access to Former Fort Wingate Depot Activity.

12 (5) COMPATIBILITY WITH DEFENSE ACTIVI-
13 TIES.—The lands of Former Fort Wingate Depot
14 Activity held in trust or conveyed in restricted fee
15 status pursuant to subsection (a) shall be subject to
16 reservations by the United States as the Secretary
17 of Defense determines are reasonably required to
18 permit access to lands of the Fort Wingate launch
19 complex for administrative, test operations, and
20 launch operations purposes. The Secretary of De-
21 fense shall provide the governments of the Zuni
22 Tribe and the Navajo Nation written copies of all
23 reservations under this paragraph.

24 (c) ENVIRONMENTAL REMEDIATION.—Nothing in
25 this section shall be construed as alleviating, altering, or

1 affecting the responsibility of the United States for clean-
2 up and remediation of Former Fort Wingate Depot Activ-
3 ity in accordance with the Comprehensive Environmental
4 Response, Compensation, and Liability Act of 1980.

5 (d) PROHIBITION ON GAMING.—Any real property of
6 the Former Fort Wingate Depot Activity and all other real
7 property subject to this section shall not be eligible, or
8 used, for any gaming activity carried out under the Indian
9 Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

10 **Subtitle D—Military Memorials,** 11 **Monuments, and Museums**

12 **SEC. 2831. CYBER CENTER FOR EDUCATION AND INNOVA-** 13 **TION-HOME OF THE NATIONAL CRYPTOLOGIC** 14 **MUSEUM.**

15 (a) AUTHORITY TO ESTABLISH AND OPERATE CEN-
16 TER.—Chapter 449 of title 10, United States Code, is
17 amended by adding at the end the following new section:

18 **“§ 4781. Cyber Center for Education and Innovation-** 19 **Home of the National Cryptologic Mu-** 20 **seum**

21 “(a) ESTABLISHMENT.—The Secretary of Defense
22 may establish at a publicly accessible location at Fort
23 George G. Meade the ‘Cyber Center for Education and In-
24 novation-Home of the National Cryptologic Museum’ (in
25 this section referred to as the ‘Center’). The Center may

1 be used for the identification, curation, storage, and public
2 viewing of materials relating to the activities of the Na-
3 tional Security Agency, its predecessor or successor orga-
4 nizations, and the history of cryptology. The Center may
5 contain meeting, conference, and classroom facilities that
6 will be used to support such education, training, public
7 outreach, and other purposes as the Secretary considers
8 appropriate.

9 “(b) DESIGN, CONSTRUCTION, AND OPERATION.—
10 The Secretary may enter into an agreement with the Na-
11 tional Cryptologic Museum Foundation (in this section re-
12 ferred to as the ‘Foundation’), a nonprofit organization,
13 for the design, construction, and operation of the Center.

14 “(c) ACCEPTANCE AUTHORITY.—

15 “(1) ACCEPTANCE OF FACILITY.—If the Foun-
16 dation constructs the Center pursuant to an agree-
17 ment with the Foundation under subsection (b),
18 upon satisfactory completion of the Center’s con-
19 struction or any phase thereof, as determined by the
20 Secretary, and upon full satisfaction by the Founda-
21 tion of any other obligations pursuant to such agree-
22 ment, the Secretary may accept the Center (or any
23 phase thereof) from the Foundation, and all right,
24 title, and interest in the Center or such phase shall
25 vest in the United States.

1 “(2) ACCEPTANCE OF SERVICES.—Notwith-
2 standing section 1342 of title 31, the Secretary may
3 accept services from the Foundation in connection
4 with the design, construction, and operation of the
5 Center. For purposes of this section and any other
6 provision of law, employees or personnel of the
7 Foundation shall not be considered to be employees
8 of the United States.

9 “(d) FEES AND USER CHARGES.—

10 “(1) AUTHORITY TO ASSESS FEES AND USER
11 CHARGES.—The Secretary may assess fees and user
12 charges sufficient to cover the cost of the use of
13 Center facilities and property, including rental, user,
14 conference, and concession fees.

15 “(2) USE OF FUNDS.—Amounts received by the
16 Secretary under paragraph (1) shall be deposited
17 into the Fund established under subsection (e).

18 “(e) FUND.—

19 “(1) ESTABLISHMENT.—Upon the Secretary’s
20 acceptance of the Center under subsection (c)(1),
21 there is established in the Treasury a fund to be
22 known as the Cyber Center for Education and Inno-
23 vation-Home of the National Cryptologic Museum
24 Fund (in this section referred to as the ‘Fund’).

1 “(2) CONTENTS.—The Fund shall consist of
2 the following amounts:

3 “(A) Fees and user charges deposited by
4 the Secretary under subsection (d).

5 “(B) Any other amounts received by the
6 Secretary which are attributable to the oper-
7 ation of the Center.

8 “(3) USE OF FUND.—Amounts in the Fund
9 shall be available to the Secretary for the benefit
10 and operation of the Center, including the costs of
11 operation and the acquisition of books, manuscripts,
12 works of art, historical artifacts, drawings, plans,
13 models, and condemned or obsolete combat materiel.

14 “(4) CONTINUING AVAILABILITY OF
15 AMOUNTS.—Amounts in the Fund shall be available
16 without fiscal year limitation.”.

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

 “4781. Cyber Center for Education and Innovation-Home of the National
 Cryptologic Museum.”.

20 **SEC. 2832. RENAMING SITE OF THE DAYTON AVIATION HER-**
21 **ITAGE NATIONAL HISTORICAL PARK, OHIO.**

22 Section 101(b)(5) of the Dayton Aviation Heritage
23 Preservation Act of 1992 (16 U.S.C. 410ww(b)(5)) is

1 amended by striking “Aviation Center” and inserting
2 “National Museum”.

3 **SEC. 2833. WOMEN’S MILITARY SERVICE MEMORIALS AND**
4 **MUSEUMS.**

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

14 (b) **OFFSET.**—Of the funds authorized to be appro-
15 priated by section 301 for operation and maintenance,
16 Army, and available for the National Museum of the
17 United States Army, not more than \$5,000,000 shall be
18 provided, at the discretion of the Secretary of Defense,
19 to carry out activities under subsection (a).

20 **SEC. 2834. PETERSBURG NATIONAL BATTLEFIELD BOUND-**
21 **ARY MODIFICATION.**

22 (a) **IN GENERAL.**—The boundary of the Petersburg
23 National Battlefield is modified to include the land and
24 interests in land as generally depicted on the map titled
25 “Petersburg National Battlefield Proposed Boundary Ex-

1 pansion”, numbered 325/80,080, and dated June 2007/
2 March 2016. The map shall be on file and available for
3 public inspection in the appropriate offices of the National
4 Park Service.

5 (b) ACQUISITION OF PROPERTIES.—

6 (1) AUTHORITY.—The Secretary of the Interior
7 (referred to in this section as the “Secretary”) is au-
8 thorized to acquire the land and interests in land de-
9 scribed in subsection (a) from willing sellers only, by
10 donation, purchase with donated or appropriated
11 funds, exchange, or transfer.

12 (2) TECHNICAL CORRECTION.—Section 313(a)
13 of the National Parks and Recreation Act of 1978
14 (Public Law 95–625; 92 Stat. 3479) is amended by
15 striking “twenty-one” and inserting “23”.

16 (c) ADMINISTRATION.—The Secretary shall admin-
17 ister any land or interests in land acquired under sub-
18 section (b) as part of the Petersburg National Battlefield
19 in accordance with applicable laws and regulations.

20 (d) ADMINISTRATIVE JURISDICTION TRANSFER.—

21 (1) IN GENERAL.—There is transferred—

22 (A) from the Secretary to the Secretary of
23 the Army administrative jurisdiction over the
24 approximately 1.170-acre parcel of land de-
25 picted as “Area to be transferred to Fort Lee

1 Military Reservation” on the map described in
2 paragraph (2); and

3 (B) from the Secretary of the Army to the
4 Secretary administrative jurisdiction over the
5 approximately 1.171-acre parcel of land de-
6 picted as “Area to be transferred to Petersburg
7 National Battlefield” on the map described in
8 paragraph (2).

9 (2) MAP.—The parcels of land described in
10 paragraph (1) are depicted on the map titled “Pe-
11 tersburg National Battlefield Proposed Transfer of
12 Administrative Jurisdiction”, numbered 325/
13 80,801A, dated May 2011/March 2016. The map
14 shall be on file and available for public inspection in
15 the appropriate offices of the National Park Service.

16 (3) CONDITIONS OF TRANSFER.—The transfer
17 of administrative jurisdiction under paragraph (1) is
18 subject to the following conditions:

19 (A) NO REIMBURSEMENT OR CONSIDER-
20 ATION.—The transfer shall be without reim-
21 bursement or consideration.

22 (B) MANAGEMENT.—

23 (i) LAND TRANSFERRED TO THE SEC-
24 RETARY OF THE ARMY.—The land trans-
25 ferred to the Secretary of the Army under

1 paragraph (1)(A) shall be excluded from
2 the boundary of the Petersburg National
3 Battlefield.

4 (ii) LAND TRANSFERRED TO THE SEC-
5 RETARY.—The land transferred to the Sec-
6 retary under paragraph (1)(B)—

7 (I) shall be included within the
8 boundary of the Petersburg National
9 Battlefield; and

10 (II) shall be administered as part
11 of Petersburg National Battlefield in
12 accordance with applicable laws and
13 regulations.

14 **Subtitle E—Designations and**
15 **Other Matters**

16 **SEC. 2841. DESIGNATION OF PORTION OF MOFFETT FED-**
17 **ERAL AIRFIELD, CALIFORNIA, AS MOFFETT**
18 **AIR NATIONAL GUARD BASE.**

19 (a) DESIGNATION.—The 111-acre cantonment area
20 at Moffett Federal Airfield, California, utilized by the
21 129th Rescue Wing of the California Air National Guard
22 shall be known and designated as “Moffett Air National
23 Guard Base”.

24 (b) REFERENCES.—Any reference in any law, regula-
25 tion, map, document, paper, or other record of the United

1 States to the cantonment area at Moffett Federal Airfield
2 described in subsection (a) shall be considered to be a ref-
3 erence to Moffett Air National Guard Base.

4 **SEC. 2842. REDESIGNATION OF MIKE O'CALLAGHAN FED-**
5 **ERAL MEDICAL CENTER.**

6 Section 2867 of the Military Construction Authoriza-
7 tion Act for Fiscal Year 1997 (division B of Public Law
8 104–201; 110 Stat. 2806), as amended by section 8135(a)
9 of the Department of Defense Appropriations Act, 1997
10 (section 101(b) of division A of the Omnibus Consolidated
11 Appropriations Act, 1997 (Public Law 104–208; 110 Stat.
12 3009–118)), and as amended by section 2862 of the Mili-
13 tary Construction Authorization Act for Fiscal Year 2012
14 (division B of Public Law 112–81; 125 Stat. 1701), is
15 further amended—

16 (1) by striking “Mike O’Callaghan Federal
17 Medical Center” each place it appears and inserting
18 “Mike O’Callaghan Military Medical Center”; and

19 (2) in the heading, by striking “**MIKE**
20 **O’CALLAGHAN**” and all that follows and inserting
21 “**MIKE O’CALLAGHAN MILITARY MEDICAL CEN-**
22 **TER.**”.

1 **SEC. 2843. REPLENISHMENT OF SIERRA VISTA SUBWATER-**
2 **SHED REGIONAL AQUIFER, ARIZONA.**

3 The Secretary of the Army or the Secretary of the
4 Interior may enter into agreements with the Cochise Con-
5 servation Recharge Network, Arizona, in support of water
6 conservation, recharge, and reuse efforts for the regional
7 aquifer identified under section 321(g) of the National De-
8 fense Authorization Act for Fiscal Year 2004 (Public Law
9 108–136; 117 Stat. 1439).

10 **SEC. 2844. LIMITED EXCEPTIONS TO RESTRICTION ON DE-**
11 **VELOPMENT OF PUBLIC INFRASTRUCTURE**
12 **IN CONNECTION WITH REALIGNMENT OF MA-**
13 **RINE CORPS FORCES IN ASIA-PACIFIC RE-**
14 **GION.**

15 (a) REVISION.—Notwithstanding section 2821(b) of
16 the Military Construction Authorization Act for Fiscal
17 Year 2015 (division B of Public Law 113–291; 128 Stat.
18 3701), the Secretary of Defense may proceed with a public
19 infrastructure project on Guam which is described in sub-
20 section (b) if—

21 (1) the project was identified in the report pre-
22 pared by the Secretary of Defense under section
23 2822(d)(2) of the Military Construction Authoriza-
24 tion Act for Fiscal Year 2014 (division B of Public
25 Law 113–66; 127 Stat. 1017); and

1 **SEC. 2901. AUTHORIZED NAVY CONSTRUCTION AND LAND**
 2 **ACQUISITION PROJECTS.**

3 The Secretary of the Navy may acquire real property
 4 and carry out the military construction projects for the
 5 installations outside the United States, and in the
 6 amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation	Amount
Djibouti	Camp Lemonier	\$37,409,000
Iceland	Keflavik	\$19,600,000

7 **SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND**
 8 **LAND ACQUISITION PROJECTS.**

9 The Secretary of the Air Force may acquire real
 10 property and carry out the military construction projects
 11 for the installations outside the United States, and in the
 12 amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation	Amount
Bulgaria	Graf Ignatievo	\$13,400,000
Djibouti	Chabelley Airfield	\$10,500,000
Estonia	Amari Air Base	\$6,500,000
Germany	Spangdahlem Air Base	\$18,700,000
Lithuania	Siauliai	\$3,000,000
Poland	Powidz Air Base	\$4,100,000
	Lask Air Base	\$4,100,000
Romania	Campia Turzii	\$18,500,000

13 **SEC. 2903. AUTHORIZATION OF APPROPRIATIONS.**

14 Funds are hereby authorized to be appropriated for
 15 fiscal years beginning after September 30, 2016, for the
 16 military construction projects outside the United States

1 authorized by this title as specified in the funding table
2 in section 4602 and 4603.

3 **TITLE XXX—UTAH TEST AND**
4 **TRAINING RANGE AND RE-**
5 **LATED MATTERS**

Subtitle A—Authorization for Temporary Closure of Certain Public Land
Adjacent to the Utah Test and Training Range

- Sec. 3001. Definitions.
- Sec. 3002. Memorandum of agreement.
- Sec. 3003. Temporary closures.
- Sec. 3004. Liability.
- Sec. 3005. Community resource advisory group.
- Sec. 3006. Savings clauses.

Subtitle B—Bureau of Land Management Land Exchange With State of
Utah

- Sec. 3011. Definitions.
- Sec. 3012. Exchange of Federal land and non-Federal land.
- Sec. 3013. Status and management of non-Federal land acquired by the United
States.
- Sec. 3014. Hazardous substances.

6 **Subtitle A—Authorization for Tem-**
7 **porary Closure of Certain Pub-**
8 **lic Land Adjacent to the Utah**
9 **Test and Training Range**

10 **SEC. 3001. DEFINITIONS.**

11 In this subtitle:

- 12 (1) **BLM LAND.**—The term “BLM land”
13 means certain public land administered by the Bu-
14 reau of Land Management in the State comprising
15 approximately 703,621 acres, as generally depicted
16 on the map entitled “Utah Test and Training Range

1 Enhancement/West Desert Land Exchange” and
2 dated July 21, 2016.

3 (2) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior.

5 (3) STATE.—The term “State” means the State
6 of Utah.

7 (4) UTAH TEST AND TRAINING RANGE.—The
8 term “Utah Test and Training Range” means the
9 portions of the military land and airspace operating
10 area of the Utah Test and Training Area that are
11 located in the State, including the Dugway Proving
12 Ground.

13 **SEC. 3002. MEMORANDUM OF AGREEMENT.**

14 (a) MEMORANDUM OF AGREEMENT.—

15 (1) IN GENERAL.—Not later than 1 year after
16 the date of enactment of this Act, the Secretary and
17 the Secretary of the Air Force shall enter into a
18 memorandum of agreement to authorize the Sec-
19 retary of the Air Force, in consultation with the Sec-
20 retary, to impose limited closures of the BLM land
21 for military operations and national security and
22 public safety purposes, as provided in this subtitle.

23 (2) DRAFT.—

24 (A) IN GENERAL.—Not later than 180
25 days after the date of enactment of this Act,

1 the Secretary and the Secretary of the Air
2 Force shall complete a draft of the memo-
3 randum of agreement required under paragraph
4 (1).

5 (B) PUBLIC COMMENT PERIOD.—During
6 the 30-day period beginning on the date on
7 which the draft memorandum of agreement is
8 completed under subparagraph (A), there shall
9 be an opportunity for public comment on the
10 draft memorandum of agreement, including an
11 opportunity for the Utah Test and Training
12 Range Community Resource Advisory Group es-
13 tablished under section 3005 to provide com-
14 ments on the draft memorandum of agreement.

15 (3) MANAGEMENT BY SECRETARY.—The memo-
16 randum of agreement entered into under paragraph
17 (1) shall provide that the Secretary shall continue to
18 manage the BLM land in accordance with the Fed-
19 eral Land Policy and Management Act of 1976 (43
20 U.S.C. 1701 et seq.) and applicable land use plans,
21 while allowing for the temporary closure of the BLM
22 land in accordance with this subtitle.

23 (4) PERMITS AND RIGHTS-OF-WAY.—

24 (A) IN GENERAL.—The Secretary shall
25 consult with the Secretary of the Air Force re-

1 garding Utah Test and Training Range mission
2 requirements before issuing new use permits or
3 rights-of-way on the BLM land.

4 (B) FRAMEWORK.—The Secretary and the
5 Secretary of the Air Force shall establish within
6 the memorandum of agreement entered into
7 under paragraph (1) a framework agreed to by
8 the Secretary and the Secretary of the Air
9 Force for resolving any disagreement on the
10 issuance of permits or rights-of-way on the
11 BLM land.

12 (5) TERMINATION.—

13 (A) IN GENERAL.—The memorandum of
14 agreement entered into under paragraph (1)
15 shall be for a term to be determined by the Sec-
16 retary and the Secretary of the Air Force, not
17 to exceed 25 years.

18 (B) EARLY TERMINATION.—The memo-
19 randum of agreement may be terminated before
20 the date determined under subparagraph (A) if
21 the Secretary of the Air Force determines that
22 the temporary closure of the BLM land is no
23 longer necessary to fulfill Utah Test and Train-
24 ing Range mission requirements.

1 (b) MAP.—The Secretary may correct any minor er-
2 rors in the map described in section 3001(1).

3 (c) LAND SAFETY.—If decontamination of the BLM
4 land is necessary due to an action of the Air Force, the
5 Secretary of the Air Force shall—

6 (1) render the BLM land safe for public use;

7 and

8 (2) appropriately communicate the safety of the
9 land to the Secretary on the date on which the BLM
10 land is rendered safe for public use under paragraph
11 (1).

12 (d) CONSULTATION.—The Secretary shall consult
13 with any federally recognized Indian tribe in the vicinity
14 of the BLM land before entering into any agreement
15 under this subtitle.

16 (e) GRAZING.—

17 (1) EFFECT.—Nothing in this subtitle affects
18 the management of grazing on the BLM land.

19 (2) CONTINUATION OF GRAZING MANAGE-
20 MENT.—The Secretary shall continue grazing man-
21 agement on the BLM land pursuant to the Federal
22 Land Policy and Management Act of 1976 (43
23 U.S.C. 1701 et seq.) and applicable resource man-
24 agement plans.

1 (f) MEMORANDUM OF UNDERSTANDING ON EMER-
2 GENCY ACCESS AND RESPONSE.—Nothing in this section
3 precludes the continuation of the memorandum of under-
4 standing between the Department of the Interior and the
5 Department of the Air Force with respect to emergency
6 access and response, as in existence on the date of enact-
7 ment of this Act.

8 (g) WITHDRAWAL.—Subject to valid existing rights,
9 the BLM land is withdrawn from all forms of appropria-
10 tion under the public land laws, including the mining laws,
11 the mineral leasing laws, and the geothermal leasing laws.

12 **SEC. 3003. TEMPORARY CLOSURES.**

13 (a) IN GENERAL.—If the Secretary of the Air Force
14 determines that military operations (including operations
15 relating to the fulfillment of the mission of the Utah Test
16 and Training Range), public safety, or national security
17 require the temporary closure to public use of any road,
18 trail, or other portion of the BLM land, the Secretary of
19 the Air Force may take such action as the Secretary of
20 the Air Force, in consultation with the Secretary, deter-
21 mines necessary to carry out the temporary closure.

22 (b) LIMITATIONS.—Any temporary closure under
23 subsection (a)—

24 (1) shall be limited to the minimum areas and
25 periods that the Secretary of the Air Force deter-

1 mines are required to carry out a closure under this
2 section;

3 (2) shall not occur on a State or Federal holi-
4 day, unless notice is provided in accordance with
5 subsection (c)(1)(B);

6 (3) shall not occur on a Friday, Saturday, or
7 Sunday, unless notice is provided in accordance with
8 subsection (c)(1)(B); and

9 (4)(A) if practicable, shall be for not longer
10 than a 3-hour period per day;

11 (B) shall only be for longer than a 3-hour
12 period per day—

13 (i) for mission essential reasons; and

14 (ii) as infrequently as practicable and

15 in no case for more than 10 days per year;

16 and

17 (C) shall in no case be for longer than a

18 6-hour period per day.

19 (c) NOTICE.—

20 (1) IN GENERAL.—Except as provided in para-
21 graph (2), the Secretary of the Air Force shall—

22 (A) keep appropriate warning notices post-

23 ed before and during any temporary closure;

24 and

1 (B) provide notice to the Secretary, public,
2 and relevant stakeholders concerning the tem-
3 porary closure—

4 (i) at least 30 days before the date on
5 which the temporary closure goes into ef-
6 fect;

7 (ii) in the case of a closure during the
8 period beginning on March 1 and ending
9 on May 31, at least 60 days before the
10 date on which the closure goes into effect;
11 or

12 (iii) in the case of a closure described
13 in paragraph (3) or (4) of subsection (b),
14 at least 90 days before the date on which
15 the closure goes into effect.

16 (2) SPECIAL NOTIFICATION PROCEDURES.—In
17 each case for which a mission-unique security re-
18 quirement does not allow for the notifications de-
19 scribed in paragraph (1)(B), the Secretary of the Air
20 Force shall work with the Secretary to achieve a mu-
21 tually agreeable timeline for notification.

22 (d) MAXIMUM ANNUAL CLOSURES.—The total cumu-
23 lative hours of temporary closures authorized under this
24 section with respect to the BLM land shall not exceed 100
25 hours annually.

1 (e) PROHIBITION ON CERTAIN TEMPORARY CLO-
2 SURES.—The northernmost area identified as “Newfound-
3 land’s” on the map described in section 3001(1) shall not
4 be subject to any temporary closure between August 21
5 and February 28, in accordance with the lawful hunting
6 seasons of the State of Utah.

7 (f) EMERGENCY GROUND RESPONSE.—A temporary
8 closure of a portion of the BLM land shall not affect the
9 conduct of emergency response activities on the BLM land
10 during the temporary closure.

11 (g) LIVESTOCK.—Livestock authorized by a Federal
12 grazing permit shall be allowed to remain on the BLM
13 land during a temporary closure of the BLM land under
14 this section.

15 (h) LAW ENFORCEMENT AND SECURITY.—The Sec-
16 retary and the Secretary of the Air Force may enter into
17 cooperative agreements with State and local law enforce-
18 ment officials with respect to lawful procedures and proto-
19 cols to be used in promoting public safety and operation
20 security on or near the BLM land during noticed test and
21 training periods.

22 **SEC. 3004. LIABILITY.**

23 The United States (including all departments, agen-
24 cies, officers, and employees of the United States) shall
25 be held harmless and shall not be liable for any injury

1 or damage to any individual or property suffered in the
2 course of any mining, mineral, or geothermal activity, or
3 any other authorized nondefense-related activity, con-
4 ducted on the BLM land.

5 **SEC. 3005. COMMUNITY RESOURCE ADVISORY GROUP.**

6 (a) ESTABLISHMENT.—Not later than 90 days after
7 the date of enactment of this Act, there shall be estab-
8 lished the Utah Test and Training Range Community Re-
9 source Advisory Group (referred to in this section as the
10 “Community Group”) to provide regular and continuing
11 input to the Secretary and the Secretary of the Air Force
12 on matters involving public access to, use of, and overall
13 management of the BLM land.

14 (b) MEMBERSHIP.—

15 (1) IN GENERAL.—The Secretary shall appoint
16 members to the Community Group, including—

17 (A) 1 representative of Indian tribes in the
18 vicinity of the BLM land, to be nominated by
19 a majority vote conducted among the Indian
20 tribes in the vicinity of the BLM land;

21 (B) not more than 1 county commissioner
22 from each of Box Elder, Tooele, and Juab
23 Counties, Utah;

1 (C) 2 representatives of off-road and high-
2 way use, hunting, or other recreational users of
3 the BLM land;

4 (D) 2 representatives of livestock permit-
5 tees on public land located within the BLM
6 land;

7 (E) 1 representative of the Utah Depart-
8 ment of Agriculture and Food; and

9 (F) not more than 3 representatives of
10 State or Federal offices or agencies, or private
11 groups or individuals, if the Secretary deter-
12 mines that such representatives would further
13 the goals and objectives of the Community
14 Group.

15 (2) CHAIRPERSON.—The members described in
16 paragraph (1) shall elect from among the members
17 of the Community Group—

18 (A) 1 member to serve as Chairperson of
19 the Community Group; and

20 (B) 1 member to serve as Vice-Chairperson
21 of the Community Group.

22 (3) AIR FORCE PERSONNEL.—The Secretary of
23 the Air Force shall appoint appropriate operational
24 and land management personnel of the Air Force to
25 serve as a liaison to the Community Group.

1 (c) CONDITIONS AND TERMS OF APPOINTMENT.—

2 (1) IN GENERAL.—Each member of the Com-
3 munity Group shall serve voluntarily and without
4 compensation.

5 (2) TERM OF APPOINTMENT.—

6 (A) IN GENERAL.—Each member of the
7 Community Group shall be appointed for a
8 term of 4 years.

9 (B) ORIGINAL MEMBERS.—Notwith-
10 standing subparagraph (A), the Secretary shall
11 select $\frac{1}{2}$ of the original members of the Com-
12 munity Group to serve for a term of 4 years
13 and the other $\frac{1}{2}$ of the original members of the
14 Community Group to serve for a term of 2
15 years, to ensure the replacement of members
16 shall be staggered from year to year.

17 (C) REAPPOINTMENT AND REPLACE-
18 MENT.—The Secretary may reappoint or re-
19 place a member of the Community Group ap-
20 pointed under subsection (b)(1), if—

21 (i) the term of the member has ex-
22 pired;

23 (ii) the member has resigned; or

24 (iii) the position held by the member
25 described in subparagraph (A) through (F)

1 of paragraph (1) has changed to the extent
2 that the ability of the member to represent
3 the group or entity that the member rep-
4 resents has been significantly affected.

5 (d) MEETINGS.—

6 (1) IN GENERAL.—The Community Group shall
7 meet not less than once per year, and at such other
8 frequencies as determined by 5 or more of the mem-
9 bers of the Community Group.

10 (2) RESPONSIBILITIES OF COMMUNITY
11 GROUP.—The Community Group shall be responsible
12 for determining appropriate schedules for, details of,
13 and actions for meetings of the Community Group.

14 (3) NOTICE.—The Chairperson shall provide
15 notice to each member of the Community Group not
16 less than 10 business days before the date of a
17 scheduled meeting.

18 (4) EXEMPT FROM FEDERAL ADVISORY COM-
19 MITTEE ACT.—The Federal Advisory Committee Act
20 (5 U.S.C. App.) shall not apply to meetings of the
21 Community Group.

22 (e) RECOMMENDATIONS OF COMMUNITY GROUP.—
23 The Secretary and Secretary of the Air Force, consistent
24 with existing laws (including regulations), shall take under

1 consideration recommendations from the Community
2 Group.

3 (f) TERMINATION OF AUTHORITY.—

4 (1) IN GENERAL.—The Community Group shall
5 terminate on the date that is seven years after the
6 date of enactment of this Act.

7 (2) EARLY TERMINATION.—The Secretary and
8 the Community Group, acting jointly, may elect to
9 terminate the Community Group before the date
10 provided in subsection (a).

11 **SEC. 3006. SAVINGS CLAUSES.**

12 (a) EFFECT ON WEAPON IMPACT AREA.—Nothing in
13 this subtitle expands the boundaries of the weapon impact
14 area of the Utah Test and Training Range.

15 (b) EFFECT ON SPECIAL USE AIRSPACE AND TRAIN-
16 ING ROUTES.—Nothing in this subtitle precludes—

17 (1) the designation of new units of special use
18 airspace; or

19 (2) the expansion of existing units of special
20 use airspace.

21 (c) EFFECT ON EXISTING MILITARY SPECIAL USE
22 AIRSPACE AGREEMENT.—Nothing in this subtitle limits
23 or alters the Military Operating Areas of Airspace Use
24 Agreement between the Federal Aviation Administration

1 and the Air Force in effect on the date of enactment of
2 this Act.

3 (d) EFFECT ON EXISTING RIGHTS AND AGREE-
4 MENTS.—Except as otherwise provided in section 3003,
5 nothing in this subtitle limits or alters any existing right
6 or right of access to—

7 (1) the Knolls Special Recreation Management
8 Area; or

9 (2)(A) the Bureau of Land Management Com-
10 munity Pits Central Grayback and South Grayback;
11 and

12 (B) any other county or community pit located
13 within close proximity to the BLM land.

14 (e) INTERSTATE 80.—Nothing in this subtitle au-
15 thorizes any additional authority or right to the Secretary
16 or the Secretary of the Air Force to temporarily close
17 Interstate 80.

18 (f) EFFECT ON LIMITATION ON AMENDMENTS TO
19 CERTAIN INDIVIDUAL RESOURCE MANAGEMENT
20 PLANS.—Nothing in this subtitle affects the limitation es-
21 tablished under section 2815(d) of the National Defense
22 Authorization Act for Fiscal Year 2000 (Public Law 106-
23 65; 113 Stat. 852).

24 (g) EFFECT ON PREVIOUS MEMORANDUM OF UN-
25 DERSTANDING.—Nothing in this subtitle affects the

1 memorandum of understanding entered into by the Air
2 Force, the Bureau of Land Management, the Utah De-
3 partment of Natural Resources, and the Utah Division of
4 Wildlife Resources relating to the reestablishment of big-
5 horn sheep in the Newfoundland Mountains and signed
6 by the parties to the memorandum of understanding dur-
7 ing the period beginning on January 24, 2000, and ending
8 on February 4, 2000.

9 (h) EFFECT ON FEDERALLY RECOGNIZED INDIAN
10 TRIBES.—Nothing in this subtitle alters any right re-
11 served by treaty or Federal law for a Federally recognized
12 Indian tribe for tribal use.

13 (i) PAYMENTS IN LIEU OF TAXES.—Nothing in this
14 subtitle diminishes, enhances, or otherwise affects any
15 other right or entitlement of the counties in which the
16 BLM land is situated to payments in lieu of taxes based
17 on the BLM land, under section 6901 of title 31, United
18 States Code.

19 (j) WILDLIFE IMPROVEMENTS.—The Secretary and
20 the Utah Division of Wildlife Resources shall continue the
21 management of wildlife improvements, including guzzlers,
22 in existence as of the date of enactment of this Act on
23 the BLM land.

1 **Subtitle B—Bureau of Land Man-**
2 **agement Land Exchange With**
3 **State of Utah**

4 **SEC. 3011. DEFINITIONS.**

5 In this subtitle:

6 (1) EXCHANGE MAP.—The term “Exchange
7 Map” means the map prepared by the Bureau of
8 Land Management entitled “Utah Test and Train-
9 ing Range Enhancement/West Desert Land Ex-
10 change” and dated July 21, 2016.

11 (2) FEDERAL LAND.—The term “Federal land”
12 means the Bureau of Land Management land lo-
13 cated in Box Elder, Millard, Juab, Tooele, and Bea-
14 ver Counties, Utah, that is identified on the Ex-
15 change Map as “BLM Lands Proposed for Transfer
16 to State Trust Lands”.

17 (3) NON-FEDERAL LAND.—The term “non-Fed-
18 eral land” means the land owned by the State in
19 Box Elder, Tooele, and Juab Counties, Utah, that is
20 identified on the Exchange Map as—

21 (A) “State Trust Land Proposed for
22 Transfer to BLM”; and

23 (B) “State Trust Minerals Proposed for
24 Transfer to BLM”.

1 (4) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (5) STATE.—The term “State” means the State
4 of Utah, acting through the School and Institutional
5 Trust Lands Administration.

6 **SEC. 3012. EXCHANGE OF FEDERAL LAND AND NON-FED-**
7 **ERAL LAND.**

8 (a) IN GENERAL.—If the State offers to convey to
9 the United States title to the non-Federal land, the Sec-
10 retary shall—

11 (1) accept the offer; and

12 (2) on receipt of all right, title, and interest in
13 and to the non-Federal land, convey to the State (or
14 a designee) all right, title, and interest of the United
15 States in and to the Federal land.

16 (b) APPLICABLE LAW.—

17 (1) IN GENERAL.—The land exchange shall be
18 subject to section 206 of the Federal Land Policy
19 and Management Act of 1976 (43 U.S.C. 1716) and
20 other applicable law.

21 (2) EFFECT OF STUDY.—The Secretary shall
22 carry out the land exchange under this subtitle not-
23 withstanding section 2815(d) of the National De-
24 fense Authorization Act for Fiscal Year 2000 (Pub-
25 lic Law 106–65; 113 Stat. 852).

1 (3) LAND USE PLANNING.—The Secretary shall
2 not be required to undertake any additional land use
3 planning under section 202 of the Federal Land Pol-
4 icy and Management Act of 1976 (43 U.S.C. 1712)
5 before the conveyance of the Federal land under this
6 subtitle.

7 (c) VALID EXISTING RIGHTS.—The exchange author-
8 ized under subsection (a) shall be subject to valid existing
9 rights.

10 (d) TITLE APPROVAL.—Title to the Federal land and
11 non-Federal land to be exchanged under this subtitle shall
12 be in a format acceptable to the Secretary and the State.

13 (e) APPRAISALS.—

14 (1) IN GENERAL.—The value of the Federal
15 land and the non-Federal land to be exchanged
16 under this subtitle shall be determined by appraisals
17 conducted by 1 or more independent and qualified
18 appraisers.

19 (2) STATE APPRAISER.—The Secretary and the
20 State may agree to use an independent and qualified
21 appraiser retained by the State, with the consent of
22 the Secretary.

23 (3) APPLICABLE LAW.—The appraisals under
24 paragraph (1) shall be conducted in accordance with
25 nationally recognized appraisal standards, including,

1 as appropriate, the Uniform Appraisal Standards for
2 Federal Land Acquisitions and the Uniform Stand-
3 ards of Professional Appraisal Practice.

4 (4) MINERALS.—

5 (A) MINERAL REPORTS.—The appraisals
6 under paragraph (1) may take into account
7 mineral and technical reports provided by the
8 Secretary and the State in the evaluation of
9 minerals in the Federal land and non-Federal
10 land.

11 (B) MINING CLAIMS.—Federal land that is
12 encumbered by a mining or millsite claim lo-
13 cated under sections 2318 through 2352 of the
14 Revised Statutes (commonly known as the
15 “Mining Law of 1872”) (30 U.S.C. 21 et seq.)
16 shall be appraised in accordance with standard
17 appraisal practices, including, as appropriate,
18 the Uniform Appraisal Standards for Federal
19 Land Acquisition.

20 (C) VALIDITY EXAMINATION.—Nothing in
21 this subtitle requires the Secretary to conduct a
22 mineral examination for any mining claim on
23 the Federal land.

1 (5) APPROVAL.—An appraisal conducted under
2 paragraph (1) shall be submitted to the Secretary
3 and the State for approval.

4 (6) DURATION.—An appraisal conducted under
5 paragraph (1) shall remain valid for 3 years after
6 the date on which the appraisal is approved by the
7 Secretary and the State.

8 (7) COST OF APPRAISAL.—

9 (A) IN GENERAL.—The cost of an ap-
10 praisal conducted under paragraph (1) shall be
11 paid equally by the Secretary and the State.

12 (B) REIMBURSEMENT BY SECRETARY.—If
13 the State retains an appraiser in accordance
14 with paragraph (2), the Secretary shall reim-
15 burse the State in an amount equal to 50 per-
16 cent of the costs incurred by the State.

17 (f) CONVEYANCE OF TITLE.—It is the intent of Con-
18 gress that the land exchange authorized under this subtitle
19 shall be completed not later than 1 year after the date
20 of final approval by the Secretary and the State of the
21 appraisals conducted under subsection (e).

22 (g) PUBLIC INSPECTION AND NOTICE.—

23 (1) PUBLIC INSPECTION.—At least 30 days be-
24 fore the date of conveyance of the Federal land and
25 non-Federal land, all final appraisals and appraisal

1 reviews for the Federal land and non-Federal land
2 to be exchanged under this subtitle shall be available
3 for public review at the office of the State Director
4 of the Bureau of Land Management in the State.

5 (2) NOTICE.—The Secretary or the State, as
6 applicable, shall publish in a newspaper of general
7 circulation in Salt Lake County, Utah, a notice that
8 the appraisals conducted under subsection (e) are
9 available for public inspection.

10 (h) CONSULTATION WITH INDIAN TRIBES.—The
11 Secretary shall consult with any federally recognized In-
12 dian tribe in the vicinity of the Federal land and non-Fed-
13 eral land to be exchanged under this subtitle before the
14 completion of the land exchange.

15 (i) EQUAL VALUE EXCHANGE.—

16 (1) IN GENERAL.—The value of the Federal
17 land and non-Federal land to be exchanged under
18 this subtitle—

19 (A) shall be equal; or

20 (B) shall be made equal in accordance with
21 paragraph (2).

22 (2) EQUALIZATION.—

23 (A) SURPLUS OF FEDERAL LAND.—

24 (i) IN GENERAL.—If the value of the
25 Federal land exceeds the value of the non-

1 Federal land, the value of the Federal land
2 and non-Federal land shall be equalized by
3 the State conveying to the Secretary, as
4 necessary to equalize the value of the Fed-
5 eral land and non-Federal land—

6 (I) State trust land parcel 1, as
7 described in the assessment entitled
8 “Bureau of Land Management Envi-
9 ronmental Assessment UT-100-06-
10 EA”, numbered UTU-82090, and
11 dated March 2008; or

12 (II) State trust land located
13 within any of the wilderness areas or
14 national conservation areas in Wash-
15 ington County, Utah, established
16 under subtitle O of title I of the Om-
17 nibus Public Land Management Act
18 of 2009 (Public Law 111-11; 123
19 Stat. 1075).

20 (ii) ORDER OF CONVEYANCES.—Any
21 non-Federal land required to be conveyed
22 to the Secretary under clause (i) shall be
23 conveyed until the value of the Federal
24 land and non-Federal land is equalized.

1 (B) SURPLUS OF NON-FEDERAL LAND.—If
2 the value of the non-Federal land exceeds the
3 value of the Federal land, the value of the Fed-
4 eral land and the non-Federal land shall be
5 equalized—

6 (i) by the Secretary making a cash
7 equalization payment to the State, in ac-
8 cordance with section 206(b) of the Fed-
9 eral Land Policy and Management Act of
10 1976 (43 U.S.C. 1716(b)); or

11 (ii) by removing non-Federal land
12 from the exchange.

13 (j) GRAZING PERMITS.—

14 (1) IN GENERAL.—If the Federal land or non-
15 Federal land exchanged under this subtitle is subject
16 to a lease, permit, or contract for the grazing of do-
17 mestic livestock in effect on the date of acquisition,
18 the Secretary and the State shall allow the grazing
19 to continue for the remainder of the term of the
20 lease, permit, or contract, subject to the related
21 terms and conditions of user agreements, including
22 permitted stocking rates, grazing fee levels, access
23 rights, and ownership and use of range improve-
24 ments.

1 (2) RENEWAL.—To the extent allowed by Fed-
2 eral or State law, on expiration of any grazing lease,
3 permit, or contract described in paragraph (1), the
4 holder of the lease, permit, or contract shall be enti-
5 tled to a preference right to renew the lease, permit,
6 or contract.

7 (3) CANCELLATION.—

8 (A) IN GENERAL.—Nothing in this subtitle
9 prevents the Secretary or the State from can-
10 celing or modifying a grazing permit, lease, or
11 contract if the Federal land or non-Federal
12 land subject to the permit, lease, or contract is
13 sold, conveyed, transferred, or leased for non-
14 grazing purposes by the Secretary or the State.

15 (B) LIMITATION.—Except to the extent
16 reasonably necessary to accommodate surface
17 operations in support of mineral development,
18 the Secretary or the State shall not cancel or
19 modify a grazing permit, lease, or contract be-
20 cause the land subject to the permit, lease, or
21 contract has been leased for mineral develop-
22 ment.

23 (4) BASE PROPERTIES.—If non-Federal land
24 conveyed by the State under this subtitle is used by
25 a grazing permittee or lessee to meet the base prop-

1 erty requirements for a Federal grazing permit or
2 lease, the land shall continue to qualify as a base
3 property for—

4 (A) the remaining term of the lease or per-
5 mit; and

6 (B) the term of any renewal or extension
7 of the lease or permit.

8 (k) WITHDRAWAL OF FEDERAL LAND FROM MIN-
9 ERAL ENTRY PRIOR TO EXCHANGE.—Subject to valid ex-
10 isting rights, the Federal land to be conveyed to the State
11 under this subtitle is withdrawn from mineral location,
12 entry, and patent under the mining laws pending convey-
13 ance of the Federal land to the State.

14 **SEC. 3013. STATUS AND MANAGEMENT OF NON-FEDERAL**
15 **LAND ACQUIRED BY THE UNITED STATES.**

16 (a) IN GENERAL.—On conveyance to the United
17 States under this subtitle, the non-Federal land shall be
18 managed by the Secretary in accordance with the Federal
19 Land Policy and Management Act of 1976 (43 U.S.C.
20 1701 et seq.) and applicable land use plans.

21 (b) NON-FEDERAL LAND WITHIN CEDAR MOUN-
22 TAINS WILDERNESS.—On conveyance to the Secretary
23 under this subtitle, the non-Federal land located within
24 the Cedar Mountains Wilderness shall, in accordance with
25 section 206(c) of the Federal Land Policy Act of 1976

1 (43 U.S.C. 1716(c)), be added to, and administered as
2 part of, the Cedar Mountains Wilderness.

3 (c) NON-FEDERAL LAND WITHIN WILDERNESS
4 AREAS OR NATIONAL CONSERVATION AREAS.—On con-
5 veyance to the Secretary under this subtitle, non-Federal
6 land located in a national wilderness area or national con-
7 servation area shall be managed in accordance with the
8 applicable provisions of subtitle O of title I of the Omnibus
9 Public Land Management Act of 2009 (Public Law 111–
10 11).

11 **SEC. 3014. HAZARDOUS SUBSTANCES.**

12 (a) COSTS.—Except as provided in subsection (b), the
13 costs of remedial actions relating to hazardous substances
14 on land acquired under this subtitle shall be paid by those
15 entities responsible for the costs under applicable law.

16 (b) REMEDIATION OF PRIOR TESTING AND TRAINING
17 ACTIVITY.—The Secretary of the Air Force shall bear all
18 costs of remediation required as a result of the previous
19 testing of military weapons systems and the training of
20 military forces on non-Federal land to be conveyed to the
21 United States under this subtitle.

1 **DIVISION C—DEPARTMENT OF**
2 **ENERGY NATIONAL SECURITY**
3 **AUTHORIZATIONS AND**
4 **OTHER AUTHORIZATIONS**
5 **TITLE XXXI—DEPARTMENT OF**
6 **ENERGY NATIONAL SECURITY**
7 **PROGRAMS**

Subtitle A—National Security Programs and Authorizations

- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental cleanup.
- Sec. 3103. Other defense activities.
- Sec. 3104. Nuclear energy.

Subtitle B—Program Authorizations, Restrictions, and Limitations

- Sec. 3111. Independent acquisition project reviews of capital assets acquisition projects.
- Sec. 3112. Protection of certain nuclear facilities and assets from unmanned aircraft.
- Sec. 3113. Common financial reporting system for the nuclear security enterprise.
- Sec. 3114. Rough estimate of total life cycle cost of tank waste cleanup at Hanford Nuclear Reservation.
- Sec. 3115. Annual certification of shipments to Waste Isolation Pilot Plant.
- Sec. 3116. Disposition of weapons-usable plutonium.
- Sec. 3117. Design basis threat.
- Sec. 3118. Industry best practices in operations at National Nuclear Security Administration facilities and sites.
- Sec. 3119. Pilot program on unavailability for overhead costs of amounts specified for laboratory-directed research and development.
- Sec. 3120. Research and development of advanced naval nuclear fuel system based on low-enriched uranium.
- Sec. 3121. Increase in certain limitations applicable to funds for conceptual and construction design of the Department of Energy.
- Sec. 3122. Prohibition on availability of funds for programs in Russian Federation.
- Sec. 3123. Limitation on availability of funds for Federal salaries and expenses.
- Sec. 3124. Limitation on availability of funds for defense environmental cleanup program direction.
- Sec. 3125. Limitation on availability of funds for acceleration of nuclear weapons dismantlement.

Subtitle C—Plans and Reports

- Sec. 3131. Independent assessment of technology development under defense environmental cleanup program.

1 Project 17–D–640, U1a Complex Enhance-
2 ments Project, Nevada National Security Site, Mer-
3 cury, Nevada, \$11,500,000.

4 Project 17–D–911, BL Fire System Upgrade,
5 Bettis Atomic Power Laboratory, West Mifflin,
6 Pennsylvania, \$1,400,000.

7 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

8 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
9 are hereby authorized to be appropriated to the Depart-
10 ment of Energy for fiscal year 2017 for defense environ-
11 mental cleanup activities in carrying out programs as
12 specified in the funding table in section 4701.

13 (b) AUTHORIZATION OF NEW PLANT PROJECTS.—
14 From funds referred to in subsection (a) that are available
15 for carrying out plant projects, the Secretary of Energy
16 may carry out, for defense environmental cleanup activi-
17 ties, the following new plant project:

18 Project 17–D–401, Saltstone Disposal Unit #7,
19 Savannah River Site, Aiken, South Carolina,
20 \$9,729,000.

21 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

22 Funds are hereby authorized to be appropriated to
23 the Department of Energy for fiscal year 2017 for other
24 defense activities in carrying out programs as specified in
25 the funding table in section 4701.

1 **SEC. 3104. NUCLEAR ENERGY.**

2 Funds are hereby authorized to be appropriated to
3 the Department of Energy for fiscal year 2017 for nuclear
4 energy as specified in the funding table in section 4701.

5 **Subtitle B—Program Authoriza-**
6 **tions, Restrictions, and Limita-**
7 **tions**

8 **SEC. 3111. INDEPENDENT ACQUISITION PROJECT REVIEWS**
9 **OF CAPITAL ASSETS ACQUISITION PROJECTS.**

10 (a) IN GENERAL.—Subtitle C of title XLVII of the
11 Atomic Energy Defense Act (50 U.S.C. 2772) is amended
12 by inserting after section 4732 the following new section:

13 **“SEC. 4733. INDEPENDENT ACQUISITION PROJECT RE-**
14 **VIEWS OF CAPITAL ASSETS ACQUISITION**
15 **PROJECTS.**

16 “(a) REVIEWS.—The appropriate head shall ensure
17 that an independent entity conducts reviews of each cap-
18 ital assets acquisition project as the project moves toward
19 the approval of each of critical decision 0, critical decision
20 1, and critical decision 2 in the acquisition process.

21 “(b) PRE-CRITICAL DECISION 1 REVIEWS.—In addi-
22 tion to any other matters, with respect to each review of
23 a capital assets acquisition project under subsection (a)
24 that has not reached critical decision 1 approval in the
25 acquisition process, such review shall include—

1 “(1) a review using best practices of the anal-
2 ysis of alternatives for the project; and

3 “(2) identification of any deficiencies in such
4 analysis of alternatives for the appropriate head to
5 address.

6 “(c) INDEPENDENT ENTITIES.—The appropriate
7 head shall ensure that each review of a capital assets ac-
8 quisition project under subsection (a) is conducted by an
9 independent entity with the appropriate expertise with re-
10 spect to the project and the stage in the acquisition proc-
11 ess of the project.

12 “(d) DEFINITIONS.—In this section:

13 “(1) The term ‘acquisition process’ means the
14 acquisition process for a project, as defined in De-
15 partment of Energy Order 413.3B (relating to
16 project management and project management for
17 the acquisition of capital assets), or a successor
18 order.

19 “(2) The term ‘appropriate head’ means—

20 “(A) the Administrator, with respect to
21 capital assets acquisition projects of the Admin-
22 istration; and

23 “(B) the Assistant Secretary of Energy for
24 Environmental Management, with respect to

1 capital assets acquisition projects of the Office
2 of Environmental Management.

3 “(3) The term ‘capital assets acquisition
4 project’ means a project—

5 “(A) the total project cost of which is more
6 than \$500,000,000; and

7 “(B) that is covered by Department of En-
8 ergy Order 413.3, or a successor order, for the
9 acquisition of capital assets for atomic energy
10 defense activities.”.

11 (b) CLERICAL AMENDMENT.—The table of contents
12 for such Act is amended by inserting after the item relat-
13 ing to section 4732 the following new item:

“Sec. 4733. Independent acquisition project reviews of capital assets acquisition projects.”.

14 **SEC. 3112. PROTECTION OF CERTAIN NUCLEAR FACILITIES**
15 **AND ASSETS FROM UNMANNED AIRCRAFT.**

16 (a) IN GENERAL.—Subtitle A of title XLV of the
17 Atomic Energy Defense Act (50 U.S.C. 2651 et seq.) is
18 amended by adding at the end the following new section:

19 **“SEC. 4510. PROTECTION OF CERTAIN NUCLEAR FACILI-**
20 **TIES AND ASSETS FROM UNMANNED AIR-**
21 **CRAFT.**

22 “(a) AUTHORITY.—Notwithstanding any provision of
23 title 18, United States Code, the Secretary of Energy may
24 take such actions described in subsection (b)(1) that are

1 necessary to mitigate the threat (as defined by the Sec-
2 retary of Energy, in consultation with the Secretary of
3 Transportation) that an unmanned aircraft system or un-
4 manned aircraft poses to the safety or security of a cov-
5 ered facility or asset.

6 “(b) ACTIONS DESCRIBED.—(1) The actions de-
7 scribed in this paragraph are the following:

8 “(A) Detect, identify, monitor, and track the
9 unmanned aircraft system or unmanned aircraft,
10 without prior consent, including by means of inter-
11 cept or other access of a wire, oral, or electronic
12 communication used to control the unmanned air-
13 craft system or unmanned aircraft.

14 “(B) Warn the operator of the unmanned air-
15 craft system or unmanned aircraft, including by pas-
16 sive or active, and direct or indirect physical, elec-
17 tronic, radio, and electromagnetic means.

18 “(C) Disrupt control of the unmanned aircraft
19 system or unmanned aircraft, without prior consent,
20 including by disabling the unmanned aircraft system
21 or unmanned aircraft by intercepting, interfering, or
22 causing interference with wire, oral, electronic, or
23 radio communications used to control the unmanned
24 aircraft system or unmanned aircraft.

1 “(D) Seize or exercise control of the unmanned
2 aircraft system or unmanned aircraft.

3 “(E) Seize or otherwise confiscate the un-
4 manned aircraft system or unmanned aircraft.

5 “(F) Use reasonable force to disable, damage,
6 or destroy the unmanned aircraft system or un-
7 manned aircraft.

8 “(2) The Secretary of Energy shall develop the ac-
9 tions described in paragraph (1) in coordination with the
10 Secretary of Transportation.

11 “(c) FORFEITURE.—Any unmanned aircraft system
12 or unmanned aircraft described in subsection (a) that is
13 seized by the Secretary of Energy is subject to forfeiture
14 to the United States.

15 “(d) REGULATIONS.—The Secretary of Energy and
16 the Secretary of Transportation may prescribe regulations
17 and shall issue guidance in the respective areas of each
18 Secretary to carry out this section.

19 “(e) DEFINITIONS.—In this section:

20 “(1) The term ‘covered facility or asset’ means
21 any facility or asset that is—

22 “(A) identified by the Secretary of Energy
23 for purposes of this section;

1 (b) ELEMENTS.—The common financial reporting
2 system implemented pursuant to subsection (a) shall in-
3 clude the following:

4 (1) Common data reporting requirements for
5 work performed using funds of the National Nuclear
6 Security Administration, including reporting of fi-
7 nancial data by standardized labor categories, labor
8 hours, functional elements, and cost elements.

9 (2) A common work breakdown structure for
10 the Administration that aligns contractor work
11 breakdown structures with the budget structure of
12 the Administration.

13 (3) Definitions and methodologies for identi-
14 fying and reporting costs for programs of records
15 and base capabilities within the Administration.

16 (4) A capability to leverage, where appropriate,
17 the Defense Cost Analysis Resource Center of the
18 Office of Cost Assessment and Program Evaluation
19 of the Department of Defense using historical cost-
20 ing data by the Administration.

21 (c) REPORTS.—

22 (1) IN GENERAL.—Not later than March 1,
23 2017, and annually thereafter, the Administrator
24 shall, in consultation with the National Nuclear Se-
25 curity Administration Council, submit to the con-

1 gressional defense committees a report on progress
2 of the Administration toward implementing a com-
3 mon financial reporting system for the nuclear secu-
4 rity enterprise as required by subsection (a).

5 (2) REPORT.—Each report under this sub-
6 section shall include the following:

7 (A) A summary of activities, accomplish-
8 ments, challenges, benefits, and costs related to
9 the implementation of a common financial re-
10 porting system for the nuclear security enter-
11 prise during the year preceding the year in
12 which such report is submitted.

13 (B) A summary of planned activities in
14 connection with the implementation of a com-
15 mon financial reporting system for the nuclear
16 security enterprise in the year in which such re-
17 port is submitted.

18 (C) A description of any anticipated modi-
19 fications to the schedule for implementing a
20 common financial reporting system for the nu-
21 clear security enterprise, including an update
22 on possible risks, challenges, and costs related
23 to such implementation.

24 (3) TERMINATION.—No report is required
25 under this subsection after the completion of the im-

1 plementation of a common financial reporting sys-
2 tem for the nuclear security enterprise.

3 (d) NUCLEAR SECURITY ENTERPRISE DEFINED.—In
4 this section, the term “nuclear security enterprise” has
5 the meaning given that term in section 4002 of the Atomic
6 Energy Defense Act (50 U.S.C. 2501).

7 **SEC. 3114. ROUGH ESTIMATE OF TOTAL LIFE CYCLE COST**
8 **OF TANK WASTE CLEANUP AT HANFORD NU-**
9 **CLEAR RESERVATION.**

10 (a) IN GENERAL.—Not later than two years after the
11 date of the enactment of this Act, the Secretary of Energy
12 shall submit to the congressional defense committees a
13 rough estimate of the total life cycle cost of the cleanup
14 of tank waste at Hanford Nuclear Reservation, Richland,
15 Washington.

16 (b) ELEMENTS.—The rough estimate of the total life
17 cycle cost required by subsection (a) shall include cost esti-
18 mates for the following:

19 (1) The Waste Treatment and Immobilization
20 Plant, assuming a hot start occurs in 2033 and ini-
21 tial plant operations commence in 2036.

22 (2) Operations of the Waste Treatment and Im-
23 mobilization Plant, assuming operations continue
24 through 2061.

1 (3) Tank waste management and treatment, as-
2 suming operations of the Waste Treatment and Im-
3 mobilization Plant continue through 2061.

4 (4) Anticipated increases in the volume of waste
5 in the double shell tanks resulting from tank waste
6 management activities.

7 (5) High-level waste canister temporary storage
8 and preparation for permanent disposal.

9 (6) Any additional facilities, including addi-
10 tional evaporative capacity, that may be needed to
11 treat tank waste at Hanford Nuclear Reservation.

12 (c) COST ESTIMATING BEST PRACTICES.—To the
13 maximum extent practicable, the rough estimate of the
14 total life cycle cost required by subsection (a) shall be de-
15 veloped in accordance with the cost estimating best prac-
16 tices of the Government Accountability Office.

17 (d) SUBMISSION OF ADDITIONAL INDEPENDENT
18 COST ESTIMATES.—The Secretary shall submit to the
19 congressional defense committees, as part of the rough es-
20 timate of the total life cycle cost required by subsection
21 (a), any other independent cost estimates for the Waste
22 Treatment and Immobilization Plant or related facilities
23 conducted before the date on which the rough estimate
24 of the total life cycle cost is required to be submitted under
25 that subsection.

1 **SEC. 3115. ANNUAL CERTIFICATION OF SHIPMENTS TO**
2 **WASTE ISOLATION PILOT PLANT.**

3 (a) IN GENERAL.—In order to ensure that waste
4 shipments to the Waste Isolation Pilot Plant, Carlsbad,
5 New Mexico (in this section referred to as “WIPP”) are
6 packaged and handled properly to prevent the release of
7 radiation or contamination above regulatory limits, the
8 Secretary of Energy shall submit to the congressional de-
9 fense committees, not later than February 1 of each year
10 during the five-year period beginning on the date of the
11 enactment of this Act, a written certification that—

12 (1) the Secretary knew of the contents of such
13 shipments during the 12-month period preceding the
14 date of the certification and has ensured that the
15 Secretary will know of the contents of such ship-
16 ments planned during the 12-month period following
17 the date of the certification; and

18 (2) such shipments made during the 12-month
19 period preceding the date of the certification were
20 sufficiently safe and secure for transportation and
21 disposal and the Secretary has ensured that such
22 shipments planned during the 12-month period fol-
23 lowing the date of the certification will be suffi-
24 ciently safe and secure for transportation and dis-
25 posal.

1 (b) ADDITIONAL ASSURANCES.—The Secretary shall
2 submit to the congressional defense committees, with the
3 certification required by subsection (a), assurances that—

4 (1) the Carlsbad Field Office of the Depart-
5 ment of Energy has certified that—

6 (A) the contents of each shipment of waste
7 that arrived at WIPP during 12-month period
8 preceding the date of the certification met the
9 criteria for accepting waste at WIPP; and

10 (B) the Office will ensure that the waste
11 destined for WIPP during the 12-month period
12 following the date of the certification is pack-
13 aged according to the criteria for accepting
14 waste at WIPP;

15 (2) the Assistant Secretary of Energy for Envi-
16 ronmental Management has reviewed and accepted
17 the certification of the Carlsbad Field Office under
18 paragraph (1); and

19 (3) the Administrator for Nuclear Security has
20 ensured that waste destined for WIPP that was
21 packaged at facilities of the National Nuclear Secu-
22 rity Administration during the 12-month period pre-
23 ceding the date of the certification, and waste
24 planned to be packaged at such facilities during the
25 12-month period following the date of the certifi-

1 cation, and for which the Administration is respon-
2 sible, meets the criteria for accepting waste at
3 WIPP.

4 **SEC. 3116. DISPOSITION OF WEAPONS-USABLE PLUTONIUM.**

5 (a) CONSTRUCTION AND PROJECT SUPPORT ACTIVI-
6 TIES AT MOX FACILITY.—

7 (1) IN GENERAL.—Using funds described in
8 paragraph (2), the Secretary of Energy shall carry
9 out construction and project support activities relat-
10 ing to the MOX facility.

11 (2) FUNDS DESCRIBED.—The funds described
12 in this paragraph are the following:

13 (A) Funds authorized to be appropriated
14 by this Act or otherwise made available for fis-
15 cal year 2017 for the National Nuclear Security
16 Administration for the MOX facility for con-
17 struction and project support activities.

18 (B) Funds authorized to be appropriated
19 for a fiscal year prior to fiscal year 2017 for
20 the National Nuclear Security Administration
21 for the MOX facility for construction and
22 project support activities that are unobligated
23 as of the date of the enactment of this Act.

24 (b) ASSESSMENT OF THE MOX FACILITY CONTRACT
25 BY OWNER'S AGENT.—

1 (1) ARRANGEMENT WITH OWNER'S AGENT.—
2 Not later than 30 days after the date of the enact-
3 ment of this Act, the Secretary of Energy shall enter
4 into an arrangement pursuant to sections 1535 and
5 1536 of title 31, United States Code, with the Chief
6 of Engineers to act as an owner's agent with respect
7 to preparing the report required by paragraph (2).

8 (2) REPORT OF OWNER'S AGENT.—

9 (A) IN GENERAL.—The Chief of Engineers
10 shall prepare a report on the contract for the
11 construction, management and operations of the
12 MOX facility, as in effect on the date of the en-
13 actment of this Act, that includes the following:

14 (i) An assessment of the contractual,
15 technical, and managerial risks for the De-
16 partment of Energy and the contractor.

17 (ii) An assessment of what elements
18 of the contract can be changed to—

19 (I) a fixed price provision;

20 (II) a fixed price incentive fee
21 provision; or

22 (III) another contractual mecha-
23 nism designed to minimize risk to the
24 Department of Energy while reducing
25 cost.

1 (iii) An assessment of the options
2 under clause (ii), including milestones,
3 cost, schedules, and any damage fees for
4 those options.

5 (iv) Recommendations on changes to
6 the contract, based on the assessments de-
7 scribed in clauses (i), (ii), and (iii), to re-
8 duce risk and cost to the Department of
9 Energy while preserving a fair and reason-
10 able contract.

11 (v) For each element of the contract
12 that the Chief of Engineers does not rec-
13 ommend be changed pursuant to clause
14 (iv), an assessment of the risks and costs
15 associated with that element and a descrip-
16 tion of why that element is not appropriate
17 for the provision types described in clause
18 (ii).

19 (B) CONSULTATIONS.—In preparing the
20 report required by subparagraph (A), the Chief
21 of Engineers shall consult with the Secretary,
22 the contractor referred to in subparagraph
23 (A)(i), and other knowledgeable parties, as the
24 Chief of Engineers considers appropriate.

1 (C) SUBMISSION TO SECRETARY.—Not
2 later than 30 days after entering into the ar-
3 rangement under paragraph (1), the Chief of
4 Engineers shall submit to the Secretary the re-
5 port required by subparagraph (A).

6 (3) SUBMISSIONS BY DEPARTMENT OF EN-
7 ERGY.—Not later than 60 days after receiving the
8 report required by paragraph (2), the Secretary shall
9 transmit to the congressional defense committees
10 and the Comptroller General of the United States—

11 (A) the report;

12 (B) any comments of the Secretary with
13 respect to the report;

14 (C) a determination of whether the con-
15 tractor referred to in paragraph (2)(A)(i) will
16 or will not agree to the revisions to the contract
17 recommended by the Chief of Engineers and of-
18 fered by the Secretary to the contractor;

19 (D) if the contractor will not agree to such
20 revisions, a description of the reasons given for
21 not agreeing to such revisions; and

22 (E) any other materials relating to the po-
23 tential modification of the contract that the
24 Secretary considers appropriate.

1 (4) BRIEFING BY GOVERNMENT ACCOUNT-
2 ABILITY OFFICE.—Not later than 30 days after re-
3 ceiving the report and other matters under para-
4 graph (3), the Comptroller General of the United
5 States shall brief the congressional defense commit-
6 tees on the actions taken by the Secretary under this
7 subsection, to be followed by a written report not
8 later than 120 days after the briefing is provided to
9 Congress.

10 (c) DEFINITIONS.—In this section:

11 (1) MOX FACILITY.—The term “MOX facility”
12 means the mixed-oxide fuel fabrication facility at the
13 Savannah River Site, Aiken, South Carolina.

14 (2) PROJECT SUPPORT ACTIVITIES.—The term
15 “project support activities” means activities that
16 support the design, long-lead equipment procure-
17 ment, and site preparation of the MOX facility.

18 **SEC. 3117. DESIGN BASIS THREAT.**

19 (a) UPDATE TO ORDER.—Not later than 30 days
20 after the date of the enactment of this Act, the Secretary
21 of Energy shall update Department of Energy Order
22 470.3B relating to the design basis threat for protecting
23 nuclear weapons, special nuclear material, and other crit-
24 ical assets in the custody of the Department of Energy.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that—

3 (1) the intelligence community (as defined in
4 section 3(4) of the National Security Act of 1947
5 (50 U.S.C. 3003(4))) should promulgate regular, bi-
6 annual updates to the Nuclear Security Threat Ca-
7 pabilities Assessment to better inform nuclear secu-
8 rity postures within the Department of Defense and
9 the Department of Energy;

10 (2) the Department of Defense and the Depart-
11 ment of Energy should closely, and in real-time,
12 track and assess national, regional, and local threats
13 to the defense nuclear facilities of the respective De-
14 partments; and

15 (3) the Department of Defense and the Depart-
16 ment of Energy should regularly review assessments
17 and other input provided by activities described in
18 paragraphs (1) and (2) and adjust security postures
19 accordingly.

20 **SEC. 3118. INDUSTRY BEST PRACTICES IN OPERATIONS AT**
21 **NATIONAL NUCLEAR SECURITY ADMINISTRA-**
22 **TION FACILITIES AND SITES.**

23 (a) COMMITTEE ON INDUSTRY BEST PRACTICES IN
24 OPERATIONS.—The Administrator for Nuclear Security
25 shall establish within the National Nuclear Security Ad-

1 ministration a committee (in this section referred to as
2 the “committee”) to identify and oversee the implementa-
3 tion of best practices of industry in the operations of the
4 facilities and sites of the Administration for the purposes
5 of—

6 (1) improving mission performance and effec-
7 tiveness;

8 (2) lowering costs and administrative burdens;
9 and

10 (3) also both—

11 (A) maintaining or reducing risks; and

12 (B) preserving and protecting health, safe-
13 ty, and security.

14 (b) MEMBERSHIP.—The committee shall be com-
15 posed of personnel of the Administration assigned by the
16 Administrator to the committee as follows:

17 (1) The Principal Deputy Administrator for
18 Nuclear Security, who shall serve as chair of the
19 committee.

20 (2) Government personnel representing the
21 headquarters of the Administration.

22 (3) Government personnel representing offices
23 of facilities and sites of the Administration.

24 (4) Contractor personnel representing the na-
25 tional security laboratories and the nuclear weapons

1 production facilities (as those terms are defined in
2 section 4002 of the Atomic Energy Defense Act (50
3 U.S.C. 2501)).

4 (5) Such other personnel as the Administrator
5 considers appropriate.

6 (c) DUTIES.—The duties of the committee shall in-
7 clude the following:

8 (1) To identify and oversee the implementation
9 of best practices of industry in the operations of the
10 facilities and sites of the Administration for the pur-
11 poses described in subsection (a).

12 (2) To conduct surveys of the facilities and
13 sites of the Administration in order to assess the
14 adoption, implementation, and use by such facilities
15 and sites of best practices of industry described in
16 subsection (a).

17 (3) To carry out such other activities consistent
18 with the duties of the committee under this sub-
19 section as the Administrator may specify for pur-
20 poses of this section.

21 (d) ANNUAL REPORT.—

22 (1) IN GENERAL.—Not later than 60 days after
23 the date on which the budget of the President for
24 a fiscal year after fiscal year 2017 is submitted to
25 Congress pursuant to section 1105(a) of title 31,

1 United States Code, the Administrator shall submit
2 to the appropriate congressional committees a report
3 on the activities of the committee under this section
4 during the preceding calendar year.

5 (2) ELEMENTS.—Each report under this sub-
6 section shall include, for the calendar year covered
7 by such report, the following:

8 (A) A description of the activities of the
9 committee.

10 (B) The results of the surveys undertaken
11 pursuant to subsection (c)(2).

12 (C) As a result of the surveys, rec-
13 ommendations for modifications to the scope or
14 applicability of regulations and orders of the
15 Department of Energy to particular facilities
16 and sites of the Administration in order to im-
17 plement best practices of industry in the oper-
18 ation of such facilities and sites, including—

19 (i) a list of the facilities and sites at
20 which such regulations and orders could be
21 so modified; and

22 (ii) for each such facility and site, the
23 manner in which the scope or applicability
24 of such regulations and orders could be so
25 modified.

1 (D) An assessment of the progress of the
2 Administration in implementing best practices
3 of industry in the operations of the facilities
4 and sites of the Administration.

5 (E) An estimate of the costs to be saved
6 as a result of the best practices of industry im-
7 plemented by the Administration at the facili-
8 ties and sites of the Administration, set forth
9 by fiscal year.

10 (3) APPROPRIATE CONGRESSIONAL COMMIT-
11 TEES DEFINED.—In this subsection, the term “ap-
12 propriate congressional committees” means—

13 (A) the congressional defense committees;
14 and

15 (B) the Committee on Energy and Natural
16 Resources of the Senate and the Committee on
17 Energy and Commerce of the House of Rep-
18 resentatives.

19 (e) TERMINATION.—The committee shall terminate
20 after the submittal under subsection (d) of the report re-
21 quired by that subsection that covers 2021.

1 **SEC. 3119. PILOT PROGRAM ON UNAVAILABILITY FOR**
2 **OVERHEAD COSTS OF AMOUNTS SPECIFIED**
3 **FOR LABORATORY-DIRECTED RESEARCH**
4 **AND DEVELOPMENT.**

5 (a) IN GENERAL.—The Secretary of Energy shall es-
6 tablish a pilot program under which each national security
7 laboratory (as defined in section 4002 of the Atomic En-
8 ergy Defense Act (50 U.S.C. 2501)) is prohibited from
9 using funds described in subsection (b) to cover the costs
10 of general and administrative overhead for the laboratory.

11 (b) FUNDS DESCRIBED.—The funds described in this
12 subsection are funds made available for a national security
13 laboratory under section 4811(c) of the Atomic Energy
14 Defense Act (50 U.S.C. 2791(c)) for laboratory-directed
15 research and development.

16 (c) DURATION.—The pilot program required by sub-
17 section (a) shall—

18 (1) take effect on the first day of the first fiscal
19 year beginning after the date of the enactment of
20 this Act; and

21 (2) terminate on the date that is three years
22 after the day described in paragraph (1).

23 (d) REPORT REQUIRED.—Before the termination
24 under subsection (c)(2) of the pilot program required by
25 subsection (a), the Administrator for Nuclear Security
26 shall submit to the congressional defense committees a re-

1 port that assesses the costs, benefits, risks, and other ef-
2 fects of the pilot program.

3 **SEC. 3120. RESEARCH AND DEVELOPMENT OF ADVANCED**
4 **NAVAL NUCLEAR FUEL SYSTEM BASED ON**
5 **LOW-ENRICHED URANIUM.**

6 (a) PROHIBITION.—Except as provided in subsection
7 (b), none of the funds authorized to be appropriated by
8 this Act or otherwise made available for fiscal year 2017
9 for the Department of Energy may be obligated or ex-
10 pended to plan or carry out research and development of
11 an advanced naval nuclear fuel system based on low-en-
12 riched uranium.

13 (b) EXCEPTION.—Of the funds authorized to be ap-
14 propriated by this Act or otherwise made available for fis-
15 cal year 2017 for defense nuclear nonproliferation, as
16 specified in the funding table in division D, not more than
17 \$5,000,000 shall be made available to the Deputy Admin-
18 istrator for Naval Reactors of the National Nuclear Secu-
19 rity Administration for initial planning and early research
20 and development of an advanced naval nuclear fuel system
21 based on low-enriched uranium.

22 (c) BUDGET MATTERS.—Section 3118 of the Na-
23 tional Defense Authorization Act for Fiscal Year 2016
24 (Public Law 114–92; 129 Stat. 1196) is amended—

1 (1) in subsection (c), by striking paragraph (2)
2 and inserting the following new paragraph:

3 “(2) BUDGET REQUESTS.—If the Secretaries
4 determine under paragraph (1) that research and
5 development of an advanced naval nuclear fuel sys-
6 tem based on low-enriched uranium should continue,
7 the Secretaries shall ensure that each budget of the
8 President submitted to Congress under section
9 1105(a) of title 31, United States Code, for fiscal
10 year 2018 and each fiscal year thereafter in which
11 such research and development is carried out in-
12 cludes in the budget line item for the ‘Defense Nu-
13 clear Nonproliferation’ account amounts necessary
14 to carry out the conceptual plan under subsection
15 (b).”;

16 (2) in subsection (d), by striking “for material
17 management and minimization”.

18 **SEC. 3121. INCREASE IN CERTAIN LIMITATIONS APPLICA-**
19 **BLE TO FUNDS FOR CONCEPTUAL AND CON-**
20 **STRUCTION DESIGN OF THE DEPARTMENT**
21 **OF ENERGY.**

22 (a) REQUESTS FOR CONCEPTUAL DESIGN FUNDS.—
23 Subsection (a)(2) of section 4706 of the Atomic Energy
24 Defense Act (50 U.S.C. 2746) is amended by striking
25 “\$3,000,000” and inserting “\$5,000,000”.

1 (b) CONSTRUCTION DESIGN.—Subsection (b) of such
2 section is amended by striking “\$1,000,000” each place
3 it appears and inserting “\$2,000,000”.

4 **SEC. 3122. PROHIBITION ON AVAILABILITY OF FUNDS FOR**
5 **PROGRAMS IN RUSSIAN FEDERATION.**

6 (a) PROHIBITION.—

7 (1) IN GENERAL.—None of the funds described
8 in paragraph (2) may be obligated or expended to
9 enter into a contract with, or otherwise provide as-
10 sistance to, the Russian Federation.

11 (2) FUNDS DESCRIBED.—The funds described
12 in this paragraph are the following:

13 (A) Funds authorized to be appropriated
14 by this Act or otherwise made available for fis-
15 cal year 2017 for atomic energy defense activi-
16 ties.

17 (B) Funds authorized to be appropriated
18 or otherwise made available for a fiscal year
19 prior to fiscal year 2017 for atomic energy de-
20 fense activities that are unobligated or unex-
21 pended as of the date of the enactment of this
22 Act.

23 (b) WAIVER.—The Secretary of Energy, without dele-
24 gation, may waive the prohibition in subsection (a)(1) only
25 if—

1 (1) the Secretary determines, in writing, that a
2 nuclear-related threat arising in the Russian Federa-
3 tion must be addressed urgently and it is necessary
4 to waive the prohibition to address that threat;

5 (2) the Secretary of State and the Secretary of
6 Defense concur in the determination under para-
7 graph (1);

8 (3) the Secretary of Energy submits to the ap-
9 propriate congressional committees a report con-
10 taining—

11 (A) a notification that the waiver is in the
12 national security interest of the United States;

13 (B) justification for the waiver, including
14 the determination under paragraph (1); and

15 (C) a description of the activities to be car-
16 ried out pursuant to the waiver, including the
17 expected cost and timeframe for such activities;
18 and

19 (4) a period of 15 days elapses following the
20 date on which the Secretary submits the report
21 under paragraph (3).

22 (c) EXCEPTION.—The prohibition under subsection
23 (a)(1) and the requirements under subsection (b) to waive
24 that prohibition shall not apply to an amount, not to ex-
25 ceed \$3,000,000, that the Secretary may make available

1 for the Department of Energy Russian Health Studies
2 Program.

3 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
4 DEFINED.—In this section, the term “appropriate con-
5 gressional committees” means the following:

6 (1) The congressional defense committees.

7 (2) The Committee on Foreign Relations of the
8 Senate and the Committee on Foreign Affairs of the
9 House of Representatives.

10 **SEC. 3123. LIMITATION ON AVAILABILITY OF FUNDS FOR**
11 **FEDERAL SALARIES AND EXPENSES.**

12 (a) IN GENERAL.—Of the funds authorized to be ap-
13 propriated by this Act or otherwise made available for fis-
14 cal year 2017 for the National Nuclear Security Adminis-
15 tration for defense-related Federal salaries and expenses,
16 not more than 90 percent may be obligated or expended
17 until the date on which the Secretary of Energy submits
18 to the congressional defense committees and the congres-
19 sional intelligence committees the following:

20 (1) The updated plan on the designing and
21 building of prototypes of nuclear weapons that is re-
22 quired—

23 (A) by paragraph (2) of section 4509(a) of
24 the Atomic Energy Defense Act (50 U.S.C.
25 2660(a)), to be developed by not later than the

1 date on which the budget of the President for
2 fiscal year 2018 is submitted to Congress; and

3 (B) by paragraph (3)(B) of such section,
4 to be submitted to the congressional defense
5 committees and the congressional intelligence
6 committees.

7 (2) A description of the determination of the
8 Secretary under paragraph (4)(B) of such section
9 with respect to the manner in which the designing
10 and building of prototypes of nuclear weapons is car-
11 ried out under such updated plan.

12 (b) CONGRESSIONAL INTELLIGENCE COMMITTEES
13 DEFINED.—In this section, the term “congressional intel-
14 ligence committees” means the Select Committee on Intel-
15 ligence of the Senate and the Permanent Select Committee
16 on Intelligence of the House of Representatives.

17 **SEC. 3124. LIMITATION ON AVAILABILITY OF FUNDS FOR**
18 **DEFENSE ENVIRONMENTAL CLEANUP PRO-**
19 **GRAM DIRECTION.**

20 Of the funds authorized to be appropriated by this
21 Act or otherwise made available for fiscal year 2017 for
22 defense environmental cleanup for program direction, not
23 more than 90 percent may be obligated or expended until
24 the date on which the Secretary of Energy submits to Con-
25 gress the future-years defense environmental cleanup plan

1 required to be submitted during 2017 under section
2 4402A of the Atomic Energy Defense Act (50 U.S.C.
3 2582a).

4 **SEC. 3125. LIMITATION ON AVAILABILITY OF FUNDS FOR**
5 **ACCELERATION OF NUCLEAR WEAPONS DIS-**
6 **MANTLEMENT.**

7 (a) LIMITATION ON MAXIMUM AMOUNT FOR DIS-
8 MANTLEMENT.—Of the funds authorized to be appro-
9 priated by this Act or otherwise made available for any
10 of fiscal years 2017 through 2021 for the National Nu-
11 clear Security Administration, not more than \$56,000,000
12 may be obligated or expended in each such fiscal year to
13 carry out the nuclear weapons dismantlement and dispo-
14 sition activities of the Administration.

15 (b) LIMITATION ON ACCELERATION OF DISMANTLE-
16 MENT ACTIVITIES.—Except as provided by subsection (c),
17 none of the funds authorized to be appropriated by this
18 Act or otherwise made available for any of fiscal years
19 2017 through 2021 for the National Nuclear Security Ad-
20 ministration may be obligated or expended to accelerate
21 the nuclear weapons dismantlement activities of the
22 United States to a rate that exceeds the rate described
23 in the Stockpile Stewardship and Management Plan
24 schedule.

1 (c) EXCEPTION.—The limitation in subsection (b)
2 shall not apply to the following:

3 (1) The dismantlement of a nuclear weapon not
4 covered by the Stockpile Stewardship and Manage-
5 ment Plan schedule if the Administrator for Nuclear
6 Security certifies, in writing, to the congressional de-
7 fense committees that—

8 (A) the components of the nuclear weapon
9 are directly required for the purposes of a cur-
10 rent life extension program; or

11 (B) such dismantlement is necessary to
12 conduct maintenance or surveillance of the nu-
13 clear weapons stockpile or to ensure the safety
14 or reliability of the nuclear weapons stockpile.

15 (2) The dismantlement of a nuclear weapon if
16 the President certifies, in writing, to the congres-
17 sional defense committees that—

18 (A) such dismantlement is being carried
19 out pursuant to a nuclear arms reduction treaty
20 or similar international agreement that requires
21 such dismantlement; and

22 (B) such treaty or similar international
23 agreement—

24 (i) has entered into force after the
25 date of the enactment of this Act; and

1953

1 (ii) was approved—

2 (I) with the advice and consent
3 of the Senate pursuant to clause 2 of
4 section 2 of Article II of the Constitu-
5 tion of the United States after the
6 date of the enactment of this Act; or

7 (II) by an Act of Congress, as
8 described in section 303(b) of the
9 Arms Control and Disarmament Act
10 (22 U.S.C. 2573(b)).

11 (d) STOCKPILE STEWARDSHIP AND MANAGEMENT
12 PLAN SCHEDULE DEFINED.—In this section, the term
13 “Stockpile Stewardship and Management Plan schedule”
14 means the schedule described in table 2–7 of the annex
15 of the report titled “Fiscal Year 2016 Stockpile Steward-
16 ship and Management Plan” submitted in March 2015 by
17 the Administrator for Nuclear Security to the congres-
18 sional defense committees under section 4203(b)(2) of the
19 Atomic Energy Defense Act (50 U.S.C. 2523(b)(2)).

20 **Subtitle C—Plans and Reports**

21 **SEC. 3131. INDEPENDENT ASSESSMENT OF TECHNOLOGY** 22 **DEVELOPMENT UNDER DEFENSE ENVIRON-** 23 **MENTAL CLEANUP PROGRAM.**

24 (a) ASSESSMENT.—Not later than 60 days after the
25 date of the enactment of this Act, the Secretary of Energy

1 shall seek to enter into an agreement with the National
2 Academy of Sciences to conduct an independent assess-
3 ment of the technology development efforts of the defense
4 environmental cleanup program of the Department of En-
5 ergy.

6 (b) ELEMENTS.—The assessment under subsection
7 (a) shall include the following:

8 (1) A review of the technology development ef-
9 forts of the defense environmental cleanup program
10 of the Department of Energy, including an assess-
11 ment of the process by which the Secretary identifies
12 and chooses technologies to pursue under the pro-
13 gram.

14 (2) A comprehensive review and assessment of
15 technologies or alternative approaches to defense en-
16 vironmental cleanup efforts that could—

17 (A) reduce the long-term costs of such ef-
18 forts;

19 (B) accelerate schedules for carrying out
20 such efforts;

21 (C) mitigate uncertainties, vulnerabilities,
22 or risks relating to such efforts; or

23 (D) otherwise significantly improve the de-
24 fense environmental cleanup program.

1 (c) SUBMISSION.—Not later than the date that is 18
2 months after the date of the enactment of this Act, the
3 National Academy of Sciences shall submit to the congress-
4 sional defense committees and the Secretary a report on
5 the assessment under subsection (a).

6 **SEC. 3132. UPDATED PLAN FOR VERIFICATION AND MONI-**
7 **TORING OF PROLIFERATION OF NUCLEAR**
8 **WEAPONS AND FISSILE MATERIAL.**

9 (a) UPDATED PLAN.—

10 (1) TRANSMISSION.—Not later than 90 days
11 after the date of the enactment of this Act, the
12 President shall transmit to the appropriate congress-
13 sional committees a comprehensive and detailed up-
14 date to the plan developed under section 3133(a) of
15 the Carl Levin and Howard P. “Buck” McKeon Na-
16 tional Defense Authorization Act for Fiscal Year
17 2015 (Public Law 113–291; 128 Stat. 3896) with
18 respect to verification and monitoring relating to the
19 potential proliferation of nuclear weapons, compo-
20 nents of such weapons, and fissile material.

21 (2) FORM.—The updated plan under paragraph
22 (1) shall be transmitted in unclassified form, but
23 may include a classified annex.

24 (b) LIMITATION.—Of the funds authorized to be ap-
25 propriated by this Act or otherwise made available for fis-

1 cal year 2017 for the Department of Defense for sup-
2 porting the Executive Office of the President,
3 \$10,000,000 may not be obligated or expended until the
4 date on which the President transmits to the appropriate
5 congressional committees the updated plan under sub-
6 section (a)(1).

7 (c) BRIEFING.—Not later than 30 days after the date
8 of the enactment of this Act, the President shall provide
9 to the Committees on Armed Services of the Senate and
10 House of Representatives (and any other appropriate con-
11 gressional committee upon request) an interim briefing on
12 the updated plan under subsection (a)(1).

13 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
14 DEFINED.—In this section, the term “appropriate con-
15 gressional committees” means the following:

16 (1) The congressional defense committees.

17 (2) The Select Committee on Intelligence of the
18 Senate and the Permanent Select Committee on In-
19 telligence of the House of Representatives.

20 (3) The Committee on Foreign Relations of the
21 Senate and the Committee on Foreign Affairs of the
22 House of Representatives.

23 (4) The Committee on Homeland Security and
24 Governmental Affairs of the Senate and the Com-

1 mittee on Homeland Security of the House of Rep-
2 resentatives.

3 (5) The Committee on Commerce, Science, and
4 Transportation of the Senate and the Committee on
5 Energy and Commerce of the House of Representa-
6 tives.

7 **SEC. 3133. REPORT ON THE USE OF HIGHLY-ENRICHED**
8 **URANIUM FOR NAVAL REACTORS.**

9 (a) REPORT.—Not later than 120 days after the date
10 of the enactment of this Act, the Director of National In-
11 telligence, in consultation with the Secretary of Defense,
12 the Secretary of Energy, and the Secretary of State, shall,
13 in accordance with the protection of sources and methods,
14 submit to the appropriate congressional committees a re-
15 port that includes the following:

16 (1) An assessment on the current and antici-
17 pated intentions of countries producing or using
18 highly-enriched uranium in naval reactors or consid-
19 ering the development of naval reactors.

20 (2) An evaluation of the security measures each
21 country producing or using highly-enriched uranium
22 in naval reactors has in place.

23 (3) An evaluation of the potential effects on nu-
24 clear nonproliferation efforts and the naval reactor
25 programs and related actions of other countries if

1 the United States pursued the development of an ad-
2 vanced low-enriched uranium fuel for certain United
3 States naval reactors as described in the report of
4 the Director of Naval Reactors to Congress, dated
5 July 2016 and entitled “Conceptual Research and
6 Development Plan for Low-Enriched Uranium Naval
7 Fuel”.

8 (4) Such other information or updates as the
9 Director of National Intelligence, the Secretary of
10 Defense, the Secretary of Energy, and the Secretary
11 of State consider appropriate.

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

15 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
16 FINED.—In this section, the term “appropriate congres-
17 sional committees” means—

18 (1) the congressional defense committees;

19 (2) the Select Committee on Intelligence of the
20 Senate and the Permanent Select Committee on In-
21 telligence of the House of Representatives; and

22 (3) the Committee on Foreign Relations of the
23 Senate and the Committee on Foreign Affairs of the
24 House of Representatives.

1 **SEC. 3134. ANALYSIS OF APPROACHES FOR SUPPLEMENTAL**
2 **TREATMENT OF LOW-ACTIVITY WASTE AT**
3 **HANFORD NUCLEAR RESERVATION.**

4 (a) IN GENERAL.—Not later than 60 days after the
5 date of the enactment of this Act, the Secretary of Energy
6 shall enter into an arrangement with a federally funded
7 research and development center to conduct an analysis
8 of approaches for treating the portion of low-activity waste
9 at the Hanford Nuclear Reservation, Richland, Wash-
10 ington, that, as of such date of enactment, is intended for
11 supplemental treatment.

12 (b) ELEMENTS.—The analysis required by subsection
13 (a) shall include the following:

14 (1) An analysis of, at a minimum, the following
15 approaches for treating the low-activity waste de-
16 scribed in subsection (a):

17 (A) Further processing of the low-activity
18 waste to remove long-lived radioactive constitu-
19 ents, particularly technetium-99 and iodine-129,
20 for immobilization with high-level waste.

21 (B) Vitrification, grouting, and steam re-
22 forming, and other alternative approaches iden-
23 tified by the Department of Energy for immo-
24 bilizing the low-activity waste.

25 (2) An analysis of the following:

1 (A) The risks of the approaches described
2 in paragraph (1) relating to treatment and final
3 disposition.

4 (B) The benefits and costs of such ap-
5 proaches.

6 (C) Anticipated schedules for such ap-
7 proaches, including the time needed to complete
8 necessary construction and to begin treatment
9 operations.

10 (D) The compliance of such approaches
11 with applicable technical standards associated
12 with and contained in regulations prescribed
13 pursuant to the Comprehensive Environmental
14 Response, Compensation, and Liability Act of
15 1980 (42 U.S.C. 9601 et seq.), the Solid Waste
16 Disposal Act (42 U.S.C. 6901 et seq.) (com-
17 monly referred to as the “Resource Conserva-
18 tion and Recovery Act of 1976”), the Federal
19 Water Pollution Control Act (33 U.S.C. 1251 et
20 seq.) (commonly referred to as the “Clean
21 Water Act”), and the Clean Air Act (42 U.S.C.
22 7401 et seq.).

23 (E) Any obstacles that would inhibit the
24 ability of the Department of Energy to pursue
25 such approaches.

1 (c) REVIEW OF ANALYSIS.—

2 (1) IN GENERAL.—Concurrent with entering
3 into an arrangement with a federally funded re-
4 search and development center under subsection (a),
5 the Secretary shall enter into an arrangement with
6 the National Academies of Sciences, Engineering,
7 and Medicine to conduct a review of the analysis
8 conducted by the federally funded research and de-
9 velopment center.

10 (2) METHOD OF REVIEW.—The review required
11 by paragraph (1) shall be conducted concurrent with
12 the analysis required by subsection (a), and in a
13 manner that is parallel to that analysis, so that the
14 results of the review may be used to improve the
15 quality of the analysis.

16 (3) PUBLIC REVIEW.—In conducting the review
17 required paragraph (1), the National Academies of
18 Sciences, Engineering, and Medicine shall provide an
19 opportunity for public comment, with sufficient no-
20 tice, to inform and improve the quality of the review.

21 (d) CONSULTATION WITH STATE.—Prior to the sub-
22 mission in accordance with subsection (e)(2) of the anal-
23 ysis required by subsection (a) and the review of the anal-
24 ysis required by subsection (c), the federally funded re-
25 search and development center and the National Acad-

1 emies of Sciences, Engineering, and Medicine shall provide
2 to the State of Washington—

3 (1) the analysis and review in draft form; and

4 (2) an opportunity to comment on the analysis
5 and review for a period of not less than 60 days.

6 (e) SUBMISSION TO CONGRESS.—

7 (1) BRIEFINGS ON PROGRESS.—Not later than
8 180 days after the date of the enactment of this Act,
9 and every 180 days thereafter until the materials de-
10 scribed in paragraph (2) are submitted in accord-
11 ance with that paragraph, the Secretary shall pro-
12 vide to the congressional defense committees a brief-
13 ing on the progress being made on the analysis re-
14 quired by subsection (a) and the review of the anal-
15 ysis required by subsection (c).

16 (2) COMPLETED ANALYSIS AND REVIEW.—Not
17 later than two years after the date of the enactment
18 of this Act, the Secretary shall submit to the con-
19 gressional defense committees the analysis required
20 by subsection (a), the review of the analysis required
21 by subsection (c), any comments of the State of
22 Washington under subsection (d)(2), and any com-
23 ments of the Secretary on the analysis or the review
24 of the analysis.

25 (f) LIMITATIONS.—

1 (1) SECRETARY OF ENERGY.—This section does
2 not conflict with or impair the obligation of the Sec-
3 retary to comply with any requirement of—

4 (A) the amended consent decree in Wash-
5 ington v. Moniz, No. 2:08-CV-5085-RMP (E.D.
6 Wash.); or

7 (B) the Hanford Federal Facility Agree-
8 ment and Consent Order.

9 (2) STATE OF WASHINGTON.—This section does
10 not conflict with or impair the regulatory authority
11 of the State of Washington under the Solid Waste
12 Disposal Act (42 U.S.C. 6901 et seq.) (commonly
13 referred to as the “Resource Conservation and Re-
14 covery Act of 1976”) and any corresponding State
15 law.

16 **SEC. 3135. CLARIFICATION OF ANNUAL REPORT AND CER-**
17 **TIFICATION ON STATUS OF SECURITY OF**
18 **ATOMIC ENERGY DEFENSE FACILITIES.**

19 Section 4506(b)(1)(B) of the Atomic Energy Defense
20 Act (50 U.S.C. 2657(b)(1)(B)) is amended to read as fol-
21 lows:

22 “(B) written certification that such facilities are
23 secure and that the security measures at such facili-
24 ties meet the security standards and requirements of
25 the Department of Energy.”.

1 **SEC. 3136. REPORT ON SERVICE SUPPORT CONTRACTS AND**
2 **AUTHORITY FOR APPOINTMENT OF CERTAIN**
3 **PERSONNEL.**

4 (a) ANNUAL REPORT ON SERVICE SUPPORT CON-
5 TRACTS.—Section 3241A(f) of the National Nuclear Secu-
6 rity Administration Act (50 U.S.C. 2441a(f)) is amended
7 by adding at the end the following new paragraph:

8 “(5) With respect to each contract identified
9 under paragraph (2)—

10 “(A) the cost of the contract; and

11 “(B) identification of the program or pro-
12 gram direction accounts that support the con-
13 tract.”.

14 (b) EXTENSION OF AUTHORITY FOR APPOINTMENT
15 OF CERTAIN PERSONNEL.—Section 4601(c)(1) of the
16 Atomic Energy Defense Act (50 U.S.C. 2701(c)(1)) is
17 amended by striking “2016” and inserting “2020”.

18 **SEC. 3137. ELIMINATION OF CERTAIN REPORTING RE-**
19 **QUIREMENTS.**

20 (a) REPORTS ON PLAN TO PROTECT AGAINST INAD-
21 VERTENT RELEASE OF RESTRICTED DATA AND FOR-
22 MERLY RESTRICTED DATA.—Section 4522 of the Atomic
23 Energy Defense Act (50 U.S.C. 2672) is amended—

24 (1) by striking subsection (e); and

25 (2) by redesignating subsection (f) as sub-
26 section (e).

1 (b) GAO REPORT ON PROGRAM ON SCIENTIFIC EN-
2 GAGEMENT FOR NONPROLIFERATION.—Section 3122 of
3 the National Defense Authorization Act for Fiscal Year
4 2013 (Public Law 112–239; 50 U.S.C. 2571 note) is
5 amended—

6 (1) in subsection (b)(1), by striking “, and to
7 the Comptroller General of the United States,”;

8 (2) by striking subsection (e); and

9 (3) by redesignating subsections (f) and (g) as
10 subsections (e) and (f), respectively.

11 (c) GAO STUDY ON ADEQUACY OF BUDGET RE-
12 QUESTS WITH RESPECT TO MODERNIZATION AND RE-
13 FURBISHMENT OF NUCLEAR WEAPONS STOCKPILE.—Sec-
14 tion 3255 of the National Nuclear Security Administration
15 Act (50 U.S.C. 2455) is amended—

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

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

20 “(b) TEMPORARY SUSPENSION.—The requirements
21 of subsection (a) shall not apply with respect to the nu-
22 clear security budget materials submitted for fiscal year
23 2018 or 2019.”.

24 (d) STRATEGY ON RISKS TO NONPROLIFERATION
25 CAUSED BY ADDITIVE MANUFACTURING.—Section

1 3139(b) of the National Defense Authorization Act for
2 Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1215;
3 50 U.S.C. 2367 note) is amended to read as follows:

4 “(b) BRIEFINGS.—

5 “(1) IN GENERAL.—Not later than March 31,
6 2016, and annually thereafter through 2019, the
7 President shall provide to the appropriate congress-
8 sional committees a briefing on the strategy devel-
9 oped under subsection (a).

10 “(2) INTERIM BRIEFINGS.—In addition to the
11 briefings required by paragraph (1), the President
12 shall provide to the appropriate congressional com-
13 mittees a notification or briefing if there is a devel-
14 opment in additive manufacture technology, or in-
15 creased use of additive manufacture technology, that
16 could pose an increased risk to the United States
17 from nuclear proliferation.”.

18 **SEC. 3138. REPORT ON UNITED STATES NUCLEAR DETER-**
19 **RENCE.**

20 (a) IN GENERAL.—Not later than 15 days after the
21 date of the enactment of this Act, the Secretary of Energy
22 shall, consistent with the protection of sources and meth-
23 ods, submit to the appropriate congressional committees
24 the full, unredacted report, and any related materials, ti-

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1 tled “U.S. Nuclear Deterrence in the Coming Decades”,
2 dated August 15, 2014.

3 (b) COVER LETTER.—The Secretary may submit to
4 the appropriate congressional committees, with the report
5 submitted under subsection (a), a cover letter containing
6 any views or perspectives of the Secretary on the report
7 or related matters.

8 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
9 FINED.—In this section, the term “appropriate congres-
10 sional committees” means—

- 11 (1) the congressional defense committees; and
12 (2) the Select Committee on Intelligence of the
13 Senate and the Permanent Select Committee on In-
14 telligence of the House of Representatives.

15 **TITLE XXXII—DEFENSE NU-**
16 **CLEAR FACILITIES SAFETY**
17 **BOARD**

Sec. 3201. Authorization.

18 **SEC. 3201. AUTHORIZATION.**

19 There are authorized to be appropriated for fiscal
20 year 2017, \$31,000,000 for the operation of the Defense
21 Nuclear Facilities Safety Board under chapter 21 of the
22 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

1 **TITLE XXXIV—NAVAL**
2 **PETROLEUM RESERVES**

Sec. 3401. Authorization of appropriations.

3 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) AMOUNT.—There are hereby authorized to be ap-
5 propriated to the Secretary of Energy \$14,950,000 for fis-
6 cal year 2017 for the purpose of carrying out activities
7 under chapter 641 of title 10, United States Code, relating
8 to the naval petroleum reserves.

9 (b) PERIOD OF AVAILABILITY.—Funds appropriated
10 pursuant to the authorization of appropriations in sub-
11 section (a) shall remain available until expended.

12 **TITLE XXXV—MARITIME**
13 **MATTERS**

Subtitle A—Maritime Administration, Coast Guard, and Shipping Matters

- Sec. 3501. Authorization of the Maritime Administration.
- Sec. 3502. Authority to extend certain age restrictions relating to vessels in the Maritime Security Fleet.
- Sec. 3503. Corrections to provisions enacted by Coast Guard Authorization Acts.
- Sec. 3504. Status of National Defense Reserve Fleet vessels.
- Sec. 3505. NDRF national security multi-mission vessel.
- Sec. 3506. Superintendent of United States Merchant Marine Academy.
- Sec. 3507. Use of National Defense Reserve Fleet scrapping proceeds.
- Sec. 3508. Floating dry docks.
- Sec. 3509. Transportation worker identification credentials for individuals undergoing separation, discharge, or release from the Armed Forces.
- Sec. 3510. Actions to address sexual harassment and sexual assault at the United States Merchant Marine Academy.
- Sec. 3511. Sexual assault response coordinators and sexual assault victim advocates.
- Sec. 3512. Report from the Department of Transportation Inspector General.
- Sec. 3513. Sexual assault prevention and response working group.
- Sec. 3514. Sea Year compliance.
- Sec. 3515. State maritime academy physical standards and reporting.
- Sec. 3516. Appointments.

- Sec. 3517. Maritime workforce working group.
- Sec. 3518. Maritime extreme weather task force.
- Sec. 3519. Workforce plans and onboarding policies.
- Sec. 3520. Drug and alcohol policy.
- Sec. 3521. Vessel transfers.
- Sec. 3522. Clarifying amendment; continuation boards.
- Sec. 3523. Polar icebreaker recapitalization plan.
- Sec. 3524. GAO report on icebreaking capability in United States.

Subtitle B—Pribilof Islands Transition Completion

- Sec. 3531. Short title.
- Sec. 3532. Conveyance of property.
- Sec. 3533. Transfer, use, and disposal of tract 43.

Subtitle C—Sexual Harassment and Assault Prevention at the National Oceanic and Atmospheric Administration

- Sec. 3541. Actions to address sexual harassment at National Oceanic and Atmospheric Administration.
- Sec. 3542. Actions to address sexual assault at National Oceanic and Atmospheric Administration.
- Sec. 3543. Rights of the victim of a sexual assault.
- Sec. 3544. Change of station.
- Sec. 3545. Applicability of policies to crews of vessels secured by National Oceanic and Atmospheric Administration under contract.
- Sec. 3546. Annual report on sexual assaults in the National Oceanic and Atmospheric Administration.
- Sec. 3547. Sexual assault defined.

1 **Subtitle A—Maritime Administration,**
 2 **Coast Guard, and Shipping**
 3 **Matters**

4 **SEC. 3501. AUTHORIZATION OF THE MARITIME ADMINIS-**
 5 **TRATION.**

6 There are authorized to be appropriated to the De-
 7 partment of Transportation for fiscal year 2017, to be
 8 available without fiscal year limitation if so provided in
 9 appropriations Acts, for programs associated with main-
 10 taining the United States merchant marine, the following
 11 amounts:

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1 (1) For expenses necessary for operations of the
2 United States Merchant Marine Academy,
3 \$99,902,000, of which—

4 (A) \$74,851,000 shall be for Academy op-
5 erations; and

6 (B) \$25,051,000 shall remain available
7 until expended for capital asset management at
8 the Academy.

9 (2) For expenses necessary to support the State
10 maritime academies, \$29,550,000, of which—

11 (A) \$2,400,000 shall remain available until
12 September 30, 2018, for the Student Incentive
13 Program;

14 (B) \$3,000,000 shall remain available until
15 expended for direct payments to such acad-
16 emies;

17 (C) \$22,000,000 shall remain available
18 until expended for maintenance and repair of
19 State maritime academy training vessels;

20 (D) \$1,800,000 shall remain available until
21 expended for training ship fuel assistance; and

22 (E) \$350,000 shall remain available until
23 expended for expenses to improve the moni-
24 toring of the service obligations of graduates.

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1 (3) For expenses necessary to support the Na-
2 tional Security Multi-Mission Vessel Program,
3 \$36,000,000, which shall remain available until ex-
4 pended.

5 (4) For expenses necessary to support Maritime
6 Administration operations and programs,
7 \$58,694,000.

8 (5) For expenses necessary to dispose of vessels
9 in the National Defense Reserve Fleet, \$20,000,000,
10 which shall remain available until expended.

11 (6) For expenses necessary to maintain and
12 preserve a United States flag merchant marine to
13 serve the national security needs of the United
14 States under chapter 531 of title 46, United States
15 Code, \$299,997,000.

16 (7) For expenses necessary to provide assist-
17 ance for small shipyards and maritime communities
18 under section 54101 of title 46, United States Code,
19 \$30,000,000, of which—

20 (A) \$5,000,000 shall remain available until
21 expended for training grants; and

22 (B) \$25,000,000 shall remain available
23 until expended for capital and related improve-
24 ments.

1 (8) For administrative expenses associated with
2 the program authorized by chapter 537 of title 46,
3 United States Code, \$3,000,000, which shall remain
4 available until expended.

5 **SEC. 3502. AUTHORITY TO EXTEND CERTAIN AGE RESTRIC-**
6 **TIONS RELATING TO VESSELS IN THE MARI-**
7 **TIME SECURITY FLEET.**

8 (a) AUTHORITY.—

9 (1) IN GENERAL.—Section 53102 of title 46,
10 United States Code, is amended by adding at the
11 end the following:

12 “(g) AUTHORITY TO EXTEND MAXIMUM SERVICE
13 AGE FOR VESSEL.—The Secretary of Defense, in conjunc-
14 tion with the Secretary of Transportation, may, for a par-
15 ticular participating fleet vessel, treat the ages specified
16 in section 53101(5)(A)(ii) and section 53106(c)(3) as in-
17 creased by up to 5 years if the Secretaries jointly deter-
18 mine that it is in the national interest to do so.”.

19 (2) CONFORMING AMENDMENT.—The heading
20 of subsection (f) of such section is amended to read
21 as follows: “AUTHORITY TO WAIVE AGE RESTRIC-
22 TION FOR ELIGIBILITY OF A VESSEL TO BE IN-
23 CLUDED IN FLEET.—”.

24 (b) REPEAL OF REDUNDANT AGE LIMITATION.—
25 Section 53106(c)(3) of such title is amended—

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1 (1) in subparagraph (A), by striking “or (C);”
2 and inserting “; or”;

3 (2) in subparagraph (B), by striking “; or” and
4 inserting a period; and

5 (3) by striking subparagraph (C).

6 **SEC. 3503. CORRECTIONS TO PROVISIONS ENACTED BY**
7 **COAST GUARD AUTHORIZATION ACTS.**

8 (a) **SHORT TITLE CORRECTION.**—The Coast Guard
9 Authorization Act of 2015 (Public Law 114–120) is
10 amended by striking “Coast Guard Authorization Act of
11 2015” each place it appears (including in quoted material)
12 and inserting “Coast Guard Authorization Act of 2016”.

13 (b) **TITLE 46, UNITED STATES CODE.**—

14 (1) **EXAM REVIEW.**—Section 7510(c) of title
15 46, United States Code, is amended—

16 (A) in paragraph (1)(D), by striking “en-
17 gine” and inserting “engineer”; and

18 (B) in paragraph (9), by inserting a period
19 after “App”.

20 (2) **VESSEL CERTIFICATION.**—Section
21 4503(f)(2) of title 46, United States Code, is
22 amended by striking “, that” and inserting “, then”.

23 (c) **PROVISIONS RELATING TO THE PRIBILOF IS-**
24 **LANDS.**—Section 521 of the Coast Guard Authorization
25 Act of 2016 (Public Law 114–120), as amended by sub-

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1 section (a), is amended by striking “2015” and inserting
2 “2016”.

3 (d) TITLE 14, UNITED STATES CODE.—

4 (1) REDISTRIBUTION OF AUTHORIZATIONS OF
5 APPROPRIATIONS.—Section 2702 of title 14, United
6 States Code, is amended—

7 (A) in paragraph (1)(B), by striking
8 “\$6,981,036,000” and inserting
9 “\$6,986,815,000”; and

10 (B) in paragraph (3)(B), by striking
11 “\$140,016,000” and inserting “\$134,237,000”.

12 (2) CLERICAL AMENDMENT.—The analysis at
13 the beginning of part III of title 14, United States
14 Code, is amended by striking the period at the end
15 of the item relating to chapter 29.

16 (e) EFFECTIVE DATE.—The amendments made by
17 this section shall take effect as if included in the enact-
18 ment of Public Law 114–120.

19 **SEC. 3504. STATUS OF NATIONAL DEFENSE RESERVE FLEET**
20 **VESSELS.**

21 Section 11 of the Merchant Ship Sales Act of 1946
22 (50 U.S.C. 4405) is amended—

23 (1) in subsection (a), by adding at the end the
24 following: “Vessels in the National Defense Reserve
25 Fleet, including vessels loaned to State maritime

1 academies, shall be considered public vessels of the
2 United States.”; and

3 (2) by adding at the end the following:

4 “(g) VESSEL STATUS.—A vessel in the National De-
5 fense Reserve Fleet determined by the Maritime Adminis-
6 tration to be of insufficient value to remain in the National
7 Defense Reserve Fleet shall remain a vessel within the
8 meaning of that term in section 3 of title 1, United States
9 Code, and subject to the rights and responsibilities of a
10 vessel under admiralty law at least until such time as the
11 vessel is delivered to a dismantling facility or is disposed
12 of otherwise from the National Defense Reserve Fleet.”.

13 **SEC. 3505. NDRF NATIONAL SECURITY MULTI-MISSION VES-**
14 **SEL.**

15 (a) IN GENERAL.—The Secretary of Transportation,
16 in consultation with the Chief of Naval Operations and
17 the Commandant of the Coast Guard, shall ensure that
18 the Maritime Administrator takes all necessary actions—

19 (1) to complete the design of a national security
20 multi-mission vessel for the National Defense Re-
21 serve Fleet to allow for the construction of such ves-
22 sel to begin in fiscal year 2018; and

23 (2) subject to the availability of appropriations,
24 to have an entity enter into a contract for the con-

1 construction of such vessel in accordance with this sec-
2 tion.

3 (b) USE OF VESSEL.—A vessel constructed pursuant
4 to this section shall be for use—

5 (1) as a training vessel that can be provided to
6 State maritime academies under section 51504(b) of
7 title 46, United States Code; and

8 (2) in conducting humanitarian assistance, dis-
9 aster response, domestic and foreign emergency con-
10 tingency operations, and other authorized uses of
11 vessels of the National Defense Reserve Fleet.

12 (c) CONSTRUCTION AND DOCUMENTATION REQUIRE-
13 MENTS.—A vessel constructed pursuant to this section
14 shall meet the requirements for and be issued a certificate
15 of documentation and a coastwise endorsement under
16 chapter 121 of title 46, United States Code.

17 (d) DESIGN STANDARDS AND CONSTRUCTION PRAC-
18 TICES.—Subject to subsection (c), a vessel constructed
19 pursuant to this section shall be constructed using com-
20 mercial design standards and commercial construction
21 practices that are consistent with the best interests of the
22 Federal Government.

23 (e) CONSULTATION WITH OTHER FEDERAL ENTI-
24 TIES.—The Maritime Administrator may consult and co-
25 ordinate with the Secretary of the Navy regarding the ves-

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1 sel described in subsection (a) and activities associated
2 with such vessel.

3 (f) CONTRACTING.—The Maritime Administrator
4 shall provide for an entity other than the Maritime Admin-
5 istration to contract for the construction of the vessel de-
6 scribed in subsection (a).

7 (g) REPEAL OF PLAN APPROVAL REQUIREMENT.—
8 Section 109(j)(3) of title 49, United States Code, is re-
9 pealed.

10 **SEC. 3506. SUPERINTENDENT OF UNITED STATES MER-**
11 **CHANT MARINE ACADEMY.**

12 (a) IN GENERAL.—Section 51301 of title 46, United
13 States Code, is amended by adding at the end the fol-
14 lowing:

15 “(c) SUPERINTENDENT.—

16 “(1) IN GENERAL.—The immediate command
17 of the United States Merchant Marine Academy
18 shall be in the Superintendent of the Academy, sub-
19 ject to the direction of the Maritime Administrator
20 under the general supervision of the Secretary of
21 Transportation.

22 “(2) APPOINTMENT.—The Secretary of Trans-
23 portation shall appoint as the Superintendent—

24 “(A) an individual who has—

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1 “(i) attained a general or flag officer
2 rank in the Navy, Army, Air Force, Ma-
3 rine Corps, Coast Guard, or National Oce-
4 anic and Atmospheric Administration; and

5 “(ii) served at sea in any rank;

6 “(B) an individual who has—

7 “(i)(I) served at sea in the Navy,
8 Army, Air Force, Marine Corps, Coast
9 Guard, or National Oceanic and Atmos-
10 pheric Administration; or

11 “(II) held a valid Coast Guard mer-
12 chant mariner credential; and

13 “(ii) demonstrated exemplary leader-
14 ship in the education of individuals in the
15 Armed Forces or United States merchant
16 marine; or

17 “(C) if a qualified individual described in
18 subparagraph (A) or (B) does not apply for the
19 position, an individual who has—

20 “(i) attained the grade of captain or
21 above in the Navy, Coast Guard, or Na-
22 tional Oceanic and Atmospheric Adminis-
23 tration or colonel or above in the Army,
24 Air Force, or Marine Corps; and

25 “(ii) served at sea in any grade.

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1 “(3) RULE OF CONSTRUCTION.—Notwith-
2 standing paragraph (2), the Secretary of Transpor-
3 tation may appoint an individual who is the best
4 qualified candidate, even if such individual does not
5 fully meet the criteria described in paragraph (2).”.

6 (b) SAVINGS CLAUSE.—Nothing in this section may
7 be construed to require any change to the current leader-
8 ship of the United States Merchant Marine Academy.

9 **SEC. 3507. USE OF NATIONAL DEFENSE RESERVE FLEET**
10 **SCRAPPING PROCEEDS.**

11 (a) FUNDING ALLOCATION.—Section 308704 of title
12 54, United States Code, is amended—

13 (1) in subsection (a)(1), by amending subpara-
14 graph (C) to read as follows:

15 “(C) The remainder shall be available to
16 the Secretary to carry out the Program, as pro-
17 vided in subsection (b).”; and

18 (2) in subsection (b), by amending paragraph
19 (1) to read as follows:

20 “(1) ALLOCATION.—

21 “(A) IN GENERAL.—Except as provided in
22 subparagraph (B) and paragraph (2), of the
23 amounts available each fiscal year for the Pro-
24 gram under subsection (a)(1)(C)—

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1 “(i) 50 percent shall be used for
2 grants under section 308703(b); and

3 “(ii) 50 percent shall be used for
4 grants under section 308703(c).

5 “(B) SET ASIDE.—

6 “(i) IN GENERAL.—Not less than 25
7 percent of the amounts available each fis-
8 cal year for the Program under subsection
9 (a)(1)(C) shall be used for the preservation
10 and presentation to the public of the mari-
11 time heritage property of the Maritime Ad-
12 ministration.

13 “(ii) DIRECT TRANSFERS.—The Sec-
14 retary may provide amounts used for the
15 preservation and presentation to the public
16 of the maritime heritage property of the
17 Maritime Administration through direct
18 transfers to the Maritime Administration.

19 “(iii) WAIVER.—The Maritime Ad-
20 ministrator may waive the application of
21 clause (i) for any fiscal year.”.

22 (b) CONFORMING AMENDMENT.—Section
23 308703(c)(1) of title 54, United States Code, is amended
24 by striking “under section 308704(b)(1)(B)” and insert-
25 ing “under section 308704(b)(1)(A)”.

1 (c) REPORTING REQUIREMENT.—Section 308703(j)
2 of title 54, United States Code, is amended—

3 (1) in the matter preceding paragraph (1), by
4 striking “Congress” and inserting “the Committee
5 on Commerce, Science, and Transportation of the
6 Senate, the Committee on Energy and Natural Re-
7 sources of the Senate, the Committee on Natural
8 Resources of the House of Representatives, the
9 Committee on Armed Services of the House of Rep-
10 resentatives, and the Committee on Transportation
11 and Infrastructure of the House of Representa-
12 tives”;

13 (2) by redesignating paragraphs (1), (2), and
14 (3) as paragraphs (2), (3), and (4), respectively;

15 (3) by inserting before paragraph (2), as redesi-
16 gnated, the following:

17 “(1) the total number of grant applications sub-
18 mitted and approved under the Program in the pe-
19 riod covered by the report;” and

20 (4) in paragraph (2), as redesignated, by insert-
21 ing “detailed” before “description”.

22 (d) ANNUAL REPORT BY THE MARITIME ADMINIS-
23 TRATION.—

24 (1) IN GENERAL.—Not later than January 1 of
25 each year, the Maritime Administrator shall submit

1 to the Committee on Commerce, Science, and Trans-
2 portation of the Senate and the Committee on
3 Armed Services and the Committee on Transpor-
4 tation and Infrastructure of the House of Represent-
5 atives a report on the management of the Ship Dis-
6 posal program of the Maritime Administration.

7 (2) CONTENTS.—Each report under paragraph
8 (1) shall include—

9 (A) the total amount of funds, attributable
10 to the Ship Disposal program of the Maritime
11 Administration, credited in the most recently
12 completed fiscal year to—

13 (i) the Vessel Operations Revolving
14 Fund established by section 50301(a) of
15 title 46, United States Code; and

16 (ii) any other account;

17 (B) the balance of funds available at the
18 end of that fiscal year in—

19 (i) the Vessel Operations Revolving
20 Fund; and

21 (ii) any other account for which a
22 credited amount was included under sub-
23 paragraph (A)(ii);

24 (C) a detailed description of the funds
25 credited to and distributions from the Vessel

1 Operations Revolving Fund in that fiscal year;
2 and

3 (D) a summary of each maritime heritage
4 project selected by the Maritime Administrator,
5 for preservation and presentation to the public
6 of the Maritime Administration's maritime her-
7 itage property, for which funds from the Vessel
8 Operations Revolving Fund were expended in
9 that fiscal year.

10 (e) ASSESSMENTS BY THE MARITIME ADMINISTRA-
11 TION.—

12 (1) IN GENERAL.—Not later than 1 year after
13 the date of the enactment of this Act, and biennially
14 thereafter, the Maritime Administrator shall com-
15 plete an assessment of the Ship Disposal program of
16 the Maritime Administration.

17 (2) CONTENTS.—Each assessment under para-
18 graph (1) shall include—

19 (A) an inventory of each vessel, subject to
20 a disposal agreement or a memorandum of
21 agreement with another Federal agency relating
22 to the disposal of the vessel, for which the Mar-
23 itime Administration is acting as the disposal
24 agency, including—

25 (i) the age of the vessel; and

1 (ii) the name of the Federal agency
2 that has or had custody over the vessel
3 prior to any disposal agreement or memo-
4 randum of agreement with the Maritime
5 Administration;

6 (B) an inventory of each vessel of a Fed-
7 eral agency that may meet the criteria for the
8 Maritime Administration to act as the disposal
9 agency, including—

10 (i) the age of the vessel;

11 (ii) the name of the applicable Federal
12 agency; and

13 (iii) whether the vessel is expected to
14 be declared obsolete and dismantled in the
15 next 5 years;

16 (C) a plan to serve as the disposal agency,
17 as appropriate, for the vessels described in sub-
18 paragraph (B);

19 (D) a plan for the timely distribution of
20 the proceeds that the Maritime Administration
21 currently has in ship disposal accounts;

22 (E) a projection of future distributions of
23 such proceeds; and

1 (F) any other assessment related to the
2 Ship Disposal program that the Maritime Ad-
3 ministrator determines appropriate.

4 (3) INCLUSION IN THE ANNUAL REPORT.—A
5 detailed description of the results of each assessment
6 under paragraph (1) shall be included in the annual
7 report under subsection (d) for the year in which the
8 assessment was completed.

9 (f) CESSATION OF EFFECTIVENESS.—Subsections
10 (d) and (e) of this section shall cease to be effective on
11 the date that is 5 years and 1 day after the date of the
12 enactment of this Act.

13 **SEC. 3508. FLOATING DRY DOCKS.**

14 Section 55122 of title 46, United States Code, is
15 amended—

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

18 (2) by inserting after subsection (a) the fol-
19 lowing:

20 “(b) DRY DOCKS FOR CONSTRUCTION OF CERTAIN
21 NAVAL VESSELS.—

22 “(1) IN GENERAL.—In applying subsection (a)
23 to a floating dry dock used for the construction of
24 naval vessels in a shipyard located in the United
25 States, the ownership and operation requirement in

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1 paragraph (1)(B) of that subsection shall be treated
2 as satisfied and ‘December 19, 2017’ shall be sub-
3 stituted for the date referred to in paragraph (1)(C)
4 of that subsection if the Secretary of the Navy de-
5 termines that—

6 “(A) such dry dock is necessary for the
7 timely completion of such construction; and

8 “(B) such dry dock—

9 “(i) is owned and operated by—

10 “(I) a shipyard located in the
11 United States that is an eligible owner
12 specified under section 12103(b); or

13 “(II) an affiliate of such a ship-
14 yard; or

15 “(ii) is—

16 “(I) owned by the State in which
17 the shipyard is located or a political
18 subdivision of that State; and

19 “(II) operated by a shipyard lo-
20 cated in the United States that is an
21 eligible owner specified under section
22 12103(b).

23 “(2) NOTICE TO CONGRESS.—Not later than 30
24 days after making a determination under paragraph
25 (1), the Secretary of the Navy shall notify the Com-

1 (2) by amending subsection (j) to read as fol-
2 lows:

3 “(j) PRIORITY PROCESSING FOR SEPARATING SERV-
4 ICE MEMBERS.—(1) The Secretary and the Secretary of
5 Defense shall enter into a memorandum of understanding
6 regarding the submission and processing of applications
7 for transportation security cards under subsection
8 (b)(2)(G).

9 “(2) Not later than 30 days after the submission of
10 such an application by an individual who is eligible to sub-
11 mit such an application, the Secretary shall process and
12 approve or deny the application unless an appeal or waiver
13 applies or further application documentation is nec-
14 essary.”.

15 (b) DEADLINE FOR MEMORANDUM.—The Secretary
16 of the department in which the Coast Guard is operating
17 and the Secretary of Defense shall enter into the memo-
18 randum of understanding required by the amendment
19 made by subsection (a)(2) by not later than 180 days after
20 the date of the enactment of this Act.

21 (c) APPLICATION OF PROCESSING DEADLINE.—Sec-
22 tion 70105(j)(2) of title 46, United States Code, as
23 amended by this section, shall apply to applications for
24 transportation security cards submitted after the expira-

1 tion of the 180-day period beginning on the date of the
2 enactment of this Act.

3 (d) REPORTS.—

4 (1) INITIAL REPORT.—

5 (A) REQUIREMENT.—Not later than 1
6 year after the date of the enactment of this Act,
7 the Secretary of Defense and the Secretary of
8 Homeland Security shall jointly submit a report
9 described in subparagraph (B) to the Com-
10 mittee on Armed Services, the Committee on
11 Commerce, Science, and Transportation, and
12 the Committee on Homeland Security and Gov-
13 ernmental Affairs of the Senate and the Com-
14 mittee on Armed Services, the Committee on
15 Homeland Security, and the Committee on
16 Transportation and Infrastructure of the House
17 of Representatives.

18 (B) CONTENTS.—The report under sub-
19 paragraph (A) shall include the following:

20 (i) The memorandum of under-
21 standing required by section 70105(j)(1) of
22 title 46, United States Code, as amended
23 by this section.

24 (ii) The number of individuals eligible
25 to apply for a transportation security card

1 under section 70105(b)(2)(G) of title 46,
2 United States Code, as amended by this
3 section, the number of such individuals
4 who applied for such a card, and the num-
5 ber of such individuals who have been
6 issued such a card, as of the date of the
7 report.

8 (iii) If the Secretary failed to process
9 and approve or deny any applications re-
10 ceived from individuals eligible to apply for
11 such a card under such section before the
12 deadline specified in section 70105(j)(2) of
13 such title, as amended by this section, a
14 description of the reasons for the failure
15 and of the actions being taken to assure
16 that future applications are processed and
17 issued or denied within such deadline.

18 (2) SUBSEQUENT REPORT.—Not later than 2
19 years after the date of enactment of this Act, the
20 Secretary of Defense and the Secretary of Homeland
21 Security shall jointly submit a report to such Com-
22 mittees containing the information described in
23 clauses (ii) and (iii) of paragraph (1)(B).

1 **SEC. 3510. ACTIONS TO ADDRESS SEXUAL HARASSMENT**
2 **AND SEXUAL ASSAULT AT THE UNITED**
3 **STATES MERCHANT MARINE ACADEMY.**

4 (a) POLICY.—Chapter 513 of title 46, United States
5 Code, is amended by adding at the end the following:

6 **“§ 51318. Policy on sexual harassment and sexual as-**
7 **sault**

8 “(a) REQUIRED POLICY.—

9 “(1) IN GENERAL.—The Secretary of Transpor-
10 tation shall direct the Superintendent of the United
11 States Merchant Marine Academy to prescribe a pol-
12 icy on sexual harassment and sexual assault applica-
13 ble to the cadets and other personnel of the Acad-
14 emy.

15 “(2) MATTERS TO BE SPECIFIED IN POLICY.—
16 The policy on sexual harassment and sexual assault
17 prescribed under this subsection shall include—

18 “(A) a program to promote awareness of
19 the incidence of rape, acquaintance rape, and
20 other sexual offenses of a criminal nature that
21 involve cadets or other Academy personnel;

22 “(B) procedures that a cadet or other
23 Academy personnel should follow in the case of
24 an occurrence of sexual harassment or sexual
25 assault, including—

1 “(i) specifying the person or persons
2 to whom an alleged occurrence of sexual
3 harassment or sexual assault should be re-
4 ported by the victim and the options for
5 confidential reporting;

6 “(ii) specifying any other person
7 whom the victim should contact; and

8 “(iii) procedures on the preservation
9 of evidence potentially necessary for proof
10 of criminal sexual assault;

11 “(C) a procedure for disciplinary action in
12 cases of alleged criminal sexual assault involv-
13 ing a cadet or other Academy personnel;

14 “(D) any other sanction authorized to be
15 imposed in a substantiated case of sexual har-
16 assment or sexual assault involving a cadet or
17 other Academy personnel in rape, acquaintance
18 rape, or any other criminal sexual offense,
19 whether forcible or nonforcible;

20 “(E) procedures through which—

21 “(i) questions regarding sexual har-
22 assment or sexual assault can be confiden-
23 tially asked and confidentially answered;

24 “(ii) victims can report incidents of
25 sexual assault confidentially; and

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1 “(iii) the privacy of victims of sexual
2 harassment and sexual assault will be pro-
3 tected; and

4 “(F) required training on the policy for all
5 cadets and other Academy personnel, including
6 the specific training required for personnel who
7 process allegations of sexual harassment or sex-
8 ual assault involving Academy personnel.

9 “(3) AVAILABILITY OF POLICY.—The Secretary
10 shall ensure that the policy developed under this
11 subsection is available to—

12 “(A) all cadets and employees of the Acad-
13 emy; and

14 “(B) the public.

15 “(4) CONSULTATION AND ASSISTANCE.—In de-
16 veloping the policy under this subsection, the Sec-
17 retary may consult with or receive assistance from
18 such Federal, State, local, and national organiza-
19 tions and subject matter experts as the Secretary
20 considers appropriate.

21 “(b) DEVELOPMENT PROGRAM.—

22 “(1) IN GENERAL.—The Secretary shall ensure
23 that the development program of the Academy in-
24 cludes a section that—

1 “(A) describes the relationship between
2 honor, respect, and character development and
3 the prevention of sexual harassment and sexual
4 assault at the Academy;

5 “(B) includes a brief history of the prob-
6 lem of sexual harassment and sexual assault in
7 the merchant marine, in the Armed Forces, and
8 at the Academy; and

9 “(C) includes information relating to re-
10 porting sexual harassment and sexual assault,
11 victims’ rights, and dismissal for offenders.

12 “(2) MINIMUM TRAINING REQUIREMENTS.—
13 The Superintendent shall ensure that all cadets re-
14 ceive training on the sexual harassment and sexual
15 assault prevention and response sections of the de-
16 velopment program of the Academy, as described in
17 paragraph (1), as follows:

18 “(A) An initial training session, which
19 shall occur not later than 7 days after a cadet’s
20 initial arrival at the Academy.

21 “(B) Additional training sessions, which
22 shall occur biannually following the cadet’s ini-
23 tial training session until the cadet graduates
24 or leaves the Academy.

25 “(c) ANNUAL ASSESSMENT.—

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1 “(1) IN GENERAL.—The Secretary, in coopera-
2 tion with the Superintendent, shall conduct an as-
3 sessment at the Academy, during each Academy pro-
4 gram year, to determine the effectiveness of the poli-
5 cies, procedures, and training program of the Acad-
6 emy with respect to sexual harassment and sexual
7 assault involving cadets or other Academy personnel.

8 “(2) BIENNIAL SURVEY.—For each assessment
9 of the Academy under paragraph (1) during an
10 Academy program year that begins in an odd-num-
11 bered calendar year, the Secretary shall conduct a
12 survey of cadets and other Academy personnel—

13 “(A) to measure—

14 “(i) the incidence, during that pro-
15 gram year, of sexual harassment and sex-
16 ual assault events involving cadets or other
17 Academy personnel, on or off the Academy
18 campus, that have been reported to offi-
19 cials of the Academy; and

20 “(ii) the incidence, during that pro-
21 gram year, of sexual harassment and sex-
22 ual assault events involving cadets or other
23 Academy personnel, on or off the Academy
24 campus, that have not been reported to of-
25 ficials of the Academy; and

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1 “(B) to assess the perceptions of cadets
2 and other Academy personnel on—

3 “(i) the policies, procedures, and
4 training programs of the Academy on sex-
5 ual harassment and sexual assault involv-
6 ing cadets or other Academy personnel;

7 “(ii) the enforcement of the policies
8 described in clause (i);

9 “(iii) the incidence of sexual harass-
10 ment and sexual assault involving cadets or
11 other Academy personnel; and

12 “(iv) any other issues relating to sex-
13 ual harassment and sexual assault involv-
14 ing cadets or other Academy personnel.

15 “(3) FOCUS GROUPS FOR YEARS WHEN SURVEY
16 NOT REQUIRED.—In any year in which the Secretary
17 is not required to conduct the survey described in
18 paragraph (2), the Secretary shall conduct focus
19 groups at the Academy for the purposes of
20 ascertaining information relating to sexual assault
21 and sexual harassment issues at the Academy.

22 “(d) ANNUAL REPORT.—

23 “(1) IN GENERAL.—For each Academy pro-
24 gram year, the Superintendent shall submit to the
25 Secretary a report that provides information about

1 sexual harassment and sexual assault involving ca-
2 dets or other Academy personnel.

3 “(2) CONTENTS.—Each report submitted under
4 paragraph (1) shall include, for the Academy pro-
5 gram year covered by the report—

6 “(A) the number of sexual assaults, rapes,
7 and other sexual offenses involving cadets or
8 other Academy personnel that have been re-
9 ported to Academy officials;

10 “(B) the number of the reported cases de-
11 scribed in subparagraph (A) that have been
12 substantiated;

13 “(C) the policies, procedures, and training
14 implemented by the Superintendent and the
15 leadership of the Academy in response to inci-
16 dents of sexual harassment and sexual assault
17 involving cadets and other Academy personnel;
18 and

19 “(D) a plan for the actions that will be
20 taken in the following Academy program year
21 regarding prevention of, and response to, inci-
22 dents of sexual harassment and sexual assault
23 involving cadets and other Academy personnel.

24 “(3) SURVEY AND FOCUS GROUP RESULTS.—

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1 “(A) SURVEY RESULTS.—Each report
2 under paragraph (1) for an Academy program
3 year that begins in an odd-numbered calendar
4 year shall include the results of the survey con-
5 ducted in that program year under subsection
6 (c)(2).

7 “(B) FOCUS GROUP RESULTS.—Each re-
8 port under paragraph (1) for an Academy pro-
9 gram year in which the Secretary is not re-
10 quired to conduct the survey described in sub-
11 section (c)(2) shall include the results of the
12 focus group conducted in that program year
13 under subsection (c)(3).

14 “(4) REPORTING REQUIREMENT.—

15 “(A) BY THE SUPERINTENDENT.—For
16 each incident of sexual harassment or sexual as-
17 sault reported to the Superintendent, the Su-
18 perintendent shall provide to the Secretary and
19 the Board of Visitors of the Academy a report
20 that includes—

21 “(i) the facts surrounding the inci-
22 dent, except for any details that would re-
23 veal the identities of the people involved;
24 and

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1 “(ii) the Academy’s response to the
2 incident.

3 “(B) BY THE SECRETARY.—The Secretary
4 shall submit a copy of each report received
5 under subparagraph (A) and the Secretary’s
6 comments on the report to the Committee on
7 Commerce, Science, and Transportation of the
8 Senate and the Committee on Transportation
9 and Infrastructure of the House of Representa-
10 tives.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 for chapter 513 of title 46, United States Code, is amend-
13 ed by adding at the end the following:

“51318. Policy on sexual harassment and sexual assault.”.

14 **SEC. 3511. SEXUAL ASSAULT RESPONSE COORDINATORS**
15 **AND SEXUAL ASSAULT VICTIM ADVOCATES.**

16 (a) COORDINATORS AND ADVOCATES.—Chapter 513
17 of title 46, United States Code, as amended by this Act,
18 is further amended by adding at the end the following:

19 **“§ 51319. Sexual assault response coordinators and**
20 **sexual assault victim advocates**

21 “(a) SEXUAL ASSAULT RESPONSE COORDINA-
22 TORS.—The United States Merchant Marine Academy
23 shall employ or contract with at least 1 full-time sexual
24 assault response coordinator who shall reside at or near
25 the Academy. The Secretary of Transportation may assign

1 additional full-time or part-time sexual assault response
2 coordinators at the Academy as necessary.

3 “(b) VOLUNTEER SEXUAL ASSAULT VICTIM ADVO-
4 CATES.—

5 “(1) IN GENERAL.—The Secretary, acting
6 through the Superintendent of the Academy, shall
7 designate from among volunteers 1 or more perma-
8 nent employees of the Academy to serve as advocates
9 for victims of sexual assaults involving cadets of the
10 Academy or other Academy personnel.

11 “(2) TRAINING; OTHER DUTIES.—Each victim
12 advocate designated under this subsection shall—

13 “(A) have or receive training in matters re-
14 lating to sexual assault and the comprehensive
15 policy developed under section 51318; and

16 “(B) serve as a victim advocate voluntarily,
17 in addition to the individual’s other duties as an
18 employee of the Academy.

19 “(3) PRIMARY DUTIES.—While performing the
20 duties of a victim advocate under this subsection, a
21 designated employee shall—

22 “(A) support victims of sexual assault by
23 informing them of the rights and resources
24 available to them as victims;

1 “(B) identify additional resources to en-
2 sure the safety of victims of sexual assault; and

3 “(C) connect victims of sexual assault to
4 companions, as described in paragraph (4).

5 “(4) COMPANIONS.—

6 “(A) IN GENERAL.—At least 1 victim ad-
7 vocate designated under this subsection, or a
8 sexual assault response coordinator designated
9 under subsection (a), while performing the du-
10 ties of a victim advocate, shall act as a com-
11 panion to a victim described in paragraph (1)
12 in navigating investigative, medical, mental, and
13 emotional health, and recovery processes relat-
14 ing to sexual assault.

15 “(B) ALTERNATE VICTIM ADVOCATES.—If
16 requested by the victim, an alternate victim ad-
17 vocate shall be designated under this subsection
18 to act as a companion to the victim, as de-
19 scribed in subparagraph (A).

20 “(5) HOTLINE.—The Secretary shall establish a
21 24-hour hotline through which the victim of a sexual
22 assault described in paragraph (1) can receive victim
23 support services.

24 “(6) FORMAL RELATIONSHIPS WITH OTHER EN-
25 TITIES.—The Secretary may enter into formal rela-

1 Academy, whether a member is the victim, the al-
2 leged assailant, or both; and

3 (3) include any recommendations to improve
4 the response of the Department and the Academy to
5 reports of sexual assaults involving members of the
6 Academy, whether a member is the victim, a mem-
7 ber is the alleged assailant, or both.

8 (c) EXPERTISE.—In compiling the report required
9 under this section, the Inspector General shall—

10 (1) include on the inspection teams acting
11 under the direction of the Inspector General at least
12 1 member with expertise and knowledge of sexual
13 assault prevention and response policies; or

14 (2) consult with subject matter experts in the
15 prevention of and response to sexual assaults.

16 **SEC. 3513. SEXUAL ASSAULT PREVENTION AND RESPONSE**
17 **WORKING GROUP.**

18 (a) IN GENERAL.—Not later than 21 days after the
19 date of the enactment of this Act, the Maritime Adminis-
20 trator shall convene a working group to examine methods
21 to improve the prevention of, and response to, any sexual
22 harassment, sexual assault, or other inappropriate con-
23 duct, as well as methods to improve the shipboard climate,
24 that occurs during a cadet's Sea Year experience with the
25 United States Merchant Marine Academy.

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1 (b) MEMBERSHIP.—The working group shall be com-
2 posed of members designated by the Maritime Adminis-
3 trator as follows:

4 (1) A representative of the Maritime Adminis-
5 tration, who shall serve as the chair of the working
6 group.

7 (2) The Superintendent of the Academy (or the
8 Superintendent's designee).

9 (3) A sexual assault response coordinator ap-
10 pointed under section 51319 of title 46, United
11 States Code, as added by this Act.

12 (4) A subject matter expert from the Coast
13 Guard.

14 (5) A subject matter expert from the Military
15 Sealift Command.

16 (6) A subject matter expert from the National
17 Oceanic and Atmospheric Administration.

18 (7) At least 1 representative from each State
19 maritime academy.

20 (8) At least 1 representative from each private
21 contracting party participating in the maritime secu-
22 rity program.

23 (9) At least 1 representative from each non-
24 profit labor organization representing a class or

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1 craft of employees employed on vessels in the Mari-
2 time Security Fleet.

3 (10) At least 2 representatives from approved
4 maritime training institutions.

5 (11) At least 1 representative from companies
6 that—

7 (A) participate in sea training of Academy
8 cadets; and

9 (B) do not participate in the maritime se-
10 curity program.

11 (12) Such additional individuals as the Mari-
12 time Administrator may designate.

13 (c) NO QUORUM REQUIREMENT.—The chair may
14 convene the working group without all members present.

15 (d) RESPONSIBILITIES.—The working group shall—

16 (1) evaluate options that could promote a cli-
17 mate of honor and respect, and a culture that is in-
18 tolerant of sexual harassment, sexual assault, or
19 other inappropriate conduct and those who commit
20 it, with operators of vessels of the United States;

21 (2) raise awareness of sexual harassment, sex-
22 ual assault, or other inappropriate conduct with op-
23 erators of vessels of the United States;

24 (3) assess options that could be implemented by
25 the operators of vessels of the United States that

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1 would remove any barriers to the reporting of sexual
2 harassment, sexual assault, or other inappropriate
3 conduct that occurs during a cadet's Sea Year expe-
4 rience and protect the victim's confidentiality;

5 (4) assess a potential program or policy to im-
6 prove the prevention of, and response to, incidents
7 of sexual harassment, sexual assault, or other inap-
8 propriate conduct;

9 (5) assess a potential program or policy requir-
10 ing crews to complete a sexual harassment and sex-
11 ual assault prevention and response training pro-
12 gram before the cadet's Sea Year that includes—

13 (A) fostering a shipboard climate—

14 (i) that does not tolerate sexual har-
15 assment, sexual assault, or other inappro-
16 priate conduct;

17 (ii) in which persons assigned to ves-
18 sel crews are encouraged to intervene to
19 prevent such potential incidents; and

20 (iii) that encourages victims to report
21 any incident of sexual harassment, sexual
22 assault, or other inappropriate conduct;
23 and

24 (B) promoting an understanding of the
25 needs of, and the resources available to, a vic-

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1 tim after an incident of sexual harassment, sex-
2 ual assault, or other inappropriate conduct;

3 (6) assess all other feasible changes to Sea Year
4 training at the Academy, and corresponding changes
5 to curricula, to improve prevention of and response
6 to incidents of sexual harassment, sexual assault,
7 and other inappropriate conduct; and

8 (7) assess how vessel operators could ensure the
9 confidentiality of a report of sexual harassment, sex-
10 ual assault, or other inappropriate conduct in order
11 to protect the victim and prevent retribution.

12 (e) REPORT.—Not later than 9 months after the date
13 of the enactment of this Act, the working group shall sub-
14 mit to the Committee on Commerce, Science, and Trans-
15 portation of the Senate and the Committee on Transpor-
16 tation and Infrastructure of the House of Representatives
17 a report that includes—

18 (1) recommendations on each of the working
19 group's responsibilities described in subsection (d);

20 (2) a description of the trade-offs, opportuni-
21 ties, and challenges associated with the recommenda-
22 tions described in paragraph (1);

23 (3) a description of administrative actions taken
24 as result of the recommendations described in para-
25 graph (1); and

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1 (4) any other information the working group
2 determines appropriate.

3 **SEC. 3514. SEA YEAR COMPLIANCE.**

4 Not later than 90 days after the date of the enact-
5 ment of this Act, the Maritime Administrator, in consulta-
6 tion with operators of commercial vessels of the United
7 States, shall establish—

8 (1) criteria that vessel operators must meet in
9 order to participate in the Sea Year program of the
10 United States Merchant Marine Academy that ad-
11 dresses sexual harassment, sexual assault, and other
12 inappropriate conduct; and

13 (2) a process for verifying compliance with the
14 criteria.

15 **SEC. 3515. STATE MARITIME ACADEMY PHYSICAL STAND-**
16 **ARDS AND REPORTING.**

17 Section 51506 of title 46, United States Code, is
18 amended—

19 (1) in subsection (a)—

20 (A) in the matter preceding paragraph (1),
21 by striking “must” and inserting “shall”;

22 (B) in paragraph (2), by striking “and” at
23 the end;

24 (C) in paragraph (3), by striking the pe-
25 riod at the end and inserting “; and”; and

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1 (D) by adding at the end the following:

2 “(4) agree that any individual enrolled at such
3 State maritime academy in a merchant marine offi-
4 cer preparation program—

5 “(A) shall, not later than 9 months after
6 such individual’s date of enrollment, pass an ex-
7 amination in form and substance satisfactory to
8 the Secretary that demonstrates that such indi-
9 vidual meets the medical and physical require-
10 ments—

11 “(i) required for the issuance of an
12 original license under section 7101; or

13 “(ii) set by the Coast Guard for
14 issuing merchant mariners’ documentation
15 under section 7302, with no limit to the in-
16 dividual’s operational authority;

17 “(B) following passage of the examination
18 under subparagraph (A), shall continue to meet
19 the requirements described in subparagraph (A)
20 throughout the remainder of the individual’s en-
21 rollment at the State maritime academy; and

22 “(C) if the individual has a medical or
23 physical condition that disqualifies the indi-
24 vidual from meeting the requirements referred
25 to in subparagraph (A), shall be transferred to

1 a program other than a merchant marine offi-
2 cer preparation program, or otherwise appro-
3 priately disenrolled from such State maritime
4 academy, until the individual demonstrates to
5 the Secretary that the individual meets such re-
6 quirements.”; and

7 (2) by adding at the end the following:

8 “(c) SECRETARIAL WAIVER AUTHORITY.—The Sec-
9 retary may modify or waive any of the terms set forth
10 in subsection (a)(4) with respect to any individual or State
11 maritime academy.”.

12 **SEC. 3516. APPOINTMENTS.**

13 (a) IN GENERAL.—Section 51303 of title 46, United
14 States Code, is amended by striking “40” and inserting
15 “50”.

16 (b) CLASS PROFILES.—

17 (1) IN GENERAL.—Not later than August 31 of
18 each year, the Superintendent of the United States
19 Merchant Marine Academy shall post on the Acad-
20 emy’s public website a profile of each class at the
21 Academy.

22 (2) CONTENTS.—Each profile posted under
23 paragraph (1) shall include, for the incoming class
24 of the Academy and for the 4 classes that preceded

2011

1 that class at the Academy, the number and percent-
2 age of students by—

3 (A) State;

4 (B) country;

5 (C) gender;

6 (D) race and ethnicity; and

7 (E) prior military service.

8 **SEC. 3517. MARITIME WORKFORCE WORKING GROUP.**

9 (a) IN GENERAL.—Not later than 120 days after the
10 date of the enactment of this Act, the Maritime Adminis-
11 trator, in consultation with the Coast Guard Merchant
12 Marine Personnel Advisory Committee and the Committee
13 on the Marine Transportation System, shall convene a
14 working group to examine and assess the size of the pool
15 of United States citizen mariners necessary to support the
16 United States flag fleet in times of national emergency.

17 (b) MEMBERSHIP.—The Maritime Administrator
18 shall designate individuals to serve as members of the
19 working group convened under subsection (a). The work-
20 ing group shall include, at a minimum, at least 1 rep-
21 resentative from each of—

22 (1) the Maritime Administration, who shall
23 serve as chairperson of the working group;

24 (2) the United States Merchant Marine Acad-
25 emy;

2012

1 (3) the Coast Guard;

2 (4) the Military Sealift Command;

3 (5) the Navy;

4 (6) the State maritime academies;

5 (7) a nonprofit labor organization representing
6 a class of licensed employees who are employed on
7 vessels operating in the United States flag fleet;

8 (8) a nonprofit labor organization representing
9 a class of unlicensed employees who are employed on
10 vessels operating in the United States flag fleet;

11 (9) the pool of owners of vessels operating in
12 the United States flag fleet, or their private con-
13 tracting parties, that are primarily operating in
14 coastwise trades; and

15 (10) the pool of owners of vessels operating in
16 the United States flag fleet, or their private con-
17 tracting parties, that are primarily operating in
18 international transportation.

19 (c) NO QUORUM REQUIREMENT.—The Maritime Ad-
20 ministrator may convene the working group virtually and
21 without all members present.

22 (d) RESPONSIBILITIES.—The working group shall—

23 (1) identify the number of United States citizen
24 mariners—

25 (A) in total;

2013

1 (B) that have a valid Coast Guard mer-
2 chant mariner credential with the necessary en-
3 dorsements for service on unlimited tonnage
4 vessels that are subject to the International
5 Convention on Standards of Training, Certifi-
6 cation and Watchkeeping for Seafarers, 1978,
7 as amended;

8 (C) that are involved in Federal programs
9 that support the United States merchant ma-
10 rine and the United States flag fleet;

11 (D) that are available to crew the United
12 States flag fleet and the surge sealift fleet in
13 times of a national emergency;

14 (E) that are full-time mariners;

15 (F) that have sailed in the prior 18
16 months;

17 (G) that are primarily operating in non-
18 contiguous or coastwise trades; and

19 (H) that are merchant mariner
20 credentialed officers in the United States Navy
21 Reserve;

22 (2) assess the impact on the United States mer-
23 chant marine and United States Merchant Marine
24 Academy if graduates from State maritime acad-
25 emies and the United States Merchant Marine Acad-

2014

1 emy were assigned to, or required to fulfill, certain
2 maritime positions based on the overall needs of the
3 United States merchant marine;

4 (3) assess the Coast Guard Merchant Mariner
5 Licensing and Documentation System and its acces-
6 sibility and value to the Maritime Administration for
7 the purposes of evaluating the pool of United States
8 citizen mariners; and

9 (4) make recommendations to enhance the
10 availability and quality of interagency data, includ-
11 ing data from the United States Transportation
12 Command, the Coast Guard, the Navy, and the Bu-
13 reau of Transportation Statistics, for use by the
14 Maritime Administration for evaluating the pool of
15 United States citizen mariners.

16 (e) REPORT.—Not later than 1 year after the date
17 of the enactment of this Act, the Secretary of Transpor-
18 tation shall submit a report to the Committee on Com-
19 merce, Science, and Transportation of the Senate, the
20 Committee on Armed Services of the House of Represent-
21 atives, and the Committee on Transportation and Infra-
22 structure of the House of Representatives that contains
23 the results of the study conducted under this section, in-
24 cluding—

1 (1) the number of United States citizen mari-
2 ners identified for each category described in sub-
3 paragraphs (A) through (H) of subsection (d)(1);

4 (2) the results of the assessments conducted
5 under paragraphs (2) and (3) of subsection (d); and

6 (3) the recommendations made under sub-
7 section (d)(4).

8 (f) INCLUSION OF MERCHANT MARINE-
9 CREDENTIALLED OFFICERS IN THE NAVY RESERVE.—For
10 the purposes of this section, the term “United States cit-
11 izen mariners” includes, but is not limited to, officers in
12 the United States Navy Reserve who are holders of mer-
13 chant mariner credentials, as determined by the Secretary
14 of the Navy.

15 (g) SUNSET.—The Maritime Administrator may dis-
16 band the working group upon submission of the report
17 under subsection (e).

18 **SEC. 3518. MARITIME EXTREME WEATHER TASK FORCE.**

19 (a) ESTABLISHMENT OF TASK FORCE.—Not later
20 than 15 days after the date of the enactment of this Act,
21 the Secretary of Transportation shall establish a task
22 force to analyze the impact of extreme weather events,
23 such as in the maritime environment (referred to in this
24 section as the “Task Force”).

2016

1 (b) MEMBERSHIP.—The Task Force shall be com-
2 posed of—

3 (1) the Secretary or the Secretary's designee;

4 and

5 (2) a representative of—

6 (A) the Coast Guard;

7 (B) the National Oceanic and Atmospheric
8 Administration; and

9 (C) such other Federal agency or inde-
10 pendent commission as the Secretary considers
11 appropriate.

12 (c) REPORT.—

13 (1) IN GENERAL.—Except as provided in para-
14 graph (4), not later than 180 days after the date it
15 is established under subsection (a), the Task Force
16 shall submit to the Committee on Commerce,
17 Science, and Transportation of the Senate and the
18 Committee on Transportation and Infrastructure of
19 the House of Representatives a report on the anal-
20 ysis under subsection (a).

21 (2) CONTENTS.—The report under paragraph
22 (1) shall include—

23 (A) an identification of available weather
24 prediction, monitoring, and routing technology
25 resources;

2017

1 (B) an identification of industry best prac-
2 tices relating to response to, and prevention of
3 marine casualties from, extreme weather events;

4 (C) a description of how the resources de-
5 scribed in subparagraph (A) are used in the
6 various maritime sectors, including by pas-
7 senger and cargo vessels;

8 (D) recommendations for improving mari-
9 time response operations to extreme weather
10 events and preventing marine casualties from
11 extreme weather events, such as promoting the
12 use of risk communications and the technologies
13 identified under subparagraph (A); and

14 (E) recommendations for any legislative or
15 regulatory actions for improving maritime re-
16 sponse operations to extreme weather events
17 and preventing marine casualties from extreme
18 weather events.

19 (3) PUBLICATION.—The Secretary shall make
20 the report under paragraph (1) and any notification
21 under paragraph (4) publicly accessible in an elec-
22 tronic format.

23 (4) IMMINENT THREATS.—The Task Force
24 shall immediately notify the Secretary of any finding
25 or recommendations that could protect the safety of

2018

1 an individual on a vessel from an imminent threat
2 of extreme weather.

3 **SEC. 3519. WORKFORCE PLANS AND ONBOARDING POLI-**
4 **CIES.**

5 (a) WORKFORCE PLANS.—Not later than 9 months
6 after the date of the enactment of this Act, the Maritime
7 Administrator shall review the Maritime Administration’s
8 workforce plans, including its Strategic Human Capital
9 Plan and Leadership Succession Plan, and fully imple-
10 ment competency models for mission-critical occupations,
11 including—

- 12 (1) leadership positions;
- 13 (2) human resources positions; and
- 14 (3) transportation specialist positions.

15 (b) ONBOARDING POLICIES.—Not later than 9
16 months after the date of the enactment of this Act, the
17 Maritime Administrator shall—

- 18 (1) review the Maritime Administration’s poli-
19 cies related to new hire orientation, training, and
20 misconduct;
- 21 (2) align the onboarding policies and procedures
22 at headquarters and the field offices to ensure con-
23 sistent implementation and provision of critical in-
24 formation across the Maritime Administration; and

1 (3) update the Maritime Administration's train-
2 ing policies and training systems to include controls
3 that ensure that all completed training is tracked in
4 a standardized training repository.

5 (c) REPORT.—Not later than 1 year after the date
6 of the enactment of this Act, the Maritime Administrator
7 shall submit a report to the Committee on Commerce,
8 Science, and Transportation of the Senate and the Com-
9 mittee on Armed Services and the Committee on Trans-
10 portation and Infrastructure of the House of Representa-
11 tives that describes the Maritime Administration's compli-
12 ance with the requirements under this section.

13 **SEC. 3520. DRUG AND ALCOHOL POLICY.**

14 (a) REVIEW.—Not later than 9 months after the date
15 of the enactment of this Act, the Maritime Administrator
16 shall—

17 (1) review the Maritime Administration's drug
18 and alcohol policies, procedures, and training prac-
19 tices;

20 (2) ensure that all fleet managers have received
21 training on the Department of Transportation's
22 drug and alcohol policy, including the testing proce-
23 dures used by the Department and the Maritime Ad-
24 ministration in cases of reasonable suspicion; and

1 (3) institute a system for tracking all drug and
2 alcohol policy training conducted under paragraph
3 (2) in a standardized training repository.

4 (b) REPORT.—Not later than 1 year after the date
5 of the enactment of this Act, the Maritime Administrator
6 shall submit a report to the Committee on Commerce,
7 Science, and Transportation of the Senate and the Com-
8 mittee on Armed Services and the Committee on Trans-
9 portation and Infrastructure of the House of Representa-
10 tives that describes the Maritime Administration’s compli-
11 ance with the requirements under this section.

12 **SEC. 3521. VESSEL TRANSFERS.**

13 Not later than 9 months after the date of the enact-
14 ment of this Act, the Maritime Administrator shall submit
15 a report to the Committee on Commerce, Science, and
16 Transportation of the Senate and the Committee on
17 Armed Services and the Committee on Transportation and
18 Infrastructure of the House of Representatives that de-
19 scribes the Maritime Administration policies and proce-
20 dures for vessel transfer, including—

21 (1) a summary of the actions taken to update
22 the Vessel Transfer Office procedures manual to re-
23 flect the current range of program responsibilities
24 and processes; and

1 (2) a copy of the updated Vessel Transfer Of-
2 fice procedures to process vessel transfer applica-
3 tions.

4 **SEC. 3522. CLARIFYING AMENDMENT; CONTINUATION**
5 **BOARDS.**

6 Section 290(a) of title 14, United States Code, is
7 amended by striking “five officers serving in the grade of
8 vice admiral” and inserting “5 officers (other than the
9 Commandant) serving in the grade of admiral or vice ad-
10 miral”.

11 **SEC. 3523. POLAR ICEBREAKER RECAPITALIZATION PLAN.**

12 (a) REQUIREMENT.—Not later than 120 days after
13 the date of the enactment of this Act, the Secretary, in
14 consultation with the Secretary of the Navy, shall submit
15 to the appropriate committees of Congress a detailed re-
16 capitalization plan to address the 2013 Department of
17 Homeland Security Mission Need Statement with respect
18 to icebreaking.

19 (b) CONTENTS.—The plan required under subsection
20 (a) shall—

21 (1) detail the number of heavy and medium
22 polar icebreakers required to meet Coast Guard stat-
23 utory missions in the polar regions;

24 (2) identify the vessel specifications, capabili-
25 ties, systems, equipment, and other details required

2022

1 for the design of heavy polar icebreakers capable of
2 fulfilling the mission requirements of the Coast
3 Guard and the Navy, and the requirements of other
4 agencies and departments of the United States, as
5 the Secretary determines appropriate;

6 (3) list the specific appropriations required for
7 the acquisition of each icebreaker, for each fiscal
8 year, until the full fleet is recapitalized;

9 (4) describe the potential savings of serial ac-
10 quisition for new polar class icebreakers, including
11 specific schedule and acquisition requirements need-
12 ed to realize such savings;

13 (5) describe any polar icebreaking capacity gaps
14 that may arise based on the current fleet and cur-
15 rent procurement outlook; and

16 (6) describe any additional polar icebreaking ca-
17 pability gaps that may arise due to any further delay
18 in procurement schedules.

19 (c) DEFINITIONS.—In this section, the following defi-
20 nitions apply:

21 (1) APPROPRIATE COMMITTEES OF CON-
22 GRESS.—The term “appropriate committees of Con-
23 gress” means the Committee on Commerce, Science,
24 and Transportation of the Senate and the Com-

2023

1 mittee on Transportation and Infrastructure of the
2 House of Representatives.

3 (2) SECRETARY.—Except as otherwise specifi-
4 cally provided, the term “Secretary” means the Sec-
5 retary of the department in which the Coast Guard
6 is operating.

7 **SEC. 3524. GAO REPORT ON ICEBREAKING CAPABILITY IN**
8 **UNITED STATES.**

9 (a) REQUIREMENT.—Not later than 180 days after
10 the date of the enactment of this Act, the Comptroller
11 General of the United States shall submit to the appro-
12 priate committees of Congress a report on the current
13 state of the United States Federal icebreaking fleet.

14 (b) CONTENTS.—The report required under sub-
15 section (a) shall include—

16 (1) an analysis of the icebreaking assets in op-
17 eration in the United States and a description of the
18 missions completed by such assets;

19 (2) an analysis of how such assets and the ca-
20 pabilities of such assets are consistent, or incon-
21 sistent, with the icebreaking mission requirements
22 described in the 2013 Department of Homeland Se-
23 curity Mission Need Statement, the Naval Oper-
24 ations Concept 2010, and other military and civilian
25 governmental missions in the United States;

1 (3) an analysis of the gaps in icebreaking capa-
2 bility of the United States based on the expected
3 service life of the fleet of United States icebreaking
4 assets;

5 (4) a list of countries that are allies of the
6 United States that have the icebreaking capacity to
7 exercise missions during any identified gap in
8 United States icebreaking capacity; and

9 (5) a description of the policy, financial, and
10 other barriers that have prevented timely recapital-
11 ization of the Coast Guard icebreaking fleet and rec-
12 ommendations to overcome such barriers, including
13 potential international fee-based models used to
14 compensate governments for icebreaking escorts or
15 maintenance of maritime routes.

16 (c) APPROPRIATE COMMITTEES OF CONGRESS.—In
17 this section, the term “appropriate committees of Con-
18 gress” means the Committee on Commerce, Science, and
19 Transportation of the Senate and the Committee on
20 Transportation and Infrastructure of the House of Rep-
21 resentatives.

1 **Subtitle B—Pribilof Islands**
2 **Transition Completion**

3 **SEC. 3531. SHORT TITLE.**

4 This subtitle may be cited as the “Pribilof Islands
5 Transition Completion Amendments Act of 2016”.

6 **SEC. 3532. CONVEYANCE OF PROPERTY.**

7 (a) CONVEYANCE.—Subsection (a) of section 522 of
8 the Pribilof Island Transition Completion Act of 2016
9 (Public Law 114–120, as amended by this Act) is amend-
10 ed to read as follows:

11 “(a) CONVEYANCE.—In partial settlement of land
12 claims under the Alaska Native Claims Settlement Act (43
13 U.S.C. 1601 et seq.), and not later than 30 days after
14 the date of enactment of the Pribilof Islands Transition
15 Completion Amendments Act of 2016, the Secretary of
16 Commerce shall, notwithstanding section 105(a) of the
17 Pribilof Islands Transition Act (16 U.S.C. 1161 note;
18 Public Law 106–562), convey to the Alaska Native Village
19 Corporation for St. Paul Island all right, title, and interest
20 of the United States in and to the following property, in-
21 cluding improvements on such property:

22 “(1) Lots 4, 5, and 6A, Block 18, Tract A,
23 U.S. Survey 4943, Alaska, the plat of which was Of-
24 ficially Filed on January 20, 2004, aggregating
25 13,006 square feet (0.30 acres).

1 “(2) T. 35 S., R. 131 W., Seward Meridian,
2 Alaska, Tract 39, the plat of which was Officially
3 Filed on May 14, 1986, containing 0.90 acres.”.

4 (b) CONFORMING AMENDMENTS; EASEMENT.—Sec-
5 tion 522 of such Act, as amended by subsection (a), is
6 further amended—

7 (1) by striking subsection (b);

8 (2) by redesignating subsection (c) as sub-
9 section (b); and

10 (3) by adding at the end the following:

11 “(c) EASEMENT.—As part of the conveyance under
12 subsection (a), the Secretary of Commerce, in cooperation
13 with the Alaska Native Village Corporation for St. Paul
14 Island, shall provide an easement to the Secretary of
15 Transportation to maintain a non-directional beacon on
16 the property described in subsection (a)(2).”.

17 **SEC. 3533. TRANSFER, USE, AND DISPOSAL OF TRACT 43.**

18 (a) IN GENERAL.—Section 524 of the Pribilof Island
19 Transition Completion Act of 2016 (Public Law 114–120,
20 as amended by this Act) is amended to read as follows:

21 **“SEC. 524. TRANSFER, USE, AND DISPOSAL OF TRACT 43.**

22 “(a) TRANSFER.—Not later than 30 days after the
23 date of the enactment of the Pribilof Islands Transition
24 Completion Amendments Act of 2016, the Secretary of
25 Commerce shall—

1 “(1) terminate the license; and

2 “(2) transfer tract 43 to the Secretary of the
3 department in which the Coast Guard is operating.

4 “(b) DETERMINATION, TRANSFER, AND CONVEY-
5 ANCE.—

6 “(1) IN GENERAL.—Not later than the end of
7 the 90-day period beginning on the date of the
8 transfer required under subsection (a)(2), the Sec-
9 retary shall submit to the Committee on Transpor-
10 tation and Infrastructure of the House of Represent-
11 atives and the Committee on Commerce, Science,
12 and Transportation of the Senate a determination
13 of—

14 “(A) lands and improvements in tract 43
15 that are not necessary to carry out Coast
16 Guard communications and search and rescue
17 activities; and

18 “(B) the smallest practicable tract enclos-
19 ing lands and improvements in tract 43 that
20 are necessary to carry out such communications
21 and activities.

22 “(2) SURVEYS, MAPS, DESCRIPTIONS, AND
23 PLAN.—

24 “(A) LANDS AND IMPROVEMENTS NOT
25 NECESSARY TO COAST GUARD ACTIVITIES.—The

1 determination under paragraph (1)(A) shall in-
2 clude a metes-and-bounds survey, map, and
3 legal description of the lands and improvements
4 to which the determination applies. Such sur-
5 vey, map, and legal description shall have the
6 same force and effect as if included in this sec-
7 tion, except that the Secretary may correct cler-
8 ical and typographical errors in the survey,
9 map, and legal description.

10 “(B) LANDS AND IMPROVEMENTS NEC-
11 ESSARY TO COAST GUARD ACTIVITIES.—The de-
12 termination under paragraph (1)(B) shall in-
13 clude with respect to the lands and improve-
14 ments to which the determination applies—

15 “(i) a metes-and-bounds survey, map,
16 and legal description of such lands and im-
17 provements, which shall have the same
18 force and effect as if included in this sec-
19 tion, except that the Secretary may correct
20 clerical and typographical errors in the
21 survey, map, and legal description;

22 “(ii) a description of Coast Guard ac-
23 tual use and occupancy of such lands and
24 improvements intended to occur within 3
25 years after the date of the enactment of

1 the Pribilof Islands Transition Completion
2 Amendments Act of 2016; and

3 “(iii) a plan to maintain existing fa-
4 cilities in useable condition, or demolish or
5 replace those facilities, including a cost es-
6 timate for carrying out such plan.

7 “(3) CONVEYANCE.—In partial settlement of
8 land claims under the Alaska Native Claims Settle-
9 ment Act (43 U.S.C. 1601 et seq.), and not later
10 than 60 days after the submission of the determina-
11 tion under paragraph (1)(A), the Secretary shall
12 convey to the Alaska Native Village Corporation for
13 St. Paul Island all right, title, and interest of the
14 United States in and to the land and improvements
15 depicted on the metes-and-bounds survey, map, and
16 legal description of the lands and improvements to
17 which the determination under paragraph (1)(A) ap-
18 plies.

19 “(4) FAILURE TO PROVIDE DETERMINATION.—
20 If a determination under paragraph (1) is not pro-
21 vided within the period specified in that paragraph,
22 in partial settlement of land claims under the Alaska
23 Native Claims Settlement Act (43 U.S.C. 1601 et
24 seq.) the Secretary shall, by not later than 30 days
25 after the end of that period, convey all right, title,

1 and interest of the United States in and to tract 43
2 to the Alaska Native Village Corporation for St.
3 Paul Island.

4 “(5) FAILURE TO IMPLEMENT USE AND OCCU-
5 PANCY.—If the use and occupancy described in
6 paragraph (2)(B)(ii) have not been fully imple-
7 mented within 5 years after the date of enactment
8 of the Pribilof Islands Transition Completion
9 Amendments Act of 2016, in partial settlement of
10 land claims under the Alaska Native Claims Settle-
11 ment Act (43 U.S.C. 1601 et seq.) the Secretary
12 shall convey to the Alaska Native Village Corpora-
13 tion for St. Paul Island all right, title, and interest
14 of the United States in and to such portions of the
15 lands and improvements to which the determination
16 under paragraph (1)(B) applies and for which such
17 implementation has not occurred.

18 “(c) FURTHER DETERMINATION AND CONVEY-
19 ANCE.—

20 “(1) IN GENERAL.—Not later than 5 years
21 after the date of the enactment of the Pribilof Is-
22 lands Transition Completion Amendments Act of
23 2016, and not less than once every 5 years there-
24 after, the Secretary shall—

1 “(A) review the determination made under
2 subsection (b)(1)(B); and

3 “(B) determine if the lands and improve-
4 ments to which the determination applies are in
5 excess of the smallest practicable tract enclos-
6 ing the lands and improvements needed to carry
7 out Coast Guard missions.

8 “(2) REPORT OF DETERMINATION.—When a
9 determination is made under paragraph (1), the Sec-
10 retary shall report the determination to—

11 “(A) the Committee on Transportation and
12 Infrastructure of the House of Representatives;

13 “(B) the Committee on Commerce,
14 Science, and Transportation of the Senate; and

15 “(C) the Alaska Native Village Corporation
16 for St. Paul Island.

17 “(3) ELECTION TO RECEIVE.—Not later than
18 60 days after the date it receives a determination
19 under paragraph (1), the Alaska Native Village Cor-
20 poration for St. Paul Island shall notify the Sec-
21 retary in writing whether the Alaska Native Village
22 Corporation elects to receive all right, title, and in-
23 terest of the United States in and to any lands and
24 improvements or a portion of any lands and im-
25 provements determined to be in excess of those need-

1 ed to carry out Coast Guard missions in partial set-
2 tlement of land claims under the Alaska Native
3 Claims Settlement Act (43 U.S.C. 1601 et seq.).

4 “(4) CONVEYANCE.—If such Alaska Native Vil-
5 lage Corporation provides notice under paragraph
6 (3) that the Alaska Native Village Corporation elects
7 to receive all right, title, and interest of the United
8 States in and to any lands and improvements or a
9 portion of any lands and improvements, in partial
10 settlement of land claims under the Alaska Native
11 Claims Settlement Act (43 U.S.C. 1601 et seq.) the
12 Secretary shall convey all right, title, and interest of
13 the United States in and to the lands and improve-
14 ments or portion thereof to such Alaska Native Vil-
15 lage Corporation.

16 “(5) OTHER DISPOSAL.—If such Alaska Native
17 Village Corporation does not provide notice under
18 paragraph (3) that the Alaska Native Village Cor-
19 poration elects to receive all right, title, and interest
20 of the United States in and to any lands and im-
21 provements or a portion of any lands and improve-
22 ments, the Secretary may dispose of the lands and
23 improvements in accordance with other applicable
24 law.

1 “(d) CERCLA NOT AFFECTED.—No transfer or con-
2 veyance of property under this section shall be construed
3 to affect or limit the application of section 120(h) of the
4 Comprehensive Environmental Response, Compensation,
5 and Liability Act of 1980 (42 U.S.C. 9620(h)).

6 “(e) REPORTS.—

7 “(1) REMEDIATION OF CONTAMINATED SOIL.—
8 Not later than 2 years after the date of the enact-
9 ment of the Pribilof Islands Transition Completion
10 Amendments Act of 2016 and not less than once
11 every 2 years thereafter, the Secretary shall submit
12 to the Committee on Transportation and Infrastruc-
13 ture of the House of Representatives and the Com-
14 mittee on Commerce, Science, and Transportation of
15 the Senate a report on—

16 “(A) efforts taken to remediate contami-
17 nated soils on tract 43 and tract 39; and

18 “(B) a schedule for the completion of re-
19 mediatio n of contaminated soils on tract 43 and
20 tract 39.

21 “(2) NUMBER OF COAST GUARD PERSONNEL
22 WHO CARRIED OUT COAST GUARD MISSIONS.—On
23 the 15th day of each month, the Commandant of the
24 Coast Guard shall submit to the Committee on
25 Transportation and Infrastructure of the House of

1 Representatives and the Committee on Commerce,
2 Science, and Transportation of the Senate a notice
3 detailing the number of Coast Guard personnel who
4 carried out Coast Guard missions on tract 43 during
5 the previous month and what Coast Guard missions
6 were carried out by such personnel.

7 “(f) REDUNDANT CAPABILITY.—

8 “(1) RULE OF CONSTRUCTION.—Except as pro-
9 vided in paragraph (2), section 681 of title 14,
10 United States Code, shall not be construed to pro-
11 hibit any conveyance of lands or improvements
12 under this subtitle or any actions that involve the
13 dismantling or disposal of infrastructure that sup-
14 ported the former LORAN system that are associ-
15 ated with the conveyance of lands or improvements
16 under this subtitle.

17 “(2) REDUNDANT CAPABILITY.—If, within the
18 5-year period beginning on the date of the enact-
19 ment of the Pribilof Islands Transition Completion
20 Amendments Act of 2016, the Secretary determines
21 that communication equipment, including towers,
22 antennae, and transmitters, on property conveyed in
23 accordance with this subtitle is subsequently re-
24 quired to provide a positioning, navigation, and tim-
25 ing system to provide redundant capability in the

1 event GPS signals are disrupted, the Secretary
2 may—

3 “(A) operate, maintain, keep, locate, in-
4 spect, repair, and replace such equipment; and

5 “(B) in carrying out the activities de-
6 scribed in subparagraph (A), enter, at any time,
7 a facility without notice, to the extent that it is
8 not possible to provide advance notice, for as
9 long as such equipment is needed to provide
10 such capability.

11 “(g) FEDERAL USE.—In addition to entry under sub-
12 section (f)(2)(B), the Secretary may enter property con-
13 veyed in accordance with this subtitle for purposes of envi-
14 ronmental compliance and remediation after providing ad-
15 vance notice to the property owner to the extent that it
16 is possible to provide such notice.

17 “(h) HIGH FREQUENCY COMMUNICATIONS.—

18 “(1) RESTRICTION.—Except as provided in
19 paragraph (2), on property contained within the
20 boundaries of tract 43 as in effect on the date of en-
21 actment of the Pribilof Islands Transition Comple-
22 tion Amendments Act of 2016, no person may oper-
23 ate or maintain—

24 “(A) radio frequency transmitting equip-
25 ment that produces a signal that exceeds 5

1 microvolts per meter field intensity, other than
2 such equipment that was in use on the site be-
3 fore the date of the enactment of such Act; or

4 “(B) electric welding equipment, electric
5 generating equipment, a diathermy machine,
6 electric motors of any kind having greater than
7 5 horsepower, or any other machinery, engine,
8 or equipment that causes any electromagnetic
9 interference.

10 “(2) EXCEPTION.—A person may engage in op-
11 erations or maintenance otherwise prohibited by
12 paragraph (1) with the concurrence of the Secretary.

13 “(i) DEFINITIONS.—For purposes of this section:

14 “(1) LICENSE.—The term ‘license’ means the
15 agreement dated January 9, 2006, entitled ‘License
16 Agreement Between The Department of Homeland
17 Security, United States Coast Guard, and The De-
18 partment of Commerce, National Oceanic and At-
19 mospheric Administration’.

20 “(2) TRACT 39.—The term ‘tract 39’ means T.
21 35 S., R. 131 W., Seward Meridian, Alaska, Tract
22 39, the plat of which was Officially Filed on May 14,
23 1986, containing 0.90 acres.

24 “(3) TRACT 43.—The term ‘tract 43’ means T.
25 35 S., R. 131 W., Seward Meridian, Alaska, Tract

1 43, the plat of which was Officially Filed on May 14,
2 1986, containing 84.88 acres, and any improvements
3 on such tract.

4 “(4) SECRETARY.—The term ‘Secretary’ means
5 the Secretary of the department in which the Coast
6 Guard is operating.”.

7 (b) CHARGEABILITY FOR LANDS CONVEYED.—The
8 Secretary of the Interior shall charge against the remain-
9 ing entitlement of the Alaska Native Village Corporation
10 for St. Paul Island under the Alaska Native Claims Settle-
11 ment Act (43 U.S.C. 1601 et seq.) any conveyance of land
12 to such corporation under this subtitle, including the
13 amendments made by this subtitle.

14 (c) CLERICAL AMENDMENT.—The table of contents
15 in section 2 of the Coast Guard Authorization Act of 2016
16 (Public Law 114–120, as amended by this Act) is amend-
17 ed by striking the item relating to section 524 and insert-
18 ing the following:

“Sec. 524. Transfer, use, and disposal of tract 43.”.

19 (d) CONFORMING AMENDMENTS.—Section 105 of the
20 Pribilof Islands Transition Act (16 U.S.C. 1161 note;
21 Public Law 106–562) is amended—

22 (1) in subsection (e)(1), by striking “or section
23 522 of the Pribilof Island Transition Completion Act
24 of 2015” and inserting “or section 522 of the
25 Pribilof Island Transition Completion Act of 2016,

1 or transferred to the Secretary of the department in
2 which the Coast Guard is operating under section
3 524 of such Act,”; and

4 (2) in subsection (f)(1), by striking “and not
5 transferred” and inserting “and not transferred to
6 the Secretary of the department in which the Coast
7 Guard is operating under section 524 of the Pribilof
8 Island Transition Completion Act of 2016 or”.

9 (e) SAVINGS CLAUSE.—The Memorandum of Under-
10 standing among the Tanadgusix Corporation, St. Paul Is-
11 land, Alaska, the Tanaq Corporation, St. George Island,
12 Alaska, and the National Marine Fisheries Service of the
13 National Oceanic and Atmospheric Administration of the
14 Department of Commerce, dated December 22, 1976, re-
15 garding Pribilof Islands Land Selections and the establish-
16 ment and operation of a Joint Management Board, shall
17 remain in effect with respect to land selections and convey-
18 ances until all obligations for conveyances under that
19 agreement have been met, and the obligation to maintain
20 a Joint Management Board remains in effect.

1 **Subtitle C—Sexual Harassment and**
2 **Assault Prevention at the Na-**
3 **tional Oceanic and Atmospheric**
4 **Administration**

5 **SEC. 3541. ACTIONS TO ADDRESS SEXUAL HARASSMENT AT**
6 **NATIONAL OCEANIC AND ATMOSPHERIC AD-**
7 **MINISTRATION.**

8 (a) **REQUIRED POLICY.**—Not later than 1 year after
9 the date of the enactment of this Act, the Secretary of
10 Commerce shall, acting through the Under Secretary for
11 Oceans and Atmosphere, develop a policy on the preven-
12 tion of and response to sexual harassment involving em-
13 ployees of the National Oceanic and Atmospheric Adminis-
14 tration, members of the commissioned officer corps of the
15 Administration, and individuals who work with or conduct
16 business on behalf of the Administration.

17 (b) **MATTERS TO BE SPECIFIED IN POLICY.**—The
18 policy developed under subsection (a) shall include—

19 (1) establishment of a program to promote
20 awareness of the incidence of sexual harassment;

21 (2) clear procedures an individual should follow
22 in the case of an occurrence of sexual harassment,
23 including—

24 (A) a specification of the person or persons
25 to whom an alleged occurrence of sexual harass-

1 ment should be reported by an individual and
2 options for confidential reporting, including—

3 (i) options and contact information
4 for after-hours contact; and

5 (ii) a procedure for obtaining assist-
6 ance and reporting sexual harassment
7 while working in a remote scientific field
8 camp, at sea, or in another field status;
9 and

10 (B) a specification of any other person
11 whom the victim should contact;

12 (3) establishment of a mechanism by which—

13 (A) questions regarding sexual harassment
14 can be confidentially asked and confidentially
15 answered; and

16 (B) incidents of sexual harassment can be
17 confidentially reported; and

18 (4) a prohibition on retaliation and con-
19 sequences for retaliatory actions.

20 (c) CONSULTATION AND ASSISTANCE.—In developing
21 the policy required by subsection (a), the Secretary may
22 consult or receive assistance from such State, local, and
23 national organizations and subject matter experts as the
24 Secretary considers appropriate.

1 (d) AVAILABILITY OF POLICY.—The Secretary shall
2 ensure that the policy developed under subsection (a) is
3 available to—

4 (1) all employees of the Administration and
5 members of the commissioned officer corps of the
6 Administration, including those employees and mem-
7 bers who conduct field work for the Administration;
8 and

9 (2) the public.

10 (e) GEOGRAPHIC DISTRIBUTION OF EQUAL EMPLOY-
11 MENT OPPORTUNITY PERSONNEL.—The Secretary shall
12 designate out of existing staff at least 1 employee of the
13 Administration who is tasked with handling matters relat-
14 ing to equal employment opportunity or sexual harassment
15 at each marine and aviation center of the Administration.

16 (f) QUARTERLY REPORTS.—

17 (1) IN GENERAL.—Not less frequently than 4
18 times each year, the Director of the Civil Rights Of-
19 fice of the Administration shall submit to the Under
20 Secretary a report on sexual harassment in the Ad-
21 ministration.

22 (2) CONTENTS.—Each report submitted under
23 paragraph (1) shall include the following:

24 (A) The number of sexual harassment
25 cases, both actionable and non-actionable, in-

1 volving individuals covered by the policy devel-
2 oped under subsection (a).

3 (B) The number of open actionable sexual
4 harassment cases and how long the cases have
5 been open.

6 (C) Such trends or region-specific issues as
7 the Director may have discovered with respect
8 to sexual harassment in the Administration.

9 (D) Such recommendations as the Director
10 may have with respect to sexual harassment in
11 the Administration.

12 **SEC. 3542. ACTIONS TO ADDRESS SEXUAL ASSAULT AT NA-**
13 **TIONAL OCEANIC AND ATMOSPHERIC ADMIN-**
14 **ISTRATION.**

15 (a) COMPREHENSIVE POLICY ON PREVENTION OF
16 AND RESPONSE TO SEXUAL ASSAULTS.—Not later than
17 1 year after the date of the enactment of this Act, the
18 Secretary of Commerce shall, acting through the Under
19 Secretary for Oceans and Atmosphere, develop a com-
20 prehensive policy on the prevention of and response to sex-
21 ual assaults involving employees of the National Oceanic
22 and Atmospheric Administration, members of the commis-
23 sioned officer corps of the Administration, and individuals
24 who work with or conduct business on behalf of the Ad-
25 ministration.

1 (b) ELEMENTS OF COMPREHENSIVE POLICY.—The
2 comprehensive policy developed under subsection (a) shall,
3 at minimum, address the following matters:

4 (1) Prevention measures.

5 (2) Education and training on prevention and
6 response.

7 (3) A list of support resources an individual
8 may use in the occurrence of sexual assault, includ-
9 ing—

10 (A) options and contact information for
11 after-hours contact; and

12 (B) a procedure for obtaining assistance
13 and reporting sexual assault while working in a
14 remote scientific field camp, at sea, or in an-
15 other field status.

16 (4) Easy and ready availability of information
17 described in paragraph (3).

18 (5) Establishing a mechanism by which—

19 (A) questions regarding sexual assault can
20 be confidentially asked and confidentially an-
21 swered; and

22 (B) incidents of sexual assault can be con-
23 fidentially reported.

24 (6) Protocols for the investigation of complaints
25 by command and law enforcement personnel.

1 (7) Prohibiting retaliation and consequences for
2 retaliatory actions against someone who reports a
3 sexual assault.

4 (8) Oversight by the Under Secretary of admin-
5 istrative and disciplinary actions in response to sub-
6 stantiated incidents of sexual assault.

7 (9) Victim advocacy, including establishment of
8 and the responsibilities and training requirements
9 for victim advocates as described in subsection (c).

10 (10) Availability of resources for victims of sex-
11 ual assault within other Federal agencies and State,
12 local, and national organizations.

13 (c) VICTIM ADVOCACY.—

14 (1) IN GENERAL.—The Secretary, acting
15 through the Under Secretary, shall establish victim
16 advocates to advocate for victims of sexual assaults
17 involving employees of the Administration, members
18 of the commissioned officer corps of the Administra-
19 tion, and individuals who work with or conduct busi-
20 ness on behalf of the Administration.

21 (2) VICTIM ADVOCATES.—For purposes of this
22 subsection, a victim advocate is an existing perma-
23 nent employee of the Administration who—

1 (A) is trained in matters relating to sexual
2 assault and the comprehensive policy developed
3 under subsection (a); and

4 (B) serves as a victim advocate voluntarily
5 and in addition to the employee's other duties
6 as an employee of the Administration.

7 (3) PRIMARY DUTIES.—The primary duties of a
8 victim advocate established under paragraph (1)
9 shall include the following:

10 (A) Supporting victims of sexual assault
11 and informing them of their rights and the re-
12 sources available to them as victims.

13 (B) Acting as a companion in navigating
14 investigative, medical, mental and emotional
15 health, and recovery processes relating to sexual
16 assault.

17 (C) Helping to identify resources to ensure
18 the safety of victims of sexual assault.

19 (4) LOCATION.—The Secretary shall ensure
20 that at least 1 victim advocate established under
21 paragraph (1) is stationed—

22 (A) in each region in which the Adminis-
23 tration conducts operations; and

24 (B) in each marine and aviation center of
25 the Administration.

1 (5) HOTLINE.—

2 (A) IN GENERAL.—In carrying out this
3 subsection, the Secretary shall provide a tele-
4 phone number at which a victim of a sexual as-
5 sault can contact a victim advocate.

6 (B) 24-HOUR ACCESS.—The Secretary
7 shall ensure that the telephone number estab-
8 lished under subparagraph (A) is monitored at
9 all times.

10 (C) PARTNERSHIP.—The Secretary shall,
11 where possible, use established hotlines for pur-
12 poses of this paragraph.

13 (6) FORMAL RELATIONSHIPS WITH OTHER EN-
14 TITIES.—The Secretary may enter into formal rela-
15 tionships with other entities to make available addi-
16 tional victim advocates.

17 (d) AVAILABILITY OF POLICY.—The Secretary shall
18 ensure that the policy developed under subsection (a) is
19 available to—

20 (1) all employees of the Administration and
21 members of the commissioned officer corps of the
22 Administration, including those employees and mem-
23 bers who conduct field work for the Administration;
24 and

25 (2) the public.

1 (e) CONSULTATION AND ASSISTANCE.—In developing
2 the policy required by subsection (a), the Secretary may
3 consult or receive assistance from such State, local, and
4 national organizations and subject matter experts as the
5 Secretary considers appropriate.

6 **SEC. 3543. RIGHTS OF THE VICTIM OF A SEXUAL ASSAULT.**

7 A victim of a sexual assault covered by the com-
8 prehensive policy developed under section 3542(a) has the
9 right to be reasonably protected from the accused.

10 **SEC. 3544. CHANGE OF STATION.**

11 (a) CHANGE OF STATION, UNIT TRANSFER, OR
12 CHANGE OF WORK LOCATION OF VICTIMS.—

13 (1) TIMELY CONSIDERATION AND ACTION UPON
14 REQUEST.—The Secretary of Commerce, acting
15 through the Under Secretary for Oceans and Atmos-
16 phere, shall—

17 (A) in the case of a member of the com-
18 missioned officer corps of the National Oceanic
19 and Atmospheric Administration who was a vic-
20 tim of a sexual assault, in order to reduce the
21 possibility of retaliation or further sexual as-
22 sault, provide for timely determination and ac-
23 tion on an application submitted by the victim
24 for consideration of a change of station or unit
25 transfer of the victim; and

1 (B) in the case of an employee of the Ad-
2 ministration who was a victim of a sexual as-
3 sault, to the degree practicable and in order to
4 reduce the possibility of retaliation against the
5 employee for reporting the sexual assault, ac-
6 commodate a request for a change of work loca-
7 tion of the victim.

8 (2) PROCEDURES.—

9 (A) PERIOD FOR APPROVAL AND DIS-
10 APPROVAL.—The Secretary, acting through the
11 Under Secretary, shall ensure that an applica-
12 tion or request submitted under paragraph (1)
13 for a change of station, unit transfer, or change
14 of work location is approved or denied within
15 72 hours of the submission of the application or
16 request.

17 (B) REVIEW.—If an application or request
18 submitted under paragraph (1) by a victim of
19 a sexual assault for a change of station, unit
20 transfer, or change of work location of the vic-
21 tim is denied—

22 (i) the victim may request the Sec-
23 retary to review the denial; and

24 (ii) the Secretary, acting through the
25 Under Secretary, shall, not later than 72

1 hours after receiving such request, affirm
2 or overturn the denial.

3 (b) CHANGE OF STATION, UNIT TRANSFER, AND
4 CHANGE OF WORK LOCATION OF ALLEGED PERPETRA-
5 TORS.—

6 (1) IN GENERAL.—The Secretary, acting
7 through the Under Secretary, shall develop a policy
8 for the protection of victims of sexual assault de-
9 scribed in subsection (a)(1) by providing the alleged
10 perpetrator of the sexual assault with a change of
11 station, unit transfer, or change of work location, as
12 the case may be, if the alleged perpetrator is a mem-
13 ber of the commissioned officer corps of the Admin-
14 istration or an employee of the Administration.

15 (2) POLICY REQUIREMENTS.—The policy re-
16 quired by paragraph (1) shall include the following:

17 (A) A means to control access to the vic-
18 tim.

19 (B) Due process for the victim and the al-
20 leged perpetrator.

21 (c) REGULATIONS.—

22 (1) IN GENERAL.—The Secretary shall promul-
23 gate regulations to carry out this section.

24 (2) CONSISTENCY.—When practicable, the Sec-
25 retary shall make regulations promulgated under

1 this section consistent with similar regulations pro-
2 mulgated by the Secretary of Defense.

3 **SEC. 3545. APPLICABILITY OF POLICIES TO CREWS OF VES-**
4 **SELS SECURED BY NATIONAL OCEANIC AND**
5 **ATMOSPHERIC ADMINISTRATION UNDER**
6 **CONTRACT.**

7 The Under Secretary for Oceans and Atmosphere
8 shall ensure that each contract into which the Under Sec-
9 retary enters for the use of a vessel by the National Oce-
10 anic and Atmospheric Administration that covers the crew
11 of the vessel, if any, shall include as a condition of the
12 contract a provision that subjects such crew to the policy
13 developed under section 3541(a) and the comprehensive
14 policy developed under section 3542(a).

15 **SEC. 3546. ANNUAL REPORT ON SEXUAL ASSAULTS IN THE**
16 **NATIONAL OCEANIC AND ATMOSPHERIC AD-**
17 **MINISTRATION.**

18 (a) IN GENERAL.—Not later than January 15 of
19 each year, the Secretary of Commerce shall submit to the
20 Committee on Commerce, Science, and Transportation of
21 the Senate and the Committee on Natural Resources of
22 the House of Representatives a report on the sexual as-
23 saults involving employees of the National Oceanic and At-
24 mospheric Administration, members of the commissioned
25 officer corps of the Administration, and individuals who

1 work with or conduct business on behalf of the Adminis-
2 tration.

3 (b) CONTENTS.—Each report submitted under sub-
4 section (a) shall include, with respect to the previous cal-
5 endar year, the following:

6 (1) The number of alleged sexual assaults in-
7 volving employees, members, and individuals de-
8 scribed in subsection (a).

9 (2) A synopsis of each case and the disciplinary
10 action taken, if any, in each case.

11 (3) The policies, procedures, and processes im-
12 plemented by the Secretary, and any updates or re-
13 visions to such policies, procedures, and processes.

14 (4) A summary of the reports received by the
15 Under Secretary for Oceans and Atmosphere under
16 section 3541(f).

17 (c) PRIVACY PROTECTION.—In preparing and sub-
18 mitting a report under subsection (a), the Secretary shall
19 ensure that no individual involved in an alleged sexual as-
20 sault can be identified by the contents of the report.

21 **SEC. 3547. SEXUAL ASSAULT DEFINED.**

22 In this subtitle, the term “sexual assault” shall have
23 the meaning given such term in section 40002(a) of the
24 Violence Against Women Act of 1994 (42 U.S.C.
25 13925(a)).

1 **DIVISION D—FUNDING TABLES**

Sec. 4001. Authorization of amounts in funding tables.

TITLE XLI—PROCUREMENT

Sec. 4101. Procurement.

Sec. 4102. Procurement for overseas contingency operations.

Sec. 4103. Procurement for overseas contingency operations for base requirements.

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 4201. Research, development, test, and evaluation.

Sec. 4202. Research, development, test, and evaluation for overseas contingency operations.

Sec. 4203. Research, development, test, and evaluation for overseas contingency operations for base requirements.

TITLE XLIII—OPERATION AND MAINTENANCE

Sec. 4301. Operation and maintenance.

Sec. 4302. Operation and maintenance for overseas contingency operations.

Sec. 4303. Operation and maintenance for overseas contingency operations for base requirements.

TITLE XLIV—MILITARY PERSONNEL

Sec. 4401. Military personnel.

Sec. 4402. Military personnel for overseas contingency operations.

Sec. 4403. Military personnel for overseas contingency operations for base requirements.

TITLE XLV—OTHER AUTHORIZATIONS

Sec. 4501. Other authorizations.

Sec. 4502. Other authorizations for overseas contingency operations.

Sec. 4503. Other authorizations for overseas contingency operations for base requirements.

TITLE XLVI—MILITARY CONSTRUCTION

Sec. 4601. Military construction.

Sec. 4602. Military construction for overseas contingency operations.

Sec. 4603. Military construction for overseas contingency operations for base requirements.

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Sec. 4701. Department of Energy national security programs.

1 **SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TA-**
2 **BLES.**

3 (a) **IN GENERAL.**—Whenever a funding table in this
4 division specifies a dollar amount authorized for a project,
5 program, or activity, the obligation and expenditure of the
6 specified dollar amount for the project, program, or activ-
7 ity is hereby authorized, subject to the availability of ap-
8 propriations.

9 (b) **MERIT-BASED DECISIONS.**—A decision to com-
10 mit, obligate, or expend funds with or to a specific entity
11 on the basis of a dollar amount authorized pursuant to
12 subsection (a) shall—

13 (1) be based on merit-based selection proce-
14 dures in accordance with the requirements of sec-
15 tions 2304(k) and 2374 of title 10, United States
16 Code, or on competitive procedures; and

17 (2) comply with other applicable provisions of
18 law.

19 (c) **RELATIONSHIP TO TRANSFER AND PROGRAM-**
20 **MING AUTHORITY.**—An amount specified in the funding
21 tables in this division may be transferred or repro-
22 grammed under a transfer or reprogramming authority
23 provided by another provision of this Act or by other law.
24 The transfer or reprogramming of an amount specified in
25 such funding tables shall not count against a ceiling on
26 such transfers or reprogrammings under section 1001 or

1 section 1522 of this Act or any other provision of law,
 2 unless such transfer or reprogramming would move funds
 3 between appropriation accounts.

4 (d) APPLICABILITY TO CLASSIFIED ANNEX.—This
 5 section applies to any classified annex that accompanies
 6 this Act.

7 (e) ORAL AND WRITTEN COMMUNICATIONS.—No
 8 oral or written communication concerning any amount
 9 specified in the funding tables in this division shall super-
 10 sede the requirements of this section.

11 TITLE XLI—PROCUREMENT

12 SEC. 4101. PROCUREMENT.

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
AIRCRAFT PROCUREMENT, ARMY			
FIXED WING			
001	UTILITY F/W AIRCRAFT	57,529	57,529
003	MQ-1 UAV	55,388	55,388
ROTARY			
006	AH-64 APACHE BLOCK IIIA REMAN	803,084	803,084
007	ADVANCE PROCUREMENT (CY)	185,160	185,160
008	UH-60 BLACKHAWK M MODEL (MYP)	755,146	755,146
009	ADVANCE PROCUREMENT (CY)	174,107	174,107
010	UH-60 BLACK HAWK A AND L MODELS	46,173	46,173
011	CH-47 HELICOPTER	556,257	556,257
012	ADVANCE PROCUREMENT (CY)	8,707	8,707
MODIFICATION OF AIRCRAFT			
013	MQ-1 PAYLOAD (MIP)	43,735	43,735
015	MULTI SENSOR ABN RECON (MIP)	94,527	94,527
016	AH-64 MODS	137,883	137,883
017	CH-47 CARGO HELICOPTER MODS (MYP)	102,943	102,943
018	GRCS SEMA MODS (MIP)	4,055	4,055
019	ARL SEMA MODS (MIP)	6,793	6,793
020	EMARSS SEMA MODS (MIP)	13,197	13,197
021	UTILITY/CARGO AIRPLANE MODS	17,526	17,526
022	UTILITY HELICOPTER MODS	10,807	10,807
023	NETWORK AND MISSION PLAN	74,752	74,752
024	COMMS, NAV SURVEILLANCE	69,960	69,960
025	GATM ROLLUP	45,302	45,302
026	RQ-7 UAV MODS	71,169	71,169
027	UAS MODS	21,804	21,804
GROUND SUPPORT AVIONICS			
028	AIRCRAFT SURVIVABILITY EQUIPMENT	67,377	67,377
029	SURVIVABILITY CM	9,565	9,565
030	CMWS	41,626	41,626
OTHER SUPPORT			
032	AVIONICS SUPPORT EQUIPMENT	7,007	7,007
033	COMMON GROUND EQUIPMENT	48,234	48,234
034	AIRCREW INTEGRATED SYSTEMS	30,297	30,297
035	AIR TRAFFIC CONTROL	50,405	50,405
036	INDUSTRIAL FACILITIES	1,217	1,217
037	LAUNCHER, 2.75 ROCKET	3,055	3,055
TOTAL AIRCRAFT PROCUREMENT, ARMY		3,614,787	3,614,787

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
MISSILE PROCUREMENT, ARMY			
SURFACE-TO-AIR MISSILE SYSTEM			
001	LOWER TIER AIR AND MISSILE DEFENSE (AMD)	126,470	126,470
002	MSE MISSILE	423,201	423,201
003	ADVANCE PROCUREMENT (CY)	19,319	19,319
AIR-TO-SURFACE MISSILE SYSTEM			
004	HELLFIRE SYS SUMMARY	42,013	42,013
005	JOINT AIR-TO-GROUND MSLs (JAGM)	64,751	64,751
006	ADVANCE PROCUREMENT (CY)	37,100	37,100
ANTI-TANK/ASSAULT MISSILE SYS			
007	JAVELIN (AAWS-M) SYSTEM SUMMARY	73,508	72,904
	Engineering services cost growth		[-604]
008	TOW 2 SYSTEM SUMMARY	64,922	64,922
009	ADVANCE PROCUREMENT (CY)	19,949	10,716
	Advance procurement cost growth		[-9,233]
010	GUIDED MLRS ROCKET (GMLRS)	172,088	172,088
011	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	18,004	18,004
MODIFICATIONS			
013	PATRIOT MODS	197,107	197,107
014	ATACMS MODS	150,043	150,043
015	GMLRS MOD	395	395
017	AVENGER MODS	33,606	33,606
018	ITAS/TOW MODS	383	383
019	MLRS MODS	34,704	34,704
020	HIMARS MODIFICATIONS	1,847	1,847
SPARES AND REPAIR PARTS			
021	SPARES AND REPAIR PARTS	34,487	34,487
SUPPORT EQUIPMENT & FACILITIES			
022	AIR DEFENSE TARGETS	4,915	4,915
024	PRODUCTION BASE SUPPORT	1,154	1,154
	TOTAL MISSILE PROCUREMENT, ARMY	1,519,966	1,510,129
PROCUREMENT OF W&TCV, ARMY			
TRACKED COMBAT VEHICLES			
001	STRYKER VEHICLE	71,680	71,680
MODIFICATION OF TRACKED COMBAT VEHICLES			
002	STRYKER (MOD)	74,348	74,348
003	STRYKER UPGRADE	444,561	433,561
	Early to need		[-11,000]
005	BRADLEY PROGRAM (MOD)	276,433	273,333
	Excess program management growth		[-3,100]
006	HOWITZER, MED SP FT 155MM M109A6 (MOD)	63,138	63,138
007	PALADIN INTEGRATED MANAGEMENT (PIM)	469,305	469,305
008	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	91,963	91,963
009	ASSAULT BRIDGE (MOD)	3,465	3,465
010	ASSAULT BREACHER VEHICLE	2,928	2,928
011	M88 FOV MODS	8,685	8,685
012	JOINT ASSAULT BRIDGE	64,752	64,752
013	M1 ABRAMS TANK (MOD)	480,166	480,166
014	ABRAMS UPGRADE PROGRAM		100,000
	Realign AFS Unit Set Requirements from OCO		[100,000]
WEAPONS & OTHER COMBAT VEHICLES			
016	INTEGRATED AIR BURST WEAPON SYSTEM FAMILY	9,764	9,764
017	MORTAR SYSTEMS	8,332	8,332
018	XM320 GRENADE LAUNCHER MODULE (GLM)	3,062	3,062
019	COMPACT SEMI-AUTOMATIC SNIPER SYSTEM	992	992
020	CARBINE	40,493	40,493
021	COMMON REMOTELY OPERATED WEAPONS STATION	25,164	25,164
MOD OF WEAPONS AND OTHER COMBAT VEH			
022	MK-19 GRENADE MACHINE GUN MODS	4,959	4,959
023	M777 MODS	11,913	11,913
024	M4 CARBINE MODS	29,752	29,752
025	M2 50 CAL MACHINE GUN MODS	48,582	48,582
026	M249 SAW MACHINE GUN MODS	1,179	1,179
027	M240 MEDIUM MACHINE GUN MODS	1,784	1,784
028	SNIPER RIFLES MODIFICATIONS	971	971
029	M119 MODIFICATIONS	6,045	6,045
030	MORTAR MODIFICATION	12,118	12,118
031	MODIFICATIONS LESS THAN \$5.0M (WOCV-WTCV)	3,157	3,157
SUPPORT EQUIPMENT & FACILITIES			
032	ITEMS LESS THAN \$5.0M (WOCV-WTCV)	2,331	2,331
035	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG)	3,155	3,155
	TOTAL PROCUREMENT OF W&TCV, ARMY	2,265,177	2,351,077
PROCUREMENT OF AMMUNITION, ARMY			
SMALL/MEDIUM CAL AMMUNITION			
001	CTG, 5.56MM, ALL TYPES	40,296	40,296
002	CTG, 7.62MM, ALL TYPES	39,237	39,237

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
003	CTG, HANDGUN, ALL TYPES	5,193	5,193
004	CTG, .50 CAL, ALL TYPES	46,693	46,693
005	CTG, 20MM, ALL TYPES	7,000	7,000
006	CTG, 25MM, ALL TYPES	7,753	6,453
	Program reduction		[-1,300]
007	CTG, 30MM, ALL TYPES	47,000	47,000
008	CTG, 40MM, ALL TYPES	118,178	111,824
	Early to need		[-6,354]
	MORTAR AMMUNITION		
009	60MM MORTAR, ALL TYPES	69,784	69,784
010	81MM MORTAR, ALL TYPES	36,125	36,125
011	120MM MORTAR, ALL TYPES	69,133	69,133
	TANK AMMUNITION		
012	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	120,668	117,868
	Early to need		[-2,800]
	ARTILLERY AMMUNITION		
013	ARTILLERY CARTRIDGES, 75MM & 105MM, ALL TYPES	64,800	61,300
	75mm blanks early to need		[-3,500]
014	ARTILLERY PROJECTILE, 155MM, ALL TYPES	109,515	109,515
015	PROJ 155MM EXTENDED RANGE M982	39,200	39,200
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	70,881	70,881
	ROCKETS		
019	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	38,000	38,000
020	ROCKET, HYDRA 70, ALL TYPES	87,213	87,213
	OTHER AMMUNITION		
021	CAD/PAD, ALL TYPES	4,914	4,914
022	DEMOLITION MUNITIONS, ALL TYPES	6,380	6,380
023	GRENADES, ALL TYPES	22,760	22,760
024	SIGNALS, ALL TYPES	10,666	10,666
025	SIMULATORS, ALL TYPES	7,412	7,412
	MISCELLANEOUS		
026	AMMO COMPONENTS, ALL TYPES	12,726	12,726
027	NON-LETHAL AMMUNITION, ALL TYPES	6,100	5,900
	Early to need		[-200]
028	ITEMS LESS THAN \$5 MILLION (AMMO)	10,006	9,506
	Early to need		[-500]
029	AMMUNITION PECULIAR EQUIPMENT	17,275	13,575
	Early to need		[-3,700]
030	FIRST DESTINATION TRANSPORTATION (AMMO)	14,951	14,951
	PRODUCTION BASE SUPPORT		
032	INDUSTRIAL FACILITIES	222,269	242,269
	Program increase		[20,000]
033	CONVENTIONAL MUNITIONS DEMILITARIZATION	157,383	157,383
034	ARMS INITIATIVE	3,646	3,646
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	1,513,157	1,514,803
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
001	TACTICAL TRAILERS/DOLLY SETS	3,733	3,733
002	SEMITRAILERS, FLATBED:	3,716	3,716
003	HI MOB MULTI-PURP WHLD VEH (HMMWV)		50,000
	HMMWV M997A3 ambulance recapitalization for Active Component		[50,000]
004	GROUND MOBILITY VEHICLES (GMV)	4,907	4,907
006	JOINT LIGHT TACTICAL VEHICLE	587,514	587,514
007	TRUCK, DUMP, 20T (CCE)	3,927	3,927
008	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	53,293	53,293
009	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP	7,460	7,460
010	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	39,564	39,564
011	PLS ESP	11,856	11,856
013	TACTICAL WHEELED VEHICLE PROTECTION KITS	49,751	49,751
014	MODIFICATION OF IN SVC EQUIP	64,000	54,000
	Program reduction		[-10,000]
015	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS	10,611	10,611
	NON-TACTICAL VEHICLES		
016	HEAVY ARMORED SEDAN	394	394
018	NONTACTICAL VEHICLES, OTHER	1,755	1,755
	COMM—JOINT COMMUNICATIONS		
019	WIN-T—GROUND FORCES TACTICAL NETWORK	427,598	427,598
020	SIGNAL MODERNIZATION PROGRAM	58,250	58,250
021	JOINT INCIDENT SITE COMMUNICATIONS CAPABILITY	5,749	5,749
022	JCSE EQUIPMENT (USREDCOM)	5,068	5,068
	COMM—SATELLITE COMMUNICATIONS		
023	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	143,805	143,805
024	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS	36,580	36,580
025	SHF TERM	1,985	1,985
027	SMART-T (SPACE)	9,165	9,165
	COMM—C3 SYSTEM		
031	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)	2,530	2,530

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
COMM—COMBAT COMMUNICATIONS			
033	HANDHELD MANPACK SMALL FORM FIT (HMS)	273,645	273,645
034	MID-TIER NETWORKING VEHICULAR RADIO (MNVR)	25,017	25,017
035	RADIO TERMINAL SET, MIDS LVT(2)	12,326	12,326
037	TRACTOR DESK	2,034	2,034
038	TRACTOR RIDE	2,334	2,334
039	SPIDER APLA REMOTE CONTROL UNIT	1,985	1,985
040	SPIDER FAMILY OF NETWORKED MUNITIONS INCR	10,796	10,796
042	TACTICAL COMMUNICATIONS AND PROTECTIVE SYSTEM	3,607	3,607
043	UNIFIED COMMAND SUITE	14,295	14,295
045	FAMILY OF MED COMM FOR COMBAT CASUALTY CARE	19,893	19,893
COMM—INTELLIGENCE COMM			
047	CI AUTOMATION ARCHITECTURE	1,388	1,388
048	ARMY CAMISO GPF EQUIPMENT	5,494	5,494
INFORMATION SECURITY			
049	FAMILY OF BIOMETRICS	2,978	2,978
051	COMMUNICATIONS SECURITY (COMSEC)	131,356	131,356
052	DEFENSIVE CYBER OPERATIONS	15,132	15,132
COMM—LONG HAUL COMMUNICATIONS			
053	BASE SUPPORT COMMUNICATIONS	27,452	27,452
COMM—BASE COMMUNICATIONS			
054	INFORMATION SYSTEMS	122,055	122,055
055	EMERGENCY MANAGEMENT MODERNIZATION PROGRAM	4,286	4,286
056	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	131,794	131,794
ELECT EQUIP—TACT INT REL ACT (TIARA)			
059	JTT/CIBS-M	5,337	5,337
062	DCGS-A (MIP)	242,514	217,814
	Program reduction		[-24,700]
063	JOINT TACTICAL GROUND STATION (JTAGS)	4,417	4,417
064	TROJAN (MIP)	17,455	17,455
065	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	44,965	44,965
066	CI HUMINT AUTO REPRTING AND COLL(CHARCS)	7,658	7,658
067	CLOSE ACCESS TARGET RECONNAISSANCE (CATR)	7,970	7,970
068	MACHINE FOREIGN LANGUAGE TRANSLATION SYSTEM-M	545	545
ELECT EQUIP—ELECTRONIC WARFARE (EW)			
070	LIGHTWEIGHT COUNTER MORTAR RADAR	74,038	68,453
	Unit cost growth		[-5,585]
071	EW PLANNING & MANAGEMENT TOOLS (EWPMT)	3,235	3,235
072	AIR VIGILANCE (AV)	733	733
074	FAMILY OF PERSISTENT SURVEILLANCE CAPABILITIE	1,740	1,740
075	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	455	455
076	CI MODERNIZATION	176	176
ELECT EQUIP—TACTICAL SURV. (TAC SURV)			
077	SENTINEL MODS	40,171	40,171
078	NIGHT VISION DEVICES	163,029	163,029
079	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	15,885	15,885
080	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	48,427	48,427
081	FAMILY OF WEAPON SIGHTS (FWS)	55,536	55,536
082	ARTILLERY ACCURACY EQUIP	4,187	4,187
085	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	137,501	137,501
086	JOINT EFFECTS TARGETING SYSTEM (JETS)	50,726	50,726
087	MOD OF IN-SVC EQUIP (LLDR)	28,058	28,058
088	COMPUTER BALLISTICS: LHMCB XM32	5,924	5,924
089	MORTAR FIRE CONTROL SYSTEM	22,331	22,331
090	COUNTERFIRE RADARS	314,509	281,509
	Unit cost savings		[-33,000]
ELECT EQUIP—TACTICAL C2 SYSTEMS			
091	FIRE SUPPORT C2 FAMILY	8,660	8,660
092	AIR & MSL DEFENSE PLANNING & CONTROL SYS	54,376	54,376
093	LAMD BATTLE COMMAND SYSTEM	204,969	204,969
094	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	4,718	4,718
095	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	11,063	11,063
096	MANEUVER CONTROL SYSTEM (MCS)	151,318	151,318
097	GLOBAL COMBAT SUPPORT SYSTEM-ARMY (GCSS-A)	155,660	155,660
098	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPP)	4,214	4,214
099	RECONNAISSANCE AND SURVEYING INSTRUMENT SET	16,185	16,185
100	MOD OF IN-SVC EQUIPMENT (ENFIRE)	1,565	1,565
ELECT EQUIP—AUTOMATION			
101	ARMY TRAINING MODERNIZATION	17,693	17,693
102	AUTOMATED DATA PROCESSING EQUIP	107,960	107,960
103	GENERAL FUND ENTERPRISE BUSINESS SYSTEMS FAM	6,416	6,416
104	HIGH PERF COMPUTING MOD PGM (HPCMP)	58,614	58,614
105	CONTRACT WRITING SYSTEM	986	986
106	RESERVE COMPONENT AUTOMATION SYS (RCAS)	23,828	23,828
ELECT EQUIP—AUDIO VISUAL SYS (A/V)			
107	TACTICAL DIGITAL MEDIA	1,191	1,191
108	ITEMS LESS THAN \$5M (SURVEYING EQUIPMENT)	1,995	1,995
ELECT EQUIP—SUPPORT			

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
109	PRODUCTION BASE SUPPORT (C-E)	403	403
	CLASSIFIED PROGRAMS		
110A	CLASSIFIED PROGRAMS	4,436	4,436
	CHEMICAL DEFENSIVE EQUIPMENT		
111	PROTECTIVE SYSTEMS	2,966	2,966
112	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	9,795	9,795
114	CBRN DEFENSE	17,922	17,922
	BRIDGING EQUIPMENT		
115	TACTICAL BRIDGING	13,553	13,553
116	TACTICAL BRIDGE, FLOAT-RIBBON	25,244	25,244
117	BRIDGE SUPPLEMENTAL SET	983	983
118	COMMON BRIDGE TRANSPORTER (CBT) RECAP	25,176	25,176
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
119	GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS)	39,350	39,350
120	AREA MINE DETECTION SYSTEM (AMDS)	10,500	10,500
121	HUSKY MOUNTED DETECTION SYSTEM (HMDS)	274	274
122	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS)	2,951	2,951
123	EOD ROBOTICS SYSTEMS RECAPITALIZATION	1,949	1,949
124	ROBOTICS AND APPLIQUE SYSTEMS	5,203	5,203
125	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	5,570	5,570
126	REMOTE DEMOLITION SYSTEMS	6,238	6,238
127	< \$5M, COUNTERMINE EQUIPMENT	836	836
128	FAMILY OF BOATS AND MOTORS	3,171	3,171
	COMBAT SERVICE SUPPORT EQUIPMENT		
129	HEATERS AND ECU'S	18,707	18,707
130	SOLDIER ENHANCEMENT	2,112	2,112
131	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	10,856	10,856
132	GROUND SOLDIER SYSTEM	32,419	32,419
133	MOBILE SOLDIER POWER	30,014	30,014
135	FIELD FEEDING EQUIPMENT	12,544	12,544
136	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	18,509	18,509
137	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	29,384	29,384
	PETROLEUM EQUIPMENT		
139	QUALITY SURVEILLANCE EQUIPMENT	4,487	4,487
140	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	42,656	35,656
	Program decrease		[-7,000]
	MEDICAL EQUIPMENT		
141	COMBAT SUPPORT MEDICAL	59,761	59,761
	MAINTENANCE EQUIPMENT		
142	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	35,694	32,194
	Program reduction		[-3,500]
143	ITEMS LESS THAN \$5.0M (MAINT EQ)	2,716	2,716
	CONSTRUCTION EQUIPMENT		
144	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	1,742	1,742
145	SCRAPERS, EARTHMOVING	26,233	26,233
147	HYDRAULIC EXCAVATOR	1,123	1,123
149	ALL TERRAIN CRANES	65,285	65,285
151	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)	1,743	1,743
152	ENHANCED RAPID AIRFIELD CONSTRUCTION CAPAP	2,779	2,779
154	CONST EQUIP ESP	26,712	22,212
	Program reduction		[-4,500]
155	ITEMS LESS THAN \$5.0M (CONST EQUIP)	6,649	6,649
	RAIL FLOAT CONTAINERIZATION EQUIPMENT		
156	ARMY WATERCRAFT ESP	21,860	21,860
157	ITEMS LESS THAN \$5.0M (FLOAT/RAIL)	1,967	1,967
	GENERATORS		
158	GENERATORS AND ASSOCIATED EQUIP	113,266	113,266
159	TACTICAL ELECTRIC POWER RECAPITALIZATION	7,867	7,867
	MATERIAL HANDLING EQUIPMENT		
160	FAMILY OF FORKLIFTS	2,307	2,307
	TRAINING EQUIPMENT		
161	COMBAT TRAINING CENTERS SUPPORT	75,359	75,359
162	TRAINING DEVICES, NONSYSTEM	253,050	253,050
163	CLOSE COMBAT TACTICAL TRAINER	48,271	48,271
164	AVIATION COMBINED ARMS TACTICAL TRAINER	40,000	40,000
165	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	11,543	11,543
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
166	CALIBRATION SETS EQUIPMENT	4,963	4,963
167	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	29,781	29,781
168	TEST EQUIPMENT MODERNIZATION (TEMOD)	6,342	6,342
	OTHER SUPPORT EQUIPMENT		
169	M25 STABILIZED BINOCULAR	3,149	3,149
170	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	18,003	18,003
171	PHYSICAL SECURITY SYSTEMS (OPA3)	44,082	44,082
172	BASE LEVEL COMMON EQUIPMENT	2,168	2,168
173	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)	67,367	67,367
174	PRODUCTION BASE SUPPORT (OTH)	1,528	1,528
175	SPECIAL EQUIPMENT FOR USER TESTING	8,289	8,289

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
177	TRACTOR YARD	6,888	6,888
	OPA2		
179	INITIAL SPARES—C&E	27,243	27,243
	TOTAL OTHER PROCUREMENT, ARMY	5,873,949	5,835,664
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
003	JOINT STRIKE FIGHTER CV	890,650	890,650
004	ADVANCE PROCUREMENT (CY)	80,908	80,908
005	JSP STOVL	2,037,768	2,037,768
006	ADVANCE PROCUREMENT (CY)	233,648	233,648
007	CH-53K (HEAVY LIFT)	348,615	348,615
008	ADVANCE PROCUREMENT (CY)	88,365	88,365
009	V-22 (MEDIUM LIFT)	1,264,134	1,249,134
	Support cost growth		[-15,000]
010	ADVANCE PROCUREMENT (CY)	19,674	19,674
011	H-1 UPGRADES (UH-1Y/AH-1Z)	759,778	756,586
	Airframe unit cost growth		[-3,192]
012	ADVANCE PROCUREMENT (CY)	57,232	57,232
014	MH-60R (MYP)	61,177	53,177
	Line shutdown costs—early to need		[-8,000]
016	P-8A POSEIDON	1,940,238	1,863,238
	Airframe unit cost growth		[-77,000]
017	ADVANCE PROCUREMENT (CY)	123,140	123,140
018	E-2D ADV HAWKEYE	916,483	916,483
019	ADVANCE PROCUREMENT (CY)	125,042	125,042
	TRAINER AIRCRAFT		
020	JPATS	5,849	5,849
	OTHER AIRCRAFT		
021	KC-130J	128,870	128,870
022	ADVANCE PROCUREMENT (CY)	24,848	24,848
023	MQ-4 TRITON	409,005	396,125
	Unit cost savings		[-12,880]
024	ADVANCE PROCUREMENT (CY)	55,652	55,652
025	MQ-8 UAV	72,435	72,435
	MODIFICATION OF AIRCRAFT		
029	AEA SYSTEMS	51,900	51,900
030	AV-8 SERIES	60,818	60,818
031	ADVERSARY	5,191	5,191
032	F-18 SERIES	1,023,492	986,192
	Unobligated balances		[-37,300]
034	H-53 SERIES	46,095	46,095
035	SH-60 SERIES	108,328	108,328
036	H-1 SERIES	46,333	46,333
037	EP-3 SERIES	14,681	14,681
038	P-3 SERIES	2,781	2,781
039	E-2 SERIES	32,949	32,949
040	TRAINER A/C SERIES	13,199	13,199
041	C-2A	19,066	19,066
042	C-130 SERIES	61,788	59,788
	Training equipment unjustified growth (OSIP 022-07)		[-2,000]
043	FEWSG	618	618
044	CARGO/TRANSPORT A/C SERIES	9,822	9,822
045	E-6 SERIES	222,077	222,077
046	EXECUTIVE HELICOPTERS SERIES	66,835	66,835
047	SPECIAL PROJECT AIRCRAFT	16,497	16,497
048	T-45 SERIES	114,887	114,887
049	POWER PLANT CHANGES	16,893	14,893
	Excess support growth		[-2,000]
050	JPATS SERIES	17,401	17,401
051	COMMON ECM EQUIPMENT	143,773	143,773
052	COMMON AVIONICS CHANGES	164,839	164,839
053	COMMON DEFENSIVE WEAPON SYSTEM	4,403	4,403
054	ID SYSTEMS	45,768	45,768
055	P-8 SERIES	18,836	18,836
056	MAGTF EW FOR AVIATION	5,676	5,676
057	MQ-8 SERIES	19,003	19,003
058	RQ-7 SERIES	3,534	3,534
059	V-22 (TILT/ROTOR ACFT) OSPREY	141,545	141,545
060	F-35 STOVL SERIES	34,928	34,928
061	F-35 CV SERIES	26,004	26,004
062	QRC	5,476	5,476
	AIRCRAFT SPARES AND REPAIR PARTS		
063	SPARES AND REPAIR PARTS	1,407,626	1,407,626
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
064	COMMON GROUND EQUIPMENT	390,103	390,103
065	AIRCRAFT INDUSTRIAL FACILITIES	23,194	23,194
066	WAR CONSUMABLES	40,613	40,613

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
067	OTHER PRODUCTION CHARGES	860	860
068	SPECIAL SUPPORT EQUIPMENT	36,282	36,282
069	FIRST DESTINATION TRANSPORTATION	1,523	1,523
	TOTAL AIRCRAFT PROCUREMENT, NAVY	14,109,148	13,951,776
	WEAPONS PROCUREMENT, NAVY		
	MODIFICATION OF MISSILES		
001	TRIDENT II MODS	1,103,086	1,103,086
	SUPPORT EQUIPMENT & FACILITIES		
002	MISSILE INDUSTRIAL FACILITIES	6,776	6,776
	STRATEGIC MISSILES		
003	TOMAHAWK	186,905	179,905
	Tomahawk unit cost growth		[-7,000]
	TACTICAL MISSILES		
004	AMRAAM	204,697	197,447
	Unit cost growth		[-7,250]
005	SIDEWINDER	70,912	70,912
006	JSOW	2,232	2,232
007	STANDARD MISSILE	501,212	497,968
	Diminishing manufacturing sources excess growth		[-3,244]
008	RAM	71,557	71,557
009	JOINT AIR GROUND MISSILE (JAGM)	26,200	21,922
	Unit cost savings		[-4,278]
012	STAND OFF PRECISION GUIDED MUNITIONS (SOPGM)	3,316	3,316
013	AERIAL TARGETS	137,484	137,484
014	OTHER MISSILE SUPPORT	3,248	3,248
015	LRASM	29,643	29,643
	MODIFICATION OF MISSILES		
016	ESSM	52,935	52,935
018	HARM MODS	178,213	178,213
019	STANDARD MISSILES MODS	8,164	8,164
	SUPPORT EQUIPMENT & FACILITIES		
020	WEAPONS INDUSTRIAL FACILITIES	1,964	1,964
021	FLEET SATELLITE COMM FOLLOW-ON	36,723	36,723
	ORDNANCE SUPPORT EQUIPMENT		
022	ORDNANCE SUPPORT EQUIPMENT	59,096	59,096
	TORPEDOES AND RELATED EQUIP		
023	SSTD	5,910	5,910
024	MK-48 TORPEDO	44,537	44,537
025	ASW TARGETS	9,302	9,302
	MOD OF TORPEDOES AND RELATED EQUIP		
026	MK-54 TORPEDO MODS	98,092	98,092
027	MK-48 TORPEDO ADCAP MODS	46,139	46,139
028	QUICKSTRIKE MINE	1,236	1,236
	SUPPORT EQUIPMENT		
029	TORPEDO SUPPORT EQUIPMENT	60,061	60,061
030	ASW RANGE SUPPORT	3,706	3,706
	DESTINATION TRANSPORTATION		
031	FIRST DESTINATION TRANSPORTATION	3,804	3,804
	GUNS AND GUN MOUNTS		
032	SMALL ARMS AND WEAPONS	18,002	18,002
	MODIFICATION OF GUNS AND GUN MOUNTS		
033	CIWS MODS	50,900	50,900
034	COAST GUARD WEAPONS	25,295	25,295
035	GUN MOUNT MODS	77,003	77,003
036	LCS MODULE WEAPONS	2,776	2,776
038	AIRBORNE MINE NEUTRALIZATION SYSTEMS	15,753	15,753
	SPARES AND REPAIR PARTS		
040	SPARES AND REPAIR PARTS	62,383	62,383
	TOTAL WEAPONS PROCUREMENT, NAVY	3,209,262	3,187,490
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS	91,659	91,659
002	AIRBORNE ROCKETS, ALL TYPES	65,759	65,759
003	MACHINE GUN AMMUNITION	8,152	8,152
004	PRACTICE BOMBS	41,873	41,873
005	CARTRIDGES & CART ACTUATED DEVICES	54,002	54,002
006	AIR EXPENDABLE COUNTERMEASURES	57,034	57,034
007	JATOS	2,735	2,735
009	5 INCH/54 GUN AMMUNITION	19,220	19,220
010	INTERMEDIATE CALIBER GUN AMMUNITION	30,196	30,196
011	OTHER SHIP GUN AMMUNITION	39,009	39,009
012	SMALL ARMS & LANDING PARTY AMMO	46,727	46,727
013	PYROTECHNIC AND DEMOLITION	9,806	9,806
014	AMMUNITION LESS THAN \$5 MILLION	2,900	2,900
	MARINE CORPS AMMUNITION		
015	SMALL ARMS AMMUNITION	27,958	27,958

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
017	40 MM, ALL TYPES	14,758	14,758
018	60MM, ALL TYPES	992	992
020	120MM, ALL TYPES	16,757	12,157
	120mm early to need		[-4,600]
021	GRENADES, ALL TYPES	972	972
022	ROCKETS, ALL TYPES	14,186	14,186
023	ARTILLERY, ALL TYPES	68,656	68,656
024	DEMOLITION MUNITIONS, ALL TYPES	1,700	1,700
025	FUZE, ALL TYPES	26,088	26,088
027	AMMO MODERNIZATION	14,660	14,660
028	ITEMS LESS THAN \$5 MILLION	8,569	6,069
	Early to need		[-2,500]
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	664,368	657,268
SHIPBUILDING AND CONVERSION, NAVY			
FLEET BALLISTIC MISSILE SHIPS			
001	OHIO REPLACEMENT SUBMARINE ADVANCE PROCUREMENT	773,138	773,138
OTHER WARSHIPS			
002	CARRIER REPLACEMENT PROGRAM	1,291,783	1,291,783
003	ADVANCE PROCUREMENT (CY)	1,370,784	1,370,784
004	VIRGINIA CLASS SUBMARINE	3,187,985	3,187,985
005	ADVANCE PROCUREMENT (CY)	1,767,234	1,852,234
	Long-lead Time Materiel Orders for Virginia Class		[85,000]
006	CVN REFUELING OVERHAULS	1,743,220	1,743,220
007	ADVANCE PROCUREMENT (CY)	248,599	248,599
008	DDG 1000	271,756	271,756
009	DDG-51	3,211,292	3,261,092
	Fund additional FY16 destroyer		[49,800]
011	LITTORAL COMBAT SHIP	1,125,625	1,097,625
	Unjustified growth		[-28,000]
AMPHIBIOUS SHIPS			
012A	AMPHIBIOUS SHIP REPLACEMENT LX(R)		440,000
	Procurement of LPD-29 or LX (R)		[440,000]
016	LHA REPLACEMENT	1,623,024	1,623,024
AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST			
020	ADVANCE PROCUREMENT (CY)	73,079	73,079
022	MOORED TRAINING SHIP	624,527	624,527
025	OUTFITTING	666,158	645,054
	Outfitting and post delivery funds early to need		[-21,104]
026	SHIP TO SHORE CONNECTOR	128,067	128,067
027	SERVICE CRAFT	65,192	65,192
028	LCAC SLEP	1,774	1,774
029	YP CRAFT MAINTENANCE/ROH/SLEP	21,363	21,363
030	COMPLETION OF PY SHIPBUILDING PROGRAMS	160,274	160,274
	TOTAL SHIPBUILDING AND CONVERSION, NAVY	18,354,874	18,880,570
OTHER PROCUREMENT, NAVY			
SHIP PROPULSION EQUIPMENT			
003	SURFACE POWER EQUIPMENT	15,514	15,514
004	HYBRID ELECTRIC DRIVE (HED)	40,132	39,282
	Installation early to need		[-850]
GENERATORS			
005	SURFACE COMBATANT HM&E	29,974	29,974
NAVIGATION EQUIPMENT			
006	OTHER NAVIGATION EQUIPMENT	63,942	63,942
OTHER SHIPBOARD EQUIPMENT			
008	SUB PERISCOPE, IMAGING AND SUPT EQUIP PROG	136,421	136,421
009	DDG MOD	367,766	367,766
010	FIREFIGHTING EQUIPMENT	14,743	14,743
011	COMMAND AND CONTROL SWITCHBOARD	2,140	2,140
012	LHA/LHD MIDLIFE	24,939	24,939
014	POLLUTION CONTROL EQUIPMENT	20,191	19,342
	HF062 lightering systems unit cost growth		[-849]
015	SUBMARINE SUPPORT EQUIPMENT	8,995	8,995
016	VIRGINIA CLASS SUPPORT EQUIPMENT	66,838	66,838
017	LCS CLASS SUPPORT EQUIPMENT	54,823	54,823
018	SUBMARINE BATTERIES	23,359	23,359
019	LPD CLASS SUPPORT EQUIPMENT	40,321	40,321
020	DDG 1000 CLASS SUPPORT EQUIPMENT	33,404	33,404
021	STRATEGIC PLATFORM SUPPORT EQUIP	15,836	15,836
022	DSSP EQUIPMENT	806	806
024	LCAC	3,090	3,090
025	UNDERWATER EOD PROGRAMS	24,350	24,350
026	ITEMS LESS THAN \$5 MILLION	88,719	86,899
	LSD boat davit kit cost growth		[-993]
	Propellers and shafts unit cost growth		[-827]
027	CHEMICAL WARFARE DETECTORS	2,873	2,873
028	SUBMARINE LIFE SUPPORT SYSTEM	6,043	6,043

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
	REACTOR PLANT EQUIPMENT		
030	REACTOR COMPONENTS	342,158	342,158
	OCEAN ENGINEERING		
031	DIVING AND SALVAGE EQUIPMENT	8,973	8,973
	SMALL BOATS		
032	STANDARD BOATS	43,684	43,684
	PRODUCTION FACILITIES EQUIPMENT		
034	OPERATING FORCES IPE	75,421	75,421
	OTHER SHIP SUPPORT		
035	NUCLEAR ALTERATIONS	172,718	172,718
036	LCS COMMON MISSION MODULES EQUIPMENT	27,840	17,840
	RMMV program restructure		[-10,000]
037	LCS MCM MISSION MODULES	57,146	57,146
038	LCS ASW MISSION MODULES	31,952	21,952
	Early to need		[-10,000]
039	LCS SUW MISSION MODULES	22,466	21,064
	MK-46 gun weapon system contract delays		[-1,402]
	LOGISTIC SUPPORT		
041	LSD MIDLIFE	10,813	10,813
	SHIP SONARS		
042	SPQ-9B RADAR	14,363	14,363
043	AN/SQQ-89 SURF ASW COMBAT SYSTEM	90,029	90,029
045	SSN ACOUSTIC EQUIPMENT	248,765	248,765
046	UNDERSEA WARFARE SUPPORT EQUIPMENT	7,163	7,163
	ASW ELECTRONIC EQUIPMENT		
048	SUBMARINE ACOUSTIC WARFARE SYSTEM	21,291	21,291
049	SSTD	6,893	6,893
050	FIXED SURVEILLANCE SYSTEM	145,701	145,701
051	SURTASS	36,136	36,136
	ELECTRONIC WARFARE EQUIPMENT		
053	AN/SLQ-32	274,892	266,641
	Block 3 excess support		[-4,270]
	Block 3T excess support		[-1,000]
	Block 3T installation prior year carryover		[-2,981]
	RECONNAISSANCE EQUIPMENT		
054	SHIPBOARD IW EXPLOIT	170,733	170,733
055	AUTOMATED IDENTIFICATION SYSTEM (AIS)	958	958
	OTHER SHIP ELECTRONIC EQUIPMENT		
057	COOPERATIVE ENGAGEMENT CAPABILITY	22,034	22,034
059	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	12,336	12,336
060	ATDLS	30,105	30,105
061	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	4,556	4,556
062	MINESWEEPING SYSTEM REPLACEMENT	56,675	32,198
	Ahead of need		[-24,477]
063	SHALLOW WATER MCM	8,875	8,875
064	NAVSTAR GPS RECEIVERS (SPACE)	12,752	12,752
065	AMERICAN FORCES RADIO AND TV SERVICE	4,577	4,577
066	STRATEGIC PLATFORM SUPPORT EQUIP	8,972	8,972
	AVIATION ELECTRONIC EQUIPMENT		
069	ASHORE ATC EQUIPMENT	75,068	75,068
070	AFLOAT ATC EQUIPMENT	33,484	33,484
076	ID SYSTEMS	22,177	22,177
077	NAVAL MISSION PLANNING SYSTEMS	14,273	14,273
	OTHER SHORE ELECTRONIC EQUIPMENT		
080	TACTICAL/MOBILE CH SYSTEMS	27,927	27,927
081	DCGS-N	12,676	12,676
082	CANES	212,030	212,030
083	RADIAC	8,092	8,092
084	CANES-INTELL	36,013	36,013
085	GPETE	6,428	6,428
087	INTEG COMBAT SYSTEM TEST FACILITY	8,376	8,376
088	EMI CONTROL INSTRUMENTATION	3,971	3,971
089	ITEMS LESS THAN \$5 MILLION	58,721	58,721
	SHIPBOARD COMMUNICATIONS		
090	SHIPBOARD TACTICAL COMMUNICATIONS	17,366	17,366
091	SHIP COMMUNICATIONS AUTOMATION	102,479	102,479
092	COMMUNICATIONS ITEMS UNDER \$5M	10,403	10,403
	SUBMARINE COMMUNICATIONS		
093	SUBMARINE BROADCAST SUPPORT	34,151	34,151
094	SUBMARINE COMMUNICATION EQUIPMENT	64,529	64,529
	SATELLITE COMMUNICATIONS		
095	SATELLITE COMMUNICATIONS SYSTEMS	14,414	14,414
096	NAVY MULTIBAND TERMINAL (NMT)	38,365	38,365
	SHORE COMMUNICATIONS		
097	JCS COMMUNICATIONS EQUIPMENT	4,156	4,156
	CRYPTOGRAPHIC EQUIPMENT		
099	INFO SYSTEMS SECURITY PROGRAM (ISSP)	85,694	85,694
100	MIO INTEL EXPLOITATION TEAM	920	920

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
	CRYPTOLOGIC EQUIPMENT		
101	CRYPTOLOGIC COMMUNICATIONS EQUIP	21,098	21,098
	OTHER ELECTRONIC SUPPORT		
102	COAST GUARD EQUIPMENT	32,291	32,291
	SONOBUOYS		
103	SONOBUOYS—ALL TYPES	162,588	159,541
	Excess unit cost growth		[-3,047]
	AIRCRAFT SUPPORT EQUIPMENT		
104	WEAPONS RANGE SUPPORT EQUIPMENT	58,116	58,116
105	AIRCRAFT SUPPORT EQUIPMENT	120,324	120,324
106	METEOROLOGICAL EQUIPMENT	29,253	29,253
107	DCRS/DPL	632	632
108	AIRBORNE MINE COUNTERMEASURES	29,097	29,097
109	AVIATION SUPPORT EQUIPMENT	39,099	39,099
	SHIP GUN SYSTEM EQUIPMENT		
110	SHIP GUN SYSTEMS EQUIPMENT	6,191	6,191
	SHIP MISSILE SYSTEMS EQUIPMENT		
111	SHIP MISSILE SUPPORT EQUIPMENT	320,446	310,946
	Program execution		[-9,500]
112	TOMAHAWK SUPPORT EQUIPMENT	71,046	71,046
	FBM SUPPORT EQUIPMENT		
113	STRATEGIC MISSILE SYSTEMS EQUIP	215,138	215,138
	ASW SUPPORT EQUIPMENT		
114	SSN COMBAT CONTROL SYSTEMS	130,715	130,715
115	ASW SUPPORT EQUIPMENT	26,431	26,431
	OTHER ORDNANCE SUPPORT EQUIPMENT		
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	11,821	11,821
117	ITEMS LESS THAN \$5 MILLION	6,243	6,243
	OTHER EXPENDABLE ORDNANCE		
118	SUBMARINE TRAINING DEVICE MODS	48,020	48,020
120	SURFACE TRAINING EQUIPMENT	97,514	94,979
	Unjustified growth		[-2,535]
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
121	PASSENGER CARRYING VEHICLES	8,853	8,853
122	GENERAL PURPOSE TRUCKS	4,928	4,928
123	CONSTRUCTION & MAINTENANCE EQUIP	18,527	18,527
124	FIRE FIGHTING EQUIPMENT	13,569	13,569
125	TACTICAL VEHICLES	14,917	14,917
126	AMPHIBIOUS EQUIPMENT	7,676	7,676
127	POLLUTION CONTROL EQUIPMENT	2,321	2,321
128	ITEMS UNDER \$5 MILLION	12,459	12,459
129	PHYSICAL SECURITY VEHICLES	1,095	1,095
	SUPPLY SUPPORT EQUIPMENT		
131	SUPPLY EQUIPMENT	16,023	16,023
133	FIRST DESTINATION TRANSPORTATION	5,115	5,115
134	SPECIAL PURPOSE SUPPLY SYSTEMS	295,471	295,471
	TRAINING DEVICES		
136	TRAINING AND EDUCATION EQUIPMENT	9,504	9,504
	COMMAND SUPPORT EQUIPMENT		
137	COMMAND SUPPORT EQUIPMENT	37,180	29,980
	CNIC building control systems unjustified request		[-7,200]
139	MEDICAL SUPPORT EQUIPMENT	4,128	4,128
141	NAVAL MIP SUPPORT EQUIPMENT	1,925	1,925
142	OPERATING FORCES SUPPORT EQUIPMENT	4,777	4,777
143	CHSR EQUIPMENT	9,073	9,073
144	ENVIRONMENTAL SUPPORT EQUIPMENT	21,107	21,107
145	PHYSICAL SECURITY EQUIPMENT	100,906	100,906
146	ENTERPRISE INFORMATION TECHNOLOGY	67,544	67,544
	OTHER		
150	NEXT GENERATION ENTERPRISE SERVICE	98,216	98,216
	CLASSIFIED PROGRAMS		
150A	CLASSIFIED PROGRAMS	9,915	9,915
	SPARES AND REPAIR PARTS		
151	SPARES AND REPAIR PARTS	199,660	199,660
	TOTAL OTHER PROCUREMENT, NAVY	6,338,861	6,258,930
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
001	AAV7A1 PIP	73,785	71,785
	Production engineering support excess growth		[-2,000]
002	LAV PIP	53,423	53,423
	ARTILLERY AND OTHER WEAPONS		
003	EXPEDITIONARY FIRE SUPPORT SYSTEM	3,360	3,360
004	155MM LIGHTWEIGHT TOWED HOWITZER	3,318	3,318
005	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	33,725	33,725
006	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION	8,181	8,181
	OTHER SUPPORT		
007	MODIFICATION KITS	15,250	15,250

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
GUIDED MISSILES			
009	GROUND BASED AIR DEFENSE	9,170	9,170
010	JAVELIN	1,009	1,009
011	FOLLOW ON TO SMAW	24,666	24,666
012	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H)	17,080	17,080
COMMAND AND CONTROL SYSTEMS			
015	COMMON AVIATION COMMAND AND CONTROL SYSTEM (C)	47,312	47,312
REPAIR AND TEST EQUIPMENT			
016	REPAIR AND TEST EQUIPMENT	16,469	16,469
COMMAND AND CONTROL SYSTEM (NON-TEL)			
019	ITEMS UNDER \$5 MILLION (COMM & ELEC)	7,433	7,433
020	AIR OPERATIONS C2 SYSTEMS	15,917	15,917
RADAR + EQUIPMENT (NON-TEL)			
021	RADAR SYSTEMS	17,772	17,772
022	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	123,758	123,758
023	RQ-21 UAS	80,217	80,217
INTELL/COMM EQUIPMENT (NON-TEL)			
024	GCSS-MC	1,089	1,089
025	FIRE SUPPORT SYSTEM	13,258	13,258
026	INTELLIGENCE SUPPORT EQUIPMENT	56,379	56,379
029	RQ-11 UAV	1,976	1,976
031	DCGS-MC	1,149	1,149
032	UAS PAYLOADS	2,971	2,971
OTHER SUPPORT (NON-TEL)			
034	NEXT GENERATION ENTERPRISE NETWORK (NGEN)	76,302	76,302
035	COMMON COMPUTER RESOURCES	41,802	39,477
	Prior year carryover		[-2,325]
036	COMMAND POST SYSTEMS	90,924	90,924
037	RADIO SYSTEMS	43,714	43,714
038	COMM SWITCHING & CONTROL SYSTEMS	66,383	66,383
039	COMM & ELEC INFRASTRUCTURE SUPPORT	30,229	30,229
CLASSIFIED PROGRAMS			
039A	CLASSIFIED PROGRAMS	2,738	2,738
ADMINISTRATIVE VEHICLES			
041	COMMERCIAL CARGO VEHICLES	88,312	88,312
TACTICAL VEHICLES			
043	MOTOR TRANSPORT MODIFICATIONS	13,292	13,292
045	JOINT LIGHT TACTICAL VEHICLE	113,230	113,230
046	FAMILY OF TACTICAL TRAILERS	2,691	2,691
ENGINEER AND OTHER EQUIPMENT			
048	ENVIRONMENTAL CONTROL EQUIP ASSORT	18	18
050	TACTICAL FUEL SYSTEMS	78	78
051	POWER EQUIPMENT ASSORTED	17,973	17,973
052	AMPHIBIOUS SUPPORT EQUIPMENT	7,371	7,371
053	EOD SYSTEMS	14,021	14,021
MATERIALS HANDLING EQUIPMENT			
054	PHYSICAL SECURITY EQUIPMENT	31,523	31,523
GENERAL PROPERTY			
058	TRAINING DEVICES	33,658	33,658
060	FAMILY OF CONSTRUCTION EQUIPMENT	21,315	21,315
061	FAMILY OF INTERNALLY TRANSPORTABLE VEH (ITV)	9,654	9,654
OTHER SUPPORT			
062	ITEMS LESS THAN \$5 MILLION	6,026	6,026
SPARES AND REPAIR PARTS			
064	SPARES AND REPAIR PARTS	22,848	22,848
	TOTAL PROCUREMENT, MARINE CORPS	1,362,769	1,358,444
AIRCRAFT PROCUREMENT, AIR FORCE			
TACTICAL FORCES			
001	F-35	4,401,894	4,188,894
	Program efficiencies		[-213,000]
002	ADVANCE PROCUREMENT (CY)	404,500	404,500
TACTICAL AIRLIFT			
003	KC-46A TANKER	2,884,591	2,884,591
OTHER AIRLIFT			
004	C-130J	145,655	145,655
006	HC-130J	317,576	317,576
007	ADVANCE PROCUREMENT (CY)	20,000	20,000
008	MC-130J	548,358	548,358
009	ADVANCE PROCUREMENT (CY)	50,000	50,000
HELICOPTERS			
010	UH-1N REPLACEMENT	18,337	18,337
MISSION SUPPORT AIRCRAFT			
012	CIVIL AIR PATROL A/C	2,637	2,637
OTHER AIRCRAFT			
013	TARGET DRONES	114,656	114,656
014	RQ-4	12,966	12,966
015	MQ-9	122,522	122,522

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
STRATEGIC AIRCRAFT			
016	B-2A	46,729	46,729
017	B-1B	116,319	116,319
018	B-52	109,020	109,020
TACTICAL AIRCRAFT			
020	A-10	1,289	1,289
021	F-15	105,685	105,685
022	F-16	97,331	114,331
	Active missile warning system		[12,000]
	Anti-jam global positioning system (GPS) upgrade		[5,000]
023	F-22A	163,008	163,008
024	F-35 MODIFICATIONS	175,811	175,811
025	INCREMENT 3.2B	76,410	76,410
026	ADVANCE PROCUREMENT (CY)	2,000	2,000
AIRLIFT AIRCRAFT			
027	C-5	24,192	24,192
029	C-17A	21,555	21,555
030	C-21	5,439	5,439
031	C-32A	35,235	35,235
032	C-37A	5,004	5,004
TRAINER AIRCRAFT			
033	GLIDER MODS	394	394
034	T-6	12,765	12,765
035	T-1	25,073	17,073
	Production schedule slip		[-8,000]
036	T-38	45,090	45,090
OTHER AIRCRAFT			
037	U-2 MODS	36,074	36,074
038	KC-10A (ATCA)	4,570	4,570
039	C-12	1,995	1,995
040	VC-25A MOD	102,670	102,670
041	C-40	13,984	13,984
042	C-130	9,168	81,668
	8-Bladed Propellers		[16,000]
	Electronic Propeller Control Systems		[13,500]
	In-flight Propeller Balancing System Certification		[1,500]
	T56 3.5 Engine Upgrade Kits		[41,500]
043	C-130J MODS	89,424	89,424
044	C-135	64,161	64,161
045	COMPASS CALL MODS	130,257	59,857
	Compass Call Program Restructure		[-70,400]
046	RC-135	211,438	211,438
047	E-3	82,786	82,786
048	E-4	53,348	53,348
049	E-8	6,244	6,244
050	AIRBORNE WARNING AND CONTROL SYSTEM	223,427	223,427
051	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	4,673	4,673
052	H-1	9,007	9,007
054	H-60	91,357	91,357
055	RQ-4 MODS	32,045	32,045
056	HC/MC-130 MODIFICATIONS	30,767	30,767
057	OTHER AIRCRAFT	33,886	33,886
059	MQ-9 MODS	141,929	141,929
060	CV-22 MODS	63,395	63,395
AIRCRAFT SPARES AND REPAIR PARTS			
061	INITIAL SPARES/REPAIR PARTS	686,491	673,291
	Compass Call Program Restructure		[-13,200]
COMMON SUPPORT EQUIPMENT			
062	AIRCRAFT REPLACEMENT SUPPORT EQUIP	121,935	121,935
POST PRODUCTION SUPPORT			
063	B-2A	154	154
064	B-2A	43,330	43,330
065	B-52	28,125	28,125
066	C-17A	23,559	23,559
069	F-15	2,980	2,980
070	F-16	15,155	39,955
	Additional mission trainers		[24,800]
071	F-22A	48,505	48,505
074	RQ-4 POST PRODUCTION CHARGES	99	99
INDUSTRIAL PREPAREDNESS			
075	INDUSTRIAL RESPONSIVENESS	14,126	14,126
WAR CONSUMABLES			
076	WAR CONSUMABLES	120,036	120,036
OTHER PRODUCTION CHARGES			
077	OTHER PRODUCTION CHARGES	1,252,824	1,252,824
CLASSIFIED PROGRAMS			
077A	CLASSIFIED PROGRAMS	16,952	119,952
	Compass Call Program Restructure		[103,000]

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
TOTAL AIRCRAFT PROCUREMENT, AIR FORCE		13,922,917	13,835,617
MISSILE PROCUREMENT, AIR FORCE			
MISSILE REPLACEMENT EQUIPMENT—BALLISTIC			
001	MISSILE REPLACEMENT EQ-BALLISTIC	70,247	70,247
TACTICAL			
002	JOINT AIR-SURFACE STANDOFF MISSILE	431,645	431,645
003	LRASM0	59,511	59,511
004	SIDEWINDER (AIM-9X)	127,438	127,438
005	AMRAAM	350,144	339,392
	Pricing adjustment		[-10,752]
006	PREDATOR HELLFIRE MISSILE	33,955	33,955
007	SMALL DIAMETER BOMB	92,361	92,361
INDUSTRIAL FACILITIES			
008	INDUSTRIAL PREPAREDNESS/POL PREVENTION	977	977
CLASS IV			
009	ICBM FUZE MOD	17,095	17,095
010	MM III MODIFICATIONS	68,692	68,692
011	AGM-65D MAVERICK	282	282
013	AIR LAUNCH CRUISE MISSILE (ALCM)	21,762	21,762
014	SMALL DIAMETER BOMB	15,349	15,349
MISSILE SPARES AND REPAIR PARTS			
015	INITIAL SPARES/REPAIR PARTS	81,607	81,607
SPECIAL PROGRAMS			
030	SPECIAL UPDATE PROGRAMS	46,125	46,125
CLASSIFIED PROGRAMS			
030A	CLASSIFIED PROGRAMS	1,009,431	1,009,431
TOTAL MISSILE PROCUREMENT, AIR FORCE		2,426,621	2,415,869
SPACE PROCUREMENT, AIR FORCE			
SPACE PROGRAMS			
001	ADVANCED EHF	645,569	645,569
002	AF SATELLITE COMM SYSTEM	42,375	42,375
003	COUNTERSPACE SYSTEMS	26,984	26,984
004	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	88,963	88,963
005	WIDEBAND GAPFILLER SATELLITES(SPACE)	86,272	86,272
006	GPS III SPACE SEGMENT	34,059	34,059
007	GLOBAL POSITIONING (SPACE)	2,169	2,169
008	SPACEBORNE EQUIP (COMSEC)	46,708	46,708
009	GLOBAL POSITIONING (SPACE)	13,171	10,271
	Excess to Need		[-2,900]
010	MILSATCOM	41,799	41,799
011	EVOLVED EXPENDABLE LAUNCH CAPABILITY	768,586	742,586
	Early to need		[-26,000]
012	EVOLVED EXPENDABLE LAUNCH VEH(SPACE)	737,853	536,853
	Early to need		[-201,000]
013	SBIR HIGH (SPACE)	362,504	362,504
014	NUDET DETECTION SYSTEM	4,395	4,395
015	SPACE MODS	8,642	8,642
016	SPACELIFT RANGE SYSTEM SPACE	123,088	123,088
SSPARES			
017	INITIAL SPARES/REPAIR PARTS	22,606	22,606
TOTAL SPACE PROCUREMENT, AIR FORCE		3,055,743	2,825,843
PROCUREMENT OF AMMUNITION, AIR FORCE			
ROCKETS			
001	ROCKETS	18,734	18,734
CARTRIDGES			
002	CARTRIDGES	220,237	220,237
BOMBS			
003	PRACTICE BOMBS	97,106	97,106
004	GENERAL PURPOSE BOMBS	581,561	581,561
005	MASSIVE ORDNANCE PENETRATOR (MOP)	3,600	3,600
006	JOINT DIRECT ATTACK MUNITION	303,988	297,988
	Pricing adjustment for increased quantity		[-6,000]
OTHER ITEMS			
007	CAD/PAD	38,890	38,890
008	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	5,714	5,714
009	SPARES AND REPAIR PARTS	740	740
010	MODIFICATIONS	573	573
011	ITEMS LESS THAN \$5 MILLION	5,156	5,156
FLARES			
012	FLARES	134,709	134,709
FUZES			
013	FUZES	229,252	229,252
SMALL ARMS			
014	SMALL ARMS	37,459	37,459
TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE		1,677,719	1,671,719

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
OTHER PROCUREMENT, AIR FORCE			
PASSENGER CARRYING VEHICLES			
001	PASSENGER CARRYING VEHICLES	14,437	14,437
CARGO AND UTILITY VEHICLES			
002	MEDIUM TACTICAL VEHICLE	24,812	24,812
003	CAP VEHICLES	984	984
004	ITEMS LESS THAN \$5 MILLION	11,191	11,191
SPECIAL PURPOSE VEHICLES			
005	SECURITY AND TACTICAL VEHICLES	5,361	5,361
006	ITEMS LESS THAN \$5 MILLION	4,623	4,623
FIRE FIGHTING EQUIPMENT			
007	FIRE FIGHTING/CRASH RESCUE VEHICLES	12,451	12,451
MATERIALS HANDLING EQUIPMENT			
008	ITEMS LESS THAN \$5 MILLION	18,114	18,114
BASE MAINTENANCE SUPPORT			
009	RUNWAY SNOW REMOV & CLEANING EQUIP	2,310	2,310
010	ITEMS LESS THAN \$5 MILLION	46,868	46,868
COMM SECURITY EQUIPMENT(COMSEC)			
012	COMSEC EQUIPMENT	72,359	72,359
INTELLIGENCE PROGRAMS			
014	INTELLIGENCE TRAINING EQUIPMENT	6,982	6,982
015	INTELLIGENCE COMM EQUIPMENT	30,504	30,504
ELECTRONICS PROGRAMS			
016	AIR TRAFFIC CONTROL & LANDING SYS	55,803	55,803
017	NATIONAL AIRSPACE SYSTEM	2,673	2,673
018	BATTLE CONTROL SYSTEM—FIXED	5,677	5,677
019	THEATER AIR CONTROL SYS IMPROVEMENTS	1,163	1,163
020	WEATHER OBSERVATION FORECAST	21,667	21,667
021	STRATEGIC COMMAND AND CONTROL	39,803	39,803
022	CHEYENNE MOUNTAIN COMPLEX	24,618	24,618
023	MISSION PLANNING SYSTEMS	15,868	15,868
025	INTEGRATED STRAT PLAN & ANALY NETWORK (ISPAN)	9,331	9,331
SPCL COMM-ELECTRONICS PROJECTS			
026	GENERAL INFORMATION TECHNOLOGY	41,779	41,779
027	AF GLOBAL COMMAND & CONTROL SYS	15,729	15,729
028	MOBILITY COMMAND AND CONTROL	9,814	9,814
029	AIR FORCE PHYSICAL SECURITY SYSTEM	99,460	99,460
030	COMBAT TRAINING RANGES	34,850	34,850
031	MINIMUM ESSENTIAL EMERGENCY COMM N	198,925	198,925
032	WIDE AREA SURVEILLANCE (WAS)	6,943	6,943
033	C3 COUNTERMEASURES	19,580	19,580
034	GCSS-AF FOS	1,743	1,743
036	THEATER BATTLE MGT C2 SYSTEM	9,659	9,659
037	AIR & SPACE OPERATIONS CTR-WPN SYS	15,474	15,474
038	AIR OPERATIONS CENTER (AOC) 10.2	30,623	15,323
	Fielding		[-15,300]
AIR FORCE COMMUNICATIONS			
039	INFORMATION TRANSPORT SYSTEMS	40,043	40,043
040	AFNET	146,897	146,897
041	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)	5,182	5,182
042	USCENTCOM	13,418	13,418
ORGANIZATION AND BASE			
052	TACTICAL C-E EQUIPMENT	109,836	109,836
053	RADIO EQUIPMENT	16,266	16,266
054	CCTV/AUDIOVISUAL EQUIPMENT	7,449	7,449
055	BASE COMM INFRASTRUCTURE	109,215	109,215
MODIFICATIONS			
056	COMM ELECT MODS	65,700	65,700
PERSONAL SAFETY & RESCUE EQUIP			
058	ITEMS LESS THAN \$5 MILLION	54,416	54,416
DEPOT PLANT+MTRLS HANDLING EQ			
059	MECHANIZED MATERIAL HANDLING EQUIP	7,344	7,344
BASE SUPPORT EQUIPMENT			
060	BASE PROCURED EQUIPMENT	6,852	6,852
063	MOBILITY EQUIPMENT	8,146	8,146
064	ITEMS LESS THAN \$5 MILLION	28,427	28,427
SPECIAL SUPPORT PROJECTS			
066	DARP RC135	25,287	25,287
067	DCGS-AF	169,201	169,201
069	SPECIAL UPDATE PROGRAM	576,710	576,710
CLASSIFIED PROGRAMS			
070A	CLASSIFIED PROGRAMS	15,119,705	15,119,705
SPARES AND REPAIR PARTS			
072	SPARES AND REPAIR PARTS	15,784	15,784
	TOTAL OTHER PROCUREMENT, AIR FORCE	17,438,056	17,422,756

PROCUREMENT, DEFENSE-WIDE

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
	MAJOR EQUIPMENT, WHS		
037	MAJOR EQUIPMENT, OSD	29,211	29,211
	MAJOR EQUIPMENT, NSA		
036	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	4,399	4,399
	MAJOR EQUIPMENT, WHS		
040	MAJOR EQUIPMENT, WHS	24,979	24,979
	MAJOR EQUIPMENT, DISA		
006	INFORMATION SYSTEMS SECURITY	21,347	21,347
007	TELEPORT PROGRAM	50,597	50,597
008	ITEMS LESS THAN \$5 MILLION	10,420	10,420
009	NET CENTRIC ENTERPRISE SERVICES (NCES)	1,634	1,634
010	DEFENSE INFORMATION SYSTEM NETWORK	87,235	87,235
011	CYBER SECURITY INITIATIVE	4,528	4,528
012	WHITE HOUSE COMMUNICATION AGENCY	36,846	36,846
013	SENIOR LEADERSHIP ENTERPRISE	599,391	599,391
015	JOINT REGIONAL SECURITY STACKS (JRSS)	150,221	150,221
	MAJOR EQUIPMENT, DLA		
017	MAJOR EQUIPMENT	2,055	2,055
	MAJOR EQUIPMENT, DSS		
020	MAJOR EQUIPMENT	1,057	1,057
	MAJOR EQUIPMENT, DCAA		
001	ITEMS LESS THAN \$5 MILLION	2,964	2,964
	MAJOR EQUIPMENT, TJS		
038	MAJOR EQUIPMENT, TJS	7,988	7,988
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY		
023	THAAD	369,608	369,608
024	AEGIS BMD	463,801	528,801
	Increasing BMD capability for Aegis Ships		[65,000]
025	BMDS AN/TPY-2 RADARS	5,503	5,503
026	ARROW UPPER TIER		120,000
	Increase for Arrow 3 Coproduction subject to Title XVI		[120,000]
027	DAVID'S SLING		150,000
	Increase for DSWS Coproduction subject to Title XVI		[150,000]
028	AEGIS ASHORE PHASE III	57,493	57,493
029	IRON DOME	42,000	62,000
	Increase for Coproduction of Iron Dome Tamir Intereceptors subject to Title XVI		[20,000]
030	AEGIS BMD HARDWARE AND SOFTWARE	50,098	50,098
	MAJOR EQUIPMENT, DHRA		
003	PERSONNEL ADMINISTRATION	14,232	14,232
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
021	VEHICLES	200	200
022	OTHER MAJOR EQUIPMENT	6,437	6,437
	MAJOR EQUIPMENT, DODEA		
019	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	288	288
	MAJOR EQUIPMENT, DCMA		
002	MAJOR EQUIPMENT	92	92
	MAJOR EQUIPMENT, DMACT		
018	MAJOR EQUIPMENT	8,060	8,060
	CLASSIFIED PROGRAMS		
040A	CLASSIFIED PROGRAMS	568,864	568,864
	AVIATION PROGRAMS		
042	ROTARY WING UPGRADES AND SUSTAINMENT	150,396	150,396
043	UNMANNED ISR	21,190	21,190
045	NON-STANDARD AVIATION	4,905	4,905
046	U-28	3,970	3,970
047	MH-47 CHINOOK	25,022	25,022
049	CV-22 MODIFICATION	19,008	19,008
051	MQ-9 UNMANNED AERIAL VEHICLE	10,598	10,598
053	PRECISION STRIKE PACKAGE	213,122	200,072
	SOCOM requested transfer		[-13,050]
054	AC/MC-130J	73,548	86,598
	SOCOM requested transfer		[13,050]
055	C-130 MODIFICATIONS	32,970	32,970
	SHIPBUILDING		
056	UNDERWATER SYSTEMS	37,098	37,098
	AMMUNITION PROGRAMS		
057	ORDNANCE ITEMS <\$5M	105,267	105,267
	OTHER PROCUREMENT PROGRAMS		
058	INTELLIGENCE SYSTEMS	79,963	79,963
059	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	13,432	13,432
060	OTHER ITEMS <\$5M	66,436	66,436
061	COMBATANT CRAFT SYSTEMS	55,820	55,820
062	SPECIAL PROGRAMS	107,432	107,432
063	TACTICAL VEHICLES	67,849	67,849
064	WARRIOR SYSTEMS <\$5M	245,781	245,781
065	COMBAT MISSION REQUIREMENTS	19,566	19,566
066	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	3,437	3,437

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
067	OPERATIONAL ENHANCEMENTS INTELLIGENCE	17,299	17,299
069	OPERATIONAL ENHANCEMENTS	219,945	219,945
	CBDP		
070	CHEMICAL BIOLOGICAL SITUATIONAL AWARENESS	148,203	148,203
071	CB PROTECTION & HAZARD MITIGATION	161,113	161,113
	TOTAL PROCUREMENT, DEFENSE-WIDE	4,524,918	4,879,918
	JOINT URGENT OPERATIONAL NEEDS FUND		
	JOINT URGENT OPERATIONAL NEEDS FUND		
001	JOINT URGENT OPERATIONAL NEEDS FUND	99,300	0
	Program decrease		[-99,300]
	TOTAL JOINT URGENT OPERATIONAL NEEDS FUND	99,300	0
	NATIONAL GUARD AND RESERVE EQUIPMENT		
	UNDISTRIBUTED		
007	MISCELLANEOUS EQUIPMENT		250,000
	Program increase		[250,000]
	TOTAL NATIONAL GUARD AND RESERVE EQUIPMENT		250,000
	TOTAL PROCUREMENT	101,971,592	102,422,660

1 SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY
2 OPERATIONS.

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	MODIFICATION OF AIRCRAFT		
015	MULTI SENSOR ABN RECON (MIP)	21,400	21,400
020	EMARSS SEMA MODS (MIP)	42,700	42,700
026	RQ-7 UAV MODS	1,775	1,775
027	UAS MODS	4,420	4,420
	GROUND SUPPORT AVIONICS		
030	CMWS	56,115	56,115
031	CIRCM	108,721	108,721
	TOTAL AIRCRAFT PROCUREMENT, ARMY	235,131	235,131
	MISSILE PROCUREMENT, ARMY		
	AIR-TO-SURFACE MISSILE SYSTEM		
004	HELLFIRE SYS SUMMARY	305,830	305,830
	ANTI-TANK/ASSAULT MISSILE SYS		
007	JAVELIN (AAWS-M) SYSTEM SUMMARY	15,567	15,567
008	TOW 2 SYSTEM SUMMARY	80,652	80,652
010	GUIDED MLRS ROCKET (GMLRS)	75,991	75,991
012	LETHAL MINIATURE AERIAL MISSILE SYSTEM (LMAMS)	51,277	51,277
	TOTAL MISSILE PROCUREMENT, ARMY	529,317	529,317
	PROCUREMENT OF W&TCV, ARMY		
	MODIFICATION OF TRACKED COMBAT VEHICLES		
007	PALADIN INTEGRATED MANAGEMENT (PIM)	125,184	125,184
009	ASSAULT BRIDGE (MOD)	5,950	5,950
014	ABRAMS UPGRADE PROGRAM		72,000
	Army requested realignment (ERI)		[172,000]
	Realign APS Unit Set Requirements to Base		[-100,000]
	WEAPONS & OTHER COMBAT VEHICLES		
017	MORTAR SYSTEMS	22,410	22,410
	SUPPORT EQUIPMENT & FACILITIES		
036	BRADLEY PROGRAM		72,800
	Army requested realignment (ERI)		[72,800]
	TOTAL PROCUREMENT OF W&TCV, ARMY	153,544	298,344
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
002	CTG, 7.62MM, ALL TYPES	9,642	9,642
004	CTG, .50 CAL, ALL TYPES	6,607	6,607
005	CTG, 20MM, ALL TYPES	1,077	1,077
006	CTG, 25MM, ALL TYPES	28,534	28,534
007	CTG, 30MM, ALL TYPES	20,000	20,000
008	CTG, 40MM, ALL TYPES	7,423	7,423
	MORTAR AMMUNITION		
009	60MM MORTAR, ALL TYPES	10,000	10,000

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
010	81MM MORTAR, ALL TYPES	2,677	2,677
	TANK AMMUNITION		
012	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	8,999	8,999
	ARTILLERY AMMUNITION		
014	ARTILLERY PROJECTILE, 155MM, ALL TYPES	30,348	30,348
015	PROJ 155MM EXTENDED RANGE M982	140	140
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	29,655	29,655
	MINES		
017	MINES & CLEARING CHARGES, ALL TYPES	16,866	16,866
	NETWORKED MUNITIONS		
018	SPIDER NETWORK MUNITIONS, ALL TYPES	10,353	10,353
	ROCKETS		
019	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	63,210	63,210
020	ROCKET, HYDRA 70, ALL TYPES	42,851	42,851
	OTHER AMMUNITION		
022	DEMOLITION MUNITIONS, ALL TYPES	6,373	6,373
023	GRENADES, ALL TYPES	4,143	4,143
024	SIGNALS, ALL TYPES	1,852	1,852
	MISCELLANEOUS		
027	NON-LETHAL AMMUNITION, ALL TYPES	773	773
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	301,523	301,523
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
002	SEMITRAILERS, FLATBED:	4,180	4,180
008	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	147,476	147,476
010	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	6,122	6,122
011	PLS ESP	106,358	106,358
012	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	203,766	203,766
013	TACTICAL WHEELED VEHICLE PROTECTION KITS	101,154	101,154
014	MODIFICATION OF IN SVC EQUIP	155,456	155,456
	COMM—JOINT COMMUNICATIONS		
019	WIN-T—GROUND FORCES TACTICAL NETWORK	9,572	9,572
	COMM—SATELLITE COMMUNICATIONS		
025	SHF TERM	24,000	24,000
	COMM—INTELLIGENCE COMM		
047	CI AUTOMATION ARCHITECTURE	1,550	1,550
	INFORMATION SECURITY		
051	COMMUNICATIONS SECURITY (COMSEC)	1,928	1,928
052	DEFENSIVE CYBER OPERATIONS	26,500	26,500
	COMM—BASE COMMUNICATIONS		
056	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	20,510	20,510
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
062	DCGS-A (MIP)	33,032	33,032
064	TROJAN (MIP)	3,305	3,305
066	CI HUMINT AUTO REPRTING AND COLL(CHARCS)	7,233	7,233
069	BIOMETRIC TACTICAL COLLECTION DEVICES (MIP)	5,670	5,670
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
070	LIGHTWEIGHT COUNTER MORTAR RADAR	25,892	25,892
074	FAMILY OF PERSISTENT SURVEILLANCE CAPABILITIE	11,610	11,610
075	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	23,890	23,890
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
080	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	76,270	76,270
089	MORTAR FIRE CONTROL SYSTEM	2,572	2,572
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
092	AIR & MSL DEFENSE PLANNING & CONTROL SYS	69,958	69,958
	ELECT EQUIP—AUTOMATION		
102	AUTOMATED DATA PROCESSING EQUIP	9,900	9,900
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)		
108	ITEMS LESS THAN \$5M (SURVEYING EQUIPMENT)	96	96
	CHEMICAL DEFENSIVE EQUIPMENT		
114	CBRN DEFENSE	1,841	1,841
	BRIDGING EQUIPMENT		
115	TACTICAL BRIDGING	26,000	26,000
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
124	ROBOTICS AND APPLIQUE SYSTEMS	268	268
128	FAMILY OF BOATS AND MOTORS	280	280
	COMBAT SERVICE SUPPORT EQUIPMENT		
129	HEATERS AND ECUS	894	894
134	FORCE PROVIDER	53,800	53,800
135	FIELD FEEDING EQUIPMENT	2,665	2,665
136	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	2,400	2,400
137	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	9,789	9,789
138	ITEMS LESS THAN \$5M (ENG SPT)	300	300
	PETROLEUM EQUIPMENT		
139	QUALITY SURVEILLANCE EQUIPMENT	4,800	4,800
140	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	78,240	78,240
	MEDICAL EQUIPMENT		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS			
(In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
141	COMBAT SUPPORT MEDICAL	5,763	5,763
	MAINTENANCE EQUIPMENT		
142	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	1,609	1,609
143	ITEMS LESS THAN \$5.0M (MAINT EQ)	145	145
	CONSTRUCTION EQUIPMENT		
144	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	3,047	3,047
148	TRACTOR, FULL TRACKED	4,426	4,426
151	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)	2,900	2,900
155	ITEMS LESS THAN \$5.0M (CONST EQUIP)	96	96
	GENERATORS		
158	GENERATORS AND ASSOCIATED EQUIP	21,861	21,861
	MATERIAL HANDLING EQUIPMENT		
160	FAMILY OF FORKLIFTS	846	846
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
168	TEST EQUIPMENT MODERNIZATION (TEMOD)	1,140	1,140
	OTHER SUPPORT EQUIPMENT		
170	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	8,500	8,500
	TOTAL OTHER PROCUREMENT, ARMY	1,309,610	1,309,610
	JOINT IMPROVISED-THREAT DEFEAT FUND		
	NETWORK ATTACK		
001	RAPID ACQUISITION AND THREAT RESPONSE	332,000	332,000
	STAFF AND INFRASTRUCTURE		
002	MISSION ENABLERS	62,800	62,800
	TOTAL JOINT IMPROVISED-THREAT DEFEAT FUND	394,800	394,800
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
002	F/A-18E/F (FIGHTER) HORNET	184,912	184,912
	OTHER AIRCRAFT		
026	STUASLO UAV	70,000	70,000
	MODIFICATION OF AIRCRAFT		
037	EP-3 SERIES	7,505	7,505
047	SPECIAL PROJECT AIRCRAFT	14,869	14,869
051	COMMON ECM EQUIPMENT	70,780	70,780
059	V-22 (TILT/ROTOR ACFT) OSPREY	8,740	8,740
	AIRCRAFT SPARES AND REPAIR PARTS		
063	SPARES AND REPAIR PARTS	1,500	1,500
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
065	AIRCRAFT INDUSTRIAL FACILITIES	524	524
	TOTAL AIRCRAFT PROCUREMENT, NAVY	358,830	358,830
	WEAPONS PROCUREMENT, NAVY		
	TACTICAL MISSILES		
010	HELLFIRE	8,600	8,600
	TOTAL WEAPONS PROCUREMENT, NAVY	8,600	8,600
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS	40,366	40,366
002	AIRBORNE ROCKETS, ALL TYPES	8,860	8,860
006	AIR EXPENDABLE COUNTERMEASURES	7,060	7,060
013	PYROTECHNIC AND DEMOLITION	1,122	1,122
014	AMMUNITION LESS THAN \$5 MILLION	3,495	3,495
	MARINE CORPS AMMUNITION		
015	SMALL ARMS AMMUNITION	1,205	1,205
017	40 MM, ALL TYPES	539	539
018	60MM, ALL TYPES	909	909
020	120MM, ALL TYPES	530	530
022	ROCKETS, ALL TYPES	469	469
023	ARTILLERY, ALL TYPES	1,196	1,196
024	DEMOLITION MUNITIONS, ALL TYPES	261	261
025	FUZE, ALL TYPES	217	217
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	66,229	66,229
	OTHER PROCUREMENT, NAVY		
	OTHER SHORE ELECTRONIC EQUIPMENT		
081	DCGS-N	12,000	12,000
	OTHER ORDNANCE SUPPORT EQUIPMENT		
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	40,000	40,000
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
124	FIRE FIGHTING EQUIPMENT	630	630
	SUPPLY SUPPORT EQUIPMENT		
133	FIRST DESTINATION TRANSPORTATION	25	25
	COMMAND SUPPORT EQUIPMENT		
137	COMMAND SUPPORT EQUIPMENT	10,562	10,562
139	MEDICAL SUPPORT EQUIPMENT	5,000	5,000
	CLASSIFIED PROGRAMS		

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SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS			
(In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
150A	CLASSIFIED PROGRAMS	1,660	1,660
	TOTAL OTHER PROCUREMENT, NAVY	69,877	69,877
	PROCUREMENT, MARINE CORPS		
	ARTILLERY AND OTHER WEAPONS		
006	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION	572	572
	GUIDED MISSILES		
010	JAVELIN	1,606	1,606
	OTHER SUPPORT (TEL)		
018	MODIFICATION KITS	2,600	2,600
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
019	ITEMS UNDER \$5 MILLION (COMM & ELEC)	2,200	2,200
	INTELL/COMM EQUIPMENT (NON-TEL)		
026	INTELLIGENCE SUPPORT EQUIPMENT	20,981	20,981
029	RQ-11 UAV	3,817	3,817
	OTHER SUPPORT (NON-TEL)		
035	COMMON COMPUTER RESOURCES	2,600	2,600
037	RADIO SYSTEMS	9,563	9,563
	ENGINEER AND OTHER EQUIPMENT		
053	EOD SYSTEMS	75,000	75,000
	TOTAL PROCUREMENT, MARINE CORPS	118,939	118,939
	AIRCRAFT PROCUREMENT, AIR FORCE		
	OTHER AIRLIFT		
004	C-130J	73,000	73,000
	OTHER AIRCRAFT		
015	MQ-9	273,600	186,600
	Air Force requested transfer to line 61 for spares		[-87,000]
	STRATEGIC AIRCRAFT		
019	LARGE AIRCRAFT INFRARED COUNTERMEASURES	135,801	135,801
	TACTICAL AIRCRAFT		
020	A-10	23,850	23,850
	OTHER AIRCRAFT		
047	E-3	6,600	6,600
056	HC/MC-130 MODIFICATIONS	13,550	13,550
057	OTHER AIRCRAFT	7,500	7,500
059	MQ-9 MODS	112,068	112,068
	AIRCRAFT SPARES AND REPAIR PARTS		
061	INITIAL SPARES/REPAIR PARTS	25,600	87,000
	Air Force requested transfer from line 15 for spares		[87,000]
	Compass Call Program Restructure		[-25,600]
	OTHER PRODUCTION CHARGES		
077	OTHER PRODUCTION CHARGES	8,400	8,400
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	679,969	654,369
	MISSILE PROCUREMENT, AIR FORCE		
	TACTICAL		
006	PREDATOR HELLFIRE MISSILE	145,125	145,125
	CLASS IV		
011	AGM-65D MAVERICK	9,720	9,720
	TOTAL MISSILE PROCUREMENT, AIR FORCE	154,845	154,845
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	CARTRIDGES		
002	CARTRIDGES	9,830	9,830
	BOMBS		
004	GENERAL PURPOSE BOMBS	7,921	7,921
006	JOINT DIRECT ATTACK MUNITION	140,126	130,876
	Pricing adjustment		[-9,250]
	FLARES		
012	FLARES	6,531	6,531
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	164,408	155,158
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
001	PASSENGER CARRYING VEHICLES	2,003	2,003
	CARGO AND UTILITY VEHICLES		
002	MEDIUM TACTICAL VEHICLE	9,066	9,066
004	ITEMS LESS THAN \$5 MILLION	12,264	12,264
	SPECIAL PURPOSE VEHICLES		
006	ITEMS LESS THAN \$5 MILLION	16,789	16,789
	FIRE FIGHTING EQUIPMENT		
007	FIRE FIGHTING/CRASH RESCUE VEHICLES	48,590	48,590
	MATERIALS HANDLING EQUIPMENT		
008	ITEMS LESS THAN \$5 MILLION	2,366	2,366
	BASE MAINTENANCE SUPPORT		
009	RUNWAY SNOW REMOV & CLEANING EQUIP	6,468	6,468
010	ITEMS LESS THAN \$5 MILLION	9,271	9,271

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
ELECTRONICS PROGRAMS			
016	AIR TRAFFIC CONTROL & LANDING SYS	42,650	42,650
SPCL COMM-ELECTRONICS PROJECTS			
029	AIR FORCE PHYSICAL SECURITY SYSTEM	7,500	7,500
033	C3 COUNTERMEASURES	620	620
ORGANIZATION AND BASE			
052	TACTICAL C-E EQUIPMENT	8,100	8,100
MODIFICATIONS			
056	COMM ELECT MODS	3,800	3,800
BASE SUPPORT EQUIPMENT			
061	ENGINEERING AND EOD EQUIPMENT	53,900	53,900
SPECIAL SUPPORT PROJECTS			
067	DCGS-AF	800	800
CLASSIFIED PROGRAMS			
070A	CLASSIFIED PROGRAMS	3,609,978	3,609,978
	TOTAL OTHER PROCUREMENT, AIR FORCE	3,834,165	3,834,165
PROCUREMENT, DEFENSE-WIDE			
MAJOR EQUIPMENT, DISA			
007	TELEPORT PROGRAM	1,900	1,900
CLASSIFIED PROGRAMS			
040A	CLASSIFIED PROGRAMS	32,482	32,482
AVIATION PROGRAMS			
041	MC-12	5,000	5,000
043	UNMANNED ISR	11,880	11,880
046	U-28	38,283	38,283
AMMUNITION PROGRAMS			
057	ORDNANCE ITEMS <\$5M	52,504	52,504
OTHER PROCUREMENT PROGRAMS			
058	INTELLIGENCE SYSTEMS	22,000	22,000
060	OTHER ITEMS <\$5M	11,580	11,580
062	SPECIAL PROGRAMS	13,549	13,549
063	TACTICAL VEHICLES	3,200	3,200
069	OPERATIONAL ENHANCEMENTS	42,056	22,806
	Classified adjustment		[-19,250]
	TOTAL PROCUREMENT, DEFENSE-WIDE	234,434	215,184
	TOTAL PROCUREMENT	8,614,221	8,704,921

1 SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY

2 OPERATIONS FOR BASE REQUIREMENTS.

SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
AIRCRAFT PROCUREMENT, ARMY			
ROTARY			
006	AH-64 APACHE BLOCK IIIA REMAN	78,040	78,040
	TOTAL AIRCRAFT PROCUREMENT, ARMY	78,040	78,040
MISSILE PROCUREMENT, ARMY			
AIR-TO-SURFACE MISSILE SYSTEM			
004	HELLFIRE SYS SUMMARY	150,000	150,000
ANTI-TANK/ASSAULT MISSILE SYS			
007	JAVELIN (AAWS-M) SYSTEM SUMMARY		104,200
	Army unfunded requirement		[104,200]
010	GUIDED MLRS ROCKET (GMLRS)		76,000
	Army unfunded requirement		[76,000]
MODIFICATIONS			
014	ATACMS MODS		15,900
	Army unfunded requirement		[15,900]
	TOTAL MISSILE PROCUREMENT, ARMY	150,000	346,100
PROCUREMENT OF AMMUNITION, ARMY			
SMALL/MEDIUM CAL AMMUNITION			
001	CTG, 5.56MM, ALL TYPES		4,000
	Army unfunded requirement		[4,000]
002	CTG, 7.62MM, ALL TYPES		14,000
	Army unfunded requirement		[14,000]
003	CTG, HANDGUN, ALL TYPES		9,000
	Army unfunded requirement		[9,000]

SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
004	CTG, .50 CAL, ALL TYPES		20,000
	Army unfunded requirement		[20,000]
005	CTG, 20MM, ALL TYPES		14,000
	Army unfunded requirement		[14,000]
007	CTG, 30MM, ALL TYPES		8,200
	Army unfunded requirement		[8,200]
	MORTAR AMMUNITION		
011	120MM MORTAR, ALL TYPES		30,000
	Army unfunded requirement		[30,000]
	TANK AMMUNITION		
012	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES		35,000
	Army unfunded requirement		[35,000]
	ARTILLERY AMMUNITION		
015	PROJ 155MM EXTENDED RANGE M982		23,500
	Army unfunded requirement		[23,500]
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL		10,000
	Army unfunded requirement		[10,000]
	ROCKETS		
019	SHOULDER LAUNCHED MUNITIONS, ALL TYPES		30,000
	Army unfunded requirement		[30,000]
020	ROCKET, HYDRA 70, ALL TYPES		42,500
	Army unfunded requirement		[27,500]
	Army unfunded requirement- guided hydra rockets		[15,000]
	TOTAL PROCUREMENT OF AMMUNITION, ARMY		240,200
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
008	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	152,000	152,000
	GENERATORS		
158	GENERATORS AND ASSOCIATED EQUIP	9,900	9,900
	TOTAL OTHER PROCUREMENT, ARMY	161,900	161,900
	JOINT IMPROVISED-THREAT DEFEAT FUND		
	NETWORK ATTACK		
001	RAPID ACQUISITION AND THREAT RESPONSE	113,272	113,272
	TOTAL JOINT IMPROVISED-THREAT DEFEAT FUND	113,272	113,272
	AIRCRAFT PROCUREMENT, NAVY		
	MODIFICATION OF AIRCRAFT		
035	SH-60 SERIES	3,000	3,000
036	H-1 SERIES	3,740	3,740
051	COMMON ECM EQUIPMENT	27,460	27,460
	TOTAL AIRCRAFT PROCUREMENT, NAVY	34,200	34,200
	WEAPONS PROCUREMENT, NAVY		
	STRATEGIC MISSILES		
003	TOMAHAWK		84,200
	Scope Increase		[84,200]
	TACTICAL MISSILES		
005	SIDEWINDER		33,000
	Navy unfunded requirement		[33,000]
	TOTAL WEAPONS PROCUREMENT, NAVY		117,200
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS		58,000
	Navy unfunded requirement—JDAM components		[58,000]
	MARINE CORPS AMMUNITION		
023	ARTILLERY, ALL TYPES		19,200
	Marine Corps unfunded requirement- GMLRS AW munitions		[19,200]
	TOTAL PROCUREMENT OF AMMO, NAVY & MC		77,200
	OTHER PROCUREMENT, NAVY		
	OTHER ORDNANCE SUPPORT EQUIPMENT		
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	59,329	59,329
	TOTAL OTHER PROCUREMENT, NAVY	59,329	59,329
	AIRCRAFT PROCUREMENT, AIR FORCE		
	OTHER AIRCRAFT		
015	MQ-9	179,430	179,430
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	179,430	179,430
	MISSILE PROCUREMENT, AIR FORCE		
	TACTICAL		
007	SMALL DIAMETER BOMB	167,800	167,800
	CLASS IV		
011	AGM-65D MAVERICK	16,900	16,900
	TOTAL MISSILE PROCUREMENT, AIR FORCE	184,700	184,700

SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
PROCUREMENT OF AMMUNITION, AIR FORCE			
ROCKETS			
001	ROCKETS	60,000	60,000
BOMBS			
006	JOINT DIRECT ATTACK MUNITION	263,000	263,000
TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE		323,000	323,000
PROCUREMENT, DEFENSE-WIDE			
MAJOR EQUIPMENT, DISA			
007	TELEPORT PROGRAM	2,000	2,000
016	DEFENSE INFORMATION SYSTEMS NETWORK	2,000	2,000
TOTAL PROCUREMENT, DEFENSE-WIDE		4,000	4,000
TOTAL PROCUREMENT		1,287,871	1,918,571

1 **TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**
 2 **ATION**

4 **SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.**
 5 **ATION.**

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2017 Request	Conference Authorized
RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY				
BASIC RESEARCH				
001	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	12,381	12,381
002	0601102A	DEFENSE RESEARCH SCIENCES	253,116	253,116
003	0601103A	UNIVERSITY RESEARCH INITIATIVES	69,166	69,166
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	94,280	94,280
SUBTOTAL BASIC RESEARCH		428,943	428,943	
APPLIED RESEARCH				
005	0602105A	MATERIALS TECHNOLOGY	31,533	37,033
		Ground vehicle coating system		[5,500]
006	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY	36,109	38,109
		Program increase		[2,000]
007	0602122A	TRACTOR HIP	6,995	6,995
008	0602211A	AVIATION TECHNOLOGY	65,914	65,914
009	0602270A	ELECTRONIC WARFARE TECHNOLOGY	25,466	25,466
010	0602303A	MISSILE TECHNOLOGY	44,313	44,313
011	0602307A	ADVANCED WEAPONS TECHNOLOGY	28,803	28,803
012	0602308A	ADVANCED CONCEPTS AND SIMULATION	27,688	27,688
013	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	67,959	67,959
014	0602618A	BALLISTICS TECHNOLOGY	85,436	85,436
015	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY.	3,923	3,923
016	0602623A	JOINT SERVICE SMALL ARMS PROGRAM	5,545	5,545
017	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY	53,581	53,581
018	0602705A	ELECTRONICS AND ELECTRONIC DEVICES	56,322	56,322
019	0602709A	NIGHT VISION TECHNOLOGY	36,079	36,079
020	0602712A	COUNTERMINE SYSTEMS	26,497	26,497
021	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	23,671	23,671
022	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY	22,151	22,151
023	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	37,803	37,803
024	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY	13,811	13,811
025	0602784A	MILITARY ENGINEERING TECHNOLOGY	67,416	67,416
026	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	26,045	26,045
027	0602786A	WARFIGHTER TECHNOLOGY	37,403	42,403
		Program Increase		[5,000]
028	0602787A	MEDICAL TECHNOLOGY	77,111	77,111
SUBTOTAL APPLIED RESEARCH		907,574	920,074	
ADVANCED TECHNOLOGY DEVELOPMENT				

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Conference Authorized
029	0603001A	WARFIGHTER ADVANCED TECHNOLOGY	38,831	38,831
030	0603002A	MEDICAL ADVANCED TECHNOLOGY	68,365	68,365
031	0603003A	AVIATION ADVANCED TECHNOLOGY	94,280	94,280
032	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	68,714	68,714
033	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY. Emerging requirement	122,132	152,132
				[30,000]
034	0603006A	SPACE APPLICATION ADVANCED TECHNOLOGY	3,904	3,904
035	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY. TRACTOR HIKE	14,417	14,417
037	0603009A	TRACTOR HIKE	8,074	21,374
		Classified adjustment		[13,300]
038	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS	18,969	18,969
039	0603020A	TRACTOR ROSE	11,910	11,910
040	0603125A	COMBATING TERRORISM—TECHNOLOGY DEVELOPMENT	27,686	27,686
041	0603130A	TRACTOR NAIL	2,340	2,340
042	0603131A	TRACTOR EGGS	2,470	2,470
043	0603270A	ELECTRONIC WARFARE TECHNOLOGY	27,893	27,893
044	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	52,190	52,190
045	0603322A	TRACTOR CAGE	11,107	11,107
046	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM. Program increase	177,190	179,190
				[2,000]
047	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY. JOINT SERVICE SMALL ARMS PROGRAM	17,451	17,451
048	0603607A	JOINT SERVICE SMALL ARMS PROGRAM	5,839	5,839
049	0603710A	NIGHT VISION ADVANCED TECHNOLOGY	44,468	44,468
050	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS	11,137	11,137
051	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY	20,684	20,684
052	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY. C3 ADVANCED TECHNOLOGY	44,239	44,239
053	0603794A	C3 ADVANCED TECHNOLOGY	35,775	35,775
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	930,065	975,365
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
054	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION	9,433	9,433
055	0603308A	ARMY SPACE SYSTEMS INTEGRATION	23,056	23,056
056	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	72,117	72,117
057	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV	28,244	28,244
058	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	40,096	40,096
059	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	10,506	10,506
060	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV ..	15,730	15,730
061	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	10,321	10,321
062	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL	7,785	7,785
063	0603790A	NATO RESEARCH AND DEVELOPMENT	2,300	2,300
064	0603801A	AVIATION—ADV DEV	10,014	10,014
065	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	20,834	20,834
066	0603807A	MEDICAL SYSTEMS—ADV DEV	33,503	33,503
067	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	31,120	40,520
		Accelerate small arms improvement		[9,400]
068	0604100A	ANALYSIS OF ALTERNATIVES	6,608	6,608
069	0604114A	LOWER TIER AIR MISSILE DEFENSE (LTAMD) SENSOR	35,132	35,132
070	0604115A	TECHNOLOGY MATURATION INITIATIVES	70,047	61,038
		Excess growth		[-9,009]
071	0604120A	ASSURED POSITIONING, NAVIGATION AND TIMING (PNT)	83,279	83,279
073	0305251A	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT	40,510	30,510
		Inadequate justification		[-10,000]
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	550,635	541,026
		SYSTEM DEVELOPMENT & DEMONSTRATION		
074	0604201A	AIRCRAFT AVIONICS	83,248	83,248
075	0604270A	ELECTRONIC WARFARE DEVELOPMENT	34,642	34,642
077	0604290A	MID-TIER NETWORKING VEHICULAR RADIO (MNVR)	12,172	12,172
078	0604321A	ALL SOURCE ANALYSIS SYSTEM	3,958	3,958
079	0604328A	TRACTOR CAGE	12,525	12,525
080	0604601A	INFANTRY SUPPORT WEAPONS	66,943	66,943
082	0604611A	JAVELIN	20,011	20,011
083	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	11,429	11,429
084	0604633A	AIR TRAFFIC CONTROL	3,421	3,421
085	0604641A	TACTICAL UNMANNED GROUND VEHICLE (TUGV)	39,282	39,282
086	0604642A	LIGHT TACTICAL WHEELED VEHICLES	494	494
087	0604645A	ARMORED SYSTEMS MODERNIZATION (ASM)—ENG DEV	9,678	9,678
088	0604710A	NIGHT VISION SYSTEMS—ENG DEV	84,519	84,519
089	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	2,054	2,054
090	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	30,774	30,774

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Conference Authorized
091	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV. Program increase- all digital radar technology for CRAM	53,332	61,332 [8,000]
092	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	17,887	17,887
093	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	8,813	8,813
094	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV	10,487	10,487
095	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	15,068	15,068
096	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION	89,716	89,716
097	0604802A	WEAPONS AND MUNITIONS—ENG DEV	80,365	80,365
098	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV	75,098	86,198 [11,100]
		Program Increase- next generation signature management		
099	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV.	4,245	4,245
100	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV.	41,124	41,124
101	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV	39,630	39,630
102	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE.	205,590	205,590
103	0604820A	RADAR DEVELOPMENT	15,983	15,983
104	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEB)S	6,805	6,805
105	0604823A	FIREFINDER	9,235	9,235
106	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	12,393	12,393
107	0604854A	ARTILLERY SYSTEMS—EMD	1,756	1,756
108	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	74,236	74,236
109	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A) .. Unjustified growth	155,584	144,584 [-11,000]
110	0605028A	ARMORED MULTI-PURPOSE VEHICLE (AMPV)	184,221	184,221
111	0605029A	INTEGRATED GROUND SECURITY SURVEILLANCE RESPONSE CAPABILITY (IGSSR-C).	4,980	4,980
112	0605030A	JOINT TACTICAL NETWORK CENTER (JTNC)	15,041	15,041
113	0605031A	JOINT TACTICAL NETWORK (JTN)	16,014	16,014
114	0605032A	TRACTOR TIRE	27,254	27,254
115	0605033A	GROUND-BASED OPERATIONAL SURVEILLANCE SYSTEM—EX-PEDITIONARY (GBOSS-E).	5,032	5,032
116	0605034A	TACTICAL SECURITY SYSTEM (TSS)	2,904	2,904
117	0605035A	COMMON INFRARED COUNTERMEASURES (CIRC)M	96,977	96,977
118	0605036A	COMBATING WEAPONS OF MASS DESTRUCTION (CWMD)	2,089	2,089
119	0605041A	DEFENSIVE CYBER TOOL DEVELOPMENT	33,836	33,836
120	0605042A	TACTICAL NETWORK RADIO SYSTEMS (LOW-TIER)	18,824	18,824
121	0605047A	CONTRACT WRITING SYSTEM	20,663	20,663
122	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	41,133	41,133
123	0605052A	INDIRECT FIRE PROTECTION CAPABILITY INC 2—BLOCK 1	83,995	83,995
125	0605380A	AMF JOINT TACTICAL RADIO SYSTEM (JTRS)	5,028	5,028
126	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	42,972	42,972
128	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD)	252,811	252,811
131	0605766A	NATIONAL CAPABILITIES INTEGRATION (MIP)	4,955	4,955
132	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	11,530	11,530
133	0605830A	AVIATION GROUND SUPPORT EQUIPMENT	2,142	2,142
134	0210609A	PALADIN INTEGRATED MANAGEMENT (PIM)	41,498	41,498
135	0303032A	TROJAN—RH12	4,273	4,273
136	0304270A	ELECTRONIC WARFARE DEVELOPMENT	14,425	14,425
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	2,265,094	2,273,194
		RDT&E MANAGEMENT SUPPORT		
137	0604256A	THREAT SIMULATOR DEVELOPMENT	25,675	25,675
138	0604258A	TARGET SYSTEMS DEVELOPMENT	19,122	19,122
139	0604759A	MAJOR T&E INVESTMENT	84,777	84,777
140	0605103A	RAND ARROYO CENTER	20,658	20,658
141	0605301A	ARMY KWAJALEIN ATOLL	236,648	236,648
142	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	25,596	25,596
144	0605601A	ARMY TEST RANGES AND FACILITIES	293,748	293,748
145	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS ..	52,404	52,404
146	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	38,571	38,571
147	0605606A	AIRCRAFT CERTIFICATION	4,665	4,665
148	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	6,925	6,925
149	0605706A	MATERIEL SYSTEMS ANALYSIS	21,677	21,677
150	0605709A	EXPLOITATION OF FOREIGN ITEMS	12,415	12,415
151	0605712A	SUPPORT OF OPERATIONAL TESTING	49,684	49,684
152	0605716A	ARMY EVALUATION CENTER	55,905	55,905
153	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG	7,959	7,959
154	0605801A	PROGRAMWIDE ACTIVITIES	51,822	51,822
155	0605803A	TECHNICAL INFORMATION ACTIVITIES	33,323	33,323
156	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY.	40,545	40,545
157	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	2,130	2,130
158	0605898A	MANAGEMENT HQ—R&D	49,885	49,885

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Line	Program Element	Item	FY 2017 Request	Conference Authorized
159	0303260A	DEFENSE MILITARY DECEPTION INITIATIVE	2,000	2,000
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	1,136,134	1,136,134
		OPERATIONAL SYSTEMS DEVELOPMENT		
161	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	9,663	9,663
162	0603813A	TRACTOR PULL	3,960	3,960
163	0605024A	ANTI-TAMPER TECHNOLOGY SUPPORT	3,638	3,638
164	0607131A	WEAPONS AND MUNITIONS PRODUCT IMPROVEMENT PROGRAMS.	14,517	14,517
165	0607133A	TRACTOR SMOKE	4,479	4,479
166	0607134A	LONG RANGE PRECISION FIRES (LRPF)	39,275	39,275
167	0607135A	APACHE PRODUCT IMPROVEMENT PROGRAM	66,441	66,441
168	0607136A	BLACKHAWK PRODUCT IMPROVEMENT PROGRAM	46,765	46,765
169	0607137A	CHINOOK PRODUCT IMPROVEMENT PROGRAM	91,848	91,848
170	0607138A	FIXED WING PRODUCT IMPROVEMENT PROGRAM	796	796
171	0607139A	IMPROVED TURBINE ENGINE PROGRAM	126,105	126,105
172	0607140A	EMERGING TECHNOLOGIES FROM NIE	2,369	2,369
173	0607141A	LOGISTICS AUTOMATION	4,563	4,563
174	0607665A	FAMILY OF BIOMETRICS	12,098	12,098
175	0607865A	PATRIOT PRODUCT IMPROVEMENT	49,482	49,482
176	0202429A	AEROSTAT JOINT PROJECT—COCOM EXERCISE	45,482	2,482
		Program reduction		[-43,000]
178	0203728A	JOINT AUTOMATED DEEP OPERATION COORDINATION SYSTEM (JADOCS).	30,455	30,455
179	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	316,857	316,857
180	0203740A	MANEUVER CONTROL SYSTEM	4,031	4,031
181	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS.	35,793	35,793
182	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM ...	259	259
183	0203758A	DIGITIZATION	6,483	6,483
184	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM ...	5,122	5,122
185	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	7,491	7,491
186	0203808A	TRACTOR CARD	20,333	20,333
188	0205410A	MATERIALS HANDLING EQUIPMENT	124	124
190	0205456A	LOWER TIER AIR AND MISSILE DEFENSE (AMD) SYSTEM	69,417	69,417
191	0205778A	GUIDED MULTIPLE-LAUNCH ROCKET SYSTEM (GMLRS)	22,044	22,044
192	0208053A	JOINT TACTICAL GROUND SYSTEM	12,649	12,649
194	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	11,619	11,619
195	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	38,280	38,280
196	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	27,223	27,223
197	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	18,815	18,815
198	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	4,718	4,718
202	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	8,218	8,218
203	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS	11,799	11,799
204	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	32,284	32,284
205	0305219A	MQ-1C GRAY EAGLE UAS	13,470	13,470
206	0305232A	RQ-11 UAV	1,613	1,613
207	0305233A	RQ-7 UAV	4,597	4,597
209	0310349A	WIN-T INCREMENT 2—INITIAL NETWORKING	4,867	4,867
210	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	62,287	62,287
210A	9999999999	CLASSIFIED PROGRAMS	4,625	4,625
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	1,296,954	1,253,954
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	7,515,399	7,528,690
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		BASIC RESEARCH		
001	0601103N	UNIVERSITY RESEARCH INITIATIVES	101,714	121,714
		Program increase		[20,000]
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	18,508	18,508
003	0601153N	DEFENSE RESEARCH SCIENCES	422,748	422,748
		SUBTOTAL BASIC RESEARCH	542,970	562,970
		APPLIED RESEARCH		
004	0602114N	POWER PROJECTION APPLIED RESEARCH	41,371	41,371
005	0602123N	FORCE PROTECTION APPLIED RESEARCH	158,745	158,745
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	51,590	51,590
007	0602235N	COMMON PICTURE APPLIED RESEARCH	41,185	41,185
008	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	45,467	45,467
009	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	118,941	118,941
010	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH ...	42,618	72,618
		Service Life Extension Program—AGOR		[30,000]
011	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	6,327	6,327
012	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	126,313	126,313
013	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH	165,103	165,103
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH ..	33,916	33,916
015	0602898N	SCIENCE AND TECHNOLOGY MANAGEMENT—ONR HEAD-QUARTERS.	29,575	29,575

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Line	Program Element	Item	FY 2017 Request	Conference Authorized
SUBTOTAL APPLIED RESEARCH			861,151	891,151
ADVANCED TECHNOLOGY DEVELOPMENT				
016	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY	96,406	96,406
017	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	48,438	48,438
018	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY	26,421	26,421
019	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	140,416	140,416
020	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT	13,117	13,117
021	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT. Capable manpower, and power and energy	249,092	247,092
022	0603680N	MANUFACTURING TECHNOLOGY PROGRAM	56,712	56,712
023	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	4,789	4,789
024	0603747N	UNDERSEA WARFARE ADVANCED TECHNOLOGY	25,880	25,880
025	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	60,550	60,550
026	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY.	15,167	15,167
SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT			736,988	734,988
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES				
027	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	48,536	48,536
028	0603216N	AVIATION SURVIVABILITY	5,239	5,239
030	0603251N	AIRCRAFT SYSTEMS	1,519	1,519
031	0603254N	ASW SYSTEMS DEVELOPMENT	7,041	7,041
032	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	3,274	3,274
033	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY Rapid prototype development excess growth	57,034	15,496
		Unmanned rapid prototype development excess growth		[-30,267]
034	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES Excess prior year funds	165,775	143,548
		LDUUV product development excess growth		[-1,500]
		USV with AQS-20 product development excess growth		[-13,800]
		USV with AQS-20 support excess growth		[-5,750]
				[-1,177]
035	0603506N	SURFACE SHIP TORPEDO DEFENSE	87,066	87,066
036	0603512N	CARRIER SYSTEMS DEVELOPMENT	7,605	7,605
037	0603525N	PILOT FISH	132,068	132,068
038	0603527N	RETRACT LARCH	14,546	14,546
039	0603536N	RETRACT JUNIPER	115,435	115,435
040	0603542N	RADIOLOGICAL CONTROL	702	702
041	0603553N	SURFACE ASW	1,081	1,081
042	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	100,565	100,565
043	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	8,782	8,782
044	0603563N	SHIP CONCEPT ADVANCED DESIGN	14,590	14,590
045	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	15,805	15,805
046	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	453,313	453,313
047	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	36,655	36,655
048	0603576N	CHALK EAGLE	367,016	367,016
049	0603581N	LITTORAL COMBAT SHIP (LCS)	51,630	51,630
050	0603582N	COMBAT SYSTEM INTEGRATION	23,530	23,530
051	0603595N	OHIO REPLACEMENT	700,811	700,811
052	0603596N	LCS MISSION MODULES Program Restructure	160,058	129,187
				[-30,871]
053	0603597N	AUTOMATED TEST AND ANALYSIS Program increase		8,000
				[8,000]
054	0603599N	FRIGATE DEVELOPMENT	84,900	84,900
055	0603609N	CONVENTIONAL MUNITIONS	8,342	8,342
056	0603611M	MARINE CORPS ASSAULT VEHICLES Product development prior year carryover	158,682	138,762
				[-19,920]
057	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	1,303	1,303
058	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	46,911	46,911
060	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	4,556	4,556
061	0603721N	ENVIRONMENTAL PROTECTION	20,343	20,343
062	0603724N	NAVY ENERGY PROGRAM	52,479	52,479
063	0603725N	FACILITIES IMPROVEMENT	5,458	5,458
064	0603734N	CHALK CORAL	245,860	245,860
065	0603739N	NAVY LOGISTIC PRODUCTIVITY	3,089	3,089
066	0603746N	RETRACT MAPLE	323,526	323,526
067	0603748N	LINK PLUMERIA	318,497	318,497
068	0603751N	RETRACT ELM	52,834	52,834
069	0603764N	LINK EVERGREEN	48,116	48,116
070	0603787N	SPECIAL PROCESSES	13,619	13,619
071	0603790N	NATO RESEARCH AND DEVELOPMENT	9,867	9,867
072	0603795N	LAND ATTACK TECHNOLOGY	6,015	6,015
073	0603851M	JOINT NON-LETHAL WEAPONS TESTING	27,904	27,904
074	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEVAL.	104,144	102,722

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Line	Program Element	Item	FY 2017 Request	Conference Authorized
		UCLASS test support unjustified request		[-1,422]
075	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS	32,700	32,700
076	0604112N	GERALD R. FORD CLASS NUCLEAR AIRCRAFT CARRIER (CVN 78—80).	70,528	70,528
077	0604122N	REMOTE MINEHUNTING SYSTEM (RMS)	3,001	3,001
078	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM).	34,920	34,920
080	0604292N	MH-XX	1,620	1,620
081	0604454N	LX (R)	6,354	6,354
082	0604536N	ADVANCED UNDERSEA PROTOTYPING	78,589	44,189
		Ahead of need		[-34,400]
084	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM	9,910	9,910
085	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT.	23,971	23,971
086	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOPMENT.	252,409	250,371
		Increment II early to need		[-2,038]
087	0605812M	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	23,197	23,197
088	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	9,110	9,110
089	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	437	437
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	4,662,867	4,518,451
		SYSTEM DEVELOPMENT & DEMONSTRATION		
090	0603208N	TRAINING SYSTEM AIRCRAFT	19,938	19,938
091	0604212N	OTHER HELO DEVELOPMENT	6,268	6,268
092	0604214N	AV-8B AIRCRAFT—ENG DEV	33,664	33,664
093	0604215N	STANDARDS DEVELOPMENT	1,300	1,300
094	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	5,275	5,275
095	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING	3,875	3,875
096	0604221N	P-3 MODERNIZATION PROGRAM	1,909	1,909
097	0604230N	WARFARE SUPPORT SYSTEM	13,237	13,237
098	0604231N	TACTICAL COMMAND SYSTEM	36,323	36,323
099	0604234N	ADVANCED HAWKEYE	363,792	363,792
100	0604245N	H-1 UPGRADES	27,441	27,441
101	0604261N	ACOUSTIC SEARCH SENSORS	34,525	34,525
102	0604262N	V-22A	174,423	157,698
		Hardware development airframe excess growth		[-8,474]
		Refueling system development excess growth		[-8,251]
103	0604264N	AIR CREW SYSTEMS DEVELOPMENT	13,577	13,577
104	0604269N	EA-18	116,761	116,761
105	0604270N	ELECTRONIC WARFARE DEVELOPMENT	48,766	48,766
106	0604273N	EXECUTIVE HELO DEVELOPMENT	338,357	338,357
107	0604274N	NEXT GENERATION JAMMER (NGJ)	577,822	577,822
108	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY)	2,365	2,365
109	0604282N	NEXT GENERATION JAMMER (NGJ) INCREMENT II	52,065	42,065
		Program growth		[-10,000]
110	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	282,764	282,764
111	0604311N	LPD-17 CLASS SYSTEMS INTEGRATION	580	580
112	0604329N	SMALL DIAMETER BOMB (SDB)	97,622	97,622
113	0604366N	STANDARD MISSILE IMPROVEMENTS	120,561	120,561
114	0604373N	AIRBORNE MCM	45,622	45,622
116	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING.	25,750	25,750
118	0604501N	ADVANCED ABOVE WATER SENSORS	85,868	85,868
119	0604503N	SSN-688 AND TRIDENT MODERNIZATION	117,476	117,476
120	0604504N	AIR CONTROL	47,404	47,404
121	0604512N	SHIPBOARD AVIATION SYSTEMS	112,158	112,158
122	0604518N	COMBAT INFORMATION CENTER CONVERSION	6,283	6,283
123	0604522N	AIR AND MISSILE DEFENSE RADAR (AMDR) SYSTEM	144,395	144,395
124	0604558N	NEW DESIGN SSN	113,013	113,013
125	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	43,160	43,160
126	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	65,002	85,002
		CVN Design		[20,000]
127	0604574N	NAVY TACTICAL COMPUTER RESOURCES	3,098	3,098
128	0604580N	VIRGINIA PAYLOAD MODULE (VPM)	97,920	97,920
129	0604601N	MINE DEVELOPMENT	10,490	10,490
130	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	20,178	20,178
131	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	7,369	7,369
132	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	4,995	4,995
133	0604727N	JOINT STANDOFF WEAPON SYSTEMS	412	412
134	0604753N	SHIP SELF DEFENSE (DETECT & CONTROL)	134,619	134,619
135	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	114,475	105,475
		Program Execution		[-9,000]
136	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	114,211	111,211
		Decoy development effort unjustified growth		[-3,000]
137	0604761N	INTELLIGENCE ENGINEERING	11,029	11,029

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138	0604771N	MEDICAL DEVELOPMENT	9,220	9,220
139	0604777N	NAVIGATION/ID SYSTEM	42,723	42,723
140	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	531,426	531,426
141	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD	528,716	528,716
142	0604810M	JOINT STRIKE FIGHTER FOLLOW ON DEVELOPMENT—MARINE CORPS. Follow-on development excess funds	74,227	71,977 [-2,250]
143	0604810N	JOINT STRIKE FIGHTER FOLLOW ON DEVELOPMENT—NAVY Follow-on development excess funds	63,387	61,137 [-2,250]
144	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	4,856	4,856
145	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	97,066	97,066
146	0605024N	ANTI-TAMPER TECHNOLOGY SUPPORT	2,500	2,500
147	0605212N	CH-53K RDTE	404,810	373,297
		Program delay		[-31,513]
148	0605215N	MISSION PLANNING	33,570	33,570
149	0605217N	COMMON AVIONICS	51,599	51,599
150	0605220N	SHIP TO SHORE CONNECTOR (SSC)	11,088	11,088
151	0605327N	T-AO (X)		1,095
152	0605414N	MQ-XX	89,000	77,000
		Excess Obligation		[-12,000]
153	0605450N	JOINT AIR-TO-GROUND MISSILE (JAGM)	17,880	17,880
154	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	59,126	59,126
155	0605504N	MULTI-MISSION MARITIME (MMA) INCREMENT III	182,220	152,220
		Program execution		[-30,000]
156	0204202N	DDG-1000	45,642	45,642
159	0304231N	TACTICAL COMMAND SYSTEM—MIP	676	676
160	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	36,747	36,747
161	0305124N	SPECIAL APPLICATIONS PROGRAM	35,002	35,002
162	0306250M	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT	4,942	4,942
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	6,025,655	5,928,917
		MANAGEMENT SUPPORT		
163	0604256N	THREAT SIMULATOR DEVELOPMENT	16,633	16,633
164	0604258N	TARGET SYSTEMS DEVELOPMENT	36,662	36,662
165	0604759N	MAJOR T&E INVESTMENT	42,109	42,109
166	0605126N	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION STUDIES AND ANALYSIS SUPPORT—NAVY	2,998	2,998
167	0605152N	CENTER FOR NAVAL ANALYSES	3,931	3,931
168	0605154N	NEXT GENERATION FIGHTER	46,634	46,634
169	0605285N	TECHNICAL INFORMATION SERVICES	1,200	1,200
171	0605804N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	903	903
172	0605853N	STRATEGIC TECHNICAL SUPPORT	87,077	87,077
173	0605856N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	3,597	3,597
174	0605861N	RDT&E SHIP AND AIRCRAFT SUPPORT	62,811	62,811
175	0605863N	TEST AND EVALUATION SUPPORT	106,093	106,093
176	0605864N	OPERATIONAL TEST AND EVALUATION CAPABILITY	349,146	349,146
177	0605865N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	18,160	18,160
178	0605866N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	9,658	9,658
179	0605867N	MARINE CORPS PROGRAM WIDE SUPPORT	6,500	6,500
180	0605873M	MANAGEMENT HQ—R&D	22,247	22,247
181	0605898N	WARFARE INNOVATION MANAGEMENT	16,254	16,254
182	0606355N	SUBTOTAL MANAGEMENT SUPPORT	21,123	21,123
		OPERATIONAL SYSTEMS DEVELOPMENT	853,736	853,736
188	0607658N	COOPERATIVE ENGAGEMENT CAPABILITY (CEC)	84,501	84,501
189	0607700N	DEPLOYABLE JOINT COMMAND AND CONTROL	2,970	2,970
190	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	136,556	136,556
191	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	33,845	33,845
192	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	9,329	9,329
193	0101402N	NAVY STRATEGIC COMMUNICATIONS	17,218	17,218
195	0204136N	F/A-18 SQUADRONS	189,125	189,125
196	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL)	48,225	48,225
197	0204228N	SURFACE SUPPORT	21,156	21,156
198	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	71,355	71,355
199	0204311N	INTEGRATED SURVEILLANCE SYSTEM	58,542	57,058
		TASW prototypes excess growth		[-1,484]
200	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT)	13,929	13,929
201	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	83,538	83,538
202	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	38,593	38,593
203	0204574N	CRYPTOLOGIC DIRECT SUPPORT	1,122	1,122
204	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT	99,998	99,998
205	0205601N	HARM IMPROVEMENT	48,635	48,635
206	0205604N	TACTICAL DATA LINKS	124,785	124,785
207	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	24,583	24,583
208	0205632N	MK-48 ADCAP	39,134	39,134

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209	0205633N	AVIATION IMPROVEMENTS	120,861	120,861
210	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	101,786	101,786
211	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	82,159	82,159
212	0206335M	COMMON AVIATION COMMAND AND CONTROL SYSTEM (CAC2S).	11,850	11,850
213	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS.	47,877	47,877
214	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	13,194	13,194
215	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	17,171	17,171
216	0206629M	AMPHIBIOUS ASSAULT VEHICLE	38,020	38,020
217	0207161N	TACTICAL AIM MISSILES	56,285	56,285
218	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) ...	40,350	40,350
219	0219902M	GLOBAL COMBAT SUPPORT SYSTEM—MARINE CORPS (GCSS-MC).	9,128	9,128
223	0303109N	SATELLITE COMMUNICATIONS (SPACE)	37,372	37,372
224	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES).	23,541	23,541
225	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	38,510	38,510
228	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES	6,019	6,019
229	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	8,436	8,436
230	0305205N	UAS INTEGRATION AND INTEROPERABILITY	36,509	33,509
		Prior year carryover		[-3,000]
231	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	2,100	2,100
232	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	44,571	44,571
233	0305220N	MQ-4C TRITON	111,729	111,729
234	0305231N	MQ-8 UAV	26,518	26,518
235	0305232M	RQ-11 UAV	418	418
236	0305233N	RQ-7 UAV	716	716
237	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASLO)	5,071	5,071
238	0305239M	RQ-21A	9,497	9,497
239	0305241N	MULTI-INTELLIGENCE SENSOR DEVELOPMENT	77,965	77,965
240	0305242M	UNMANNED AERIAL SYSTEMS (UAS) PAYLOADS (MIP)	11,181	11,181
241	0305421N	RQ-4 MODERNIZATION	181,266	181,266
242	0308601N	MODELING AND SIMULATION SUPPORT	4,709	4,709
243	0702207N	DEPOT MAINTENANCE (NON-IF)	49,322	49,322
245	0708730N	MARITIME TECHNOLOGY (MARITECH)	3,204	3,204
245A	9999999999	CLASSIFIED PROGRAMS	1,228,460	1,228,460
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	3,592,934	3,588,450
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	17,276,301	17,078,663
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF		
		BASIC RESEARCH		
001	0601102F	DEFENSE RESEARCH SCIENCES	340,812	340,812
002	0601103F	UNIVERSITY RESEARCH INITIATIVES	145,044	145,044
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	14,168	14,168
		SUBTOTAL BASIC RESEARCH	500,024	500,024
		APPLIED RESEARCH		
004	0602102F	MATERIALS	126,152	131,152
		Precision measuring tools		[5,000]
005	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	122,831	127,831
		Reusable Hypersonic vehicle structures development		[5,000]
006	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	111,647	111,647
007	0602203F	AEROSPACE PROPULSION	185,671	190,671
		Program increase		[5,000]
008	0602204F	AEROSPACE SENSORS	155,174	155,174
009	0602601F	SPACE TECHNOLOGY	117,915	117,915
010	0602602F	CONVENTIONAL MUNITIONS	109,649	109,649
011	0602605F	DIRECTED ENERGY TECHNOLOGY	127,163	127,163
012	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS	161,650	161,650
013	0602890F	HIGH ENERGY LASER RESEARCH	42,300	42,300
		SUBTOTAL APPLIED RESEARCH	1,260,152	1,275,152
		ADVANCED TECHNOLOGY DEVELOPMENT		
014	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	35,137	45,137
		Metals Affordability Initiative		[10,000]
015	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	20,636	20,636
016	0603203F	ADVANCED AEROSPACE SENSORS	40,945	40,945
017	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	130,950	130,950
018	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY	94,594	99,594
		Silicon Carbide for aerospace power application		[5,000]
019	0603270F	ELECTRONIC COMBAT TECHNOLOGY	58,250	58,250
020	0603401F	ADVANCED SPACECRAFT TECHNOLOGY	61,593	61,593
021	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	11,681	11,681
022	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT.	26,492	26,492

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023	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	102,009	102,009
024	0603605F	ADVANCED WEAPONS TECHNOLOGY	39,064	39,064
025	0603680F	MANUFACTURING TECHNOLOGY PROGRAM	46,344	46,344
026	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION.	58,110	58,110
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	725,805	740,805
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
027	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	5,598	5,598
028	0603438F	SPACE CONTROL TECHNOLOGY	7,534	7,534
029	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	24,418	24,418
030	0603790F	NATO RESEARCH AND DEVELOPMENT	4,333	4,333
032	0603830F	SPACE SECURITY AND DEFENSE PROGRAM	32,399	32,399
033	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL	108,663	108,663
035	0604015F	LONG RANGE STRIKE—BOMBER	1,358,309	1,358,309
036	0604257F	ADVANCED TECHNOLOGY AND SENSORS	34,818	34,818
037	0604317F	TECHNOLOGY TRANSFER	3,368	3,368
038	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM.	74,308	74,308
039	0604422F	WEATHER SYSTEM FOLLOW-ON	118,953	113,953
		Transfer Cloud Characterization and Theater Weather Imagery to NRO.		[-5,000]
040	0604425F	SPACE SITUATION AWARENESS SYSTEMS	9,901	9,901
041	0604776F	DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D	25,890	25,890
042	0604857F	OPERATIONALLY RESPONSIVE SPACE	7,921	18,421
		Program increase		[10,500]
043	0604858F	TECH TRANSITION PROGRAM	347,304	347,304
044	0605230F	GROUND BASED STRATEGIC DETERRENT	113,919	113,919
046	0207110F	NEXT GENERATION AIR DOMINANCE	20,595	20,595
047	0207455F	THREE DIMENSIONAL LONG-RANGE RADAR (3DELRR)	49,491	49,491
048	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE).	278,147	278,147
049	0305236F	COMMON DATA LINK EXECUTIVE AGENT (CDL EA)	42,338	42,338
050	0306250F	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT	158,002	158,002
051	0306415F	ENABLED CYBER ACTIVITIES	15,842	15,842
052	0901410F	CONTRACTING INFORMATION TECHNOLOGY SYSTEM	5,782	5,782
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	2,847,833	2,853,333
		SYSTEM DEVELOPMENT & DEMONSTRATION		
054	0604270F	ELECTRONIC WARFARE DEVELOPMENT	12,476	9,176
		Improved GPS		[-3,300]
055	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	82,380	82,380
056	0604287F	PHYSICAL SECURITY EQUIPMENT	8,458	8,458
057	0604329F	SMALL DIAMETER BOMB (SDB)—EMD	54,838	47,038
		Improved GPS		[-7,800]
058	0604421F	COUNTERSPACE SYSTEMS	34,394	34,394
059	0604425F	SPACE SITUATION AWARENESS SYSTEMS	23,945	23,945
060	0604426F	SPACE FENCE	168,364	168,364
061	0604429F	AIRBORNE ELECTRONIC ATTACK	9,187	9,187
062	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	181,966	181,966
063	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	20,312	20,312
064	0604604F	SUBMUNITIONS	2,503	2,503
065	0604617F	AGILE COMBAT SUPPORT	53,680	53,680
066	0604618F	JOINT DIRECT ATTACK MUNITION	9,901	9,901
067	0604706F	LIFE SUPPORT SYSTEMS	7,520	7,520
068	0604735F	COMBAT TRAINING RANGES	77,409	77,409
069	0604800F	F-35—EMD	450,467	450,467
070	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)—EMD.	296,572	160,000
		Launch System Development		[160,000]
		Next Generation Launch System Investment		[-296,572]
070A	0604XXXF	ROCKET PROPULSION SYSTEM		220,000
		Rocket Propulsion System Replacement of RD-180		[220,000]
071	0604932F	LONG RANGE STANDOFF WEAPON	95,604	95,604
072	0604933F	ICBM FUZE MODERNIZATION	189,751	189,751
073	0605030F	JOINT TACTICAL NETWORK CENTER (JTNC)	1,131	1,131
074	0605213F	F-22 MODERNIZATION INCREMENT 3.2B	70,290	70,290
075	0605214F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT	937	937
076	0605221F	KC-46	261,724	121,724
		Scope Reduction		[-140,000]
077	0605223F	ADVANCED PILOT TRAINING	12,377	7,377
		Early to need		[-5,000]
078	0605229F	CSAR HH-60 RECAPITALIZATION	319,331	304,331
		Forward financing		[-15,000]
080	0605431F	ADVANCED EHF MILSATCOM (SPACE)	259,131	229,131

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		Delayed analysis of alternatives		[-30,000]
081	0605432F	POLAR MILSATCOM (SPACE)	50,815	50,815
082	0605433F	WIDEBAND GLOBAL SATCOM (SPACE)	41,632	51,632
		COMSATCOM pilot program		[10,000]
083	0605458F	AIR & SPACE OPS CENTER 10.2 RDT&E	28,911	28,911
084	0605931F	B-2 DEFENSIVE MANAGEMENT SYSTEM	315,615	288,915
		Scope Reduction		[-26,700]
085	0101125F	NUCLEAR WEAPONS MODERNIZATION	137,909	137,909
086	0207171F	F-15 EPAWSS	256,669	256,669
087	0207701F	FULL COMBAT MISSION TRAINING	12,051	12,051
088	0305176F	COMBAT SURVIVOR EVADER LOCATOR	29,253	29,253
089	0307581F	JSTARS RECAP	128,019	128,019
090	0401319F	PRESIDENTIAL AIRCRAFT REPLACEMENT (PAR)	351,220	351,220
091	0701212F	AUTOMATED TEST SYSTEMS	19,062	19,062
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	4,075,804	3,941,432
		MANAGEMENT SUPPORT		
092	0604256F	THREAT SIMULATOR DEVELOPMENT	21,630	21,630
093	0604759F	MAJOR T&E INVESTMENT	66,385	66,385
094	0605101F	RAND PROJECT AIR FORCE	34,641	34,641
096	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	11,529	11,529
097	0605807F	TEST AND EVALUATION SUPPORT	661,417	661,417
098	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	11,198	11,198
099	0605864F	SPACE TEST PROGRAM (STP)	27,070	27,070
100	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT.	134,111	134,111
101	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT.	28,091	28,091
102	0606017F	REQUIREMENTS ANALYSIS AND MATURATION	29,100	29,100
103	0606116F	SPACE TEST AND TRAINING RANGE DEVELOPMENT	18,528	18,528
104	0606392F	SPACE AND MISSILE CENTER (SMC) CIVILIAN WORKFORCE ...	176,666	176,666
105	0308602F	ENTEPRISE INFORMATION SERVICES (EIS)	4,410	4,410
106	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	14,613	14,613
107	0804731F	GENERAL SKILL TRAINING	1,404	1,404
109	1001004F	INTERNATIONAL ACTIVITIES	4,784	4,784
		SUBTOTAL MANAGEMENT SUPPORT	1,245,577	1,245,577
		OPERATIONAL SYSTEMS DEVELOPMENT		
110	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT.	393,268	393,268
111	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	15,427	15,427
112	0604445F	WIDE AREA SURVEILLANCE	46,695	46,695
115	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS)	10,368	10,368
116	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	31,952	31,952
117	0605117F	FOREIGN MATERIEL ACQUISITION AND EXPLOITATION	42,960	42,960
118	0605278F	HC/MC-130 RECAP RDT&E	13,987	13,987
119	0101113F	B-52 SQUADRONS	78,267	78,267
120	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	453	453
121	0101126F	B-1B SQUADRONS	5,830	5,830
122	0101127F	B-2 SQUADRONS	152,458	152,458
123	0101213F	MINUTEMAN SQUADRONS	182,958	182,958
124	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM	39,148	39,148
126	0101316F	WORLDWIDE JOINT STRATEGIC COMMUNICATIONS	6,042	6,042
128	0102110F	UH-1N REPLACEMENT PROGRAM	14,116	14,116
129	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM.	10,868	10,868
130	0105921F	SERVICE SUPPORT TO STRATCOM—SPACE ACTIVITIES	8,674	8,674
131	0205219F	MQ-9 UAV	151,373	161,373
		Auto take-off and landing capability		[10,000]
133	0207131F	A-10 SQUADRONS	14,853	14,853
134	0207133F	F-16 SQUADRONS	132,795	132,795
135	0207134F	F-15E SQUADRONS	356,717	356,717
136	0207136F	MANNED DESTRUCTIVE SUPPRESSION	14,773	14,773
137	0207138F	F-22A SQUADRONS	387,564	379,464
		Improved GPS		[-8,100]
138	0207142F	F-35 SQUADRONS	153,045	147,545
		Follow-on development—excess funds		[-5,500]
139	0207161F	TACTICAL AIM MISSILES	52,898	52,898
140	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) ...	62,470	62,470
143	0207227F	COMBAT RESCUE—PARARESCUE	362	362
144	0207247F	AF TENCAP	28,413	28,413
145	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	649	649
146	0207253F	COMPASS CALL	13,723	50,823
		Compass Call Program Restructure		[37,100]
147	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM ...	109,859	109,859
148	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	30,002	30,002
149	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	37,621	25,343

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		Weapon system modification		[-12,278]
150	0207412F	CONTROL AND REPORTING CENTER (CRC)	13,292	13,292
151	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	86,644	86,644
152	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS	2,442	2,442
154	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	10,911	15,911
		Geospatial software development		[5,000]
155	0207444F	TACTICAL AIR CONTROL PARTY-MOD	11,843	11,843
156	0207448F	C2ISR TACTICAL DATA LINK	1,515	1,515
157	0207452F	DCAPEX	14,979	14,979
158	0207590F	SEEK EAGLE	25,308	25,308
159	0207601F	USAF MODELING AND SIMULATION	16,666	16,666
160	0207605F	WARGAMING AND SIMULATION CENTERS	4,245	4,245
161	0207697F	DISTRIBUTED TRAINING AND EXERCISES	3,886	3,886
162	0208006F	MISSION PLANNING SYSTEMS	71,785	71,785
164	0208087F	AF OFFENSIVE CYBERSPACE OPERATIONS	25,025	25,025
165	0208088F	AF DEFENSIVE CYBERSPACE OPERATIONS	29,439	29,439
168	0301017F	GLOBAL SENSOR INTEGRATED ON NETWORK (GSIN)	3,470	3,470
169	0301112F	NUCLEAR PLANNING AND EXECUTION SYSTEM (NPES)	4,060	4,060
175	0301400F	SPACE SUPERIORITY INTELLIGENCE	13,880	13,880
176	0302015F	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	30,948	30,948
177	0303001F	FAMILY OF ADVANCED BLOS TERMINALS (FAB-T)	42,378	42,378
178	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	47,471	47,471
179	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	46,388	46,388
180	0303141F	GLOBAL COMBAT SUPPORT SYSTEM	52	52
181	0303142F	GLOBAL FORCE MANAGEMENT—DATA INITIATIVE	2,099	2,099
184	0304260F	AIRBORNE SIGINT ENTERPRISE	90,762	90,762
187	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,354	4,354
188	0305110F	SATELLITE CONTROL NETWORK (SPACE)	15,624	15,624
189	0305111F	WEATHER SERVICE	19,974	22,974
		Commercial Weather Pilot Program		[3,000]
190	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCAL)	9,770	9,770
191	0305116F	AERIAL TARGETS	3,051	3,051
194	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	405	405
195	0305145F	ARMS CONTROL IMPLEMENTATION	4,844	4,844
196	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	339	339
199	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER	3,989	3,989
200	0305174F	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOPMENT	3,070	3,070
201	0305179F	INTEGRATED BROADCAST SERVICE (IBS)	8,833	8,833
202	0305182F	SPACELIFT RANGE SYSTEM (SPACE)	11,867	11,867
203	0305202F	DRAGON U-2	37,217	37,217
205	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	3,841	18,841
		Wide area motion imagery		[15,000]
206	0305207F	MANNED RECONNAISSANCE SYSTEMS	20,975	20,975
207	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	18,902	18,902
208	0305220F	RQ-4 UAV	256,307	256,307
209	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	22,610	22,610
211	0305238F	NATO AGS	38,904	38,904
212	0305240F	SUPPORT TO DCGS ENTERPRISE	23,084	23,084
213	0305258F	ADVANCED EVALUATION PROGRAM	116,143	116,143
214	0305265F	GPS III SPACE SEGMENT	141,888	141,888
215	0305600F	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES	2,360	2,360
216	0305614F	JSPOC MISSION SYSTEM	72,889	72,889
217	0305881F	RAPID CYBER ACQUISITION	4,280	4,280
218	0305906F	NCMC—TWAA SYSTEM	4,951	4,951
219	0305913F	NUDET DETECTION SYSTEM (SPACE)	21,093	21,093
220	0305940F	SPACE SITUATION AWARENESS OPERATIONS	35,002	35,002
222	0308699F	SHARED EARLY WARNING (SEW)	6,366	6,366
223	0401115F	C-130 AIRLIFT SQUADRON	15,599	15,599
224	0401119F	C-5 AIRLIFT SQUADRONS (IF)	66,146	66,146
225	0401130F	C-17 AIRCRAFT (IF)	12,430	12,430
226	0401132F	C-130J PROGRAM	16,776	16,776
227	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	5,166	5,166
229	0401314F	OPERATIONAL SUPPORT AIRLIFT	13,817	13,817
230	0401318F	CV-22	16,702	16,702
231	0408011F	SPECIAL TACTICS / COMBAT CONTROL	7,164	7,164
232	0702207F	DEPOT MAINTENANCE (NON-IF)	1,518	1,518
233	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	61,676	61,676
234	0708611F	SUPPORT SYSTEMS DEVELOPMENT	9,128	9,128
235	0804743F	OTHER FLIGHT TRAINING	1,653	1,653
236	0808716F	OTHER PERSONNEL ACTIVITIES	57	57
237	0901202F	JOINT PERSONNEL RECOVERY AGENCY	3,663	3,663
238	0901218F	CIVILIAN COMPENSATION PROGRAM	3,735	3,735
239	0901220F	PERSONNEL ADMINISTRATION	5,157	5,157
240	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY	1,523	1,523

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Line	Program Element	Item	FY 2017 Request	Conference Authorized
242	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT.	10,581	10,581
242A	9999999999	CLASSIFIED PROGRAMS	13,091,557	13,091,557
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	17,457,056	17,501,278
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF.	28,112,251	28,057,601
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		BASIC RESEARCH		
001	0601000BR	DTRA BASIC RESEARCH INITIATIVE	35,436	35,436
002	0601101E	DEFENSE RESEARCH SCIENCES	362,297	362,297
003	0601110D8Z	BASIC RESEARCH INITIATIVES	36,654	36,654
004	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE	57,791	57,791
005	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	69,345	79,345
		K-12 STEM program increase		[10,000]
006	0601228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES/MI-NORITY INSTITUTIONS.	23,572	33,572
		Program increase		[10,000]
007	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	44,800	44,800
		SUBTOTAL BASIC RESEARCH	629,895	649,895
		APPLIED RESEARCH		
008	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	17,745	17,745
009	0602115E	BIOMEDICAL TECHNOLOGY	115,213	115,213
010	0602230D8Z	DEFENSE TECHNOLOGY INNOVATION	30,000	0
		Program decrease		[-30,000]
011	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	48,269	48,269
012	0602251D8Z	APPLIED RESEARCH FOR THE ADVANCEMENT OF S&T PRI-ORITIES.	42,206	42,206
013	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY	353,635	353,635
014	0602383E	BIOLOGICAL WARFARE DEFENSE	21,250	21,250
015	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	188,715	188,715
016	0602668D8Z	CYBER SECURITY RESEARCH	12,183	12,183
017	0602702E	TACTICAL TECHNOLOGY	313,843	313,843
018	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	220,456	214,456
		Program reduction		[-6,000]
019	0602716E	ELECTRONICS TECHNOLOGY	221,911	221,911
020	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES	154,857	154,857
021	0602751D8Z	SOFTWARE ENGINEERING INSTITUTE (SEI) APPLIED RE-SEARCH.	8,420	8,420
022	1160401BB	SOF TECHNOLOGY DEVELOPMENT	37,820	37,820
		SUBTOTAL APPLIED RESEARCH	1,786,523	1,750,523
		ADVANCED TECHNOLOGY DEVELOPMENT		
023	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	23,902	23,902
025	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	73,002	73,002
026	0603133D8Z	FOREIGN COMPARATIVE TESTING	19,343	29,343
		Anti-tunnel defense systems		[10,000]
027	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT.	266,444	266,444
028	0603176C	ADVANCED CONCEPTS AND PERFORMANCE ASSESSMENT	17,880	17,880
030	0603178C	WEAPONS TECHNOLOGY	71,843	71,843
031	0603179C	ADVANCED C4ISR	3,626	3,626
032	0603180C	ADVANCED RESEARCH	23,433	23,433
033	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT ...	17,256	17,256
035	0603274C	SPECIAL PROGRAM—MDA TECHNOLOGY	83,745	11,795
		Program reduction		[-71,950]
036	0603286E	ADVANCED AEROSPACE SYSTEMS	182,327	182,327
037	0603287E	SPACE PROGRAMS AND TECHNOLOGY	175,240	165,240
		Program reduction		[-10,000]
038	0603288D8Z	ANALYTIC ASSESSMENTS	12,048	12,048
039	0603289D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS	57,020	57,020
041	0603375D8Z	TECHNOLOGY INNOVATION	39,923	19,923
		Program decrease		[-20,000]
042	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—AD-VANCED DEVELOPMENT.	127,941	127,941
043	0603527D8Z	RETRACT LARCH	181,977	181,977
044	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	22,030	22,030
045	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	148,184	132,184
		Program decrease		[-16,000]
046	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	9,331	9,331
047	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECH-NOLOGY PROGRAM.	158,398	158,398
048	0603680S	MANUFACTURING TECHNOLOGY PROGRAM	31,259	31,259
049	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT	49,895	49,895
050	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS ...	11,011	11,011
052	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	65,078	65,078

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Line	Program Element	Item	FY 2017 Request	Conference Authorized
053	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT.	97,826	97,826
054	0603727D8Z	JOINT WARFIGHTING PROGRAM	7,848	5,348
		Prior year carryover		[-2,500]
055	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	49,807	49,807
056	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	155,081	155,081
057	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	428,894	428,894
058	0603767E	SENSOR TECHNOLOGY	241,288	241,288
060	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	14,264	14,264
061	0603826D8Z	QUICK REACTION SPECIAL PROJECTS	74,943	72,943
		QRSP		[-2,000]
063	0603833D8Z	ENGINEERING SCIENCE & TECHNOLOGY	17,659	17,659
064	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	87,135	87,135
065	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT	37,329	41,329
		Competitive technology investment		[4,000]
066	0303310D8Z	CWMD SYSTEMS	44,836	21,236
		Constellation program reduction		[-23,600]
067	1160402BB	SOF ADVANCED TECHNOLOGY DEVELOPMENT	61,620	61,620
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	3,190,666	3,058,616
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
		ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES		
068	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	28,498	28,498
069	0603600D8Z	WALKOFF	89,643	89,643
071	0603821D8Z	ACQUISITION ENTERPRISE DATA & INFORMATION SERVICES	2,136	2,136
072	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM.	52,491	52,491
073	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT.	206,834	206,834
074	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT.	862,080	862,080
075	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL	138,187	138,187
076	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	230,077	230,077
077	0603890C	BMD ENABLING PROGRAMS	401,594	401,594
078	0603891C	SPECIAL PROGRAMS—MDA	321,607	304,707
		Program reduction		[-16,900]
079	0603892C	AEGIS BMD	959,066	939,066
		SM-3 IIA development excess growth		[-20,000]
080	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM	32,129	32,129
081	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS	20,690	20,690
082	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATI.	439,617	443,517
		Post Intercept Assessment Acceleration		[3,900]
083	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT	47,776	47,776
084	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC).	54,750	54,750
085	0603906C	REGARDING TRENCH	8,785	8,785
086	0603907C	SEA BASED X-BAND RADAR (SBX)	68,787	68,787
087	0603913C	ISRAELI COOPERATIVE PROGRAMS	103,835	268,735
		Increase for Cooperative Development Programs subject to Title XVI		[164,900]
088	0603914C	BALLISTIC MISSILE DEFENSE TEST	293,441	293,441
089	0603915C	BALLISTIC MISSILE DEFENSE TARGETS	563,576	563,576
090	0603920D8Z	HUMANITARIAN DEMINING	10,007	10,007
091	0603923D8Z	COALITION WARFARE	10,126	10,126
092	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM	3,893	8,893
		Corrosion prevention		[5,000]
093	0604115C	TECHNOLOGY MATURATION INITIATIVES	90,266	90,266
094	0604132D8Z	MISSILE DEFEAT PROJECT	45,000	45,000
095	0604250D8Z	ADVANCED INNOVATIVE TECHNOLOGIES	844,870	829,870
		SCO		[-15,000]
097	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED SYSTEM COMMON DEVELOPMENT.	3,320	3,320
099	0604682D8Z	WARGAMING AND SUPPORT FOR STRATEGIC ANALYSIS (SSA)	4,000	4,000
102	0604826J	JOINT C5 CAPABILITY DEVELOPMENT, INTEGRATION AND INTEROPERABILITY ASSESSMENTS.	23,642	23,642
104	0604873C	LONG RANGE DISCRIMINATION RADAR (LRDR)	162,012	162,012
105	0604874C	IMPROVED HOMELAND DEFENSE INTERCEPTORS	274,148	274,148
106	0604876C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT TEST.	63,444	63,444
107	0604878C	AEGIS BMD TEST	95,012	95,012
108	0604879C	BALLISTIC MISSILE DEFENSE SENSOR TEST	83,250	83,250
109	0604880C	LAND-BASED SM-3 (LBSM3)	43,293	43,293
110	0604881C	AEGIS SM-3 BLOCK IIA CO-DEVELOPMENT	106,038	106,038
111	0604887C	BALLISTIC MISSILE DEFENSE MIDCOURSE SEGMENT TEST ...	56,481	56,481

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Line	Program Element	Item	FY 2017 Request	Conference Authorized
112	0604894C	MULTI-OBJECT KILL VEHICLE	71,513	71,513
114	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	2,636	2,636
115	0305103C	CYBER SECURITY INITIATIVE	969	969
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES.	6,919,519	7,041,419
115A	0604XXXD	WEATHER SYSTEM FOLLOW-ON		5,000
		Transfer Cloud Characterization and Theater Weather Imagery from USAF.		[5,000]
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	0	5,000
		SYSTEM DEVELOPMENT AND DEMONSTRATION		
116	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD.	10,324	10,324
117	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT	181,303	181,303
118	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD	266,231	266,231
120	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS).	16,288	16,288
121	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES	4,568	4,568
122	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	11,505	11,505
123	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	1,658	1,658
124	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	2,920	2,920
126	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION.	12,631	12,631
128	0605080S	DEFENSE AGENCY INTIATIVES (DAI)—FINANCIAL SYSTEM	26,657	26,657
129	0605090S	DEFENSE RETIRED AND ANNUITANT PAY SYSTEM (DRAS)	4,949	4,949
130	0605140D8Z	TRUSTED FOUNDRY	69,000	69,000
131	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES	9,881	9,881
132	0303141K	GLOBAL COMBAT SUPPORT SYSTEM	7,600	7,600
133	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEM).	2,703	2,703
		SUBTOTAL SYSTEM DEVELOPMENT AND DEMONSTRATION.	628,218	628,218
		MANAGEMENT SUPPORT		
134	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	4,678	4,678
135	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	4,499	4,499
136	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP).	219,199	219,199
137	0604942D8Z	ASSESSMENTS AND EVALUATIONS	28,706	28,706
138	0605001E	MISSION SUPPORT	69,244	69,244
139	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC)	87,080	67,080
		Prior year carryover and minimize growth		[-20,000]
140	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	23,069	23,069
142	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO).	32,759	32,759
144	0605142D8Z	SYSTEMS ENGINEERING	32,429	32,429
145	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD	3,797	3,797
146	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	5,302	5,302
147	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION	7,246	7,246
148	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	1,874	1,874
149	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	85,754	85,754
158	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER.	2,187	2,187
159	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	22,650	22,650
160	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	43,834	43,834
161	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION.	22,240	22,240
162	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	19,541	23,541
		Program increase		[4,000]
163	0605898E	MANAGEMENT HQ—R&D	4,759	4,759
164	0605998KA	MANAGEMENT HQ—DEFENSE TECHNICAL INFORMATION CENTER (DTIC).	4,400	4,400
165	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	4,014	4,014
166	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI)	2,072	2,072
167	0204571J	JOINT STAFF ANALYTICAL SUPPORT	7,464	7,464
170	0303166J	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES	857	857
171	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO)	916	916
172	0305172K	COMBINED ADVANCED APPLICATIONS	15,336	15,336
173	0305193D8Z	CYBER INTELLIGENCE	18,523	13,523
		Program decrease		[-5,000]
175	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)—MHA.	34,384	34,384
176	0901598C	MANAGEMENT HQ—MDA	31,160	31,160
179	0903235D8W	JOINT SERVICE PROVIDER (JSP)	827	827
180A	9999999999	CLASSIFIED PROGRAMS	56,799	56,799
		SUBTOTAL MANAGEMENT SUPPORT	897,599	876,599

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(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Conference Authorized
OPERATIONAL SYSTEM DEVELOPMENT				
181	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	4,241	4,241
182	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNER-SHIP FOR PEACE INFORMATION MANA.	1,424	1,424
183	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS).	287	287
184	0607210D8Z	INDUSTRIAL BASE ANALYSIS AND SUSTAINMENT SUPPORT ...	16,195	16,195
185	0607310D8Z	CWMD SYSTEMS: OPERATIONAL SYSTEMS DEVELOPMENT	4,194	4,194
186	0607327T	GLOBAL THEATER SECURITY COOPERATION MANAGEMENT INFORMATION SYSTEMS (G-TSCMIS).	7,861	7,861
187	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT).	33,361	33,361
189	0208043J	PLANNING AND DECISION AID SYSTEM (PDAS)	3,038	3,038
190	0208045K	C4I INTEROPERABILITY	57,501	57,501
192	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING	5,935	5,935
196	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	575	575
197	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION.	18,041	18,041
198	0303126K	LONG-HAUL COMMUNICATIONS—DCS	13,994	13,994
199	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	12,206	12,206
200	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI)	34,314	34,314
201	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	36,602	36,602
202	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	8,876	8,876
203	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	159,068	161,068
		SHARKSEER Program Increase		[2,000]
204	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	24,438	24,438
205	0303153K	DEFENSE SPECTRUM ORGANIZATION	13,197	13,197
207	0303228K	JOINT INFORMATION ENVIRONMENT (JIE)	2,789	2,789
209	0303430K	FEDERAL INVESTIGATIVE SERVICES INFORMATION TECHNOLOGY.	75,000	75,000
210	0303610K	TELEPORT PROGRAM	657	657
215	0305103K	CYBER SECURITY INITIATIVE	1,553	1,553
220	0305186D8Z	POLICY R&D PROGRAMS	6,204	4,204
		Program decrease		[-2,000]
221	0305199D8Z	NET CENTRICITY	17,971	17,971
223	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	5,415	5,415
226	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,030	3,030
229	0305327V	INSIDER THREAT	5,034	5,034
230	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM ...	2,037	2,037
236	0307577D8Z	INTELLIGENCE MISSION DATA (IMD)	13,800	13,800
238	0708012S	PACIFIC DISASTER CENTERS	1,754	1,754
239	0708047S	DEFENSE PROPERTY ACCOUNTABILITY SYSTEM	2,154	2,154
240	0902298J	MANAGEMENT HQ—OJCS	826	826
241	1105219BB	MQ-9 UAV	17,804	17,804
244	1160403BB	AVIATION SYSTEMS	159,143	159,143
245	1160405BB	INTELLIGENCE SYSTEMS DEVELOPMENT	7,958	7,958
246	1160408BB	OPERATIONAL ENHANCEMENTS	64,895	64,895
247	1160431BB	WARRIOR SYSTEMS	44,885	44,885
248	1160432BB	SPECIAL PROGRAMS	1,949	1,949
249	1160434BB	UNMANNED ISR	22,117	22,117
250	1160480BB	SOF TACTICAL VEHICLES	3,316	3,316
251	1160483BB	MARITIME SYSTEMS	54,577	54,577
252	1160489BB	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	3,841	3,841
253	1160490BB	OPERATIONAL ENHANCEMENTS INTELLIGENCE	11,834	11,834
253A	9999999999	CLASSIFIED PROGRAMS	3,270,515	3,270,515
		SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT ...	4,256,406	4,256,406
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.	18,308,826	18,266,676
OPERATIONAL TEST & EVAL, DEFENSE MANAGEMENT SUPPORT				
001	0605118OTE	OPERATIONAL TEST AND EVALUATION	78,047	78,047
002	0605131OTE	LIVE FIRE TEST AND EVALUATION	48,316	48,316
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	52,631	52,631
		SUBTOTAL MANAGEMENT SUPPORT	178,994	178,994
		TOTAL OPERATIONAL TEST & EVAL, DEFENSE	178,994	178,994
		TOTAL RDT&E	71,391,771	71,110,624

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1 **SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
 2 **TION FOR OVERSEAS CONTINGENCY OPER-**
 3 **ATIONS.**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS				
(In Thousands of Dollars)				
Line	Program Element	Item	FY 2017 Request	Conference Authorized
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES				
055	0603308A	ARMY SPACE SYSTEMS INTEGRATION	9,375	9,375
SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.			9,375	9,375
SYSTEM DEVELOPMENT & DEMONSTRATION				
091	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE— ENG DEV.	78,700	78,700
114	0605032A	TRACTOR TIRE	10,000	10,000
117	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM)	10,900	10,900
119	0605041A	DEFENSIVE CYBER TOOL DEVELOPMENT	50,500	50,500
122	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	73,110	73,110
SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.			223,210	223,210
OPERATIONAL SYSTEMS DEVELOPMENT				
208	0307665A	BIOMETRICS ENABLED INTELLIGENCE	7,104	7,104
SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT			7,104	7,104
TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.			239,689	239,689
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES				
038	0603527N	RETRACT LARCH	3,907	3,907
SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.			3,907	3,907
OPERATIONAL SYSTEMS DEVELOPMENT				
245A	9999999999	CLASSIFIED PROGRAMS	36,426	36,426
SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT			36,426	36,426
TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.			40,333	40,333
SYSTEM DEVELOPMENT & DEMONSTRATION				
058	0604421F	COUNTERSPACE SYSTEMS	425	425
SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.			425	425
OPERATIONAL SYSTEMS DEVELOPMENT				
200	0305174F	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOPMENT.	4,715	4,715
242A	9999999999	CLASSIFIED PROGRAMS	27,765	27,765
SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT			32,480	32,480
TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF.			32,905	32,905
OPERATIONAL SYSTEM DEVELOPMENT				
253A	9999999999	CLASSIFIED PROGRAMS	165,419	165,419
SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT			165,419	165,419
TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.			165,419	165,419
TOTAL RDT&E			478,346	478,346

1 **SEC. 4203. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
 2 **TION FOR OVERSEAS CONTINGENCY OPER-**
 3 **ATIONS FOR BASE REQUIREMENTS.**

SEC. 4203. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE OPERATIONS
 (In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Conference Authorized
RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY				
SYSTEM DEVELOPMENT & DEMONSTRATION				
090	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	33	33
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	33	33
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	33	33
RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY				
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES				
078	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM).	37,990	37,990
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	37,990	37,990
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	37,990	37,990
		TOTAL RDT&E	38,023	38,023

4 **TITLE XLIII—OPERATION AND**
 5 **MAINTENANCE**

6 **SEC. 4301. OPERATION AND MAINTENANCE.**

SEC. 4301. OPERATION AND MAINTENANCE
 (In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
OPERATION & MAINTENANCE, ARMY			
OPERATING FORCES			
010	MANEUVER UNITS	791,450	841,450
	Home station training unfunded requirement		[50,000]
020	MODULAR SUPPORT BRIGADES	68,373	68,373
030	ECHELONS ABOVE BRIGADE	438,823	438,823
040	THEATER LEVEL ASSETS	660,258	660,258
050	LAND FORCES OPERATIONS SUPPORT	863,928	863,928
060	AVIATION ASSETS	1,360,597	1,461,097
	Eleventh CAB		[32,500]
	Flying hour program unfunded requirement		[68,000]
070	FORCE READINESS OPERATIONS SUPPORT	3,086,443	3,086,443
080	LAND FORCES SYSTEMS READINESS	439,488	439,488
090	LAND FORCES DEPOT MAINTENANCE	1,013,452	1,032,852
	Depot maintenance unfunded requirement		[19,400]
100	BASE OPERATIONS SUPPORT	7,816,343	7,838,443
	Eleventh CAB Support		[22,100]
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	2,234,546	2,319,946
	Restore Sustainment shortfalls		[85,400]
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	452,105	452,105
130	COMBATANT COMMANDERS CORE OPERATIONS	155,658	155,658
170	COMBATANT COMMANDS DIRECT MISSION SUPPORT	441,143	441,143
	SUBTOTAL OPERATING FORCES	19,822,607	20,100,007
MOBILIZATION			
180	STRATEGIC MOBILITY	336,329	336,329
190	ARMY PREPOSITIONED STOCKS	390,848	415,848

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
	Program increase		[25,000]
200	INDUSTRIAL PREPAREDNESS	7,401	7,401
	SUBTOTAL MOBILIZATION	734,578	759,578
TRAINING AND RECRUITING			
210	OFFICER ACQUISITION	131,942	131,942
220	RECRUIT TRAINING	47,846	47,846
230	ONE STATION UNIT TRAINING	45,419	45,419
240	SENIOR RESERVE OFFICERS TRAINING CORPS	482,747	482,747
250	SPECIALIZED SKILL TRAINING	921,025	927,525
	Defense Foreign Language Program		[6,500]
260	FLIGHT TRAINING	902,845	945,779
	Graduate pilot training unfunded requirement		[5,405]
	School Air OPTEMPO unfunded requirement		[31,125]
	Train full ARPINT load of 990		[6,404]
270	PROFESSIONAL DEVELOPMENT EDUCATION	216,583	248,183
	Military Training and PME		[31,600]
280	TRAINING SUPPORT	607,534	607,534
290	RECRUITING AND ADVERTISING	550,599	525,599
	Unjustified program growth		[-25,000]
300	EXAMINING	187,263	187,263
310	OFF-DUTY AND VOLUNTARY EDUCATION	189,556	189,556
320	CIVILIAN EDUCATION AND TRAINING	182,835	182,835
330	JUNIOR RESERVE OFFICER TRAINING CORPS	171,167	171,167
	SUBTOTAL TRAINING AND RECRUITING	4,637,361	4,693,395
ADMIN & SRVWIDE ACTIVITIES			
350	SERVICEWIDE TRANSPORTATION	230,739	295,739
	Restore critical shortfalls		[65,000]
360	CENTRAL SUPPLY ACTIVITIES	850,060	850,060
370	LOGISTIC SUPPORT ACTIVITIES	778,757	778,757
380	AMMUNITION MANAGEMENT	370,010	370,010
390	ADMINISTRATION	451,556	451,556
400	SERVICEWIDE COMMUNICATIONS	1,888,123	1,888,123
410	MANPOWER MANAGEMENT	276,403	276,403
420	OTHER PERSONNEL SUPPORT	369,443	369,443
430	OTHER SERVICE SUPPORT	1,096,074	1,096,074
440	ARMY CLAIMS ACTIVITIES	207,800	207,800
450	REAL ESTATE MANAGEMENT	240,641	240,641
460	FINANCIAL MANAGEMENT AND AUDIT READINESS	250,612	250,612
470	INTERNATIONAL MILITARY HEADQUARTERS	416,587	416,587
480	MISC. SUPPORT OF OTHER NATIONS	36,666	36,666
530	CLASSIFIED PROGRAMS	1,151,023	1,151,023
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	8,614,494	8,679,494
UNDISTRIBUTED			
540	UNDISTRIBUTED		-400,200
	Excessive standard price for fuel		[-56,100]
	Foreign Currency adjustments		[-194,100]
	Working Capital Fund Carryover Above Allowable Ceiling		[-150,000]
	SUBTOTAL UNDISTRIBUTED		-400,200
	TOTAL OPERATION & MAINTENANCE, ARMY	33,809,040	33,832,274
OPERATION & MAINTENANCE, ARMY RES OPERATING FORCES			
010	MODULAR SUPPORT BRIGADES	11,435	11,435
020	ECHELONS ABOVE BRIGADE	491,772	511,772
	Home station training unfunded requirement		[20,000]
030	THEATER LEVEL ASSETS	116,163	116,163
040	LAND FORCES OPERATIONS SUPPORT	563,524	563,524
050	AVIATION ASSETS	91,162	91,162
060	FORCE READINESS OPERATIONS SUPPORT	347,459	347,659
	Defense Language Program		[200]
070	LAND FORCES SYSTEMS READINESS	101,926	101,926
080	LAND FORCES DEPOT MAINTENANCE	56,219	56,219
090	BASE OPERATIONS SUPPORT	573,843	573,843
100	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	214,955	223,055
	Restore Sustainment shortfalls		[8,100]

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
110	MANAGEMENT AND OPERATIONAL HEADQUARTERS	37,620	37,620
	SUBTOTAL OPERATING FORCES	2,606,078	2,634,378
	ADMIN & SRVWD ACTIVITIES		
120	SERVICEWIDE TRANSPORTATION	11,027	11,027
130	ADMINISTRATION	16,749	16,749
140	SERVICEWIDE COMMUNICATIONS	17,825	17,825
150	MANPOWER MANAGEMENT	6,177	6,177
160	RECRUITING AND ADVERTISING	54,475	54,475
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	106,253	106,253
	UNDISTRIBUTED		
180	UNDISTRIBUTED		-6,800
	Excessive standard price for fuel		[-6,800]
	SUBTOTAL UNDISTRIBUTED		-6,800
	TOTAL OPERATION & MAINTENANCE, ARMY RES	2,712,331	2,733,831
	OPERATION & MAINTENANCE, ARNG OPERATING FORCES		
010	MANEUVER UNITS	708,251	758,251
	Home station training unfunded requirement		[50,000]
020	MODULAR SUPPORT BRIGADES	197,251	197,251
030	ECHELONS ABOVE BRIGADE	792,271	792,271
040	THEATER LEVEL ASSETS	80,341	80,341
050	LAND FORCES OPERATIONS SUPPORT	37,138	37,138
060	AVIATION ASSETS	887,625	884,825
	Unjustified program growth		[-2,800]
070	FORCE READINESS OPERATIONS SUPPORT	696,267	690,152
	Defense Language Program		[200]
	Unjustified program growth		[-6,315]
080	LAND FORCES SYSTEMS READINESS	61,240	61,240
090	LAND FORCES DEPOT MAINTENANCE	219,948	219,948
100	BASE OPERATIONS SUPPORT	1,040,012	1,040,012
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	676,715	691,115
	Restore Sustainment shortfalls		[14,400]
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	1,021,144	1,021,144
	SUBTOTAL OPERATING FORCES	6,418,203	6,473,688
	ADMIN & SRVWD ACTIVITIES		
130	SERVICEWIDE TRANSPORTATION	6,396	6,396
140	ADMINISTRATION	68,528	69,678
	State Partnership Program		[1,150]
150	SERVICEWIDE COMMUNICATIONS	76,524	76,524
160	MANPOWER MANAGEMENT	7,712	7,712
170	OTHER PERSONNEL SUPPORT	245,046	245,046
180	REAL ESTATE MANAGEMENT	2,961	2,961
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	407,167	408,317
	UNDISTRIBUTED		
190	UNDISTRIBUTED		-29,000
	Excessive standard price for fuel		[-29,000]
	SUBTOTAL UNDISTRIBUTED		-29,000
	TOTAL OPERATION & MAINTENANCE, ARNG	6,825,370	6,853,005
	OPERATION & MAINTENANCE, NAVY OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	4,094,765	4,094,765
020	FLEET AIR TRAINING	1,722,473	1,722,473
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	52,670	52,670
040	AIR OPERATIONS AND SAFETY SUPPORT	97,584	97,584
050	AIR SYSTEMS SUPPORT	446,733	453,233
	Marine Corps unfunded requirement—accelerate readiness - H-1		[5,300]
	Marine Corps unfunded requirement—accelerate readiness - MV-22B		[1,200]
060	AIRCRAFT DEPOT MAINTENANCE	1,007,681	1,071,681
	AC Depot maintenance unfunded requirement		[34,000]

SEC. 4301. OPERATION AND MAINTENANCE			
(In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
	Navy unfunded requirement—Improve Afloat Readiness		[30,000]
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	38,248	38,248
080	AVIATION LOGISTICS	564,720	598,220
	E-6B and F-35 sustainment unfunded requirement		[16,000]
	Marine Corps unfunded requirement—accelerate readiness - KC-130J		[6,800]
	Marine Corps unfunded requirement—accelerate readiness - MV-22B		[10,700]
090	MISSION AND OTHER SHIP OPERATIONS	3,513,083	3,861,283
	Cruiser Modernization		[90,200]
	Navy unfunded requirement—Improve Afloat Readiness		[158,000]
	Navy unfunded requirement—Restore 3 CG Deployments		[41,000]
	Navy unfunded requirement—Reverse PONCE (LPD-15) Inactivation		[59,000]
100	SHIP OPERATIONS SUPPORT & TRAINING	743,765	763,465
	Navy unfunded requirement—Restore Fleet Training		[19,700]
110	SHIP DEPOT MAINTENANCE	5,168,273	5,486,873
	Cruiser Modernization		[71,100]
	Navy unfunded requirement—Ship Depot Wholeness		[238,000]
	Program increase		[9,500]
120	SHIP DEPOT OPERATIONS SUPPORT	1,575,578	1,654,578
	Navy unfunded requirement—Increase Afloat Readiness		[79,000]
130	COMBAT COMMUNICATIONS	558,727	558,727
140	ELECTRONIC WARFARE	105,680	105,680
150	SPACE SYSTEMS AND SURVEILLANCE	180,406	180,406
160	WARFARE TACTICS	470,032	470,032
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	346,703	346,703
180	COMBAT SUPPORT FORCES	1,158,688	1,158,688
190	EQUIPMENT MAINTENANCE	113,692	113,692
200	DEPOT OPERATIONS SUPPORT	2,509	2,509
210	COMBATANT COMMANDERS CORE OPERATIONS	91,019	91,019
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	74,780	74,780
230	CRUISE MISSILE	106,030	106,030
240	FLEET BALLISTIC MISSILE	1,233,805	1,233,805
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	163,025	163,025
260	WEAPONS MAINTENANCE	553,269	553,269
270	OTHER WEAPON SYSTEMS SUPPORT	350,010	350,010
280	ENTERPRISE INFORMATION	790,685	790,685
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	1,642,742	1,697,842
	Restore Sustainment shortfalls		[55,100]
300	BASE OPERATING SUPPORT	4,206,136	4,206,136
	SUBTOTAL OPERATING FORCES	31,173,511	32,098,111
MOBILIZATION			
310	SHIP PREPOSITIONING AND SURGE	893,517	893,517
320	READY RESERVE FORCE	274,524	274,524
330	AIRCRAFT ACTIVATIONS/INACTIVATIONS	6,727	6,727
340	SHIP ACTIVATIONS/INACTIVATIONS	288,154	288,154
350	EXPEDITIONARY HEALTH SERVICES SYSTEMS	95,720	95,720
360	INDUSTRIAL READINESS	2,109	2,109
370	COAST GUARD SUPPORT	21,114	21,114
	SUBTOTAL MOBILIZATION	1,581,865	1,581,865
TRAINING AND RECRUITING			
380	OFFICER ACQUISITION	143,815	143,815
390	RECRUIT TRAINING	8,519	8,519
400	RESERVE OFFICERS TRAINING CORPS	143,445	143,445
410	SPECIALIZED SKILL TRAINING	699,214	699,214
420	FLIGHT TRAINING	5,310	5,310
430	PROFESSIONAL DEVELOPMENT EDUCATION	172,852	172,852
440	TRAINING SUPPORT	222,728	222,728
450	RECRUITING AND ADVERTISING	225,647	225,647
460	OFF-DUTY AND VOLUNTARY EDUCATION	130,569	130,569
470	CIVILIAN EDUCATION AND TRAINING	73,730	73,730
480	JUNIOR ROTC	50,400	50,400
	SUBTOTAL TRAINING AND RECRUITING	1,876,229	1,876,229
ADMIN & SRVWD ACTIVITIES			
490	ADMINISTRATION	917,453	917,453
500	EXTERNAL RELATIONS	14,570	14,570

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SEC. 4301. OPERATION AND MAINTENANCE			
(In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
510	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	124,070	124,070
520	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	369,767	369,767
530	OTHER PERSONNEL SUPPORT	285,927	285,927
540	SERVICEWIDE COMMUNICATIONS	319,908	319,908
570	SERVICEWIDE TRANSPORTATION	171,659	171,659
590	PLANNING, ENGINEERING AND DESIGN	270,863	270,863
600	ACQUISITION AND PROGRAM MANAGEMENT	1,112,766	1,112,766
610	HULL, MECHANICAL AND ELECTRICAL SUPPORT	49,078	49,078
620	COMBAT/WEAPONS SYSTEMS	24,989	24,989
630	SPACE AND ELECTRONIC WARFARE SYSTEMS	72,966	72,966
640	NAVAL INVESTIGATIVE SERVICE	595,711	595,711
700	INTERNATIONAL HEADQUARTERS AND AGENCIES	4,809	4,809
730	CLASSIFIED PROGRAMS	517,440	517,440
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	4,851,976	4,851,976
	UNDISTRIBUTED		
740	UNDISTRIBUTED		-416,900
	Excessive standard price for fuel		[-390,500]
	Foreign Currency adjustments		[-26,400]
	SUBTOTAL UNDISTRIBUTED		-416,900
	TOTAL OPERATION & MAINTENANCE, NAVY	39,483,581	39,991,281
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	OPERATIONAL FORCES	674,613	760,313
	Enterprise network defense unfunded requirement		[5,700]
	Exercise program unfunded requirement		[58,000]
	Marine Corps unfunded requirement- enhanced combat helmets ..		[22,000]
020	FIELD LOGISTICS	947,424	983,674
	Critical/ no fail EOD unfunded requirement		[600]
	Marine Corps unfunded requirement- rifle combat optic mod- ernization		[13,200]
	Marine Corps unfunded requirement- SPMAGTF-C4 UUNS		[8,250]
	Nano/VTOL unfunded requirement		[14,200]
030	DEPOT MAINTENANCE	206,783	214,583
	Depot maintenance unfunded requirement		[7,800]
040	MARITIME PREPOSITIONING	85,276	85,276
050	SUSTAINMENT, RESTORATION & MODERNIZATION	632,673	694,673
	Facility demolition unfunded requirement		[39,200]
	Restore Sustainment shortfalls		[22,800]
060	BASE OPERATING SUPPORT	2,136,626	2,136,626
	SUBTOTAL OPERATING FORCES	4,683,395	4,875,145
	TRAINING AND RECRUITING		
070	RECRUIT TRAINING	15,946	15,946
080	OFFICER ACQUISITION	935	935
090	SPECIALIZED SKILL TRAINING	99,305	99,305
100	PROFESSIONAL DEVELOPMENT EDUCATION	45,495	45,495
110	TRAINING SUPPORT	369,979	369,979
120	RECRUITING AND ADVERTISING	165,566	165,566
130	OFF-DUTY AND VOLUNTARY EDUCATION	35,133	35,133
140	JUNIOR ROTC	23,622	23,622
	SUBTOTAL TRAINING AND RECRUITING	755,981	755,981
	ADMIN & SRVWD ACTIVITIES		
150	SERVICEWIDE TRANSPORTATION	34,534	34,534
160	ADMINISTRATION	355,932	355,932
180	ACQUISITION AND PROGRAM MANAGEMENT	76,896	76,896
200	CLASSIFIED PROGRAMS	47,520	47,520
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	514,882	514,882
	UNDISTRIBUTED		
210	UNDISTRIBUTED		-6,400
	Excessive standard price for fuel		[-4,900]
	Foreign Currency adjustments		[-1,500]
	SUBTOTAL UNDISTRIBUTED		-6,400
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	5,954,258	6,139,608

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SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
OPERATION & MAINTENANCE, NAVY RES			
OPERATING FORCES			
010	MISSION AND OTHER FLIGHT OPERATIONS	526,190	526,190
020	INTERMEDIATE MAINTENANCE	6,714	6,714
030	AIRCRAFT DEPOT MAINTENANCE	86,209	90,209
	Navy unfunded requirement—Improve Afloat Readiness		[4,000]
040	AIRCRAFT DEPOT OPERATIONS SUPPORT	389	389
050	AVIATION LOGISTICS	10,189	10,189
070	SHIP OPERATIONS SUPPORT & TRAINING	560	860
	Navy unfunded requirement—Restore Fleet Training		[300]
090	COMBAT COMMUNICATIONS	13,173	13,173
100	COMBAT SUPPORT FORCES	109,053	109,053
120	ENTERPRISE INFORMATION	27,226	27,226
130	SUSTAINMENT, RESTORATION AND MODERNIZATION	27,571	28,671
	Restore Sustainment shortfalls		[1,100]
140	BASE OPERATING SUPPORT	99,166	99,166
	SUBTOTAL OPERATING FORCES	906,440	911,840
ADMIN & SRVWD ACTIVITIES			
150	ADMINISTRATION	1,351	1,351
160	MILITARY MANPOWER AND PERSONNEL MANAGEMENT ...	13,251	13,251
170	SERVICEWIDE COMMUNICATIONS	3,445	3,445
180	ACQUISITION AND PROGRAM MANAGEMENT	3,169	3,169
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	21,216	21,216
UNDISTRIBUTED			
200	UNDISTRIBUTED		-26,600
	Excessive standard price for fuel		[-26,600]
	SUBTOTAL UNDISTRIBUTED		-26,600
	TOTAL OPERATION & MAINTENANCE, NAVY RES	927,656	906,456
OPERATION & MAINTENANCE, MC RESERVE			
OPERATING FORCES			
010	OPERATING FORCES	94,154	94,154
020	DEPOT MAINTENANCE	18,594	18,594
030	SUSTAINMENT, RESTORATION AND MODERNIZATION	25,470	26,170
	Restore Sustainment shortfalls		[700]
040	BASE OPERATING SUPPORT	111,550	111,550
	SUBTOTAL OPERATING FORCES	249,768	250,468
ADMIN & SRVWD ACTIVITIES			
050	SERVICEWIDE TRANSPORTATION	902	902
060	ADMINISTRATION	11,130	11,130
070	RECRUITING AND ADVERTISING	8,833	8,833
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	20,865	20,865
UNDISTRIBUTED			
090	UNDISTRIBUTED		-800
	Excessive standard price for fuel		[-800]
	SUBTOTAL UNDISTRIBUTED		-800
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	270,633	270,533
OPERATION & MAINTENANCE, AIR FORCE			
OPERATING FORCES			
010	PRIMARY COMBAT FORCES	3,294,124	3,294,124
020	COMBAT ENHANCEMENT FORCES	1,682,045	1,684,845
	HH-60 unfunded requirement		[2,800]
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,730,757	1,730,757
040	DEPOT MAINTENANCE	7,042,988	7,156,064
	Compass Call Program Restructure		[-56,500]
	Weapon system sustainment unfunded requirement		[169,576]
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,657,019	1,710,019
	Restore Sustainment shortfalls		[53,000]
060	BASE SUPPORT	2,787,216	2,787,216

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
070	GLOBAL C3I AND EARLY WARNING	887,831	927,831
	Air Force unfunded requirement—Ground Based Radars		[40,000]
080	OTHER COMBAT OPS SPT PROGRAMS	1,070,178	1,070,178
100	LAUNCH FACILITIES	208,582	208,582
110	SPACE CONTROL SYSTEMS	362,250	362,250
120	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	907,245	907,245
130	COMBATANT COMMANDERS CORE OPERATIONS	199,171	199,171
135	CLASSIFIED PROGRAMS	930,757	930,757
	SUBTOTAL OPERATING FORCES	22,760,163	22,969,039
MOBILIZATION			
140	AIRLIFT OPERATIONS	1,703,059	1,703,059
150	MOBILIZATION PREPAREDNESS	138,899	138,899
160	DEPOT MAINTENANCE	1,553,439	1,619,863
	Weapon system sustainment unfunded requirement		[66,424]
170	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	258,328	266,628
	Restore Sustainment shortfalls		[8,300]
180	BASE SUPPORT	722,756	722,756
	SUBTOTAL MOBILIZATION	4,376,481	4,451,205
TRAINING AND RECRUITING			
190	OFFICER ACQUISITION	120,886	120,886
200	RECRUIT TRAINING	23,782	23,782
210	RESERVE OFFICERS TRAINING CORPS (ROTC)	77,692	77,692
220	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	236,254	243,854
	Restore Sustainment shortfalls		[7,600]
230	BASE SUPPORT	819,915	819,915
240	SPECIALIZED SKILL TRAINING	387,446	387,446
250	FLIGHT TRAINING	725,134	725,134
260	PROFESSIONAL DEVELOPMENT EDUCATION	264,213	264,213
270	TRAINING SUPPORT	86,681	86,681
280	DEPOT MAINTENANCE	305,004	305,004
290	RECRUITING AND ADVERTISING	104,754	104,754
300	EXAMINING	3,944	3,944
310	OFF-DUTY AND VOLUNTARY EDUCATION	184,841	184,841
320	CIVILIAN EDUCATION AND TRAINING	173,583	173,583
330	JUNIOR ROTC	58,877	58,877
	SUBTOTAL TRAINING AND RECRUITING	3,573,006	3,580,606
ADMIN & SRVWD ACTIVITIES			
340	LOGISTICS OPERATIONS	1,107,846	1,107,846
350	TECHNICAL SUPPORT ACTIVITIES	924,185	924,185
360	DEPOT MAINTENANCE	48,778	48,778
370	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	321,013	331,313
	Restore Sustainment shortfalls		[10,300]
380	BASE SUPPORT	1,115,910	1,115,910
390	ADMINISTRATION	811,650	811,650
400	SERVICEWIDE COMMUNICATIONS	269,809	269,809
410	OTHER SERVICEWIDE ACTIVITIES	961,304	961,304
420	CIVIL AIR PATROL	25,735	28,535
	Civil Air Patrol O&M Support		[2,800]
450	INTERNATIONAL SUPPORT	90,573	90,573
460	CLASSIFIED PROGRAMS	1,131,603	1,131,603
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	6,808,406	6,821,506
UNDISTRIBUTED			
470	UNDISTRIBUTED		-484,700
	Excessive standard price for fuel		[-368,000]
	Foreign Currency adjustments		[-116,700]
	SUBTOTAL UNDISTRIBUTED		-484,700
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	37,518,056	37,337,656
OPERATION & MAINTENANCE, AF RESERVE OPERATING FORCES			
010	PRIMARY COMBAT FORCES	1,707,882	1,707,882

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
020	MISSION SUPPORT OPERATIONS	230,016	230,016
030	DEPOT MAINTENANCE	541,743	541,743
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		
	Restore Sustainment shortfalls	113,470	116,170
	Restore Sustainment shortfalls		[2,700]
050	BASE SUPPORT	384,832	384,832
	SUBTOTAL OPERATING FORCES	2,977,943	2,980,643
ADMINISTRATION AND SERVICEWIDE ACTIVITIES			
060	ADMINISTRATION	54,939	54,939
070	RECRUITING AND ADVERTISING	14,754	14,754
080	MILITARY MANPOWER AND PERS MGMT (ARPC)	12,707	12,707
090	OTHER PERS SUPPORT (DISABILITY COMP)	7,210	7,210
100	AUDIOVISUAL	376	376
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	89,986	89,986
UNDISTRIBUTED			
110	UNDISTRIBUTED		-59,700
	Excessive standard price for fuel		[-59,700]
	SUBTOTAL UNDISTRIBUTED		-59,700
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	3,067,929	3,010,929
OPERATION & MAINTENANCE, ANG OPERATING FORCES			
010	AIRCRAFT OPERATIONS	3,282,238	3,278,238
	Unjustified growth		[-4,000]
020	MISSION SUPPORT OPERATIONS	723,062	723,062
030	DEPOT MAINTENANCE	1,824,329	1,867,529
	Weapon system sustainment engines unfunded requirement		[3,200]
	Weapon system sustainment unfunded requirement		[40,000]
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		
	Restore Sustainment shortfalls	245,840	254,940
	Restore Sustainment shortfalls		[9,100]
050	BASE SUPPORT	575,548	575,548
	SUBTOTAL OPERATING FORCES	6,651,017	6,699,317
ADMINISTRATION AND SERVICE-WIDE ACTIVITIES			
060	ADMINISTRATION	23,715	23,715
070	RECRUITING AND ADVERTISING	28,846	28,846
	SUBTOTAL ADMINISTRATION AND SERVICE-WIDE ACTIVITIES	52,561	52,561
UNDISTRIBUTED			
080	UNDISTRIBUTED		-117,700
	Excessive standard price for fuel		[-117,700]
	SUBTOTAL UNDISTRIBUTED		-117,700
	TOTAL OPERATION & MAINTENANCE, ANG	6,703,578	6,634,178
OPERATION & MAINTENANCE, DEFENSE-WIDE OPERATING FORCES			
010	JOINT CHIEFS OF STAFF	506,113	506,113
020	OFFICE OF THE SECRETARY OF DEFENSE	524,439	524,439
030	SPECIAL OPERATIONS COMMAND/OPERATING FORCES	4,898,159	4,889,359
	Unjustified growth in total civilian compensation		[-8,800]
	SUBTOTAL OPERATING FORCES	5,928,711	5,919,911
TRAINING AND RECRUITING			
040	DEFENSE ACQUISITION UNIVERSITY	138,658	138,658
050	JOINT CHIEFS OF STAFF	85,701	85,701
070	SPECIAL OPERATIONS COMMAND/TRAINING AND RECRUITING		
	Recruiting	365,349	365,349
	SUBTOTAL TRAINING AND RECRUITING	589,708	589,708
ADMINISTRATION AND SERVICEWIDE ACTIVITIES			
080	CIVIL MILITARY PROGRAMS	160,480	195,819
	National Guard Youth Challenge Program		[10,339]

SEC. 4301. OPERATION AND MAINTENANCE			
(In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
	STARBASE		[25,000]
100	DEFENSE CONTRACT AUDIT AGENCY	630,925	630,925
110	DEFENSE CONTRACT MANAGEMENT AGENCY	1,356,380	1,356,380
120	DEFENSE HUMAN RESOURCES ACTIVITY	683,620	683,620
130	DEFENSE INFORMATION SYSTEMS AGENCY	1,439,891	1,439,891
150	DEFENSE LEGAL SERVICES AGENCY	24,984	24,984
160	DEFENSE LOGISTICS AGENCY	357,964	352,164
	Price Comparability Office unjustified growth		[-5,800]
170	DEFENSE MEDIA ACTIVITY	223,422	223,422
180	DEFENSE PERSONNEL ACCOUNTING AGENCY	112,681	112,681
190	DEFENSE SECURITY COOPERATION AGENCY	496,754	621,754
	Transfer from Drug Interdiction and Counter-Drug Activities		[125,000]
200	DEFENSE SECURITY SERVICE	538,711	538,711
230	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	35,417	35,417
240	DEFENSE THREAT REDUCTION AGENCY	448,146	448,146
260	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	2,671,143	2,701,143
	Impact Aid		[25,000]
	Impact Aid severe disabilities		[5,000]
270	MISSILE DEFENSE AGENCY	446,975	446,975
290	OFFICE OF ECONOMIC ADJUSTMENT	155,399	136,199
	Guam public health lab		[-19,200]
300	OFFICE OF THE SECRETARY OF DEFENSE	1,481,643	1,487,293
	BRAC 2017 Round Planning and Analyses		[-3,530]
	CWMD Sustainment: Constellation program reduction		[-3,800]
	DOD rewards early to need		[-1,000]
	Intelligence Management—program reduction		[-1,000]
	Readiness environmental protection initiative		[14,980]
310	SPECIAL OPERATIONS COMMAND/ADMIN & SVC-WIDE ACTIVITIES	89,429	89,429
320	WASHINGTON HEADQUARTERS SERVICES	629,874	629,874
330	CLASSIFIED PROGRAMS	14,069,333	14,069,333
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	26,053,171	26,224,160
	UNDISTRIBUTED		
340	UNDISTRIBUTED		-47,100
	Excessive standard price for fuel		[-17,800]
	Foreign Currency adjustments		[-34,300]
	Temporary Duty Assignment Per Diem Rate Waiver		[5,000]
	SUBTOTAL UNDISTRIBUTED		-47,100
	TOTAL OPERATION & MAINTENANCE, DEFENSE-WIDE	32,571,590	32,686,679
	MISCELLANEOUS APPROPRIATIONS		
	MISCELLANEOUS APPROPRIATIONS		
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	14,194	14,194
020	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	105,125	105,125
030	COOPERATIVE THREAT REDUCTION	325,604	325,604
050	ENVIRONMENTAL RESTORATION, ARMY	170,167	170,167
060	ENVIRONMENTAL RESTORATION, NAVY	281,762	281,762
070	ENVIRONMENTAL RESTORATION, AIR FORCE	371,521	371,521
080	ENVIRONMENTAL RESTORATION, DEFENSE	9,009	9,009
090	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	197,084	197,084
	SUBTOTAL MISCELLANEOUS APPROPRIATIONS	1,474,466	1,474,466
	TOTAL MISCELLANEOUS APPROPRIATIONS	1,474,466	1,474,466
	TOTAL OPERATION & MAINTENANCE	171,318,488	171,870,896

1 SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS

2 CONTINGENCY OPERATIONS.

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
OPERATION & MAINTENANCE, ARMY			
OPERATING FORCES			
010	MANEUVER UNITS	427,063	416,263
	Army requested realignment (ERI)		[-10,800]
040	THEATER LEVEL ASSETS	1,834,423	1,834,423
050	LAND FORCES OPERATIONS SUPPORT	558,086	426,086
	Army requested realignment (ERI)		[-132,000]
060	AVIATION ASSETS	58,620	58,620
070	FORCE READINESS OPERATIONS SUPPORT	1,552,468	1,550,468
	Army requested realignment (ERI)		[-2,000]
080	LAND FORCES SYSTEMS READINESS	476,853	476,853
100	BASE OPERATIONS SUPPORT	45,749	45,749
140	ADDITIONAL ACTIVITIES	8,234,566	8,234,566
150	COMMANDERS EMERGENCY RESPONSE PROGRAM	5,000	5,000
160	RESET	1,100,722	1,100,722
170	COMBATANT COMMANDS DIRECT MISSION SUPPORT	79,568	79,568
	SUBTOTAL OPERATING FORCES	14,373,118	14,228,318
MOBILIZATION			
190	ARMY PREPOSITIONED STOCKS	350,200	130,000
	Army requested realignment (ERI)		[-220,200]
	SUBTOTAL MOBILIZATION	350,200	130,000
ADMIN & SRVWIDE ACTIVITIES			
350	SERVICEWIDE TRANSPORTATION	720,399	840,399
	Army requested realignment (ERI)		[120,000]
380	AMMUNITION MANAGEMENT	13,974	13,974
420	OTHER PERSONNEL SUPPORT	105,508	105,508
450	REAL ESTATE MANAGEMENT	185,904	185,904
530	CLASSIFIED PROGRAMS	909,278	909,278
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	1,935,063	2,055,063
	TOTAL OPERATION & MAINTENANCE, ARMY	16,658,381	16,413,381
OPERATION & MAINTENANCE, ARMY RES			
OPERATING FORCES			
020	ECHELONS ABOVE BRIGADE	6,252	6,252
040	LAND FORCES OPERATIONS SUPPORT	2,075	2,075
060	FORCE READINESS OPERATIONS SUPPORT	1,140	1,140
090	BASE OPERATIONS SUPPORT	14,653	14,653
	SUBTOTAL OPERATING FORCES	24,120	24,120
	TOTAL OPERATION & MAINTENANCE, ARMY RES	24,120	24,120
OPERATION & MAINTENANCE, ARNG			
OPERATING FORCES			
010	MANEUVER UNITS	10,564	10,564
020	MODULAR SUPPORT BRIGADES	748	748
030	ECHELONS ABOVE BRIGADE	5,751	5,751
040	THEATER LEVEL ASSETS	200	200
060	AVIATION ASSETS	27,183	27,183
070	FORCE READINESS OPERATIONS SUPPORT	2,741	2,741
100	BASE OPERATIONS SUPPORT	18,800	18,800
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	920	920
	SUBTOTAL OPERATING FORCES	66,907	66,907
	TOTAL OPERATION & MAINTENANCE, ARNG	66,907	66,907
AFGHANISTAN SECURITY FORCES FUND			
MINISTRY OF DEFENSE			
010	SUSTAINMENT	2,173,341	2,173,341
020	INFRASTRUCTURE	48,262	48,262
030	EQUIPMENT AND TRANSPORTATION	821,716	821,716
040	TRAINING AND OPERATIONS	289,139	289,139
	SUBTOTAL MINISTRY OF DEFENSE	3,332,458	3,332,458

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
MINISTRY OF INTERIOR			
050	SUSTAINMENT	860,441	860,441
060	INFRASTRUCTURE	20,837	20,837
070	EQUIPMENT AND TRANSPORTATION	8,153	8,153
080	TRAINING AND OPERATIONS	41,326	41,326
	SUBTOTAL MINISTRY OF INTERIOR	930,757	930,757
	TOTAL AFGHANISTAN SECURITY FORCES FUND	4,263,215	4,263,215
IRAQ TRAIN AND EQUIP FUND			
IRAQ TRAIN AND EQUIP FUND			
010	IRAQ TRAIN AND EQUIP FUND	919,500	0
	Transfer to Counter-ISIL Fund		[-919,500]
	SUBTOTAL IRAQ TRAIN AND EQUIP FUND	919,500	0
	TOTAL IRAQ TRAIN AND EQUIP FUND	919,500	0
SYRIA TRAIN AND EQUIP FUND			
SYRIA TRAIN AND EQUIP FUND			
010	SYRIA TRAIN AND EQUIP FUND	250,000	0
	Transfer to Counter-ISIL Fund		[-250,000]
	SUBTOTAL SYRIA TRAIN AND EQUIP FUND	250,000	0
	TOTAL SYRIA TRAIN AND EQUIP FUND	250,000	0
COUNTER-ISIL FUND			
COUNTER-ISIL FUND			
010	COUNTER-ISIL FUND		1,169,500
	Transfer from Iraq Train and Equip		[919,500]
	Transfer from Syria Train and Equip		[250,000]
	SUBTOTAL COUNTER-ISIL FUND		1,169,500
	TOTAL COUNTER-ISIL FUND		1,169,500
OPERATION & MAINTENANCE, NAVY			
OPERATING FORCES			
010	MISSION AND OTHER FLIGHT OPERATIONS	427,452	427,452
040	AIR OPERATIONS AND SAFETY SUPPORT	4,603	4,603
050	AIR SYSTEMS SUPPORT	159,049	159,049
060	AIRCRAFT DEPOT MAINTENANCE	113,994	113,994
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	1,840	1,840
080	AVIATION LOGISTICS	35,529	35,529
090	MISSION AND OTHER SHIP OPERATIONS	1,073,080	1,073,080
100	SHIP OPERATIONS SUPPORT & TRAINING	17,306	17,306
110	SHIP DEPOT MAINTENANCE	2,128,431	2,128,431
130	COMBAT COMMUNICATIONS	21,257	21,257
160	WARFARE TACTICS	22,603	22,603
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	22,934	22,934
180	COMBAT SUPPORT FORCES	575,305	575,305
190	EQUIPMENT MAINTENANCE	11,358	11,358
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	61,000	61,000
260	WEAPONS MAINTENANCE	309,045	309,045
270	OTHER WEAPON SYSTEMS SUPPORT	8,000	8,000
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	7,819	7,819
300	BASE OPERATING SUPPORT	61,493	61,493
	SUBTOTAL OPERATING FORCES	5,062,098	5,062,098
MOBILIZATION			
330	AIRCRAFT ACTIVATIONS/INACTIVATIONS	1,530	1,530
350	EXPEDITIONARY HEALTH SERVICES SYSTEMS	6,713	6,713
370	COAST GUARD SUPPORT	162,692	162,692
	SUBTOTAL MOBILIZATION	170,935	170,935
TRAINING AND RECRUITING			
410	SPECIALIZED SKILL TRAINING	43,365	43,365
	SUBTOTAL TRAINING AND RECRUITING	43,365	43,365
ADMIN & SRVWD ACTIVITIES			
490	ADMINISTRATION	3,764	3,764

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
500	EXTERNAL RELATIONS	515	515
520	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	5,409	5,409
530	OTHER PERSONNEL SUPPORT	1,578	1,578
570	SERVICEWIDE TRANSPORTATION	126,700	126,700
600	ACQUISITION AND PROGRAM MANAGEMENT	9,261	9,261
640	NAVAL INVESTIGATIVE SERVICE	1,501	1,501
730	CLASSIFIED PROGRAMS	16,280	16,280
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	165,008	165,008
	TOTAL OPERATION & MAINTENANCE, NAVY	5,441,406	5,441,406
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	OPERATIONAL FORCES	571,935	571,935
020	FIELD LOGISTICS	266,094	266,094
030	DEPOT MAINTENANCE	147,000	147,000
060	BASE OPERATING SUPPORT	18,576	18,576
	SUBTOTAL OPERATING FORCES	1,003,605	1,003,605
	TRAINING AND RECRUITING		
110	TRAINING SUPPORT	31,750	31,750
	SUBTOTAL TRAINING AND RECRUITING	31,750	31,750
	ADMIN & SRVWD ACTIVITIES		
150	SERVICEWIDE TRANSPORTATION	73,800	73,800
200	CLASSIFIED PROGRAMS	3,650	3,650
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	77,450	77,450
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	1,112,805	1,112,805
	OPERATION & MAINTENANCE, NAVY RES		
	OPERATING FORCES		
030	AIRCRAFT DEPOT MAINTENANCE	16,500	16,500
050	AVIATION LOGISTICS	2,522	2,522
100	COMBAT SUPPORT FORCES	7,243	7,243
	SUBTOTAL OPERATING FORCES	26,265	26,265
	TOTAL OPERATION & MAINTENANCE, NAVY RES	26,265	26,265
	OPERATION & MAINTENANCE, MC RESERVE		
	OPERATING FORCES		
010	OPERATING FORCES	2,500	2,500
040	BASE OPERATING SUPPORT	804	804
	SUBTOTAL OPERATING FORCES	3,304	3,304
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	3,304	3,304
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	1,852,159	1,890,159
	Enhancing readiness levels of DCA aircraft		[10,000]
	ERI nuclear readiness		[28,000]
020	COMBAT ENHANCEMENT FORCES	1,127,319	1,127,319
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	152,278	152,278
040	DEPOT MAINTENANCE	1,061,506	1,087,106
	Compass Call Program Restructure		[25,600]
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	56,700	56,700
060	BASE SUPPORT	941,714	941,714
070	GLOBAL C3I AND EARLY WARNING	30,219	30,219
080	OTHER COMBAT OPS SPT PROGRAMS	213,696	218,696
	Promoting additional DCA burden sharing		[5,000]
100	LAUNCH FACILITIES	869	869
110	SPACE CONTROL SYSTEMS	5,008	5,008
120	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	100,081	100,081
135	CLASSIFIED PROGRAMS	79,893	79,893
	SUBTOTAL OPERATING FORCES	5,621,442	5,690,042

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Conference Authorized
MOBILIZATION			
140	AIRLIFT OPERATIONS	2,606,729	2,606,729
150	MOBILIZATION PREPAREDNESS	108,163	108,163
160	DEPOT MAINTENANCE	891,102	891,102
180	BASE SUPPORT	3,686	3,686
	SUBTOTAL MOBILIZATION	3,609,680	3,609,680
TRAINING AND RECRUITING			
230	BASE SUPPORT	52,740	52,740
240	SPECIALIZED SKILL TRAINING	4,500	4,500
	SUBTOTAL TRAINING AND RECRUITING	57,240	57,240
ADMIN & SRVWD ACTIVITIES			
340	LOGISTICS OPERATIONS	86,716	86,716
380	BASE SUPPORT	59,133	59,133
400	SERVICEWIDE COMMUNICATIONS	165,348	165,348
410	OTHER SERVICEWIDE ACTIVITIES	141,883	116,825
	Program reduction		[-25,058]
450	INTERNATIONAL SUPPORT	61	61
460	CLASSIFIED PROGRAMS	15,823	15,823
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	468,964	443,906
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	9,757,326	9,800,868
OPERATION & MAINTENANCE, AF RESERVE OPERATING FORCES			
030	DEPOT MAINTENANCE	51,086	51,086
050	BASE SUPPORT	6,500	6,500
	SUBTOTAL OPERATING FORCES	57,586	57,586
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	57,586	57,586
OPERATION & MAINTENANCE, ANG OPERATING FORCES			
020	MISSION SUPPORT OPERATIONS	3,400	3,400
050	BASE SUPPORT	16,600	16,600
	SUBTOTAL OPERATING FORCES	20,000	20,000
	TOTAL OPERATION & MAINTENANCE, ANG	20,000	20,000
OPERATION & MAINTENANCE, DEFENSE-WIDE OPERATING FORCES			
010	JOINT CHIEFS OF STAFF		10,000
	Enhancing exercise of DCA aircraft		[10,000]
030	SPECIAL OPERATIONS COMMAND/OPERATING FORCES	2,853,363	2,853,363
	SUBTOTAL OPERATING FORCES	2,853,363	2,863,363
ADMINISTRATION AND SERVICEWIDE ACTIVITIES			
100	DEFENSE CONTRACT AUDIT AGENCY	13,436	13,436
110	DEFENSE CONTRACT MANAGEMENT AGENCY	13,564	13,564
130	DEFENSE INFORMATION SYSTEMS AGENCY	34,299	34,299
150	DEFENSE LEGAL SERVICES AGENCY	111,986	111,986
170	DEFENSE MEDIA ACTIVITY	13,317	13,317
190	DEFENSE SECURITY COOPERATION AGENCY	1,412,000	2,162,000
	Transfer from Counterterrorism Partnership Fund		[750,000]
260	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	67,000	67,000
300	OFFICE OF THE SECRETARY OF DEFENSE	31,106	31,106
320	WASHINGTON HEADQUARTERS SERVICES	3,137	3,137
330	CLASSIFIED PROGRAMS	1,803,880	1,803,880
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	3,503,725	4,253,725
	TOTAL OPERATION & MAINTENANCE, DEFENSE-WIDE	6,357,088	7,117,088
	TOTAL OPERATION & MAINTENANCE	44,957,903	45,516,445

1 **SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS**
 2 **CONTINGENCY OPERATIONS FOR BASE RE-**
 3 **QUIREMENTS.**

SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
 (In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
OPERATION & MAINTENANCE, ARMY OPERATING FORCES			
010	MANEUVER UNITS	317,093	317,093
020	MODULAR SUPPORT BRIGADES	5,904	5,904
030	ECHELONS ABOVE BRIGADE	38,614	38,614
040	THEATER LEVEL ASSETS	8,361	8,361
050	LAND FORCES OPERATIONS SUPPORT	279,072	279,072
060	AVIATION ASSETS	106,424	106,424
070	FORCE READINESS OPERATIONS SUPPORT	253,533	253,533
090	LAND FORCES DEPOT MAINTENANCE	350,000	350,000
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		113,800
	Increase Restoration & Modernization funding		[113,800]
140	ADDITIONAL ACTIVITIES	11,200	11,200
	SUBTOTAL OPERATING FORCES	1,370,201	1,484,001
TRAINING AND RECRUITING			
250	SPECIALIZED SKILL TRAINING	3,565	3,565
270	PROFESSIONAL DEVELOPMENT EDUCATION	9,021	9,021
280	TRAINING SUPPORT	2,434	2,434
290	RECRUITING AND ADVERTISING		284,800
	Recruiting and Advertising Add		[284,800]
320	CIVILIAN EDUCATION AND TRAINING	1,254	1,254
	SUBTOTAL TRAINING AND RECRUITING	16,274	301,074
ADMIN & SRVWIDE ACTIVITIES			
350	SERVICEWIDE TRANSPORTATION	200,000	200,000
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	200,000	200,000
UNDISTRIBUTED			
540	UNDISTRIBUTED		563,400
	Additional funding to support increase in Army end strength		[563,400]
	SUBTOTAL UNDISTRIBUTED		563,400
	TOTAL OPERATION & MAINTENANCE, ARMY	1,586,475	2,548,475
OPERATION & MAINTENANCE, ARMY RES OPERATING FORCES			
010	MODULAR SUPPORT BRIGADES	708	708
020	ECHELONS ABOVE BRIGADE	8,570	8,570
030	THEATER LEVEL ASSETS	375	375
040	LAND FORCES OPERATIONS SUPPORT	13	13
050	AVIATION ASSETS	608	608
060	FORCE READINESS OPERATIONS SUPPORT	4,285	4,285
100	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		13,100
	Increase Restoration & Modernization funding		[13,100]
	SUBTOTAL OPERATING FORCES	14,559	27,659
UNDISTRIBUTED			
180	UNDISTRIBUTED		82,700
	Additional funding to support increase in Army Reserve end strength		[82,700]
	SUBTOTAL UNDISTRIBUTED		82,700
	TOTAL OPERATION & MAINTENANCE, ARMY RES	14,559	110,359
OPERATION & MAINTENANCE, ARNG OPERATING FORCES			
010	MANEUVER UNITS	5,585	5,585
030	ECHELONS ABOVE BRIGADE	28,956	28,956

**SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)**

Line	Item	FY 2017 Request	Conference Authorized
040	THEATER LEVEL ASSETS	10,272	10,272
060	AVIATION ASSETS	5,621	5,621
070	FORCE READINESS OPERATIONS SUPPORT	9,694	9,694
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		1,500
	Increase Restoration & Modernization funding		[1,500]
	SUBTOTAL OPERATING FORCES	60,128	61,628
UNDISTRIBUTED			
190	UNDISTRIBUTED		127,300
	Additional funding to support increase in Army National Guard end strength		[127,300]
	SUBTOTAL UNDISTRIBUTED		127,300
	TOTAL OPERATION & MAINTENANCE, ARNG	60,128	188,928
OPERATION & MAINTENANCE, NAVY OPERATING FORCES			
010	MISSION AND OTHER FLIGHT OPERATIONS	500,000	500,000
110	SHIP DEPOT MAINTENANCE	775,000	775,000
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	19,270	45,370
	Increase Restoration & Modernization funding		[26,100]
300	BASE OPERATING SUPPORT	158,032	158,032
	SUBTOTAL OPERATING FORCES	1,452,302	1,478,402
MOBILIZATION			
350	EXPEDITIONARY HEALTH SERVICES SYSTEMS	3,597	3,597
	SUBTOTAL MOBILIZATION	3,597	3,597
ADMIN & SRVWD ACTIVITIES			
540	SERVICEWIDE COMMUNICATIONS	25,617	25,617
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	25,617	25,617
	TOTAL OPERATION & MAINTENANCE, NAVY	1,481,516	1,507,616
OPERATION & MAINTENANCE, MARINE CORPS OPERATING FORCES			
010	OPERATIONAL FORCES	300,000	300,000
050	SUSTAINMENT, RESTORATION & MODERNIZATION		7,200
	Increase Restoration & Modernization funding		[7,200]
	SUBTOTAL OPERATING FORCES	300,000	307,200
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	300,000	307,200
OPERATION & MAINTENANCE, NAVY RES OPERATING FORCES			
130	SUSTAINMENT, RESTORATION AND MODERNIZATION		500
	Increase Restoration & Modernization funding		[500]
	SUBTOTAL OPERATING FORCES		500
	TOTAL OPERATION & MAINTENANCE, NAVY RES		500
OPERATION & MAINTENANCE, MC RESERVE OPERATING FORCES			
030	SUSTAINMENT, RESTORATION AND MODERNIZATION		1,000
	Increase Restoration & Modernization funding		[1,000]
	SUBTOTAL OPERATING FORCES		1,000
	TOTAL OPERATION & MAINTENANCE, MC RESERVE		1,000
OPERATION & MAINTENANCE, AIR FORCE OPERATING FORCES			
040	DEPOT MAINTENANCE	124,000	124,000
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		32,900
	Increase Restoration & Modernization funding		[32,900]
	SUBTOTAL OPERATING FORCES	124,000	156,900

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SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
MOBILIZATION			
170	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		5,100
	Increase Restoration & Modernization funding		[5,100]
	SUBTOTAL MOBILIZATION		5,100
TRAINING AND RECRUITING			
220	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		4,700
	Increase Restoration & Modernization funding		[4,700]
	SUBTOTAL TRAINING AND RECRUITING		4,700
ADMIN & SRVWD ACTIVITIES			
370	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		6,400
	Increase Restoration & Modernization funding		[6,400]
	SUBTOTAL ADMIN & SRVWD ACTIVITIES		6,400
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	124,000	173,100
OPERATION & MAINTENANCE, AF RESERVE OPERATING FORCES			
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		1,600
	Increase Restoration & Modernization funding		[1,600]
	SUBTOTAL OPERATING FORCES		1,600
	TOTAL OPERATION & MAINTENANCE, AF RESERVE		1,600
OPERATION & MAINTENANCE, ANG OPERATING FORCES			
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		4,300
	Increase Restoration & Modernization funding		[4,300]
	SUBTOTAL OPERATING FORCES		4,300
	TOTAL OPERATION & MAINTENANCE, ANG		4,300
OPERATION & MAINTENANCE, DEFENSE-WIDE OPERATING FORCES			
030	SPECIAL OPERATIONS COMMAND/OPERATING FORCES	14,344	14,344
	SUBTOTAL OPERATING FORCES	14,344	14,344
ADMINISTRATION AND SERVICEWIDE ACTIVITIES			
130	DEFENSE INFORMATION SYSTEMS AGENCY	14,700	14,700
330	CLASSIFIED PROGRAMS	9,000	9,000
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	23,700	23,700
	TOTAL OPERATION & MAINTENANCE, DEFENSE-WIDE	38,044	38,044
	TOTAL OPERATION & MAINTENANCE	3,604,722	4,881,122

1 **TITLE XLIV—MILITARY**
 2 **PERSONNEL**

3 **SEC. 4401. MILITARY PERSONNEL.**

SEC. 4401. MILITARY PERSONNEL (In Thousands of Dollars)		
Item	FY 2017 Request	Conference Authorized
Military Personnel Appropriations	128,902,332	128,202,564
Military Personnel Pay Raise		[330,000]
Marine Corps—Bonus Pay/PCS Resotral/Foreign Language Bonus		[49,000]
Foreign currency adjustments		[-200,400]
Historical unobligated balances		[-880,050]
National Guard State Partnership Program, Army, Special Training		[841]
National Guard State Partnership Program, Air Force, Special Training		[841]
Medicare-Eligible Retiree Health Fund Contributions	6,366,908	6,366,908
Total, Military Personnel	135,269,240	134,569,472

4 **SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTIN-**
 5 **GENCY OPERATIONS.**

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)		
Item	FY 2017 Request	Conference Authorized
Military Personnel Appropriations	3,644,161	3,644,161
Total, Military Personnel Appropriations	3,644,161	3,644,161

6 **SEC. 4403. MILITARY PERSONNEL FOR OVERSEAS CONTIN-**
 7 **GENCY OPERATIONS FOR BASE REQUIRE-**
 8 **MENTS.**

SEC. 4403. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE RE- QUIREMENTS (In Thousands of Dollars)		
Item	FY 2017 Request	Conference Authorized
Military Personnel Appropriations	62,965	1,350,465
Fund Active Army End Strength to 476k		[719,000]
Fund Army National Guard End Strength to 343k		[129,600]
Fund Army Reserves End Strength to 199k		[53,300]
Fund Active Navy End Strength to 323.9k		[29,600]
Fund Active Air Force End Strength to 321k		[116,000]
Fund Active Marine Corps End Strength to 185k		[240,000]
Total, Military Personnel	62,965	1,350,465

1 **TITLE XLV—OTHER**
 2 **AUTHORIZATIONS**

3 **SEC. 4501. OTHER AUTHORIZATIONS.**

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)		
Program Title	FY 2017 Request	Conference Authorized
WORKING CAPITAL FUND, ARMY		
SUPPLY MANAGEMENT—ARMY	56,469	56,469
TOTAL WORKING CAPITAL FUND, ARMY	56,469	56,469
WORKING CAPITAL FUND, AIR FORCE		
SUPPLIES AND MATERIALS	63,967	63,967
TOTAL WORKING CAPITAL FUND, AIR FORCE	63,967	63,967
WORKING CAPITAL FUND, DEFENSE-WIDE		
SUPPLY CHAIN MANAGEMENT—DEF	37,132	37,132
TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	37,132	37,132
WORKING CAPITAL FUND, DECA		
COMMISSARY	1,214,045	1,214,045
TOTAL WORKING CAPITAL FUND, DECA	1,214,045	1,214,045
CHEM AGENTS & MUNITIONS DESTRUCTION		
OPERATION & MAINTENANCE	147,282	147,282
RDT&E	388,609	388,609
PROCUREMENT	15,132	15,132
TOTAL CHEM AGENTS & MUNITIONS DESTRUCTION ...	551,023	551,023
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE Transfer to Defense Security Cooperation Agency	730,087	605,087 [-125,000]
DRUG DEMAND REDUCTION PROGRAM	114,713	114,713
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVI- TIES, DEF	844,800	719,800
OFFICE OF THE INSPECTOR GENERAL		
OPERATION AND MAINTENANCE	318,882	318,882
RDT&E	3,153	3,153
TOTAL OFFICE OF THE INSPECTOR GENERAL	322,035	322,035
DEFENSE HEALTH PROGRAM		
OPERATION & MAINTENANCE		
IN-HOUSE CARE	9,240,160	9,240,160
PRIVATE SECTOR CARE	15,738,759	15,738,759
CONSOLIDATED HEALTH SUPPORT	2,367,759	2,367,759
INFORMATION MANAGEMENT	1,743,749	1,743,749
MANAGEMENT ACTIVITIES	311,380	311,380
EDUCATION AND TRAINING	743,231	743,231
BASE OPERATIONS/COMMUNICATIONS	2,086,352	2,086,352
SUBTOTAL OPERATION & MAINTENANCE	32,231,390	32,231,390
RDT&E		
RESEARCH	9,097	9,097
EXPLORATORY DEVELOPMENT	58,517	58,517
ADVANCED DEVELOPMENT	221,226	221,226
DEMONSTRATION/VALIDATION	96,602	96,602
ENGINEERING DEVELOPMENT	364,057	364,057
MANAGEMENT AND SUPPORT	58,410	58,410
CAPABILITIES ENHANCEMENT	14,998	14,998
SUBTOTAL RDT&E	822,907	822,907
PROCUREMENT		
INITIAL OUTFITTING	20,611	20,611
REPLACEMENT & MODERNIZATION	360,727	360,727
JOINT OPERATIONAL MEDICINE INFORMATION SYSTEM	2,413	2,413
DOD HEALTHCARE MANAGEMENT SYSTEM MODERNIZATION	29,468	29,468
SUBTOTAL PROCUREMENT	413,219	413,219

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)		
Program Title	FY 2017 Request	Conference Authorized
UNDISTRIBUTED		
Historical unobligated balances		[-399,100]
Reduction for unjustified travel expenses		[-6,500]
Reimbursement rates for Comprehensive Autism Care Demonstration program		[32,000]
SUBTOTAL UNDISTRIBUTED		-373,600
TOTAL DEFENSE HEALTH PROGRAM	33,467,516	33,093,916
TOTAL OTHER AUTHORIZATIONS	36,556,987	36,058,387

1 **SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CON-**
 2 **TINGENCY OPERATIONS.**

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)		
Program Title	FY 2017 Request	Conference Authorized
WORKING CAPITAL FUND, ARMY		
INDUSTRIAL OPERATIONS		
SUPPLY MANAGEMENT—ARMY	46,833	46,833
TOTAL WORKING CAPITAL FUND, ARMY	46,833	46,833
WORKING CAPITAL FUND, DEFENSE-WIDE		
DEFENSE LOGISTICS AGENCY (DLA)	93,800	93,800
TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	93,800	93,800
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	191,533	191,533
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	191,533	191,533
OFFICE OF THE INSPECTOR GENERAL		
OPERATION AND MAINTENANCE	22,062	22,062
TOTAL OFFICE OF THE INSPECTOR GENERAL	22,062	22,062
DEFENSE HEALTH PROGRAM		
OPERATION AND MAINTENANCE		
IN-HOUSE CARE	95,366	95,366
PRIVATE SECTOR CARE	235,620	235,620
CONSOLIDATED HEALTH SUPPORT	3,325	3,325
SUBTOTAL OPERATION AND MAINTENANCE	334,311	334,311
TOTAL DEFENSE HEALTH PROGRAM	334,311	334,311
UKRAINE SECURITY ASSISTANCE		
UKRAINE SECURITY ASSISTANCE		350,000
Program increase		[350,000]
TOTAL UKRAINE SECURITY ASSISTANCE		350,000
COUNTERTERRORISM PARTNERSHIPS FUND		
COUNTERTERRORISM PARTNERSHIPS FUND	1,000,000	0
Program decrease		[-250,000]
Transfer to Counter-ISIL Fund		[-750,000]
TOTAL COUNTERTERRORISM PARTNERSHIPS FUND	1,000,000	0
TOTAL OTHER AUTHORIZATIONS	1,688,539	1,038,539

1 **SEC. 4503. OTHER AUTHORIZATIONS FOR OVERSEAS CON-**
 2 **TINGENCY OPERATIONS FOR BASE REQUIRE-**
 3 **MENTS.**

SEC. 4503. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE RE- QUIREMENTS (In Thousands of Dollars)		
Program Title	FY 2017 Request	Conference Authorized
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	23,800	23,800
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVI- TIES, DEF	23,800	23,800
TOTAL OTHER AUTHORIZATIONS	23,800	23,800

4 **TITLE XLVI—MILITARY**
 5 **CONSTRUCTION**

6 **SEC. 4601. MILITARY CONSTRUCTION.**

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2017 Request	Conference Authorized
	Alaska			
Army	Fort Wainwright	Unmanned Aerial Vehicle Hangar	47,000	47,000
	California			
Army	Concord	Access Control Point	12,600	12,600
	Colorado			
Army	Fort Carson	Automated Infantry Platoon Battle Course	8,100	8,100
Army	Fort Carson	Unmanned Aerial Vehicle Hangar	5,000	5,000
	Cuba			
Army	Guantanamo Bay	Guantanamo Bay Naval Station Migration Complex	33,000	33,000
	Georgia			
Army	Fort Gordon	Access Control Point	0	0
Army	Fort Gordon	Company Operations Facility	0	10,600
Army	Fort Gordon	Cyber Protection Team Ops Facility	90,000	90,000
Army	Fort Stewart	Automated Qualification/Training Range	14,800	14,800
	Germany			
Army	East Camp Grafenwoehr	Training Support Center	22,000	22,000
Army	Garmisch	Dining Facility	9,600	9,600
Army	Wiesbaden Army Airfield	Controlled Humidity Warehouse	16,500	16,500
Army	Wiesbaden Army Airfield	Hazardous Material Storage Building	2,700	2,700
	Hawaii			
Army	Fort Shafter	Command and Control Facility, Iner 2	40,000	40,000
	Missouri			
Army	Fort Leonard Wood	Fire Station	0	6,900
	Texas			
Army	Fort Hood	Automated Infantry Platoon Battle Course	7,600	7,600
	Utah			
Army	Camp Williams	Live Fire Exercise Shootouse	7,400	7,400
	Virginia			
Army	Fort Belvoir	Secure Admin/Operations Facility, Iner 2	64,000	64,000
Army	Fort Belvoir	Vehicle Maintenance Shop	0	23,000
	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	Host Nation Support FY17	18,000	18,000
Army	Unspecified Worldwide Locations	Minor Construction FY17	25,000	35,000
Army	Unspecified Worldwide Locations	Planning and Design FY17	80,159	80,159
	Military Construction, Army Total		503,459	553,959
	Arizona			
Navy	Yuma	VMX-22 Maintenance Hangar	48,355	48,355
	California			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Request	Conference Authorized
Navy	Coronado	Coastal Campus Entry Control Point	13,044	13,044
Navy	Coronado	Coastal Campus Utilities Infrastructure	81,104	81,104
Navy	Coronado	Grace Hopper Data Center Power Upgrades	10,353	10,353
Navy	Lemoore	F-35C Engine Repair Facility	26,723	26,723
Navy	Miramar	Aircraft Maintenance Hangar, Iner 1	0	79,399
Navy	Miramar	Communications Complex & Infrastructure Upgrade	0	34,700
Navy	Miramar	F-35 Aircraft Parking Apron	0	40,000
Navy	San Diego	Energy Security Hospital Microgrid	6,183	0
Navy	Seal Beach	Missile Magazines	21,007	21,007
Florida				
Navy	Eglin AFB	WMD Field Training Facilities	20,489	20,489
Navy	Mayport NS	Advanced Wastewater Treatment Plant	0	0
Navy	Pensacola	A-School Dormitory	0	0
Guam				
Navy	Joint Region Marianas	Hardening of Guam POL Infrastructure	26,975	26,975
Navy	Joint Region Marianas	Power Upgrade—Harmon	62,210	62,210
Hawaii				
Navy	Barking Sands	Upgrade Power Plant & Electrical Distrib Sys	43,384	43,384
Navy	Kaneohe Bay	Regimental Consolidated Comm/Elec Facility	72,565	72,565
Japan				
Navy	Kadena AB	Aircraft Maintenance Complex	26,489	26,489
Navy	Sasebo	Shore Power (Juliet Pier)	16,420	16,420
Maine				
Navy	Kittery	Unaccompanied Housing	17,773	17,773
Navy	Kittery	Utility Improvements for Nuclear Platforms	30,119	30,119
Maryland				
Navy	Patuxent River	UCLASS RDT&E Hangar	40,576	40,576
Nevada				
Navy	Fallon	Air Wing Simulator Facility	13,523	13,523
North Carolina				
Navy	Camp Lejeune	Range Facilities Safety Improvements	18,482	18,482
Navy	Cherry Point	Central Heating Plant Conversion	12,515	12,515
South Carolina				
Navy	Beaufort	Aircraft Maintenance Hangar	83,490	83,490
Navy	Parris Island	Recruit Reconditioning Center & Barracks	29,882	29,882
Spain				
Navy	Rota	Communication Station	23,607	23,607
Virginia				
Navy	Norfolk	Chambers Field Magazine Recap Ph I	0	27,000
Washington				
Navy	Bangor	SEAWOLF Class Service Pier	0	73,000
Navy	Bangor	Service Pier Electrical Upgrades	18,939	18,939
Navy	Bangor	Submarine Refit Maint Support Facility	21,476	21,476
Navy	Bremerton	Nuclear Repair Facility	6,704	6,704
Navy	Whidbey Island	EA-18G Maintenance Hangar	45,501	45,501
Navy	Whidbey Island	Triton Mission Control Facility	30,475	30,475
Worldwide Unspecified				
Navy	Unspecified Worldwide Locations	Planning and Design	88,230	88,230
Navy	Unspecified Worldwide Locations	Unspecified Minor Construction	29,790	29,790
Navy	Various Worldwide Locations	Triton Forward Operating Base Hangar	41,380	41,380
Military Construction, Navy Total			1,027,763	1,275,679
Alabama				
AF	Maxwell AFB	Jag School Expansion	0	15,500
Alaska				
AF	Clear AFS	Fire Station	20,000	20,000
AF	Eielson AFB	F-35A ADAL Field Training Detachment Fac	22,100	22,100
AF	Eielson AFB	F-35A Aircraft Weather Shelter (Sqd 2)	82,300	82,300
AF	Eielson AFB	F-35A Aircraft Weather Shelters (Sqd 1)	79,500	79,500
AF	Eielson AFB	F-35A Earth Covered Magazines	11,300	11,300
AF	Eielson AFB	F-35A Hangar/Propulsion MX/Dispatch	44,900	44,900
AF	Eielson AFB	F-35A Hangar/Squad Ops/AMU Sq #2	42,700	42,700
AF	Eielson AFB	F-35A Missile Maintenance Facility	12,800	12,800
AF	Joint Base Elmendorf-Richardson	Add/Alter AWACS Alert Hangar	29,000	29,000
Arizona				
AF	Luke AFB	F-35A Squad Ops/Aircraft Maint Unit #5	20,000	20,000
Australia				
AF	Darwin	APR—Aircraft MX Support Facility	1,800	1,800
AF	Darwin	APR—Expand Parking Apron	28,600	28,600
California				
AF	Edwards AFB	Flightline Fire Station	24,000	24,000
Colorado				
AF	Buckley AFB	Small Arms Range Complex	13,500	13,500

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Request	Conference Authorized
	Delaware			
AF	Dover AFB	Aircraft Maintenance Hangar	39,000	39,000
	Florida			
AF	Eglin AFB	Advanced Munitions Technology Complex	75,000	75,000
AF	Eglin AFB	Dormitories (288 rooms)	0	35,000
AF	Eglin AFB	Flightline Fire Station	13,600	13,600
AF	Patrick AFB	Fire/Crash Rescue Station	13,500	13,500
	Georgia			
AF	Moody AFB	Personnel Recovery 4-Bay Hangar/Helo MX Unit ..	30,900	30,900
	Germany			
AF	Ramstein AB	37 AS Squadron Operations/Aircraft Maint Unit	13,437	13,437
AF	Spangdahlem AB	EIC—Site Development and Infrastructure	43,465	43,465
	Guam			
AF	Joint Region Marianas	APR—Munitions Storage Igloos, Ph 2	35,300	35,300
AF	Joint Region Marianas	APR—SATCOM C4I Facility	14,200	14,200
AF	Joint Region Marianas	Block 40 Maintenance Hangar	31,158	31,158
	Illinois			
AF	Scott AFB	Consolidated Corrosion Facility add/alter	0	41,000
	Japan			
AF	Kadena AB	APR—Replace Munitions Structures	19,815	19,815
AF	Yokota AB	C-130J Corrosion Control Hangar	23,777	23,777
AF	Yokota AB	Construct Combat Arms Training & Maint Fac	8,243	8,243
	Kansas			
AF	McCormell AFB	Air Traffic Control Tower	11,200	11,200
AF	McCormell AFB	KC-46A ADAL Taxiway Delta	5,600	5,600
AF	McCormell AFB	KC-46A Alter Flight Simulator Bldgs	3,000	3,000
	Louisiana			
AF	Barksdale AFB	Consolidated Communication Facility	21,000	21,000
	Mariana Islands			
AF	Unspecified Location	APR—Land Acquisition	9,000	9,000
	Maryland			
AF	Joint Base Andrews	21 Points Enclosed Firing Range	13,000	13,000
AF	Joint Base Andrews	Consolidated Communications Center	0	50,000
AF	Joint Base Andrews	PAR Relocate JADOC Satellite Site	3,500	3,500
	Massachusetts			
AF	Hanscom AFB	Construct Vandenberg Gate Complex	0	10,965
AF	Hanscom AFB	System Management Engineering Facility	20,000	20,000
	Montana			
AF	Malmstrom AFB	Missile Maintenance Facility	14,600	14,600
	Nevada			
AF	Nellis AFB	F-35A POL Fill Stand Addition	10,600	10,600
	New Mexico			
AF	Cannon AFB	North Fitness Center	21,000	21,000
AF	Holloman AFB	Hazardous Cargo Pad and Taxiway	10,600	10,600
AF	Kirtland AFB	Combat Rescue Helicopter Simulator	7,300	7,300
	Ohio			
AF	Wright-Patterson AFB	Relocated Entry Control Facility 26A	12,600	12,600
	Oklahoma			
AF	Altus AFB	KC-46A FTU/FTC Simulator Facility Ph 2	11,600	11,600
AF	Tinker AFB	E-3G Mission and Flight Simulator Training Facility.	0	26,000
AF	Tinker AFB	KC-46A Depot System Integration Laboratory	17,000	17,000
	South Carolina			
AF	Joint Base Charleston	Fire & Rescue Station	0	17,000
	Texas			
AF	Joint Base San Antonio	BMT Recruit Dormitory 6	67,300	67,300
	Turkey			
AF	Incirlik AB	Airfield Fire/Crash Rescue Station	13,449	13,449
	United Arab Emirates			
AF	Al Dhafra	Large Aircraft Maintenance Hangar	35,400	35,400
	United Kingdom			
AF	RAF Croughton	JIAC Consolidation—Ph 3	53,082	53,082
AF	RAF Croughton	Main Gate Complex	16,500	16,500
	Utah			
AF	Hill AFB	649 MUNS Munitions Storage Magazines	6,600	6,600
AF	Hill AFB	649 MUNS Precision Guided Missile MX Facility ..	8,700	8,700
AF	Hill AFB	649 MUNS STAMP/Maint & Inspection Facility	12,000	12,000
AF	Hill AFB	Composite Aircraft Antenna Calibration Fac	7,100	7,100
AF	Hill AFB	F-35A Munitions Maintenance Complex	10,100	10,100
	Virginia			
AF	Joint Base Langley-Eustis	Air Force Targeting Center	45,000	45,000
AF	Joint Base Langley-Eustis	Fuel System Maintenance Dock	14,200	14,200
	Washington			
AF	Fairchild AFB	Pipeline Dorm, USAF SERE School (150 RM)	27,000	27,000
	Worldwide Unspecified			

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2017 Request	Conference Authorized
AF	Various Worldwide Locations	Planning & Design	143,582	143,582
AF	Various Worldwide Locations	Unspecified Minor Military Construction	30,000	40,000
AF	Wyoming F. E. Warren AFB	Missile Transfer Facility Bldg 4331	5,550	5,550
Military Construction, Air Force Total			1,481,058	1,686,523
Alaska				
Def-Wide	Clear AFS	Long Range Discrim Radar Sys Complex Ph 1	155,000	155,000
Def-Wide	Fort Greely	Missile Defense Complex Switchgear Facility	9,560	9,560
Def-Wide	Joint Base Elmendorf-Richardson	Construct Truck Offload Facility	4,900	4,900
Arizona				
Def-Wide	Fort Huachuca	JITC Building 52110 Renovation	4,493	4,493
California				
Def-Wide	Coronado	SOF Human Performance Training Center	15,578	15,578
Def-Wide	Coronado	SOF Seal Team Ops Facility	47,290	47,290
Def-Wide	Coronado	SOF Seal Team Ops Facility	47,290	47,290
Def-Wide	Coronado	SOF Special RECON Team ONE Operations Fac	20,949	20,949
Def-Wide	Coronado	SOF Training Detachment ONE Ops Facility	44,305	44,305
Def-Wide	Travis AFB	Replace Hydrant Fuel System	26,500	26,500
Delaware				
Def-Wide	Dover AFB	Welah ES/Dover MS Replacement	44,115	44,115
Diego Garcia				
Def-Wide	Diego Garcia	Improve Wharf Refueling Capability	30,000	30,000
Florida				
Def-Wide	Patrick AFB	Replace Fuel Tanks	10,100	10,100
Georgia				
Def-Wide	Fort Benning	SOF Tactical Unmanned Aerial Vehicle Hangar	4,820	4,820
Def-Wide	Fort Gordon	Medical Clinic Replacement	25,000	25,000
Germany				
Def-Wide	Kaiserlautern AB	Sembach Elementary/Middle School Replacement ...	45,221	45,221
Def-Wide	Rhine Ordnance Barracks	Medical Center Replacement Iner 6	58,063	58,063
Japan				
Def-Wide	Iwakuni	Construct Truck Offload & Loading Facilities	6,664	6,664
Def-Wide	Kadena AB	Kadena Elementary School Replacement	84,918	84,918
Def-Wide	Kadena AB	Medical Materiel Warehouse	20,881	20,881
Def-Wide	Kadena AB	SOF Maintenance Hangar	42,823	42,823
Def-Wide	Kadena AB	SOF Simulator Facility (MC-130)	12,602	12,602
Def-Wide	Yokota AB	Airfield Apron	41,294	41,294
Def-Wide	Yokota AB	Hangar/AMU	39,466	39,466
Def-Wide	Yokota AB	Operations and Warehouse Facilities	26,710	26,710
Def-Wide	Yokota AB	Simulator Facility	6,261	6,261
Kwajalein				
Def-Wide	Kwajalein Atoll	Replace Fuel Storage Tanks	85,500	85,500
Maine				
Def-Wide	Kittery	Medical/Dental Clinic Replacement	27,100	27,100
Maryland				
Def-Wide	Bethesda Naval Hospital	MEDCEN Addition/Alteration Iner 1	50,000	50,000
Def-Wide	Fort Meade	Access Control Facility	21,000	21,000
Def-Wide	Fort Meade	NSAW Campus Feeders Phase 3	17,000	17,000
Def-Wide	Fort Meade	NSAW Recapitalize Building #2 Iner 2	195,000	195,000
Missouri				
Def-Wide	St. Louis	Land Acquisition—Next NGA West Campus	801	801
North Carolina				
Def-Wide	Camp Lejeune	Dental Clinic Replacement	31,000	31,000
Def-Wide	Fort Bragg	SOF Combat Medic Training Facility	10,905	10,905
Def-Wide	Fort Bragg	SOF Parachute Rigging Facility	21,420	21,420
Def-Wide	Fort Bragg	SOF Special Tactics Facility (Ph 3)	30,670	30,670
Def-Wide	Fort Bragg	SOF Tactical Equipment Maintenance Facility	23,598	23,598
South Carolina				
Def-Wide	Joint Base Charleston	Construct Hydrant Fuel System	17,000	17,000
Texas				
Def-Wide	Red River Army Depot	Construct Warehouse & Open Storage	44,700	44,700
Def-Wide	Sheppard AFB	Medical/Dental Clinic Replacement	91,910	91,910
United Kingdom				
Def-Wide	RAF Croughton	Croughton Elem/Middle/High School Replacement ..	71,424	71,424
Def-Wide	RAF Lakenheath	Construct Hydrant Fuel System	13,500	13,500
Virginia				
Def-Wide	Pentagon	Pentagon Metro Entrance Facility	12,111	12,111
Def-Wide	Pentagon	Upgrade IT Facilities Infrastructure—RRMC	8,105	8,105
Wake Island				
Def-Wide	Wake Island	Test Support Facility	11,670	11,670
Worldwide Unspecified				

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)					
Account	State/Country and Installation	Project Title	FY 2017 Request	Conference Authorized	
Def-Wide	Unspecified Worldwide Locations	Battalion Complex	0	0	
Def-Wide	Unspecified Worldwide Locations	Contingency Construction	10,000	0	
Def-Wide	Unspecified Worldwide Locations	Energy Conservation Investment Program Design ..	10,000	0	
Def-Wide	Unspecified Worldwide Locations	Energy Conservation Investment Program	150,000	150,000	
Def-Wide	Unspecified Worldwide Locations	Exercise Related Minor Construction	8,631	8,631	
Def-Wide	Unspecified Worldwide Locations	Planning and Design, Defense Wide	13,450	23,450	
Def-Wide	Unspecified Worldwide Locations	Planning and Design, DODEA	23,585	23,585	
Def-Wide	Unspecified Worldwide Locations	Planning and Design, NGA	71,647	36,000	
Def-Wide	Unspecified Worldwide Locations	Planning and Design, NSA	24,000	24,000	
Def-Wide	Unspecified Worldwide Locations	Planning and Design, WHS	3,427	3,427	
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000	
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000	
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	5,994	5,994	
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	8,500	8,500	
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Mileon	3,913	3,913	
Def-Wide	Unspecified Worldwide Locations	Worldwide Unspecified Minor Construction	2,414	2,414	
Def-Wide	Various Worldwide Locations	Planning & Design, DLA	27,660	27,660	
Def-Wide	Various Worldwide Locations	Planning and Design, SOCOM	27,653	27,653	
Def-Wide	Worldwide Unspecified Locations	Unspecified Worldwide Locations			
Def-Wide	Unspecified Worldwide Locations	Planning & Design, MDA	0	15,000	
Military Construction, Defense-Wide Total			2,056,091	2,025,444	
NATO	Worldwide Unspecified	NATO Security Investment Program	177,932	177,932	
NATO Security Investment Program Total			177,932	177,932	
Army NG	Colorado	Fort Carson	National Guard Readiness Center	0	16,500
Army NG	Hawaii	Hilo	Combined Support Maintenance Shop	31,000	31,000
Army NG	Iowa	Davenport	National Guard Readiness Center	23,000	23,000
Army NG	Kansas	Fort Leavenworth	National Guard Readiness Center	29,000	29,000
Army NG	New Hampshire	Hooksett	National Guard Vehicle Maintenance Shop	11,000	11,000
Army NG		Rochester	National Guard Vehicle Maintenance Shop	8,900	8,900
Army NG	Oklahoma	Ardmore	National Guard Readiness Center	22,000	22,000
Army NG	Pennsylvania	Fort Indiantown Gap	Access Control Buildings	0	20,000
Army NG		York	National Guard Readiness Center	9,300	9,300
Army NG	Rhode Island	East Greenwich	National Guard/Reserve Center Building (JFHQ) ..	20,000	20,000
Army NG	Utah	Camp Williams	National Guard Readiness Center	37,000	37,000
Army NG	Worldwide Unspecified	Unspecified Worldwide Locations	Planning and Design	8,729	8,729
Army NG	Unspecified Worldwide Locations	Unspecified Minor Construction	12,001	12,001	
Army NG	Wyoming	Camp Guernsey	General Instruction Building	0	31,000
Army NG		Laramie	National Guard Readiness Center	21,000	21,000

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Request	Conference Authorized
Military Construction, Army National Guard Total			232,930	300,430
Army Res	Arizona Phoenix	Army Reserve Center	0	30,000
Army Res	California Barstow	Equipment Concentration Site	0	0
Army Res	Camp Parks	Transient Training Barracks	19,000	19,000
Army Res	Fort Hunter Liggett	Emergency Services Center	21,500	21,500
Army Res	Virginia Dublin	Organizational Maintenance Shop/AMSA	6,000	6,000
Army Res	Washington Joint Base Lewis-McChord	Army Reserve Center	0	0
Army Res	Wisconsin Fort McCoy	AT/MOB Dining Facility	11,400	11,400
Army Res	Worldwide Unspecified Unspecified Worldwide Locations	Planning and Design	7,500	7,500
Army Res	Unspecified Worldwide Locations	Unspecified Minor Construction	2,830	2,830
Military Construction, Army Reserve Total			68,230	98,230
N/MC Res	Louisiana New Orleans	Joint Reserve Intelligence Center	11,207	11,207
N/MC Res	New York Brooklyn	Electric Feeder Duetbank	1,964	1,964
N/MC Res	Syracuse	Marine Corps Reserve Center	13,229	13,229
N/MC Res	Texas Galveston	Reserve Center Annex	8,414	8,414
N/MC Res	Worldwide Unspecified Unspecified Worldwide Locations	MCNR Planning & Design	3,783	3,783
Military Construction, Naval Reserve Total			38,597	38,597
Air NG	Connecticut Bradley IAP	Construct Small Air Terminal	6,300	6,300
Air NG	Florida Jacksonville IAP	Replace Fire Crash/Rescue Station	9,000	9,000
Air NG	Hawaii Joint Base Pearl Harbor-Hickam	F-22 Composite Repair Facility	11,000	11,000
Air NG	Iowa Sioux Gateway Airport	Construct Consolidated Support Functions	12,600	12,600
Air NG	Maryland Joint Base Andrews	Munitions Load Crew Trng/Corrosion Cntrl Facility	0	5,000
Air NG	Minnesota Duluth IAP	Load Crew Training/Weapon Shops	7,600	7,600
Air NG	New Hampshire Pease International Trade Port	KC-46A Install Fuselage Trainer Bldg 251	1,500	1,500
Air NG	North Carolina Charlotte/Douglas IAP	C-17 Corrosion Control/Fuel Cell Hangar	29,600	29,600
Air NG	Charlotte/Douglas IAP	C-17 Type III Hydrant Refueling System	21,000	21,000
Air NG	Ohio Toledo Express Airport	Indoor Small Arms Range	0	6,000
Air NG	South Carolina McEntire ANGS	Replace Operations and Training Facility	8,400	8,400
Air NG	Texas Ellington Field	Consolidate Crew Readiness Facility	4,500	4,500
Air NG	Vermont Burlington IAP	F-35 Beddown 4-Bay Flight Simulator	4,500	4,500
Air NG	Worldwide Unspecified Unspecified Worldwide Locations	Unspecified Minor Construction	17,495	17,495
Air NG	Various Worldwide Locations	Planning and Design	10,462	10,462
Military Construction, Air National Guard Total			143,957	154,957
AF Res	Guam Andersen AFB	Reserve Medical Training Facility	0	0
AF Res	Massachusetts Westover ARB	Indoor Small Arms Range	0	0
AF Res	North Carolina Seymour Johnson AFB	KC-46A ADAL Bldg for AGE/Fuselage Training	5,700	5,700
AF Res	Seymour Johnson AFB	KC-46A ADAL Squadron Operations Facilities	2,250	2,250

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2017 Request	Conference Authorized
AF Res	Seymour Johnson AFB Pennsylvania	KC-46A Two Bay Corrosion/Fuel Cell Hangar	90,000	90,000
AF Res	Pittsburgh IAP	C-17 ADAL Fuel Hydrant System	22,800	22,800
AF Res	Pittsburgh IAP	C-17 Const/Overlay/Taxiway and Apron	8,200	8,200
AF Res	Pittsburgh IAP	C-17 Construct Two Bay Corrosion/Fuel Hangar ..	54,000	54,000
	Utah			
AF Res	Hill AFB	ADAL Life Support Facility	0	0
	Worldwide Unspecified			
AF Res	Unspecified Worldwide Locations	Planning & Design	4,500	4,500
AF Res	Unspecified Worldwide Locations	Unspecified Minor Construction	1,500	1,500
Military Construction, Air Force Reserve Total			188,950	188,950
	Korea			
FH Con Army	Camp Humphreys	Family Housing New Construction, Iner 1	143,563	100,000
FH Con Army	Camp Walker	Family Housing New Construction	54,554	54,554
	Worldwide Unspecified			
FH Con Army	Unspecified Worldwide Locations	Planning & Design	2,618	2,618
Family Housing Construction, Army Total			200,735	157,172
	Worldwide Unspecified			
FH Ops Army	Unspecified Worldwide Locations	Furnishings	10,178	10,178
FH Ops Army	Unspecified Worldwide Locations	Housing Privatization Support	19,146	19,146
FH Ops Army	Unspecified Worldwide Locations	Leasing	131,761	131,761
FH Ops Army	Unspecified Worldwide Locations	Maintenance	60,745	60,745
FH Ops Army	Unspecified Worldwide Locations	Management	40,344	40,344
FH Ops Army	Unspecified Worldwide Locations	Miscellaneous	400	400
FH Ops Army	Unspecified Worldwide Locations	Services	7,993	7,993
FH Ops Army	Unspecified Worldwide Locations	Utilities	55,428	55,428
Family Housing Operation And Maintenance, Army Total			325,995	325,995
	Mariana Islands			
FH Con Navy	Guam	Replace Andersen Housing Ph I	78,815	78,815
	Worldwide Unspecified			
FH Con Navy	Unspecified Worldwide Locations	Construction Improvements	11,047	11,047
FH Con Navy	Unspecified Worldwide Locations	Planning & Design	4,149	4,149
Family Housing Construction, Navy And Marine Corps Total			94,011	94,011
	Worldwide Unspecified			
FH Ops Navy	Unspecified Worldwide Locations	Furnishings	17,457	17,457
FH Ops Navy	Unspecified Worldwide Locations	Housing Privatization Support	26,320	26,320
FH Ops Navy	Unspecified Worldwide Locations	Leasing	54,689	54,689
FH Ops Navy	Unspecified Worldwide Locations	Maintenance	81,254	81,254
FH Ops Navy	Unspecified Worldwide Locations	Management	51,291	51,291
FH Ops Navy	Unspecified Worldwide Locations	Miscellaneous	364	364
FH Ops Navy	Unspecified Worldwide Locations	Services	12,855	12,855
FH Ops Navy	Unspecified Worldwide Locations	Utilities	56,685	56,685
Family Housing Operation And Maintenance, Navy And Marine Corps Total.			300,915	300,915
	Worldwide Unspecified			
FH Con AF	Unspecified Worldwide Locations	Construction Improvements	56,984	56,984

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2017 Request	Conference Authorized
FH Con AF	Unspecified Worldwide Locations	Planning & Design	4,368	4,368
Family Housing Construction, Air Force Total			61,352	61,352
FH Ops AF	Worldwide Unspecified Unspecified Worldwide Locations	Furnishings	31,690	31,690
FH Ops AF	Unspecified Worldwide Locations	Housing Privatization Support	41,809	41,809
FH Ops AF	Unspecified Worldwide Locations	Leasing	20,530	20,530
FH Ops AF	Unspecified Worldwide Locations	Maintenance	85,469	85,469
FH Ops AF	Unspecified Worldwide Locations	Management	42,919	42,919
FH Ops AF	Unspecified Worldwide Locations	Miscellaneous	1,745	1,745
FH Ops AF	Unspecified Worldwide Locations	Services	13,026	13,026
FH Ops AF	Unspecified Worldwide Locations	Utilities	37,241	37,241
Family Housing Operation And Maintenance, Air Force Total			274,429	274,429
FH Ops DW	Worldwide Unspecified Unspecified Worldwide Locations	Furnishings	20	20
FH Ops DW	Unspecified Worldwide Locations	Furnishings	500	500
FH Ops DW	Unspecified Worldwide Locations	Furnishings	399	399
FH Ops DW	Unspecified Worldwide Locations	Leasing	40,984	40,984
FH Ops DW	Unspecified Worldwide Locations	Leasing	11,044	11,044
FH Ops DW	Unspecified Worldwide Locations	Maintenance	349	349
FH Ops DW	Unspecified Worldwide Locations	Maintenance	800	800
FH Ops DW	Unspecified Worldwide Locations	Management	388	388
FH Ops DW	Unspecified Worldwide Locations	Services	32	32
FH Ops DW	Unspecified Worldwide Locations	Utilities	4,100	4,100
FH Ops DW	Unspecified Worldwide Locations	Utilities	174	174
FH Ops DW	Unspecified Worldwide Locations	Utilities	367	367
Family Housing Operation And Maintenance, Defense-Wide Total			59,157	59,157
FHIF	Worldwide Unspecified Unspecified Worldwide Locations	Program Expenses	3,258	3,258
DoD Family Housing Improvement Fund Total			3,258	3,258
BRAC	Worldwide Unspecified Base Realignment & Closure, Army	Base Realignment and Closure	14,499	24,499
Base Realignment and Closure—Army Total			14,499	24,499
BRAC	Worldwide Unspecified Base Realignment & Closure, Navy	Base Realignment & Closure	110,606	135,606
BRAC	Unspecified Worldwide Locations	DON-100: Planning, Design and Management	4,604	4,604
BRAC	Unspecified Worldwide Locations	DON-101: Various Locations	10,461	10,461
BRAC	Unspecified Worldwide Locations	DON-138: NAS Brunswick, ME	557	557
BRAC	Unspecified Worldwide Locations	DON-157: MCSA Kansas City, MO	100	100
BRAC	Unspecified Worldwide Locations	DON-172: NWS Seal Beach, Concord, CA	4,648	4,648

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2017 Request	Conference Authorized
BRAC	Unspecified Worldwide Locations	DON-84: JRB Willow Grove & Cambria Reg AP ...	3,397	3,397
Base Realignment and Closure—Navy Total			134,373	159,373
BRAC	Worldwide Unspecified Unspecified Worldwide Locations	DoD BRAC Activities—Air Force	56,365	56,365
Base Realignment and Closure—Air Force Total			56,365	56,365
PYS	Worldwide Unspecified Unspecified Worldwide Locations	Planning and Design, Defense Wide	0	-30,000
PYS	Worldwide	Air Force	0	-51,460
PYS	Worldwide	Army	0	-29,602
PYS	Worldwide	Defense-Wide	0	-141,600
PYS	Worldwide	Navy	0	0
PYS	Worldwide Unspecified Locations	HAP	0	-25,000
PYS	Worldwide	NSIP	0	-30,000
Prior Year Savings Total			0	-307,662
Total, Military Construction			7,444,056	7,709,565

1 SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CON-
2 TINGENCY OPERATIONS.

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2017 Request	Conference Authorized
Army	Worldwide Unspecified Unspecified Worldwide Locations	ERI: Planning and Design	18,900	18,900
Military Construction, Army Total			18,900	18,900
Navy	Iceland Keflavik	ERI: P-8A Aircraft Rinse Rack	5,000	5,000
Navy	Keflavik	ERI: P-8A Hangar Upgrade	14,600	14,600
Navy	Worldwide Unspecified Unspecified Worldwide Locations	ERI: Planning and Design	1,800	1,800
Military Construction, Navy Total			21,400	21,400
AF	Bulgaria Graf Ignatievo	ERI: Construct Sq Ops/Operational Alert Fac	3,800	3,800
AF	Graf Ignatievo	ERI: Fighter Ramp Extension	7,000	7,000
AF	Graf Ignatievo	ERI: Upgrade Munitions Storage Area	2,600	2,600
AF	Djibouti Chabelley Airfield	OCO: Construct Chabelley Access Road	3,600	3,600
AF	Chabelley Airfield	OCO: Construct Parking Apron and Taxiway	6,900	6,900
AF	Estonia Amari AB	ERI: Construct Bulk Fuel Storage	6,500	6,500
AF	Germany Spangdahlem AB	ERI: Construct High Cap Trim Pad & Hush House ..	1,000	1,000
AF	Spangdahlem AB	ERI: F/A-22 Low Observable/Comp Repair Fac	12,000	12,000
AF	Spangdahlem AB	ERI: F/A-22 Upgrade Infrastructure/Comm/Util	1,600	1,600
AF	Spangdahlem AB	ERI: Upgrade Hardened Aircraft Shelters	2,700	2,700
AF	Spangdahlem AB	ERI: Upgrade Munitions Storage Doors	1,400	1,400
AF	Lithuania Siauliai	ERI: Munitions Storage	3,000	3,000
AF	Poland Lask AB	ERI: Construct Squadron Operations Facility	4,100	4,100
AF	Powidz AB	ERI: Construct Squadron Operations Facility	4,100	4,100
AF	Romania Campia Turzii	ERI: Construct Munitions Storage Area	3,000	3,000
AF	Campia Turzii	ERI: Construct Squadron Operations Facility	3,400	3,400

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2017 Request	Conference Authorized
AF	Campia Turzii	ERI: Construct Two-Bay Hangar	6,100	6,100
AF	Campia Turzii	ERI: Extend Parking Aprons	6,000	6,000
AF	Worldwide Unspecified			
	Unspecified Worldwide Locations	CTP: Planning and Design	9,000	8,551
AF	Unspecified Worldwide Locations	OCO: Planning and Design	940	940
Military Construction, Air Force Total			88,740	88,291
Def-Wide	Worldwide Unspecified			
	Unspecified Worldwide Locations	ERI: Unspecified Minor Construction	5,000	5,000
Military Construction, Defense-Wide Total			5,000	5,000
Total, Military Construction			134,040	133,591

1 **SEC. 4603. MILITARY CONSTRUCTION FOR OVERSEAS CON-**
 2 **TINGENCY OPERATIONS FOR BASE REQUIRE-**
 3 **MENTS.**

SEC. 4603. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE RE- QUIREMENTS (In Thousands of Dollars)				
Service	State/Country and Installation	Project	FY 2017 Request	Conference Authorized
Navy	Djibouti			
	Camp Lemonier	OCO: Medical/Dental Facility	37,409	37,409
Navy	Worldwide Unspecified			
	Unspecified Worldwide Locations	Planning and Design	1,000	1,000
Military Construction, Navy Total			38,409	38,409
Total, Military Construction			38,409	38,409

4 **TITLE XLVII—DEPARTMENT OF**
 5 **ENERGY NATIONAL SECURITY**
 6 **PROGRAMS**
 7 **SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY**
 8 **PROGRAMS.**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)			
Program	FY 2017 Request	Conference Authorized	
Discretionary Summary By Appropriation			
Energy And Water Development, And Related Agencies			
Appropriation Summary:			
Energy Programs			
Nuclear Energy	151,876	136,616	
Atomic Energy Defense Activities			
National nuclear security administration:			
Weapons activities	9,243,147	9,429,029	

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2017 Request	Conference Authorized
Defense nuclear nonproliferation	1,807,916	1,886,916
Naval reactors	1,420,120	1,417,620
Federal salaries and expenses	412,817	395,517
Total, National nuclear security administration	12,884,000	13,129,082
Environmental and other defense activities:		
Defense environmental cleanup	5,382,050	5,273,558
Other defense activities	791,552	789,552
Total, Environmental & other defense activities	6,173,602	6,063,110
Total, Atomic Energy Defense Activities	19,057,602	19,192,192
Total, Discretionary Funding	19,209,478	19,328,808
Nuclear Energy		
Idaho site-wide safeguards and security	129,303	129,303
Idaho operations and maintenance	7,313	7,313
Consent Based Siting	15,260	0
Denial of funds for defense-only repository		[-15,260]
Total, Nuclear Energy	151,876	136,616
Weapons Activities		
Directed stockpile work		
Life extension programs		
B61 Life extension program	616,079	616,079
W76 Life extension program	222,880	222,880
W88 Alt 370	281,129	281,129
W80-4 Life extension program	220,253	220,253
Total, Life extension programs	1,340,341	1,340,341
Stockpile systems		
B61 Stockpile systems	57,313	57,313
W76 Stockpile systems	38,604	38,604
W78 Stockpile systems	56,413	56,413
W80 Stockpile systems	64,631	64,631
B83 Stockpile systems	41,659	41,659
W87 Stockpile systems	81,982	81,982
W88 Stockpile systems	103,074	103,074
Total, Stockpile systems	443,676	443,676
Weapons dismantlement and disposition		
Operations and maintenance	68,984	56,000
Denial of dismantlement acceleration		[-12,984]
Stockpile services		
Production support	457,043	457,043
Research and development support	34,187	34,187
R&D certification and safety	156,481	156,481
Management, technology, and production	251,978	251,978
Total, Stockpile services	899,689	899,689
Nuclear material commodities		
Uranium sustainment	20,988	20,988
Plutonium sustainment	184,970	184,970
Tritium sustainment	109,787	109,787
Domestic uranium enrichment	50,000	50,000
Strategic materials sustainment	212,092	212,092
Total, Nuclear material commodities	577,837	577,837
Total, Directed stockpile work	3,330,527	3,317,543
Research, development, test and evaluation (RDT&E)		
Science		
Advanced certification	58,000	58,000
Primary assessment technologies	99,000	99,000
Dynamic materials properties	106,000	106,000
Advanced radiography	50,500	50,500
Secondary assessment technologies	76,000	76,000
Academic alliances and partnerships	52,484	52,484
Total, Science	441,984	441,984
Engineering		
Enhanced surety	37,196	37,196

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2017 Request	Conference Authorized
Weapon systems engineering assessment technology	16,958	16,958
Nuclear survivability	43,105	43,105
Enhanced surveillance	42,228	42,228
Total, Engineering	139,487	139,487
Inertial confinement fusion ignition and high yield		
Ignition	75,432	75,432
Support of other stockpile programs	23,363	23,363
Diagnostics, cryogenics and experimental support	68,696	68,696
Pulsed power inertial confinement fusion	5,616	5,616
Joint program in high energy density laboratory plasmas	9,492	9,492
Facility operations and target production	340,360	340,360
Total, Inertial confinement fusion and high yield	522,959	522,959
Advanced simulation and computing	663,184	656,184
Program decrease		[-7,000]
Stockpile Responsiveness Program	0	40,000
Program increase		[40,000]
Advanced manufacturing		
Additive manufacturing	12,000	12,000
Component manufacturing development	46,583	46,583
Processing technology development	28,522	28,522
Total, Advanced manufacturing	87,105	87,105
Total, RDT&E	1,854,719	1,887,719
Infrastructure and operations (formerly RTBF)		
Operating		
Operations of facilities		
Kansas City Plant	101,000	101,000
Lawrence Livermore National Laboratory	70,500	70,500
Los Alamos National Laboratory	196,500	196,500
Nevada Test Site	92,500	92,500
Pantex	55,000	55,000
Sandia National Laboratory	118,000	118,000
Savannah River Site	83,500	83,500
Y-12 National security complex	107,000	107,000
Total, Operations of facilities	824,000	824,000
Safety and environmental operations	110,000	110,000
Maintenance and repair of facilities	294,000	324,000
Address high-priority preventative maintenance		[30,000]
Recapitalization:		
Infrastructure and safety	554,643	630,509
Address high-priority deferred maintenance		[75,866]
Capability based investment	112,639	112,639
Total, Recapitalization	667,282	743,148
Construction:		
17-D-640 U1a Complex Enhancements Project, NNSS	11,500	11,500
17-D-630 Electrical Infrastructure Upgrades, LLNL	25,000	25,000
16-D-515 Albuquerque complex upgrades project	15,047	15,047
15-D-613 Emergency Operations Center, Y-12	2,000	2,000
15-D-302 TA-55 Reinvestment project, Phase 3, LANL	21,455	21,455
07-D-220-04 Transuranic liquid waste facility, LANL	17,053	17,053
06-D-141 PED/Construction, UPF Y-12, Oak Ridge, TN	575,000	575,000
04-D-125-04 RLUOB equipment installation	159,615	159,615
Total, Construction	826,670	826,670
Total, Infrastructure and operations	2,721,952	2,827,818
Secure transportation asset		
Operations and equipment	179,132	179,132
Program direction	103,600	103,600
Total, Secure transportation asset	282,732	282,732
Defense nuclear security		
Operations and maintenance	657,133	693,133

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2017 Request	Conference Authorized
Support to physical security infrastructure recapitalization and CSTART		[36,000]
Construction:		
14-D-710 Device assembly facility argus installation project, NV	13,000	13,000
17-D-710 West end protected area reduction project, Y-12	0	24,000
Total, Defense nuclear security	670,133	730,133
Information technology and cybersecurity	176,592	176,592
Legacy contractor pensions	248,492	248,492
Rescission of prior year balances	-42,000	-42,000
Total, Weapons Activities	9,243,147	9,429,029
Defense Nuclear Nonproliferation		
Defense Nuclear Nonproliferation Programs		
Defense Nuclear Nonproliferation R&D		
Global material security	337,108	337,108
Material management and minimization	341,094	321,094
Program decrease		[-20,000]
Nonproliferation and arms control	124,703	124,703
Defense Nuclear Nonproliferation R&D	393,922	417,922
Acceleration of low-yield detection experiments		[4,000]
Nuclear detection technology and new challenges such as 3D printing		[20,000]
Low Enriched Uranium R&D for Naval Reactors	0	5,000
Low Enriched Uranium R&D for Naval Reactors		[5,000]
Nonproliferation Construction:		
99-D-143 Mixed Oxide (MOX) Fuel Fabrication Facility, SRS Increase to support construction	270,000	340,000 [70,000]
Total, Nonproliferation construction	270,000	340,000
Total, Defense Nuclear Nonproliferation Programs	1,466,827	1,545,827
Legacy contractor pensions	83,208	83,208
Nuclear counterterrorism and incident response program	271,881	271,881
Rescission of prior year balances	-14,000	-14,000
Total, Defense Nuclear Nonproliferation	1,807,916	1,886,916
Naval Reactors		
Naval reactors operations and infrastructure	449,682	447,182
Naval reactors development	437,338	437,338
Ohio replacement reactor systems development	213,700	213,700
S8G Prototype refueling	124,000	124,000
Program direction	47,100	47,100
Construction:		
17-D-911, BL Fire System Upgrade	1,400	1,400
15-D-904 NRF Overpack Storage Expansion 3	700	700
15-D-902 KS Engineer room team trainer facility	33,300	33,300
14-D-901 Spent fuel handling recapitalization project, NRF	100,000	100,000
10-D-903, Security upgrades, KAPL	12,900	12,900
Total, Construction	148,300	148,300
Total, Naval Reactors	1,420,120	1,417,620
Federal Salaries And Expenses		
Program direction	412,817	395,517
Program decrease		[-17,300]
Total, Office Of The Administrator	412,817	395,517
Defense Environmental Cleanup		
Closure sites:		
Closure sites administration	9,389	9,389
Hanford site:		
River corridor and other cleanup operations	69,755	114,755
Acceleration of priority programs		[45,000]
Central plateau remediation	620,869	644,369
Acceleration of priority programs		[23,500]

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2017 Request	Conference Authorized
Richland community and regulatory support	14,701	14,701
Construction:		
15-D-401 Containerized sludge removal annex, RL	11,486	11,486
Total, Hanford site	716,811	785,311
Idaho National Laboratory:		
Idaho cleanup and waste disposition	359,088	359,088
Idaho community and regulatory support	3,000	3,000
Total, Idaho National Laboratory	362,088	362,088
Los Alamos National Laboratory		
EMLA cleanup activities	185,606	195,606
Program Increase		[10,000]
EMLA community and regulatory support	3,394	3,394
Total, Los Alamos National Laboratory	189,000	199,000
NNSA sites		
Lawrence Livermore National Laboratory	1,396	1,396
Separations Process Research Unit	3,685	3,685
Nevada	62,176	62,176
Sandia National Laboratories	4,130	4,130
Total, NNSA sites and Nevada off-sites	71,387	71,387
Oak Ridge Reservation:		
OR Nuclear facility D & D		
OR Nuclear facility D & D	93,851	93,851
Construction:		
14-D-403 Outfall 200 Mercury Treatment Facility	5,100	5,100
Total, OR Nuclear facility D & D	98,951	98,951
U233 Disposition Program	37,311	37,311
OR cleanup and disposition	54,557	54,557
OR reservation community and regulatory support	4,400	4,400
Oak Ridge technology development	3,000	3,000
Total, Oak Ridge Reservation	198,219	198,219
Office of River Protection:		
Waste treatment and immobilization plant		
WTP operations	3,000	3,000
15-D-409 Low activity waste pretreatment system, ORP	73,000	73,000
01-D-416 A-D/ORP-0060 / Major construction	690,000	690,000
Total, Waste treatment and immobilization plant	766,000	766,000
Tank farm activities		
Rad liquid tank waste stabilization and disposition	721,456	721,456
Total, Tank farm activities	721,456	721,456
Total, Office of River protection	1,487,456	1,487,456
Savannah River sites:		
Nuclear Material Management	311,062	311,062
Environmental Cleanup	152,504	152,504
SR community and regulatory support	11,249	11,249
Radioactive liquid tank waste:		
Radioactive liquid tank waste stabilization and disposition	645,332	645,332
Construction:		
15-D-402—Saltstone Disposal Unit #6, SRS	7,577	7,577
17-D-401—Saltstone Disposal Unit #7	9,729	9,729
05-D-405 Salt waste processing facility, Savannah River Site	160,000	160,000
Total, Construction	177,306	177,306
Total, Radioactive liquid tank waste	822,638	822,638
Total, Savannah River site	1,297,453	1,297,453
Waste Isolation Pilot Plant		
Operations and maintenance	257,188	267,188
Program increase		[10,000]
Construction:		
15-D-411 Safety significant confinement ventilation system, WIPP	2,532	2,532
15-D-412 Exhaust shaft, WIPP	2,533	2,533
Total, Construction	5,065	5,065

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2017 Request	Conference Authorized
Total, Waste Isolation Pilot Plant	262,253	272,253
Program direction	290,050	290,050
Program support	14,979	14,979
Safeguards and Security	255,973	255,973
Technology development	30,000	30,000
Infrastructure recapitalization	41,892	0
Defense Uranium enrichment D&D	155,100	0
Ahead of need		[-155,100]
Subtotal, Defense environmental cleanup	5,382,050	5,273,558
Total, Defense Environmental Cleanup	5,382,050	5,273,558
Other Defense Activities		
Environment, health, safety and security		
Environment, health, safety and security	130,693	128,693
Program direction	66,519	66,519
Total, Environment, health, safety and security	197,212	195,212
Independent enterprise assessments		
Independent enterprise assessments	24,580	24,580
Program direction	51,893	51,893
Total, Independent enterprise assessments	76,473	76,473
Specialized security activities	237,912	237,912
Office of Legacy Management		
Legacy management	140,306	140,306
Program direction	14,014	14,014
Total, Office of Legacy Management	154,320	154,320
Defense-related activities		
Defense related administrative support		
Chief financial officer	23,642	23,642
Chief information officer	93,074	93,074
Project management oversight and assessments	3,000	3,000
Total, Defense related administrative support	119,716	116,716
Office of hearings and appeals	5,919	5,919
Subtotal, Other defense activities	791,552	789,552
Total, Other Defense Activities	791,552	789,552

1 **DIVISION E—UNIFORM CODE OF**
 2 **MILITARY JUSTICE REFORM**

3 **SEC. 5001. SHORT TITLE.**

4 This division may be cited as the “Military Justice
 5 Act of 2016”.

6 **TITLE LI—GENERAL**
 7 **PROVISIONS**

Sec. 5101. Definitions.

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

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

Sec. 5104. Conforming amendment relating to military magistrates.

Sec. 5105. Rights of victim.

1 **SEC. 5101. DEFINITIONS.**

2 (a) **MILITARY JUDGE.**—Paragraph (10) of section
3 801 of title 10, United States Code (article 1 of the Uni-
4 form Code of Military Justice), is amended to read as fol-
5 lows:

6 “(10) The term ‘military judge’ means a judge
7 advocate designated under section 826(c) of this title
8 (article 26(c)) who is detailed under section 826(a)
9 or section 830a of this title (article 26(a) or 30a).”.

10 (b) **JUDGE ADVOCATE.**—Paragraph (13) of such sec-
11 tion (article) is amended—

12 (1) in subparagraph (A), by striking “the Army
13 or the Navy” and inserting “the Army, the Navy, or
14 the Air Force”; and

15 (2) in subparagraph (B), by striking “the Air
16 Force or”.

17 **SEC. 5102. CLARIFICATION OF PERSONS SUBJECT TO UCMJ**

18 **WHILE ON INACTIVE-DUTY TRAINING.**

19 Paragraph (3) of section 802(a) of title 10, United
20 States Code (article 2(a) of the Uniform Code of Military
21 Justice), is amended to read as follows:

1 “(3)(A) While on inactive-duty training and
2 during any of the periods specified in subparagraph
3 (B)—

4 “(i) members of a reserve component; and
5 “(ii) members of the Army National Guard
6 of the United States or the Air National Guard
7 of the United States, but only when in Federal
8 service.

9 “(B) The periods referred to in subparagraph
10 (A) are the following:

11 “(i) Travel to and from the inactive-duty
12 training site of the member, pursuant to orders
13 or regulations.

14 “(ii) Intervals between consecutive periods
15 of inactive-duty training on the same day, pur-
16 suant to orders or regulations.

17 “(iii) Intervals between inactive-duty train-
18 ing on consecutive days, pursuant to orders or
19 regulations.”.

20 **SEC. 5103. STAFF JUDGE ADVOCATE DISQUALIFICATION**
21 **DUE TO PRIOR INVOLVEMENT IN CASE.**

22 Subsection (c) of section 806 of title 10, United
23 States Code (article 6 of the Uniform Code of Military
24 Justice), is amended to read as follows:

1 “(c)(1) No person who, with respect to a case, serves
2 in a capacity specified in paragraph (2) may later serve
3 as a staff judge advocate or legal officer to any reviewing
4 or convening authority upon the same case.

5 “(2) The capacities referred to in paragraph (1) are,
6 with respect to the case involved, any of the following:

7 “(A) Preliminary hearing officer, court member,
8 military judge, military magistrate, or appellate
9 judge.

10 “(B) Counsel who have acted in the same case
11 or appeared in any proceeding before a military
12 judge, military magistrate, preliminary hearing offi-
13 cer, or appellate court.”.

14 **SEC. 5104. CONFORMING AMENDMENT RELATING TO MILI-**
15 **TARY MAGISTRATES.**

16 The first sentence of section 806a(a) of title 10,
17 United States Code (article 6a(a) of the Uniform Code
18 of Military Justice), is amended by striking “military
19 judge” and all that follows through the end of the sentence
20 and inserting “military appellate judge, military judge, or
21 military magistrate to perform the duties of the position
22 involved.”.

23 **SEC. 5105. RIGHTS OF VICTIM.**

24 (a) DESIGNATION OF REPRESENTATIVE.—Subsection
25 (c) of section 806b of title 10, United States Code (article

1 6b of the Uniform Code of Military Justice), is amended
2 in the first sentence by striking “the military judge” and
3 all that follows through the end of the sentence and insert-
4 ing the following: “the legal guardians of the victim or
5 the representatives of the victim’s estate, family members,
6 or any other person designated as suitable by the military
7 judge, may assume the rights of the victim under this sec-
8 tion.”.

9 (b) **RULE OF CONSTRUCTION.**—Subsection (d) of
10 such section (article) is amended—

11 (1) in paragraph (1), by striking “or” at the
12 end;

13 (2) in paragraph (2), by striking the period at
14 the end and inserting “; or”; and

15 (3) by adding at the end the following new
16 paragraph:

17 “(3) to impair the exercise of discretion under
18 sections 830 and 834 of this title (articles 30 and
19 34).”.

20 (c) **INTERVIEW OF VICTIM.**—Such section (article) is
21 amended by adding at the end the following new sub-
22 section:

23 “(f) **COUNSEL FOR ACCUSED INTERVIEW OF VICTIM**
24 **OF ALLEGED OFFENSE.**—(1) Upon notice by counsel for
25 the Government to counsel for the accused of the name

1 of an alleged victim of an offense under this chapter who
2 counsel for the Government intends to call as a witness
3 at a proceeding under this chapter, counsel for the accused
4 shall make any request to interview the victim through the
5 Special Victims' Counsel or other counsel for the victim,
6 if applicable.

7 “(2) If requested by an alleged victim who is subject
8 to a request for interview under paragraph (1), any inter-
9 view of the victim by counsel for the accused shall take
10 place only in the presence of the counsel for the Govern-
11 ment, a counsel for the victim, or, if applicable, a victim
12 advocate.”.

13 **TITLE LII—APPREHENSION AND** 14 **RESTRAINT**

Sec. 5121. Restraint of persons charged.

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

15 **SEC. 5121. RESTRAINT OF PERSONS CHARGED.**

16 Section 810 of title 10, United States Code (article
17 10 of the Uniform Code of Military Justice), is amended
18 to read as follows:

19 **“§ 810. Art. 10. Restraint of persons charged**

20 “(a) IN GENERAL.—(1) Subject to paragraph (2),
21 any person subject to this chapter who is charged with
22 an offense under this chapter may be ordered into arrest
23 or confinement as the circumstances require.

1 “(2) When a person subject to this chapter is charged
2 only with an offense that is normally tried by summary
3 court-martial, the person ordinarily shall not be ordered
4 into confinement.

5 “(b) NOTIFICATION TO ACCUSED AND RELATED
6 PROCEDURES.—(1) When a person subject to this chapter
7 is ordered into arrest or confinement before trial, imme-
8 diate steps shall be taken—

9 “(A) to inform the person of the specific offense
10 of which the person is accused; and

11 “(B) to try the person or to dismiss the charges
12 and release the person.

13 “(2) To facilitate compliance with paragraph (1), the
14 President shall prescribe regulations setting forth proce-
15 dures relating to referral for trial, including procedures
16 for prompt forwarding of the charges and specifications
17 and, if applicable, the preliminary hearing report sub-
18 mitted under section 832 of this title (article 32).”.

19 **SEC. 5122. MODIFICATION OF PROHIBITION OF CONFINE-**
20 **MENT OF MEMBERS OF THE ARMED FORCES**
21 **WITH ENEMY PRISONERS AND CERTAIN OTH-**
22 **ERS.**

23 Section 812 of title 10, United States Code (article
24 12 of the Uniform Code of Military Justice), is amended
25 to read as follows:

1 **“§ 812. Art. 12. Prohibition of confinement of mem-**
2 **bers of the armed forces with enemy pris-**
3 **oners and certain others**

4 “No member of the armed forces may be placed in
5 confinement in immediate association with—

6 “(1) enemy prisoners; or

7 “(2) other individuals—

8 “(A) who are detained under the law of
9 war and are foreign nationals; and

10 “(B) who are not members of the armed
11 forces.”.

12 **TITLE LIII—NON-JUDICIAL**
13 **PUNISHMENT**

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

14 **SEC. 5141. MODIFICATION OF CONFINEMENT AS NON-JUDI-**
15 **CIAL PUNISHMENT.**

16 Section 815 of title 10, United States Code (article
17 15 of the Uniform Code of Military Justice), is amended—

18 (1) in subsection (b)—

19 (A) in paragraph (2)(A), by striking “on
20 bread and water or diminished rations”; and

21 (B) in the undesignated matter after para-
22 graph (2), by striking “on bread and water or
23 diminished rations” in the sentence beginning
24 “No two or more”; and

1 (2) in subsection (d), by striking “on bread and
2 water or diminished rations” in paragraphs (2) and
3 (3).

4 **TITLE LIV—COURT-MARTIAL**
5 **JURISDICTION**

Sec. 5161. Courts-martial classified.

Sec. 5162. Jurisdiction of general courts-martial.

Sec. 5163. Jurisdiction of special courts-martial.

Sec. 5164. Summary court-martial as non-criminal forum.

6 **SEC. 5161. COURTS-MARTIAL CLASSIFIED.**

7 Section 816 of title 10, United States Code (article
8 16 of the Uniform Code of Military Justice), is amended
9 to read as follows:

10 **“§ 816. Art 16. Courts-martial classified**

11 “(a) IN GENERAL.—The three kinds of courts-mar-
12 tial in each of the armed forces are the following:

13 “(1) General courts-martial, as described in
14 subsection (b).

15 “(2) Special courts-martial, as described in sub-
16 section (c).

17 “(3) Summary courts-martial, as described in
18 subsection (d).

19 “(b) GENERAL COURTS-MARTIAL.—General courts-
20 martial are of the following three types:

21 “(1) A general court-martial consisting of a
22 military judge and eight members, subject to sec-

1 tions 825(d)(3) and 829 of this title (articles
2 25(d)(3) and 29).

3 “(2) In a capital case, a general court-martial
4 consisting of a military judge and the number of
5 members determined under section 825a of this title
6 (article 25a), subject to sections 825(d)(3) and 829
7 of this title (articles 25(d)(3) and 29).

8 “(3) A general court-martial consisting of a
9 military judge alone, if, before the court is assem-
10 bled, the accused, knowing the identity of the mili-
11 tary judge and after consultation with defense coun-
12 sel, requests, orally on the record or in writing, a
13 court composed of a military judge alone and the
14 military judge approves the request.

15 “(c) SPECIAL COURTS-MARTIAL.—Special courts-
16 martial are of the following two types:

17 “(1) A special court-martial consisting of a
18 military judge and four members, subject to sections
19 825(d)(3) and 829 of this title (articles 25(d)(3) and
20 29).

21 “(2) A special court-martial consisting of a
22 military judge alone—

23 “(A) if the case is so referred by the con-
24 vening authority, subject to section 819 of this

1 title (article 19) and such limitations as the
2 President may prescribe by regulation; or

3 “(B) if the case is referred under para-
4 graph (1) and, before the court is assembled,
5 the accused, knowing the identity of the mili-
6 tary judge and after consultation with defense
7 counsel, requests, orally on the record or in
8 writing, a court composed of a military judge
9 alone and the military judge approves the re-
10 quest.

11 “(d) SUMMARY COURT-MARTIAL.—A summary court-
12 martial consists of one commissioned officer.”.

13 **SEC. 5162. JURISDICTION OF GENERAL COURTS-MARTIAL.**

14 Section 818 of title 10, United States Code (article
15 18 of the Uniform Code of Military Justice), is amended—

16 (1) in subsection (b), by striking “section
17 816(1)(B) of this title (article 16(1)(B))” and in-
18 serting “section 816(b)(3) of this title (article
19 16(b)(3))”; and

20 (2) by striking subsection (c) and inserting the
21 following new subsection (c):

22 “(c) Consistent with sections 819 and 820 of this title
23 (articles 19 and 20), only general courts-martial have ju-
24 risdiction over the following offenses:

1 “(1) A violation of subsection (a) or (b) of sec-
2 tion 920 of this title (article 120).

3 “(2) A violation of subsection (a) or (b) of sec-
4 tion 920b of this title (article 120b).

5 “(3) An attempt to commit an offense specified
6 in paragraph (1) or (2) that is punishable under sec-
7 tion 880 of this title (article 80).”.

8 **SEC. 5163. JURISDICTION OF SPECIAL COURTS-MARTIAL.**

9 Section 819 of title 10, United States Code (article
10 19 of the Uniform Code of Military Justice), is amended—

11 (1) by striking “Subject to” in the first sen-
12 tence and inserting the following:

13 “(a) IN GENERAL.—Subject to”;

14 (2) by striking “A bad-conduct discharge” and
15 all that follows through the end; and

16 (3) by adding after subsection (a), as des-
17 ignated by paragraph (1), the following new sub-
18 sections:

19 “(b) ADDITIONAL LIMITATION.—Neither a bad-con-
20 duct discharge, nor confinement for more than six months,
21 nor forfeiture of pay for more than six months may be
22 adjudged if charges and specifications are referred to a
23 special court-martial consisting of a military judge alone
24 under section 816(c)(2)(A) of this title (article
25 16(c)(2)(A)).

1 **SEC. 5181. TECHNICAL AMENDMENT RELATING TO PER-**
2 **SONS AUTHORIZED TO CONVENE GENERAL**
3 **COURTS-MARTIAL.**

4 Section 822(a)(6) of title 10, United States Code (ar-
5 ticle 22(a)(6) of the Uniform Code of Military Justice),
6 is amended by striking “in chief”.

7 **SEC. 5182. WHO MAY SERVE ON COURTS-MARTIAL AND RE-**
8 **LATED MATTERS.**

9 (a) WHO MAY SERVE ON COURTS-MARTIAL.—Sub-
10 section (c) of section 825 of title 10, United States Code
11 (article 25 of the Uniform Code of Military Justice), is
12 amended to read as follows:

13 “(c)(1) Any enlisted member on active duty is eligible
14 to serve on a general or special court-martial for the trial
15 of any other enlisted member.

16 “(2) Before a court-martial with a military judge and
17 members is assembled for trial, an enlisted member who
18 is an accused may personally request, orally on the record
19 or in writing, that—

20 “(A) the membership of the court-martial be
21 comprised entirely of officers; or

22 “(B) enlisted members comprise at least one-
23 third of the membership of the court-martial, re-
24 gardless of whether enlisted members have been de-
25 tailed to the court-martial.

1 “(3) Except as provided in paragraph (4), after such
2 a request, the accused may not be tried by a general or
3 special court-martial if the membership of the court-mar-
4 tial is inconsistent with the request.

5 “(4) If, because of physical conditions or military ex-
6 igencies, a sufficient number of eligible officers or enlisted
7 members, as the case may be, is not available to carry
8 out paragraph (2), the trial may nevertheless be held. In
9 that event, the convening authority shall make a detailed
10 written statement of the reasons for nonavailability. The
11 statement shall be appended to the record.”.

12 (b) WHO MAY SENTENCE.—Such section (article) is
13 further amended—

14 (1) by redesignating subsections (d) and (e) as
15 subsections (e) and (f), respectively; and

16 (2) by inserting after subsection (c) the fol-
17 lowing new subsection (d):

18 “(d)(1) Except as provided in paragraph (2) for cap-
19 ital offenses, the accused in a court-martial with a military
20 judge and members may, after the findings are announced
21 and before any matter is presented in the sentencing
22 phase, request, orally on the record or in writing, sen-
23 tencing by members.

24 “(2) In a capital case, the accused shall be sentenced
25 by the members for all offenses for which the court-martial

1 may sentence the accused to death in accordance with sec-
2 tion 853(c) of this title (article 53(c)).

3 “(3) In a capital case, if the accused is convicted of
4 a non-capital offense, the accused shall be sentenced for
5 such non-capital offense in accordance with section 853(b)
6 of this title (article 53(b)), regardless of whether the ac-
7 cused is convicted of an offense for which the court-mar-
8 tial may sentence the accused to death.”.

9 (c) **DETAIL OF MEMBERS.**—Subsection (e) of such
10 section (article), as redesignated by subsection (b)(1) of
11 this section, is amended by adding at the end the following
12 new paragraph:

13 “(3) The convening authority shall detail not less
14 than the number of members necessary to impanel the
15 court-martial under section 829 of this title (article 29).”.

16 **SEC. 5183. NUMBER OF COURT-MARTIAL MEMBERS IN CAP-**
17 **ITAL CASES.**

18 Section 825a of title 10, United States Code (article
19 25a of the Uniform Code of Military Justice), is amended
20 to read as follows:

21 **“§ 825a. Art. 25a. Number of court-martial members**
22 **in capital cases**

23 “(a) **IN GENERAL.**—In a case in which the accused
24 may be sentenced to death, the number of members shall
25 be 12.

1 “(b) CASE NO LONGER CAPITAL.—Subject to section
2 829 of this title (article 29)—

3 “(1) if a case is referred for trial as a capital
4 case and, before the members are impaneled, the ac-
5 cused may no longer be sentenced to death, the
6 number of members shall be eight; and

7 “(2) if a case is referred for trial as a capital
8 case and, after the members are impaneled, the ac-
9 cused may no longer be sentenced to death, the
10 number of members shall remain 12.”.

11 **SEC. 5184. DETAILING, QUALIFICATIONS, AND OTHER MAT-**
12 **TERS RELATING TO MILITARY JUDGES.**

13 (a) DETAIL TO SPECIAL COURTS-MARTIAL.—Sub-
14 section (a) of section 826 of title 10, United States Code
15 (article 26 of the Uniform Code of Military Justice), is
16 amended—

17 (1) in the first sentence, by inserting after
18 “each general” the following: “and special”; and

19 (2) by striking the second sentence.

20 (b) QUALIFICATIONS.—Subsection (b) of such section
21 (article) is amended by striking “qualified for duty” and
22 inserting “qualified, by reason of education, training, ex-
23 perience, and judicial temperament, for duty”.

24 (c) DETAIL AND ASSIGNMENT.—Subsection (c) of
25 such section (article) is amended to read as follows:

1 “(c)(1) In accordance with regulations prescribed
2 under subsection (a), a military judge of a general or spe-
3 cial court-martial shall be designated for detail by the
4 Judge Advocate General of the armed force of which the
5 military judge is a member.

6 “(2) Neither the convening authority nor any member
7 of the staff of the convening authority shall prepare or
8 review any report concerning the effectiveness, fitness, or
9 efficiency of the military judge so detailed, which relates
10 to the military judge’s performance of duty as a military
11 judge.

12 “(3) A commissioned officer who is certified to be
13 qualified for duty as a military judge of a general court-
14 martial—

15 “(A) may perform such duties only when the of-
16 ficer is assigned and directly responsible to the
17 Judge Advocate General of the armed force of which
18 the military judge is a member; and

19 “(B) may perform duties of a judicial or non-
20 judicial nature other than those relating to the offi-
21 cer’s primary duty as a military judge of a general
22 court-martial when such duties are assigned to the
23 officer by or with the approval of that Judge Advo-
24 cate General.

1 “(4) In accordance with regulations prescribed by the
2 President, assignments of military judges under this sec-
3 tion (article) shall be for appropriate minimum periods,
4 subject to such exceptions as may be authorized in the
5 regulations.”.

6 (d) **DETAIL TO A DIFFERENT ARMED FORCE.**—Such
7 section (article) is further amended by adding at the end
8 the following new subsection:

9 “(f) A military judge may be detailed under sub-
10 section (a) to a court-martial or a proceeding under sec-
11 tion 830a of this title (article 30a) that is convened in
12 a different armed force, when so permitted by the Judge
13 Advocate General of the armed force of which the military
14 judge is a member.”.

15 (e) **CHIEF TRIAL JUDGES.**—Such section (article), as
16 amended by subsection (d), is further amended by adding
17 at the end the following new subsection:

18 “(g) In accordance with regulations prescribed by the
19 President, each Judge Advocate General shall designate
20 a chief trial judge from among the members of the applica-
21 ble trial judiciary.”.

22 **SEC. 5185. MILITARY MAGISTRATES.**

23 Subchapter V of chapter 47 of title 10, United States
24 Code, is amended by inserting after section 826 (article

1 26 of the Uniform Code of Military Justice) the following
2 new section (article):

3 **“§ 826a. Art. 26a. Military magistrates**

4 “(a) QUALIFICATIONS.—A military magistrate shall
5 be a commissioned officer of the armed forces who—

6 “(1) is a member of the bar of a Federal court
7 or a member of the bar of the highest court of a
8 State; and

9 “(2) is certified to be qualified, by reason of
10 education, training, experience, and judicial tem-
11 perament, for duty as a military magistrate by the
12 Judge Advocate General of the armed force of which
13 the officer is a member.

14 “(b) DUTIES.—In accordance with regulations pre-
15 scribed by the Secretary concerned, in addition to duties
16 when designated under section 819 or 830a of this title
17 (article 19 or 30a), a military magistrate may be assigned
18 to perform other duties of a nonjudicial nature.”.

19 **SEC. 5186. QUALIFICATIONS OF TRIAL COUNSEL AND DE-**
20 **FENSE COUNSEL.**

21 Section 827 of title 10, United States Code (article
22 27 of the Uniform Code of Military Justice), is amended—

23 (1) in the first sentence of paragraph (2) of
24 subsection (a), by striking “No person” and all that
25 follows through “trial counsel,” the first place it ap-

1 pears and inserting “No person who, with respect to
2 a case, has served as a preliminary hearing officer,
3 court member, military judge, military magistrate,
4 or appellate judge, may later serve as trial counsel,”;

5 (2) in the first sentence of subsection (b), by
6 striking “Trial counsel or defense counsel” and in-
7 serting “Trial counsel, defense counsel, or assistant
8 defense counsel”; and

9 (3) by striking subsection (c) and inserting the
10 following new subsections:

11 “(c)(1) Defense counsel and assistant defense counsel
12 detailed for a special court-martial shall have the quali-
13 fications set forth in subsection (b).

14 “(2) Trial counsel and assistant trial counsel detailed
15 for a special court-martial and assistant trial counsel de-
16 tailed for a general court-martial must be determined to
17 be competent to perform such duties by the Judge Advo-
18 cate General, under such rules as the President may pre-
19 scribe.

20 “(d) To the greatest extent practicable, in any capital
21 case, at least one defense counsel shall, as determined by
22 the Judge Advocate General, be learned in the law applica-
23 ble to such cases. If necessary, this counsel may be a civil-
24 ian and, if so, may be compensated in accordance with
25 regulations prescribed by the Secretary of Defense.”.

1 **SEC. 5187. ASSEMBLY AND IMPANELING OF MEMBERS AND**
2 **RELATED MATTERS.**

3 Section 829 of title 10, United States Code (article
4 29 of the Uniform Code of Military Justice), is amended
5 to read as follows:

6 **“§ 829. Art 29. Assembly and impaneling of members;**
7 **detail of new members and military**
8 **judges**

9 “(a) ASSEMBLY.—The military judge shall announce
10 the assembly of a general or special court-martial with
11 members. After such a court-martial is assembled, no
12 member may be absent, unless the member is excused—

13 “(1) as a result of a challenge;

14 “(2) under subsection (b)(1)(B); or

15 “(3) by order of the military judge or the con-
16 vening authority for disability or other good cause.

17 “(b) IMPANELING.—(1) Under rules prescribed by
18 the President, the military judge of a general or special
19 court-martial with members shall—

20 “(A) after determination of challenges, impanel
21 the court-martial; and

22 “(B) excuse the members who, having been as-
23 sembled, are not impaneled.

24 “(2) In a general court-martial, the military judge
25 shall impanel—

26 “(A) 12 members in a capital case; and

1 “(B) eight members in a noncapital case.

2 “(3) In a special court-martial, the military judge
3 shall impanel four members.

4 “(c) ALTERNATE MEMBERS.—In addition to mem-
5 bers under subsection (b), the military judge shall impanel
6 alternate members, if the convening authority authorizes
7 alternate members.

8 “(d) DETAIL OF NEW MEMBERS.—(1) If, after mem-
9 bers are impaneled, the membership of the court-martial
10 is reduced to—

11 “(A) fewer than 12 members with respect to a
12 general court-martial in a capital case;

13 “(B) fewer than six members with respect to a
14 general court-martial in a noncapital case; or

15 “(C) fewer than four members with respect to
16 a special court-martial;

17 the trial may not proceed unless the convening authority
18 details new members and, from among the members so
19 detailed, the military judge impanels new members suffi-
20 cient in number to provide the membership specified in
21 paragraph (2).

22 “(2) The membership referred to in paragraph (1)
23 is as follows:

24 “(A) 12 members with respect to a general
25 court-martial in a capital case.

Sec. 5205. Advice to convening authority before referral for trial.

Sec. 5206. Service of charges and commencement of trial.

1 **SEC. 5201. CHARGES AND SPECIFICATIONS.**

2 Section 830 of title 10, United States Code (article
3 30 of the Uniform Code of Military Justice), is amended
4 to read as follows:

5 **“§ 830. Art 30. Charges and specifications**

6 “(a) IN GENERAL.—Charges and specifications—

7 “(1) may be preferred only by a person subject
8 to this chapter; and

9 “(2) shall be preferred by presentment in writ-
10 ing, signed under oath before a commissioned officer
11 of the armed forces who is authorized to administer
12 oaths.

13 “(b) REQUIRED CONTENT.—The writing under sub-
14 section (a) shall state that—

15 “(1) the signer has personal knowledge of, or
16 has investigated, the matters set forth in the charges
17 and specifications; and

18 “(2) the matters set forth in the charges and
19 specifications are true, to the best of the knowledge
20 and belief of the signer.

21 “(c) DUTY OF PROPER AUTHORITY.—When charges
22 and specifications are preferred under subsection (a), the
23 proper authority shall, as soon as practicable—

1 “(1) inform the person accused of the charges
2 and specifications; and

3 “(2) determine what disposition should be made
4 of the charges and specifications in the interest of
5 justice and discipline.”.

6 **SEC. 5202. CERTAIN PROCEEDINGS CONDUCTED BEFORE**
7 **REFERRAL.**

8 Subchapter VI of chapter 47 of title 10, United
9 States Code, is amended by inserting after section 830
10 (article 30 of the Uniform Code of Military Justice) the
11 following new section (article):

12 **“§ 830a. Art. 30a. Certain proceedings conducted be-**
13 **fore referral**

14 “(a) IN GENERAL.—(1) Proceedings may be con-
15 ducted to review the following matters before referral of
16 charges and specifications to court-martial for trial in ac-
17 cordance with regulations prescribed by the President:

18 “(A) Pre-referral investigative subpoenas.

19 “(B) Pre-referral warrants or orders for elec-
20 tronic communications.

21 “(C) Pre-referral matters referred by an appel-
22 late court.

23 “(2) The regulations prescribed under paragraph (1)
24 shall—

1 “(A) include procedures for the review of such
2 rulings that may be ordered under this section as
3 the President considers appropriate; and

4 “(B) provide such limitations on the relief that
5 may be ordered under this section as the President
6 considers appropriate.

7 “(3) If any matter in a proceeding under this section
8 becomes a subject at issue with respect to charges that
9 have been referred to a general or special court-martial,
10 the matter shall be transferred to the military judge de-
11 tailed to the court-martial.

12 “(b) **DETAIL OF MILITARY JUDGE.**—The Secretary
13 concerned shall prescribe regulations providing for the
14 manner in which military judges are detailed to pro-
15 ceedings under subsection (a)(1).

16 “(c) **DISCRETION TO DESIGNATE MAGISTRATE TO**
17 **PRESIDE.**—In accordance with regulations prescribed by
18 the Secretary concerned, a military judge detailed to a
19 proceeding under subsection (a)(1), other than a pro-
20 ceeding described in subparagraph (B) of that subsection,
21 may designate a military magistrate to preside over the
22 proceeding.”.

1 **SEC. 5203. PRELIMINARY HEARING REQUIRED BEFORE RE-**
2 **FERRAL TO GENERAL COURT-MARTIAL.**

3 (a) IN GENERAL.—Section 832 of title 10, United
4 States Code (article 32 of the Uniform Code of Military
5 Justice), is amended by striking the section heading and
6 subsections (a), (b), and (c) and inserting the following:

7 **“§ 832. Art. 32. Preliminary hearing required before**
8 **referral to general court-martial**

9 “(a) IN GENERAL.—(1)(A) Except as provided in
10 subparagraph (B), a preliminary hearing shall be held be-
11 fore referral of charges and specifications for trial by gen-
12 eral court-martial. The preliminary hearing shall be con-
13 ducted by an impartial hearing officer, detailed by the con-
14 vening authority in accordance with subsection (b).

15 “(B) Under regulations prescribed by the President,
16 a preliminary hearing need not be held if the accused sub-
17 mits a written waiver to the convening authority and the
18 convening authority determines that a hearing is not re-
19 quired.

20 “(2) The purpose of the preliminary hearing shall be
21 limited to determining the following:

22 “(A) Whether or not the specification alleges an
23 offense under this chapter.

24 “(B) Whether or not there is probable cause to
25 believe that the accused committed the offense
26 charged.

1 “(C) Whether or not the convening authority
2 has court-martial jurisdiction over the accused and
3 over the offense.

4 “(D) A recommendation as to the disposition
5 that should be made of the case.

6 “(b) HEARING OFFICER.—(1) A preliminary hearing
7 under this section shall be conducted by an impartial hear-
8 ing officer, who—

9 “(A) whenever practicable, shall be a judge ad-
10 vocate who is certified under section 827(b)(2) of
11 this title (article 27(b)(2)); or

12 “(B) when it is not practicable to appoint a
13 judge advocate because of exceptional circumstances,
14 is not a judge advocate so certified.

15 “(2) In the case of a hearing officer under paragraph
16 (1)(B), a judge advocate who is certified under section
17 827(b)(2) of this title (article 27(b)(2)) shall be available
18 to provide legal advice to the hearing officer.

19 “(3) Whenever practicable, the hearing officer shall
20 be equal in grade or senior in grade to military counsel
21 who are detailed to represent the accused or the Govern-
22 ment at the preliminary hearing.

23 “(c) REPORT TO CONVENING AUTHORITY.—After a
24 preliminary hearing under this section, the hearing officer
25 shall submit to the convening authority a written report

1 (accompanied by a recording of the preliminary hearing
2 under subsection (e)) that includes the following:

3 “(1) For each specification, a statement of the
4 reasoning and conclusions of the hearing officer with
5 respect to determinations under subsection (a)(2),
6 including a summary of relevant witness testimony
7 and documentary evidence presented at the hearing
8 and any observations of the hearing officer con-
9 cerning the testimony of witnesses and the avail-
10 ability and admissibility of evidence at trial.

11 “(2) Recommendations for any necessary modi-
12 fications to the form of the charges or specifications.

13 “(3) An analysis of any additional information
14 submitted after the hearing by the parties or by a
15 victim of an offense, that, under such rules as the
16 President may prescribe, is relevant to disposition
17 under sections 830 and 834 of this title (articles 30
18 and 34).

19 “(4) A statement of action taken on evidence
20 adduced with respect to uncharged offenses, as de-
21 scribed in subsection (f).”.

22 (b) SUNDRY AMENDMENTS.—Subsection (d) of such
23 section (article) is amended—

1 (1) in paragraph (1), by striking “subsection
2 (a)” in the first sentence and inserting “this sec-
3 tion”;

4 (2) in paragraph (2), by striking “in defense”
5 and all that follows through the end and inserting
6 “that is relevant to the issues for determination
7 under subsection (a)(2).”;

8 (3) in paragraph (3), by adding at the end the
9 following new sentence: “A declination under this
10 paragraph shall not serve as the sole basis for order-
11 ing a deposition under section 849 of this title (arti-
12 cle 49).”; and

13 (4) in paragraph (4), by striking “the limited
14 purposes of the hearing, as provided in subsection
15 (a)(2)” and inserting “determinations under sub-
16 section (a)(2)”.

17 (c) REFERENCE TO MCM.—Subsection (e) of such
18 section (article) is amended by striking “as prescribed by
19 the Manual for Courts-Martial” in the second sentence
20 and inserting “under such rules as the President may pre-
21 scribe”.

22 (d) EFFECT OF VIOLATION.—Subsection (g) of such
23 section (article) is amended by adding at the end the fol-
24 lowing new sentence: “A defect in a report under sub-

1 section (c) is not a basis for relief if the report is in sub-
2 stantial compliance with that subsection.”.

3 (e) CONFORMING AMENDMENTS.—The following pro-
4 visions are each amended by striking “investigating offi-
5 cer” and inserting “preliminary hearing officer”:

6 (1) Section 806b(a)(3) of title 10, United
7 States Code (article 6b(a)(3) of the Uniform Code of
8 Military Justice).

9 (2) Section 825(d)(2) of such title (article
10 25(d)(2) of the Uniform Code of Military Justice).

11 (3) Section 826(d) of such title (article 26(d) of
12 the Uniform Code of Military Justice).

13 **SEC. 5204. DISPOSITION GUIDANCE.**

14 Section 833 of title 10, United States Code (article
15 33 of the Uniform Code of Military Justice), is amended
16 to read as follows:

17 **“§ 833. Art 33. Disposition guidance**

18 “The President shall direct the Secretary of Defense
19 to issue, in consultation with the Secretary of the depart-
20 ment in which the Coast Guard is operating when it is
21 not operating as a service in the Navy, non-binding guid-
22 ance regarding factors that commanders, convening au-
23 thorities, staff judge advocates, and judge advocates
24 should take into account when exercising their duties with
25 respect to disposition of charges and specifications in the

1 interest of justice and discipline under sections 830 and
2 834 of this title (articles 30 and 34). Such guidance shall
3 take into account, with appropriate consideration of mili-
4 tary requirements, the principles contained in official
5 guidance of the Attorney General to attorneys for the Gov-
6 ernment with respect to disposition of Federal criminal
7 cases in accordance with the principle of fair and even-
8 handed administration of Federal criminal law.”.

9 **SEC. 5205. ADVICE TO CONVENING AUTHORITY BEFORE RE-**
10 **FERRAL FOR TRIAL.**

11 Section 834 of title 10, United States Code (article
12 34 of the Uniform Code of Military Justice), is amended
13 to read as follows:

14 **“§ 834. Art. 34. Advice to convening authority before**
15 **referral for trial**

16 **“(a) GENERAL COURT-MARTIAL.—**

17 **“(1) STAFF JUDGE ADVOCATE ADVICE RE-**
18 **QUIRED BEFORE REFERRAL.—**Before referral of
19 charges and specifications to a general court-martial
20 for trial, the convening authority shall submit the
21 matter to the staff judge advocate for advice, which
22 the staff judge advocate shall provide to the con-
23 vening authority in writing. The convening authority
24 may not refer a specification under a charge to a

1 general court-martial unless the staff judge advocate
2 advises the convening authority in writing that—

3 “(A) the specification alleges an offense
4 under this chapter;

5 “(B) there is probable cause to believe that
6 the accused committed the offense charged; and

7 “(C) a court-martial would have jurisdic-
8 tion over the accused and the offense.

9 “(2) STAFF JUDGE ADVOCATE RECOMMENDA-
10 TION AS TO DISPOSITION.—Together with the writ-
11 ten advice provided under paragraph (1), the staff
12 judge advocate shall provide a written recommenda-
13 tion to the convening authority as to the disposition
14 that should be made of the specification in the inter-
15 est of justice and discipline.

16 “(3) STAFF JUDGE ADVOCATE ADVICE AND
17 RECOMMENDATION TO ACCOMPANY REFERRAL.—
18 When a convening authority makes a referral for
19 trial by general court-martial, the written advice of
20 the staff judge advocate under paragraph (1) and
21 the written recommendation of the staff judge advo-
22 cate under paragraph (2) with respect to each speci-
23 fication shall accompany the referral.

24 “(b) SPECIAL COURT-MARTIAL; CONVENING AU-
25 THORITY CONSULTATION WITH JUDGE ADVOCATE.—Be-

1 fore referral of charges and specifications to a special
2 court-martial for trial, the convening authority shall con-
3 sult a judge advocate on relevant legal issues.

4 “(c) GENERAL AND SPECIAL COURTS-MARTIAL; COR-
5 RECTION OF CHARGES AND SPECIFICATIONS BEFORE RE-
6 FERRAL.—Before referral for trial by general court-mar-
7 tial or special court-martial, changes may be made to
8 charges and specifications—

9 “(1) to correct errors in form; and

10 “(2) when applicable, to conform to the sub-
11 stance of the evidence contained in a report under
12 section 832(c) of this title (article 32(c)).

13 “(d) REFERRAL DEFINED.—In this section, the term
14 ‘referral’ means the order of a convening authority that
15 charges and specifications against an accused be tried by
16 a specified court-martial.”.

17 **SEC. 5206. SERVICE OF CHARGES AND COMMENCEMENT OF**
18 **TRIAL.**

19 Section 835 of title 10, United States Code (article
20 35 of the Uniform Code of Military Justice), is amended
21 to read as follows:

22 **“§ 835. Art. 35. Service of charges; commencement of**
23 **trial**

24 “(a) IN GENERAL.—Trial counsel detailed for a
25 court-martial under section 827 of this title (article 27)

1 shall cause to be served upon the accused a copy of the
2 charges and specifications referred for trial.

3 “(b) COMMENCEMENT OF TRIAL.—(1) Subject to
4 paragraphs (2) and (3), no trial or other proceeding of
5 a general court-martial or a special court-martial (includ-
6 ing any session under section 839(a) of this title (article
7 39(a)) may be held over the objection of the accused—

8 “(A) with respect to a general court-martial,
9 from the time of service through the fifth day after
10 the date of service; or

11 “(B) with respect to a special court-martial,
12 from the time of service through the third day after
13 the date of service.

14 “(2) An objection under paragraph (1) may be raised
15 only at the first session of the trial or other proceeding
16 and only if the first session occurs before the end of the
17 applicable period under paragraph (1)(A) or (1)(B). If the
18 first session occurs before the end of the applicable period,
19 the military judge shall, at that session, inquire as to
20 whether the defense objects under this subsection.

21 “(3) This subsection shall not apply in time of war.”.

22 **TITLE LVII—TRIAL PROCEDURE**

Sec. 5221. Duties of assistant defense counsel.

Sec. 5222. Sessions.

Sec. 5223. Technical amendment relating to continuances.

Sec. 5224. Conforming amendments relating to challenges.

Sec. 5225. Statute of limitations.

Sec. 5226. Former jeopardy.

Sec. 5227. Pleas of the accused.

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

1 SEC. 5221. DUTIES OF ASSISTANT DEFENSE COUNSEL.

2 Section 838(e) of title 10, United States Code (article
3 38(e) of the Uniform Code of Military Justice), is amend-
4 ed by striking “, under the direction” and all that follows
5 through “(article 27),”.

6 SEC. 5222. SESSIONS.

7 Section 839 of title 10, United States Code (article
8 39 of the Uniform Code of Military Justice), is amended—

9 (1) in subsection (a)—

10 (A) in paragraph (3)—

11 (i) by striking “if permitted by regula-
12 tions of the Secretary concerned,”; and

13 (ii) by striking “and” at the end;

14 (B) by redesignating paragraph (4) as
15 paragraph (5); and

16 (C) by inserting after paragraph (3) the
17 following new paragraph (4):

18 “(4) conducting a sentencing proceeding and
19 sentencing the accused in non-capital cases unless

1 the accused requests sentencing by members under
2 section 825 of this title (article 25); and”;

3 (2) in the second sentence of subsection (c), by
4 striking “, in cases in which a military judge has
5 been detailed to the court,”.

6 **SEC. 5223. TECHNICAL AMENDMENT RELATING TO CON-**
7 **TINUANCES.**

8 Section 840 of title 10, United States Code (article
9 40 of the Uniform Code of Military Justice), is amended
10 by striking “court-martial without a military judge” and
11 inserting “summary court-martial”.

12 **SEC. 5224. CONFORMING AMENDMENTS RELATING TO**
13 **CHALLENGES.**

14 Section 841 of title 10, United States Code (article
15 41 of the Uniform Code of Military Justice), is amended—

16 (1) in subsection (a)(1), by striking “, or, if
17 none, the court,” in the second sentence;

18 (2) in subsection (a)(2), by striking “minimum”
19 in the first sentence; and

20 (3) in subsection (b)(2), by striking “min-
21 imum”.

22 **SEC. 5225. STATUTE OF LIMITATIONS.**

23 (a) INCREASE IN PERIOD FOR CHILD ABUSE OF-
24 FENSES.—Subsection (b)(2)(A) of section 843 of title 10,
25 United States Code (article 43 of the Uniform Code of

1 Military Justice), is amended by striking “five years” and
2 inserting “ten years”.

3 (b) INCREASE IN PERIOD FOR FRAUDULENT ENLIST-
4 MENT OR APPOINTMENT OFFENSES.—Such section (arti-
5 cle) is further amended by adding at the end the following
6 new subsection:

7 “(h) FRAUDULENT ENLISTMENT OR APPOINT-
8 MENT.—A person charged with fraudulent enlistment or
9 fraudulent appointment under section 904a(1) of this title
10 (article 104a(1)) may be tried by court-martial if the
11 sworn charges and specifications are received by an officer
12 exercising summary court-martial jurisdiction with respect
13 to that person, as follows:

14 “(1) In the case of an enlisted member, during
15 the period of the enlistment or five years, whichever
16 provides a longer period.

17 “(2) In the case of an officer, during the period
18 of the appointment or five years, whichever provides
19 a longer period.”.

20 (c) DNA EVIDENCE.—Such section (article), as
21 amended by subsection (b) of this section, is further
22 amended by adding at the end the following new sub-
23 section:

24 “(i) DNA EVIDENCE.—If DNA testing implicates an
25 identified person in the commission of an offense punish-

1 able by confinement for more than one year, no statute
2 of limitations that would otherwise preclude prosecution
3 of the offense shall preclude such prosecution until a pe-
4 riod of time following the implication of the person by
5 DNA testing has elapsed that is equal to the otherwise
6 applicable limitation period.”.

7 (d) CONFORMING AMENDMENTS.—Subsection
8 (b)(2)(B) of such section (article) is amended by striking
9 clauses (i) through (v) and inserting the following new
10 clauses:

11 “(i) Any offense in violation of section 920,
12 920a, 920b, 920c, or 930 of this title (article 120,
13 120a, 120b, 120c, or 130), unless the offense is cov-
14 ered by subsection (a).

15 “(ii) Maiming in violation of section 928a of
16 this title (article 128a).

17 “(iii) Aggravated assault, assault consummated
18 by a battery, or assault with intent to commit speci-
19 fied offenses in violation of section 928 of this title
20 (article 128).

21 “(iv) Kidnapping in violation of section 925 of
22 this title (article 125).”.

23 (e) SUBSECTION HEADING AMENDMENTS FOR STY-
24 LISTIC CONSISTENCY.—Such section (article) is further
25 amended—

1 (1) in subsection (a), by inserting “NO LIMITA-
2 TION FOR CERTAIN OFFENSES.—” after “(a)”;

3 (2) in subsection (b), by inserting “FIVE-YEAR
4 LIMITATION FOR TRIAL BY COURT-MARTIAL.—”
5 after “(b)”;

6 (3) in subsection (c), by inserting “TOLLING
7 FOR ABSENCE WITHOUT LEAVE OR FLIGHT FROM
8 JUSTICE.—” after “(c)”;

9 (4) in subsection (d), by inserting “TOLLING
10 FOR ABSENCE FROM US OR MILITARY JURISDIC-
11 TION.—” after “(d)”;

12 (5) in subsection (e), by inserting “EXTENSION
13 FOR OFFENSES IN TIME OF WAR DETRIMENTAL TO
14 PROSECUTION OF WAR.—” after “(e)”;

15 (6) in subsection (f), by inserting “EXTENSION
16 FOR OTHER OFFENSES IN TIME OF WAR.—” after
17 “(f)”;

18 (7) in subsection (g), by inserting “DEFECTIVE
19 OR INSUFFICIENT CHARGES.—” after “(g)”.

20 (f) APPLICATION.—The amendments made by sub-
21 sections (a), (b), (c), and (d) shall apply to the prosecution
22 of any offense committed before, on, or after the date of
23 the enactment of this subsection if the applicable limita-
24 tion period has not yet expired.

1 **SEC. 5226. FORMER JEOPARDY.**

2 Subsection (c) of section 844 of title 10, United
3 States Code (article 44 of the Uniform Code of Military
4 Justice), is amended to read as follows:

5 “(c)(1) A court-martial with a military judge alone
6 is a trial in the sense of this section (article) if, without
7 fault of the accused—

8 “(A) after introduction of evidence; and

9 “(B) before announcement of findings under
10 section 853 of this title (article 53);

11 the case is dismissed or terminated by the convening au-
12 thority or on motion of the prosecution for failure of avail-
13 able evidence or witnesses.

14 “(2) A court-martial with a military judge and mem-
15 bers is a trial in the sense of this section (article) if, with-
16 out fault of the accused—

17 “(A) after the members, having taken an oath
18 as members under section 842 of this title (article
19 42) and after completion of challenges under section
20 841 of this title (article 41), are impaneled; and

21 “(B) before announcement of findings under
22 section 853 of this title (article 53);

23 the case is dismissed or terminated by the convening au-
24 thority or on motion of the prosecution for failure of avail-
25 able evidence or witnesses.”.

1 **SEC. 5227. PLEAS OF THE ACCUSED.**

2 (a) PLEAS OF GUILTY.—Subsection (b) of section
3 845 of title 10, United States Code (article 45 of the Uni-
4 form Code of Military Justice), is amended—

5 (1) in the first sentence, by striking “may be
6 adjudged” and inserting “is mandatory”; and

7 (2) in the second sentence—

8 (A) by striking “or by a court-martial
9 without a military judge”; and

10 (B) by striking “, if permitted by regula-
11 tions of the Secretary concerned,”.

12 (b) HARMLESS ERROR.—Such section (article) is fur-
13 ther amended by adding at the end the following new sub-
14 section:

15 “(c) HARMLESS ERROR.—A variance from the re-
16 quirements of this article is harmless error if the variance
17 does not materially prejudice the substantial rights of the
18 accused.”.

19 (c) SUBSECTION HEADING AMENDMENTS FOR STY-
20 LISTIC CONSISTENCY.—Such section (article) is further
21 amended—

22 (1) in subsection (a), by inserting “IRREGULAR
23 AND SIMILAR PLEAS.—” after “(a)”; and

24 (2) in subsection (b), by inserting “PLEAS OF
25 GUILTY.—” after “(b)”.

1 **SEC. 5228. SUBPOENA AND OTHER PROCESS.**

2 (a) AMENDMENTS TO UCMJ ARTICLE.—

3 (1) IN GENERAL.—Subsection (a) of section
4 846 of title 10, United States Code (article 46 of the
5 Uniform Code of Military Justice), is amended by
6 striking “The counsel for the Government, the coun-
7 sel for the accused,” and inserting “In a case re-
8 ferred for trial by court-martial, the trial counsel,
9 the defense counsel,”.

10 (2) SUBPOENA AND OTHER PROCESS GEN-
11 ERALLY.—Subsection (b) of such section (article) is
12 amended to read as follows:

13 “(b) SUBPOENA AND OTHER PROCESS GEN-
14 ERALLY.—Any subpoena or other process issued under
15 this section (article)—

16 “(1) shall be similar to that which courts of the
17 United States having criminal jurisdiction may
18 issue;

19 “(2) shall be executed in accordance with regu-
20 lations prescribed by the President; and

21 “(3) shall run to any part of the United States
22 and to the Commonwealths and possessions of the
23 United States.”.

24 (3) SUBPOENA AND OTHER PROCESS FOR WIT-
25 NESSES.—Subsection (c) of such section (article) is
26 amended to read as follows:

1 “(c) SUBPOENA AND OTHER PROCESS FOR WIT-
2 NESSES.—A subpoena or other process may be issued to
3 compel a witness to appear and testify—

4 “(1) before a court-martial, military commis-
5 sion, or court of inquiry;

6 “(2) at a deposition under section 849 of this
7 title (article 49); or

8 “(3) as otherwise authorized under this chap-
9 ter.”.

10 (4) OTHER MATTERS.—Such section (article) is
11 further amended by adding at the end the following
12 new subsections:

13 “(d) SUBPOENA AND OTHER PROCESS FOR EVI-
14 DENCE.—

15 “(1) IN GENERAL.—A subpoena or other proc-
16 ess may be issued to compel the production of evi-
17 dence—

18 “(A) for a court-martial, military commis-
19 sion, or court of inquiry;

20 “(B) for a deposition under section 849 of
21 this title (article 49);

22 “(C) for an investigation of an offense
23 under this chapter; or

24 “(D) as otherwise authorized under this
25 chapter.

1 “(2) INVESTIGATIVE SUBPOENA.—An investiga-
2 tive subpoena under paragraph (1)(C) may be issued
3 before referral of charges to a court-martial only if
4 a general court-martial convening authority has au-
5 thorized counsel for the Government to issue such a
6 subpoena or a military judge issues such a subpoena
7 pursuant to section 830a of this title (article 30a).

8 “(3) WARRANT OR ORDER FOR WIRE OR ELEC-
9 TRONIC COMMUNICATIONS.—With respect to an in-
10 vestigation of an offense under this chapter, a mili-
11 tary judge detailed in accordance with section 826 or
12 830a of this title (article 26 or 30a) may issue war-
13 rants or court orders for the contents of, and
14 records concerning, wire or electronic communica-
15 tions in the same manner as such warrants and or-
16 ders may be issued by a district court of the United
17 States under chapter 121 of title 18, subject to such
18 limitations as the President may prescribe by regula-
19 tion.

20 “(e) REQUEST FOR RELIEF FROM SUBPOENA OR
21 OTHER PROCESS.—If a person requests relief from a sub-
22 poena or other process under this section (article) on
23 grounds that compliance is unreasonable or oppressive or
24 is prohibited by law, a military judge detailed in accord-

1 ance with section 826 or 830a of this title (article 26 or
2 30a) shall review the request and shall—

3 “(1) order that the subpoena or other process
4 be modified or withdrawn, as appropriate; or

5 “(2) order the person to comply with the sub-
6 poena or other process.”.

7 (5) SECTION HEADING.—The heading of such
8 section (article) is amended to read as follows:

9 **“§ 846. Art. 46. Opportunity to obtain witnesses and
10 other evidence in trials by court-martial”.**

11 (b) CONFORMING AMENDMENTS TO TITLE 18,
12 UNITED STATES CODE.—

13 (1) Section 2703 of title 18, United States
14 Code, is amended—

15 (A) in the first sentence of subsection (a);

16 (B) in subsection (b)(1)(A); and

17 (C) in subsection (c)(1)(A);

18 by inserting after “warrant procedures” the fol-
19 lowing: “and, in the case of a court-martial or other
20 proceeding under chapter 47 of title 10 (the Uni-
21 form Code of Military Justice), issued under section
22 846 of that title, in accordance with regulations pre-
23 scribed by the President”.

24 (2) Section 2711(3) of title 18, United States
25 Code, is amended—

1 (A) in subparagraph (A), by striking “or”
2 at the end;

3 (B) in subparagraph (B), by striking
4 “and” at the end and inserting “or”; and

5 (C) by adding at the end the following new
6 subparagraph:

7 “(C) a court-martial or other proceeding
8 under chapter 47 of title 10 (the Uniform Code
9 of Military Justice) to which a military judge
10 has been detailed; and”.

11 **SEC. 5229. REFUSAL OF PERSON NOT SUBJECT TO UCMJ TO**
12 **APPEAR, TESTIFY, OR PRODUCE EVIDENCE.**

13 (a) IN GENERAL.—Subsection (a) of section 847 of
14 title 10, United States Code (article 47 of the Uniform
15 Code of Military Justice), is amended to read as follows:

16 “(a) IN GENERAL.—(1) Any person described in
17 paragraph (2) who—

18 “(A) willfully neglects or refuses to appear; or

19 “(B) willfully refuses to qualify as a witness or
20 to testify or to produce any evidence which that per-
21 son is required to produce;

22 is guilty of an offense against the United States.

23 “(2) The persons referred to in paragraph (1) are
24 the following:

1 “(A) Any person not subject to this chapter
2 who—

3 “(i) is issued a subpoena or other process
4 described in subsection (c) of section 846 of
5 this title (article 46); and

6 “(ii) is provided a means for reimburse-
7 ment from the Government for fees and mileage
8 at the rates allowed to witnesses attending the
9 courts of the United States or, in the case of
10 extraordinary hardship, is advanced such fees
11 and mileage.

12 “(B) Any person not subject to this chapter
13 who is issued a subpoena or other process described
14 in subsection (d) of section 846 of this title (article
15 46).”.

16 (b) SECTION HEADING.—The heading of such section
17 (article) is amended to read as follows:

18 **“§ 847. Art. 47. Refusal of person not subject to chap-**
19 **ter to appear, testify, or produce evi-**
20 **dence”.**

21 **SEC. 5230. CONTEMPT.**

22 (a) AUTHORITY TO PUNISH.—Subsection (a) of sec-
23 tion 848 of title 10, United States Code (article 48 of the
24 Uniform Code of Military Justice), is amended to read as
25 follows:

1 “(a) AUTHORITY TO PUNISH.—(1) With respect to
2 any proceeding under this chapter, a judicial officer speci-
3 fied in paragraph (2) may punish for contempt any person
4 who—

5 “(A) uses any menacing word, sign, or gesture
6 in the presence of the judicial officer during the pro-
7 ceeding;

8 “(B) disturbs the proceeding by any riot or dis-
9 order; or

10 “(C) willfully disobeys a lawful writ, process,
11 order, rule, decree, or command issued with respect
12 to the proceeding.

13 “(2) A judicial officer referred to in paragraph (1)
14 is any of the following:

15 “(A) Any judge of the Court of Appeals for the
16 Armed Forces and any judge of a Court of Criminal
17 Appeals under section 866 of this title (article 66).

18 “(B) Any military judge detailed to a court-
19 martial, a provost court, a military commission, or
20 any other proceeding under this chapter.

21 “(C) Any military magistrate designated to pre-
22 side under section 819 of this title (article 19).

23 “(D) The president of a court of inquiry.”.

24 (b) REVIEW.—Such section (article) is further
25 amended—

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

3 (2) by inserting after subsection (b) the fol-
4 lowing new subsection (c):

5 “(c) REVIEW.—A punishment under this section—

6 “(1) if imposed by a military judge or military
7 magistrate, may be reviewed by the Court of Crimi-
8 nal Appeals in accordance with the uniform rules of
9 procedure for the Courts of Criminal Appeals under
10 section 866(g) of this title (article 66(g));

11 “(2) if imposed by a judge of the Court of Ap-
12 peals for the Armed Forces or a judge of a Court
13 of Criminal Appeals, shall constitute a judgment of
14 the court, subject to review under the applicable pro-
15 visions of section 867 or 867a of this title (article
16 67 or 67a); and

17 “(3) if imposed by a court of inquiry, shall be
18 subject to review by the convening authority in ac-
19 cordance with rules prescribed by the President.”.

20 (c) SECTION HEADING.—The heading of such section
21 (article) is amended to read as follows:

1 **“§ 848. Art. 48. Contempt”.**

2 **SEC. 5231. DEPOSITIONS.**

3 Section 849 of title 10, United States Code (article
4 49 of the Uniform Code of Military Justice), is amended
5 to read as follows:

6 **“§ 849. Art. 49. Depositions**

7 “(a) IN GENERAL.—(1) Subject to paragraph (2), a
8 convening authority or a military judge may order deposi-
9 tions at the request of any party.

10 “(2) A deposition may be ordered under paragraph
11 (1) only if the requesting party demonstrates that, due
12 to exceptional circumstances, it is in the interest of justice
13 that the testimony of a prospective witness be preserved
14 for use at a court-martial, military commission, court of
15 inquiry, or other military court or board.

16 “(3) A party who requests a deposition under this
17 section shall give to every other party reasonable written
18 notice of the time and place for the deposition.

19 “(4) A deposition under this section shall be taken
20 before, and authenticated by, an impartial officer, as fol-
21 lows:

22 “(A) Whenever practicable, by an impartial
23 judge advocate certified under section 827(b) of this
24 title (article 27(b)).

25 “(B) In exceptional circumstances, by an im-
26 partial military or civil officer authorized to admin-

1 Justice), is amended by adding at the end the following
2 new subsection:

3 “(d) AUDIOTAPE OR VIDEOTAPE.—Sworn testimony
4 that—

5 “(1) is recorded by audiotape, videotape, or
6 similar method; and

7 “(2) is contained in the duly authenticated
8 record of proceedings of a court of inquiry;
9 is admissible before a court-martial, military commission,
10 court of inquiry, or military board, to the same extent as
11 sworn testimony may be read in evidence before any such
12 body under subsection (a), (b), or (c).”.

13 (b) SECTION HEADING.—The heading of such section
14 (article) is amended to read as follows:

15 **“§ 850. Art. 50. Admissibility of sworn testimony from**
16 **records of courts of inquiry”.**

17 (c) SUBSECTION HEADING AMENDMENTS FOR STY-
18 LISTIC CONSISTENCY.—Such section (article) is further
19 amended—

20 (1) in subsection (a), by inserting “USE AS
21 EVIDENCE BY ANY PARTY.—” after “(a)”;

22 (2) in subsection (b), by inserting “USE AS
23 EVIDENCE BY DEFENSE.—” after “(b)”;

1 (3) in subsection (c), by inserting “USE IN
2 COURTS OF INQUIRY AND MILITARY BOARDS.—”
3 after “(c)”.

4 **SEC. 5233. CONFORMING AMENDMENT RELATING TO DE-**
5 **FENSE OF LACK OF MENTAL RESPONSI-**
6 **BILITY.**

7 Section 850a(c) of title 10, United States Code (arti-
8 cle 50a(c) of the Uniform Code of Military Justice), is
9 amended by striking “, or the president of a court-martial
10 without a military judge,”.

11 **SEC. 5234. VOTING AND RULINGS.**

12 Section 851 of title 10, United States Code (article
13 51 of the Uniform Code of Military Justice), is amended—

14 (1) in subsection (a), by striking “, and by
15 members of a court-martial without a military judge
16 upon questions of challenge,” in the first sentence;

17 (2) in subsection (b)—

18 (A) in the first sentence, by striking “and,
19 except for questions of challenge, the president
20 of a court-martial without a military judge”;
21 and

22 (B) in the second sentence, by striking “,
23 or by the president” and all that follows
24 through the end of the subsection and inserting
25 “is final and constitutes the ruling of the court,

1 “(1) IN GENERAL.—Except as provided in sub-
2 section (a) and in paragraph (2), all matters to be
3 decided by members of a general or special court-
4 martial shall be determined by a majority vote, but
5 a reconsideration of a finding of guilty or reconsider-
6 ation of a sentence, with a view toward decreasing
7 the sentence, may be made by any lesser vote which
8 indicates that the reconsideration is not opposed by
9 the number of votes required for that finding or sen-
10 tence.

11 “(2) SENTENCING.—A sentence of death re-
12 quires (A) a unanimous finding of guilty of an of-
13 fense in this chapter expressly made punishable by
14 death and (B) a unanimous determination by the
15 members that the sentence for that offense shall in-
16 clude death. All other sentences imposed by mem-
17 bers shall be determined by the concurrence of at
18 least three-fourths of the members present when the
19 vote is taken.”.

20 **SEC. 5236. FINDINGS AND SENTENCING.**

21 Section 853 of title 10, United States Code (article
22 53 of the Uniform Code of Military Justice), is amended
23 to read as follows:

1 **“§ 853. Art. 53. Findings and sentencing**

2 “(a) ANNOUNCEMENT.—A court-martial shall an-
3 nounce its findings and sentence to the parties as soon
4 as determined.

5 “(b) SENTENCING GENERALLY.—

6 “(1) GENERAL AND SPECIAL COURTS-MAR-
7 TIAL.—

8 “(A) SENTENCING BY MILITARY JUDGE.—

9 Except as provided in subparagraph (B), and in
10 subsection (c) for capital offenses, if the ac-
11 cused is convicted of an offense in a trial by
12 general or special court-martial, the military
13 judge shall sentence the accused.

14 “(B) SENTENCING BY MEMBERS.—If the
15 accused is convicted of an offense in a trial by
16 general or special court-martial consisting of a
17 military judge and members and the accused
18 elects sentencing by members under section 825
19 of this title (article 25), the members shall sen-
20 tence the accused.

21 “(C) SENTENCE OF THE ACCUSED.—The
22 sentence determined pursuant to this paragraph
23 constitutes the sentence of the accused.

24 “(2) SUMMARY COURTS-MARTIAL.—If the ac-
25 cused is convicted of an offense in a trial by sum-

1 mary court-martial, the court-martial shall sentence
2 the accused.

3 “(c) SENTENCING FOR CAPITAL OFFENSES.—

4 “(1) IN GENERAL.—In a capital case, if the ac-
5 cused is convicted of an offense for which the court-
6 martial may sentence the accused to death, the
7 members shall determine whether the sentence for
8 that offense shall be death or a lesser authorized
9 punishment.

10 “(2) LESSER AUTHORIZED PUNISHMENTS.—In
11 accordance with regulations prescribed by the Presi-
12 dent, the court-martial may include in any sentence
13 to death or life in prison without eligibility for parole
14 other lesser punishments authorized under this
15 chapter.

16 “(3) OTHER NON-CAPITAL OFFENSES.—In a
17 capital case, if the accused is convicted of a non-cap-
18 ital offense, the accused shall be sentenced for such
19 non-capital offense in accordance with subsection
20 (b), regardless of whether the accused is convicted of
21 an offense for which the court-martial may sentence
22 the accused to death.”.

23 **SEC. 5237. PLEA AGREEMENTS.**

24 Subchapter VII of chapter 47 of title 10, United
25 States Code, is amended by inserting after section 853

1 (article 53 of the Uniform Code of Military Justice), as
2 amended by section 5236 of this Act, the following new
3 section (article):

4 **“§ 853a. Art. 53a. Plea agreements**

5 “(a) IN GENERAL.—(1) At any time before the an-
6 nouncement of findings under section 853 of this title (ar-
7 ticle 53), the convening authority and the accused may
8 enter into a plea agreement with respect to such matters
9 as—

10 “(A) the manner in which the convening au-
11 thority will dispose of one or more charges and spec-
12 ifications; and

13 “(B) limitations on the sentence that may be
14 adjudged for one or more charges and specifications.

15 “(2) The military judge of a general or special court-
16 martial may not participate in discussions between the
17 parties concerning prospective terms and conditions of a
18 plea agreement.

19 “(b) LIMITATION ON ACCEPTANCE OF PLEA AGREE-
20 MENTS.—The military judge of a general or special court-
21 martial shall reject a plea agreement that—

22 “(1) contains a provision that has not been ac-
23 cepted by both parties;

24 “(2) contains a provision that is not understood
25 by the accused; or

1 “(3) except as provided in subsection (c), con-
2 tains a provision for a sentence that is less than the
3 mandatory minimum sentence applicable to an of-
4 fense referred to in section 856(b)(2) of this title
5 (article 56(b)(2)).

6 “(c) LIMITED CONDITIONS FOR ACCEPTANCE OF
7 PLEA AGREEMENT FOR SENTENCE BELOW MANDATORY
8 MINIMUM FOR CERTAIN OFFENSES.—With respect to an
9 offense referred to in section 856(b)(2) of this title (article
10 56(b)(2))—

11 “(1) the military judge may accept a plea
12 agreement that provides for a sentence of bad con-
13 duct discharge; and

14 “(2) upon recommendation of the trial counsel,
15 in exchange for substantial assistance by the accused
16 in the investigation or prosecution of another person
17 who has committed an offense, the military judge
18 may accept a plea agreement that provides for a
19 sentence that is less than the mandatory minimum
20 sentence for the offense charged.

21 “(d) BINDING EFFECT OF PLEA AGREEMENT.—
22 Upon acceptance by the military judge of a general or spe-
23 cial court-martial, a plea agreement shall bind the parties
24 and the military judge.”.

1 **SEC. 5238. RECORD OF TRIAL.**

2 Section 854 of title 10, United States Code (article
3 54 of the Uniform Code of Military Justice), is amended—

4 (1) by striking subsection (a) and inserting the
5 following new subsection (a):

6 “(a) GENERAL AND SPECIAL COURTS-MARTIAL.—

7 Each general or special court-martial shall keep a separate
8 record of the proceedings in each case brought before it.

9 The record shall be certified by a court-reporter, except
10 that in the case of death, disability, or absence of a court
11 reporter, the record shall be certified by an official selected
12 as the President may prescribe by regulation.”;

13 (2) in subsection (b)—

14 (A) by striking “(b) Each special and sum-
15 mary court-martial” and inserting “(b) SUM-
16 MARY COURTS-MARTIAL.—Each summary
17 court-martial”; and

18 (B) by striking “authenticated” and insert-
19 ing “certified”;

20 (3) by striking subsection (c) and inserting the
21 following new subsection (c):

22 “(c) CONTENTS OF RECORD.—(1) Except as pro-
23 vided in paragraph (2), the record shall contain such mat-
24 ters as the President may prescribe by regulation.

25 “(2) In accordance with regulations prescribed by the
26 President, a complete record of proceedings and testimony

1 shall be prepared in any case of a sentence of death, dis-
2 missal, discharge, confinement for more than six months,
3 or forfeiture of pay for more than six months.”;

4 (4) in subsection (d)—

5 (A) by striking “(d) A copy” and inserting
6 “(d) COPY TO ACCUSED.—A copy”; and

7 (B) by striking “authenticated” and insert-
8 ing “certified”; and

9 (5) in subsection (e)—

10 (A) by striking “(e) In the case” and in-
11 serting “(e) COPY TO VICTIM.—In the case”;

12 (B) by striking “involving a sexual assault
13 or other offense covered by section 920 of this
14 title (article 120),” in the first sentence and in-
15 serting “, upon request,”; and

16 (C) by striking “authenticated” in the sec-
17 ond sentence and inserting “certified”.

18 **TITLE LVIII—SENTENCES**

Sec. 5301. Sentencing.

Sec. 5302. Effective date of sentences.

Sec. 5303. Sentence of reduction in enlisted grade.

19 **SEC. 5301. SENTENCING.**

20 (a) IN GENERAL.—Section 856 of title 10, United
21 States Code (article 56 of the Uniform Code of Military
22 Justice), is amended to read as follows:

1 **“§ 856. Art. 56. Sentencing**

2 “(a) SENTENCE MAXIMUMS.—The punishment which
3 a court-martial may direct for an offense may not exceed
4 such limits as the President may prescribe for that of-
5 fense.

6 “(b) SENTENCE MINIMUMS FOR CERTAIN OF-
7 FENSES.—(1) Except as provided in subsection (d) of sec-
8 tion 853a of this title (article 53a), punishment for any
9 offense specified in paragraph (2) shall include dismissal
10 or dishonorable discharge, as applicable.

11 “(2) The offenses referred to in paragraph (1) are
12 as follows:

13 “(A) Rape under subsection (a) of section 920
14 of this title (article 120).

15 “(B) Sexual assault under subsection (b) of
16 such section (article).

17 “(C) Rape of a child under subsection (a) of
18 section 920b of this title (article 120b).

19 “(D) Sexual assault of a child under subsection
20 (b) of such section (article).

21 “(E) An attempt to commit an offense specified
22 in subparagraph (A), (B), (C), or (D) that is pun-
23 ishable under section 880 of this title (article 80).

24 “(F) Conspiracy to commit an offense specified
25 in subparagraph (A), (B), (C), or (D) that is pun-
26 ishable under section 881 of this title (article 81).

1 “(c) IMPOSITION OF SENTENCE.—

2 “(1) IN GENERAL.—In sentencing an accused
3 under section 853 of this title (article 53), a court-
4 martial shall impose punishment that is sufficient,
5 but not greater than necessary, to promote justice
6 and to maintain good order and discipline in the
7 armed forces, taking into consideration—

8 “(A) the nature and circumstances of the
9 offense and the history and characteristics of
10 the accused;

11 “(B) the impact of the offense on—

12 “(i) the financial, social, psychological,
13 or medical well-being of any victim of the
14 offense; and

15 “(ii) the mission, discipline, or effi-
16 ciency of the command of the accused and
17 any victim of the offense;

18 “(C) the need for the sentence—

19 “(i) to reflect the seriousness of the
20 offense;

21 “(ii) to promote respect for the law;

22 “(iii) to provide just punishment for
23 the offense;

24 “(iv) to promote adequate deterrence
25 of misconduct;

1 “(v) to protect others from further
2 crimes by the accused;

3 “(vi) to rehabilitate the accused; and

4 “(vii) to provide, in appropriate cases,
5 the opportunity for retraining and return
6 to duty to meet the needs of the service;
7 and

8 “(D) the sentences available under this
9 chapter.

10 “(2) SENTENCING BY MILITARY JUDGE.—In
11 announcing the sentence in a general or special
12 court-martial in which the accused is sentenced by
13 a military judge alone under section 853 of this title
14 (article 53), the military judge shall, with respect to
15 each offense of which the accused is found guilty,
16 specify the term of confinement, if any, and the
17 amount of the fine, if any. If the accused is sen-
18 tenced to confinement for more than one offense, the
19 military judge shall specify whether the terms of
20 confinement are to run consecutively or concur-
21 rently.

22 “(3) SENTENCING BY MEMBERS.—In a general
23 or special court-martial in which the accused has
24 elected sentencing by members, the court-martial

1 shall announce a single sentence for all of the of-
2 fenses of which the accused was found guilty.

3 “(4) SENTENCE OF CONFINEMENT FOR LIFE
4 WITHOUT ELIGIBILITY FOR PAROLE.—(A) If an of-
5 fense is subject to a sentence of confinement for life,
6 a court-martial may impose a sentence of confine-
7 ment for life without eligibility for parole.

8 “(B) An accused who is sentenced to confine-
9 ment for life without eligibility for parole shall be
10 confined for the remainder of the accused’s life un-
11 less—

12 “(i) the sentence is set aside or otherwise
13 modified as a result of—

14 “(I) action taken by the convening au-
15 thority or the Secretary concerned; or

16 “(II) any other action taken during
17 post-trial procedure and review under any
18 other provision of subchapter IX of this
19 chapter;

20 “(ii) the sentence is set aside or otherwise
21 modified as a result of action taken by a Court
22 of Criminal Appeals, the Court of Appeals for
23 the Armed Forces, or the Supreme Court; or

24 “(iii) the accused is pardoned.

1 “(d) APPEAL OF SENTENCE BY THE UNITED
2 STATES.—(1) With the approval of the Judge Advocate
3 General concerned, the Government may appeal a sentence
4 to the Court of Criminal Appeals, on the grounds that—

5 “(A) the sentence violates the law; or

6 “(B) the sentence is plainly unreasonable.

7 “(2) An appeal under this subsection must be filed
8 within 60 days after the date on which the judgment of
9 a court-martial is entered into the record under section
10 860c of this title (article 60c).”.

11 (b) CONFORMING AMENDMENT.—Section 856a of
12 title 10, United States Code (article 56a of the Uniform
13 Code of Military Justice), is repealed.

14 **SEC. 5302. EFFECTIVE DATE OF SENTENCES.**

15 (a) IN GENERAL.—Section 857 of title 10, United
16 States Code (article 57 of the Uniform Code of Military
17 Justice), is amended to read as follows:

18 **“§ 857. Art. 57. Effective date of sentences**

19 “(a) EXECUTION OF SENTENCES.—A court-martial
20 sentence shall be executed and take effect as follows:

21 “(1) FORFEITURE AND REDUCTION.—A for-
22 feiture of pay or allowances shall be applicable to
23 pay and allowances accruing on and after the date
24 on which the sentence takes effect. Any forfeiture of
25 pay or allowances or reduction in grade that is in-

1 cluded in a sentence of a court-martial takes effect
2 on the earlier of—

3 “(A) the date that is 14 days after the
4 date on which the sentence is adjudged; or

5 “(B) in the case of a summary court-mar-
6 tial, the date on which the sentence is approved
7 by the convening authority.

8 “(2) CONFINEMENT.—Any period of confine-
9 ment included in a sentence of a court-martial be-
10 gins to run from the date the sentence is adjudged
11 by the court-martial, but periods during which the
12 sentence to confinement is suspended or deferred
13 shall be excluded in computing the service of the
14 term of confinement.

15 “(3) APPROVAL OF SENTENCE OF DEATH.—If
16 the sentence of the court-martial extends to death,
17 that part of the sentence providing for death may
18 not be executed until approved by the President. In
19 such a case, the President may commute, remit, or
20 suspend the sentence, or any part thereof, as the
21 President sees fit. That part of the sentence pro-
22 viding for death may not be suspended.

23 “(4) APPROVAL OF DISMISSAL.—If in the case
24 of a commissioned officer, cadet, or midshipman, the
25 sentence of a court-martial extends to dismissal, that

1 part of the sentence providing for dismissal may not
2 be executed until approved by the Secretary con-
3 cerned or such Under Secretary or Assistant Sec-
4 retary as may be designated by the Secretary con-
5 cerned. In such a case, the Secretary, Under Sec-
6 retary, or Assistant Secretary, as the case may be,
7 may commute, remit, or suspend the sentence, or
8 any part of the sentence, as the Secretary sees fit.
9 In time of war or national emergency he may com-
10 mute a sentence of dismissal to reduction to any en-
11 listed grade. A person so reduced may be required
12 to serve for the duration of the war or emergency
13 and six months thereafter.

14 “(5) COMPLETION OF APPELLATE REVIEW.—If
15 a sentence extends to death, dismissal, or a dishon-
16 orable or bad-conduct discharge, that part of the
17 sentence extending to death, dismissal, or a dishon-
18 orable or bad-conduct discharge may be executed, in
19 accordance with service regulations, after completion
20 of appellate review (and, with respect to death or
21 dismissal, approval under paragraph (3) or (4), as
22 appropriate).

23 “(6) OTHER SENTENCES.—Except as otherwise
24 provided in this subsection, a general or special
25 court-martial sentence is effective upon entry of

1 judgment and a summary court-martial sentence is
2 effective when the convening authority acts on the
3 sentence.

4 “(b) DEFERRAL OF SENTENCES.—

5 “(1) IN GENERAL.—On application by an ac-
6 cused, the convening authority or, if the accused is
7 no longer under his or her jurisdiction, the officer
8 exercising general court-martial jurisdiction over the
9 command to which the accused is currently assigned,
10 may, in his or her sole discretion, defer the effective
11 date of a sentence of confinement, reduction, or for-
12 feiture. The deferment shall terminate upon entry of
13 judgment or, in the case of a summary court-mar-
14 tial, when the convening authority acts on the sen-
15 tence. The deferment may be rescinded at any time
16 by the officer who granted it or, if the accused is no
17 longer under his jurisdiction, by the officer exer-
18 cising general court-martial jurisdiction over the
19 command to which the accused is currently assigned.

20 “(2) DEFERRAL OF CERTAIN PERSONS SEN-
21 TENCED TO CONFINEMENT.—In any case in which a
22 court-martial sentences a person referred to in para-
23 graph (3) to confinement, the convening authority
24 may defer the service of the sentence to confinement,
25 without the consent of that person, until after the

1 person has been permanently released to the armed
2 forces by a State or foreign country referred to in
3 that paragraph.

4 “(3) COVERED PERSONS.—Paragraph (2) ap-
5 plies to a person subject to this chapter who—

6 “(A) while in the custody of a State or for-
7 eign country is temporarily returned by that
8 State or foreign country to the armed forces for
9 trial by court-martial; and

10 “(B) after the court-martial, is returned to
11 that State or foreign country under the author-
12 ity of a mutual agreement or treaty, as the case
13 may be.

14 “(4) STATE DEFINED.—In this subsection, the
15 term ‘State’ includes the District of Columbia and
16 any Commonwealth, territory, or possession of the
17 United States.

18 “(5) DEFERRAL WHILE REVIEW PENDING.—In
19 any case in which a court-martial sentences a person
20 to confinement, but in which review of the case
21 under section 867(a)(2) of this title (article
22 67(a)(2)) is pending, the Secretary concerned may
23 defer further service of the sentence to confinement
24 while that review is pending.

25 “(c) APPELLATE REVIEW.—

1 “(1) COMPLETION OF APPELLATE REVIEW.—
2 Appellate review is complete under this section
3 when—

4 “(A) a review under section 865 of this
5 title (article 65) is completed; or

6 “(B) a review under section 866 of this
7 title (article 66) is completed by a Court of
8 Criminal Appeals and—

9 “(i) the time for the accused to file a
10 petition for review by the Court of Appeals
11 for the Armed Forces has expired and the
12 accused has not filed a timely petition for
13 such review and the case is not otherwise
14 under review by that Court;

15 “(ii) such a petition is rejected by the
16 Court of Appeals for the Armed Forces; or

17 “(iii) review is completed in accord-
18 ance with the judgment of the Court of
19 Appeals for the Armed Forces and—

20 “(I) a petition for a writ of cer-
21 tiorari is not filed within the time lim-
22 its prescribed by the Supreme Court;

23 “(II) such a petition is rejected
24 by the Supreme Court; or

1 “(III) review is otherwise com-
2 pleted in accordance with the judg-
3 ment of the Supreme Court.

4 “(2) COMPLETION AS FINAL JUDGMENT OF LE-
5 GALITY OF PROCEEDINGS.—The completion of appel-
6 late review shall constitute a final judgment as to
7 the legality of the proceedings.”.

8 (b) CONFORMING AMENDMENTS.—

9 (1) Subchapter VIII of chapter 47 of title 10,
10 United States Code, is amended by striking section
11 857a (article 57a of the Uniform Code of Military
12 Justice).

13 (2) Subchapter IX of chapter 47 of title 10,
14 United States Code, is amended by striking section
15 871 (article 71 of the Uniform Code of Military Jus-
16 tice).

17 (3) The second sentence of subsection (a)(1) of
18 section 858b of title 10, United States Code (article
19 58b of the Uniform Code of Military Justice), is
20 amended by striking “section 857(a) of this title (ar-
21 ticle 57(a))” and inserting “section 857 of this title
22 (article 57)”.

1 **SEC. 5303. SENTENCE OF REDUCTION IN ENLISTED GRADE.**

2 Section 858a of title 10, United States Code (article
3 58a of the Uniform Code of Military Justice), is amend-
4 ed—

5 (1) in subsection (a)—

6 (A) by striking “Unless otherwise provided
7 in regulations to be prescribed by the Secretary
8 concerned, a” and inserting “A”;

9 (B) by striking “as approved by the con-
10 vening authority” and inserting “as set forth in
11 the judgment of the court-martial entered into
12 the record under section 860c of this title (arti-
13 cle 60c)”;

14 (C) in the matter after paragraph (3), by
15 striking “of that approval” and inserting “on
16 which the judgment is so entered”; and

17 (2) in subsection (b), by striking “disapproved,
18 or, as finally approved” and inserting “reduced, or,
19 as finally affirmed”.

20 **TITLE LIX—POST-TRIAL PROCE-**
21 **DURE AND REVIEW OF**
22 **COURTS-MARTIAL**

Sec. 5321. Post-trial processing in general and special courts-martial.

Sec. 5322. Limited authority to act on sentence in specified post-trial cir-
cumstances.

Sec. 5323. Post-trial actions in summary courts-martial and certain general
and special courts-martial.

Sec. 5324. Entry of judgment.

Sec. 5325. Waiver of right to appeal and withdrawal of appeal.

- Sec. 5326. Appeal by the United States.
Sec. 5327. Rehearings.
Sec. 5328. Judge advocate review of finding of guilty in summary court-martial.
Sec. 5329. Transmittal and review of records.
Sec. 5330. Courts of Criminal Appeals.
Sec. 5331. Review by Court of Appeals for the Armed Forces.
Sec. 5332. Supreme Court review.
Sec. 5333. Review by Judge Advocate General.
Sec. 5334. Appellate defense counsel in death penalty cases.
Sec. 5335. Authority for hearing on vacation of suspension of sentence to be conducted by qualified judge advocate.
Sec. 5336. Extension of time for petition for new trial.
Sec. 5337. Restoration.
Sec. 5338. Leave requirements pending review of certain court-martial convictions.

1 **SEC. 5321. POST-TRIAL PROCESSING IN GENERAL AND SPE-**
2 **CIAL COURTS-MARTIAL.**

3 Section 860 of title 10, United States Code (article
4 60 of the Uniform Code of Military Justice), is amended
5 to read as follows:

6 **“§ 860. Art 60. Post-trial processing in general and**
7 **special courts-martial**

8 “(a) STATEMENT OF TRIAL RESULTS.—(1) The mili-
9 tary judge of a general or special court-martial shall enter
10 into the record of trial a document entitled ‘Statement of
11 Trial Results’, which shall set forth—

12 “(A) each plea and finding;

13 “(B) the sentence, if any; and

14 “(C) such other information as the President
15 may prescribe by regulation.

16 “(2) Copies of the Statement of Trial Results shall
17 be provided promptly to the convening authority, the ac-
18 cused, and any victim of the offense.

1 “(b) POST-TRIAL MOTIONS.—In accordance with reg-
2 ulations prescribed by the President, the military judge
3 in a general or special court-martial shall address all post-
4 trial motions and other post-trial matters that—

5 “(1) may affect a plea, a finding, the sentence,
6 the Statement of Trial Results, the record of trial,
7 or any post-trial action by the convening authority;
8 and

9 “(2) are subject to resolution by the military
10 judge before entry of judgment.”.

11 **SEC. 5322. LIMITED AUTHORITY TO ACT ON SENTENCE IN**
12 **SPECIFIED POST-TRIAL CIRCUMSTANCES.**

13 Subchapter IX of chapter 47 of title 10, United
14 States Code, is amended by inserting after section 860
15 (article 60 of the Uniform Code of Military Justice), as
16 amended by section 5321 of this Act, the following new
17 section (article):

18 **“§ 860a. Art. 60a. Limited authority to act on sentence**
19 **in specified post-trial circumstances**

20 “(a) IN GENERAL.—(1) The convening authority of
21 a general or special court-martial described in paragraph
22 (2)—

23 “(A) may act on the sentence of the court-mar-
24 tial only as provided in subsection (b), (c), or (d);
25 and

1 “(B) may not act on the findings of the court-
2 martial.

3 “(2) The courts-martial referred to in paragraph (1)
4 are the following:

5 “(A) A general or special court-martial in which
6 the maximum sentence of confinement established
7 under subsection (a) of section 856 of this title (arti-
8 cle 56) for any offense of which the accused is found
9 guilty is more than two years.

10 “(B) A general or special court-martial in which
11 the total of the sentences of confinement imposed,
12 running consecutively, is more than six months.

13 “(C) A general or special court-martial in which
14 the sentence imposed includes a dismissal, dishonor-
15 able discharge, or bad-conduct discharge.

16 “(D) A general or special court-martial in
17 which the accused is found guilty of a violation of
18 subsection (a) or (b) of section 920 of this title (ar-
19 ticle 120), section 920b of this title (article 120b),
20 or such other offense as the Secretary of Defense
21 may specify by regulation.

22 “(3) Except as provided in subsection (d), the con-
23 vening authority may act under this section only before
24 entry of judgment.

1 “(4) Under regulations prescribed by the Secretary
2 concerned, a commissioned officer commanding for the
3 time being, a successor in command, or any person exer-
4 cising general court-martial jurisdiction may act under
5 this section in place of the convening authority.

6 “(b) REDUCTION, COMMUTATION, AND SUSPENSION
7 OF SENTENCES GENERALLY.—(1) Except as provided in
8 subsection (c) or (d), the convening authority may not re-
9 duce, commute, or suspend any of the following sentences:

10 “(A) A sentence of confinement, if the total pe-
11 riod of confinement imposed for all offenses involved,
12 running consecutively, is greater than six months.

13 “(B) A sentence of dismissal, dishonorable dis-
14 charge, or bad-conduct discharge.

15 “(C) A sentence of death.

16 “(2) The convening authority may reduce, commute,
17 or suspend any sentence not specified in paragraph (1).

18 “(c) SUSPENSION OF CERTAIN SENTENCES UPON
19 RECOMMENDATION OF MILITARY JUDGE.—(1) Upon rec-
20 ommendation of the military judge, as included in the
21 Statement of Trial Results, together with an explanation
22 of the facts supporting the recommendation, the convening
23 authority may suspend—

24 “(A) a sentence of confinement, in whole or in
25 part; or

1 “(B) a sentence of dismissal, dishonorable dis-
2 charge, or bad-conduct discharge.

3 “(2) The convening authority may not, under para-
4 graph (1)—

5 “(A) suspend a mandatory minimum sentence;
6 or

7 “(B) suspend a sentence to an extent in excess
8 of the suspension recommended by the military
9 judge.

10 “(d) REDUCTION OF SENTENCE FOR SUBSTANTIAL
11 ASSISTANCE BY ACCUSED.—(1) Upon a recommendation
12 by the trial counsel, if the accused, after sentencing and
13 before entry of judgment, provides substantial assistance
14 in the investigation or prosecution of another person, the
15 convening authority may reduce, commute, or suspend a
16 sentence, in whole or in part, including any mandatory
17 minimum sentence.

18 “(2) Upon a recommendation by a trial counsel, des-
19 igned in accordance with rules prescribed by the Presi-
20 dent, if the accused, after entry of judgment, provides sub-
21 stantial assistance in the investigation or prosecution of
22 another person, a convening authority, designated under
23 such regulations, may reduce, commute, or suspend a sen-
24 tence, in whole or in part, including any mandatory min-
25 imum sentence.

1 “(3) In evaluating whether the accused has provided
2 substantial assistance under this subsection, the convening
3 authority may consider the presentence assistance of the
4 accused.

5 “(e) SUBMISSIONS BY ACCUSED AND VICTIM.—(1) In
6 accordance with rules prescribed by the President, in de-
7 termining whether to act under this section, the convening
8 authority shall consider matters submitted in writing by
9 the accused or any victim of an offense. Such rules shall
10 include—

11 “(A) procedures for notice of the opportunity to
12 make such submissions;

13 “(B) the deadlines for such submissions; and

14 “(C) procedures for providing the accused and
15 any victim of an offense with a copy of the recording
16 of any open sessions of the court-martial and copies
17 of, or access to, any admitted, unsealed exhibits.

18 “(2) The convening authority shall not consider
19 under this section any submitted matters that relate to
20 the character of a victim unless such matters were pre-
21 sented as evidence at trial and not excluded at trial.

22 “(f) DECISION OF CONVENING AUTHORITY.—(1) The
23 decision of the convening authority under this section shall
24 be forwarded to the military judge, with copies provided
25 to the accused and to any victim of the offense.

1 “(2) If, under this section, the convening authority
2 reduces, commutes, or suspends the sentence, the decision
3 of the convening authority shall include a written expla-
4 nation of the reasons for such action.

5 “(3) If, under subsection (d)(2), the convening au-
6 thority reduces, commutes, or suspends the sentence, the
7 decision of the convening authority shall be forwarded to
8 the chief trial judge for appropriate modification of the
9 entry of judgment, which shall be transmitted to the
10 Judge Advocate General for appropriate action.”.

11 **SEC. 5323. POST-TRIAL ACTIONS IN SUMMARY COURTS-**
12 **MARTIAL AND CERTAIN GENERAL AND SPE-**
13 **CIAL COURTS-MARTIAL.**

14 Subchapter IX of chapter 47 of title 10, United
15 States Code, is amended by inserting after section 860a
16 (article 60a of the Uniform Code of Military Justice), as
17 added by section 5322 of this Act, the following new sec-
18 tion (article):

19 **“§ 860b. Art. 60b. Post-trial actions in summary**
20 **courts-martial and certain general and**
21 **special courts-martial**

22 “(a) IN GENERAL.—(1) In a court-martial not speci-
23 fied in section 860a(a)(2) of this title (article 60a(a)(2)),
24 the convening authority may—

1 “(A) dismiss any charge or specification by set-
2 ting aside the finding of guilty;

3 “(B) change a finding of guilty to a charge or
4 specification to a finding of guilty to a lesser in-
5 cluded offense;

6 “(C) disapprove the findings and the sentence
7 and dismiss the charges and specifications;

8 “(D) disapprove the findings and the sentence
9 and order a rehearing as to the findings and the
10 sentence;

11 “(E) disapprove, commute, or suspend the sen-
12 tence, in whole or in part; or

13 “(F) disapprove the sentence and order a re-
14 hearing as to the sentence.

15 “(2) In a summary court-martial, the convening au-
16 thority shall approve the sentence or take other action on
17 the sentence under paragraph (1).

18 “(3) Except as provided in paragraph (4), the con-
19 vening authority may act under this section only before
20 entry of judgment.

21 “(4) The convening authority may act under this sec-
22 tion after entry of judgment in a general or special court-
23 martial in the same manner as the convening authority
24 may act under section 860a(d)(2) of this title (article
25 60a(d)(2)). Such action shall be forwarded to the chief

1 trial judge, who shall ensure appropriate modification to
2 the entry of judgment and shall transmit the entry of
3 judgment to the Judge Advocate General for appropriate
4 action.

5 “(5) Under regulations prescribed by the Secretary
6 concerned, a commissioned officer commanding for the
7 time being, a successor in command, or any person exer-
8 cising general court-martial jurisdiction may act under
9 this section in place of the convening authority.

10 “(b) LIMITATIONS ON REHEARINGS.—The convening
11 authority may not order a rehearing under this section—

12 “(1) as to the findings, if there is insufficient
13 evidence in the record to support the findings;

14 “(2) to reconsider a finding of not guilty of any
15 specification or a ruling which amounts to a finding
16 of not guilty; or

17 “(3) to reconsider a finding of not guilty of any
18 charge, unless there has been a finding of guilty
19 under a specification laid under that charge, which
20 sufficiently alleges a violation of some article of this
21 chapter.

22 “(c) SUBMISSIONS BY ACCUSED AND VICTIM.—In ac-
23 cordance with rules prescribed by the President, in deter-
24 mining whether to act under this section, the convening
25 authority shall consider matters submitted in writing by

1 the accused or any victim of the offense. Such rules shall
2 include the matter required by section 860a(e) of this title
3 (article 60a(e)).

4 “(d) DECISION OF CONVENING AUTHORITY.—(1) In
5 a general or special court-martial, the decision of the con-
6 vening authority under this section shall be forwarded to
7 the military judge, with copies provided to the accused and
8 to any victim of the offense.

9 “(2) If the convening authority acts on the findings
10 or the sentence under subsection (a)(1), the decision of
11 the convening authority shall include a written explanation
12 of the reasons for such action.”.

13 **SEC. 5324. ENTRY OF JUDGMENT.**

14 Subchapter IX of chapter 47 of title 10, United
15 States Code, is amended by inserting after section 860b
16 (article 60b of the Uniform Code of Military Justice), as
17 added by section 5323 of this Act, the following new sec-
18 tion (article):

19 **“§ 860c. Art. 60c. Entry of judgment**

20 “(a) ENTRY OF JUDGMENT OF GENERAL OR SPE-
21 CIAL COURT-MARTIAL.—(1) In accordance with rules pre-
22 scribed by the President, in a general or special court-mar-
23 tial, the military judge shall enter into the record of trial
24 the judgment of the court. The judgment of the court shall
25 consist of the following:

1 “(A) The Statement of Trial Results under sec-
2 tion 860 of this title (article 60).

3 “(B) Any modifications of, or supplements to,
4 the Statement of Trial Results by reason of—

5 “(i) any post-trial action by the convening
6 authority; or

7 “(ii) any ruling, order, or other determina-
8 tion of the military judge that affects a plea, a
9 finding, or the sentence.

10 “(2) Under rules prescribed by the President, the
11 judgment under paragraph (1) shall be—

12 “(A) provided to the accused and to any victim
13 of the offense; and

14 “(B) made available to the public.

15 “(b) SUMMARY COURT-MARTIAL JUDGMENT.—The
16 findings and sentence of a summary court-martial, as
17 modified by any post-trial action by the convening author-
18 ity under section 860b of this title (article 60b), con-
19 stitutes the judgment of the court-martial and shall be re-
20 corded and distributed under rules prescribed by the
21 President.”.

1 **SEC. 5325. WAIVER OF RIGHT TO APPEAL AND WITH-**
2 **DRAWAL OF APPEAL.**

3 Section 861 of title 10, United States Code (article
4 61 of the Uniform Code of Military Justice), is amended
5 to read as follows:

6 **“§ 861. Art. 61. Waiver of right to appeal; withdrawal**
7 **of appeal**

8 “(a) WAIVER OF RIGHT TO APPEAL.—After entry of
9 judgment in a general or special court-martial, under pro-
10 cedures prescribed by the Secretary concerned, the ac-
11 cused may waive the right to appellate review in each case
12 subject to such review under section 866 of this title (arti-
13 cle 66). Such a waiver shall be—

14 “(1) signed by the accused and by defense
15 counsel; and

16 “(2) attached to the record of trial.

17 “(b) WITHDRAWAL OF APPEAL.—In a general or spe-
18 cial court-martial, the accused may withdraw an appeal
19 at any time.

20 “(c) DEATH PENALTY CASE EXCEPTION.—Notwith-
21 standing subsections (a) and (b), an accused may not
22 waive the right to appeal or withdraw an appeal with re-
23 spect to a judgment that includes a sentence of death.

24 “(d) WAIVER OR WITHDRAWAL AS BAR.—A waiver
25 or withdrawal under this section bars review under section
26 866 of this title (article 66).”.

1 **SEC. 5326. APPEAL BY THE UNITED STATES.**

2 Section 862 of title 10, United States Code (article
3 62 of the Uniform Code of Military Justice), is amended—

4 (1) in paragraph (1) of subsection (a)—

5 (A) in the matter before subparagraph (A),
6 by striking “court-martial” and all that follows
7 through the colon at the end and inserting
8 “general or special court-martial, or in a pre-
9 trial proceeding under section 830a of this title
10 (article 30a), the United States may appeal the
11 following.”; and

12 (B) by adding at the end the following new
13 subparagraph:

14 “(G) An order or ruling of the military judge
15 entering a finding of not guilty with respect to a
16 charge or specification following the return of a find-
17 ing of guilty by the members.”;

18 (2) in paragraph (2) of subsection (a)—

19 (A) by striking “(2)” and inserting
20 “(2)(A)”;

21 (B) by adding at the end the following new
22 subparagraph:

23 “(B) An appeal of an order or ruling may not be
24 taken when prohibited by section 844 of this title (article
25 44).”;

26 (3) by adding at the end the following:

1 “(d) The United States may appeal a ruling or order
2 of a military magistrate in the same manner as had the
3 ruling or order been made by a military judge, except that
4 the issue shall first be presented to the military judge who
5 designated the military magistrate or to a military judge
6 detailed to hear the issue.

7 “(e) The provisions of this section shall be liberally
8 construed to effect its purposes.”.

9 **SEC. 5327. REHEARINGS.**

10 Section 863 of title 10, United States Code (article
11 63 of the Uniform Code of Military Justice), is amended—

12 (1) by inserting “(a)” before “Each rehearing”;

13 (2) in the second sentence, by striking “may be
14 approved” and inserting “may be adjudged”;

15 (3) by striking the third sentence; and

16 (4) by adding at the end the following new sub-
17 sections:

18 “(b) If the sentence adjudged by the first court-mar-
19 tial was in accordance with a plea agreement under section
20 853a of this title (article 53a) and the accused at the re-
21 hearing does not comply with the agreement, or if a plea
22 of guilty was entered for an offense at the first court-mar-
23 tial and a plea of not guilty was entered at the rehearing,
24 the sentence as to those charges or specifications may in-

1 clude any punishment not in excess of that which could
2 have been adjudged at the first court-martial.

3 “(c) If, after appeal by the Government under section
4 856(d) of this title (article 56(d)), the sentence adjudged
5 is set aside and a rehearing on sentence is ordered by the
6 Court of Criminal Appeals or Court of Appeals for the
7 Armed Forces, the court-martial may impose any sentence
8 that is in accordance with the order or ruling setting aside
9 the adjudged sentence, subject to such limitations as the
10 President may prescribe by regulation.”.

11 **SEC. 5328. JUDGE ADVOCATE REVIEW OF FINDING OF**
12 **GUILTY IN SUMMARY COURT-MARTIAL.**

13 (a) IN GENERAL.—Subsection (a) of section 864 of
14 title 10, United States Code (article 64 of the Uniform
15 Code of Military Justice), is amended by striking the first
16 two sentences and inserting the following:

17 “(a) IN GENERAL.—Under regulations prescribed by
18 the Secretary concerned, each summary court-martial in
19 which there is a finding of guilty shall be reviewed by a
20 judge advocate. A judge advocate may not review a case
21 under this subsection if the judge advocate has acted in
22 the same case as an accuser, preliminary hearing officer,
23 member of the court, military judge, or counsel or has oth-
24 erwise acted on behalf of the prosecution or defense.”.

25 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

1 (1) The heading of such section (article) is
2 amended to read as follows:

3 **“§ 864. Art. 64. Judge advocate review of finding of**
4 **guilty in summary court-martial”.**

5 (2) Subsection (b) of such section (article) is
6 amended—

7 (A) by striking “(b) The record” and in-
8 serting “(b) RECORD.—The record”;

9 (B) in paragraph (1), by adding “or” at
10 the end;

11 (C) by striking paragraph (2); and

12 (D) by redesignating paragraph (3) as
13 paragraph (2).

14 (3) Subsection (c)(3) of such section (article) is
15 amended by striking “section 869(b) of this title (ar-
16 ticle 69(b)).” and inserting “section 869 of this title
17 (article 69).”.

18 **SEC. 5329. TRANSMITTAL AND REVIEW OF RECORDS.**

19 Section 865 of title 10, United States Code (article
20 65 of the Uniform Code of Military Justice), is amended
21 to read as follows:

22 **“§ 865. Art. 65. Transmittal and review of records**

23 **“(a) TRANSMITTAL OF RECORDS.—**

24 **“(1) FINDING OF GUILTY IN GENERAL OR SPE-**
25 **CIAL COURT-MARTIAL.—If the judgment of a general**

1 or special court-martial entered under section 860c
2 of this title (article 60c) includes a finding of guilty,
3 the record shall be transmitted to the Judge Advoca-
4 cate General.

5 “(2) OTHER CASES.—In all other cases, records
6 of trial by court-martial and related documents shall
7 be transmitted and disposed of as the Secretary con-
8 cerned may prescribe by regulation.

9 “(b) CASES FOR DIRECT APPEAL.—

10 “(1) AUTOMATIC REVIEW.—If the judgment in-
11 cludes a sentence of death, dismissal of a commis-
12 sioned officer, cadet, or midshipman, dishonorable
13 discharge or bad-conduct discharge, or confinement
14 for 2 years or more, the Judge Advocate General
15 shall forward the record of trial to the Court of
16 Criminal Appeals for review under section 866(b)(2)
17 of this title (article 66(b)(2)).

18 “(2) CASES ELIGIBLE FOR DIRECT APPEAL RE-
19 VIEW.—

20 “(A) IN GENERAL.—If the case is eligible
21 for direct review under section 866(b)(1) of this
22 title (article 66(b)(1)), the Judge Advocate
23 General shall—

24 “(i) forward a copy of the record of
25 trial to an appellate defense counsel who

1 shall be detailed to review the case and,
2 upon request of the accused, to represent
3 the accused before the Court of Criminal
4 Appeals; and

5 “(ii) upon written request of the ac-
6 cused, forward a copy of the record of trial
7 to civilian counsel provided by the accused.

8 “(B) INAPPLICABILITY.—Subparagraph
9 (A) shall not apply if the accused—

10 “(i) waives the right to appeal under
11 section 861 of this title (article 61); or

12 “(ii) declines in writing the detailing
13 of appellate defense counsel under sub-
14 paragraph (A)(i).

15 “(c) NOTICE OF RIGHT TO APPEAL.—

16 “(1) IN GENERAL.—The Judge Advocate Gen-
17 eral shall provide notice to the accused of the right
18 to file an appeal under section 866(b)(1) of this title
19 (article 66(b)(1)) by means of depositing in the
20 United States mails for delivery by first class cer-
21 tified mail to the accused at an address provided by
22 the accused or, if no such address has been provided
23 by the accused, at the latest address listed for the
24 accused in the official service record of the accused.

1 “(2) INAPPLICABILITY UPON WAIVER OF AP-
2 PEAL.—Paragraph (1) shall not apply if the accused
3 waives the right to appeal under section 861 of this
4 title (article 61).

5 “(d) REVIEW BY JUDGE ADVOCATE GENERAL.—

6 “(1) BY WHOM.—A review conducted under this
7 subsection may be conducted by an attorney within
8 the Office of the Judge Advocate General or another
9 attorney designated under regulations prescribed by
10 the Secretary concerned.

11 “(2) REVIEW OF CASES NOT ELIGIBLE FOR DI-
12 RECT APPEAL.—

13 “(A) IN GENERAL.—A review under sub-
14 paragraph (B) shall be completed in each gen-
15 eral and special court-martial that is not eligi-
16 ble for direct appeal under paragraph (1) or (3)
17 of section 866(b) of this title (article 66(b)).

18 “(B) SCOPE OF REVIEW.—A review re-
19 ferred to in subparagraph (A) shall include a
20 written decision providing each of the following:

21 “(i) A conclusion as to whether the
22 court had jurisdiction over the accused and
23 the offense.

24 “(ii) A conclusion as to whether the
25 charge and specification stated an offense.

1 “(iii) A conclusion as to whether the
2 sentence was within the limits prescribed
3 as a matter of law.

4 “(iv) A response to each allegation of
5 error made in writing by the accused.

6 “(3) REVIEW WHEN DIRECT APPEAL IS
7 WAIVED, WITHDRAWN, OR NOT FILED.—

8 “(A) IN GENERAL.—A review under sub-
9 paragraph (B) shall be completed in each gen-
10 eral and special court-martial if—

11 “(i) the accused waives the right to
12 appeal or withdraws appeal under section
13 861 of this title (article 61); or

14 “(ii) the accused does not file a timely
15 appeal in a case eligible for direct appeal
16 under subparagraph (A), (B), or (C) of
17 section 866(b)(1) of this title (article
18 66(b)(1)).

19 “(B) SCOPE OF REVIEW.—A review re-
20 ferred to in subparagraph (A) shall include a
21 written decision limited to providing conclusions
22 on the matters specified in clauses (i), (ii), and
23 (iii) of paragraph (2)(B).

24 “(e) REMEDY.—

1 “(1) IN GENERAL.—If after a review of a
2 record under subsection (d), the attorney conducting
3 the review believes corrective action may be required,
4 the record shall be forwarded to the Judge Advocate
5 General, who may set aside the findings or sentence,
6 in whole or in part.

7 “(2) REHEARING.—In setting aside findings or
8 sentence, the Judge Advocate General may order a
9 rehearing, except that a rehearing may not be or-
10 dered in violation of section 844 of this title (article
11 44).

12 “(3) REMEDY WITHOUT REHEARING.—

13 “(A) DISMISSAL WHEN NO REHEARING OR-
14 DERED.—If the Judge Advocate General sets
15 aside findings and sentence and does not order
16 a rehearing, the Judge Advocate General shall
17 dismiss the charges.

18 “(B) DISMISSAL WHEN REHEARING IM-
19 PRACTICAL.—If the Judge Advocate General
20 sets aside findings and orders a rehearing and
21 the convening authority determines that a re-
22 hearing would be impractical, the convening au-
23 thority shall dismiss the charges.”.

1 **SEC. 5330. COURTS OF CRIMINAL APPEALS.**

2 (a) APPELLATE MILITARY JUDGES.—Subsection (a)
3 of section 866 of title 10, United States Code (article 66
4 of the Uniform Code of Military Justice), is amended—

5 (1) in the second sentence, by striking “sub-
6 section (f)” and inserting “subsection (h)”;

7 (2) in the fourth sentence, by inserting after
8 “highest court of a State” the following: “and must
9 be certified by the Judge Advocate General as quali-
10 fied, by reason of education, training, experience,
11 and judicial temperament, for duty as an appellate
12 military judge”; and

13 (3) by adding at the end the following new sen-
14 tence: “In accordance with regulations prescribed by
15 the President, assignments of appellate military
16 judges under this section (article) shall be for appro-
17 priate minimum periods, subject to such exceptions
18 as may be authorized in the regulations.”.

19 (b) REVISION OF APPELLATE PROCEDURES.—Such
20 section (article) is further amended—

21 (1) by redesignating subsections (e), (f), (g),
22 and (h) as subsections (g), (h), (i), and (j), respec-
23 tively; and

24 (2) by striking subsections (b), (c), and (d) and
25 inserting the following new subsections:

26 “(b) REVIEW.—

1 “(1) APPEALS BY ACCUSED.—A Court of
2 Criminal Appeals shall have jurisdiction over a time-
3 ly appeal from the judgment of a court-martial, en-
4 tered into the record under section 860c of this title
5 (article 60c), as follows:

6 “(A) On appeal by the accused in a case
7 in which the sentence extends to confinement
8 for more than six months and the case is not
9 subject to automatic review under paragraph
10 (3).

11 “(B) On appeal by the accused in a case
12 in which the Government previously filed an ap-
13 peal under section 862 of this title (article 62).

14 “(C) On appeal by the accused in a case
15 that the Judge Advocate General has sent to
16 the Court of Criminal Appeals for review of the
17 sentence under section 856(d) of this title (arti-
18 cle 56(d)).

19 “(D) In a case in which the accused filed
20 an application for review with the Court under
21 section 869(d)(1)(B) of this title (article
22 69(d)(1)(B)) and the application has been
23 granted by the Court.

24 “(2) REVIEW OF CERTAIN SENTENCES.—A
25 Court of Criminal Appeals shall have jurisdiction

1 over all cases that the Judge Advocate General or-
2 ders sent to the Court for review under section
3 856(d) of this title (article 56(d)).

4 “(3) AUTOMATIC REVIEW.—A Court of Crimi-
5 nal Appeals shall have jurisdiction over a court-mar-
6 tial in which the judgment entered into the record
7 under section 860c of this title (article 60c) includes
8 a sentence of death, dismissal of a commissioned of-
9 ficer, cadet, or midshipman, dishonorable discharge
10 or bad-conduct discharge, or confinement for 2 years
11 or more.

12 “(c) TIMELINESS.—An appeal under subsection
13 (b)(1) is timely if it is filed as follows:

14 “(1) In the case of an appeal by the accused
15 under subsection (b)(1)(A) or (b)(1)(B), if filed be-
16 fore the later of—

17 “(A) the end of the 90-day period begin-
18 ning on the date the accused is provided notice
19 of appellate rights under section 865(c) of this
20 title (article 65(c)); or

21 “(B) the date set by the Court of Criminal
22 Appeals by rule or order.

23 “(2) In the case of an appeal by the accused
24 under subsection (b)(1)(C), if filed before the later
25 of—

1 “(A) the end of the 90-day period begin-
2 ning on the date the accused is notified that the
3 application for review has been granted by let-
4 ter placed in the United States mails for deliv-
5 ery by first class certified mail to the accused
6 at an address provided by the accused or, if no
7 such address has been provided by the accused,
8 at the latest address listed for the accused in
9 his official service record; or

10 “(B) the date set by the Court of Criminal
11 Appeals by rule or order.

12 “(d) DUTIES.—

13 “(1) CASES APPEALED BY ACCUSED.—In any
14 case before the Court of Criminal Appeals under
15 subsection (b), the Court may act only with respect
16 to the findings and sentence as entered into the
17 record under section 860c of this title (article 60c).
18 The Court may affirm only such findings of guilty,
19 and the sentence or such part or amount of the sen-
20 tence, as the Court finds correct in law and fact and
21 determines, on the basis of the entire record, should
22 be approved. In considering the record, the Court
23 may weigh the evidence, judge the credibility of wit-
24 nesses, and determine controverted questions of fact,

1 recognizing that the trial court saw and heard the
2 witnesses.

3 “(2) ERROR OR EXCESSIVE DELAY.—In any
4 case before the Court of Criminal Appeals under
5 subsection (b), the Court may provide appropriate
6 relief if the accused demonstrates error or excessive
7 delay in the processing of the court-martial after the
8 judgment was entered into the record under section
9 860c of this title (article 60c).

10 “(e) CONSIDERATION OF APPEAL OF SENTENCE BY
11 THE UNITED STATES.—

12 “(1) IN GENERAL.—In considering a sentence
13 on appeal or review as provided in section 856(d) of
14 this title (article 56(d)), the Court of Criminal Ap-
15 peals may consider—

16 “(A) whether the sentence violates the law;
17 and

18 “(B) whether the sentence is plainly unrea-
19 sonable.

20 “(2) RECORD ON APPEAL OR REVIEW.—In an
21 appeal or review under this subsection or section
22 856(d) of this title (article 56(d)), the record on ap-
23 peal or review shall consist of—

1 “(A) any portion of the record in the case
2 that is designated as pertinent by either of the
3 parties;

4 “(B) the information submitted during the
5 sentencing proceeding; and

6 “(C) any information required by rule or
7 order of the Court of Criminal Appeals.

8 “(f) LIMITS OF AUTHORITY.—

9 “(1) SET ASIDE OF FINDINGS.—

10 “(A) IN GENERAL.—If the Court of Crimi-
11 nal Appeals sets aside the findings, the Court—

12 “(i) may affirm any lesser included of-
13 fense; and

14 “(ii) may, except when prohibited by
15 section 844 of this title (article 44), order
16 a rehearing.

17 “(B) DISMISSAL WHEN NO REHEARING OR-
18 DERED.—If the Court of Criminal Appeals sets
19 aside the findings and does not order a rehear-
20 ing, the Court shall order that the charges be
21 dismissed.

22 “(C) DISMISSAL WHEN REHEARING IM-
23 PRACTICABLE.—If the Court of Criminal Ap-
24 peals orders a rehearing on a charge and the
25 convening authority finds a rehearing impracti-

1 cable, the convening authority may dismiss the
2 charge.

3 “(2) SET ASIDE OF SENTENCE.—If the Court
4 of Criminal Appeals sets aside the sentence, the
5 Court may—

6 “(A) modify the sentence to a lesser sen-
7 tence; or

8 “(B) order a rehearing.

9 “(3) ADDITIONAL PROCEEDINGS.—If the Court
10 determines that additional proceedings are war-
11 ranted, the Court may order a hearing as may be
12 necessary to address a substantial issue, subject to
13 such limitations as the Court may direct and under
14 such regulations as the President may prescribe.”.

15 (c) ACTION WHEN REHEARING IMPRACTICABLE
16 AFTER REHEARING ORDER.—Subsection (g) of such sec-
17 tion (article), as redesignated by subsection (b)(1) of this
18 section, is amended—

19 (1) in the first sentence, by striking “convening
20 authority” and inserting “appropriate authority”;
21 and

22 (2) by striking the last sentence.

23 (d) SECTION HEADING.—The heading of such section
24 (article) is amended to read as follows:

1 **“§ 866. Art. 66. Courts of Criminal Appeals”.**

2 (e) SUBSECTION HEADING AMENDMENTS FOR STY-
3 LISTIC CONSISTENCY.—Such section (article) is further
4 amended—

5 (1) in subsection (a), by inserting “COURTS OF
6 CRIMINAL APPEALS.—” after “(a)”;

7 (2) in subsection (g), as redesignated by sub-
8 section (b)(1) of this section, by inserting “ACTION
9 IN ACCORDANCE WITH DECISIONS OF COURTS.—”
10 after “(g)”;

11 (3) in subsection (h), as so redesignated, by in-
12 serting “RULES OF PROCEDURE.—” after “(h)”;

13 (4) in subsection (i), as so redesignated, by in-
14 serting “PROHIBITION ON EVALUATION OF OTHER
15 MEMBERS OF COURTS.—” after “(i)”;

16 (5) in subsection (j), as so redesignated, by in-
17 serting “INELIGIBILITY OF MEMBERS OF COURTS
18 TO REVIEW RECORDS OF CASES INVOLVING CER-
19 TAIN PRIOR MEMBER SERVICE.—” after “(j)”.

20 **SEC. 5331. REVIEW BY COURT OF APPEALS FOR THE**
21 **ARMED FORCES.**

22 (a) JAG NOTIFICATION.—Subsection (a)(2) of sec-
23 tion 867 of title 10, United States Code (article 67 of the
24 Uniform Code of Military Justice), is amended by insert-
25 ing after “the Judge Advocate General” the following: “,
26 after appropriate notification to the other Judge Advo-

1 cates General and the Staff Judge Advocate to the Com-
2 mandant of the Marine Corps,”.

3 (b) BASIS FOR REVIEW.—Subsection (c) of such sec-
4 tion (article) is amended—

5 (1) by inserting “(1)” after “(c)”;

6 (2) by designating the second sentence as para-
7 graph (2);

8 (3) by designating the third sentence as para-
9 graph (3);

10 (4) by designating the fourth sentence as para-
11 graph (4); and

12 (5) in paragraph (1), as designated by para-
13 graph (1) of this subsection, by striking “only with
14 respect to” and all that follows through the end of
15 the sentence and inserting “only with respect to—

16 “(A) the findings and sentence set forth in the
17 entry of judgment, as affirmed or set aside as incor-
18 rect in law by the Court of Criminal Appeals; or

19 “(B) a decision, judgment, or order by a mili-
20 tary judge, as affirmed or set aside as incorrect in
21 law by the Court of Criminal Appeals.”.

22 **SEC. 5332. SUPREME COURT REVIEW.**

23 The second sentence of section 867a(a) of title 10,
24 United States Code (article 67a(a) of the Uniform Code

1 of Military Justice), is amended by inserting before
2 “Court of Appeals” the following: “United States”.

3 **SEC. 5333. REVIEW BY JUDGE ADVOCATE GENERAL.**

4 Section 869 of title 10, United States Code (article
5 69 of the Uniform Code of Military Justice), is amended
6 to read as follows:

7 **“§ 869. Art. 69. Review by Judge Advocate General**

8 “(a) IN GENERAL.—Upon application by the accused
9 and subject to subsections (b), (c), and (d), the Judge Ad-
10 vocate General may modify or set aside, in whole or in
11 part, the findings and sentence in a court-martial that is
12 not reviewed under section 866 of this title (article 66).

13 “(b) TIMING.—To qualify for consideration, an appli-
14 cation under subsection (a) must be submitted to the
15 Judge Advocate General not later than one year after the
16 date of completion of review under section 864 or 865 of
17 this title (article 64 or 65), as the case may be. The Judge
18 Advocate General may, for good cause shown, extend the
19 period for submission of an application, but may not con-
20 sider an application submitted more than three years after
21 such completion date.

22 “(c) SCOPE.—(1)(A) In a case reviewed under section
23 864 or 865(b) of this title (article 64 or 65(b)), the Judge
24 Advocate General may set aside the findings or sentence,
25 in whole or in part on the grounds of newly discovered

1 evidence, fraud on the court, lack of jurisdiction over the
2 accused or the offense, error prejudicial to the substantial
3 rights of the accused, or the appropriateness of the sen-
4 tence.

5 “(B) In setting aside findings or sentence, the Judge
6 Advocate General may order a rehearing, except that a
7 rehearing may not be ordered in violation of section 844
8 of this title (article 44).

9 “(C) If the Judge Advocate General sets aside find-
10 ings and sentence and does not order a rehearing, the
11 Judge Advocate General shall dismiss the charges.

12 “(D) If the Judge Advocate General sets aside find-
13 ings and orders a rehearing and the convening authority
14 determines that a rehearing would be impractical, the con-
15 vening authority shall dismiss the charges.

16 “(2) In a case reviewed under section 865(b) of this
17 title (article 65(b)), review under this section is limited
18 to the issue of whether the waiver or withdrawal of an
19 appeal was invalid under the law. If the Judge Advocate
20 General determines that the waiver or withdrawal of an
21 appeal was invalid, the Judge Advocate General shall
22 order appropriate corrective action under rules prescribed
23 by the President.

1 “(d) COURT OF CRIMINAL APPEALS.—(1) A Court
2 of Criminal Appeals may review the action taken by the
3 Judge Advocate General under subsection (c)—

4 “(A) in a case sent to the Court of Criminal
5 Appeals by order of the Judge Advocate General; or

6 “(B) in a case submitted to the Court of Crimi-
7 nal Appeals by the accused in an application for re-
8 view.

9 “(2) The Court of Criminal Appeals may grant an
10 application under paragraph (1)(B) only if—

11 “(A) the application demonstrates a substantial
12 basis for concluding that the action on review under
13 subsection (c) constituted prejudicial error; and

14 “(B) the application is filed not later than the
15 earlier of—

16 “(i) 60 days after the date on which the
17 accused is notified of the decision of the Judge
18 Advocate General; or

19 “(ii) 60 days after the date on which a
20 copy of the decision of the Judge Advocate Gen-
21 eral is deposited in the United States mails for
22 delivery by first-class certified mail to the ac-
23 cused at an address provided by the accused or,
24 if no such address has been provided by the ac-

1 cused, at the latest address listed for the ac-
2 cused in his official service record.

3 “(3) The submission of an application for review
4 under this subsection does not constitute a proceeding be-
5 fore the Court of Criminal Appeals for purposes of section
6 870(e)(1) of this title (article 70(e)(1)).

7 “(e) ACTION ONLY ON MATTERS OF LAW.—Notwith-
8 standing section 866 of this title (article 66), in any case
9 reviewed by a Court of Criminal Appeals under subsection
10 (d), the Court may take action only with respect to mat-
11 ters of law.”.

12 **SEC. 5334. APPELLATE DEFENSE COUNSEL IN DEATH PEN-**
13 **ALTY CASES.**

14 Section 870 of title 10, United States Code (article
15 70 of the Uniform Code of Military Justice), is amended
16 by adding at the end the following new subsection:

17 “(f) To the greatest extent practicable, in any capital
18 case, at least one defense counsel under subsection (c)
19 shall, as determined by the Judge Advocate General, be
20 learned in the law applicable to such cases. If necessary,
21 this counsel may be a civilian and, if so, may be com-
22 pensated in accordance with regulations prescribed by the
23 Secretary of Defense.”.

1 **SEC. 5335. AUTHORITY FOR HEARING ON VACATION OF**
2 **SUSPENSION OF SENTENCE TO BE CON-**
3 **DUCTED BY QUALIFIED JUDGE ADVOCATE.**

4 (a) IN GENERAL.—Subsection (a) of section 872 of
5 title 10, United States Code (article 72 of the Uniform
6 Code of Military Justice), is amended by inserting after
7 the first sentence the following new sentence: “The special
8 court-martial convening authority may detail a judge ad-
9 vocate, who is certified under section 827(b) of this title
10 (article 27(b)), to conduct the hearing.”.

11 (b) TECHNICAL AMENDMENTS.—Such section (arti-
12 cle) is further amended—

13 (1) in the last sentence of subsection (a), by
14 striking “if he so desires” and inserting “if the pro-
15 bationer so desires”; and

16 (2) in the second sentence of subsection (b)—

17 (A) by striking “If he” and inserting “If
18 the officer exercising general court-martial ju-
19 risdiction”; and

20 (B) by striking “section 871(c) of this title
21 (article 71(c))” and inserting “section 857 of
22 this title (article 57)”.

23 **SEC. 5336. EXTENSION OF TIME FOR PETITION FOR NEW**
24 **TRIAL.**

25 The first sentence of section 873 of title 10, United
26 States Code (article 73 of the Uniform Code of Military

1 Justice), is amended by striking “two years after approval
2 by the convening authority of a court-martial sentence”
3 and inserting “three years after the date of the entry of
4 judgment under section 860c of this title (article 60c)”.

5 **SEC. 5337. RESTORATION.**

6 Section 875 of title 10, United States Code (article
7 75 of the Uniform Code of Military Justice), is amended
8 by adding at the end the following new subsection:

9 “(d) The President shall prescribe regulations, with
10 such limitations as the President considers appropriate,
11 governing eligibility for pay and allowances for the period
12 after the date on which an executed part of a court-martial
13 sentence is set aside.”.

14 **SEC. 5338. LEAVE REQUIREMENTS PENDING REVIEW OF**
15 **CERTAIN COURT-MARTIAL CONVICTIONS.**

16 Section 876a of title 10, United States Code (article
17 76a of the Uniform Code of Military Justice), is amend-
18 ed—

19 (1) in the first sentence, by striking “, as ap-
20 proved under section 860 of this title (article 60),”;
21 and

22 (2) in the second sentence, by striking “on
23 which the sentence is approved under section 860 of
24 this title (article 60)” and inserting “of the entry of

- 1 judgment under section 860c of this title (article
2 60c)".

3 **TITLE LX—PUNITIVE ARTICLES**

- Sec. 5401. Reorganization of punitive articles.
Sec. 5402. Conviction of offense charged, lesser included offenses, and attempts.
Sec. 5403. Soliciting commission of offenses.
Sec. 5404. Malingering.
Sec. 5405. Breach of medical quarantine.
Sec. 5406. Missing movement; jumping from vessel.
Sec. 5407. Offenses against correctional custody and restriction.
Sec. 5408. Disrespect toward superior commissioned officer; assault of superior commissioned officer.
Sec. 5409. Willfully disobeying superior commissioned officer.
Sec. 5410. Prohibited activities with military recruit or trainee by person in position of special trust.
Sec. 5411. Offenses by sentinel or lookout.
Sec. 5412. Disrespect toward sentinel or lookout.
Sec. 5413. Release of prisoner without authority; drinking with prisoner.
Sec. 5414. Penalty for acting as a spy.
Sec. 5415. Public records offenses.
Sec. 5416. False or unauthorized pass offenses.
Sec. 5417. Impersonation offenses.
Sec. 5418. Insignia offenses.
Sec. 5419. False official statements; false swearing.
Sec. 5420. Parole violation.
Sec. 5421. Wrongful taking, opening, etc. of mail matter.
Sec. 5422. Improper hazarding of vessel or aircraft.
Sec. 5423. Leaving scene of vehicle accident.
Sec. 5424. Drunkenness and other incapacitation offenses.
Sec. 5425. Lower blood alcohol content limits for conviction of drunken or reckless operation of vehicle, aircraft, or vessel.
Sec. 5426. Endangerment offenses.
Sec. 5427. Communicating threats.
Sec. 5428. Technical amendment relating to murder.
Sec. 5429. Child endangerment.
Sec. 5430. Rape and sexual assault offenses.
Sec. 5431. Deposit of obscene matter in the mail.
Sec. 5432. Fraudulent use of credit cards, debit cards, and other access devices.
Sec. 5433. False pretenses to obtain services.
Sec. 5434. Robbery.
Sec. 5435. Receiving stolen property.
Sec. 5436. Offenses concerning Government computers.
Sec. 5437. Bribery.
Sec. 5438. Graft.
Sec. 5439. Kidnapping.
Sec. 5440. Arson; burning property with intent to defraud.
Sec. 5441. Assault.
Sec. 5442. Burglary and unlawful entry.
Sec. 5443. Stalking.

Sec. 5444. Subornation of perjury.
Sec. 5445. Obstructing justice.
Sec. 5446. Misprision of serious offense.
Sec. 5447. Wrongful refusal to testify.
Sec. 5448. Prevention of authorized seizure of property.
Sec. 5449. Wrongful interference with adverse administrative proceeding.
Sec. 5450. Retaliation.
Sec. 5451. Extraterritorial application of certain offenses.
Sec. 5452. Table of sections.

1 **SEC. 5401. REORGANIZATION OF PUNITIVE ARTICLES.**

2 Sections of subchapter X of chapter 47 of title 10,
3 United States Code (articles of the Uniform Code of Mili-
4 tary Justice), are transferred within subchapter X and re-
5 designated as follows:

6 (1) ENLISTMENT AND SEPARATION.—Sections
7 883 and 884 (articles 83 and 84) are transferred so
8 as to appear (in that order) after section 904 (arti-
9 cle 104) and are redesignated as sections 904a and
10 904b (articles 104a and 104b), respectively.

11 (2) RESISTANCE, FLIGHT, BREACH OF ARREST,
12 AND ESCAPE.—Section 895 (article 95) is trans-
13 ferred so as to appear after section 887 (article 87)
14 and is redesignated as section 887a (article 87a).

15 (3) NONCOMPLIANCE WITH PROCEDURAL
16 RULES.—Section 898 (article 98) is transferred so
17 as to appear after section 931 (article 131) and is
18 redesignated as section 931f (article 131f).

19 (4) CAPTURED OR ABANDONED PROPERTY.—
20 Section 903 (article 103) is transferred so as to ap-

1 pear after section 908 (article 108) and is redesignig-
2 nated as section 908a (article 108a).

3 (5) AIDING THE ENEMY.—Section 904 (article
4 104) is redesignated as section 903b (article 103b).

5 (6) MISCONDUCT AS PRISONER.—Section 905
6 (article 105) is transferred so as to appear after sec-
7 tion 897 (article 97) and is redesignated as section
8 898 (article 98).

9 (7) SPIES; ESPIONAGE.—Sections 906 and 906a
10 (articles 106 and 106a) are transferred so as to ap-
11 pear (in that order) after section 902 (article 102)
12 and are redesignated as sections 903 and 903a (arti-
13 cles 103 and 103a), respectively.

14 (8) MISBEHAVIOR OF SENTINEL.—Section 913
15 (article 113) is transferred so as to appear after sec-
16 tion 894 (article 94) and is redesignated as section
17 895 (article 95).

18 (9) DRUNKEN OR RECKLESS OPERATION OF A
19 VEHICLE, AIRCRAFT, OR VESSEL.—Section 911 (arti-
20 cle 111) is transferred so as to appear after section
21 912a (article 912a) and is redesignated as section
22 913 (article 113).

23 (10) HOUSEBREAKING.—Section 930 (article
24 130) is redesignated as section 929a (article 129a).

1 (11) STALKING.—Section 920a (article 120a) is
2 transferred so as to appear after section 929a (arti-
3 cle 129a), as redesignated by paragraph (10), and is
4 redesignated as section 930 (article 130).

5 (12) FORGERY.—Section 923 (article 123) is
6 transferred so as to appear after section 904b (arti-
7 cle 104b), as transferred and redesignated by para-
8 graph (1), and is redesignated as section 905 (arti-
9 cle 105).

10 (13) MAIMING.—

11 (A) IN GENERAL.—Section 924 (article
12 124) is transferred so as to appear after section
13 928 (article 128) and is redesignated as section
14 928a (article 128a).

15 (B) CONFORMING AMENDMENTS.—Section
16 919a(b) (article 919a(b)) is amended—

17 (i) by striking “924,” and inserting
18 “928a,”; and

19 (ii) by striking “124,” and inserting
20 “128a”.

21 (14) FRAUDS AGAINST THE UNITED STATES.—
22 Section 932 of (article 132) is transferred so as to
23 appear after section 923a (article 123a) and is re-
24 designated as section 924 (article 124).

1 **SEC. 5402. CONVICTION OF OFFENSE CHARGED, LESSER IN-**
2 **CLUDED OFFENSES, AND ATTEMPTS.**

3 Section 879 of title 10, United States Code (article
4 79 of the Uniform Code of Military Justice), is amended
5 to read as follows:

6 **“§ 879. Art. 79. Conviction of offense charged, lesser**
7 **included offenses, and attempts**

8 “(a) IN GENERAL.—An accused may be found guilty
9 of any of the following:

10 “(1) The offense charged.

11 “(2) A lesser included offense.

12 “(3) An attempt to commit the offense charged.

13 “(4) An attempt to commit a lesser included of-
14 fense, if the attempt is an offense in its own right.

15 “(b) LESSER INCLUDED OFFENSE DEFINED.—In
16 this section (article), the term ‘lesser included offense’
17 means—

18 “(1) an offense that is necessarily included in
19 the offense charged; and

20 “(2) any lesser included offense so designated
21 by regulation prescribed by the President.

22 “(c) REGULATORY AUTHORITY.—Any designation of
23 a lesser included offense in a regulation referred to in sub-
24 section (b) shall be reasonably included in the greater of-
25 fense.”.

1 **SEC. 5403. SOLICITING COMMISSION OF OFFENSES.**

2 Section 882 of title 10, United States Code (article
3 82 of the Uniform Code of Military Justice), is amended
4 to read as follows:

5 **“§ 882. Art. 82. Soliciting commission of offenses**

6 “(a) SOLICITING COMMISSION OF OFFENSES GEN-
7 ERALLY.—Any person subject to this chapter who solicits
8 or advises another to commit an offense under this chapter
9 (other than an offense specified in subsection (b)) shall
10 be punished as a court-martial may direct.

11 “(b) SOLICITING DESERTION, MUTINY, SEDITION,
12 OR MISBEHAVIOR BEFORE THE ENEMY.—Any person
13 subject to this chapter who solicits or advises another to
14 violate section 885 of this title (article 85), section 894
15 of this title (article 94), or section 99 of this title (article
16 99)—

17 “(1) if the offense solicited or advised is at-
18 tempted or is committed, shall be punished with the
19 punishment provided for the commission of the of-
20 fense; and

21 “(2) if the offense solicited or advised is not at-
22 tempted or committed, shall be punished as a court-
23 martial may direct.”.

24 **SEC. 5404. MALINGERING.**

25 Subchapter X of chapter 47 of title 10, United States
26 Code, is amended by inserting after section 882 (article

1 82 of the Uniform Code of Military Justice), as amended
2 by section 5403 of this Act, the following new section (ar-
3 ticle):

4 **“§ 883. Art. 83. Malingering**

5 “Any person subject to this chapter who, with the in-
6 tent to avoid work, duty, or service—

7 “(1) feigns illness, physical disablement, mental
8 lapse, or mental derangement; or

9 “(2) intentionally inflicts self-injury;

10 shall be punished as a court-martial may direct.”.

11 **SEC. 5405. BREACH OF MEDICAL QUARANTINE.**

12 Subchapter X of chapter 47 of title 10, United States
13 Code, is amended by inserting after section 883 (article
14 83 of the Uniform Code of Military Justice), as added by
15 section 5404 of this Act, the following new section (arti-
16 cle):

17 **“§ 884. Art. 84. Breach of medical quarantine**

18 “Any person subject to this chapter—

19 “(1) who is ordered into medical quarantine by
20 a person authorized to issue such order; and

21 “(2) who, with knowledge of the quarantine and
22 the limits of the quarantine, goes beyond those lim-
23 its before being released from the quarantine by
24 proper authority;

25 shall be punished as a court-martial may direct.”.

1 **SEC. 5406. MISSING MOVEMENT; JUMPING FROM VESSEL.**

2 Section 887 of title 10, United States Code (article
3 87 of the Uniform Code of Military Justice), is amended
4 to read as follows:

5 **“§ 887. Art. 87. Missing movement; jumping from ves-**
6 **sel**

7 “(a) MISSING MOVEMENT.—Any person subject to
8 this chapter who, through neglect or design, misses the
9 movement of a ship, aircraft, or unit with which the per-
10 son is required in the course of duty to move shall be pun-
11 ished as a court-martial may direct.

12 “(b) JUMPING FROM VESSEL INTO THE WATER.—
13 Any person subject to this chapter who wrongfully and in-
14 tentionally jumps into the water from a vessel in use by
15 the armed forces shall be punished as a court-martial may
16 direct.”.

17 **SEC. 5407. OFFENSES AGAINST CORRECTIONAL CUSTODY**
18 **AND RESTRICTION.**

19 Subchapter X of chapter 47 of title 10, United States
20 Code, is amended by inserting after section 887a (article
21 87a of the Uniform Code of Military Justice), as trans-
22 ferred and redesignated by section 5401(2) of this Act,
23 the following new section (article):

1 **“§ 887b. Art. 87b. Offenses against correctional cus-**
2 **tody and restriction**

3 “(a) ESCAPE FROM CORRECTIONAL CUSTODY.—Any
4 person subject to this chapter—

5 “(1) who is placed in correctional custody by a
6 person authorized to do so;

7 “(2) who, while in correctional custody, is under
8 physical restraint; and

9 “(3) who escapes from the physical restraint be-
10 fore being released from the physical restraint by
11 proper authority;

12 shall be punished as a court-martial may direct.

13 “(b) BREACH OF CORRECTIONAL CUSTODY.—Any
14 person subject to this chapter—

15 “(1) who is placed in correctional custody by a
16 person authorized to do so;

17 “(2) who, while in correctional custody, is under
18 restraint other than physical restraint; and

19 “(3) who goes beyond the limits of the restraint
20 before being released from the correctional custody
21 or relieved of the restraint by proper authority;

22 shall be punished as a court-martial may direct.

23 “(c) BREACH OF RESTRICTION.—Any person subject
24 to this chapter—

25 “(1) who is ordered to be restricted to certain
26 limits by a person authorized to do so; and

1 “(2) who, with knowledge of the limits of the
2 restriction, goes beyond those limits before being re-
3 leased by proper authority;
4 shall be punished as a court-martial may direct.”.

5 **SEC. 5408. DISRESPECT TOWARD SUPERIOR COMMIS-**
6 **SIONED OFFICER; ASSAULT OF SUPERIOR**
7 **COMMISSIONED OFFICER.**

8 Section 889 of title 10, United States Code (article
9 89 of the Uniform Code of Military Justice), is amended
10 to read as follows:

11 **“§ 889. Art. 89. Disrespect toward superior commis-**
12 **sioned officer; assault of superior com-**
13 **missioned officer**

14 “(a) DISRESPECT.—Any person subject to this chap-
15 ter who behaves with disrespect toward that person’s supe-
16 rior commissioned officer shall be punished as a court-
17 martial may direct.

18 “(b) ASSAULT.—Any person subject to this chapter
19 who strikes that person’s superior commissioned officer or
20 draws or lifts up any weapon or offers any violence against
21 that officer while the officer is in the execution of the offi-
22 cer’s office shall be punished—

23 “(1) if the offense is committed in time of war,
24 by death or such other punishment as a court-mar-
25 tial may direct; and

1 “(2) if the offense is committed at any other
2 time, by such punishment, other than death, as a
3 court-martial may direct.”.

4 **SEC. 5409. WILLFULLY DISOBEYING SUPERIOR COMMIS-**
5 **SIONED OFFICER.**

6 Section 890 of title 10, United States Code (article
7 90 of the Uniform Code of Military Justice), is amended
8 to read as follows:

9 **“§ 890. Art. 90. Willfully disobeying superior commis-**
10 **sioned officer**

11 “Any person subject to this chapter who willfully dis-
12 obeys a lawful command of that person’s superior commis-
13 sioned officer shall be punished—

14 “(1) if the offense is committed in time of war,
15 by death or such other punishment as a court-mar-
16 tial may direct; and

17 “(2) if the offense is committed at any other
18 time, by such punishment, other than death, as a
19 court-martial may direct.”.

20 **SEC. 5410. PROHIBITED ACTIVITIES WITH MILITARY RE-**
21 **CRUIT OR TRAINEE BY PERSON IN POSITION**
22 **OF SPECIAL TRUST.**

23 Subchapter X of chapter 47 of title 10, United States
24 Code, is amended by inserting after section 893 (article

1 93 of the Uniform Code of Military Justice), the following
2 new section (article):

3 **“§ 893a. Art. 93a. Prohibited activities with military**
4 **recruit or trainee by person in position of**
5 **special trust**

6 “(a) ABUSE OF TRAINING LEADERSHIP POSITION.—

7 Any person subject to this chapter—

8 “(1) who is an officer, a noncommissioned offi-
9 cer, or a petty officer;

10 “(2) who is in a training leadership position
11 with respect to a specially protected junior member
12 of the armed forces; and

13 “(3) who engages in prohibited sexual activity
14 with such specially protected junior member of the
15 armed forces;

16 shall be punished as a court-martial may direct.

17 “(b) ABUSE OF POSITION AS MILITARY RE-
18 CRUITER.—Any person subject to this chapter—

19 “(1) who is a military recruiter and engages in
20 prohibited sexual activity with an applicant for mili-
21 tary service; or

22 “(2) who is a military recruiter and engages in
23 prohibited sexual activity with a specially protected
24 junior member of the armed forces who is enlisted
25 under a delayed entry program;

1 shall be punished as a court-martial may direct.

2 “(c) CONSENT.—Consent is not a defense for any
3 conduct at issue in a prosecution under this section (arti-
4 cle).

5 “(d) DEFINITIONS.—In this section (article):

6 “(1) SPECIALLY PROTECTED JUNIOR MEMBER
7 OF THE ARMED FORCES.—The term ‘specially pro-
8 tected junior member of the armed forces’ means—

9 “(A) a member of the armed forces who is
10 assigned to, or is awaiting assignment to, basic
11 training or other initial active duty for training,
12 including a member who is enlisted under a de-
13 layed entry program;

14 “(B) a member of the armed forces who is
15 a cadet, a midshipman, an officer candidate, or
16 a student in any other officer qualification pro-
17 gram; and

18 “(C) a member of the armed forces in any
19 program that, by regulation prescribed by the
20 Secretary concerned, is identified as a training
21 program for initial career qualification.

22 “(2) TRAINING LEADERSHIP POSITION.—The
23 term ‘training leadership position’ means, with re-
24 spect to a specially protected junior member of the
25 armed forces, any of the following:

1 “(A) Any drill instructor position or other
2 leadership position in a basic training program,
3 an officer candidate school, a reserve officers’
4 training corps unit, a training program for
5 entry into the armed forces, or any program
6 that, by regulation prescribed by the Secretary
7 concerned, is identified as a training program
8 for initial career qualification.

9 “(B) Faculty and staff of the United
10 States Military Academy, the United States
11 Naval Academy, the United States Air Force
12 Academy, and the United States Coast Guard
13 Academy.

14 “(3) APPLICANT FOR MILITARY SERVICE.—The
15 term ‘applicant for military service’ means a person
16 who, under regulations prescribed by the Secretary
17 concerned, is an applicant for original enlistment or
18 appointment in the armed forces.

19 “(4) MILITARY RECRUITER.—The term ‘mili-
20 tary recruiter’ means a person who, under regula-
21 tions prescribed by the Secretary concerned, has the
22 primary duty to recruit persons for military service.

23 “(5) PROHIBITED SEXUAL ACTIVITY.—The
24 term ‘prohibited sexual activity’ means, as specified
25 in regulations prescribed by the Secretary concerned,

1 inappropriate physical intimacy under circumstances
2 described in such regulations.”.

3 **SEC. 5411. OFFENSES BY SENTINEL OR LOOKOUT.**

4 Section 895 of title 10, United States Code (article
5 95 of the Uniform Code of Military Justice), as trans-
6 ferred and redesignated by section 5401(8) of this Act,
7 is amended to read as follows:

8 **“§ 895. Art. 95. Offenses by sentinel or lookout**

9 “(a) DRUNK OR SLEEPING ON POST, OR LEAVING
10 POST BEFORE BEING RELIEVED.—Any sentinel or look-
11 out who is drunk on post, who sleeps on post, or who
12 leaves post before being regularly relieved, shall be pun-
13 ished—

14 “(1) if the offense is committed in time of war,
15 by death or such other punishment as a court-mar-
16 tial may direct; and

17 “(2) if the offense is committed other than in
18 time of war, by such punishment, other than death,
19 as a court-martial may direct.

20 “(b) LOITERING OR WRONGFULLY SITTING ON
21 POST.—Any sentinel or lookout who loiters or wrongfully
22 sits down on post shall be punished as a court-martial may
23 direct.”.

1 **SEC. 5412. DISRESPECT TOWARD SENTINEL OR LOOKOUT.**

2 Subchapter X of chapter 47 of title 10, United States
3 Code, is amended by inserting after section 895 (article
4 95 of the Uniform Code of Military Justice), as amended
5 by section 5411 of this Act, the following new section (ar-
6 ticle):

7 **“§ 895a. Art. 95a. Disrespect toward sentinel or look-**
8 **out**

9 “(a) DISRESPECTFUL LANGUAGE TOWARD SEN-
10 TINEL OR LOOKOUT.—Any person subject to this chapter
11 who, knowing that another person is a sentinel or lookout,
12 uses wrongful and disrespectful language that is directed
13 toward and within the hearing of the sentinel or lookout,
14 who is in the execution of duties as a sentinel or lookout,
15 shall be punished as a court-martial may direct.

16 “(b) DISRESPECTFUL BEHAVIOR TOWARD SENTINEL
17 OR LOOKOUT.—Any person subject to this chapter who,
18 knowing that another person is a sentinel or lookout, be-
19 haves in a wrongful and disrespectful manner that is di-
20 rected toward and within the sight of the sentinel or look-
21 out, who is in the execution of duties as a sentinel or look-
22 out, shall be punished as a court-martial may direct.”.

1 **SEC. 5413. RELEASE OF PRISONER WITHOUT AUTHORITY;**
2 **DRINKING WITH PRISONER.**

3 Section 896 of title 10, United States Code (article
4 96 of the Uniform Code of Military Justice), is amended
5 to read as follows:

6 **“§ 896. Art. 96. Release of prisoner without authority;**
7 **drinking with prisoner**

8 “(a) RELEASE OF PRISONER WITHOUT AUTHOR-
9 ITY.—Any person subject to this chapter—

10 “(1) who, without authority to do so, releases
11 a prisoner; or

12 “(2) who, through neglect or design, allows a
13 prisoner to escape;

14 shall be punished as a court-martial may direct, whether
15 or not the prisoner was committed in strict compliance
16 with the law.

17 “(b) DRINKING WITH PRISONER.—Any person sub-
18 ject to this chapter who unlawfully drinks any alcoholic
19 beverage with a prisoner shall be punished as a court-mar-
20 tial may direct.”.

21 **SEC. 5414. PENALTY FOR ACTING AS A SPY.**

22 Section 903 of title 10, United States Code (article
23 103 of the Uniform Code of Military Justice), as trans-
24 ferred and redesignated by section 5401(7) of this Act,
25 is amended by inserting before the period at the end of

1 the first sentence the following: “or such other punishment
2 as a court-martial or a military commission may direct”.

3 **SEC. 5415. PUBLIC RECORDS OFFENSES.**

4 Subchapter X of chapter 47 of title 10, United States
5 Code, is amended by inserting after section 903b (article
6 103b of the Uniform Code of Military Justice), as redesignig-
7 nated by section 5401(5) of this Act, the following new
8 section (article):

9 **“§ 904. Art. 104. Public records offenses**

10 “Any person subject to this chapter who, willfully and
11 unlawfully—

12 “(1) alters, conceals, removes, mutilates, oblit-
13 erates, or destroys a public record; or

14 “(2) takes a public record with the intent to
15 alter, conceal, remove, mutilate, obliterate, or de-
16 stroy the public record;

17 shall be punished as a court-martial may direct.”.

18 **SEC. 5416. FALSE OR UNAUTHORIZED PASS OFFENSES.**

19 Subchapter X of chapter 47 of title 10, United States
20 Code, is amended by inserting after section 905 (article
21 105 of the Uniform Code of Military Justice), as trans-
22 ferred and redesignated by section 5401(12) of this Act,
23 the following new section (article):

1 **“§ 905a. Art. 105a. False or unauthorized pass of-**
2 **fenses**

3 “(a) WRONGFUL MAKING, ALTERING, ETC.—Any
4 person subject to this chapter who, wrongfully and falsely,
5 makes, alters, counterfeits, or tampers with a military or
6 official pass, permit, discharge certificate, or identification
7 card shall be punished as a court-martial may direct.

8 “(b) WRONGFUL SALE, ETC.—Any person subject to
9 this chapter who wrongfully sells, gives, lends, or disposes
10 of a false or unauthorized military or official pass, permit,
11 discharge certificate, or identification card, knowing that
12 the pass, permit, discharge certificate, or identification
13 card is false or unauthorized, shall be punished as a court-
14 martial may direct.

15 “(c) WRONGFUL USE OR POSSESSION.—Any person
16 subject to this chapter who wrongfully uses or possesses
17 a false or unauthorized military or official pass, permit,
18 discharge certificate, or identification card, knowing that
19 the pass, permit, discharge certificate, or identification
20 card is false or unauthorized, shall be punished as a court-
21 martial may direct.”.

22 **SEC. 5417. IMPERSONATION OFFENSES.**

23 Subchapter X of chapter 47 of title 10, United States
24 Code, is amended by inserting after section 905a (article
25 105a of the Uniform Code of Military Justice), as added

1 by section 5416 of this Act, the following new section (ar-
2 ticle):

3 **“§ 906. Art. 106. Impersonation of officer, noncommis-**
4 **sioned or petty officer, or agent or offi-**
5 **cial**

6 “(a) IN GENERAL.—Any person subject to this chap-
7 ter who, wrongfully and willfully, impersonates—

8 “(1) an officer, a noncommissioned officer, or a
9 petty officer;

10 “(2) an agent of superior authority of one of
11 the armed forces; or

12 “(3) an official of a government;

13 shall be punished as a court-martial may direct.

14 “(b) IMPERSONATION WITH INTENT TO DEFRAUD.—

15 Any person subject to this chapter who, wrongfully, will-
16 fully, and with intent to defraud, impersonates any person
17 referred to in paragraph (1), (2), or (3) of subsection (a)
18 shall be punished as a court-martial may direct.

19 “(c) IMPERSONATION OF GOVERNMENT OFFICIAL

20 WITHOUT INTENT TO DEFRAUD.—Any person subject to

21 this chapter who, wrongfully, willfully, and without intent
22 to defraud, impersonates an official of a government by
23 committing an act that exercises or asserts the authority
24 of the office that the person claims to have shall be pun-
25 ished as a court-martial may direct.”.

1 **SEC. 5418. INSIGNIA OFFENSES.**

2 Subchapter X of chapter 47 of title 10, United States
3 Code, is amended by inserting after section 906 (article
4 106 of the Uniform Code of Military Justice), as added
5 by section 5417 of this Act, the following new section (ar-
6 ticle):

7 **“§ 906a. Art. 106a. Wearing unauthorized insignia,**
8 **decoration, badge, ribbon, device, or**
9 **lapel button**

10 “Any person subject to this chapter—

11 “(1) who is not authorized to wear an insignia,
12 decoration, badge, ribbon, device, or lapel button;
13 and

14 “(2) who wrongfully wears such insignia, deco-
15 ration, badge, ribbon, device, or lapel button upon
16 the person’s uniform or civilian clothing;
17 shall be punished as a court-martial may direct.”.

18 **SEC. 5419. FALSE OFFICIAL STATEMENTS; FALSE SWEAR-**
19 **ING.**

20 Section 907 of title 10, United States Code (article
21 107 of the Uniform Code of Military Justice), is amended
22 to read as follows:

23 **“§ 907. Art. 107. False official statements; false swear-**
24 **ing**

25 “(a) FALSE OFFICIAL STATEMENTS.—Any person
26 subject to this chapter who, with intent to deceive—

1 “(1) signs any false record, return, regulation,
2 order, or other official document, knowing it to be
3 false; or

4 “(2) makes any other false official statement
5 knowing it to be false;

6 shall be punished as a court-martial may direct.

7 “(b) FALSE SWEARING.—Any person subject to this
8 chapter—

9 “(1) who takes an oath that—

10 “(A) is administered in a matter in which
11 such oath is required or authorized by law; and

12 “(B) is administered by a person with au-
13 thority to do so; and

14 “(2) who, upon such oath, makes or subscribes
15 to a statement;

16 if the statement is false and at the time of taking the oath,
17 the person does not believe the statement to be true, shall
18 be punished as a court-martial may direct.”.

19 **SEC. 5420. PAROLE VIOLATION.**

20 Subchapter X of chapter 47 of title 10, United States
21 Code, is amended by inserting after section 907 (article
22 107 of the Uniform Code of Military Justice), as amended
23 by section 5419 of this Act, the following new section (ar-
24 ticle):

1 **“§ 907a. Art. 107a. Parole violation**

2 “Any person subject to this chapter—

3 “(1) who, having been a prisoner as the result
4 of a court-martial conviction or other criminal pro-
5 ceeding, is on parole with conditions; and

6 “(2) who violates the conditions of parole;

7 shall be punished as a court-martial may direct.”.

8 **SEC. 5421. WRONGFUL TAKING, OPENING, ETC. OF MAIL**
9 **MATTER.**

10 Subchapter X of chapter 47 of title 10, United States
11 Code, is amended by inserting after section 909 (article
12 109 of the Uniform Code of Military Justice), the fol-
13 lowing new section (article):

14 **“§ 909a. Art. 109a. Mail matter: wrongful taking,**
15 **opening, etc.**

16 “(a) TAKING.—Any person subject to this chapter
17 who, with the intent to obstruct the correspondence of,
18 or to pry into the business or secrets of, any person or
19 organization, wrongfully takes mail matter before the mail
20 matter is delivered to or received by the addressee shall
21 be punished as a court-martial may direct.

22 “(b) OPENING, SECRETING, DESTROYING, STEAL-
23 ING.—Any person subject to this chapter who wrongfully
24 opens, secretes, destroys, or steals mail matter before the
25 mail matter is delivered to or received by the addressee
26 shall be punished as a court-martial may direct.”.

1 **SEC. 5422. IMPROPER HAZARDING OF VESSEL OR AIR-**
2 **CRAFT.**

3 Section 910 of title 10, United States Code (article
4 110 of the Uniform Code of Military Justice), is amended
5 to read as follows:

6 **“§ 910. Art. 110. Improper hazarding of vessel or air-**
7 **craft**

8 “(a) WILLFUL AND WRONGFUL HAZARDING.—Any
9 person subject to this chapter who, willfully and wrong-
10 fully, hazards or suffers to be hazarded any vessel or air-
11 craft of the armed forces shall be punished by death or
12 such other punishment as a court-martial may direct.

13 “(b) NEGLIGENT HAZARDING.—Any person subject
14 to this chapter who negligently hazards or suffers to be
15 hazarded any vessel or aircraft of the armed forces shall
16 be punished as a court-martial may direct.”.

17 **SEC. 5423. LEAVING SCENE OF VEHICLE ACCIDENT.**

18 Subchapter X of chapter 47 of title 10, United States
19 Code, is amended by inserting after section 910 (article
20 110 of the Uniform Code of Military Justice), as amended
21 by section 5422 of this Act, the following new section (ar-
22 ticle):

23 **“§ 911. Art. 111. Leaving scene of vehicle accident**

24 “(a) DRIVER.—Any person subject to this chapter—

1 “(1) who is the driver of a vehicle that is in-
2 volved in an accident that results in personal injury
3 or property damage; and

4 “(2) who wrongfully leaves the scene of the ac-
5 cident—

6 “(A) without providing assistance to an in-
7 jured person; or

8 “(B) without providing personal identifica-
9 tion to others involved in the accident or to ap-
10 propriate authorities;

11 shall be punished as a court-martial may direct.

12 “(b) SENIOR PASSENGER.—Any person subject to
13 this chapter—

14 “(1) who is a passenger in a vehicle that is in-
15 volved in an accident that results in personal injury
16 or property damage;

17 “(2) who is the superior commissioned or non-
18 commissioned officer of the driver of the vehicle or
19 is the commander of the vehicle; and

20 “(3) who wrongfully and unlawfully orders,
21 causes, or permits the driver to leave the scene of
22 the accident—

23 “(A) without providing assistance to an in-
24 jured person; or

1 “(B) without providing personal identifica-
2 tion to others involved in the accident or to ap-
3 propriate authorities;
4 shall be punished as a court-martial may direct.”.

5 **SEC. 5424. DRUNKENNESS AND OTHER INCAPACITATION**
6 **OFFENSES.**

7 Section 912 of title 10, United States Code (article
8 112 of the Uniform Code of Military Justice), is amended
9 to read as follows:

10 **“§ 912. Art. 112. Drunkenness and other incapacita-**
11 **tion offenses**

12 “(a) DRUNK ON DUTY.—Any person subject to this
13 chapter who is drunk on duty shall be punished as a court-
14 martial may direct.

15 “(b) INCAPACITATION FOR DUTY FROM DRUNKEN-
16 NESS OR DRUG USE.—Any person subject to this chapter
17 who, as a result of indulgence in any alcoholic beverage
18 or any drug, is incapacitated for the proper performance
19 of duty shall be punished as a court-martial may direct.

20 “(c) DRUNK PRISONER.—Any person subject to this
21 chapter who is a prisoner and, while in such status, is
22 drunk shall be punished as a court-martial may direct.”.

1 **SEC. 5425. LOWER BLOOD ALCOHOL CONTENT LIMITS FOR**
2 **CONVICTION OF DRUNKEN OR RECKLESS OP-**
3 **ERATION OF VEHICLE, AIRCRAFT, OR VES-**
4 **SEL.**

5 Subsection (b)(3) of section 913 of title 10, United
6 States Code (article 113 of the Uniform Code of Military
7 Justice), as transferred and redesignated by section
8 5401(9) of this Act, is amended—

9 (1) by striking “0.10 grams” both places it ap-
10 pears and inserting “0.08 grams”; and

11 (2) by adding at the end the following new sen-
12 tence: “The Secretary may by regulation prescribe
13 limits that are lower than the limits specified in the
14 preceding sentence, if such lower limits are based on
15 scientific developments, as reflected in Federal law
16 of general applicability.”.

17 **SEC. 5426. ENDANGERMENT OFFENSES.**

18 Section 914 of title 10, United States Code (article
19 114 of the Uniform Code of Military Justice), is amended
20 to read as follows:

21 **“§ 914. Art. 114. Endangerment offenses**

22 “(a) RECKLESS ENDANGERMENT.—Any person sub-
23 ject to this chapter who engages in conduct that—

24 “(1) is wrongful and reckless or is wanton; and

25 “(2) is likely to produce death or grievous bod-
26 ily harm to another person;

1 shall be punished as a court-martial may direct.

2 “(b) DUELING.—Any person subject to this chap-
3 ter—

4 “(1) who fights or promotes, or is concerned in
5 or connives at fighting, a duel; or

6 “(2) who, having knowledge of a challenge sent
7 or about to be sent, fails to report the facts prompt-
8 ly to the proper authority;

9 shall be punished as a court-martial may direct.

10 “(c) FIREARM DISCHARGE, ENDANGERING HUMAN
11 LIFE.—Any person subject to this chapter who, willfully
12 and wrongly, discharges a firearm, under circumstances
13 such as to endanger human life shall be punished as a
14 court-martial may direct.

15 “(d) CARRYING CONCEALED WEAPON.—Any person
16 subject to this chapter who unlawfully carries a dangerous
17 weapon concealed on or about his person shall be punished
18 as a court-martial may direct.”.

19 **SEC. 5427. COMMUNICATING THREATS.**

20 Section 915 of title 10, United States Code (article
21 115 of the Uniform Code of Military Justice), is amended
22 to read as follows:

23 **“§ 915. Art. 115. Communicating threats**

24 “(a) COMMUNICATING THREATS GENERALLY.—Any
25 person subject to this chapter who wrongfully commu-

1 nicates a threat to injure the person, property, or reputa-
2 tion of another shall be punished as a court-martial may
3 direct.

4 “(b) COMMUNICATING THREAT TO USE EXPLOSIVE,
5 ETC.—Any person subject to this chapter who wrongfully
6 communicates a threat to injure the person or property
7 of another by use of (1) an explosive, (2) a weapon of
8 mass destruction, (3) a biological or chemical agent, sub-
9 stance, or weapon, or (4) a hazardous material, shall be
10 punished as a court-martial may direct.

11 “(c) COMMUNICATING FALSE THREAT CONCERNING
12 USE OF EXPLOSIVE, ETC.—Any person subject to this
13 chapter who maliciously communicates a false threat con-
14 cerning injury to the person or property of another by use
15 of (1) an explosive, (2) a weapon of mass destruction, (3)
16 a biological or chemical agent, substance, or weapon, or
17 (4) a hazardous material, shall be punished as a court-
18 martial may direct. As used in the preceding sentence, the
19 term ‘false threat’ means a threat that, at the time the
20 threat is communicated, is known to be false by the person
21 communicating the threat.”

1 **SEC. 5428. TECHNICAL AMENDMENT RELATING TO MUR-**
2 **DER.**

3 Section 918(4) of title 10, United States Code (article
4 118(4) of the Uniform Code of Military Justice), is
5 amended by striking “forcible sodomy,”.

6 **SEC. 5429. CHILD ENDANGERMENT.**

7 Subchapter X of chapter 47 of title 10, United States
8 Code, is amended by inserting after section 919a (article
9 119a of the Uniform Code of Military Justice), the fol-
10 lowing new section (article):

11 **“§ 919b. Art. 119b. Child endangerment**

12 “Any person subject to this chapter—

13 “(1) who has a duty for the care of a child
14 under the age of 16 years; and

15 “(2) who, through design or culpable neg-
16 ligence, endangers the child’s mental or physical
17 health, safety, or welfare;

18 shall be punished as a court-martial may direct.”.

19 **SEC. 5430. RAPE AND SEXUAL ASSAULT OFFENSES.**

20 (a) OFFENSE OF SEXUAL ASSAULT.—Subsection (b)
21 of section 920 of title 10, United States Code (article 120
22 of the Uniform Code of Military Justice), is amended—

23 (1) in paragraph (1)—

24 (A) by striking subparagraph (B); and

1 (B) by redesignating subparagraphs (C)
2 and (D) as subparagraphs (B) and (C), respec-
3 tively; and

4 (2) in paragraph (2)—

5 (A) by striking “another person when” and
6 inserting “another person—

7 “(B) when”; and

8 (B) by inserting before subparagraph (B),
9 as added by subparagraph (A) of this para-
10 graph, the following new subparagraph:

11 “(A) without the consent of the other per-
12 son; or”.

13 (b) DEFINITIONS.—

14 (1) SEXUAL ACT.—Paragraph (1) of subsection
15 (g) of such section (article) is amended to read as
16 follows:

17 “(1) SEXUAL ACT.—The term ‘sexual act’
18 means—

19 “(A) the penetration, however slight, of the
20 penis into the vulva or anus or mouth;

21 “(B) contact between the mouth and the
22 penis, vulva, scrotum, or anus; or

23 “(C) the penetration, however slight, of the
24 vulva or penis or anus of another by any part
25 of the body or any object, with an intent to

1 abuse, humiliate, harass, or degrade any person
2 or to arouse or gratify the sexual desire of any
3 person.”.

4 (2) SEXUAL CONTACT.—Paragraph (2) of such
5 subsection is amended to read as follows:

6 “(2) SEXUAL CONTACT.—The term ‘sexual con-
7 tact’ means touching, or causing another person to
8 touch, either directly or through the clothing, the
9 vulva, penis, scrotum, anus, groin, brest, inner thigh,
10 or buttocks of any person, with an intent to abuse,
11 humiliate, harass, or degrade any person or to
12 arouse or gratify the sexual desire of any person.
13 Touching may be accomplished by any part of the
14 body or an object.”.

15 (3) REPEAL OF DEFINITION OF BODILY
16 HARM.—Such subsection is further amended—

17 (A) by striking paragraph (3); and

18 (B) by redesignating paragraphs (4)
19 through (8) as paragraphs (3) through (7), re-
20 spectively.

21 (4) CONSENT.—Paragraph (7) of such sub-
22 section, as redesignated by paragraph (3)(B) of this
23 subsection, is further amended—

24 (A) in subparagraph (A)—

1 (i) in the second sentence, by striking
2 “or submission resulting from the use of
3 force, threat of force, or placing another in
4 fear”;

5 (ii) by inserting after the second sen-
6 tence, as amended by clause (i) of this sub-
7 paragraph the following new sentence:
8 “Submission resulting from the use of
9 force, threat of force, or placing another
10 person in fear also does not constitute con-
11 sent.”; and

12 (iii) in the last sentence, by striking
13 “shall not” and inserting “does not”;

14 (B) in subparagraph (B), by striking “sub-
15 paragraph (B) or (D)” and inserting “subpara-
16 graph (B) or (C)”; and

17 (C) in subparagraph (C)—

18 (i) by striking the first sentence; and

19 (ii) in the last sentence, by striking “,
20 or whether” and all that follows and in-
21 serting a period.

22 (5) INCAPABLE OF CONSENTING.—Such sub-
23 section is further amended by adding at the end the
24 following new paragraph (8):

1 “(8) INCAPABLE OF CONSENTING.—The term
2 ‘incapable of consenting’ means the person is—

3 “(A) incapable of appraising the nature of
4 the conduct at issue; or

5 “(B) physically incapable of declining par-
6 ticipation in, or communicating unwillingness to
7 engage in, the sexual act at issue.”.

8 (c) RAPE AND SEXUAL ASSAULT OF A CHILD.—Sub-
9 section (h)(1) of section 920b of title 10, United States
10 Code (article 120b of the Uniform Code of Military Jus-
11 tice), is amended by inserting before the period at the end
12 the following: “, except that the term ‘sexual act’ also in-
13 cludes the intentional touching, not through the clothing,
14 of the genitalia of another person who has not attained
15 the age of 16 years with an intent to abuse, humiliate,
16 harass, degrade, or arouse or gratify the sexual desire of
17 any person”.

18 **SEC. 5431. DEPOSIT OF OBSCENE MATTER IN THE MAIL.**

19 Subchapter X of chapter 47 of title 10, United States
20 Code, is amended by inserting after section 920 (article
21 120 of the Uniform Code of Military Justice), the fol-
22 lowing new section (article):

1 **“§ 920a. Art. 120a. Mails: deposit of obscene matter**

2 “Any person subject to this chapter who, wrongfully
3 and knowingly, deposits obscene matter for mailing and
4 delivery shall be punished as a court-martial may direct.”.

5 **SEC. 5432. FRAUDULENT USE OF CREDIT CARDS, DEBIT**
6 **CARDS, AND OTHER ACCESS DEVICES.**

7 Subchapter X of chapter 47 of title 10, United States
8 Code, is amended by inserting after section 921 (article
9 121 of the Uniform Code of Military Justice), the fol-
10 lowing new section (article):

11 **“§ 921a. Art. 121a. Fraudulent use of credit cards,**
12 **debit cards, and other access devices**

13 “(a) IN GENERAL.—Any person subject to this chap-
14 ter who, knowingly and with intent to defraud, uses—

15 “(1) a stolen credit card, debit card, or other
16 access device;

17 “(2) a revoked, cancelled, or otherwise invalid
18 credit card, debit card, or other access device; or

19 “(3) a credit card, debit card, or other access
20 device without the authorization of a person whose
21 authorization is required for such use;

22 to obtain money, property, services, or anything else of
23 value shall be punished as a court-martial may direct.

24 “(b) ACCESS DEVICE DEFINED.—In this section (ar-
25 ticle), the term ‘access device’ has the meaning given that
26 term in section 1029 of title 18.”.

1 **SEC. 5433. FALSE PRETENSES TO OBTAIN SERVICES.**

2 Subchapter X of chapter 47 of title 10, United States
3 Code, is amended by inserting after section 921a (article
4 121a of the Uniform Code of Military Justice), as added
5 by section 5432 of this Act, the following new section (ar-
6 ticle):

7 **“§ 921b. Art. 121b. False pretenses to obtain services**

8 “Any person subject to this chapter who, with intent
9 to defraud, knowingly uses false pretenses to obtain serv-
10 ices shall be punished as a court-martial may direct.”.

11 **SEC. 5434. ROBBERY.**

12 Section 922 of title 10, United States Code (article
13 122 of the Uniform Code of Military Justice), is amended
14 to read as follows:

15 **“§ 922. Art. 122. Robbery**

16 “Any person subject to this chapter who takes any-
17 thing of value from the person or in the presence of an-
18 other, against his will, by means of force or violence or
19 fear of immediate or future injury to his person or prop-
20 erty or to the person or property of a relative or member
21 of his family or of anyone in his company at the time of
22 the robbery, is guilty of robbery and shall be punished as
23 a court-martial may direct.”.

24 **SEC. 5435. RECEIVING STOLEN PROPERTY.**

25 Subchapter X of chapter 47 of title 10, United States
26 Code, is amended by inserting after section 922 (article

1 122 of the Uniform Code of Military Justice), as amended
2 by section 5434 of this Act, the following new section (ar-
3 ticle):

4 **“§ 922a. Art. 122a. Receiving stolen property**

5 “Any person subject to this chapter who wrongfully
6 receives, buys, or conceals stolen property, knowing the
7 property to be stolen property, shall be punished as a
8 court-martial may direct.”.

9 **SEC. 5436. OFFENSES CONCERNING GOVERNMENT COM-**
10 **PUTERS.**

11 Subchapter X of chapter 47 of title 10, United States
12 Code, is amended by inserting after section 922a (article
13 122a of the Uniform Code of Military Justice), as added
14 by section 5435 of this Act, the following new section (ar-
15 ticle):

16 **“§ 923. Art. 123. Offenses concerning Government**
17 **computers**

18 “(a) IN GENERAL.—Any person subject to this chap-
19 ter who—

20 “(1) knowingly accesses a Government com-
21 puter, with an unauthorized purpose, and by doing
22 so obtains classified information, with reason to be-
23 lieve such information could be used to the injury of
24 the United States, or to the advantage of any for-
25 eign nation, and intentionally communicates, deliv-

1 ers, transmits, or causes to be communicated, deliv-
2 ered, or transmitted such information to any person
3 not entitled to receive it;

4 “(2) intentionally accesses a Government com-
5 puter, with an unauthorized purpose, and thereby
6 obtains classified or other protected information
7 from any Government computer; or

8 “(3) knowingly causes the transmission of a
9 program, information, code, or command, and as a
10 result of such conduct, intentionally causes damage
11 without authorization to a Government computer;

12 shall be punished as a court-martial may direct.

13 “(b) DEFINITIONS.—In this section:

14 “(1) The term ‘computer’ has the meaning
15 given that term in section 1030 of title 18.

16 “(2) The term ‘Government computer’ means a
17 computer owned or operated by or on behalf of the
18 United States Government.

19 “(3) The term ‘damage’ has the meaning given
20 that term in section 1030 of title 18.”.

21 **SEC. 5437. BRIBERY.**

22 Subchapter X of chapter 47 of title 10, United States
23 Code, is amended by inserting after section 924 (article
24 124 of the Uniform Code of Military Justice), as trans-

1 ferred and redesignated by section 5401(14) of this Act,
2 the following new section (article):

3 **“§ 924a. Art. 124a. Bribery**

4 “(a) ASKING, ACCEPTING, OR RECEIVING THING OF
5 VALUE.—Any person subject to this chapter—

6 “(1) who occupies an official position or who
7 has official duties; and

8 “(2) who wrongfully asks, accepts, or receives a
9 thing of value with the intent to have the person’s
10 decision or action influenced with respect to an offi-
11 cial matter in which the United States is interested;
12 shall be punished as a court-martial may direct.

13 “(b) PROMISING, OFFERING, OR GIVING THING OF
14 VALUE.—Any person subject to this chapter who wrong-
15 fully promises, offers, or gives a thing of value to another
16 person, who occupies an official position or who has offi-
17 cial duties, with the intent to influence the decision or ac-
18 tion of the other person with respect to an official matter
19 in which the United States is interested, shall be punished
20 as a court-martial may direct.”.

21 **SEC. 5438. GRAFT.**

22 Subchapter X of chapter 47 of title 10, United States
23 Code, is amended by inserting after section 924a (article
24 124a of the Uniform Code of Military Justice), as added

1 by section 5437 of this Act, the following new section (ar-
2 ticle):

3 **“§ 924b. Art. 124b. Graft**

4 “(a) ASKING, ACCEPTING, OR RECEIVING THING OF
5 VALUE.—Any person subject to this chapter—

6 “(1) who occupies an official position or who
7 has official duties; and

8 “(2) who wrongfully asks, accepts, or receives a
9 thing of value as compensation for or in recognition
10 of services rendered or to be rendered by the person
11 with respect to an official matter in which the
12 United States is interested;

13 shall be punished as a court-martial may direct.

14 “(b) PROMISING, OFFERING, OR GIVING THING OF
15 VALUE.—Any person subject to this chapter who wrong-
16 fully promises, offers, or gives a thing of value to another
17 person, who occupies an official position or who has offi-
18 cial duties, as compensation for or in recognition of serv-
19 ices rendered or to be rendered by the other person with
20 respect to an official matter in which the United States
21 is interested, shall be punished as a court-martial may di-
22 rect.”.

1 **SEC. 5439. KIDNAPPING.**

2 Section 925 of title 10, United States Code (article
3 125 of the Uniform Code of Military Justice), is amended
4 to read as follows:

5 **“§ 925. Art. 125. Kidnapping**

6 “Any person subject to this chapter who wrongfully—

7 “(1) seizes, confines, inveigles, decoys, or car-
8 ries away another person; and

9 “(2) holds the other person against that per-
10 son’s will;

11 shall be punished as a court-martial may direct.”.

12 **SEC. 5440. ARSON; BURNING PROPERTY WITH INTENT TO**
13 **DEFRAUD.**

14 Section 926 of title 10, United States Code (article
15 126 of the Uniform Code of Military Justice), is amended
16 to read as follows:

17 **“§ 926. Art. 126. Arson; burning property with intent**
18 **to defraud**

19 “(a) AGGRAVATED ARSON.—Any person subject to
20 this chapter who, willfully and maliciously, burns or sets
21 on fire an inhabited dwelling, or any other structure, mov-
22 able or immovable, wherein, to the knowledge of that per-
23 son, there is at the time a human being, is guilty of aggra-
24 vated arson and shall be punished as a court-martial may
25 direct.

1 “(b) SIMPLE ARSON.—Any person subject to this
2 chapter who, willfully and maliciously, burns or sets fire
3 to the property of another is guilty of simple arson and
4 shall be punished as a court-martial may direct.

5 “(c) BURNING PROPERTY WITH INTENT TO DE-
6 FRAUD.—Any person subject to this chapter who, willfully,
7 maliciously, and with intent to defraud, burns or sets fire
8 to any property shall be punished as a court-martial may
9 direct.”.

10 **SEC. 5441. ASSAULT.**

11 Section 928 of title 10, United States Code (article
12 128 of the Uniform Code of Military Justice), is amended
13 to read as follows:

14 **“§ 928. Art. 128. Assault**

15 “(a) ASSAULT.—Any person subject to this chapter
16 who, unlawfully and with force or violence—

17 “(1) attempts to do bodily harm to another per-
18 son;

19 “(2) offers to do bodily harm to another person;
20 or

21 “(3) does bodily harm to another person;
22 is guilty of assault and shall be punished as a court-mar-
23 tial may direct.

24 “(b) AGGRAVATED ASSAULT.—Any person subject to
25 this chapter—

1 “(1) who, with the intent to do bodily harm, of-
2 fers to do bodily harm with a dangerous weapon; or

3 “(2) who, in committing an assault, inflicts sub-
4 stantial bodily harm, or grievous bodily harm on an-
5 other person;

6 is guilty of aggravated assault and shall be punished as
7 a court-martial may direct.

8 “(c) ASSAULT WITH INTENT TO COMMIT SPECIFIED
9 OFFENSES.—

10 “(1) IN GENERAL.—Any person subject to this
11 chapter who commits assault with intent to commit
12 an offense specified in paragraph (2) shall be pun-
13 ished as a court-martial may direct.

14 “(2) OFFENSES SPECIFIED.—The offenses re-
15 ferred to in paragraph (1) are murder, voluntary
16 manslaughter, rape, sexual assault, rape of a child,
17 sexual assault of a child, robbery, arson, burglary,
18 and kidnapping.”.

19 **SEC. 5442. BURGLARY AND UNLAWFUL ENTRY.**

20 Section 929 of title 10, United States Code (article
21 129 of the Uniform Code of Military Justice), and section
22 929a of such title (article 129a), as redesignated by sec-
23 tion 5401(10) of this Act, are amended to read as follows:

1 **“§ 929. Art. 129. Burglary; unlawful entry**

2 “(a) BURGLARY.—Any person subject to this chapter
3 who, with intent to commit an offense under this chapter,
4 breaks and enters the building or structure of another
5 shall be punished as a court-martial may direct.

6 “(b) UNLAWFUL ENTRY.—Any person subject to this
7 chapter who unlawfully enters—

8 “(1) the real property of another; or

9 “(2) the personal property of another which
10 amounts to a structure usually used for habitation
11 or storage;

12 shall be punished as a court-martial may direct.”.

13 **SEC. 5443. STALKING.**

14 Section 930 of title 10, United States Code (article
15 130 of the Uniform Code of Military Justice), as trans-
16 ferred and redesignated by section 5401(11) of this Act,
17 is amended to read as follows:

18 **“§ 930. Art. 130. Stalking**

19 “(a) IN GENERAL.—Any person subject to this chap-
20 ter—

21 “(1) who wrongfully engages in a course of con-
22 duct directed at a specific person that would cause
23 a reasonable person to fear death or bodily harm, in-
24 cluding sexual assault, to himself or herself, to a
25 member of his or her immediate family, or to his or
26 her intimate partner;

1 “(2) who has knowledge, or should have knowl-
2 edge, that the specific person will be placed in rea-
3 sonable fear of death or bodily harm, including sex-
4 ual assault, to himself or herself, to a member of his
5 or her immediate family, or to his or her intimate
6 partner; and

7 “(3) whose conduct induces reasonable fear in
8 the specific person of death or bodily harm, includ-
9 ing sexual assault, to himself or herself, to a mem-
10 ber of his or her immediate family, or to his or her
11 intimate partner;

12 is guilty of stalking and shall be punished as a court-mar-
13 tial may direct.

14 “(b) DEFINITIONS.—In this section:

15 “(1) The term ‘conduct’ means conduct of any
16 kind, including use of surveillance, the mails, an
17 interactive computer service, an electronic commu-
18 nication service, or an electronic communication sys-
19 tem.

20 “(2) The term ‘course of conduct’ means—

21 “(A) a repeated maintenance of visual or
22 physical proximity to a specific person;

23 “(B) a repeated conveyance of verbal
24 threat, written threats, or threats implied by

1 conduct, or a combination of such threats, di-
2 rected at or toward a specific person; or

3 “(C) a pattern of conduct composed of re-
4 peated acts evidencing a continuity of purpose.

5 “(3) The term ‘repeated’, with respect to con-
6 duct, means two or more occasions of such conduct.

7 “(4) The term ‘immediate family’, in the case
8 of a specific person, means—

9 “(A) that person’s spouse, parent, brother
10 or sister, child, or other person to whom he or
11 she stands in loco parentis; or

12 “(B) any other person living in his or her
13 household and related to him or her by blood or
14 marriage.

15 “(5) The term ‘intimate partner’, in the case of
16 a specific person, means—

17 “(A) a former spouse of the specific per-
18 son, a person who shares a child in common
19 with the specific person, or a person who cohab-
20 its with or has cohabited as a spouse with the
21 specific person; or

22 “(B) a person who has been in a social re-
23 lationship of a romantic or intimate nature with
24 the specific person, as determined by the length
25 of the relationship, the type of relationship, and

1 the frequency of interaction between the per-
2 sons involved in the relationship.”.

3 **SEC. 5444. SUBORNATION OF PERJURY.**

4 Subchapter X of chapter 47 of title 10, United States
5 Code, is amended by inserting after section 931 (article
6 131 of the Uniform Code of Military Justice), the fol-
7 lowing new section (article):

8 **“§ 931a. Art. 131a. Subornation of perjury**

9 “(a) IN GENERAL.—Any person subject to this chap-
10 ter who induces and procures another person—

11 “(1) to take an oath; and

12 “(2) to falsely testify, depose, or state upon
13 such oath;

14 shall, if the conditions specified in subsection (b) are satis-
15 fied, be punished as a court-martial may direct.

16 “(b) CONDITIONS.—The conditions referred to in
17 subsection (a) are the following:

18 “(1) The oath is administered with respect to
19 a matter for which such oath is required or author-
20 ized by law.

21 “(2) The oath is administered by a person hav-
22 ing authority to do so.

23 “(3) Upon the oath, the other person willfully
24 makes or subscribes a statement.

25 “(4) The statement is material.

1 “(5) The statement is false.

2 “(6) When the statement is made or subscribed,
3 the person subject to this chapter and the other per-
4 son do not believe that the statement is true.”.

5 **SEC. 5445. OBSTRUCTING JUSTICE.**

6 Subchapter X of chapter 47 of title 10, United States
7 Code, is amended by inserting after section 931a (article
8 131a of the Uniform Code of Military Justice), as added
9 by section 5444 of this Act, the following new section (ar-
10 ticle):

11 **“§ 931b. Art. 131b. Obstructing justice**

12 “Any person subject to this chapter who engages in
13 conduct in the case of a certain person against whom the
14 accused had reason to believe there were or would be
15 criminal or disciplinary proceedings pending, with intent
16 to influence, impede, or otherwise obstruct the due admin-
17 istration of justice shall be punished as a court-martial
18 may direct.”.

19 **SEC. 5446. MISPRISION OF SERIOUS OFFENSE.**

20 Subchapter X of chapter 47 of title 10, United States
21 Code, is amended by inserting after section 931b (article
22 131b of the Uniform Code of Military Justice), as added
23 by section 5445 of this Act, the following new section (ar-
24 ticle):

1 **“§ 931c. Art. 131c. Misprision of serious offense**

2 “Any person subject to this chapter—

3 “(1) who knows that another person has com-
4 mitted a serious offense; and

5 “(2) wrongfully conceals the commission of the
6 offense and fails to make the commission of the of-
7 fense known to civilian or military authorities as
8 soon as possible;

9 shall be punished as a court-martial may direct.”.

10 **SEC. 5447. WRONGFUL REFUSAL TO TESTIFY.**

11 Subchapter X of chapter 47 of title 10, United States
12 Code, is amended by inserting after section 931c (article
13 131c of the Uniform Code of Military Justice), as added
14 by section 5446 of this Act, the following new section (ar-
15 ticle):

16 **“§ 931d. Art. 131d. Wrongful refusal to testify**

17 “Any person subject to this chapter who, in the pres-
18 ence of a court-martial, a board of officers, a military com-
19 mission, a court of inquiry, a preliminary hearing, or an
20 officer taking a deposition, of or for the United States,
21 wrongfully refuses to qualify as a witness or to answer
22 a question after having been directed to do so by the per-
23 son presiding shall be punished as a court-martial may
24 direct.”.

1 **SEC. 5448. PREVENTION OF AUTHORIZED SEIZURE OF**
2 **PROPERTY.**

3 Subchapter X of chapter 47 of title 10, United States
4 Code, is amended by inserting after section 931d (article
5 131d of the Uniform Code of Military Justice), as added
6 by section 5447 of this Act, the following new section (ar-
7 ticle):

8 **“§ 931e. Art. 131e. Prevention of authorized seizure of**
9 **property**

10 “Any person subject to this chapter who, knowing
11 that one or more persons authorized to make searches and
12 seizures are seizing, are about to seize, or are endeavoring
13 to seize property, destroys, removes, or otherwise disposes
14 of the property with intent to prevent the seizure thereof
15 shall be punished as a court-martial may direct.”.

16 **SEC. 5449. WRONGFUL INTERFERENCE WITH ADVERSE AD-**
17 **MINISTRATIVE PROCEEDING.**

18 Subchapter X of chapter 47 of title 10, United States
19 Code, is amended by inserting after section 931f (article
20 131f of the Uniform Code of Military Justice), as trans-
21 ferred and redesignated by section 5401(3) of this Act,
22 the following new section (article):

23 **“§ 931g. Art. 131g. Wrongful interference with ad-**
24 **verse administrative proceeding**

25 “Any person subject to this chapter who, having rea-
26 son to believe that an adverse administrative proceeding

1 is pending against any person subject to this chapter,
2 wrongfully acts with the intent—

3 “(1) to influence, impede, or obstruct the con-
4 duct of the proceeding; or

5 “(2) otherwise to obstruct the due administra-
6 tion of justice;

7 shall be punished as a court-martial may direct.”.

8 **SEC. 5450. RETALIATION.**

9 Subchapter X of chapter 47 of title 10, United States
10 Code, is amended by inserting after section 931g (article
11 131g of the Uniform Code of Military Justice), as added
12 by section 5449 of this Act, the following new section (ar-
13 ticle):

14 **“§ 932. Art. 132. Retaliation**

15 “(a) IN GENERAL.—Any person subject to this chap-
16 ter who, with the intent to retaliate against any person
17 for reporting or planning to report a criminal offense, or
18 making or planning to make a protected communication,
19 or with the intent to discourage any person from reporting
20 a criminal offense or making or planning to make a pro-
21 tected communication—

22 “(1) wrongfully takes or threatens to take an
23 adverse personnel action against any person; or

1 “(2) wrongfully withholds or threatens to with-
2 hold a favorable personnel action with respect to any
3 person;

4 shall be punished as a court-martial may direct.

5 “(b) DEFINITIONS.—In this section:

6 “(1) The term ‘protected communication’
7 means the following:

8 “(A) A lawful communication to a Member
9 of Congress or an Inspector General.

10 “(B) A communication to a covered indi-
11 vidual or organization in which a member of the
12 armed forces complains of, or discloses informa-
13 tion that the member reasonably believes con-
14 stitutes evidence of, any of the following:

15 “(i) A violation of law or regulation,
16 including a law or regulation prohibiting
17 sexual harassment or unlawful discrimina-
18 tion.

19 “(ii) Gross mismanagement, a gross
20 waste of funds, an abuse of authority, or
21 a substantial and specific danger to public
22 health or safety.

23 “(2) The term ‘Inspector General’ has the
24 meaning given that term in section 1034(h) of this
25 title.

1 “(3) The term ‘covered individual or organiza-
2 tion’ means any recipient of a communication speci-
3 fied in clauses (i) through (v) of section
4 1034(b)(1)(B) of this title.

5 “(4) The term ‘unlawful discrimination’ means
6 discrimination on the basis of race, color, religion,
7 sex, or national origin.”.

8 **SEC. 5451. EXTRATERRITORIAL APPLICATION OF CERTAIN**
9 **OFFENSES.**

10 Section 934 of title 10, United States Code (article
11 134 of the Uniform Code of Military Justice), is amended
12 by adding at the end the following new sentence: “As used
13 in the preceding sentence, the term ‘crimes and offenses
14 not capital’ includes any conduct engaged in outside the
15 United States, as defined in section 5 of title 18, that
16 would constitute a crime or offense not capital if the con-
17 duct had been engaged in within the special maritime and
18 territorial jurisdiction of the United States, as defined in
19 section 7 of title 18.”.

20 **SEC. 5452. TABLE OF SECTIONS.**

21 The table of sections at the beginning of subchapter
22 X of chapter 47 of title 10, United States Code (the Uni-
23 form Code of Military Justice), is amended to read as fol-
24 lows:

“SUBCHAPTER X—PUNITIVE ARTICLES

“Sec. Art.

- “877. Art. 77. Principals.
- “878. Art. 78. Accessory after the fact.
- “879. Art. 79. Conviction of offense charged, lesser included offenses, and attempts.
- “880. Art. 80. Attempts.
- “881. Art. 81. Conspiracy.
- “882. Art. 82. Soliciting commission of offenses.
- “883. Art. 83. Malingering.
- “884. Art. 84. Breach of medical quarantine.
- “885. Art. 85. Desertion.
- “886. Art. 86. Absence without leave.
- “887. Art. 87. Missing movement; jumping from vessel.
- “887a. Art. 87a. Resistance, flight, breach of arrest, and escape.
- “887b. Art. 87b. Offenses against correctional custody and restriction.
- “888. Art. 88. Contempt toward officials.
- “889. Art. 89. Disrespect toward superior commissioned officer; assault of superior commissioned officer.
- “890. Art. 90. Willfully disobeying superior commissioned officer.
- “891. Art. 91. Insubordinate conduct toward warrant officer, noncommissioned officer, or petty officer.
- “892. Art. 92. Failure to obey order or regulation.
- “893. Art. 93. Cruelty and maltreatment.
- “893a. Art. 93a. Prohibited activities with military recruit or trainee by person in position of special trust.
- “894. Art. 94. Mutiny or sedition.
- “895. Art. 95. Offenses by sentinel or lookout.
- “895a. Art. 95a. Disrespect toward sentinel or lookout.
- “896. Art. 96. Release of prisoner without authority; drinking with prisoner.
- “897. Art. 97. Unlawful detention.
- “898. Art. 98. Misconduct as prisoner.
- “899. Art. 99. Misbehavior before the enemy.
- “900. Art. 100. Subordinate compelling surrender.
- “901. Art. 101. Improper use of countersign.
- “902. Art. 102. Forcing a safeguard.
- “903. Art. 103. Spies.
- “903a. Art. 103a. Espionage.
- “903b. Art. 103b. Aiding the enemy.
- “904. Art. 104. Public records offenses.
- “904a. Art. 104a. Fraudulent enlistment, appointment, or separation.
- “904b. Art. 104b. Unlawful enlistment, appointment, or separation.
- “905. Art. 105. Forgery.
- “905a. Art. 105a. False or unauthorized pass offenses.
- “906. Art. 106. Impersonation of officer, noncommissioned or petty officer, or agent or official.
- “906a. Art. 106a. Wearing unauthorized insignia, decoration, badge, ribbon, device, or lapel button.
- “907. Art. 107. False official statements; false swearing.
- “907a. Art. 107a. Parole violation.
- “908. Art. 108. Military property of the United States—Loss damage, destruction, or wrongful disposition.
- “908a. Art. 108a. Captured or abandoned property.
- “909. Art. 109. Property other than military property of the United States—Waste, spoilage, or destruction.
- “909a. Art. 109a. Mail matter: wrongful taking, opening, etc..
- “910. Art. 110. Improper hazarding of vessel or aircraft.

- “911. Art. 111. Leaving scene of vehicle accident.
- “912. Art. 112. Drunkenness and other incapacitation offenses.
- “912a. Art. 112a. Wrongful use, possession, etc., of controlled substances.
- “913. Art. 113. Drunken or reckless operation of a vehicle, aircraft, or vessel.
- “914. Art. 114. Endangerment offenses.
- “915. Art. 115. Communicating threats.
- “916. Art. 116. Riot or breach of peace.
- “917. Art. 117. Provoking speeches or gestures.
- “918. Art. 118. Murder.
- “919. Art. 119. Manslaughter.
- “919a. Art. 119a. Death or injury of an unborn child.
- “919b. Art. 119b. Child endangerment.
- “920. Art. 120. Rape and sexual assault generally.
- “920a. Art. 120a. Mails: deposit of obscene matter.
- “920b. Art. 120b. Rape and sexual assault of a child.
- “920c. Art. 120c. Other sexual misconduct.
- “921. Art. 121. Larceny and wrongful appropriation.
- “921a. Art. 121a. Fraudulent use of credit cards, debit cards, and other access devices.
- “921b. Art. 121b. False pretenses to obtain services.
- “922. Art. 122. Robbery.
- “922a. Art. 122a. Receiving stolen property.
- “923. Art. 123. Offenses concerning Government computers.
- “923a. Art. 123a. Making, drawing, or uttering check, draft, or order without sufficient funds.
- “924. Art. 124. Frauds against the United States.
- “924a. Art. 124a. Bribery.
- “924b. Art. 124b. Graft.
- “925. Art. 125. Kidnapping.
- “926. Art. 126. Arson; burning property with intent to defraud.
- “927. Art. 127. Extortion.
- “928. Art. 128. Assault.
- “928a. Art 128a. Maiming.
- “929. Art. 129. Burglary; unlawful entry.
- “930. Art. 130. Stalking.
- “931. Art. 131. Perjury.
- “931a. Art. 131a. Subornation of perjury.
- “931b. Art. 131b. Obstructing justice.
- “931c. Art. 131c. Misprision of serious offense.
- “931d. Art. 131d. Wrongful refusal to testify.
- “931e. Art. 131e. Prevention of authorized seizure of property.
- “931f. Art. 131f. Noncompliance with procedural rules.
- “931g. Art. 131g. Wrongful interference with adverse administrative proceeding.
- “932. Art. 132. Retaliation.
- “933. Art. 133. Conduct unbecoming an officer and a gentleman.
- “934. Art. 134. General article.”.

1 **TITLE LXI—MISCELLANEOUS**

2 **PROVISIONS**

Sec. 5501. Technical amendments relating to courts of inquiry.

Sec. 5502. Technical amendment to Article 136.

Sec. 5503. Articles of Uniform Code of Military Justice to be explained to officers upon commissioning.

Sec. 5504. Military justice case management; data collection and accessibility.

1 **SEC. 5501. TECHNICAL AMENDMENTS RELATING TO**
2 **COURTS OF INQUIRY.**

3 Section 935(c) of title 10, United States Code (article
4 135(c) of the Uniform Code of Military Justice), is amend-
5 ed—

6 (1) by striking “(c) Any person” and inserting
7 “(c)(1) Any person”;

8 (2) by designating the second and third sen-
9 tences as paragraphs (2) and (3), respectively; and

10 (3) in paragraph (2), as so designated, by strik-
11 ing “subject to this chapter or employed by the De-
12 partment of Defense” and inserting “who is (A) sub-
13 ject to this chapter, (B) employed by the Depart-
14 ment of Defense, or (C) with respect to the Coast
15 Guard, employed by the department in which the
16 Coast Guard is operating when it is not operating as
17 a service in the Navy, and”.

18 **SEC. 5502. TECHNICAL AMENDMENT TO ARTICLE 136.**

19 Section 936 of title 10, United States Code (article
20 136 of the Uniform Code of Military Justice), is amended
21 by striking the last five words in the section heading.

1 **SEC. 5503. ARTICLES OF UNIFORM CODE OF MILITARY JUS-**
2 **TICE TO BE EXPLAINED TO OFFICERS UPON**
3 **COMMISSIONING.**

4 Section 937 of title 10, United States Code (article
5 137 of the Uniform Code of Military Justice), is amend-
6 ed—

7 (1) in subsection (a), by striking “(a)(1) The
8 sections of this title (articles of the Uniform Code of
9 Military Justice)” and inserting “(a) ENLISTED
10 MEMBERS.—(1) The sections (articles) of this chap-
11 ter (the Uniform Code of Military Justice)”;

12 (2) by striking subsection (b); and

13 (3) by adding after subsection (a) the following
14 new subsections:

15 “(b) OFFICERS.—(1) The sections (articles) of this
16 chapter (the Uniform Code of Military Justice) specified
17 in paragraph (2) shall be carefully explained to each offi-
18 cer at the time of (or within six months after)—

19 “(A) the initial entrance of the officer on active
20 duty as an officer; or

21 “(B) the initial commissioning of the officer in
22 a reserve component.

23 “(2) This subsection applies with respect to the sec-
24 tions (articles) specified in subsection (a)(3) and such
25 other sections (articles) as the Secretary concerned may
26 prescribe by regulation.

1 “(c) TRAINING FOR CERTAIN OFFICERS.—Under
2 regulations prescribed by the Secretary concerned, officers
3 with the authority to convene courts-martial or to impose
4 non-judicial punishment shall receive periodic training re-
5 garding the purposes and administration of this chapter.
6 Under regulations prescribed by the Secretary of Defense,
7 officers assigned to duty in a joint command or a combat-
8 ant command, who have such authority, shall receive addi-
9 tional specialized training regarding the purposes and ad-
10 ministration of this chapter with respect to joint com-
11 mands and the combatant commands.

12 “(d) AVAILABILITY AND MAINTENANCE OF TEXT.—
13 The text of this chapter (the Uniform Code of Military
14 Justice) and the text of the regulations prescribed by the
15 President under this chapter shall be—

16 “(1) made available to a member on active duty
17 or to a member of a reserve component, upon re-
18 quest by the member, for the member’s personal ex-
19 amination; and

20 “(2) maintained by the Secretary of Defense in
21 electronic formats that are updated periodically and
22 made available on the Internet.”.

1 **SEC. 5504. MILITARY JUSTICE CASE MANAGEMENT; DATA**
2 **COLLECTION AND ACCESSIBILITY.**

3 (a) IN GENERAL.—Subchapter XI of chapter 47 of
4 title 10, United States Code (the Uniform Code of Military
5 Justice), is amended by adding at the end the following
6 new section (article):

7 **“§ 940a. Art. 140a. Case management; data collection**
8 **and accessibility**

9 “The Secretary of Defense shall prescribe uniform
10 standards and criteria for conduct of each of the following
11 functions at all stages of the military justice system, in-
12 cluding pretrial, trial, post-trial, and appellate processes,
13 using, insofar as practicable, the best practices of Federal
14 and State courts:

15 “(1) Collection and analysis of data concerning
16 substantive offenses and procedural matters in a
17 manner that facilitates case management and deci-
18 sion making within the military justice system, and
19 that enhances the quality of periodic reviews under
20 section 946 of this title (article 146).

21 “(2) Case processing and management.

22 “(3) Timely, efficient, and accurate production
23 and distribution of records of trial within the mili-
24 tary justice system.

25 “(4) Facilitation of access to docket informa-
26 tion, filings, and records, taking into consideration

1 restrictions appropriate to judicial proceedings and
2 military records.”.

3 (b) EFFECTIVE DATES.—

4 (1) IN GENERAL.—Not later than 2 years after
5 the date of the enactment of this Act, the Secretary
6 of Defense shall carry out section 940a of title 10,
7 United States Code (article 140a of the Uniform
8 Code of Military Justice), as added by subsection
9 (a).

10 (2) STANDARDS AND CRITERIA.—Not later than
11 4 years after the date of the enactment of this Act,
12 the standards and criteria under section 940a of
13 title 10, United States Code (article 140a of the
14 Uniform Code of Military Justice), as added by sub-
15 section (a), shall take effect.

16 **TITLE LXII—MILITARY JUSTICE**
17 **REVIEW PANEL AND ANNUAL**
18 **REPORTS**

Sec. 5521. Military Justice Review Panel.

Sec. 5522. Annual reports.

19 **SEC. 5521. MILITARY JUSTICE REVIEW PANEL.**

20 Section 946 of title 10, United States Code (article
21 146 of the Uniform Code of Military Justice), is amended
22 to read as follows:

1 **“§ 946. Art. 146. Military Justice Review Panel**

2 “(a) ESTABLISHMENT.—The Secretary of Defense
3 shall establish a panel to conduct independent periodic re-
4 views and assessments of the operation of this chapter.
5 The panel shall be known as the ‘Military Justice Review
6 Panel’ (in this section referred to as the ‘Panel’).

7 “(b) MEMBERS.—

8 “(1) NUMBER OF MEMBERS.—The Panel shall
9 be composed of thirteen members.

10 “(2) APPOINTMENT OF CERTAIN MEMBERS.—
11 Each of the following shall appoint one member of
12 the Panel:

13 “(A) The Secretary of Defense (in con-
14 sultation with the Secretary of the department
15 in which the Coast Guard is operating when it
16 is not operating as a service in the Navy).

17 “(B) The Attorney General.

18 “(C) The Judge Advocates General of the
19 Army, Navy, Air Force, and Coast Guard, and
20 the Staff Judge Advocate to the Commandant
21 of the Marine Corps.

22 “(3) APPOINTMENT OF REMAINING MEMBERS
23 BY SECRETARY OF DEFENSE.—The Secretary of De-
24 fense shall appoint the remaining members of the
25 Panel, taking into consideration recommendations
26 made by each of the following:

1 “(A) The chairman and ranking minority
2 member of the Committee on Armed Services of
3 the Senate and the Committee on Armed Serv-
4 ices of the House of Representatives.

5 “(B) The Chief Justice of the United
6 States.

7 “(C) The Chief Judge of the United States
8 Court of Appeals for the Armed Forces.

9 “(c) QUALIFICATIONS OF MEMBERS.—The members
10 of the Panel shall be appointed from among private United
11 States citizens with expertise in criminal law, as well as
12 appropriate and diverse experience in investigation, pros-
13 ecution, defense, victim representation, or adjudication
14 with respect to courts-martial, Federal civilian courts, or
15 State courts.

16 “(d) CHAIR.—The Secretary of Defense shall select
17 the chair of the Panel from among the members.

18 “(e) TERM; VACANCIES.—Each member shall be ap-
19 pointed for a term of eight years, and no member may
20 serve more than one term. Any vacancy shall be filled in
21 the same manner as the original appointment.

22 “(f) REVIEWS AND REPORTS.—

23 “(1) INITIAL REVIEW OF RECENT AMENDMENTS
24 TO UCMJ.—During fiscal year 2020, the Panel shall
25 conduct an initial review and assessment of the im-

1 plementation of the amendments made to this chap-
2 ter during the preceding five years. In conducting
3 the initial review and assessment, the Panel may re-
4 view such other aspects of the operation of this
5 chapter as the Panel considers appropriate.

6 “(2) SENTENCING DATA COLLECTION AND RE-
7 PORT.—During fiscal year 2020, the Panel shall
8 gather and analyze sentencing data collected from
9 each of the armed forces from general and special
10 courts-martial applying offense-based sentencing
11 under section 856 of this title (article 56). The sen-
12 tencing data shall include the number of accused
13 who request member sentencing and the number
14 who request sentencing by military judge alone, the
15 offenses which the accused were convicted of, and
16 the resulting sentence for each offense in each case.
17 The Judge Advocates General and the Staff Judge
18 Advocate to the Commandant of the Marine Corps
19 shall provide the sentencing data in the format and
20 for the duration established by the chair of the
21 Panel. Not later than October 31, 2020, the Panel
22 shall submit to the Committees on Armed Services
23 of the Senate and the House of Representatives
24 through the Secretary of Defense a report setting

1 forth the Panel’s findings and recommendations on
2 the need for sentencing reform.

3 “(3) PERIODIC COMPREHENSIVE REVIEWS.—
4 During fiscal year 2024 and every eight years there-
5 after, the Panel shall conduct a comprehensive re-
6 view and assessment of the operation of this chapter.

7 “(4) PERIODIC INTERIM REVIEWS.—During fis-
8 cal year 2028 and every eight years thereafter, the
9 Panel shall conduct an interim review and assess-
10 ment of such other aspects of the operation of this
11 chapter as the Panel considers appropriate. In addi-
12 tion, at the request of the Secretary of Defense, the
13 Panel may, at any time, review and assess other spe-
14 cific matters relating to the operation of this chap-
15 ter.

16 “(5) REPORTS.—Not later than December 31
17 of each year during which the Panel conducts a re-
18 view and assessment under this subsection, the
19 Panel shall submit to the Committees on Armed
20 Services of the Senate and the House of Representa-
21 tives a report setting forth the results of such review
22 and assessment, including the Panel’s findings and
23 recommendations.

24 “(g) HEARINGS.—The Panel may hold such hearings,
25 sit and act at such times and places, take such testimony,

1 and receive such evidence as the Panel considers appro-
2 priate to carry out its duties under this section.

3 “(h) INFORMATION FROM FEDERAL AGENCIES.—

4 Upon request of the chair of the Panel, a department or
5 agency of the Federal Government shall provide informa-
6 tion that the Panel considers necessary to carry out its
7 duties under this section.

8 “(i) ADMINISTRATIVE MATTERS.—

9 “(1) MEMBERS TO SERVE WITHOUT PAY.—

10 Members of the Panel shall serve without pay, but
11 shall be allowed travel expenses, including per diem
12 in lieu of subsistence, at rates authorized for em-
13 ployees of agencies under subchapter I of chapter 57
14 of title 5, while away from their homes or regular
15 places of business in the performance of services for
16 the Panel.

17 “(2) STAFFING AND RESOURCES.—The Sec-
18 retary of Defense shall provide staffing and re-
19 sources to support the Panel.

20 “(j) FEDERAL ADVISORY COMMITTEE ACT.—The
21 Federal Advisory Committee Act (5 U.S.C. App.) shall not
22 apply to the Panel.”.

23 **SEC. 5522. ANNUAL REPORTS.**

24 Subchapter XII of chapter 47 of title 10, United
25 States Code (the Uniform Code of Military Justice), is

1 amended by adding at the end the following new section
2 (article):

3 **“§ 946a. Art. 146a. Annual reports**

4 “(a) COURT OF APPEALS FOR THE ARMED
5 FORCES.—Not later than December 31 each year, the
6 Court of Appeals for the Armed Forces shall submit a re-
7 port that, with respect to the previous fiscal year, provides
8 information on the number and status of completed and
9 pending cases before the Court, and such other matters
10 as the Court considers appropriate regarding the oper-
11 ation of this chapter.

12 “(b) SERVICE REPORTS.—Not later than December
13 31 each year, the Judge Advocates General and the Staff
14 Judge Advocate to the Commandant of the Marine Corps
15 shall each submit a report, with respect to the preceding
16 fiscal year, containing the following:

17 “(1) Data on the number and status of pending
18 cases.

19 “(2) Information on the appellate review proc-
20 ess, including—

21 “(A) information on compliance with proc-
22 essing time goals;

23 “(B) descriptions of the circumstances sur-
24 rounding cases in which general or special
25 court-martial convictions were (i) reversed be-

1 cause of command influence or denial of the
2 right to speedy review or (ii) otherwise remitted
3 because of loss of records of trial or other ad-
4 ministrative deficiencies; and

5 “(C) an analysis of each case in which a
6 provision of this chapter was held unconstitu-
7 tional.

8 “(3)(A) An explanation of measures imple-
9 mented by the armed force concerned to ensure the
10 ability of judge advocates—

11 “(i) to participate competently as trial
12 counsel and defense counsel in cases under this
13 chapter;

14 “(ii) to preside as military judges in cases
15 under this chapter; and

16 “(iii) to perform the duties of Special Vic-
17 tims’ Counsel, when so designated under section
18 1044e of this title.

19 “(B) The explanation under subparagraph (A)
20 shall specifically identify the measures that focus on
21 capital cases, national security cases, sexual assault
22 cases, and proceedings of military commissions.

23 “(4) The independent views of each Judge Ad-
24 vocate General and of the Staff Judge Advocate to
25 the Commandant of the Marine Corps as to the suf-

1 iciency of resources available within the respective
2 armed forces, including total workforce, funding,
3 training, and officer and enlisted grade structure, to
4 capably perform military justice functions.

5 “(5) Such other matters regarding the oper-
6 ation of this chapter as may be appropriate.

7 “(c) SUBMISSION.—Each report under this section
8 shall be submitted—

9 “(1) to the Committee on Armed Services of
10 the Senate and the Committee on Armed Services of
11 the House of Representatives; and

12 “(2) to the Secretary of Defense, the Secre-
13 taries of the military departments, and the Secretary
14 of the department in which the Coast Guard is oper-
15 ating when it is not operating as a service in the
16 Navy.”.

17 **TITLE LXIII—CONFORMING**
18 **AMENDMENTS AND EFFEC-**
19 **TIVE DATES**

Sec. 5541. Amendments to UCMJ subchapter tables of sections.

Sec. 5542. Effective dates.

20 **SEC. 5541. AMENDMENTS TO UCMJ SUBCHAPTER TABLES**
21 **OF SECTIONS.**

22 The tables of sections for the specified subchapters
23 of chapter 47 of title 10, United States Code (the Uniform
24 Code of Military Justice), are amended as follows:

1 (1) SUBCHAPTER II; APPREHENSION AND RE-
2 STRAINT.—The table of sections at the beginning of
3 subchapter II is amended—

4 (A) by striking the item relating to section
5 810 (article 10) and inserting the following new
6 item:

“810. Art. 10. Restraint of persons charged.”; and

7 (B) by striking the item relating to section
8 812 (article 12) and inserting the following new
9 item:

“812. Art. 12. Prohibition of confinement of members of the armed forces with
enemy prisoners and certain others.”.

10 (2) SUBCHAPTER V; COMPOSITION OF COURTS-
11 MARTIAL.—The table of sections at the beginning of
12 subchapter V is amended—

13 (A) by striking the item relating to section
14 825a (article 25a) and inserting the following
15 new item:

“825. Art. 25a. Number of court-martial members in capital cases.”;

16 (B) by inserting after the item relating to
17 section 826 (article 26) the following new item:

“826a. Art. 26a. Military magistrates.”; and

18 (C) by striking the item relating to section
19 829 (article 29) and inserting the following new
20 item:

“829. Art. 29. Assembly and impaneling of members; detail of new members and
military judges.”.

1 (3) SUBCHAPTER VI; PRE-TRIAL PROCEDURE.—

2 The table of sections at the beginning of subchapter
3 VI is amended—

4 (A) by inserting after the item relating to
5 section 830 (article 30) the following new item:

“830. Art. 30a. Certain proceedings conducted before referral.”; and

6 (B) by striking the items relating to sec-
7 tions 832 through 835 (articles 32 through 35)
8 and inserting the following new items:

“832. Art. 32. Preliminary hearing required before referral to general court-
martial.

“833. Art. 33. Disposition guidance.

“834. Art. 34. Advice to convening authority before referral for trial.

“835. Art. 35. Service of charges; commencement of trial.”.

9 (4) SUBCHAPTER VII; TRIAL PROCEDURE.—The
10 table of sections at the beginning of subchapter VII
11 is amended—

12 (A) by striking the items relating to sec-
13 tions 846 through 848 (articles 46 through 48)
14 and inserting the following new items:

“846. Art. 46. Opportunity to obtain witnesses and other evidence in trials by
court-martial.

“847. Art. 47. Refusal of person not subject to chapter to appear, testify, or
produce evidence.

“848. Art. 48. Contempt.”;

15 (B) by striking the item relating to section
16 850 (article 50) and inserting the following new
17 item:

“850. Art. 50. Admissibility of sworn testimony from records of courts of in-
quiry.”;

1 (C) by striking the items relating to sec-
2 tion 852 (article 52) and inserting the following
3 new item:

“852. Art. 52. Votes required for conviction, sentencing, and other matters.”;
and

4 (D) by striking the item relating to section
5 853 (article 53) and inserting the following new
6 items:

“853. Art. 53. Findings and sentencing.
“853a. Art. 53a. Plea agreements.”.

7 (5) SUBCHAPTER VIII; SENTENCES.—The table
8 of sections at the beginning of subchapter VIII is
9 amended—

10 (A) by striking the item relating to section
11 856 (article 56) and inserting the following new
12 item:

“856. Art. 56. Sentencing.”; and

13 (B) by striking the items relating to sec-
14 tions 856a and 857a (articles 56a and 57a).

15 (6) SUBCHAPTER IX; POST-TRIAL PROCE-
16 DURE.—The table of sections at the beginning of
17 subchapter IX is amended—

18 (A) by striking the items relating to sec-
19 tions 860 and 61 (articles 60 and 61) and in-
20 serting the following new items:

“860. Art. 60. Post-trial processing in general and special courts-martial.
“860a. Art. 60a. Limited authority to act on sentence in specified post-trial cir-
cumstances.

“860b. Art. 60b. Post-trial actions in summary courts-martial and certain general and special courts-martial.

“860e. Art. 60e. Entry of judgment.

“861. Art. 61. Waiver of right to appeal; withdrawal of appeal.”;

1 (B) by striking the items relating to sec-
2 tions 864 through 866 (articles 64 through 66)
3 and inserting the following new items:

“864. Art. 64. Judge advocate review of finding of guilty in summary court-martial.

“865. Art. 65. Transmittal and review of records.

“866. Art. 66. Courts of Criminal Appeals.”;

4 (C) by striking the item relating to section
5 869 (article 69) and inserting the following new
6 item:

“869. Art. 69. Review by Judge Advocate General.”; and

7 (D) by striking the item relating to section
8 871 (article 71).

9 (7) SUBCHAPTER XI; MISCELLANEOUS PROVI-
10 SIONS.—The table of sections at the beginning of
11 subchapter XI is amended—

12 (A) by striking the item relating to section
13 936 (article 136) and inserting the following
14 new item:

“936. Art. 136. Authority to administer oaths.”; and

15 (B) by inserting after the item relating to
16 section 940 (article 140) the following new
17 item:

“940a. Art. 140a. Case management; data collection and accessibility.”.

1 (8) SUBCHAPTER XII; UNITED STATES COURT
2 OF APPEALS FOR THE ARMED FORCES.—The table
3 of sections at the beginning of subchapter XII is
4 amended by striking the item relating to section 946
5 (article 146) and inserting the following new items:

“946. Art. 146. Military Justice Review Panel.
“946a. Art. 146a. Annual reports.”.

6 **SEC. 5542. EFFECTIVE DATES.**

7 (a) IN GENERAL.—Except as otherwise provided in
8 this division, the amendments made by this division shall
9 take effect on the date designated by the President, which
10 date shall be not later than the first day of the first cal-
11 endar month that begins two years after the date of the
12 enactment of this Act.

13 (b) IMPLEMENTING REGULATIONS.—The President
14 shall prescribe regulations implementing this division and
15 the amendments made by this division by not later than
16 one year after the date of the enactment of this Act, except
17 as otherwise provided in this division.

18 (c) APPLICABILITY.—

19 (1) IN GENERAL.—Subject to the provisions of
20 this division and the amendments made by this divi-
21 sion, the President shall prescribe in regulations
22 whether, and to what extent, the amendments made
23 by this division shall apply to a case in which one
24 or more actions under chapter 47 of title 10, United

1 States Code (the Uniform Code of Military Justice),
2 have been taken before the effective date of such
3 amendments.

4 (2) INAPPLICABILITY TO CASES IN WHICH
5 CHARGES ALREADY REFERRED TO TRIAL ON EFFEC-
6 TIVE DATE.—Except as otherwise provided in this
7 division or the amendments made by this division,
8 the amendments made by this division shall not
9 apply to any case in which charges are referred to
10 trial by court-martial before the effective date of
11 such amendments. Proceedings in any such case
12 shall be held in the same manner and with the same
13 effect as if such amendments had not been enacted.

14 (3) PUNITIVE ARTICLE AMENDMENTS.—

15 (A) IN GENERAL.—The amendments made
16 by title LX shall not apply to any offense com-
17 mitted before the effective date of such amend-
18 ments.

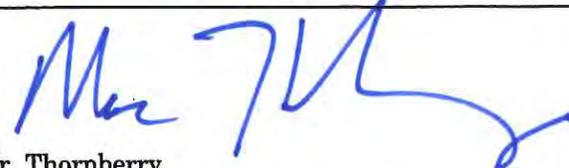
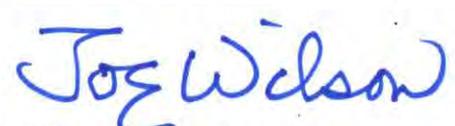
19 (B) CONSTRUCTION.—Nothing in subpara-
20 graph (A) shall be construed to invalidate the
21 prosecution of any offense committed before the
22 effective date of such amendments.

23 (4) SENTENCING AMENDMENTS.—The regula-
24 tions prescribing the authorized punishments for any
25 offense committed before the effective date of the

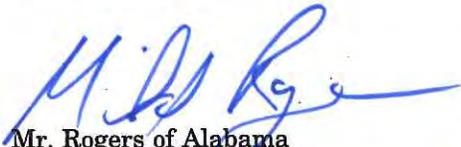
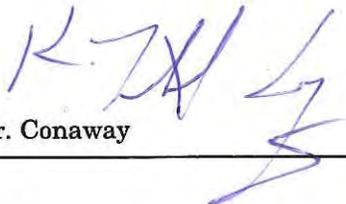
1 amendments made by title LVIII shall apply to the
2 authorized punishments for the offense, as in effect
3 at the time the offense is committed.

And the House agree to the same.

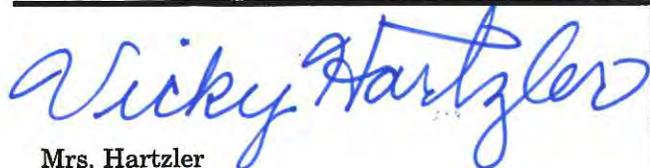
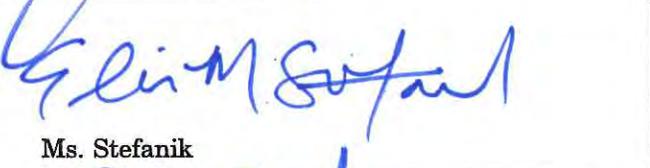
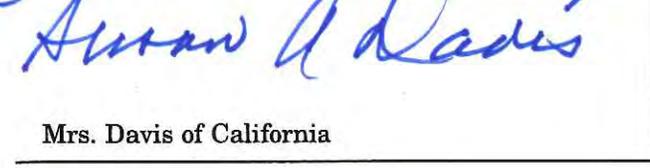
S. 2943

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Armed Services, for consideration of the Senate bill and the House amendment, and modifications committed to conference:	
 Mr. Thornberry	
 Mr. Forbes	
 Mr. Miller of Florida	
 Mr. Wilson of South Carolina	
 Mr. LoBiondo	
	
 Mr. Turner	

S. 2943—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
 Mr. Kline	
 Mr. Rogers of Alabama	
 Mr. Franks of Arizona	
Mr. Shuster	
 Mr. Conaway	
 Mr. Lamborn	
 Mr. Wittman	
 Mr. Gibson	

S. 2943—Continued

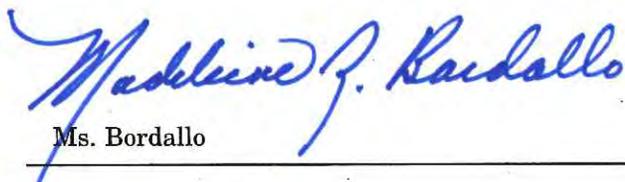
<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
 Mrs. Hartzler	
 Mr. Heck of Nevada	
 Ms. Stefanik	
 Mr. Smith of Washington	
 Ms. Loretta Sanchez of California	
 Mrs. Davis of California	
 Mr. Langevin	
 Mr. Larsen of Washington	

S. 2943—Continued

*Managers on the part of the
HOUSE*

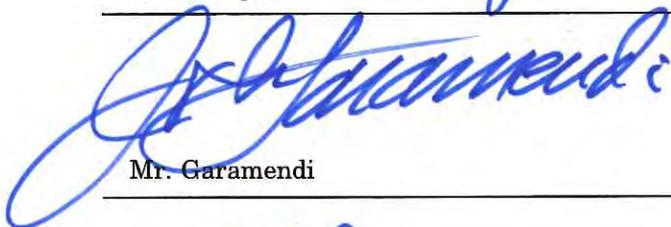
*Managers on the part of the
SENATE*


Mr. Cooper


Ms. Bordallo

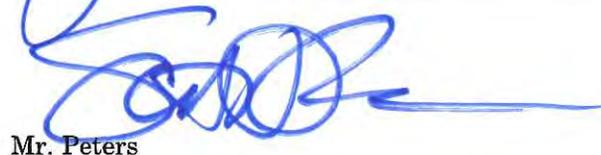

Mr. Courtney


Ms. Tsongas

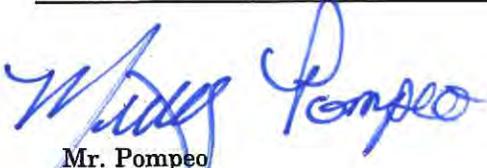

Mr. Garamendi


Mr. Johnson of Georgia

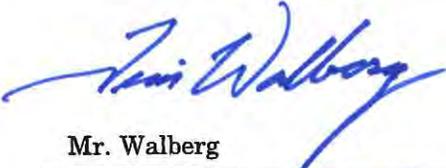

Ms. Speier


Mr. Peters

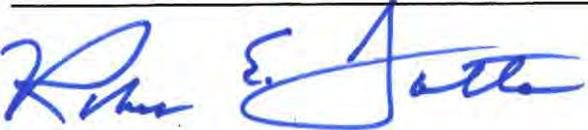
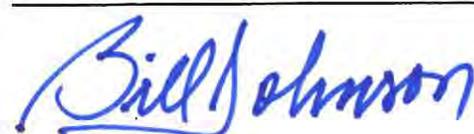
S. 2943—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X:	
 Mr. Nunes	
 Mr. Pompeo	
 Mr. Schiff	

S. 2943—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
<p>From the Committee on Education and the Workforce, for consideration of secs. 571-74 and 578 of the Senate bill, and secs. 571, 573, 1098E, and 3512 of the House amendment, and modifications committed to conference:</p>	
 Mr. Walberg	
 Mr. Guthrie	
 Mr. Scott of Virginia	

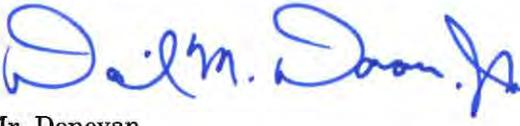
S. 2943—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Energy and Commerce, for consideration of secs. 3112 and 3123 of the Senate bill, and secs. 346, 601, 749, 1045, 1090, 1095, 1673, 3119A, and 3119C of the House amendment, and modifications committed to conference:	
 Mr. Latta	
 Mr. Johnson of Ohio	
Mr. Bell	

S. 2943—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
<p>From the Committee on Foreign Affairs, for consideration of secs. 828, 1006, 1007, 1050, 1056, 1089, 1204, 1211, 1221-23, 1231, 1232, 1242, 1243, 1247, 1252, 1253, 1255-58, 1260, 1263, 1264, 1271- 73, 1276, 1283, 1301, 1302, 1531-33, and 1662 of the Senate bill, and secs. 926, 1011, 1013, 1083, 1084, 1098K, 1099B, 1099C, 1201, 1203, 1214, 1221-23, 1227, 1229, 1233, 1235, 1236, 1245, 1246, 1250, 1259A-59E, 1259J, 1259L, 1259P, 1259Q, 1259U, 1261, 1262, 1301-03, 1510, 1531-33, 1645, 1653, and 2804 of the House amendment, and modifications committed to conference:</p>	
 Mr. Royce	
 Mr. Zeldin	
	

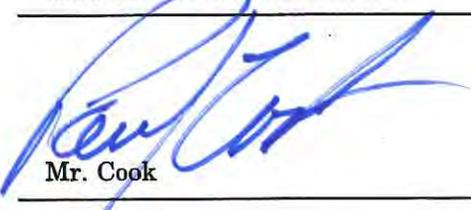
S. 2943—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Homeland Security, for consideration of secs. 564 and 1091 of the Senate bill, and secs. 1097, 1869, 1869A, and 3510 of the House amendment, and modifications committed to conference:	
 Mr. McCaul	
 Mr. Donovan	
 Mr. Thompson of Mississippi	

S. 2943—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on the Judiciary, for consideration of secs. 829J, 829K, 944, 963, 1006, 1023-25, 1053, 1093, 1283, 3303, and 3304 of the Senate bill, and secs. 598, 1090, 1098H, 1216, 1261, and 3608 of the House amendment, and modifications committed to conference:	
 Mr. Goodlatte	
 Mr. Issa	
Mr. Conyers	

S. 2943—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Natural Resources, for consideration of secs. 601, 2825, subtitle D of title XXVIII, and sec. 2852 of the Senate bill, and secs. 312, 601, 1090, 1098H, 2837, 2839, 2839A, subtitle E of title XXVIII; secs. 2852, 2854, 2855, 2864-66, title XXX, secs. 3508, 7005, and title LXXIII of the House amendment, and modifications committed to conference:	
 Mr. Cook	
 Mr. Hardy	
Mr. Crittendon	

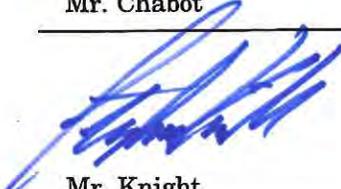
S. 2943—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
<p>From the Committee on Oversight and Government Reform, for consideration of secs. 339, 703, 819, 821, 829H, 829I, 861, 944, 1048, 1054, 1097, 1103-07, 1109-13, 1121, 1124, 1131-33, 1135, and 1136 of the Senate bill, and secs. 574, 603, 807, 821, 1048, 1088, 1095, 1098L, 1101, 1102, 1104-06, 1108-11, 1113, 1259C, and 1631 of the House amendment, and modifications committed to conference:</p>	
<p>Mr. Chaffetz </p>	
<p>Mr. Russell </p>	
<p>Mr. Cummings</p>	

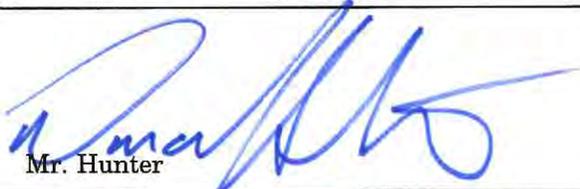
S. 2943—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Science, Space, and Technology, for consideration of sec. 874 of the Senate bill and secs. 1605, 1673, and title XXXIII of the House amendment, and modifications committed to conference:	
Mr. Smith of Texas	
Mr. Weber of Texas	
 Ms. Eddie Bernice Johnson of Texas	

S. 2943—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Small Business, for consideration of secs. 818, 838, 874, and 898 of the Senate bill, and title XVIII of the House amendment, and modifications committed to conference:	
 Mr. Chabot	
 Mr. Knight	
Mr. Velázquez	

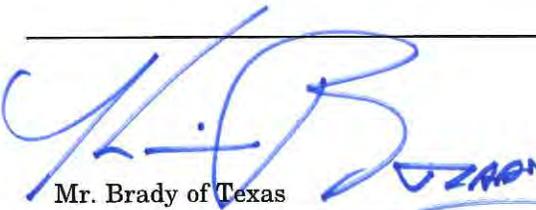
S. 2943—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Transportation and Infrastructure, for consideration of secs. 541, 562, 601, 961, 3302-07, 3501, and 3502 of the Senate bill, and secs. 343, 601, 731, 835, 1043, 1671, 3119C, 3501, 3504, 3509, 3512, and title XXXVI of the House amendment, and modifications committed to conference:	
 Mr. Hunter	
 Mr. Rouzer	
 Mr. Sean Patrick Maloney of New York	

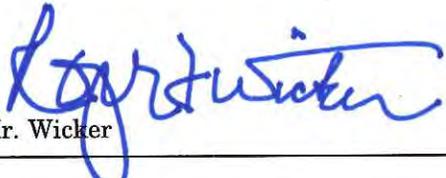
S. 2943—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Veterans' Affairs, for consideration of secs. 706, 755, and 1431 of the Senate bill, and secs. 741, 1421, and 1864 of the House amendment, and modifications committed to conference:	
 Mr. Roe of Tennessee	
 Mr. Bost	
	

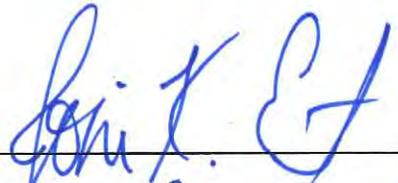
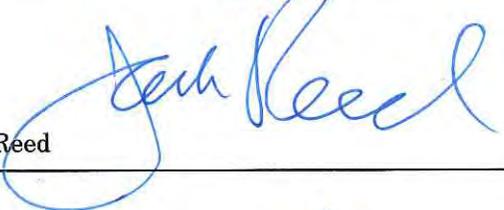
S. 2943—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Ways and Means, for consideration of sec. 1271 of the Senate bill, and modifications committed to conference:	
 Mr. Brady of Texas	
 Mr. Reichert	
Mr. Lewis	

S. 2943—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
	 Mr. McCain
	 Mr. Inhofe
	 Mr. Sessions
	 Mr. Wicker
	 Ms. Ayotte
	 Mrs. Fischer
	 Mr. Cotton
	 Mr. Rounds

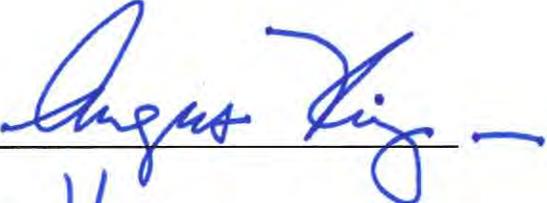
S. 2943—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
	Mrs. Ernst 
	Mr. Tillis 
	 Mr. Sullivan
	
	 Mr. Graham
	Mr. Cruz 
	Mr. Reed 
	Mr. Nelson 

S. 2943—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
	 Mrs. McCaskill
	 Mr. Manchin
	 Mrs. Shaheen
	Mrs. Gillibrand
	 Mr. Blumenthal
	 Mr. Donnelly
	 Ms. Hirono
	 Mr. Kaine

S. 2943—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
	Mr. King 
	 Mr. Heinrich

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF
CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2943), to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

Compliance with rules of the House of Representatives and Senate regarding earmarks and congressionally directed spending items

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives and Rule XLIV(3) of the Standing Rules of the Senate, neither this conference report nor the accompanying joint statement of managers contains any congressional earmarks, congressionally directed spending items, limited tax benefits, or limited tariff benefits, as defined in such rules.

Summary of discretionary authorizations and budget authority implication

The budget request for national defense discretionary programs within the jurisdiction of the Committees on Armed Services of the Senate and the House of Representatives for fiscal year 2017 was \$608.0 billion. Of this amount, \$524.0 billion was requested for base Department of Defense programs, \$64.6 billion was requested for overseas contingency operations of which \$5.1 billion was for base requirements, \$19.2 billion was requested for national security programs in the Department of Energy and the Defense Nuclear Facilities Safety Board, and \$0.2 billion for the Maritime Security Program.

The conference agreement would authorize \$611.2 billion in fiscal year 2017, including \$523.7 billion for base Department of Defense programs, \$67.8 billion for overseas contingency operations of which \$8.3 billion was for base requirements, \$19.4 billion for national security programs in the Department of Energy and the Defense Nuclear Facilities Safety Board, and \$0.3 billion for the Maritime Security Program.

The two tables preceding the detailed program adjustments in Division D of the accompanying joint statement of managers summarize the discretionary authorizations in the agreement and the equivalent budget authority levels for fiscal year 2017 defense programs.

Budgetary effects of this Act (sec. 4)

The Senate bill contained a provision (sec. 4) that would require that the budgetary effects of this Act be determined in accordance with the procedures established in the Statutory Pay-As-You-Go Act of 2010 (title I of Public Law 111-139).

The House amendment contained no similar provision.

The House recesses.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

Authorization of appropriations (sec. 101)

The Senate bill contained a provision (sec. 101) that would authorize appropriations for procurement at the levels identified in section 4101 of division D of this Act.

The House amendment contained an identical provision (sec. 101).

The conference agreement includes this provision.

SUBTITLE B—ARMY PROGRAMS

Multiyear procurement authority for AH-64E Apache helicopters (sec. 111)

The Senate bill contained a provision (sec. 113) that would authorize the Secretary of the Army to enter into a multiyear contract for AH-64E Apache helicopters for fiscal years 2017 through 2021.

The House amendment contained an identical provision (sec. 111).

The conference agreement includes this provision.

Multiyear procurement authority for UH-60M and HH-60M Black Hawk helicopters (sec. 112)

The Senate bill contained a provision (sec. 112) that would authorize the Secretary of the Army to enter into a multiyear contract for UH-60M/HH-60M Black Hawk helicopters for fiscal years 2017 through 2021.

The House amendment contained a similar provision (sec. 111) that would authorize the Secretary of the Army to enter into one or more multiyear contracts for UH-60M and HH-60M Black Hawk helicopters beginning in fiscal year 2017, in accordance with section 2306b of title 10, United States Code.

The Senate recesses.

Distributed Common Ground System-Army increment 1 (sec. 113)

The Senate bill contained a provision (sec. 111) that would require the Secretary of the Army to improve and tailor training for units equipped with the Distributed Common Ground System- Army Increment 1. The provision would also require the Secretary of the Army to rapidly identify and field a commercially available capability that meets tactical requirements, can integrate at the tactical unit level, is substantially easier for personnel to use, and requires less training.

The House amendment contained no similar provision.

The House recedes with an amendment that would allow the Secretary of Defense to waive limitations if any adversely affect ongoing operational activities.

Assessment of certain capabilities of the Department of the Army (sec. 114)

The House amendment contained a provision (Sec. 113) that would require the Secretary of Defense, in consultation with the Secretary of the Army and the Chief of Staff of the Army, to provide an assessment to the congressional defense committees by April 1, 2017, of the ways, and associated costs, to reduce or eliminate shortfalls in responsiveness and capacity of the following capabilities:

(1) AH-64-equipped Attack Reconnaissance Battalion capacity to meet future needs;

(2) Air defense artillery (ADA) capacity, responsiveness, and the capability of short range ADA to meet existing and emerging threats (including unmanned aerial systems, cruise missiles, and manned aircraft), including an assessment of the potential for commercial-off-the-shelf solutions;

(3) Chemical, biological, radiological, and nuclear capabilities and modernization;

(4) Field artillery capabilities and the changes in doctrine and war plans resulting from the memorandum of the Secretary of Defense dated June 19, 2008, regarding the Department of Defense policy on cluster munitions and unintended harm to civilians, as well as required modernization or munition inventory shortfalls;

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

(6) Army watercraft and port opening capabilities and responsiveness;

(7) Transportation (fuel, water, and cargo) capacity and responsiveness;

(8) Military police capacity; and
(9) Tactical mobility and tactical wheeled vehicle capacity and capability, to include adequacy of heavy equipment prime movers.

The Senate bill contained no similar provision.

The Senate recesses.

SUBTITLE C—NAVY PROGRAMS

Determination of vessel delivery dates (sec. 121)

The Senate bill contained a provision (sec. 123) that would require the Secretary of the Navy to deem ship delivery to occur at the completion of the final phase of construction.

The House amendment contained no similar provision.

The House recesses with an amendment that would clarify the determination of vessel delivery dates and include such determination in title 10, United States Code.

Incremental funding for detail design and construction of LHA replacement ship designated LHA 8 (sec. 122)

The Senate bill contained a provision (sec. 121) that would allow the Secretary of the Navy to enter into and incrementally fund a contract for detail design and construction of the LHA Replacement ship, designated LHA-8. Subject to the availability of appropriations, funds for payments under the contract may be provided from amounts authorized to be appropriated for the Department of Defense for Shipbuilding and Conversion, Navy, for fiscal years 2017 and 2018.

The House amendment contained a similar provision (sec. 123).

The House recesses.

Littoral Combat Ship (sec. 123)

The Senate bill contained a provision (sec. 122) that would require an annual report on Littoral Combat Ship (LCS) mission packages, a certification on the acquisition inventory objective of LCS mission packages, a limitation on the use of funds to revise or deviate from revision three of the LCS acquisition strategy, and a repeal of a reporting requirement related to LCS mission modules.

The House amendment contained a similar provision (sec. 126).

The House recesses with an amendment that would:

(1) Replace the limitation on the use of funds to revise or deviate from revision three of the LCS acquisition strategy with a requirement that the Secretary of Defense provide a certification to the congressional defense committees prior to a revision or deviation from revision three of the LCS acquisition strategy. The conferees' intent is this subsection be limited to those revisions or deviations that would result in a change to: the acquisition inventory objective of 40 ships, annual procurement quantities through fiscal year 2021, or the planned down-select to a single LCS prime contractor no later than fiscal year 2019; and

(2) Prohibit the Secretary of Defense from selecting a single contractor for the LCS or frigate program unless such selection is conducted using competitive procedures, performed for the purpose of constructing a frigate class ship, and occurs only after a frigate design has reached sufficient maturity and completeness.

Limitation on use of sole-source shipbuilding contracts for certain vessels (sec. 124)

The Senate bill contained a provision (sec. 124) that would prohibit funds from being used to enter into or prepare to enter into sole source contracts for one or more Joint High Speed Vessels (JHSV) or Expeditionary Fast Transports (EPF) unless the Secretary of the Navy submits to the congressional defense committees a certification and a report.

The House amendment contained no similar provision.
The House recedes.

Limitation on availability of funds for the Advanced Arresting Gear Program (sec. 125)

The Senate bill contained a provision (sec. 125) that would limit funds for the Advanced Arresting Gear (AAG) to be installed on USS *Enterprise* (CVN-80) until the Secretary of Defense submits to the congressional defense committees the report described under section 2433a(c)(2) of title 10, United States Code, for the AAG program.

The provision would also direct the Secretary of Defense to deem the 2009 AAG acquisition program baseline as the original baseline estimate and to execute the requirements of sections 2433 and 2433a of title 10, United States Code, as though the Department had submitted a Selected Acquisition Report with this baseline estimate included. This action would provide clarity on the original baseline estimate, which is a necessary element of a Nunn-McCurdy review.

The House amendment contained no similar provision.

The House recedes with an amendment that would:

(1) Require the Navy to report on the AAG program in accordance with section 2432 of title 10, United States Code, which deals with Selected Acquisition Reports, instead of reporting in accordance with section 2433a(c)(2) which deals with critical cost growth in major defense acquisition programs;

(2) Add a limitation of funds for the AAG to be installed on USS *John F. Kennedy* (CVN-79) unless the Milestone Decision Authority (MDA) determines that AAG should be installed on that ship, and the MDA submits notification of such determination to the congressional defense committees;

(3) Establish the original baseline estimate for the AAG program and require the Secretary of Defense to execute the requirements of sections 2433 and 2433a of title 10, United States Code, but exempt the Department from having to rescind the milestone decision approval for the AAG program during the review required by those provisions; and

(4) During the review required by section 2433a of title 10, United States Code, allow the Secretary of Defense to approve contract action or actions to enter a new contract, exercise an option under an existing contract, or otherwise extend the scope of an existing contract under the AAG program for CVN-80 only if the MDA, on a non-delegable basis, were to determine that such action would be needed to appropriately restructure the program as intended by the Secretary of Defense.

The conferees note that, although the AAG program is now being managed as a Major Defense Acquisition Program, it began more than 10 years ago as an Acquisition Category II program, which limited transparency and insight of the Navy's acquisition and contract management. In 2015, the Comptroller General reported that the Department of Defense needed a better approach to manage Acquisition Category II programs, particularly those programs that have the potential to become Major Defense Acquisition Programs.

Therefore, the conferees direct the Comptroller General to review no fewer than five Navy aircraft launch and recovery equipment (ALRE) Acquisition Category II programs to determine:

(1) The roles and responsibilities for acquiring ALRE systems for major ship programs, and the relationship of these programs to the Navy's overall acquisition of the ship platform;

(2) How the acquisition and contracting practices for these programs compare to guidance, regulations, and best practices for acquisition management;

(3) How the Navy manages cost, schedule, and performance to meet ship delivery schedules, and what

mechanisms, if any, are in place to periodically reassess assignment of such programs to a particular acquisition category;

(4) Recommendations to improve the Navy's performance in managing ALRE and other Acquisition Category II programs; and

(5) Any other observations of the Comptroller General.

The conferees request a briefing to the congressional defense committees no later than June 1, 2017, to be followed by a report.

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

The Senate bill contained a provision (sec. 126) that would limit more than 25 percent of funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for advance procurement or procurement of USS *John F. Kennedy* (CVN-79) or USS *Enterprise* (CVN-80) from being obligated or expended until the Secretary of the Navy and Chief of Naval Operations submit a report to the congressional defense committees.

The House amendment contained no similar provision.

The House recedes with an amendment that would remove the limitation of funds on CVN-79 and terminate this section on September 30, 2021.

Sense of Congress on aircraft carrier procurement schedules (sec. 127)

The House amendment contained a provision (sec. 122) that would provide the sense of Congress that the Secretary of the Navy's schedule to procure 1 aircraft carrier every 5 years will reduce the overall aircraft carrier inventory to 10 aircraft carriers, a level insufficient to meet peacetime and war plan requirements. The section would also recommend that the Secretary begin construction for the *Ford*-class aircraft carrier designated CVN-81 in fiscal year 2022 and align advance procurement activities with this accelerated programming.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would remove the reference to CVN-81.

Report on P-8 Poseidon aircraft (sec. 128)

The House amendment contained a provision that would require the Secretary of the Navy to submit to the congressional defense committees a report regarding future capabilities for the P-8 Poseidon aircraft.

The Senate bill contained no similar provision.

The Senate recesses.

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

The House amendment contained a provision (sec. 124) that would authorize the Secretary of the Navy to enter into and incrementally fund a contract for design and construction of the replacement dock landing ship designated LX(R) or the amphibious transport dock designated LPD-29.

The Senate bill contained no similar provision.

The Senate recesses.

SUBTITLE D—AIR FORCE PROGRAMS

EC-130H Compass Call recapitalization program (sec. 131)

The Senate bill contained a provision (Sec. 145) that would prohibit the availability of funds for the Air Force EC-130H Compass Call recapitalization program unless the Air Force conducts a full and open competition to acquire the replacement aircraft platform.

The House amendment contained no similar provision.

The House recesses with an amendment that strikes the full and open competition requirement, and authorizes the Secretary of the Air Force to obligate and expend fiscal year 2017 funds for the purpose of re-hosting the primary mission equipment of the current EC-130H Compass Call aircraft fleet on to a more operationally effective and survivable airborne platform to meet combatant commander requirements. The amendment limits procurement to the first two aircraft of the planned ten aircraft fleet until the Secretary determines there is a high likelihood the program will meet the requirements of the combatant commands.

The conferees agree the restructured EC-130H Compass Call program shall be implemented consistent with existing authorities, including Federal Acquisition Regulation Part 6.3 and Department of Defense Instruction 5000.02, "Operation of the Defense Acquisition System."

The conferees note the fiscal year 2017 funding adjustments to allow the Secretary of the Air Force to proceed with the program are outlined in Division D.

Repeal of requirement to preserve certain retired C-5 aircraft (sec. 132)

The Senate bill contained a provision (Sec. 143) that would repeal the requirement in Section 141 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) for the Secretary of the Air Force to preserve certain retired C-5 aircraft.

The House amendment contained a similar provision (Sec. 132).

The Senate recesses.

Repeal of requirement to preserve F-117 aircraft in recallable condition (sec. 133)

The Senate bill contained a provision (Sec. 144) that would repeal the requirement in Section 136 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2114) to preserve F-117 aircraft in recallable condition.

The House amendment contained a similar provision (Sec. 133).

The House recesses.

Prohibition on availability of funds for retirement of A-10 aircraft (sec. 134)

The Senate bill contained a provision (Sec. 141) that would amend section 142 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) by extending the prohibition on obligation or expenditure of funds to retire or prepare to retire A-10 aircraft until the Secretary of the Air Force and Chief of Staff of the Air Force submit a report to the congressional defense committees describing their views on the results of an F-35A initial operational test and evaluation (IOT&E). The provision would also ensure the F-35A IOT&E includes comparison tests and evaluation of the F-35A and A-10C in conducting close air support, combat search and rescue, and airborne forward air controller missions. The provision would also require the Comptroller General of the United States to provide an independent assessment of the report from the Secretary and Chief of Staff.

The House amendment contained a similar provision (Sec. 134) that would prevent retirements of A-10 aircraft, but would allow the Secretary of the Air Force to transition the A-10 unit at Fort Wayne Air National Guard Base, Indiana, to an F-16 unit in fiscal year 2018, as the Secretary had proposed in the budget of the President for fiscal year 2017.

The Senate recesses.

The conferees agree that section (f)(2) of the House provision explicitly prevents the divestment of any A-10 aircraft if the special rule were to be invoked.

The conferees also agree the Comptroller General of the United States shall assess the conclusions and assertions contained in the Secretary's and Chief of Staff's report on the F-35A IOT&E, and submit a report to the congressional defense committees of such assessment not later than 90 days after the Secretary's and Chief of Staff's report is submitted.

The conferees also agree the Comptroller General's report shall include the following:

(1) An assessment of whether the conclusions and assertions included in the report submitted by the Secretary and Chief of Staff are comprehensive, fully supported, and sufficiently detailed; and

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

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

The Senate bill contained a provision (Sec. 142) that would prohibit the availability of funds authorized to be appropriated by this Act or otherwise made available for the Air Force to be obligated for the purpose of scrapping, destroying, or otherwise disposing of any A-10 aircraft in any storage status in the Aerospace Maintenance and Regeneration Group (AMARG) that have serviceable wings or other components that could be used to prevent total active inventory A-10 aircraft from being permanently removed from flyable status due to unserviceable wings or other components.

The House amendment contained no similar provision.

The House recesses with minor technical corrections.

The conferees agree the provision does not prevent the Air Force from reclaiming any usable parts or components on A-10 aircraft in any storage status for the purpose of keeping active inventory A-10 aircraft in flyable and mission capable condition.

Prohibition on availability of funds for retirement of Joint Surveillance Target Attack Radar System aircraft (sec. 136)

The House amendment contained a provision (Sec. 135) that would prohibit the availability of funds for retirement of Joint Surveillance Target Attack Radar System aircraft in fiscal year 2018.

The Senate bill contained no similar provision.
The Senate recesses.

Elimination of annual report on aircraft inventory (sec. 137)

The House amendment contained a provision (Sec. 131) that would strike the requirement in Section 231a of title 10, United States Code, for the Secretary of Defense to deliver an annual report on the military services' aircraft inventory to the congressional defense committees.

The Senate bill contained no similar provision.
The Senate recesses.

**SUBTITLE E—DEFENSE-WIDE, JOINT, AND
MULTISERVICE MATTERS**

Standardization of 5.56mm rifle ammunition (sec. 141)

The House amendment contained a provision (sec. 146) that would require the Secretary of Defense to ensure that the Army and the Marine Corps are using in combat one standard type of enhanced 5.56mm rifle ammunition not later than one year after the date of the enactment of this Act with exceptions that require the Secretary of Defense to certify to the congressional defense committees the reasons why there are different 5.56mm rounds being used in combat.

The Senate bill contained no similar provision.
The Senate recesses.

Fire suppressant and fuel containment standards for certain vehicles (sec. 142)

The House amendment contained a provision (Sec. 142) that would require the Secretary of the Army, or his designee, and the Secretary of the Navy, or his designee, to establish and maintain policy guidance regarding the establishment of, and updates to, fire suppressant and fuel containment standards that meet survivability requirements across various classes of vehicles, including light tactical vehicles, medium tactical

vehicles, heavy tactical vehicles, and ground combat vehicles for the Army and Marine Corps. This section would also require the Secretary of the Army and the Secretary of the Navy to provide a report to the congressional defense committees, not later than 180 days after the date of the enactment of this Act, that contains policy guidance for each class of vehicle including armor, fire suppression systems, self-sealing material and containment technologies, and any other information as determined by the Secretaries.

The Senate bill contained no similar provision.

The Senate recesses.

Limitation on availability of funds for destruction of certain cluster munitions (sec. 143)

The Senate bill contained a provision (section 152) that would limit the funds available for the destruction of cluster munitions until the Secretary of Defense submits a report on the Department's policy on, and plan for, cluster munitions.

The House amendment contained no similar provision.

The House recesses with an amendment that would limit the funds for the destruction of serviceable cluster munitions, but would allow the demilitarization of cluster munitions determined to be unserviceable due to a significant failure to meet performance or logistics requirements. Cluster munitions categorized as unserviceable solely due to current or amended Department of Defense policy related to cluster munitions would not meet this definition of unserviceable and would be subject to the limitation in this provision.

Report on Department of Defense munitions strategy for the combatant commands (sec. 144)

The House amendment contained a provision that would require the Secretary of Defense to submit to the congressional defense committees a report on the munitions strategy of the combatant commands.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would reduce the time horizon for the strategy and modify the elements of the required report.

Modifications to reporting on use of combat mission requirements funds (sec. 145)

The House amendment contained a provision (sec. 141) that would amend the quarterly report requirement in section 123 of

the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383), to sunset the requirement for such reports on September 30, 2018.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would change from quarterly to annually the requirement for the commander of U.S. Special Operations Command to submit a report on use of Combat Mission Requirements funds.

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

The Senate bill contained a provision that would disestablish the F-35 Joint Program Office (JPO) and devolve relevant responsibilities to the Air Force and the Navy.

The House amendment contained no similar provision.

The House recedes with an amendment that would remove the requirement to disestablish the JPO and require the Secretary of Defense, no later than March 31, 2017, to submit to the congressional defense committees a report on potential options for the future management of the Joint Strike Fighter program.

Comptroller General review of F-35 Lightning II aircraft sustainment support (sec. 147)

The House amendment contained a provision (Sec. 144) that would direct the Comptroller General of the United States to conduct an analysis of the sustainment support strategy for the F-35 Joint Strike Fighter program.

The Senate bill contained no similar provision.

The Senate recedes.

Briefing on acquisition strategy for Ground Mobility Vehicle (sec. 148)

The House amendment contained a provision (Sec. 145) that would direct the Under Secretary of Defense for Acquisition, Technology, and Logistics, in consultation with the Secretary of the Army, to provide a briefing to the congressional defense committees on the acquisition strategy for the ground mobility vehicle.

The Senate bill contained no similar provision.

The Senate recedes.

Study and report on optimal mix of aircraft capabilities for the Armed Forces (sec. 149)

The Senate bill contained a provision (Sec. 151) that would direct the Secretary of Defense to obtain an independent study on the future mix of aircraft platforms for the Armed Forces.

The House amendment contained no similar provision.

The House recedes with an amendment changing the study to be conducted by the Secretary of Defense rather than by an independent entity, adds the congressional intelligence committees as recipients of the study report, and includes other minor technical corrections.

LEGISLATIVE PROVISIONS NOT ADOPTED

Funding for surface-to-air missile system

The House amendment contained a provision (Section 114) that would authorize an increase in funding for Missile Procurement, Army line 002, MSE missile, by \$84.2 million and decrease funding for Defense Nuclear Nonproliferation Research and Development, material management and minimization, by an equal \$84.2 million.

The Senate bill contained no similar provision.

The House recedes.

The outcome is reflected in sections 4101 and 4701 of the Act.

Procurement authority for aircraft carrier programs

The House amendment contained a provision (sec. 121) that would provide economic order quantity authority for the construction of two *Ford*-class aircraft carriers and incremental funding authority for the nuclear refueling and complex overhaul of five *Nimitz*-class aircraft carriers.

The Senate bill contained no similar provision.

The House recedes.

Ship to shore connector program

The House amendment contained a provision (sec. 125) that would authorize the Secretary of the Navy to enter into a contract for the procurement of up to 45 Ship to Shore Connector vessels.

The Senate bill contained no similar provision.

The House recedes.

Limitation on availability of funds for Tactical Combat Training System Increment II

The Senate bill contained a provision (sec. 127) that would limit the obligation or expenditure of 25 percent of funds for the Tactical Combat Training Systems (TCTS) Increment II program until 60 days after the Secretary of the Navy submitted the report required by section 235 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92).

The House amendment contained a similar provision (sec. 218) that would limit the obligation or expenditure of 20 percent of the funds for TCTS Increment II until the Secretary of the Navy and Secretary of the Air Force provided the required report.

The conference agreement includes neither provision. Because the Secretary of the Navy submitted the required report in May 2016, the limitation on availability of funds within these provisions is no longer applicable.

However, the conferees remain concerned about training gaps, both in live and simulated environments, for pilots in fourth and fifth-generation aircraft. Pilots will have to operate these aircraft with advanced weapon systems in highly complex anti-access, area denial environments. The conferees recognize the importance of developing higher fidelity interoperable training for combat pilots using live-virtual-constructive (LVC) exercises. Such exercises should allow the Department to simulate a broader range of threat system capabilities that enable training aircraft pilots under more realistic combat conditions.

Therefore, the conferees expect the Department of Defense to apply the necessary focus and resources to develop and support LVC training as soon as possible.

Prohibition on availability of funds for retirement of U-2 aircraft

The House amendment contained a provision (Sec. 137) that would prohibit the availability of funds for the retirement of U-2 aircraft.

The Senate bill contained no similar provision.

The House recedes. Section 133 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) prohibits the Secretary of the Air Force from taking any action that would prevent the Air Force from maintaining the U-2 aircraft fleet in its current configuration and capability beyond fiscal year 2016. The conferees agree that this provision remains in full force and effect.

Medium Altitude Intelligence, Surveillance, and Reconnaissance Aircraft

The Senate bill contained a provision (sec. 153) that would prohibit the obligation or expenditure of funds for the acquisition of Medium Altitude Intelligence, Surveillance, and Reconnaissance (MAISR) aircraft in fiscal year 2017 until the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict (ASD SOLIC), in consultation with the Commander of U.S. Special Operations Command (SOCOM), provides the congressional defense committees with a report on the manned ISR requirements of the command and how such an acquisition aligns with the SOCOM ISR Roadmap.

The House amendment contained no similar provision.

The Senate recedes.

The conferees understand that a SOCOM analysis determined that the cost avoidance of acquiring versus leasing MAISR aircraft is approximately \$1.3 million per month with a break even return on investment of approximately 11 months. However, the conferees believe that procurement of ISR aircraft should not be ad hoc, but instead be a deliberate acquisition informed by an analysis of alternatives that fully considers changing requirements, threats, capabilities, tactics, and resource constraints. Therefore, the conferees direct ASD SOLIC and SOCOM to provide an interim briefing on the scope, methodology and timeline for the Next Generation Manned ISR Study and Analysis of Alternatives no later than 90 days after enactment of this Act.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

Authorization of appropriations (sec. 201)

The Senate bill contained a provision (sec. 201) that would authorize appropriations for Research, Development, Test, and Evaluation at the levels identified in section 4201 of division D of this Act.

The House amendment contained an identical provision (sec. 201).

The conference agreement includes this provision.

SUBTITLE B—PROGRAM REQUIREMENTS, RESTRICTIONS, AND LIMITATIONS

Laboratory quality enhancement program (sec. 211)

The House amendment contained a provision (sec. 211) that would require the establishment of a Laboratory Quality Enhancement Program to support the analysis and implementation of current policies, as well as make recommendations for new initiatives to support the improvement and enhancement of the Department of Defense's Science and Technology Reinvention Laboratories. The House provision would also align management of the laboratory demonstration program with the Assistant Secretary of Defense for Research and Engineering.

The Senate bill contained a provision (sec. 1126) that would align management of the laboratory demonstration program with the Under Secretary of Defense for Acquisition, Technology, and Logistics.

The Senate recedes with an amendment to adjust the membership of the panel and to emphasize that the goal of the laboratory personnel system should be to support the efficient operations of those institutions.

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

The Senate bill contained a provision (sec. 211) that would raise the limit of funds authorized under Section 219 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) up to four percent of all funds available to a laboratory. The provision would also eliminate the sunset date for authorization of this authority.

The House amendment contained a similar provision (sec. 212) that would set the level of funding at three percent, eliminate the sunset date, and allow certain federally funded research and development centers to use this authority.

The House recedes with an amendment that would set the level of Section 219 funding at between two and four percent.

Making permanent authority for defense research and development rapid innovation program (sec. 213)

The Senate bill contained a provision (sec. 212) that would repeal the sunset provision of the Rapid Innovation Program and make the authorization of the program permanent.

The House amendment contained no similar provision.
The House recesses.

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

The Senate bill contained a provision (sec. 213) that would authorize the Defense Acquisition University and the National Defense University to enter into cooperative agreements, which involve the provision of grant money, and cooperative research and development agreements with universities, not-for-profit institutions, and other entities to support their designated missions.

The House amendment contained no similar provision.
The House recesses.

Manufacturing Engineering Education Grant Program (sec. 215)

The Senate bill contained a provision (sec. 214) that would allow the Department of Defense to provide grants to institutions of higher education, including technical and community colleges, for the purposes of enhancing education in manufacturing engineering.

The House amendment contained no similar provision.

The House recesses with technical amendments to clarify several aspects of the grant program.

Notification requirement for certain rapid prototyping, experimentation, and demonstration activities (sec. 216)

The House amendment contained a provision (sec. 213) that would require the Secretary of the Navy to provide written notification to the congressional defense committees within 10 days before initiating a rapid prototyping, experimentation, or demonstration activity using funds from PE 63382N (Navy Advanced Combat Systems Technology).

The Senate bill contained no similar provision.
The Senate recesses.

Increased micro-purchase threshold for research programs and entities (sec. 217)

The Senate bill contained a provision (sec. 215) that would increase the micro-purchase threshold in Department of Defense research and laboratories activities from \$3,000 to \$10,000. In raising the limit, this provision would allow

appropriate organizations, such as universities, defense labs, and other performers, to facilitate easy and administratively efficient purchasing of small dollar items.

The House amendment contained no similar provision.

The House recesses with an amendment to extend the increase in micro-purchase threshold to all research activities government-wide.

Improved biosafety for handling of select agents and toxins (sec. 218)

The House amendment contained a provision (sec. 214) that would direct the Department of Defense to implement several improvements for handling of select agents and toxins, as recommended from an Army 15-6 investigative report on the individual and institutional accountability for the shipment of viable Bacillus Anthracis from Dugway Proving Ground. This section would require the Department to implement a quality assurance and quality control program for any facility producing biological select agents and toxins, and for the Secretary of Defense to submit a report to the congressional defense committees by February 1, 2017, on the potential consolidation of facilities that work with biological select agents and toxins. This section would also require the Comptroller General of the United States to submit a report to the congressional defense committees by September 1, 2017, on the effectiveness and completeness of the Department of Defense's actions taken to address the findings and recommendations of the Army 15-6 investigation.

The Senate bill contained no similar provision.

The Senate recesses with a technical amendment.

Designation of Department of Defense senior official with principal responsibility for directed energy weapons (sec. 219)

The Senate bill contained a provision (sec. 216) that would grant rapid acquisition authorities for directed energy weapons systems to accelerate the development and fielding of directed energy technology and to help offset the gains of potential adversaries. The Senate provision would also establish a joint directed energy program office at the Department of Defense.

The House amendment contained a provision (sec. 220) that would require the Secretary of Defense to designate a senior official already serving within the Department of Defense as a senior official with principal responsibility for the

development and demonstration of directed energy weapons for the Department.

The Senate recedes with an amendment that would require the senior designated official to develop a strategic roadmap for the development and fielding of directed energy technology and to accelerate such development and fielding. The amendment would also rename the joint technology office for high energy lasers to the joint directed energy transition office, and would expand its mission to work with the senior designated official to push the demonstration and transition of directed energy systems, as well as the development of key technologies.

The conferees expect and encourage the Department of Defense to use rapid acquisition authorities authorized to the department in Section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 10 U.S.C. 2302 note) to speed the development and deployment of operational directed energy capabilities. The committee believes that this provision allows the Secretary of Defense to better use the range of acquisition authorities already at the disposal of the department for the purposes of directed energy weapons system acquisition, including:

(1) Rapid acquisition authority provided under Section 806;

(2) Use of other transactions authority provided under section 2371 of Title 10, United States Code;

(3) Simplified acquisition procedures for the acquisition of commercial items; and

(4) Authority for procurement for experimental purposes provided under section 2373 of Title 10, United States Code.

Restructuring of the distributed common ground system of the Army (sec. 220)

The House amendment contained a provision (sec. 219) that would require the Secretary of the Army to restructure versions of the distributed common ground system of the Army after Increment 1. The Secretary of the Army shall discontinue development of new software code of any component of the system for which there is commercial, open source, or Government off the self software that is capable of fulfilling at least 80 percent of the system requirements; and conduct a review of the acquisition strategy for the program to ensure that procurement of commercial software is the preferred method of meeting program requirements. The Secretary of the Army shall not award any contract for the development of a new component software capability if such a capability is already a commercial item.

The Senate bill contained no similar provision.

The Senate recedes with an amendment.

The conferees expect the Secretary of the Army to rapidly execute this acquisition so as to quickly improve the field performance of the existing distributed common ground system for the Army, which we do not believe is adequately serving the needs of units at division, brigade and battalion levels.

Limitation on availability of funds for countering weapons of mass destruction system Constellation (sec. 221)

The House amendment contained a provision (sec. 216) that would prohibit the Department of Defense from obligating or expending any funds in fiscal year 2017 for research, development, and prototyping of the countering weapons of mass destruction situational awareness information system, known as ``Constellation.``

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would limit half the funds available for Constellation until the Secretary of Defense provides an independent review and assessment of the requirements and implementation plan for this system. In addition congressional defense committees shall receive periodic updates prior to the completion of the review.

Limitation on availability of funds for Defense Innovation Unit Experimental (sec. 222)

The House amendment contained a provision (sec. 217) that would limit the amount of authorized funds available to be obligated or expended for the Defense Innovation Unit Experimental (DIUx) to no more than 80 percent until the Secretary of Defense provides a report the congressional defense committees on the charter for and the use of funds to establish and expand DIUx.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would alter the amount of funds subject to limitation and add additional specificity to the reporting requirement.

The conferees remain cautiously optimistic that the changes to the organizational structure and functions of DIUx could become important tools for the Department of Defense (DoD) to engage with new and non-traditional commercial sources of innovation, as well as rapidly identify and integrate new technologies into defense systems. The conferees believe that outreach to commercial companies, small businesses and other

non-traditional defense contractors, in Silicon Valley and across the nation, will be a key element in all efforts at modernizing defense systems and pursuing offsetting technology strategies. However, the conferees are concerned that investments made by DIUx to-date were not focused on rapid delivery of much needed game-changing technologies. Additionally, DIUx's customer base is not as diverse as expected and includes organizations, such U.S. Special Operations Command, with their own acquisition authority and entity established to leverage innovation. Although the conferees are not opposed to any organization partnering with DIUx, the conferees encourage DIUx to establish relationships with services and other Department of Defense organizations that do not have their own funding, authorities, and innovation hubs.

Additionally, the conferees remain concerned that in the Department's rush to try something new, defense leaders have not taken the time to determine how effective recent organizational and management changes are before seeking a rapid expansion of resources. Nor do the conferees believe that the Department has postured DIUx to be successful in the innovation ecosystem with partners across the Department, finding ways to multiply the effectiveness and networking potential of DIUx by leveraging the personnel, expertise, authorities, and resources of existing successful research, development, innovation, and tech transfer mechanisms. These existing mechanisms include the Small Business Innovative Research and Small Business Technology Transition programs, the Department of Defense research laboratories, and other entities that look at technology in classified settings.

Additionally, the conferees are concerned that the Department has found useful mechanisms to identify and engage with new commercial entities, without making demonstrable progress in reducing the acquisition and contractual barriers of entry for these non-traditional providers, as well as all commercial entities wishing to do business with the Department. Without such progress, the conferees are concerned that these non-traditional vendors will become frustrated over time, as has happened in the past, and will revert back to a posture that, at best, reluctantly partners in defense work, and at worst, actively rejects all work with the Department of Defense because the acquisition system is too burdensome and bureaucratic.

Limitation on availability of funds for Joint Surveillance Target Attack Radar System (JSTARS) Recapitalization Program (sec. 223)

The Senate bill contained a provision (Sec. 146) that would limit the availability of fiscal year 2017 and beyond

funds for the Joint Surveillance Target Attack Radar System recapitalization program unless the contract for engineering and manufacturing development uses a firm fixed price contract structure.

The House amendment contained no similar provision.

The House recedes with an amendment that provides the Secretary of Defense with authority to waive the limitation in the provision if the Secretary determines the waiver is in the national security interests of the United States, and includes other minor technical corrections.

The conferees note that to ensure the integrity of the full and open competition nature of this program, they caution the Air Force to guard against the potential prejudicing of this source selection by other Air Force recapitalization programs.

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

The Senate bill contained a provision (sec. 1087) that would require the Department of Defense to treat the F-35 Follow-on Modernization program as a separate Major Defense Acquisition Program (MDAP).

The House amendment contained no similar provision.

The House recedes with an amendment that would remove the requirement to treat the Follow-on Modernization program as a separate MDAP and require the Secretary of Defense, not later than March 31, 2017, to submit to the congressional defense committees a report that contains the basic elements of an acquisition program baseline for Block 4 modernization.

SUBTITLE C—REPORTS AND OTHER MATTERS

Strategy for assured access to trusted microelectronics (sec. 231)

The House amendment contained a provision (sec. 231) that would require the Secretary of Defense to develop and implement a strategy for developing and acquiring trusted microelectronics from various sources by 2020. The House provision would further require the Secretary of Defense to certify by September 30, 2020, that the Department has implemented the recommendations of the strategy, and has created an assured means of accessing sufficient supply of trusted microelectronics.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would add additional elements to the required strategy.

*Pilot program on evaluation of commercial information technology
(sec. 232)*

The House amendment contained a provision (sec. 232) that would require the Defense Information Systems Agency to establish a pilot program to evaluate commercially available information technology tools to better understand and characterize their potential impact on Department of Defense networks and computing environments through prototyping, experimentation, operational demonstration, military user assessment, or other means to get quantitative and qualitative feedback on the commercial item.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

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

The Senate bill contained a provision (sec. 948) that would allow directors of Department of Defense research and development laboratories, as well as the director of the Defense Advanced Research Projects Agency to waive on a temporary basis regulations, instructions, publications, policies, and procedures of the Department of Defense as the director believes appropriate.

The House amendment contained a similar provision (sec. 233) that would allow the services to demonstrate methods for the more effective development of research, development, test, and evaluation functions.

The Senate recedes with an amendment that would combine features of both provisions and create a pilot program open to research and development laboratories, test and evaluation centers, and the Defense Advanced Research Projects Agency. The amended provision would allow directors of these entities to waive on a temporary basis any regulation, restriction, requirement, guidance, policy, procedure, or departmental instruction that would generate greater value and efficiencies in research and development activities, enable more efficient and effective operations, and enable more rapid deployment of warfighter capabilities.

In this provision, the conferees expect the secretaries of the services to ensure that participation in the program includes at least five science and technology reinvention laboratories and at least five test and evaluation centers from each service with the highest likelihood to use innovatively the authority for this new management flexibility to demonstrate the

value for the entire Department. In addition, the conferees expect that the assistant secretaries of the services will work with their appropriate counterparts within the services to complete evaluation of waiver requests in a timely and responsive manner.

Pilot program on modernization and fielding of electromagnetic spectrum warfare systems and electronic warfare capabilities (sec. 234)

The Senate bill contained a provision (sec.897) that would stipulate that funds for electromagnetic spectrum warfare systems and EW systems may be used for the development and fielding of such systems. The provision would also amend section 806(c)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314) to add a new subparagraph addressing the rapid acquisition of electronic warfare capabilities.

The House amendment contained a provision (sec. 234) that would authorize the Secretary of Defense to carry out a pilot program on the modernization of electromagnetic spectrum warfare systems and electronic warfare (EW) systems. The House provision would direct the Electronic Warfare Executive Committee (EWEC) to select a total of five such systems currently in sustainment for modernization under the pilot program.

The Senate recedes with an amendment that would including fielding of EW systems, increases the number of systems to be selected for the pilot program from 5 to 10, adds a termination date of September 30, 2023 to the pilot program, and authorizes appropriated electromagnetic spectrum warfare and electronic warfare funds to be used for the development and fielding of electromagnetic spectrum warfare systems and electronic warfare capabilities.

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

The Senate bill contained a provision (sec. 218) that would permit the Department of Defense to provide personnel of a Defense federally-funded research and development center with access to sensitive information necessary to carry out their assigned duties and functions.

The House amendment contained no similar provision.

The House recedes with an amendment to clarify certain elements of the program and further prevent any unauthorized disclosure of sensitive information.

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

The Senate bill contained a provision (sec. 219) that would authorize the Secretary of Defense to establish a pilot program to assess the feasibility and advisability of enhanced interaction between the Defense Advanced Research Projects Agency and the military service academies.

The House amendment contained no similar provision.

The House recedes with technical amendments to streamline the pilot program.

Independent review of F/A-18 physiological episodes and corrective actions (sec. 237)

The House amendment contained a provision that would require the Secretary of the Navy to establish an independent review team to review the Navy's data on, and mitigation efforts related to, the increase in F/A-18 physiological events since January 1, 2009 and submit a report on the findings of said review team.

The Senate bill contained no similar provision.

The Senate recedes.

B-21 bomber development program accountability matrices (sec. 238)

The Senate bill contained a provision (Sec. 844) that would establish specific cost growth thresholds and cost controls for the Air Force's B-21 bomber program, directs the Secretary of the Air Force to provide quarterly program performance data to the Comptroller General of the United States, and directs the transfer of the difference between the Department of Defense's annual program budget funding amount and the contract award value to the Defense Rapid Prototyping Fund for each budget year submission.

The House amendment contained no similar provision.

The House recedes with an amendment that strikes the cost growth thresholds and cost controls, and strikes the requirement to transfer funds into the Defense Rapid Prototyping Fund. The amendment also changes the program performance data submission from a quarterly to semi-annual reporting frequency, and includes other minor technical corrections.

Study on helicopter crash prevention and mitigation technology (sec. 239)

The House amendment contained a provision (Sec. 236) that would require the Secretary of Defense to enter into a contract with a federally funded research and development center to conduct a study on technologies with the potential to prevent and mitigate helicopter crashes.

The Senate bill contained no similar provision.

The Senate recesses.

Strategy for Improving Electronic and Electromagnetic Spectrum Warfare Capabilities (sec. 240)

The House amendment contained a provision (sec. 237) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics, acting through the Electronic Warfare Executive Committee, to submit to the congressional defense committees a report by April 1, 2017, on future electronic warfare concepts and technologies.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would require a strategy for improving electronic and electromagnetic spectrum warfare capabilities.

Sense of Congress on development and fielding of fifth generation airborne systems (sec. 241)

The Senate bill contained a provision (Sec. 1057) that would express the sense of the Senate on the definition of and need for continued prioritization, development, and fielding of fifth-generation airborne capabilities.

The House amendment contained no similar provision.

The House recesses with an amendment that replaces the term "the Senate" with "Congress" in each instance where it occurs in the title and body of the provision, and includes other minor technical corrections.

LEGISLATIVE PROVISIONS NOT ADOPTED

Report on cost of B-21 aircraft

The Senate bill contained a provision (Sec. 217) that would limit the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 to be made available for the B-21 Engineering and Manufacturing Development (EMD) program until the Air Force releases the value of the B-21 EMD contract award made on October 27, 2015, to the congressional defense committees.

The House amendment contained a similar provision (Sec. 136) that would require the Secretary of Defense to submit to the congressional defense committees a report on the cost of the B-21 aircraft.

The Senate recesses.

The House recesses.

Neither provision was adopted.

TITLE III—OPERATION AND MAINTENANCE

SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

Authorization of appropriations (sec. 301)

The Senate bill contained a provision (sec. 301) that would authorize appropriations for operation and maintenance activities at the levels identified in section 4301 of division D of this Act.

The House amendment contained an identical provision (sec. 301).

The conference agreement includes this provision.

SUBTITLE B—ENERGY AND THE ENVIRONMENT

Modified reporting requirement related to installations energy management (sec. 311)

The Senate bill contained a provision (sec. 302) that would amend subsection (a) of section 2925 of title 10, United States Code, by significantly reducing the contents of the Department of Defense's Annual Energy Management Report.

The House amendment contained a similar provision (sec. 331) that would modify subsection (a) and (b) of section 2925 of title 10, United States Code, to modify and extend, with a sunset date of January 31, 2021, the ``Annual Report Related to Installations Energy Management'' and the ``Annual Report Related to Operational Energy. ''

The House recesses with a technical amendment.

Waiver authority for alternative fuel procurement requirement (sec. 312)

The House amendment contained a provision (sec. 311) that would amend section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140) to clarify that this section

shall not be construed as a constraint on any conventional or unconventional fuel procurement necessary for military operations.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would allow the Secretary of Defense to waive section 526 of the Energy Independence and Security Act of 2007 if in the interest of national security.

Utility data management for military facilities (sec. 313)

The Senate bill contained a provision (sec. 304) that would direct the Department of Defense, in consultation with the Department of Energy, to develop a pilot program to investigate the utilization of utility data management services to perform utility bill aggregation, analysis, third-party payment, storage and distribution.

The House amendment contained no similar provision.

The House recesses with an amendment that would provide permissive authority to the Secretary of Defense to develop a utility data management program with a funding cap of \$250,000.

Alternative technologies for munitions disposal (sec. 314)

The House amendment contained a provision (sec. 313) that authorizes the Secretary of the Army to consider using cost-competitive technologies that minimize waste generation and air emissions as alternatives to disposal of conventional munitions by open burning, open detonation, direct contact combustion, and incineration.

The Senate bill contained no similar provision.

The Senate recesses.

Report on efforts to reduce high energy costs at military installations (sec. 315)

The Senate bill contained a provision (sec. 303) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics, in consultation with the assistant secretaries responsible for energy installations and environment for the military services and the Defense Logistics Agency, to conduct an assessment of the efforts to achieve cost savings at military installations with high energy costs.

The House amendment contained no similar provision.

The House recesses with an amendment to clarify the focus on installations with high levels of energy intensity.

Sense of Congress on funding decisions relating to climate change (sec. 316)

The House amendment contained a provision (sec. 315) that would prohibit the Department of Defense from obligating or expending any funds in fiscal year 2017 to carry out sections 2, 3, 4, 5, 6(b) (iii), and 6(c) of Executive Order 13653 and sections 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, and 15(b) of Executive Order 13693.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would provide the Sense of Congress that Fiscal Year 2017 funding decisions for the Department should be based on supporting and increasing combat capability, in addition to constantly seeking efficiency and efficacy. Additionally, the Department's programs should allocate funds in a manner that best serves our national security interests. Accordingly, the conferees believe that the collective issues regarding energy efficiency, energy use, and climate change should adhere to these principles.

SUBTITLE C—LOGISTICS AND SUSTAINMENT

Revision of deployability rating system and planning reform (sec. 321)

The Senate bill contained a provision (sec. 311) that would amend Chapter 1003 of title 10, United States Code, requiring the Secretary of the Army to maintain a system for identifying the priority of deployment for units of all components of the Army.

The House amendment contained an identical provision (sec. 523).

The conference agreement includes this provision.

Revision of guidance related to corrosion control and prevention executives (sec. 322)

The Senate bill contained a provision (sec. 312) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics, in coordination with the Director of Corrosion Policy and Oversight, to revise corrosion-related guidance to clearly define the role of the corrosion control and prevention executives of the military departments in assisting the Office of Corrosion Policy and Oversight.

The House amendment contained no similar provision.

The House recedes.

Pilot program for inclusion of certain industrial plants in the Armament Retooling and Manufacturing Support Initiative (sec. 323)

The House amendment contained a provision (sec. 321) that would establish a pilot program for a period of five years requiring the Secretary of Defense to treat all government-owned, contractor-operated (GOCO) industrial plants of the Department of the Army as an eligible facility under section 4551(2) of title 10, United States Code.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment that would provide permissive authority to the Secretary of Defense to consider all government-owned, contractor operated industrial plants for all military services within the Department of Defense as an eligible facility under section 4551(2) of title 10, United States Code, as part of a pilot program for a period of five years.

The conferees note this provision does not authorize GOCO industrial plants' use of Army Working Capital Funds.

Repair, recapitalization, and certification of dry docks at naval shipyards (sec. 324)

The Senate bill contained a provision (sec. 313) that would authorize amounts available as foreign currency fluctuation savings as specified in the funding table in section 4301 to be authorized to be appropriated for fiscal year 2017 by section 301 for operation and maintenance to be made available for the repair, recapitalization, and certification of dry docks at government-owned and government-operated naval shipyards.

The House amendment contained no similar provision.

The House recedes with a technical amendment that would authorize the Secretary of Defense to transfer up to \$250 million of authorizations made available in this Act to the Department of Defense towards the repair, recapitalization, and certification of dry docks at government-owned and government-operated naval shipyards and if such a transfer occurs, the Secretary of Defense shall promptly notify Congress of the transfer.

Private sector port loading assessment (sec. 325)

The House amendment contained a provision (sec. 322) that would require the Secretary of the Navy to conduct quarterly assessments of naval ship maintenance and loading activities carried out by private sector entities at each covered port.

The Senate bill contained no similar provision.

The Senate recesses with a technical amendment that would remove the Sense of Congress.

Strategy on revitalizing Army organic industrial base (sec. 326)

The House amendment contained a provision (sec. 332) that would require the Secretary of Defense to provide a report on certain equipment purchased from foreign entities with an assessment of how that work could be performed by the Army arsenals and establish a pilot program for the period of two years to allow the Army arsenals to adjust their labor rates through the fiscal year.

The Senate bill contained no similar provision.

The Senate recesses with a technical amendment that would expand the report to include the Department of Defense organic industrial base in its entirety and strike the pilot program for adjustable labor rates.

SUBTITLE D—REPORTS

Modifications to Quarterly Readiness Report to Congress (sec. 331)

The Senate bill contained a provision (sec. 321) that would amend subsection (a) of section 482 of title 10, United States Code, modifying the Department of Defense's requirements for the Quarterly Readiness Report to Congress.

The House amendment contained no similar provision.

The House recesses.

Report on average travel costs of members of the reserve components (sec. 332)

The House amendment contained a provisions (sec. 333) that would require the Secretary of Defense to submit a report to the congressional defense committees on the travel expenses of members of the reserve components performing certain service, to include the average annual cost for all travel expenses for a member of a reserve component.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would require the report be executed by the Comptroller General of the United States.

Report on HH-60G sustainment and Combat Rescue Helicopter program (sec. 333)

The Senate bill contained a provision (sec. 322) that would require the Secretary of Defense to report to the congressional defense committees a plan to modernize, train, and maintain the HH-60 fleet.

The House amendment contained no similar provision.

The House recesses.

SUBTITLE E—OTHER MATTERS

Air navigation matters (sec. 341)

The Senate bill contained a provision (sec. 333) that would amend Section 358 of the National Defense Authorization Act for fiscal year 2011 (Public Law 111-383) to ensure that due diligence and proper assessment is given so energy projects do not interfere with operational training of the military services.

The House amendment contained a similar provision (sec. 343) that would amend section 44718 of title 49, United States Code, to authorize the Secretary of Transportation to include the interests of national security, as determined by the Secretary of Defense, in the Secretary's aeronautical studies and reports required under this statute.

The Senate recesses with an amendment that would include the due diligence and proper assessment to ensure energy projects do not interfere with operational training, and would amend title 49, United States Code, to require the Secretary of Transportation to review flight path changes at civilian airports to determine if recent adjustments have had an impact on local communities.

Contract working dogs (sec. 342)

The Senate bill contained a provision (sec. 337) that would amend Section 2583(h) of title 10, United States Code, and require each future contract with a provider of tactical explosive detection dogs to include a provision requiring the contractor to transfer the dog to the 341st Training Squadron after the animal's service life.

The House amendment contained no similar provision.

The House recesses with a technical amendment that would include the terminology a working dog that is "trained and

kenneled by an entity that provides such a dog pursuant to such a contract."

Plan, funding documents, and management review relating to explosive ordnance disposal (sec. 343)

The House amendment contained a provision (sec. 342) that would establish a joint Explosive Ordnance Disposal (EOD) program, with the Navy as executive agent for the Department of Defense, to coordinate and integrate research, development, and procurement for EOD defense programs. This section would also require the Secretary of Defense to conduct a review of the management structure of the program and to brief the results of the review to the Committees on Armed Services of the Senate and the House of Representatives by May 1, 2018.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of Defense to develop a plan to create an EOD program, in addition to requiring the Secretary of Defense to identify EOD funding documents in all military services and to conduct an EOD management review. The amendment also requires the Secretary of Defense to brief both the results of the management review and the details of the plan to the Committees on Armed Services of the Senate and the House of Representatives by March 1, 2017.

Process for communicating availability of surplus ammunition (sec. 344)

The House amendment contained a provision (sec. 351) that would require the Secretary of Defense to implement a formal process for communicating to other Federal Government agencies the availability of surplus, serviceable ammunition from the Department of Defense.

The Senate bill contained no similar provision.

The Senate recedes.

Mitigation of risks posed by window coverings with accessible cords in certain military housing units (sec. 345)

The Senate bill contained a provision (sec. 336) that would direct the Secretary of Defense to remove and replace window coverings with accessible cords from military housing units in which children under the age of 9 reside and require housing contractors to phase out window coverings with accessible cords.

The House amendment contained no similar provision.

The House recedes with an amendment that would ensure that the requirement would be applied to contracts for housing units going forward and would not violate existing contract terms.

Access to military installations by transportation companies (sec. 346)

The Senate bill contained a provision (sec. 339) that would require the Secretary of Defense to establish policies, terms, and conditions under which online transportation networks and their drivers shall be permitted access to military installations to serve base personnel.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense, within one year of enactment, to establish policies under which covered drivers may be authorized to access military installations.

Access to wireless high-speed Internet and network connections for certain members of the Armed Forces (sec. 347)

The House amendment contained a provision (sec. 350) that would encourage the Secretary of Defense to provide members of the Armed Forces who are deployed overseas at any United States military facility access to high-speed internet and network connections without charge.

The Senate bill contained no similar provision.

The Senate recedes.

Limitation on availability of funds for Office of the Under Secretary of Defense for Intelligence (sec. 348)

The House amendment contained a provision (sec. 347) that would limit the obligation or expenditure of 15 percent of the funds authorized to be appropriated for Operation and Maintenance, Defense-Wide, for the Office of the Under Secretary of Defense for Policy for fiscal year 2017, until the Secretary of Defense establishes and implements a process by which members of the Armed Forces may carry an appropriate firearm on a military installation, as required by section 526 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92).

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would limit the obligation or expenditure of 10 percent of the funds authorized to be appropriated for Operation and Maintenance, Defense-Wide, for the Office of the Under Secretary of Defense for

Intelligence for fiscal year 2017, until the Secretary of Defense issues guidance on the process by which members of the Armed Forces may carry an appropriate firearm on a military installation, as required by section 526 of the National Defense Authorization Act for Fiscal Year 2016. The conferees note that the Under Secretary of Defense for Intelligence is the official responsible to provide the Secretary of Defense recommendations for the policy and regulations implementing the process required under section 526 of the National Defense Authorization Act for Fiscal Year 2016.

Limitation on development and fielding of new camouflage and utility uniforms (sec. 349)

The Senate bill contained a provision (sec. 332) that would restrict funds to be obligated or expended for the development or fielding of new camouflage or utility uniforms or families of uniforms until one year after the Secretary of Defense notifies the congressional defense committees of the proposed development or fielding.

The House amendment contained no similar provision.
The House recedes.

Plan for improved dedicated adversary air training enterprise of the Air Force (sec. 350)

The Senate bill contained a provision (Sec. 334) that would direct the Chief of Staff of the Air Force to submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than March 3, 2017, a resource ready and executable plan and briefing for developing and emplacing a modernized dedicated adversary air training enterprise to support the full spectrum air combat readiness of the United States Air Force.

The House amendment contained no similar provision.
The House recedes with minor technical corrections.

Independent review and assessment of the Ready Aircrew Program of the Air Force (sec. 351)

The Senate bill contained a provision (Sec. 335) that would direct the Secretary of the Air Force to commission an independent review and assessment of the assumptions underlying the Air Force's annual continuation training requirements, and the efficacy of the overall Ready Aircrew Program in the management of the Air Force's aircrew training requirements.

The House amendment contained no similar provision.

The House recesses with minor technical corrections.

Study on space-available travel system of the Department of Defense (sec. 352)

The House amendment contained a provision (sec. 345) that would require the Secretary of Defense to conduct a study of the space-available travel system and to provide the result of the study to the congressional defense committees within 180 days after entering into a contract with a federally funded research and development center to conduct the study.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would require the study to consider the feasibility and the impact on the space-available system of extending eligibility for space-available travel to members or former members of the armed forces with a disability rated as total, on the same basis as such transportation is provided to members of the Armed Forces entitled to retired or retainer pay.

Evaluation of motor carrier safety performance and safety technology (sec. 353)

The House amendment contained a provision (sec. 348) that would require the Secretary of Defense to evaluate the need for proven safety technology such as electronic logging devices, roll stability control, forward collision avoidance, lane departure warning systems, and speed limiters in vehicles transporting Transportation Protective Services shipments.

The Senate bill contained no similar position.

The Senate recesses with a clarifying amendment that would strike the Sense of Congress but still include the findings of the Government Accountability Office (GAO) report, GAO 16-82.

LEGISLATIVE PROVISIONS NOT ADOPTED

Increase in funding for civil military programs

The House amendment contained a provision (sec. 302) that would increase funding for the National Guard Youth Challenge Program by \$15.0 million by taking a reduction from Defense-wide Operations and Maintenance funding.

The Senate bill contained no similar provision.

The House recesses.

The conferees note that the National Guard Youth Challenge program is fully funded in the conference agreement at the President's budget request level.

Linear LED lamps

The Senate bill contained a provision (sec. 305) that would amend section 2-4.1.1.2 of the Department of Defense's Unified Facilities Criteria to allow linear light emitting diode lamps for facilities and installation retrofits.

The House amendment contained no similar provision.

The Senate recesses.

The conferees note that the Department of the Navy has safely adopted the use of linear light emitting diode lamps for facilities and installation retrofits. The conferees encourage all of the military services to do so in a safe and effective manner, in order to consume less energy and realize life-cycle cost savings.

Production and use of natural gas at Fort Knox

The House amendment contained a provision (sec. 312) that would amend chapter 449 of title 10, United States Code, to grant the Secretary of the Army authority to provide for the production and management of natural gas located under Fort Knox, Kentucky.

The Senate bill contained no similar provision.

The House recesses.

Sense of Congress on perfluorinated chemicals

The House amendment contained a provision (sec. 314) that would express the sense of Congress that the Department of Defense should work with State and local health officials to prevent human exposure to perfluorinated chemicals.

The Senate bill contained no similar provision.

The House recesses.

Limitation on availability of funds for Defense Contract Management Agency

The House amendment contained a provision (sec. 323) that would limit funding for the Defense Contract Management Agency (DCMA) until the DCMA Director provides a briefing to the Committees on Armed Services of the Senate and the House of Representatives on the agency's plan to foster the adoption, implementation, and verification of the Department of Defense's

revised Item Unique Identification policy across the Department and the defense industrial base.

The Senate bill contained no similar provision.

The House recesses.

The conferees note the importance of use of Item Unique Identification within the Department of Defense and direct the Secretary of Defense to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives on the agency's plan to foster the adoption, implementation, and verification of the Department of Defense's revised Item Unique Identification policy no later than 45 days after enactment of this Act.

Repurposing and reuse of surplus military firearms

The Senate bill contained a provision (sec. 331) that would require the Secretary of the Army to transfer all excess firearms, related spare parts and components, small arms ammunition, and ammunition components currently stored at Defense Distribution Depot, Anniston, Alabama to Rock Island Arsenal to be melted and repurposed for military use for re-forging of new firearms or related components and force protection barriers and security bollards. The provision would also authorize the Secretary of the Navy to transfer M-1 Garand and caliber .22 rimfire rifles held within the inventories of the United States Navy and the United States Marine Corps and stored at Defense Distribution Depot, Anniston, Alabama, or Naval Surface Warfare Center, Crane, Indiana to the Corporation for the Promotion of Rifle Practice and Firearms Safety to be used as awards for competitors in marksmanship competitions held by the United States Marine Corps or United States Navy.

The House amendment contained no similar provision.

The Senate recesses.

STARBASE Program

The Senate bill contained a provision (sec. 338) that would express a sense of Congress on the importance of the Starbase program.

The House amendment contained no similar provision.

The Senate recesses.

The conferees agree to continue funding for the Starbase program and to include an appropriate funding level in the budget tables of this bill.

Explosive Ordnance Disposal Corps

The House amendment contained a provision (sec. 341) that would amend section 3063 of title 10, United States Code, to add Explosive Ordnance Disposal Corps to the list of Army branches.

The Senate bill contained no similar provision.

The House recesses.

Development of personal protective equipment for female Marines and soldiers

The House amendment contained a provision (sec. 344) that would require the Secretary of the Navy and the Commandant of the Marine Corps to work in coordination with the Secretary of the Army to develop a joint acquisition strategy to provide more effective personal protective equipment and organizational clothing and equipment to meet the specific and unique requirements for female Marines and soldiers.

The Senate bill contained no similar provision.

The House recesses.

The conferees note that both the committee report (H. Rept. 114-537) accompanying the National Defense Authorization Act for Fiscal Year 2017 and the committee report (S. Rept. 114-255) accompanying the National Defense Authorization Act for Fiscal Year 2017 contained directive report language requiring the Secretary of Defense to report on the plans for programming, budgeting, requirements, and procurement of female specific equipment including helmets, combat clothing, body armor, footwear, and other critical safety item equipment categories. The conferees remained concerned that currently available items of personal protective equipment (PPE) and organizational clothing and individual equipment (OCIE) may not meet the specific and unique requirements for female combat troops. The conferees expect the Secretary of Defense to consider development and use of joint acquisition strategies for this equipment as part of the two reporting requirements.

Supply of specialty motors from certain manufacturers

The House amendment contained a provision (sec. 346) that would exempt certain small business manufacturers of specialty motors from the requirements of section 431.25 of title 10, Code of Federal Regulations, regarding energy conservation standards.

The Senate bill contained no similar provision.

The House recesses.

Briefing on well-drilling capabilities of active duty and reserve components

The House amendment contained a provision (sec. 349) that would require the Secretary of Defense to provide a briefing on the well-drilling capabilities of active and reserve components, including details on training requirements and locations.

The Senate bill contained no similar provision.

The House recesses.

The conferees direct the Secretary of Defense, not later than March 1, 2017, to provide the congressional defense committees with a briefing on the well drilling capabilities of active duty and reserve forces. The briefing should include a description of the training requirements of active and reserve units with well-drilling capabilities, the locations at which such units conduct training related to well-drilling, and the cost of feasibility of rotating training locations of such units to areas in the United States that are affected by drought conditions.

Increase in funding for National Guard counter-drug programs

The House amendment contained a provision (sec. 352) that would increase funding to support the National Guard counter-drug program by \$30 million.

The Senate bill contained no similar provision.

The House recesses.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

SUBTITLE A—ACTIVE FORCES

End strength for active forces (sec. 401)

The Senate bill contained a provision (sec. 401) that would authorize active-duty end strengths for fiscal year 2017 as follows: Army 460,000; Navy 322,900; Marine Corps 182,000; Air Force 317,000.

The House amendment contained a provision (sec. 401) that would authorize active-duty end strengths for fiscal year 2017 as follows: Army 480,000; Navy 324,615; Marine Corps 185,000; Air Force 321,000.

The Senate recesses with an amendment that would authorize active-duty end strengths for fiscal year 2017 as follows: Army 476,000; Navy 323,900; Marine Corps 185,000; Air Force 321,000.

The committee recommends a provision that would authorize active-duty end strengths for fiscal year 2017, as shown below:

Service	FY 2016 Authorized	Request	Recommendation	FY 2017 Request	FY 2016 Authorized
Army	475,000	460,000	476,000	+16,000	+1,000
Navy	329,200	322,900	323,900	+1,000	-5,300
Marine Corps	184,000	182,000	185,000	+3,000	+1,000
Air Force	320,715	317,000	321,000	+4,000	+285
DOD Total	1,308,915	1,281,900	1,305,900	+24,000	-3,015

Revisions in permanent active duty end strength minimum levels (sec. 402)

The House amendment contained a provision (sec. 402) that would establish new minimum active-duty end strengths for the Army, Navy, Marine Corps, and Air Force as of September 30, 2017.

The Senate bill contained no similar provision.
The Senate recedes.

SUBTITLE B—RESERVE FORCES

End strengths for Selected Reserve (sec. 411)

The Senate bill contained a provision (sec. 411) that would authorize the following end strengths for Selected Reserve personnel of the Armed Forces as of September 30, 2017: the Army National Guard, 335,000; the Army Reserve, 195,000; the Navy Reserve, 58,000; the Marine Corps Reserve, 38,500; the Air National Guard of the United States, 105,700; the Air Force Reserve, 69,000; and the Coast Guard Reserve, 7,000.

The House amendment contained a provision (sec. 411) that would authorize the following end strengths for Selected Reserve personnel of the Armed Forces as of September 30, 2017: the Army National Guard, 350,000; the Army Reserve, 205,000; the Navy Reserve, 58,000; the Marine Corps Reserve, 38,500; the Air National Guard of the United States, 105,700; the Air Force Reserve, 69,000; and the Coast Guard Reserve, 7,000.

The Senate recedes with an amendment that would authorize the following end strengths for Selected Reserve personnel of the Armed Forces as of September 30, 2017: the Army National Guard, 343,000; the Army Reserve, 199,000; the Navy Reserve, 58,000; the Marine Corps Reserve, 38,500; the Air National Guard of the United States, 105,700; the Air Force Reserve, 69,000; and the Coast Guard Reserve, 7,000.

The committee recommends a provision that would authorize Selected Reserve end strengths for fiscal year 2017, as shown below:

Service	FY 2016 Authorized	FY 2017		Change from	
		Request	Recommendation	FY 2017 Request	FY 2016 Authorized
Army National Guard	342,000	335,000	343,000	+8,000	+1,000
Army Reserve	198,000	195,000	199,000	+4,000	+1,000
Navy Reserve	57,400	58,000	58,000	0	+600
Marine Corps Reserve	38,900	38,500	38,500	0	-400
Air National Guard	105,500	105,700	105,700	0	+200
Air Force Reserve	69,200	69,000	69,000	0	-200
DOD Total	811,000	801,200	813,200	+12,000	+2,200
Coast Guard Reserve	7,000	7,000	7,000	0	0

End strengths for Reserves on active duty in support of the reserves (sec. 412)

The Senate bill contained a provision (sec. 412) that would authorize the following end strengths for Reserves on Active Duty in support of the reserve components as of September 30, 2017: the Army National Guard of the United States, 30,155; the Army Reserve, 16,261; The Navy Reserve, 9,955; the Marine Corps Reserve, 2,261; the Air National Guard of the United States, 14,764; and the Air Force Reserve, 2,955.

The House amendment contained an identical provision (sec. 412).

The conference agreement includes this provision.

End strength levels for the reserves on active duty in support of the reserves for fiscal year 2017 are set forth in the following table:

Service	FY 2016 Authorized	FY 2017		Change from	
		Request	Recommendation	FY 2017 Request	FY 2016 Authorized
Army National Guard	30,770	30,155	30,155	0	-615
Army Reserve	16,261	16,261	16,261	0	0
Navy Reserve	9,934	9,955	9,955	0	+21
Marine Corps Reserve	2,260	2,261	2,261	0	+1
Air National Guard	14,748	14,764	14,764	0	+16
Air Force Reserve	3,032	2,955	2,955	0	-77
DOD Total	77,005	76,351	76,351	0	-654

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

The House amendment contained a provision (sec. 413) that would authorize the following end strengths for military technicians (dual status) as of September 30, 2017: the Army National Guard of the United States, 25,507; the Army Reserve, 7,570; the Air National Guard of the United States, 22,103; and the Air Force Reserve, 10,061.

The Senate bill contained a similar provision (sec. 413) that would authorize variance from the end strengths described above in accordance with the variance authorities found in subsections (f)(1) and (g)(1)(B) of section 115 of title 10, United States Code.

The House recesses.

End strength levels for military technicians (dual status) for fiscal year 2017 are set forth in the following table:

Service	FY 2016 Authorized	FY 2017		Change from	
		Request	Recommendation	FY 2017 Request	FY 2016 Authorized
Army National Guard	26,099	25,507	25,507	0	-592
Army Reserve	7,395	7,570	7,570	0	+175
Air National Guard	22,104	22,103	22,103	0	-1
Air Force Reserve	9,814	10,061	10,061	0	+247
DOD Total	65,412	65,241	65,241	0	-171

Fiscal year 2017 limitation on number of non-dual status technicians (sec. 414)

The Senate bill contained a provision (sec. 414) that would authorize the following personnel limits for the reserve components of the Army and Air Force for non-dual status technicians as of September 30, 2017: the Army National Guard of the United States, 1,600; the Air National Guard of the United States, 350; the Army Reserve, 595; and the Air Force Reserve, 90.

The House amendment contained an identical provision (sec. 414).

The conference agreement includes this provision.

End strength levels for the non-dual status technicians for fiscal year 2017 are set forth in the following table:

	FY 2017	Change from
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Service	FY 2016 Authorized	Request	Recommendation	FY 2017 Request	FY 2016 Authorized
Army National Guard.....	1,600	1,600	1,600	0	0
Air National Guard.....	350	350	350	0	0
Army Reserve	595	420	420	0	-175
Air Force Reserve	90	90	90	0	0
DOD Total	2,635	2,460	2,460	0	-175

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

The Senate bill contained a provision (sec. 415) that would authorize the maximum number of reserve component personnel who may be on Active Duty or full-time National Guard duty under section 115(b) of title 10, United States Code, during fiscal year 2017 to provide operational support.

The House amendment contained an identical provision (sec. 415).

The conference agreement includes this provision.

End strength levels for reserve personnel authorized to be on Active Duty for operational support for fiscal year 2017 are set forth in the following table:

Service	FY 2016 Authorized	FY 2017		Change from	
		Request	Recommendation	FY 2017 Request	FY 2016 Authorized
Army National Guard	17,000	17,000	17,000	0	0
Army Reserve	13,000	13,000	13,000	0	0
Navy Reserve	6,200	6,200	6,200	0	0
Marine Corps Reserve	3,000	3,000	3,000	0	0
Air National Guard	16,000	16,000	16,000	0	0
Air Force Reserve	14,000	14,000	14,000	0	0
DOD Total	69,200	69,200	69,200	0	0

Technical corrections to annual authorization for personnel strengths (sec. 416)

The Senate bill contained a provision (sec. 416) that would make a technical correction to section 115 of title 10, United States Code.

The House amendment contained an identical provision (sec. 521)

The conference agreement includes this provision.

SUBTITLE C—AUTHORIZATION OF APPROPRIATIONS

Military personnel (sec. 421)

The Senate bill contained a provision (sec. 421) that would authorize appropriations for military personnel at the levels identified in the funding table in section 4401 of this Act.

The House amendment contained an identical provision (sec. 421).

The conference agreement includes this provision.

LEGISLATIVE PROVISIONS NOT ADOPTED

Sense of Congress on full-time support for the Army National Guard

The House amendment contained a provision (sec. 416) that would express a sense of Congress that an adequately supported, full-time support force consisting of active and reserve personnel and military technicians for the Army National Guard is essential to maintaining the readiness of the Army National Guard.

The Senate bill contained no similar provision.

The House recesses.

TITLE V—MILITARY PERSONNEL POLICY

SUBTITLE A—OFFICER PERSONNEL POLICY

Reduction in number of general and flag officers on active duty and authorized end strength after December 31, 2022, of such general and flag officers (sec. 501)

The Senate bill contained a provision (sec. 501) that would add a new section 525a to title 10, United States Code, to establish the authorized distribution of general and flag officers for the Army, Navy, Marine Corps, and Air Force and to require a 25 percent reduction in the number of general and flag officers in the military departments. The provision would also sunset the authorized distribution of general and flag officers in section 525 of title 10, after December 31, 2017.

The amendment would add a new section 526a to title 10, United States Code, to limit the number of general and flag

officers on Active Duty in the military departments and to exclude from those limits the specified number of general and flag officers serving in joint duty assignments and to require a 25 percent reduction in the number of general and flag officers in the military departments and the joint pool. The provision would also sunset the authorized distribution of general and flag officers in section 526 of title 10, after December 31, 2017.

The amendment would add a new section 12004a to title 10 United States Code, to require a 25 percent reduction in the number of general and flag officers in active status in the reserve component, including general officers of the National Guard of the States and territories and general officers serving in the National Guard Bureau, but excluding officers serving as adjutants general or assistant adjutants general of a state. The provision would also sunset the authorized distribution of general and flag officers in section 12004 of title 10, after December 31, 2017.

The House amendment included a provision (sec. 910) that would amend section 164(e) of title 10, United States Code, to specify that the grade of an officer serving as commander of a service or functional component command shall be no higher than lieutenant general or vice admiral. The provision would further require that the total number of officers in the grade of general or admiral on active duty be reduced by five positions, and to require a report to the congressional defense committees on the Department's plan to implement those reductions.

The House recesses with an amendment that would create a new section 526a of title 10, United States Code, to establish authorized end strength of general and flag officers, to reflect a reduction of 110 general and flag officers on active duty by not later than December 31, 2022, and to redistribute authorized general and flag officers across the military departments and the joint pool.

The amendment would require the Secretary of Defense to conduct a study of general and flag officer requirements with a goal of identifying and justifying each general or flag officer position in terms of overall force structure, scope of responsibility, command and control requirements, and force readiness execution and to identify an additional 10 percent reduction in the number of general and flag offices above the reduction of 110 billets. The results of the study shall be submitted to the Committees on Armed Services of the Senate and the House of Representatives no later than April 1, 2017. If practicable, an interim report shall be submitted to the Committees on Armed Forces of the Senate and the House of Representatives on the progress of the completion of the study

and recommendations for achieving the additional 10% reductions in the number of general and flag officer positions.

The provision would also require the Secretary of Defense to submit to Congress with the budget for the Department of Defense for fiscal year 2019 a plan to achieve the reduction of 110 general and flag officers and the proposed distribution of authorized general and flag officer positions to achieve prescribed levels by December 31, 2022. Progress reports on implementing the required plan for reductions would be required with the budget of the Department of Defense for fiscal years 2020, 2021, and 2022. The provision would require the Secretary of Defense to revise applicable guidance of the Department of Defense on general and flag officer authorizations not later than 120 days after completion of the plan to ensure that the reductions required under this provision are incorporated into the planning for executing promotions by the military departments, to ensure that resulting grades for general and flag officers are uniformly applied to positions of similar duties and responsibilities across the military departments and the joint pool, and that planning achieves a reduction in headquarters functions and administrative and support activities and staff of the Department of Defense and the military departments.

The provision would provide for an orderly transition for officers recently assigned to positions that would be eliminated and to require notification to Congress for any affected officer who, by December 31, 2022, has not completed 24 months in a position to be eliminated who may be allowed to complete at least 24 months in such position. The provision would also require certification to accompany all nominations of officers to a grade above O-6, forwarded by the President to the Senate for appointment, by and with advice and consent of the Senate, that the appointment will not interfere with achieving the reduction of 110 general and flag officers required by the provision.

The conferees note that despite two decades of Congressional concern the Department of Defense and the military departments have not demonstrated the willingness to implement even the reduction in the number of general and flag officer positions directed by the Secretary of Defense's Track Four Efficiencies Initiatives decision of March 14, 2011. In the context of the Department of Defense's continued requests to reduce military end strength, especially in the Army and the Marine Corps, reductions that Congress has cautiously considered and authorized, the time has come for the Department to rigorously evaluate and validate every general and flag officer position. The conferees believe that an additional 10%

reduction in the number of general and flag officer positions may be appropriate by downgrading or eliminating positions in addition to the 110 positions required to be eliminated under this provision are achieved. The conferees expect that the Department of Defense and the military departments will improve efficiency by eliminating bloated headquarters and staffs while preserving the necessary number and grades of positions for general and flag officers who are responsible to train and lead our Nation's forces in battle and to bring them safely home again. The conferees expect that the leadership of the Department of Defense and the military departments will approach this effort with the seriousness of conviction that our men and women in uniform, and the American people deserve.

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

The Senate bill contained a provision (sec. 502) that would amend or repeal various statutory specifications in title 10, United States Code, to remove the requirement that an officer serving must hold a specified general or flag officer grade for certain positions in the Armed Forces.

The House amendment contained no similar provision.

The House recedes with an amendment that would remove the statutory general officer grade requirement associated with the Surgeon General of the Navy and the Surgeon General of the Air Force to conform with the elimination of the grade requirements for the Surgeon General of the Army. The amendment would also remove the entitlement of the Assistant Judge Advocate Generals of the Navy to receive retired pay for the grade of rear admiral (lower half) unless the officer is authorized the pay under another provision of law.

The conferees note that the provision would not affect the grade of an officer currently serving in the positions and would not prohibit the positions from being filled by an officer with the same, or a higher, or lower grade than the law currently requires.

Number of Marine Corps general officers (sec. 503)

The House amendment contained a provision (sec. 501) that would amend sections 525 and 526 of title 10, United States Code, to authorize an increase in the number of general officers in the grade above major general from 15 to 17, decrease the number of general officers in the grade of major general from 23 to 22, and increase the number of deputy commandants within the Marine Corps from 6 to 7.

The Senate bill contained no similar provision.
The Senate recesses.

Promotion eligibility period for officers whose confirmation of appointment is delayed due to nonavailability to the Senate of probative information under control of non-Department of Defense agencies (sec. 504)

The Senate bill contained a provision (sec. 506) that would amend section 629(c) of title 10, United States Code, to provide that the period for promotion eligibility of an officer would not expire during the period when the Senate is unable to obtain information necessary to give its advice and consent to the appointment concerned because the information is under control of a department or agency of the Federal Government other than the Department of Defense.

The House amendment contained no similar provision.
The House recesses.

Continuation of certain officers on active duty without regard to requirement for retirement for years of service (sec. 505)

The Senate bill contained a provision (sec. 509) that would amend chapter 36 of title 10, United States Code, to authorize service secretaries to allow officers in a grade above O-4 who are serving in military occupational specialties designated by the secretary to remain on Active Duty for up to 40 years of active service.

The House amendment contained no similar provision.
The House recesses.

Equal consideration of officers for early retirement or discharge (sec. 506)

The House amendment contained a provision (sec. 502) that would amend section 638a of title 10, United States Code, to authorize the secretaries of the military departments to convene boards to consider officers for involuntary separation below the grade of lieutenant colonel or commander as a single, consolidated year group without distinctions based on retirement eligibility and to align separation boards for such officers with the practices for promotion selection boards.

The Senate bill contained no similar provision.
The Senate recesses.

Modification of authority to drop from rolls a commissioned officer (sec. 507)

The House amendment contained a provision (sec. 503) that would amend section 1161(b) of title 10, United States Code, to authorize the Secretary of Defense, or the Secretary of the department in which the Coast Guard is operating when it is not operating in the Navy, to drop from the rolls of any armed force any commissioned officer (1) who has been absent without authority for at least three months, (2) who may be separated under section 1167 of title 10, United States Code, by reason of a sentence to confinement adjudged by a court-martial, or (3) who is sentenced to confinement in a Federal or State penitentiary or correctional institution after having been found guilty of an offense by a court other than a court-martial or other military court, and whose sentence has become final.

The Senate bill contained no similar provision.

The Senate recesses.

Extension of force management authorities allowing enhanced flexibility for officer personnel management (sec. 508)

The Senate bill contained a provision (sec. 510) that would:

(a) amend section 4403(i) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) to extend Temporary Early Retirement Authority through December 31, 2025;

(b) amend section 638a(a)(2) of title 10, United States Code, to extend through December 31, 2025 authority for service secretaries to manage authorized officer personnel strength by shortening the period of continuation of service by officers on Active Duty, to authorize involuntary early retirement for certain officers on Active Duty, and to consider officers for involuntary discharge who are not eligible for retirement;

(c) amend section 1175a(k)(1) of title 10, United States Code to extend through December 31, 2025 authority to provide voluntary separation pay and benefits; and

(d) amend section 1370(a)(2)(F) of title 10, United States Code to extend through fiscal year 2025, authority for early retirement of up to 4 percent of the authorized Active-Duty strength of officers in the grades of O-5 and O-6 without reduction in grade in each fiscal year.

The House amendment contained no similar provision.

The House recesses.

Pilot programs on direct commissions to cyber positions (sec. 509)

The House amendment contained a provision (sec. 1635) that would require the Secretaries of the Army and the Air Force to carry out a pilot program to improve the ability of the Army and Air Force to recruit cyber professionals.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would authorize the secretaries of the military departments to conduct pilot programs to recruit and confer original appointments to qualified individuals as commissioned officers in a cyber specialty. Pilot programs established under this provision may commence on or after January 1, 2017, and shall terminate no later than December 31, 2022. Each Secretary of a military department who conducts a pilot program under this provision shall provide a report to the Committees on Armed Services of the Senate and of the House of Representatives, not later than January 1, 2020, evaluating the success of the program in obtaining skilled cyber personnel for the Armed Forces.

Length of joint duty assignments (sec. 510)

The Senate bill contained a provision (sec. 507) that would amend section 664 of title 10, United States Code, to modify the qualifying period for joint duty assignments from 3 years to not less than 2 years. The proposal would repeal the average tour length requirement and repeal the authority for shorter tour lengths for officers initially assigned to critical occupational specialties.

The House amendment contained a similar provision (sec. 912).

The House recesses.

Revision of definitions used for joint officer management (sec. 510A)

The Senate bill contained a provision (sec. 508) that would amend section 668 of title 10, United States Code, to update the definitions of joint matters and joint duty assignment for the purpose of joint officer management. The provision would also repeal the definition of critical occupational specialty.

The House amendment contained a similar provision (sec. 913).

The Senate recesses.

SUBTITLE B—RESERVE COMPONENT MANAGEMENT

Authority for temporary waiver of limitation on term of service of Vice Chief of the National Guard Bureau (sec. 511)

The Senate bill contained a provision (sec. 521) that would amend section 10505(a)(4) of title 10, United States Code, to authorize the Secretary of Defense to extend the term of office of the Vice Chief of the National Guard Bureau for up to 90 days to provide for the orderly transition of officers appointed to the positions of the Chief and the Vice Chief of the National Guard Bureau.

The House amendment contained no similar provision.
The House recesses.

Rights and protections available to military technicians (sec. 512)

The Senate bill contained a provision (sec. 523) that would amend section 709 of title 32, United States Code, to clarify the employment rights and protections of military technicians.

The House amendment contained no such provision.

The House recesses with an amendment that would clarify that military technicians, under certain conditions, may appeal adverse employment actions to the Merit Systems Protection Board and Equal Employment Opportunity Commission.

Inapplicability of certain laws to National Guard technicians performing Active Guard and Reserve duty (sec. 513)

The Senate bill contained a provision (sec. 525) that would amend section 709 of title 32, United States Code, to clarify that the provision that grants military leave to individuals appointed to the civil service does not apply to members of the Active Guard and Reserve, just as it does not apply to members on Active Duty.

The House amendment contained no similar provision.
The House recesses.

Extension of removal of restrictions on the transfer of officers between the active and inactive National Guard (sec. 514)

The House amendment contained a provision (sec. 511) that would extend through December 31, 2019, the temporary authority for the Secretary of the Army and Secretary of the Air Force to transfer officers of the Army and Air National Guard from the Selected Reserve to the inactive National Guard and from the inactive National Guard to the Selected reserve.

The Senate bill contained no similar provision.
The Senate recesses.

Extension of temporary authority to use Air Force reserve component personnel to provide training and instruction regarding pilot training (sec. 515)

The House amendment contained a provision (sec. 512) that would amend section 514(a)(1) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) to extend for 1 year the current temporary authority for the Air Force to allow no more than 50 Active Guard and Reserve (AGR) personnel and dual status military technicians to instruct and train Active Duty and members of foreign military forces in the United States, the Commonwealth of Puerto Rico, or possessions of the United States as a primary duty.

The Senate bill contained no similar provision.
The Senate recesses.

The conferees expect the Air Force to devise a solution to this issue that does not include amending the underlying statutory authorities for AGRs and technicians. The conferees urge the Air Force to consider solutions as part of the ongoing duty status review.

Expansion of eligibility for deputy commander of combatant command having United States among geographic area of responsibility to include officers of the Reserves (sec. 516)

The Senate bill contained a provision (sec. 925) that would amend section 164 of title 10, United States Code, to require that at least one deputy commander of the combatant command of the geographic area of responsibility which includes the United States be a member of a reserve component of the Armed Forces, unless a reserve component officer is serving as commander of that combatant command.

The House amendment contained no similar provision.
The House recesses.

SUBTITLE C—GENERAL SERVICE AUTHORITIES

Matters relating to provision of leave for members of the Armed Forces, including prohibition on leave not expressly authorized by law (sec. 521)

The Senate bill contained a provision (sec. 532) that would modify section 701 of title 10, United States Code, to

authorize up to 12 weeks of leave to be allowed in the case of a servicemember who is the primary caregiver in the case of the birth of a child or the adoption of a child. In the case of leave taken following the birth of a child, the availability of primary caregiver leave would commence after completion of medical convalescent leave resulting from the birth of such child. The provision would also increase the amount of uncharged leave authorized for a secondary caregiver in the case of the birth of a child or the adoption of child. The provision would authorize 21 days of uncharged leave for a birth parent or an adoptive parent who is the secondary caregiver. The provision would repeal subsections of section 701 relating to spouse and adoption leave as obsolete. The provision would require the Secretary of Defense to prescribe in regulation definitions of eligible primary and secondary caregivers for the purposes of this benefit, and to establish regulations for requesting and approving uncharged leave associated with births to a military family, and with adoptions by a military family, and would allow a military member to accept a 1-week extension of a servicemember's military service obligation for every week of such leave approved and taken. The implementing regulations would authorize the secretary concerned to waive service obligation extensions related to this leave as an incentive for re-enlistments.

The provision would also create a new section 704a of title 10, United States Code, which would prohibit leave to be authorized, granted or assigned, including uncharged leave, unless expressly authorized by law. The committee considers this provision necessary to clarify that military leave is established by law and may not be created without express congressional authority.

The House amendment contained a provision (sec. 529) that would amend chapter 40 of title 10, United States Code, by adding a new section 701a which would authorize 14 days of leave to a member of the Armed Forces who becomes a parent when that member's spouse gives birth. The provision would also amend section 701 of title 10, United States Code, to authorize 36 days of leave, to be shared between two members of the Armed Forces who are married to each other and adopt a child.

The House amendment contained a provision (sec. 522) that would amend section 701(i) of title 10, United States Code, to provide one servicemember up to 21 days of leave and another servicemember up to 14 days of leave for the adoption of a child for dual-military couples of the Armed Forces.

The House recedes with an amendment that would authorize up to 12 weeks of total leave, including up to six weeks of medical convalescent leave, to be used by a servicemember who is

the primary caregiver in connection with the birth of a child. The provision would authorize additional medical convalescent leave when specifically recommended, in writing, by the medical provider of the servicemember to address a diagnosed medical condition and when approved by the servicemember's commander. The provision would authorize up to six weeks of leave for the primary caregiver in the case of the adoption of a child, to be used in connection with the adoption. The provision would authorize up to 21 days of leave for the secondary caregiver in the case of the birth of a child or adoption. The provision would require the Secretary of Defense to prescribe in regulation definitions of eligible primary and secondary caregivers for the purposes of this benefit, and to establish regulations for requesting and approving uncharged leave associated with births to a military family, and with adoptions by a military family, and would allow a military member to accept a 1-week extension of a servicemember's military service obligation for every week of such leave approved and taken. The implementing regulations would authorize the secretary concerned to waive service obligation extensions related to this leave as an incentive for re-enlistments. The provision would also create a new section 704a of title 10, United States Code, that would prohibit leave to be authorized, granted, or assigned, including uncharged leave, unless expressly authorized by law.

Transfer of provision relating to expenses incurred in connection with leave canceled due to contingency operations (sec. 522)

The Senate bill contained a provision (sec. 533) that would relocate the authority to reimburse members of the Armed Forces for expenses incurred in connection with leave cancelled due to contingency operations from section 453 of title 37, United States Code, to title 10, United States Code.

The House amendment contained no similar provision.

The House recesses.

Expansion of authority to execute certain military instruments (sec. 523)

The Senate bill contained a provision (sec. 552) that would amend section 1044d of title 10, United States Code, to authorize a person authorized to act as a notary under section 1044a of title 10, United States Code, or a state-licensed notary employed by a military department or the Coast Guard, who is supervised by a military legal assistance counsel, to notarize military testamentary instruments. The provision would

also amend section 1044a(b) to authorize all civilian paralegals serving at military legal assistance offices, supervised by a military legal assistance counsel, to act as a notary.

The House amendment contained a similar provision (sec. 524).

The House recesses with a technical amendment.

Medical examination before administrative separation for members with post-traumatic stress disorder or traumatic brain injury in connection with sexual assault (sec. 524)

The Senate bill contained a provision (sec. 554) that would amend section 1177(a)(1) of title 10, United States Code, to require that a member of the Armed Forces who was sexually assaulted within 24 months prior to a proposed administrative separation under conditions other than honorable, including an administrative separation in lieu of court-martial, and who is diagnosed with post-traumatic stress disorder or traumatic brain injury by a physician, clinical psychologist, psychiatrist, licensed clinical social worker, or psychiatric advanced practice registered nurse as experiencing post-traumatic stress disorder or traumatic brain injury or who otherwise reasonably alleges, based on the service of the member sexually assaulted, the influence of such a condition, may not be separated until the results of the medical examination have been reviewed by appropriate authorities responsible for evaluating, reviewing, and approving the separation case, as determined by the Secretary concerned.

The House amendment contained no similar provision.

The House recesses.

Reduction of tenure on the temporary disability retired list (sec. 525)

The Senate bill contained a provision (sec. 534) that would amend section 1210 of title 10, United States Code, to reduce the maximum tenure for servicemembers placed on the Temporary Disability Retired List (TDRL), due to an injury or illness eligible for disability retirement, from 5 years to 3 years. The committee notes that this provision addresses a recommendation from the Government Accountability Office in 2009 for Congress to shorten the maximum tenure for placement on the TDRL.

The House amendment contained no similar provision.

The House recesses.

*Technical correction to voluntary separation pay and benefits
(sec. 526)*

The House amendment contained a provision (sec. 525) that would amend section 1175a of title 10, United States Code, by updating the references to section 502(f) of title 32, United States Code, and the list of involuntary mobilization authorities.

The Senate bill contained no similar provision.
The Senate recesses.

*Consolidation of Army marketing and pilot program on
consolidated Army recruiting (sec. 527)*

The Senate bill contained a provision (sec. 1092) that would require the Secretary of the Army to consolidate within the Army Marketing Research Group all functions relating to the marketing of the Army and each of the components of the Army in order to assure unity of effort and cost effectiveness in the marketing of the Army and each of the components of the Army.

The House amendment contained a related provision (sec. 527) that would require the Secretary of the Army to establish a pilot program to consolidate the recruiting efforts of the Regular Army, Army Reserve, and Army National Guard under which a recruiter in one of the components participating in the pilot program may recruit individuals to enlist in any of the components regardless of the funding source of the recruiting activity.

The Senate recesses with a clarifying amendment that would combine both provisions.

SUBTITLE D—MEMBER WHISTLEBLOWER PROTECTIONS AND CORRECTION OF MILITARY RECORDS

Improvements to whistleblower protection procedures (sec. 531)

The Senate bill contained a provision (sec. 961) that would make numerous amendments to section 1034 of title 10, United States Code, to clarify and expand the types of adverse personnel actions prohibited under the military whistleblower protection program, to include retaliatory investigations and failures of superiors to respond to retaliatory actions in certain circumstances, as prohibited personnel actions reviewable under that statute. The provision would also require inspectors general (IG) to notify the secretary concerned if, during the IG's preliminary investigation, the IG determined

there were reasonable grounds to believe that a prohibited personnel action occurred, and that the action would result in an immediate hardship to the service member, and would authorize the secretary concerned to take action, as appropriate, in such cases. The provision would require an IG to provide periodic updates to whistleblowers on the progress of investigations, to include an estimate of the time remaining until an investigation was complete. Finally, the provision would require the Department of Defense Inspector General, within 1 year of enactment of this Act, to prescribe uniform standards for the conduct of military whistleblower investigations and for the training of staffs conducting such investigations.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Modification of whistleblower protection authorities to restrict contrary findings of prohibited personnel action by the Secretary concerned (sec. 532)

The Senate bill contained a provision (sec. 962) that would amend section 1034 of title 10, United States Code, to clarify that when the secretary of the military department concerned receives a report from an inspector general that substantiates that a prohibited personnel action occurred, the secretary may consider whether to take corrective action but may not make a determination in such cases that a prohibited personnel action did not occur.

The House amendment contained no similar provision.

The House recedes.

Availability of certain Correction of Military Records and Discharge Review Board information through the Internet (sec. 533)

The Senate bill contained a provision (sec. 536) that would amend section 1552 of title 10, United States Code, to require that a board convened to consider a claim for correction of military records by a former servicemember (1) who had been deployed in support of contingency operation and who was subsequently diagnosed as experiencing post-traumatic stress disorder (PTSD) or traumatic brain injury (TBI), or (2) who was diagnosed while serving in the military as experiencing a mental health disorder include a clinical psychologist or psychiatrist, or a physician with training on mental health issues connected with PTSD or TBI. The proposal would require the military department concerned, or the Department of Homeland Security, to make available to the public on an Internet website information

regarding claims considered by the service board for correction of military records in a calendar quarter.

The Senate bill would also modify section 1553 of title 10, United States Code, to require similar information be made available to the public on an Internet website information regarding claims considered by the service discharge review boards in a calendar quarter.

The House amendment contained no similar provision.

The House recedes with an amendment that would remove the requirement that boards for correction of military records considering dismissal or discharge of an individual who was diagnosed while serving in the military as experiencing a mental health disorder include a clinical psychologist or psychiatrist, or a physician with training on mental health issues connected with PTSD or TBI, and would modify the information required to be made available to the public on an Internet website.

The conferees note that section 1552(g) of title 10, United States Code, already requires that any medical advisory opinion issued with respect to a member or former member of the armed forces who was diagnosed while serving in the armed forces as experiencing a mental health disorder shall include the opinion of a clinical psychologist or psychiatrist if the request for correction of records concerned relates to a mental health disorder.

Improvements to authorities and procedures for the correction of military records (sec. 534)

The Senate bill contained a provision (sec. 963) that would amend section 1552(a) of title 10, United States Code, to require that boards for correction of military records (BCMRs) notify claimants of what specific information or documents are needed to make their claim reviewable by the board, if such information or documents are missing, and would require the BCMR to make reasonable efforts to obtain missing records when they cannot be obtained by a claimant. The provision would require the BCMR to consider any request for reconsideration of a determination of a BCMR when new information is provided by a claimant, not previously considered. The provision would reaffirm that claimants may seek judicial review of BCMR decisions, and would require BCMRs to publish final decisions with personally identifiable information redacted. The provision would require each secretary concerned to develop, within 1 year of enactment of this Act, a comprehensive training curriculum for members of BCMRs, and would require the Secretary of Defense and Secretary of Homeland Security to ensure such curricula are uniform. Finally, the provision would require

each secretary concerned to submit to Congress within 18 months of enactment a report setting forth the training curriculum established under this section.

The House amendment contained no similar provision.

The House recesses with an amendment that does not include the provision on judicial review of BCMR decisions.

Treatment by discharge review boards of claims asserting post-traumatic stress disorder or traumatic brain injury in connection with combat or sexual trauma as a basis for review of discharge (sec. 535)

The Senate bill contained a provision (sec. 536A) that would amend section 1553(d) of title 10, United States Code, to require discharge review boards to review medical evidence of the Secretary of Veterans Affairs or a civilian health care provider presented by a former member of the Armed Forces, and to grant liberal consideration to claims by a former member of the Armed Forces that post-traumatic stress disorder or traumatic brain injury potentially contributed to the circumstances resulting in a less favorable characterization of discharge. An application for relief that may be reviewed under this provision includes matters relating to post-traumatic stress disorder or traumatic brain injury related to combat or military sexual trauma, as determined by the Secretary concerned.

The House amendment contained no similar provision.

The House recesses.

Comptroller General of the United States review of integrity of Department of Defense whistleblower program (sec. 536)

The Senate bill contained a provision (sec. 964) that would require the Comptroller General of the United States to conduct an assessment of the integrity of the Department of Defense (DOD) whistleblower program, to include an assessment of the extent to which the DOD whistleblower program meets executive branch policies and goals for whistleblower protections, the adequacy of procedures to address whistleblower complaints submitted by employees of the Office of the Inspector General of the Department of Defense (OIG), the extent to which there have been violations of confidentiality standards, the extent to which there have been retaliatory investigations within OIG, the extent to which whistleblower complaints against Senate-confirmed civilian officials of DOD have been substantiated and reported to Congress in the past 10 years, and the ability of the inspectors general of DOD and the military

services to access agency information necessary to the execution of their duties, including classified and other sensitive information, and of the adequacy of security procedures to safeguard such information. The provision would require the Comptroller General to report to the Committees on Armed Services of the Senate and House of Representatives within 1 year of enactment of this Act on the results of this review.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Comptroller General to submit the report within 18 months from enactment of this Act.

SUBTITLE E—MILITARY JUSTICE AND LEGAL ASSISTANCE MATTERS

United States Court of Appeals for the Armed Forces (sec. 541)

The Senate bill contained a provision (sec. 553) that would amend sections 942 and 936 of title 10, United States Code (Articles 142 and 136 of the Uniform Code of Military Justice) to modify the terms of two civilian judges of the United States Court of Appeals for the Armed Forces ("the court") to avoid disruption that may occur to the operations of the court when two judicial vacancies occur simultaneously. The provision would modify the daily rate of compensation for senior judges performing judicial duties with the court so that they would be paid the difference between the pay of a judge of the court and their federal retired pay, consistent with the process employed by the United States Court of Appeals for the District of Columbia and the United States Bankruptcy Courts. The provision would authorize the judges of the court to administer oaths in a similar manner as other federal judges. The provision would repeal the provision in article 142(b)(3) that precludes more than three judges of the court from being from the same political party.

The House amendment contained no similar provision.

The House recedes with technical and clarifying amendments.

Effective prosecution and defense in courts-martial and pilot programs on professional military justice development for judge advocates (sec. 542)

The Senate bill contained a provision (sec. 548) that would require the service secretaries to carry out a program to ensure that trial and defense counsel detailed to prosecute or

defend a court-martial have sufficient experience and knowledge to effectively prosecute or defend the case, or that there is adequate supervision and oversight of the trial counsel and the defense counsel to ensure effective prosecution and defense in the court-martial. The provision would also require service secretaries to establish and use a system of skill identifiers to identify judge advocates with skill and experience in military justice proceedings to identify judge advocates to provide supervision and oversight of less experienced judge advocates prosecuting and defending in military courts-martial.

The Senate bill also contained a provision (sec. 549) that would require the secretary of each military department to conduct a 5 year pilot program to assess the feasibility and advisability of a career military justice litigation track for judge advocates in the Armed Forces. The pilot programs would include a military justice career track that leads to senior judge advocates with military justice expertise in prosecuting and defending complex cases in military courts-martial. The provision would use authority provided elsewhere in this Act to suspend limitations on the number of certain senior commissioned officers on active duty, under section 532(a) of title 10, United States Code. The provision would require the use of skill identifiers to identify judge advocates participating in the pilot programs. The provision would also require promotion boards to give the same opportunity for promotion as all other judge advocates being considered for promotion. The provision would require the Secretary of Defense to submit reports on the pilot programs not later than 4 years after the date of enactment of this Act.

The House amendment contained a provision (sec. 547) that would require the secretary of each military department to establish a career military justice litigation track for judge advocates. The military justice career litigation track would provide for assignment and advancement of qualified judge advocates to serve in specified billets in military justice trial and defense counsel, as military trial and appellate judges, military justice instructors, positions in the criminal law offices or divisions of the Armed Forces, Special Victims Prosecutors, Victims' Legal Counsel, Special Victims' Counsel, and other positions as the secretary of the military department shall specify. The provision would prohibit a judge advocate participating in the military justice litigation career track from serving more than four years of duty outside of the litigation track. The provision would prohibit any adverse assessment of a judge advocate by reason of participating in the litigation track. The provision would require the secretary of each military department to implement the career litigation

track not later than 18 months after enactment. It would require a report from the secretaries of the military departments to the Committees on Armed Services of the Senate and the House of Representatives on the progress in implementing the career litigation track.

The House receded with an amendment that would require the service secretaries to establish programs for deliberate professional developmental programs to ensure effective prosecution and defense in all courts-martial. The amendment requires the service secretaries to establish and use a system of military justice experience designators or skill identifiers. The amendment requires the service secretaries to carry out a pilot program to assess the feasibility and advisability of establishing a deliberate professional development process for judge advocates that leads to military justice practitioners capable of prosecuting and defending complex cases in military courts-martial. Pilot programs established under this provision would be for a period of five years. Not later than four years after the date of enactment of this Act, the secretaries concerned shall submit a report to the Committees on Armed Services of the Senate and of the House of Representatives providing a description and assessment of the pilot programs and providing such recommendations as the secretary considers appropriate.

Inclusion in annual reports on sexual assault prevention and response efforts of the Armed Forces of information on complaints of retaliation in connection with reports of sexual assault in the Armed Forces (sec. 543)

The Senate bill contained a provision (sec. 543) that would amend section 1631(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note) to require the annual report on sexual assault and response efforts to include information on complaints of retaliation in connection with reports of sexual assault in the Armed Forces.

The House amendment contained no similar provision.

The House recedes.

Extension of the requirement for annual report regarding sexual assaults and coordination with release of Family Advocacy Program report (sec. 544)

The Senate bill contained a provision (sec. 551) that would amend section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) that would extend the requirement for the annual report on sexual

assault in the military under that section through February, 2025, and require the reports to be submitted to the Committees on Armed Services of the Senate and the House of Representatives not later than March 31 each year. The provision would also clarify the scope of sexual assaults covered by the report to include all reported sexual assaults, regardless of the age of the offender or victim or the relationship status between the offender and victim, including, at a minimum, all sexual assault reports received by the Sexual Assault Prevention and Response Program, or equivalent, and the Family Advocacy Program, or equivalent, of each Armed Force.

The House amendment contained a provision (sec. 542) that would extend the requirement for the annual report through January 31, 2021. The provision would also require release of the report to coincide with the release of the Family Advocacy Program report, as required elsewhere in this Act.

The Senate recedes with an amendment that would establish the date by which the annual report would be provided to be not later than April 30th.

Metrics for evaluating the efforts of the Armed Forces to prevent and respond to retaliation in connection with reports of sexual assault in the Armed Forces (sec. 545)

The Senate bill contained a provision (sec. 544) that would require the Sexual Assault Prevention and Response Office of the Department of Defense to establish and issue metrics to be used by the military departments to evaluate the efforts of the Armed Forces to prevent and respond to retaliation in connection with reports of sexual assault in the Armed Forces.

The House amendment contained no similar provision.

The House recedes.

Training for Department of Defense personnel who investigate claims of retaliation (sec. 546)

The Senate bill contained a provision (sec. 542) that would require the Secretary of Defense to prescribe training to individuals in the Department of Defense who investigate claims of retaliation on the nature and consequences of retaliation and, in cases involving reports of sexual assault, the nature and consequences of sexual assault trauma.

The House amendment contained a similar provision (sec. 546).

The House recedes with a clarifying amendment.

Notification to complainants of resolution of investigations into retaliation (sec. 547)

The Senate bill contained a provision (sec. 541) that would require the Secretary of Defense to prescribe regulations that would require that the results of an investigation of a retaliation complaint by a member of the Armed Forces be reported to the member who initiated the complaint. The report would inform the member whether the complaint was substantiated, unsubstantiated, or dismissed. The provision would also require the Secretary of Homeland Security to prescribe similar regulations to report on retaliation complaints by a member of the Coast Guard.

The House amendment contained no similar provision.

The House recedes with an amendment that would require that the results of the investigation be reported in writing to the member who initiated the complaint.

Modification of definition of sexual harassment for purposes of investigations by commanding officers of complaints of harassment (sec. 548)

The Senate bill contained a provision (sec. 550) that would amend section 1561(i) of title 10, United States Code, to modify the definition of sexual harassment. The committee is concerned that the existing definition of sexual harassment has caused the military services to consider sexual harassment as a violation of equal opportunity policy instead of an adverse behavior that data have demonstrated is on the spectrum of behavior that can contribute to an increase in the incidence of sexual assault.

The House amendment contained no similar provision.

The House recedes with a technical amendment that would clarify that the provision would amend section 1561(e) of title 10, United States Code.

Improved Department of Defense prevention and response to hazing in the Armed Forces (sec. 549)

The House amendment contained a provision (sec. 544) that would require the Secretary of Defense to establish a system for collection of reports of hazing involving a member of the Armed Forces. The provision would also require the secretaries of the military departments, in consultation with the Chief of Staff of each armed force, to improve training to assist members to better recognize, prevent, and respond to hazing. The amendment would also require an annual survey on hazing and annual reports

on hazing that include a description of efforts to prevent and respond to hazing incidents, to track and encourage reporting hazing incidents, and to ensure consistent implementation of anti-hazing policies. The reports required under this section would also address elements prescribed for anti-hazing reports in section 534 of the national Defense Authorization Act for Fiscal Year 2013 (P.L. 112-239).

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would remove the requirement that service secretaries conduct an annual survey on hazing.

The conferees are concerned that the extent of hazing incidents in the armed forces is not fully known. Therefore, the conferees direct that the Department of Defense include questions in existing surveys of members of the Armed Forces to assist in determining the prevalence of hazing incidents in the Armed Forces, to assess the effectiveness of training in recognizing and preventing hazing, and to determine the extent to which members of the Armed Forces are aware of options to report hazing incidents, including anonymous report options.

SUBTITLE F—NATIONAL COMMISSION ON MILITARY, NATIONAL, AND PUBLIC SERVICE

Purpose, scope, and definitions (sec. 551)

The Senate bill contained a series of provisions (sec. 1066-1073) that would create an independent National Commission on Military, National, and Public Service, including a provision (sec. 1066) to establish the purpose and scope of this Commission to consider: (1) the need for a military selective service process, including a continuing need for a mechanism to draft large numbers of replacement combat troops; (2) the means by which to foster a greater attitude and ethos of service among United States youth, including an increased propensity for military service; (3) the feasibility of modifying the military selective service process to obtain for military, national, and public service individuals with skills for which the Nation has a critical need, without regard to age or gender; and (4) the feasibility of including in the military selective service process, as so modified, an eligibility for one or more Federal benefits to incentivize the necessary education, training, and service to fulfill such critical needs.

The House amendment contained no similar provision.

The House recesses.

Preliminary report on purpose and utility of registration system under Military Selective Service Act (sec. 552)

The House amendment contained a provision (sec. 528) that would require the Secretary of Defense to submit, not later than July 1, 2017, a report to the Committees on Armed Services of the Senate and the House of Representatives, on the current and future need for a centralized registration system under the Military Selective Service Act, chapter 49 of title 50, United States Code, and provide a briefing on the results of the report not later than July 1, 2017.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would require the report to also be provided to the National Commission on Military, National, and Public Service created under this Act.

National Commission on Military, National, and Public Service (sec. 553)

The Senate bill contained a provision (sec. 1067) that would establish the National Commission on Military, National, and Public Service as an independent commission. The provision would prescribe the manner and timing in which the Commission would be appointed, its composition, pay rates for members and staff, and would provide sundry other authorities attending to the operation of the Commission as an independent entity.

The Senate bill contained a provision (sec. 1073) that would require that of the amounts authorized to be appropriated for the Department of Defense for fiscal year 2017, \$15.0 million be available to the National Commission on Military, National, and Public Service until expended to carry out its duties under this subtitle.

The House amendment contained no similar provisions.

The House recesses.

Commission hearings and meetings (sec. 554)

The Senate bill contained a provision (sec. 1068) that would require the National Commission on Military, National, and Public Service to conduct public hearings (except classified hearings) on recommendations under consideration, and that such hearings be noticed on a public website at least 14 days in advance. The provision would require the Commission to hold its first meeting within 30 days after all members have been appointment.

The House amendment contained no similar provision.

The House recesses.

Principles and procedure for Commission recommendations (sec. 555)

The Senate bill contained a provision (sec. 1069) that would require the President, within 3 months after the establishment date of the National Commission on Military, National, and Public Service, to establish and transmit to the Commission and Congress principles for reform of the military selective service process, including the means by which to best acquire skills to meet the military, national, and public service requirements of the country. The provision would require these Presidential principles to address: (1) whether, in light of the current global security environment, there continues to be a need for a selective service process designed to produce large quantities of combat troops, and if so, whether that system should include mandatory registration by citizens and residents regardless of gender; (2) the need, and how best to meet the need, of the Nation, the military, the Federal civilian sector, and the private sector (including the non-profit sector) for individuals possessing certain critical skills and abilities, and how to best employ individuals with those skills and abilities; (3) how to foster within the nation, particularly among the nation's youth, an increased sense of service and civic responsibility to enhance the acquisition of critically needed skills through education and training, and how best to acquire those skills for military, national, and public service; (4) how to increase propensity among the nation's youth for service in the military, or alternatively in national or public service, including how to increase the pool of qualified applicants for military service; (5) the need in government to increase interest, education, and employment in certain critical fields, including particularly science, technology, engineering, and mathematics, national security, cyber, linguistics and foreign language, education, health care, and the medical professions; and (6) how military national, and public service may be incentivized, including through educational benefits, grants, Federally-insured loans, Federal or State hiring preferences, or other mechanisms the President considers appropriate. The provision would require certain cabinet officials and other officials or experts to transmit to the Commission and Congress recommendations for the reform of the military selective service process, and military, national, and public service in connection with that process.

The Senate bill contained a provision (sec. 1071) that would preclude the actions of the President, cabinet officials and other individuals required to provide recommendations under this subtitle, and the Commission on Military, National, and

Public Service from judicial review of their actions taken under this subtitle.

The House amendment contained no similar provisions.
The House recesses.

Executive Director and staff (sec. 556)

The Senate bill contained a provision (sec. 1070) that would authorize the National Commission on Military, National, and Public Service to appoint, and fix the rate of pay of, an Executive Director and staff. The provision would limit detailees from Executive Branch agencies to no more than one-third of the personnel employed by the Commission, and would prohibit the detail of executive branch employees to the Commission who in the year prior to the detail were substantially involved with the development of recommendations provided to the Commission.

The House amendment contained no similar provision.
The House recesses.

Termination of Commission (sec. 557)

The Senate bill contained a provision (sec. 1072) that would provide for the termination of the National Commission on Military, National, and Public Service no later than 36 months after the Commission establishment date.

The House amendment contained no similar provision.
The House recesses.

SUBTITLE G—MEMBER EDUCATION, TRAINING, RESILIENCE, AND TRANSITION

Modification of program to assist members of the Armed Forces in obtaining professional credentials (sec. 561)

The Senate bill contained a provision (sec. 562) that would amend section 2015 of title 10, United States Code, to include within the program to assist members in obtaining professional credentials those credentials that were acquired during military service but which were not necessarily obtained incident to the performance of their military duties. The provision would also eliminate the requirement that credentialing programs be accredited by third party accreditation bodies, and instead would require that credentialing programs meet certain other quality assurance benchmarks.

The House amendment contained a similar provision (sec. 561).

The House recesses with a technical amendment.

Inclusion of alcohol, prescription drug, opioid, and other substance abuse counseling as part of required preseparation counseling (sec. 562)

The House amendment contained a provision (sec. 569) that would amend section 1142(b)(11) of title 10, United States Code, to include alcohol, prescription drug, opioid, and other substance abuse counseling as part of required preseparation counseling.

The Senate bill contained no similar provision.

The Senate recesses.

Inclusion of information in Transition Assistance Program regarding effect of receipt of both veteran disability compensation and voluntary separation pay (sec. 563)

The House amendment contained a provision (sec. 569A) that would amend section 1144(b) of title 10, United States Code, to require information be provided in the course of the Transition Assistance Program regarding the required deduction of disability compensation paid by the Secretary of Veterans Affairs by the amount of voluntary separation pay received by the member.

The Senate bill contained no similar provision.

The Senate recesses with a technical amendment.

Training under Transition Assistance Program on employment opportunities associated with transportation security cards (sec. 564)

The House amendment contained a provision (sec. 3511) that would require the Transition Assistance Program to provide information on career opportunities for employment available to members with transportation security cards issued under section 70105 of title 46, United States Code, within 180 days after the date of enactment.

The Senate bill contained no similar provision.

The Senate recesses with a technical amendment.

Extension of suicide prevention and resilience program (sec. 565)

The Senate bill contained a provision (sec. 524) that would amend section 10219(g) of title 10, United States Code, to extend the authority for suicide prevention and resilience programs for the National Guard and Reserves until October 1, 2022.

The House amendment contained a provision (sec. 599G) that would amend section 10219(g) of title 10, United States Code, to extend the authority for suicide prevention and resilience programs for the National Guard and Reserves until October 1, 2018.

The Senate recesses.

Congressional notification in advance of appointments to service academies (sec. 566)

The House amendment contained a provision (sec. 569C) that would amend sections 4342, 6954, and 9342 of title 10, United States Code, and section 51302 of title 46, United States Code, to require the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, and the United States Merchant Marine Academy to notify a Senator, Representative, or Delegate of the appointment of a cadet or midshipman nominated by that member of Congress at least 48 hours in advance of the official notification or announcement of the appointment. The advance notification requirement would be effective for classes entering these service academies after January 1, 2018.

The Senate bill contained no similar provision.

The Senate recesses.

Report and guidance regarding Job Training, Employment Skills Training, Apprenticeships, and Internships and SkillBridge initiatives for members of the Armed Forces who are being separated (sec. 567)

The House amendment contained a provision (sec. 569B) that would require the Under Secretary of Defense for Personnel and Readiness to submit to the Committees on Armed Services of the Senate and the House of Representatives a detailed report evaluating the success of the Job Training, Employment Skills Training, Apprenticeships, and Internships (known as JTEST-AI) and SkillBridge initiatives.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would extend the completion date for the report from 90 days to 180 days and narrow the scope of the report.

Military-to-mariner transition (sec. 568)

The House amendment contained a provision (sec. 563) that would require a report from the Secretary of Defense and the Secretary of Homeland Security to the Committees on Armed Services of the Senate and House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate on the efforts to ensure military service, training and qualifications are creditable towards merchant marine licenses and certifications.

The Senate bill contained no similar provision.

The Senate recesses.

SUBTITLE H—DEFENSE DEPENDENTS' EDUCATION AND MILITARY FAMILY READINESS MATTERS

Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees (sec. 571)

The Senate bill contained a provision (sec. 571) that would authorize \$25.0 million in Operation and Maintenance, Defense-wide, for continuation of the Department of Defense (DOD) assistance program to local educational agencies impacted by enrollment of dependent children of military members and DOD civilian employees.

The Senate bill also contained a provision (sec. 572) that would authorize \$5.0 million in Operation and Maintenance, Defense-wide, for impact aid payments for children with disabilities (as enacted by Public Law 106-398; 114 Stat. 1654A-77; 20 U.S.C. 7703a) using the formula set forth in section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398), for continuation of Department of Defense assistance to local educational agencies that benefit eligible dependents with severe disabilities.

The House amendment contained a provision (sec. 571) that would authorize \$30.0 million in Operation and Maintenance, Defense-wide, for continuation of the DOD assistance program to local educational agencies impacted by enrollment of dependent children of military members and DOD civilian employees.

The Senate recesses with an amendment that would authorize \$30.0 million in supplemental impact aid, and \$5.0 million for impact aid for children with severe disabilities.

One-year extension of authorities relating to the transition and support of military dependent students to local educational agencies (sec. 572)

The Senate bill contained a provision (sec. 574) that would amend section 547(c)(3) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (20 U.S.C. 7703b note) to extend the authorities relating to transition and support of military dependent students to local educational agencies from September 30, 2016, to September 30, 2017. The provision would also require the administration to submit detailed budget justification information with any annual budget request that includes a request for the future extension of these authorities.

The House amendment contained no similar provision.

The House recedes with a technical amendment to correct the statutory citation of the amended section.

Annual notice to members of the Armed Forces regarding child custody protections guaranteed by the Servicemembers Civil Relief Act (sec. 573)

The House amendment contained a provision (sec. 526) that would require the secretaries of the military departments to ensure that each member of the Armed Forces with dependents receives annually, and prior to each deployment, notice of the child custody protections afforded to members of the Armed Forces under the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.).

The Senate bill contained no similar provision.

The Senate recedes.

Requirement for annual Family Advocacy Program report regarding child abuse and domestic violence (sec. 574)

The House amendment contained a provision (sec. 543) that would require the Secretary of Defense to provide to the Committees on Armed Services of the Senate and of the House of Representatives an annual report, beginning not later than January 31, 2017 and continuing through January 31, 2012, on the child abuse and domestic abuse incident data contained in the Department of Defense Family Advocacy Program central registry for the previous year, and an analysis of the effectiveness of the Family Advocacy Program.

The Senate bill amendment contained no similar provision.

The Senate recedes with an amendment that would establish the date by which the annual report would be provided to be not

later than April 30, 2017, and annually thereafter through April 30, 2021.

Reporting on allegations of child abuse in military families and homes (sec. 575)

The Senate bill contained a provision (sec. 577) that would require the Secretary of Defense and the Secretary of Homeland Security to prescribe regulations to ensure that the family advocacy program office at a military installation to which a member of the Armed Forces is assigned is provided an immediate report of credible information obtained by any individual in the chain of command of the servicemember, that a child in the family or home of the servicemember has suffered an incident of child abuse. The provision would require a similar report by any member of the Armed Forces in a profession described by subsection 226(b) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13031) who has reason to suspect that a child in the family or home of a servicemember has suffered an incident of child abuse.

The House amendment contained a similar provision (sec. 541).

The House recesses with a technical amendment.

Repeal of Advisory Council on Dependents' Education (sec. 576)

The Senate bill contained a provision (sec. 581) that would repeal section 1411 of the Defense Dependents' Education Act of 1978 to abolish the Advisory Council on Dependents' Education.

The House amendment contained no similar provision.

The House recesses.

Support for programs providing camp experience for children of military families (sec. 577)

The Senate bill contained a provision (sec. 579) that would authorize the Secretary of Defense to provide financial or non-monetary support to qualified non-profit organizations to assist those organizations in carrying out programs to support attendance at a camp or camp-like setting for children of military families.

The House amendment contained a similar provision (sec. 572).

The Senate recesses with an amendment that would remove the requirement that the Secretary accord a preference in the approval of applications submitted by certain organizations.

Comptroller General of the United States assessment and report on Exceptional Family Member Programs (sec. 578)

The Senate bill contained a provision (sec. 580) that would require the Comptroller General of the United States to submit a report to the Committees on Armed Services of the Senate and the House of Representatives on the effectiveness of each Exceptional Family Member Program of the Armed Forces.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Comptroller General of the United States to conduct an assessment on the effectiveness of each Exceptional Family Member Program of the Armed Forces and to provide a report to the Committees on Armed Services of the Senate and the House of Representatives by December 31, 2017.

Impact aid amendments (sec. 579)

The Senate bill contained a provision (sec. 573) that would amend sections 7003(b)(2)(B)(i)(I), 7003(b)(2)(B)(i)(II)(bb), and 7003(b)(2)(B)(i)(IV) of the Elementary and Secondary Education Act of 1965 (most recently amended by Public Law 114-95) to: 1) make a technical correction to the current statute to prevent the inadvertent disqualification of some local school districts from the Impact Aid heavily impacted program whose boundaries are within the perimeter of military installations; 2) provide additional time to collect data on the effects to the Impact Aid heavily impacted program; and 3) adjust eligibility criteria to meet congressional intent.

The House amendment contained a provision (sec. 573) that would amend section 8003(a)(5)(A) of the Elementary and Secondary Education Act of 1965 (most recently amended by Public Law 114-95) to authorize a provision that counts all military-connected students living in military housing equally to take effect immediately.

The Senate recedes with an amendment that would combine these provisions.

The conferees intend that if a local educational agency is eligible to receive a basic support payment under subclause (IV) of section 7003(b)(2)(B)(i) as amended by this section and the Every Student Succeeds Act then subclause (IV) takes priority over other subclauses. The conferees further intend that if a local educational agency is not eligible for a basic support payment under subclause (IV) of section 7003(b)(2)(B)(i) as amended by this section and the Every Student Succeeds Act but

is eligible under section 7003(b)(2) then the local educational agency may apply under that section.

SUBTITLE I—DECORATIONS AND AWARDS

Posthumous advancement of Colonel George E. "Bud" Day, United States Air Force, on the retired list (sec. 581)

The Senate bill contained a provision (sec. 589) that would posthumously advance Colonel George E. "Bud" Day, United States Air Force, to the rank of brigadier general on the retired list of the United States Air Force. Colonel Day's benefits would not be affected by this action.

The House amendment contained no similar provision. The House recesses.

Authorization for award of medals for acts of valor during certain contingency operations (sec. 582)

The House amendment contained a provision (section 582) that would waive the time limitations prescribed in various sections of title 10, United States Code, to authorize the President to award certain valor awards, including the Congressional Medal of Honor, to a member or former member of the Armed Forces for service in Operation Enduring Freedom, Operation Iraqi Freedom, Operation New Dawn, Operation Freedom's Sentinel, and Operation Inherent Resolve, resulting from a review of valor award nominations directed by the Secretary of Defense on January 7, 2016. The time waiver provided under the House amendment would expire on December 31, 2019.

The Senate bill had no similar provision.

The Senate recesses with a technical amendment.

Authorization for award of the Medal of Honor to Gary M. Rose and James C. McCloughan for acts of valor during the Vietnam War (sec. 583)

The Senate bill contained a provision (sec. 587) that would waive the time limitations specified in section 3744 of title 10, United States Code, to authorize the President to award the Medal of Honor to Gary M. Rose for acts of valor from September 11 through 14, 1970, during the Vietnam War, while a member of the United States Army, Military Assistance Command Vietnam- Studies and Observation Group (MACVSOG).

The House amendment contained an identical provision (sec. 583).

The conference agreement includes the provision with an amendment that would waive the time limitations specified in section 3744 of title 10, United States Code, to authorize the President to award the Medal of Honor to James C. McCloughan for acts of valor during combat operations between May 13, 1969 and May 15, 1969, during the Vietnam War, while serving as a combat medic with Company C, 3d Battalion, 21st Infantry, 196th Light Infantry Brigade, American Division, Republic of Vietnam.

Authorization for award of Distinguished Service Cross to First Lieutenant Melvin M. Spruiell for acts of valor during World War II (sec. 584)

The House amendment contained a provision (sec. 585) that would authorize the Secretary of the Army to award the Distinguished Service Cross to First Lieutenant Melvin M. Spruiell for acts of valor while a member of the Army serving in France with the 377th Parachute Field Artillery, 101st Airborne Division, from June 10 to 11, 1944.

The Senate bill contained no similar provision.

The Senate recesses.

Authorization for award of the Distinguished Service Cross to Chaplain (First Lieutenant) Joseph Verbis LaFleur for acts of valor during World War II (sec. 585)

The Senate bill contained a provision (sec. 588) that would authorize the Secretary of the Army to award the Distinguished Service Cross to Chaplain (First Lieutenant) Joseph Verbis LaFleur for acts of valor while interned as a prisoner of war by Japan, from December 30, 1941 to September 7, 1944.

The House amendment contained no similar provision.

The House recesses.

Review regarding award of Medal of Honor to certain Asian American and Native American Pacific Islander War Veterans (sec. 586)

The House amendment contained a provision (sec. 581) that would require the Secretaries of the military departments to review the service records of certain Asian American and Native American Pacific Islander veterans from the Korean war and Vietnam war veterans to determine if the award of the Medal of Honor is appropriate. The House provision would require the services to review the records of veterans who were previously awarded the Distinguished Service Cross, the Navy Cross, and the

Air Force Cross, and in those cases where the Secretary concerned determines that the service records of those veterans support the award of the Medal of Honor, this section would also waive the statutory time limitations for award of the Medal of Honor.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would require the Secretaries of the military departments to review the service records of former members of the Armed Forces whose service records identify them as an Asian American or Native American Pacific Islander war veteran who was previously awarded the Distinguished Service Cross, the Navy Cross, and the Air Force Cross and in those cases where the Secretary concerned determines that the service records of those veterans support the award of the Medal of Honor, this section would also waive the statutory time limitations for award of the Medal of Honor.

SUBTITLE J—MISCELLANEOUS REPORTS AND OTHER MATTERS

Repeal of requirement for a chaplain at the United States Air Force Academy appointed by the President (sec. 591)

The Senate bill contained a provision (sec. 595) that would repeal section 9337 of title 10, United States Code, that requires a chaplain at the United States Air Force Academy appointed by the President. The section is not required because the Air Force and the other military departments already assign chaplains to the service academies under existing service personnel assignment procedures.

The House amendment contained no similar provision.

The House recesses.

Extension of limitation on reduction in number of military and civilian personnel assigned to duty with service review agencies (sec. 592)

The Senate bill contained a provision (sec. 596) that would amend section 1559 of title 10, United States Code, to extend the limitation on reducing the number of military and civilian personnel assigned to duty with the service review agencies through December 31, 2019.

The House amendment contained no similar provision.

The House recesses.

Annual reports on progress of the Army and the Marine Corps in integrating women into military occupational specialties and units recently opened to women (sec. 593)

The Senate bill contained a provision (sec. 593) that would require a report to be delivered to the Committees on Armed Services of the Senate and the House of Representatives by the Chief of Staff of the Army, the Commandant of the Marine Corps, and the Commander of the United States Special Operations Command annually on April 1, 2017, and each year thereafter through 2021 on the progress of integrating women into military occupational specialties and units recently opened to women.

The House amendment contained no similar provision.

The House recedes with an amendment that would narrow the scope of the report and change the final report date to 2020.

Report on feasibility of electronic tracking of operational active-duty service performed by members of the Ready Reserve of the Armed Forces (sec. 594)

The House amendment contained a provision (sec. 515) that would require the Secretary of Defense to establish electronic means for reserve component members to track qualifying operational active-duty service that would enable early receipt of reserve retired pay under section 12731(f) of title 10, United States Code.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Secretary to assess the feasibility of such an electronic tracking system, and to provide a report to the Committees on Armed Services of the Senate and House of Representatives by no later than May 1, 2017.

Report on discharge by warrant officers of pilot and other flight officer positions in the Navy, Marine Corps, and Air Force currently discharged by commissioned officers (sec. 595)

The Senate bill contained a provision (sec. 597) that would require the secretaries of the Navy and the Air Force to submit a report to the Committees on Armed Services of the Senate and of the House of Representatives, not later than 180 days after enactment, on the feasibility and advisability of having warrant officers discharge the duties of pilots and other flight officer positions currently discharged by commissioned officers.

The House amendment contained no similar provision.

The House recedes.

Body mass index test (sec. 596)

The House amendment contained a provision (sec. 593) that would require the Secretary of Defense to review the current body mass index test procedure used by the Armed Forces and to determine the best methods to assess body fat percentages to improve the accuracy of body fat measurements.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would require the service secretaries to conduct the review of current body mass index test procedures and other methods to measure body fat with a more holistic health and wellness approach.

Report on career progression tracks of the Armed Forces for women in combat arms units (sec. 597)

The Senate bill contained a provision (sec. 594) that would require the Secretary of Defense to submit a description of the career progression track for entry level and laterally moved female service members, both officer and enlisted, of each Armed Force for positions that have been opened as a result of the December 3, 2015, decision by the Secretary to open all previously closed military occupations to women.

The House amendment contained no similar provision.

The House recesses.

LEGISLATIVE PROVISIONS NOT ADOPTED

Temporary suspension of officer grade strength tables

The Senate bill contained a provision (sec. 503) that would amend sections 523(a) and 12011(a) of title 10, United States Code, to remove the limitations on the total number of commissioned officers authorized to serve on Active Duty or on full-time reserve component duty in the pay grades of O-4 through O-6 as of the end of the fiscal year for fiscal years 2017 through 2021.

The House amendment contained no similar provision.

The Senate recesses.

The conferees believe that providing relief from statutory caps on the numbers of officers of the active and reserve components serving in pay grades from O-4 to O-6, for an appropriate trial period, may allow the secretaries of the military departments to adjust the shape of their officer corps to affect talent management-based promotion systems and more quickly adapt to changing war fighting requirements and available talent supply. The conferees are concerned that such

statutory flexibility must be exercised in a manner that would promote lean, efficient, and highly effective officer corps and must not result in bloated senior officer ranks that impede the proper administration of the officer personnel management system. Therefore, the conferees modify the reporting requirement directed in the Senate report accompanying section 503 of S.2943 (S. Rept. 114-255) to require the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives, not later than March 1, 2017, describing how the military departments would propose to use the authority described in section 503 of the Senate-passed bill, a description of the specific categories of adjustments in control grades and the number and percentages of such adjustments desired, and an assessment of the impact of the authority, if implemented, on the desired officer grade composition of the military departments. The report shall specifically address the proposed use of this authority for military intelligence officers, foreign area specialists, judge advocates with a military justice skill identifier, and officers with expertise in cyber matters.

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

The Senate bill contained a provision (sec. 504) that would amend section 533 of title 10, United States Code, to authorize service secretaries to credit an applicant for an original appointment in a commissioned grade with an amount of constructive credit limited to the amount required for an original appointment in the grade of colonel in the Army, Air Force, or Marine Corps, or in the grade of captain in the Navy. The provision would authorize the secretary concerned to award constructive credit for leadership experience, professional credentials, and technical expertise to directly commission officers up to the grade of O-6.

The House amendment contained no similar provision.

The Senate recesses.

The conferees note that another provision of this Act would authorize the military departments to conduct pilot programs to commission cyber professionals. The conferees recognize that the use of similar authorities to commission professionals such as doctors, lawyers, and chaplains continues to have great utility in providing trained professionals for the military departments. It may be useful to extend such authorities to branches, career fields, and occupational specialties that may be designated by the services as having technical or warfighter status. The conferees encourage the

Department of Defense to provide detailed information to the Committees on Armed Services of the Senate and of the House of Representatives on how the expanded use of such authorities may be utilized.

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

The Senate bill contained a provision (sec. 505) that would amend section 616 of title 10, United States Code, to authorize an officer promotion board to recommend Active-Duty officers of particular merit to be placed at the top of the promotion list.

The House amendment contained no similar provision.

The Senate recesses.

The conferees remind the Department of Defense that the Joint Explanatory Statement accompanying the National Defense Authorization Act for Fiscal Year 2016 (P.L. 114-92) identified the need to review and modernize procedures to select officers for promotion. The Department of Defense was encouraged to develop recommendations to enhance the flexibility of selection boards to identify and select officers of particular merit for early promotion, using procedures that all stakeholders would view as objective and fair. Despite the Department's much-touted Force of the Future studies, the last year saw no recommendations to Congress that would provide the flexibility the Department claims to need to recruit, commission, promote, and retain the high quality all-volunteer force the Nation requires.

Limitations on ordering selected reserve to active duty for preplanned missions in support of the combatant commands

The House amendment contained a provision (sec. 513) that would amend section 12304(b) of title 10, United States Code, to authorize the Secretary of Defense to order any unit of the Selected Reserve to Active Duty during the year of execution if the Secretary identifies manpower and associated costs as an emerging requirement in the year of execution and provides a 30-day notice to the congressional defense committees.

The Senate bill contained no similar provision.

The House recesses.

The conferees note that the authority to order Selected Reserve units to Active Duty under section 12304(b) of title 10, United States Code, is designed to incentivize deliberate planning for the use of the Selective Reserve as part of the operational force by requiring missions to be planned in advance

and included in annual budget submissions. Other provisions of title 10, United States Code, provide authority to order members and units of the reserve components to Active Duty to address emerging requirements arising during the year of execution.

Exemption of military technicians (dual status) from civilian employee furloughs

The House amendment contained a provision (sec. 514) that would amend section 10216(b)(3) of title 10, United States Code, to exempt military dual-status technicians from civilian employee furloughs.

The Senate bill contained no similar provision.

The House recesses.

Authority to designate certain Reserve officers as not to be considered for selection for promotion

The Senate bill contained a provision (sec. 522) that would amend section 14301 of title 10, United States Code, to authorize the secretaries of the military departments to defer promotion consideration for reserve component officers in a non-participatory (membership points only) status.

The House amendment contained no similar provision.

The Senate recesses.

Responsibility of Chiefs of Staff of the Armed Forces for standards and qualifications for military specialties within the Armed Forces

The Senate bill contained a provision (sec. 531) that would vest in the Chief of Staff of each of the Armed Forces the responsibility for establishing, approving, and modifying the criteria, standards, and qualifications for military specialty codes within that Armed Force. The Secretary of Defense would retain oversight authority.

The House amendment contained no similar provision.

The Senate recesses.

The conferees expect service secretaries to consult with and receive the advice of the Chiefs of Staff of each of the Armed Forces when making decisions on military standards and qualifications.

Reconciliation of contradictory provisions relating to qualifications for enlistment in the reserve components of the Armed Forces

The Senate bill contained a provision (sec. 537) that would amend section 12102(b) of title 10, United States Code, to align the requirements for enlistment in the reserve components of the Armed Forces with the requirements for enlistment in the active components.

The House amendment contained no similar provision.

The Senate recesses.

Burdens of proof applicable to investigations and reviews related to protected communications of members of the armed forces and prohibited retaliatory actions.

The House amendment contained a provision (sec. 545) that would amend section 1034 of title 10, United States Code, to establish the burden of proof under this section for military retaliation investigations to be the same as the burden of proof applicable to retaliation investigations under section 1221(e) of title 5, United States Code.

The Senate bill contained no similar provision.

The House recesses.

The conferees included a number of provisions in this Act that will provide necessary tools to allow military victims of retaliation to be provided full, fair, and expeditious investigation and relief, when appropriate, in response to alleged retaliation. The conferees are mindful however that the requirements, hardships, and sacrifices of military service are unique and unlike those of the federal civilian workplace that section 1221(e) of title 5 is intended to address. We consider the burden of proof standards under section 1221(e) to be properly tailored to the federal civilian workforce. However, the conferees concluded that the burden of proof standards that properly apply in a civilian context are not amenable to the unique demands of military service. The conferees remain concerned about reports from military personnel who indicate they have been subjected to retaliation after making protected communications. The conferees intend to remain seized of this issue and will assess the impact of the provisions in this bill to reducing the prevalence of retaliation in the military.

Discretionary authority for military judges to designate an individual to assume the rights of the victim of an offense under the Uniform Code of Military Justice when the victim is a minor, incompetent, incapacitated, or deceased

The Senate bill contained a provision (sec. 546) that would amend section 806b(c) of title 10, United States Code (Article 6b(c), Uniform Code of Military Justice (UCMJ)) to

authorize military judges to decide on a case-by-case basis whether it is appropriate to appoint an individual to assume the victim's rights in all cases under the UCMJ in which the victim of an offense is under 18 years of age (unless the victim is a member of the Armed Forces) or is incompetent, incapacitated, or deceased.

The House amendment contained no similar provision.

The Senate recesses.

The conferees note that a similar provision is included in the Military Justice Act of 2016 which is enacted elsewhere in this Act.

Appellate standing of victims in enforcing rights of victims under the Uniform Code of Military Justice

The Senate bill contained a provision (sec. 547) that would amend section 806b of title 10, United States Code (article 6b of the Uniform Code of Military Justice(UCMJ)) to authorize victims to file pleadings as a real party in interest when the Government files appellate pleadings implicating the victim's rights relating to Military Rule of Evidence (MRE) 412, relating to the admission of evidence regarding a victim's sexual background; MRE 513, relating to the psychotherapist-patient privilege; or MRE 514, relating to the victim advocate-patient privilege. The provision would also amend section 806b of title 10, United States Code (article 6b of the UCMJ) to afford a victim with the right to reasonable, accurate, and timely notice of any appellate matters.

The House contained no similar provision.

The Senate recesses.

The conferees understand that the Judicial Proceedings Panel (JPP) established by section 576 of the National Defense Authorization Act for Fiscal Year 20 13 (Public Law 112-239) will receive testimony and address this issue in future public meetings of the JPP. The conferees will reconsider this issue after receipt of the JPP recommendations.

Limitation on tuition assistance for off-duty training or education

The Senate bill contained a provision (sec. 561) that would amend section 2007 of title 10, United States Code, to limit the tuition assistant program for off-duty training and education to education programs likely to contribute to the professional development of the servicemember.

The House amendment contained no similar provision.

The Senate recesses.

The conferees support Department of Defense and military service efforts over the past several years to ensure the integrity of the tuition assistance program, and the educational success of servicemembers utilizing the benefit, through implementation of common-sense restrictions on premature use by servicemembers still adjusting to military life and who are still learning their military occupations, as well as restrictions on those who would inappropriately use the benefit to acquire additional degrees at the same level of attainment.

Establishment of ROTC cyber institutes at senior military colleges

The House amendment contained a provision (sec. 562) that would amend chapter 103 of title 10, United States Code, to authorize the Secretary of Defense to carry out a program to establish ROTC Cyber Institutes at the six Senior Military Colleges for purposes of accelerating the development of foundational expertise in critical cyber operational skills for future military and civilian leaders of the Armed Forces and Department of Defense, to include such leaders of the Reserve Components.

The Senate bill contained no similar provision.

The House recesses.

The conferees note that many ROTC programs are beginning to implement cyber training for critical cyber operational skills. The conferees encourage these and other ROTC programs to continue building and teaching a cyber framework for future military and civilian leaders of the Armed Forces and Department of Defense.

Access to Department of Defense installations of institutions of higher education providing certain advising and student support services

The Senate bill contained a provision (sec. 563) that would amend chapter 101 of title 10, United States Code, to require the Secretary of Defense to grant access to all Department of Defense installations any institution of higher education that has a Voluntary Education Partnership Memorandum of Understanding with the Department for the purposes of student advising and support services.

The House amendment contained no similar provision.

The Senate recesses.

Employment authority for civilian faculty at certain military department schools

The House amendment contained a provision (sec. 564) that would amend section 4021 of title 10, United States Code, to authorize the Secretary concerned to hire staff for professional military education courses regardless of course length.

The Senate bill contained no similar provision.

The House recesses.

Revision of name on military service record to reflect change in name of a member of the Army, Navy, Air Force, or Marine Corps, after separation from the Armed Forces

The House amendment contained a provision (sec. 565) that would amend section 1551 of title 10, United States Code, to allow persons who legally change their name to reflect their gender identity after separation from the Armed Forces to receive a new certificate of discharge or acceptance of resignation order under that new name.

The Senate bill contained no similar provision.

The House recesses.

The conferees note that former service members currently have a process to request their name be changed on official service discharge documents to reflect a legal name change, by submitting a request to the appropriate service board for correction of military or naval records. Effective October 1, 2016, the Department of Defense (DoD) and the Military Departments will implement DoD Instruction 1300.28, that requires the services to provide servicemembers a process by which, while serving, they may change their gender. The conferees expect the Department to make the necessary changes to regulations to provide former members a simplified process to reflect a name change in military personnel records due to change in gender identity or other lawful purpose.

Direct employment pilot program for members of the National Guard and Reserve

The House amendment contained a provision (sec. 566) that would authorize the Secretary of Defense to carry out a pilot program to enhance efforts of the Department of Defense to provide job placement assistance and related employment services directly to members of the National Guard and Reserves. This section would also require the Secretary to submit a report on the program to the Committees on Armed Services of the Senate and the House of Representatives by January 31, 2021.

The Senate bill contained no similar provision.

The House recesses.

The conferees note that the South Carolina and California National Guards conduct state employment programs that have seen success in recent years and serve as a model for other states and territories to set up similar state employment programs. The conferees note the numerous employment assistance programs for transitioning servicemembers coordinated by the military services, the Department of Defense, the Department of Labor, and the Department of Veterans Affairs, such as the Department of Labor's Veterans' Employment and Training Service and the Department of Veterans Affairs' VA for Vets program and Feds Hire Vets employment tool. The conferees encourage the Chief of the National Guard Bureau to work with the Secretary of Defense to coordinate with the Secretary of Labor and the Secretary of Veterans Affairs to leverage these preexisting Federal employment programs.

Prohibition on establishment, maintenance, or support of Senior Reserve Officers' Training Corps units at educational institutions that display the Confederate battle flag

The House amendment contained a provision (sec. 567) that would amend section 2102 of title 10, United States Code, to prohibit the secretary concerned from establishing, maintaining, or supporting a Senior Reserve Officers' Training Corps unit at an educational institution that displays the Confederate battle flag except where the board of visitors has voted to take down the flag described.

The Senate bill contained no similar provision.
The House recesses.

Report on composition of service academies

The House amendment contained a provision (sec. 568) that would require the Comptroller General of the United States to submit a report on the demographic composition of the service academies.

The Senate bill contained no similar provision.
The House recesses.

Enhanced flexibility in provision of relocation assistance to members of the Armed Forces and their families

The Senate bill contained a provision (sec. 576) that would amend section 1056 of title 10, United States Code, to permit enhanced flexibility in giving relocation assistance to members of the Armed Forces and their families. The provision would allow the Department of Defense to adapt the delivery of

relocation assistance to meet the evolving needs of military servicemembers and their families by leveraging technology to improve access, efficiency, and responsiveness of the relocation assistance program, especially in situations where servicemembers reside overseas or away from a military installation with a relocation assistance program. Finally, the provision would establish the position of Program Manager of Military Relocation Assistance in the office of the Assistant Secretary of Defense for Manpower and Reserve Affairs.

The House amendment contained no similar provision.

The Senate recesses.

Background checks for employees of agencies and schools providing elementary and secondary education for Department of Defense dependents

The Senate bill contained a provision (sec. 578) that would require certain local educational agencies receiving impact aid under subchapter VII of chapter 70 of title 20, United States Code, and each Department of Defense (DOD) domestic dependent elementary and secondary school, within 2 years of enactment of this Act, to establish policies and procedures requiring a criminal background check for each school employee of the agency or school.

The House amendment contained no similar provision.

The Senate recesses.

The conferees believe the protection of school children from would-be predators is of paramount importance. Children of military personnel, who by virtue of a parent's military service are more transient with fewer community ties and relationships, may be more vulnerable to such predators. The conferees believe it is important that appropriate criminal background checks be conducted of school employees in Department of Defense (DOD) schools and local educational activities that educate military family members. Despite the requirement in every state that background checks be conducted, and recently-enacted prohibitions in the Every Student Succeeds Act that restrict the movement and reemployment of predators in other states, there were still 496 arrests of school employees in the United States last year for sexual misconduct with children, according to press reports. Clearly, the problem of child predation and abuse remains in our local school systems. The conferees note that DOD schools conduct thorough criminal background checks on their employees, and the conferees are committed to subjecting DOD schools to the oversight required to ensure that they conduct thorough criminal background checks on their employees. Given the critical importance of this issue and the defense

authorizing committees' continuing concern that children at risk are adequately protected, the conferees strongly urge DOD to work as closely as possible with local school districts that educate military family members to share best practices to help those districts develop and improve comprehensive employment screening policies to ensure the safety of military children. The conferees direct the Department to provide a report to the Committees on Armed Services of the Senate and the House of Representatives, not later than 1 year after the date of enactment of this Act, on the Department's efforts to: 1) identify, to the extent practicable, any shortfalls in employee screening processes in local school districts educating military family members; and 2) provide recommendations to help address those shortfalls in the future.

Authorization for award of the Medal of Honor to Charles S. Kettles for acts of valor during the Vietnam war

The Senate bill contained a provision (sec. 586) that would waive the time limitations specified in section 3744 of title 10, United States Code, to authorize the President to award the Medal of Honor to Charles S. Kettles, for acts of valor on May 15, 1967, during the Vietnam War, while serving as Flight Commander in the United States Army, 176th Aviation Company, 14th Aviation Battalion, Task Force Oregon, Republic of Vietnam.

The House amendment contained a similar provision (sec. 584).

The conference agreement does not include this provision.

The conferees note the authority to waive the time limitations for award of the Medal of Honor were included in the Consolidated Appropriations Act of 2016 (P.L. 114-113). The President awarded Mr. Kettles the Medal of Honor in a ceremony at the White House on July 18, 2016.

Burial of cremated remains in Arlington National Cemetery of certain persons whose service is deemed to be active service.

The House amendment contained a provision (sec. 591) that would amend section 2410 of title 38, United States Code, to require the Secretary of the Army to ensure that the cremated remains of certain individuals whose service has been determined to be active duty service are eligible for inurnment with military honors in Arlington National Cemetery.

The Senate bill contained no similar provision.

The House recesses.

The conferees note that on May 20, 2016 the President signed into law the Women Airforce Service Pilot Arlington Inurnment Restoration Act (P.L. 114-158), which provided the authority contained in section 591 of the House amendment.

Applicability of Military Selective Service Act to female citizens and persons

The Senate bill contained a provision (sec. 591) that would amend the Selective Service Act (Public Law 65-12) to include women in the requirement to register for selective service, to the same extent men are currently required, beginning January 1, 2018.

The House amendment contained no similar provision.
The Senate recesses.

Representation from member of the Armed Forces on boards, councils, and committees making recommendations relating to military personnel issues

The House amendment contained a provision (sec. 592) that would require that enlisted or retired enlisted members of the armed forces be represented on all boards, panels, commissions, or task forces established under chapter 7 of title 10, United States Code, to render a recommendation on any aspect of personnel policy directly affecting enlisted personnel.

The Senate bill contained no similar provision.
The House recesses.

The conferees believe it is essential that the views of enlisted members must be considered by boards charged with developing informed and effective military personnel policy. The conferees expect that the Secretary of Defense, the secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, the service chiefs, and their senior enlisted advisers will ensure that enlisted representation is included in such boards to the maximum extent practicable.

Preseparation counseling regarding options for donating brain tissue at time of death for research

The House amendment contained a provision (sec. 594) that would require servicemembers to receive information during transition separation counseling concerning options for donating brain tissue at the time of death of the servicemember for chronic traumatic encephalopathy research.

The Senate bill contained no similar provision.
The House recesses.

Recognition of the expanded service opportunities available to female members of the Armed Forces and the long service of women in the Armed Forces

The House amendment contained a provision (sec. 595) that would express Congress' recognition of women who have served and are currently serving in the Armed Forces.

The Senate bill contained no similar provision.

The House recesses.

The conferees note that female members of the Armed Forces are invaluable and integral to the Armed Forces and that the United States must continue to encourage and support female members of the Armed Forces as they serve our Nation.

Sense of Congress regarding plight of male victims of military sexual assault

The House amendment contained a provision (sec. 596) that would express the sense of Congress that the Secretary of Defense should enhance access to intensive medical and mental health treatment of male victims of sexual assault, look for opportunities to use male victims as presenters at prevention training, and ensure medical and mental health providers are trained to meet the needs of male victims.

The Senate bill contained no similar provision.

The House recesses.

The conferees remain concerned that more must be done to address the unique issues and concerns affecting male victims of sexual assault. For that reason, section 538 of the National Defense Authorization Act for Fiscal Year 2016 (P.L. 114-92) requires the Secretary of Defense, in collaboration with the secretaries of the military departments, to develop a comprehensive plan to improve Department of Defense prevention and response to sexual assaults in which the victim is a male member of the armed forces. The conferees look forward to receiving the plan from the Secretary of Defense and intend to monitor the efficacy of the plan.

Sense of Congress regarding section 504 of title 10, United States Code, on existing authority of the Department of Defense to enlist individuals, not otherwise eligible for enlistment, whose enlistment is vital to the national interest

The House amendment contained a provision (sec. 597) that would express the sense of Congress that section 504 of title 10, United States Code, authorizes the Department of Defense to

enlist individuals, not otherwise eligible for enlistment, whose enlistment is vital to the national interest.

The Senate bill contained no similar provision.

The House recesses.

Protection of Second Amendment rights of military families

The House amendment contained a provision (sec. 598) that would amend section 921(b) of title 18, United States Code, to provide that the residence of the spouse of a military member for the purpose of federal firearms laws, is the State of the permanent duty station of the member.

The Senate bill contained no similar provision.

The House recesses.

The conferees note that the residence of a spouse of a military member is the State in which that spouse resides, which is the State of the permanent duty station of the member, or such other State as the spouse may reside.

Pilot program on advanced technology for alcohol abuse prevention

The House amendment contained a provision (sec. 599) that would require the Secretary of Defense, within 90 days of enactment of this Act, to consult with the service secretaries and establish a pilot program to demonstrate the feasibility of using portable, disposable alcohol breathalyzers and a cloud-based server platform to collect data and monitor the progress of alcohol abuse programs through digital applications. The provision would require the Secretary to conduct the pilot program for a minimum of 6 months, and the program would terminate by September 30, 2018. The Secretary would submit a report to the Committees on Armed Services of the Senate and the House of Representatives on implementation of the program within 120 days after implementation and then submit a final report to the committees within 1 year of implementation.

The Senate bill contained no similar provision.

The House recesses.

Report on availability of college credit for skills acquired during military service

The House amendment contained a provision (sec. 599A) that would require the Secretary of Defense, in consultation with the Secretaries of Veterans Affairs, Education, and Labor, to submit a report on the transfer of skills into equivalent college

credits or technical certifications for members of the Armed Forces leaving the military.

The Senate bill contained no similar provision.

The House recesses.

Atomic veterans service medal

The House amendment contained a provision (sec. 599B) that would require the Secretary of Defense to design, produce, and distribute a military service medal to honor retired and former members of the Armed Forces who are radiation-exposed veterans.

The Senate bill contained no similar provision.

The House recesses.

Report on extending protections for student loans for active duty borrowers

The House amendment contained a provision (sec. 599C) that would require the Secretary of Defense, in consultation with the Secretary of Education, to submit a report detailing the information, assistance, and efforts to support and inform active duty members of the Armed Forces with respect to the rights and resources available under the Servicemembers Civil Relief Act.

The Senate bill contained no similar provision.

The House recesses.

Exclusion of certain reimbursements of medical expenses and other payments from determination of annual income with respect to pensions for veterans and surviving spouses and children of veterans

The House amendment contained a provision (sec. 599D) that would amend section 1503(a) of title 38, United States Code, to exclude payments regarding reimbursements of medical expenses from the determination of annual income with respect to pensions.

The Senate bill contained no similar provision.

The House recesses.

Sense of Congress on desirability of service-wide adoption of Gold Star installation access card

The House amendment contained a provision (sec. 599E) that would express the sense of Congress that the secretaries of the military departments and the Secretary of the department in which the Coast Guard is operating should work jointly to

develop, issue, and ensure acceptance of a Gold Star installation access card for family members who are the survivors of deceased members of the Armed Forces in order to expedite the ability of a Gold Star family member to gain unescorted access to military installations for the purpose of obtaining on-base services and benefits for which the Gold Star family member is entitled or eligible.

The Senate bill contained no similar provision.

The House recesses.

Servicemembers' Group Life Insurance

The House amendment contained a provision (sec. 599F) that would amend section 1967(f)(4) of title 38, United States Code, by striking the second sentence.

The Senate bill contained no similar provision.

The House recesses.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

SUBTITLE A—PAY AND ALLOWANCES

Fiscal year 2017 increase in military basic pay (sec. 601)

The Senate bill contained a provision (sec. 601) that would authorize a pay raise of 1.6 percent for all members of the uniformed services effective January 1, 2017.

The House amendment contained a provision (sec. 601) that would direct that the rates of basic pay under section 203(a) of title 37, United States Code, be increased in accordance with section 1009 of title 37, United States Code, notwithstanding a determination made by the President under subsection (e) of such section 1009.

The Senate recesses.

Publication by Department of Defense of actual rates of basic pay payable to members of the Armed Forces by pay grade for annual or other pay periods (sec. 602)

The Senate bill contained a provision (sec. 602) that would direct the Department of Defense to ensure that pay tables of basic pay for members of the uniformed services published by

the Department reflect the operation of the pay cap contained in section 203(a)(2) of title 37, United States Code, to more accurately reflect the rates of basic pay that may actually be received by service members whose basic pay is affected by that cap.

The House amendment contained no similar provision.

The House recesses.

Extension of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances (sec. 603)

The Senate bill contained a provision (sec. 603) that would extend for 1 year the authority of the Secretary of Defense to temporarily increase the rate of basic allowance for housing in areas impacted by natural disasters or experiencing a sudden influx of personnel.

The House amendment contained an identical provision (sec. 602).

The conference agreement includes this provision.

Reports on a new single-salary pay system for members of the Armed Forces (sec. 604)

The Senate bill contained a provision (sec. 604) that would reform the basic allowance for housing (BAH) benefit for members of the uniformed services, applicable January 1, 2018. The provision would require a system that utilizes actual costs up to a maximum allowable amount. No service member will see a change in their allowance until such time as they undergo a permanent change of duty station outside their military housing area after January 1, 2018.

The House amendment contained no similar provision.

The Senate recesses with an amendment that would require the Department of Defense to report back with revised pay tables and a plan to transition to a salary system by no later than January 1, 2018. An initial assessment and progress report will be due to the Committees on Armed Services of the Senate and the House of Representatives no later than March 1, 2017, to contain the military pay tables as of January 1, 2017, that reflect the Regular Military Compensation of members of the Armed Forces as of that date in the range of grades, dependency statuses, and assignment locations.

The conferees note that the BAH, as an entitlement, and the perception of BAH among servicemembers, has evolved over the past 20 years. BAH, and the iterations of the benefit that came before, was intended to provide a housing benefit for service

members to offset the cost of housing in high cost housing areas where adequate government-provided quarters was not available and in recognition of the transient nature of military service and the impact it has on military members and their families. Indeed, that the housing allowance was and is intended as primarily a housing benefit is demonstrated by its tax-free nature, the differentiation based on dependency status, and the fact that junior enlisted personnel required to reside in barracks or on a ship are ineligible to receive BAH. Accordingly, the conferees direct the Secretary of Defense to begin planning for a transition to a salary system that better aligns the payment of the allowance with the Department's use of the housing allowance as compensation rather than its intended purpose as an allowance.

SUBTITLE B—BONUSES AND SPECIAL AND INCENTIVE PAYS

One-year extension of certain bonus and special pay authorities for reserve forces (sec. 611)

The Senate bill contained a provision (sec. 611) that would extend for 1 year the authority to pay the Selected Reserve reenlistment bonus, the Selected Reserve affiliation or enlistment bonus, special pay for enlisted members assigned to certain high-priority units, the Ready Reserve enlistment bonus for persons without prior service, the Ready Reserve enlistment and reenlistment bonus for persons with prior service, the Selected Reserve enlistment and reenlistment bonus for persons with prior service, travel expenses for certain inactive-duty training, and income replacement for reserve component members experiencing extended and frequent mobilization for Active-Duty service.

The House amendment contained an identical provision (sec. 611).

The conference agreement includes this provision.

One-year extension of certain bonus and special pay authorities for health care professionals (sec. 612)

The Senate bill contained a provision (sec. 612) that would extend for 1 year the authority to pay the nurse officer candidate accession bonus, education loan repayment for certain health professionals who serve in the Selected Reserve, accession and retention bonuses for psychologists, the accession bonus for registered nurses, incentive special pay for nurse

anesthetists, special pay for Selected Reserve health professionals in critically short wartime specialties, the accession bonus for dental officers, the accession bonus for pharmacy officers, the accession bonus for medical officers in critically short wartime specialties, and the accession bonus for dental specialist officers in critically short wartime specialties.

The House amendment contained an identical provision (sec. 612).

The conference agreement includes this provision.

One-year extension of special pay and bonus authorities for nuclear officers (sec. 613)

The Senate bill contained a provision (sec. 613) that would extend for 1 year the authority to pay the special pay for nuclear-qualified officers extending period of active service, the nuclear career accession bonus, and the nuclear career annual incentive bonus.

The House amendment contained an identical provision (sec. 613).

The conference agreement includes this provision.

One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities (sec. 614)

The Senate bill contained a provision (sec. 614) that would extend for 1 year the general bonus authority for enlisted members, the general bonus authority for officers, special bonus and incentive pay authorities for nuclear officers, special aviation incentive pay and bonus authorities for officers, and special bonus and incentive pay authorities for officers in health professions, and contracting bonus for cadets and midshipmen enrolled in the Senior Officers' Training Corps. The provision would also extend for 1 year the authority to pay hazardous duty pay, assignment or special duty pay, skill incentive pay or proficiency bonus, and retention incentives for members qualified in critical military skills or assigned to high priority units.

The House amendment contained an identical provision (sec. 614).

The conference agreement includes this provision.

One-year extension of authorities relating to payment of other title 37 bonuses and special pays (sec. 615)

The Senate bill contained a provision (sec. 615) that would extend for 1 year the authority to pay the aviation officer retention bonus, assignment incentive pay, the reenlistment bonus for active members, the enlistment bonus, precommissioning incentive pay for foreign language proficiency, the accession bonus for new officers in critical skills, the incentive bonus for conversion to military occupational specialty to ease personnel shortage, the incentive bonus for transfer between Armed Forces, and the accession bonus for officer candidates.

The House amendment contained an identical provision (sec. 615).

The conference agreement includes this provision.

Aviation incentive pay and bonus matters (sec. 616)

The House amendment contained a provision (sec. 616) that would amend section 334(c)(1) of title 37, United States Code, to increase the statutory limits for the aviation incentive pay and retention bonus to \$1,000 per month and \$60,000 per year, respectively, and would allow the Secretary concerned the flexibility to increase the aviation incentive pay limit set forth in regulations issued by the Secretary of Defense under section 374 of title 37, United States Code.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would authorize a maximum aviation bonus of \$35,000 for each 12-month period of obligated service, and requires the appropriate Service Secretary to submit a justification with each fiscal year's budget request for the aviation bonus amounts by aircraft type category, the business case supporting the amount requested, and a description by the Secretary concerned on how they will address manning shortfalls by non-monetary means.

The conferees note the current Chief of Staff of the Air Force stated in response to advance policy questions in preparation for his confirmation hearing, "We will tailor any potential bonus based upon specific platform and overall Air Force requirements. The requested increase is not a set amount. If approved, this will give us the flexibility to tailor bonus amounts and contract terms by platform." The conferees strongly agree with targeting aviation bonuses toward the most critical manning shortfalls by aircraft type category as a way to incentivize retention behavior, and strongly support this method for use across the Department of Defense.

The conferees also expect the Services to continue developing and implementing policies to tackle non-monetary reasons for low aviator retention rates, and to use these

incentive and bonus authorities to incentivize needed retention levels using a business case rather than as a reward or entitlement, to correct both the undermanning of certain aircraft type categories and the overmanning of others.

Conforming amendment to consolidation of special pay, incentive pay, and bonus authorities (sec. 617)

The Senate bill contained a provision (sec. 616) that would amend section 332 of title 10, United States Code, to correct an inequity that will exist when the Department transitions to a general bonus authority on October 1, 2017. This amendment will increase the maximum bonus authority under the new general bonus authority to \$20,000 to match the maximum bonus level under the old authority. Maintaining the current bonus level will enable the Services to retain the ability to recruit and retain reserve component officers.

The House amendment contained an identical provision (sec. 617).

The conference agreement includes this provision.

Technical amendments relating to 2008 consolidation of certain special pay authorities (sec. 618)

The House amendment contained a provision (sec. 618) that would make technical and clerical corrections to titles 10, 20, 24, 36, 37, and 42, United States Code, as well as section 586 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), section 362 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364), and section 112(c)(5)(B) of the Internal Revenue Code of 1986, as part of the Department of Defense's transition to the consolidated authorities in sections 661 and 662 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), which consolidated statutory special and incentive pay authorities for members of the uniformed services. This section is consistent with the purpose and intent of the consolidated special and incentive pay reform contained in the 2008 defense bill.

The Senate bill contained no similar provision.

The Senate recedes.

SUBTITLE C—TRAVEL AND TRANSPORTATION ALLOWANCES

Maximum reimbursement amount for travel expenses of members of the Reserves attending inactive duty training outside of normal commuting distances (sec. 621)

The House amendment contained a provision (sec. 641) that would amend section 478a(c) of title 37, United States Code, to allow for a higher reimbursement amount on a case-by-case basis for certain members of the Reserve component traveling to attend inactive duty training outside of normal commuting distances.

The Senate bill contained a similar provision (sec. 621).
The Senate recesses.

SUBTITLE D—DISABILITY PAY, RETIRED PAY, AND SURVIVOR BENEFITS

PART I—AMENDMENTS IN CONNECTION WITH RETIRED PAY REFORM

Election period for members in the service academies and inactive Reserves to participate in the modernized retirement system (sec. 631)

The Senate bill contained a provision (sec. 631) that would amend section 1409 of title 10, United States Code, to clarify the timing for cadets and midshipmen at the service academies to opt-in to the new military retirement system enacted in the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92). The provision would also clarify the timing of such elections for reservists who are on Inactive Duty during the election period otherwise provided for under the new retirement system.

The House amendment contained no similar provision.
The House recesses.

Effect of separation of members from the uniformed services on participation in the Thrift Savings Plan (sec. 632)

The Senate bill contained a provision (sec. 632) that would repeal paragraph (2) of section 632(c) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92). This amendment makes a technical correction for the new military retirement plan enacted in that Act relative to defining separation from service under the Thrift Savings Plan.

The House amendment contained a similar provision (sec. 621).

The House recesses.

Continuation pay for full Thrift Savings Plan members who have completed 8 to 12 years of service (sec. 633)

The House amendment contained a provision (sec. 622) that would amend section 356 of title 37, United States Code, to modify the continuation pay for members under the new military retirement system enacted in the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) to provide the Secretary of Defense with the flexibility to offer continuation pay in the window between 8 and 12 years of service in exchange for a 3 years of service or greater commitment as the Secretary deems appropriate for retention.

The Senate bill contained a similar provision (sec. 633).

The Senate recesses with a technical amendment.

Combat-related special compensation coordinating amendment (sec. 634)

The House amendment contained a provision (sec. 619) that would amend section 1413a of title 10, United States Code, to make a technical and conforming amendment to Combat-Related Special Compensation, to bring that authority in line with the new military retirement system enacted in the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92).

The Senate bill contained a similar provision (sec. 634).

The House recesses.

PART II—OTHER MATTERS

Use of member's current pay grade and years of service and retired pay cost-of-living adjustments, rather than final retirement pay grade and years of service, in a division of property involving disposable retired pay (sec. 641)

The Senate bill contained a provision (sec. 642) that would amend section 1408 of title 10, United States Code, to modify the division of military retired pay in a divorce decree to the amount the member would be entitled based upon the member's pay grade and years of service at the time of the divorce rather than at the time of retirement with the spousal share of the retired pay computed on the retired pay as adjusted by the annual increases in military pay.

The House amendment contained a similar provision (sec. 625) that would amend section 1408 of title 10, United States Code, to modify the division of military retired pay in a divorce decree to the amount the member would be entitled based upon the member's pay grade and years of service at the time of the divorce.

The House recesses with an amendment that would modify the division of military retired pay in a divorce decree to the amount the member would be entitled based upon the member's pay grade and years of service at the time of the divorce as adjusted by the annual retired pay cost-of-living adjustments between the date of the divorce decree and the date of retirement. The conferees note that this provision is prospective only and would not affect existing divorce settlements.

Equal benefits under Survivor Benefit Plan for survivors of reserve component members who die in the line of duty during inactive-duty training (sec. 642)

The House amendment contained a provision (sec. 624) that would amend section 1451(c)(1)(A) of title 10, United States Code, to eliminate the different treatment under the Survivor Benefit Plan accorded members of the reserve component who die from an injury or illness incurred or aggravated in the line of duty during inactive-duty training, as compared to the treatment of members of the Armed Forces who die in the line of duty while on Active Duty.

The Senate bill contained no similar provision.

The Senate recesses.

Authority to deduct Survivor Benefit Plan premiums from combat-related special compensation when retired pay not sufficient (sec. 643)

The Senate bill contained a provision (sec. 644) that would amend section 1452 of title 10, United States Code, to authorize the deduction of Survivor Benefit Plan (SBP) premiums from monthly combat related special compensation (CRSC) when retired pay is insufficient to cover the premiums.

The House amendment contained no similar provision.

The House recesses.

Extension of allowance covering monthly premium for Servicemembers' Group Life Insurance while in certain overseas areas to cover members in any combat zone or overseas direct support area (sec. 644)

The Senate bill contained a provision (sec. 641) that would amend section 437 of title 37, United States Code, to expand the areas eligible for the allowance for covering monthly premiums for the Servicemembers' Group Life Insurance to include any designated combat zone or an area directly supporting a designated combat zone.

The House amendment contained no similar provision.

The House recesses.

Authority for payment of pay and allowances and retired and retainer pay pursuant to power of attorney (sec. 645)

The Senate bill contained a provision (sec. 672) that would amend section 602 of title 37, United States Code, to authorize payment of certain pay and allowances of a servicemember or retired servicemember to an individual to whom the member has granted authority to manage these funds pursuant to a valid and legally executed durable power of attorney. This proposal would enable members to responsibly and proactively plan their personal affairs in the event of their incapacitation, and to allow those durable powers of attorney to be recognized by the military departments and the Department of Defense.

The House amendment contained no similar provision.

The House recesses.

Extension of authority to pay special survivor indemnity allowance under Survivor Benefit Plan (sec. 646)

The Senate bill contained a provision (sec. 643) that would amend section 1450 of title 10, United States Code, to permanently extend the authority to pay the Special Survivor Indemnity Allowance (SSIA).

The House amendment contained a provision (sec. 623) that would extend the authority to pay the SSIA for one year.

The Senate recesses with an amendment that would extend the authority to pay the SSIA until May 31, 2018.

Repeal of obsolete authority for combat-related injury rehabilitation pay (sec. 647)

The Senate bill contained a provision (sec. 605) that would repeal section 328 of title 10, United States Code, relating to an obsolete authority for combat-related injury rehabilitation pay.

The House amendment contained no similar provision.

The House recesses.

Independent assessment of the Survivor Benefit Plan (sec. 648)

The Senate bill contained a provision (sec. 646) that would require the Secretary of Defense to provide for an independent assessment of the Department of Defense Survivor Benefit Plan (SBP) by a federally-funded research and development center (FFRDC).

The House amendment contained no similar provision.

The House recesses.

SUBTITLE E—COMMISSARY AND NON-APPROPRIATED FUND INSTRUMENTALITY BENEFITS AND OPERATIONS

Protection and enhancement of access to and savings at commissaries and exchanges (sec. 661)

The Senate bill contained a provision (sec. 661) that would amend sections 2481, 2483, 2484, and 2487 of title 10, United States Code, to require the Secretary of Defense to develop and implement a comprehensive strategy to optimize management practices across the defense commissary system and the exchange system that reduces their reliance on appropriated funding without reducing benefits to commissary patrons or revenues generated by non-appropriated fund entities. This provision would authorize the Secretary to carry out an alternative pricing program, evaluated against specific, measurable benchmarks and a documented baseline level of savings, within the defense commissary system to establish prices for goods and services in response to market conditions and customer demand. Furthermore, the provision would authorize the Secretary to convert the commissary system to a non-appropriated fund entity or instrumentality if the Secretary determines that the alternative pricing program met established benchmarks for success for a period of at least 6 months. If conversion to a non-appropriated fund entity or instrumentality occurs, the Secretary would ensure that no employee of the defense commissary system, as of the date of enactment of this Act, would incur a loss or decrease in pay resulting from the conversion. This provision would also authorize the Secretary of Defense to establish common business processes, practices, and systems to optimize the operations of the entire defense resale system, including authorizing the use of appropriated and non-appropriated funds on contracts or agreements for the acquisition of common systems. Finally, the provision would authorize the Secretary to supplement appropriated funds for

defense commissary system operations with additional funds derived from improved management practices and the alternative pricing program.

The House amendment contained a provision (sec. 631) that would amend sections 2481(a) and (c), 2483(c), 2484, 2485, and 2487 of title 10, United States Code, to authorize the Secretary of Defense to develop and implement a comprehensive strategy to: 1) optimize practices across the commissary and exchange systems to reduce the reliance of those systems on appropriated funds without reducing benefits to patrons or any revenues generated by non-appropriated fund entities or instrumentalities of the Department for the morale, welfare, and recreation of servicemembers; 2) authorize use of additional funds derived from improved management practices to supplement appropriated funds for commissary operations; 3) authorize a variable pricing program whereby commissary prices may be established in response to market conditions and customer demand; 4) authorize conversion of the commissary system to a non-appropriated fund entity or instrumentality if the Secretary determines that the variable pricing program meets established benchmarks for success for a period of at least 6 months; and 5) authorize the Secretary to contract with an entity to obtain expert commercial advice, assistance, or other services not otherwise carried out by the Defense Commissary Agency.

The Senate recedes.

The conferees believe this provision will significantly improve the business operations of the commissary system and lead to greater efficiency in the delivery of high quality grocery products and services to commissary patrons without diminishing the current level of patron savings. The conferees remain concerned, however, that the current senior management of the Defense Commissary Agency may lack the necessary talent and skills to transform the commissary system into an efficient, high-performing purveyor of grocery products and services. The conferees strongly urge the Department to engage experts in the commercial grocery industry to assist the Defense Commissary Agency in the transformation of the commissary system into a high-performing grocery operation.

Acceptance of Military Star Card at commissaries (sec. 662)

The House amendment contained a provision (sec. 632) that would require the Secretary of Defense to ensure that commissary stores accept the Military Star Card as payment for goods and services. Under this provision, the Army and Air Force Exchange Service would assume any financial liability of the United

States relating to acceptance of the Military Star Card as payment for goods and services at commissary stores.

The Senate bill contained no similar provision.

The Senate recesses.

SUBTITLE F—OTHER MATTERS

Recovery of amounts owed to the United States by members of the uniformed services (sec. 671)

The House amendment contained a provision (sec. 642) that would amend section 1007(c)(3) of title 37, United States Code, to establish a 10-year statute of limitations on the authority of the government to collect an indebtedness to the government owed by a servicemember if the indebtedness occurred through no fault of the member. The statute of limitations established under this provision would apply to indebtedness incurred on or after October 1, 2027. The provision would require the Director of the Defense Finance and Accounting Service to provide an annual report, commencing on January 1, 2017 and each year through 2027, on cases in which recovery of indebtedness commenced after the end of the 10-year period beginning on the date when the indebtedness was incurred, or in which the member was not notified of the indebtedness during such 10-year period.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would direct the Secretary of Defense to conduct a review of all bonus pays, special pays, student loan repayments, and similar special payments paid to members of the California National Guard between January 1, 2004 and December 31, 2015. The review is required to be completed by July 30, 2017. The provision requires a board of review designated by the Secretary of Defense to determine whether the special pay to these members and former members was unwarranted and, if so, to recommend to the Secretary concerned whether to recoup the payment, waive the recoupment, or in the case of recoupments that were previously collected but were unwarranted by the evidence, to recommend whether the payments should be repaid to the member or former member. The provision would authorize the Secretary concerned to waive collection of overpayments or to repay previously recouped payments that were unwarranted. The provision would require the Secretary concerned to notify consumer credit reporting agencies if the review determines that an indebtedness previously reported to the credit reporting agency was invalid. The funding for activities associated with the review, including repayments to members and former members, shall be paid from amounts available for the National Guard of the United States

for the State of California. The provision requires the Secretary of Defense to submit a report on the results of the review to the Committees on Armed Services of the Senate and of the House of Representatives not later than August 1, 2017. The provision also requires the Comptroller General of the United States to report, not later than one year after the date of enactment of this Act, on the actions of the National Guard of the State of California related to the bonus pays, special pays, student loan repayments, and other special pays from 2004 through 2015.

Modification of flat rate per diem requirement for personnel on long-term temporary duty assignments (sec. 672)

The Senate bill contained a provision (sec. 1151) that would require the Secretary of Defense to take such action as may be necessary to provide that, to the extent that regulations implementing travel and transportation authorities for military and civilian personnel of the Department of Defense impose a flat rate per diem for meals and incidental expenses for authorized travelers on long term temporary duty (TDY) assignments that is at a reduced rate compared to the per diem rate otherwise applicable, the Service Secretary concerned may waive the applicability of such reduced rate and pay such travelers actual expenses up to the full per diem rate for such travel in any case when the Secretary concerned determines that the reduced flat rate per diem for meals and incidental expenses is not sufficient under the circumstances of the TDY assignment.

The House amendment contained a provision (sec. 603) that would prohibit the Secretary concerned from altering the per diem allowance for the duration of a temporary duty assignment of a member of the Armed Forces or an employee of the Department of Defense.

The House recedes with a clarifying amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

Sense of the Congress on Roth contributions as default contributions of members of the Armed Forces participating in the Thrift Savings Plan under retired pay reform

The Senate bill contained a provision (sec. 635) that would state the sense of the Congress that the Department of Defense should explore making the default contributions of a full Thrift Savings Plan member under the new military retirement plan enacted in the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) to be designated as

Roth contributions until the member elects not to designate such contributions as Roth contributions.

The House amendment contained no similar provision.

The Senate recedes.

Sense of the Congress on options for members of the Armed Forces to designate payment of the death gratuity to a trust for a special needs individual

The Senate bill contained a provision (sec. 645) that would express the Sense of the Congress that the Department of Defense should explore options to allow servicemembers to designate that, upon their death, the death gratuity may be paid to a trust that is legally established under any federal, state, or territorial law.

The House amendment contained no similar provision.

The Senate recedes.

Period for relocation of spouses and dependents of certain members of the Armed Forces undergoing a permanent change of station

The Senate bill contained a provision (sec. 622) that would add a new section 1784b of title 10, United States Code, to provide greater flexibility for families to determine the sequencing of permanent change of station moves under certain circumstances.

The House amendment contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives no later than six months after the date of enactment of this Act on actions taken by the Department of Defense to enhance the stability of military families undergoing a permanent change of station (PCS). The report shall include an analysis of the current extent of family disruption associated with PCS moves of members of the Armed Forces, a description of the actions taken by the Department of Defense to minimize such disruptions, and further actions recommended by the Secretary of Defense to alleviate family disruption associated with a PCS move.

TITLE VII—HEALTH CARE PROVISIONS

SUBTITLE A—REFORM OF TRICARE AND MILITARY HEALTH SYSTEM

TRICARE Select and other TRICARE Reform (sec. 701)

The Senate bill contained a provision (sec. 701) that would amend chapter 55 of title 10, United States Code, to reform health care plans available under the TRICARE program. The provision would establish three health plan choices for families of Active-Duty servicemembers, and retired military members and their families: 1) TRICARE Prime, a managed care option; 2) TRICARE Choice, a self-managed option; and 3) TRICARE Supplemental, an option for retired members and their families, other than TRICARE-For-Life beneficiaries, who have other health insurance. Beneficiaries would be required to enroll in one of the TRICARE options during an annual open enrollment period in order to obtain care through the TRICARE Program.

Under this provision, the Department would offer TRICARE Prime in areas near military treatment facilities (MTFs). Active-Duty family members would be authorized to enroll in TRICARE Prime, and there would be no cost shares. Retirees and their family members would be authorized to enroll in TRICARE Prime in areas where an MTF has a significant number of health care providers, including specialty providers, and sufficient capability to support efficient operations of the MTF. A TRICARE Prime enrollee would be required to obtain a referral for care from a designated primary care manager prior to obtaining care under the TRICARE program. A referral to network providers for specialty care services would not require a beneficiary to obtain a pre-authorization. The provision would require the Secretary to ensure that beneficiaries have the same level of access to care within timelines that meet or exceed those of high-performing health systems in the private sector. The provision would establish TRICARE Choice in other locations in the country, and beneficiaries may receive care from any health care provider selected by the member subject to any restrictions established by the Secretary.

This provision would include a cost-share table for calendar year 2018 for both TRICARE Prime and TRICARE Choice that would establish rates for annual enrollment fees, annual deductibles, annual catastrophic caps, and co-payments for inpatient visits, outpatient visits, and other services. The provision would gradually increase the annual enrollment fee for military retirees and their families under TRICARE Choice over a period of 5 years through 2023. Subsequently, annual enrollment fees for military retirees and their families in TRICARE Choice

after 2023, and for military retirees and their families under TRICARE Prime after 2018, would increase by the annual percent of the Consumer Price Index for Health Care Services, published by the Bureau of Labor Statistics. Additionally, the provision would increase the deductible, co-payment, and annual catastrophic cap amounts after 2018, by the annual cost of living adjustment for military retired pay. The provision would authorize the Secretary to adopt special coverage and reimbursement methods, amounts, and procedures to encourage the use of high-value services and products and to discourage the use of low-value services and products.

Under this provision, retirees and their family members with other health insurance would be authorized to enroll in the TRICARE Supplemental option. The provision would establish an annual enrollment fee that would be one-half of the fee for the TRICARE Choice option. Under TRICARE Supplemental, TRICARE would pay the deductible and co-payment amounts under the beneficiary's primary health plan, not to exceed the amount TRICARE would have paid as primary payer to an out-of-network provider.

A number of existing TRICARE programs would remain unchanged under this provision: 1) Extended Health Care Option Program; 2) TRICARE Reserve Select; 3) TRICARE Retired Reserve; 4) TRICARE Dental Program; and 5) the Continued Health Care Benefits Program. This provision would not affect the required cost-shares under the TRICARE Pharmacy Benefits Program, but the annual enrollment fee, annual deductible, and annual catastrophic cap established in this section would apply to the pharmacy program. With this provision, the cost-share requirements for remote area dependents would be the same as those established under the TRICARE Prime Option but without a referral requirement.

The House amendment contained a provision (sec. 701) that would amend chapter 55 of title 10, United States Code, to establish TRICARE Preferred as the self-managed, preferred provider option in the TRICARE program, replacing TRICARE Standard and Extra. The provision would establish annual enrollment fees and fixed dollar co-payments for Active-Duty family members and retirees who join the Armed Services on or after January 1, 2018, and enroll in TRICARE Preferred or TRICARE Prime, the managed care option. In addition, the provision would authorize an annual enrollment fee for TRICARE Preferred for beneficiaries who were in either the Active-Duty or retired beneficiary categories prior to January 1, 2018. However, the provision would prohibit the Secretary from establishing this annual enrollment fee until 90 days after the Comptroller General of the United States submits a report, not

later than February 1, 2020, to the Committees on Armed Services of the Senate and the House of Representatives on access to care, network adequacy, and beneficiary satisfaction under TRICARE Preferred. The provision would also require the Comptroller General, not later than September 1, 2017, to submit to the committees a report on the assessment of network adequacy and beneficiaries' access to care under the TRICARE health care provider network. Finally, the provision would require the Secretary to submit an implementation plan, not later than June 1, 2017, to the committees to improve access for TRICARE beneficiaries. The Comptroller General would be required to submit to the committees, not later than December 1, 2017, a review of the implementation plan submitted by the Secretary.

The Senate recedes with an amendment that would: 1) rename the TRICARE Preferred health plan option to TRICARE Select; 2) modify the tables prescribing enrollment fees, deductibles, catastrophic caps, and co-payments for beneficiaries in the retired category who join the military on or after January 1, 2018, and to establish a calendar year enrollment period for those fees; 3) require the Secretary to establish an open enrollment period, with a grace period during the first year of open enrollment, and to allow enrollment for qualifying events for annual participation in either TRICARE Prime or TRICARE Select; 4) prescribe certain requirements for pre-authorization for referrals under TRICARE Prime; and 5) require a pilot program on incorporation of value-based health care methodology in the purchased care component of the TRICARE program.

Reform of administration of the Defense Health Agency and military medical treatment facilities (sec. 702)

The Senate bill contained a provision (sec. 721) that would require the Secretary of Defense to disestablish the medical departments of the Armed Forces and consolidate all activities of those departments into the Defense Health Agency. The Secretary could not undertake this action until 60 days after submission of the Department's consolidation plan to the Committees on Armed Services of the Senate and the House of Representatives. The provision would also require the Comptroller General of the United States to review the consolidation plan and submit that review to the Committees on Armed Services of the Senate and the House of Representatives within 180 days after the Secretary submits the plan to the committees. Under this provision, the Defense Health Agency would be led by an officer of the Armed Forces holding the grade of lieutenant general or vice admiral and be responsible for the medical operations of the Department of Defense. The resultant

Defense Health Agency would consist of four subordinate organizations: 1) an organization responsible for all military medical treatment facilities (MTFs); 2) an organization responsible for medical professional recruitment and retention activities, medical education and training, research and development activities, and executive agencies for medical operations or activities; 3) an organization responsible for activities and duties of the current Defense Health Agency; and 4) an organization responsible for activities and duties to improve and maintain operational medical force readiness capabilities and to ensure sustainment of combat casualty care and trauma readiness of military health care providers. A major general or rear admiral upper half would serve as head of each subordinate organization. The provision would give broad authorities to the Director of the Defense Health Agency, under the supervision and control of the Assistant Secretary of Defense for Health Affairs, to conduct the medical operations functions of the Department. In addition, the provision would amend sections 3036, 5137, and 8036 of title 10, United States Code, to establish the duties and responsibilities of the Surgeons General of the Services as principal adviser to the service secretary and service chief as well as chief medical adviser of that service to the Defense Health Agency. Finally, the provision would require the Secretary of Defense to submit a report on consolidation, by January 1, 2017, to the Committees on Armed Services of the Senate and the House of Representatives.

The House amendment contained a provision (sec. 702) that would amend chapter 55 of title 10, United States Code, to require the Defense Health Agency to become responsible for management of MTFs throughout the Department of Defense, while preserving the responsibility of MTF commanders for ensuring the readiness of members of the Armed Forces and civilian employees at MTFs and for providing health care services at MTFs. In carrying out this provision, the Defense Health Agency would establish an executive-level management office consisting of professional health care administrators to manage health care operations, finance and budget, information technology, and medical affairs across all MTFs. This provision would direct the Secretary of Defense to submit an interim report to the congressional defense committees by March 1, 2017, on the preliminary plan to implement these changes, and a final report by March 1, 2018. Finally, this provision would require the Comptroller General of the United States to review each of the Department's plans and to submit an assessment of those plans to the congressional defense committees by September 1, 2017, and September 1, 2018, respectively.

The Senate recedes with an amendment that would require the Director of the Defense Health Agency, beginning October 1, 2018, to take responsibility for the administration of each MTF, including all matters with respect to: 1) budget; 2) information technology; 3) health care administration and management; 4) administrative policy and procedure; 5) military medical construction and 6) any other matters the Secretary determines appropriate. The amendment would require the establishment of a professional staff within the Defense Health Agency to provide policy, oversight, and direction of all matters related to the administration of MTFs. In addition, the amendment would codify the roles and responsibilities of the Services' Surgeons General. The amendment would require the Secretary to develop an implementation plan and to submit: 1) an interim report providing a preliminary draft of the plan to the Committees on Armed Services of the Senate and the House of Representatives by March 1, 2017; and 2) a final report to the committees by March 1, 2018, containing a final version of the plan. Finally, the amendment would require the Comptroller General of the United States to submit to the committees a review of the Department's preliminary draft of the plan by September 1, 2017, and a review of the final version of the plan by September 1, 2018.

After careful study and deliberation, the conferees conclude that a single agency responsible for the administration of all MTFs would best improve and sustain operational medical force readiness and the medical readiness of the Armed Forces, improve beneficiaries' access to care and the experience of care, improve health outcomes, and lower the total management cost of the military health system. The conferees believe that the current organizational structure of the military health system - essentially three separate health systems each managed by one of the three Services - paralyzes rapid decision-making and stifles innovation in producing a modern health care delivery system that would better serve all beneficiaries. A streamlined military health system management structure would eliminate redundancy and generate greater efficiency, yielding monetary savings to the Department while leading to true reform of the military health system and improving the experience of care for beneficiaries.

Military medical treatment facilities (sec. 703)

The Senate bill contained a provision (sec. 725) that would authorize the secretary of a military department to realign the infrastructure of or modify the health care services provided by a military treatment facility (MTF) if a realignment or modification would better: 1) ensure the delivery of safe,

high quality health care services; 2) adapt the delivery of health care in a facility to rapid changes in private sector health care delivery models; or 3) maintain the medical force readiness skills and core competencies of health care providers in a facility. Before taking any action under this provision, the Secretary of Defense would be required to submit a report to the Committees on Armed Services of the Senate and the House of Representatives on proposed realignments of infrastructure or modifications of health care services at MTFs. Within 60 days after the Secretary submits a report under this provision, the Comptroller General of the United States would submit a review of such report to the Committees on Armed Services of the Senate and the House of Representatives.

The Senate bill also contained a provision (sec. 729) that would require the Secretary of Defense to establish regional centers of excellence for the provision of specialty care to covered beneficiaries at major medical centers of the Department of Defense. The provision would authorize the Secretary to establish satellite centers, when and where appropriate, particularly to provide specialty care for post-traumatic stress and traumatic brain injury. Furthermore, the provision would specify the types of centers of excellence that the Secretary could establish while allowing for the establishment of additional centers when appropriate. The centers of excellence established under this provision would serve as the primary sources for specialty care within the direct care health system, and health care providers throughout the system would refer beneficiaries to those facilities. The provision would require the Secretary to submit a report to the Committees on Armed Services of the Senate and the House of Representatives, within 180 days of the date of enactment of this Act, which provides a plan to establish specialty care centers of excellence in the military health system.

The House amendment contained a provision (sec. 703) that would amend chapter 55 of title 10, United States Code, to establish the requirements for the types of MTFs needed to support the medical readiness of the Armed Forces and the readiness of medical personnel. The provision would require the Secretary of Defense, in collaboration with the secretaries of the military departments, to submit an updated Military Health System Modernization Study report to the congressional defense committees within 270 days after the date of enactment of this Act. In addition, the provision would require the Secretary to submit, within 2 years after the date of enactment of this Act, an implementation plan to restructure or realign the MTFs in accordance with section 1079d of title 10, United States Code.

The Senate recedes with an amendment that would combine these provisions.

Access to urgent and primary care under TRICARE program (sec. 704)

The House amendment contained a provision (sec. 704) that would amend chapter 55 of title 10, United States Code, to require the Secretary of Defense, within 1 year of the date of enactment of this Act, to improve access to urgent care services in both military medical treatment facilities (MTFs) and the private sector. The provision would ensure that covered beneficiaries have access to urgent care services through the health care provider network under the TRICARE program, without the need for preauthorization, in areas where no MTFs exist for those services. Finally, this provision would require the Secretary of Defense to ensure that the nurse advice line of the Department directs covered beneficiaries seeking access to health care services to the most appropriate level of care required to treat medical conditions of beneficiaries, including urgent care services.

The House amendment also contained a provision (sec. 705) that would amend section 1077a of title 10, United States Code, to require the Secretary of Defense, within 180 days of the date of enactment of this Act, to ensure the availability of primary care services for members of the Armed Forces and covered beneficiaries during expanded business hours on weekdays and weekends, based on the needs of the MTF to meet access standards under the TRICARE Prime program and the primary care utilization patterns at the MTF.

The Senate bill contained no similar provisions.

The Senate recedes with an amendment that would combine these provisions.

Value-based purchasing and acquisition of managed care support contracts for TRICARE program (sec. 705)

The Senate bill contained a provision (sec. 726) that would require the Secretary of Defense to conduct a new competition of all medical support contracts, except the overseas medical support contract, with private sector entities under the TRICARE program by January 1, 2018, upon expiration of each such contract. New contracts would be competitively procured and automatically renewable for a period of not more than 10 years unless notice for termination is provided by either party not later than 180 days before contract termination. The Department would award contracts with a

combination of local, regional and national private sector entities to develop individual and institutional networks of high-performing health care providers. The Secretary could not exercise an option to extend an existing medical support contract with a private sector entity that would delay the award of a new contract. Within 1 year of the award of new medical support contracts, the Secretary would be required to issue an open broad agency announcement to allow potential contractors to propose innovative ideas and solutions to meet the medical support contract needs of the Department. A medical support contract awarded through the open broad agency announcement would be deemed to meet the requirements under section 2304 of title 10, United States Code, relating to use of competitive procedures to procure services. For new medical support contracts, the Department would be required to include, to the extent practicable: 1) maximum flexibility in network design and development; 2) integrated medical management between military medical treatment facilities and network providers; 3) maximum use of the full range of telehealth services; 4) use of value-based reimbursement methods that transfer financial risk to health care providers and medical support contractors; 5) use of prevention and wellness incentives to encourage beneficiaries to seek health care services from high-value providers; 6) a streamlined enrollment process and timely assignment of primary care managers; 7) elimination of the requirement to seek authorization of referrals for specialty care services; 8) the use of incentives to encourage certain beneficiaries to engage in medical and lifestyle intervention programs; and 9) the use of financial incentives for contractors and health care providers to receive an equitable share in cost savings resulting from improvement in health outcomes and the experience of care for beneficiaries. In establishing new medical support contracts, the provision would require the Secretary to: 1) assess the unique characteristics of providing health care services in rural, remote, or isolated locations, such as Alaska, Hawaii, and locations in the contiguous 48 states; 2) consider the various challenges inherent in developing robust provider networks in those locations; and 3) develop a provider reimbursement rate structure in those locations that ensures timely access to care, high quality primary and specialty care, and improvement in health outcomes. Additionally, the Secretary could not modify existing medical support contracts or enter into new contracts in rural, remote, or isolated locations until the Secretary certifies to the Committees on Armed Services of the Senate and the House of Representatives that those contracts would ensure timely access to care, high quality care, better health outcomes, and a better experience of care. The provision

would also require the Comptroller General of the United States to submit a report, by January 1, 2019, that assesses the compliance of the Secretary with the requirements of this section.

The Senate bill contained another provision (sec. 727) that would authorize the Secretary of Defense to enter into contracts to provide health care, including behavioral health care, to covered beneficiaries under the TRICARE program with any of the following: 1) the Department of Veterans Affairs; 2) an Indian tribe or tribal organization that is party to the Alaska Native Health Compact with the Indian Health Service; and 3) an Indian tribe or tribal organization that has entered into a contract with the Indian Health Service to provide health care in rural Alaska or other locations in the United States.

The House amendment contained a provision (sec. 706) that would authorize the Secretary of Defense to develop and implement value-based incentive programs as part of TRICARE contracts to encourage health care providers under the TRICARE program to improve the quality of care and the experience of care for covered beneficiaries. The provision would require the Secretary to brief the Committees on Armed Services of the Senate and the House of Representatives on the implementation plan not later than 60 days before the Secretary modifies a TRICARE contract to implement a value-based incentive program. Furthermore, the provision would require the Secretary to brief the committees, and any other appropriate congressional committees, within 1 year after implementation and annually through 2022, on the quality performance metrics and expenditures related to the incentive program.

The House recedes with an amendment that would require the Secretary of Defense to develop and implement value-based incentive programs as part of any contract awarded under chapter 55 of title 10, United States Code, for the provision of health care services to covered beneficiaries. The amendment would transfer contracting responsibility for the acquisition of managed care support contracts under the TRICARE program, initiated after the date of enactment of this Act, from the Defense Health Agency to the Under Secretary of Defense for Acquisition, Technology, and Logistics. The amendment would require the Secretary to develop and implement, by January 1, 2018, a new acquisition strategy for managed care support contracts under the TRICARE program and to modify contracts existing prior to implementation of this strategy to ensure consistency with the strategy.

The conferees remain concerned about the current acquisition strategy for managed care support contracts under the TRICARE program. The Department's current contract strategy

results in routine bid protests, implementation delays, high management costs, and costly contract extensions. Under those contracts, the Department remains solely at risk for the cost of all healthcare services provided, and the adherence to fee-for-service provider reimbursement fails to encourage individual and institutional network providers to provide higher quality care, better access to care, and higher patient satisfaction at lower costs to the Department. As a result, the conferees believe it is necessary to transfer contracting responsibility for the acquisition of managed care support contracts under the TRICARE program to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

Establishment of high performance military-civilian integrated health delivery systems (sec. 706)

The Senate bill contained a provision (sec. 736) that would require the Secretary of Defense, by January 1, 2018, to establish high performance military-civilian integrated health delivery systems through partnerships with other health systems, including local or regional health systems in the private sector, and the Veterans Health Administration. The Department of Defense would accomplish these partnerships either through memoranda of understanding or contracts between military treatment facilities and private sector health systems, such as health maintenance organizations, regional health organizations, integrated health systems, and health care centers of excellence, or the Veterans Health Administration. Under this provision, covered beneficiaries would be eligible to enroll in and receive medical services in the private sector component of established military-civilian integrated health networks. The Secretary of Defense would be required to incorporate value-based reimbursement methodologies into any memoranda of understanding or contracts to reimburse private sector entities for medical services provided to covered beneficiaries.

The House amendment contained a provision (sec. 707) that would amend section 1096 of title 10, United States Code, to authorize the Secretary of Defense to enter into partnership agreements between military treatment facilities and local or regional health care systems to deliver health care to beneficiaries in a more effective, efficient, or economical manner and provide members of the Armed Forces with additional training opportunities to maintain operational medical force readiness.

The House recesses with a clarifying amendment.

Joint Trauma System (sec. 707)

The House amendment contained a provision (sec. 708) that would require the Secretary of Defense to submit an implementation plan, within 180 days of enactment of this Act, to the Committees on Armed Services of the Senate and the House of Representatives to establish a Joint Trauma System within the Defense Health Agency that promotes improved trauma care to members of the Armed Forces and other individuals eligible for trauma care at a military medical treatment facility (MTF). The Secretary would not implement this plan until a 90-day period has elapsed following the date that the Comptroller General of the United States provides a review of the plan to the committees. The Comptroller General would have 120 days to review the plan. Under this provision, the Joint Trauma System would: 1) serve as the reference body for all trauma care provided across the military health system; 2) establish standards of care for trauma services provided at MTFs; 3) coordinate the translation of research from centers of excellence of the Department into clinical trauma care standards; and 4) coordinate the incorporation of lessons learned from military-civilian trauma education and training partnerships into clinical practice. The provision would also authorize the Secretary to seek to enter into an agreement with a nongovernmental entity to conduct a system-wide review of the military trauma system.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

Joint Trauma Education and Training Directorate (sec. 708)

The Senate bill contained a provision (sec. 734) that would require the Secretary of Defense to implement measures to improve and maintain the combat casualty care and trauma care skills for health care providers of the Department of Defense by January 1, 2018. The provision would require the Secretary to: 1) conduct a comprehensive review of combat casualty care and wartime trauma systems from January 1, 2001, to the present time; 2) expand military-civilian trauma training sites to provide enhanced training for integrated combat trauma teams; 3) establish a personnel management plan for important wartime medical specialties; 4) develop standardized tactical combat casualty care instructions and training for all servicemembers; 5) develop a comprehensive trauma care registry; 6) develop quality of care outcome measures for combat casualty care; and 7) conduct research to understand better the causes of morbidity and mortality of servicemembers in combat.

The House amendment contained a provision (Sec. 709) that would require the Secretary of Defense to establish a Joint

Trauma Education and Training Directorate to ensure military traumatologists maintain readiness skills and can be rapidly deployed in future armed conflicts. Under this provision, the Secretary would establish enduring partnerships with civilian academic medical centers and large metropolitan teaching hospitals with level one trauma centers to embed combat casualty care teams, led by military traumatologists, within trauma centers of medical centers and hospitals. The provision would require the Secretary to conduct an analysis to determine the number of military traumatologists, by specialty, that the Department of Defense needs to meet combatant commander requirements. Finally, this provision would require the Secretary to submit an implementation plan to the Committees on Armed Services of the Senate and the House of Representatives by July 1, 2017.

The Senate recedes with an amendment that would combine these two provisions.

Standardized system for scheduling medical appointments at military treatment facilities (sec. 709)

The Senate bill contained a provision (sec. 732) that would require the Secretary of Defense to implement, by January 1, 2018, a standardized medical appointment scheduling system at military treatment facilities (MTFs) throughout the military health system. Under this provision, no MTF would have the authority to use an appointment scheduling system other than the standardized system. Each MTF would make available a centralized appointment system that allows beneficiaries to make appointments, either by telephone or by an internet-connected device, including by smartphone application, through an online scheduling system available 24 hours per day, 7 days per week. The online appointment system would be able to send automated email and text message reminders to patients.

The House amendment contained a provision (sec. 710) that would require the Secretary of Defense to ensure that military treatment facilities implement: 1) first call resolution for beneficiaries contacting the facility by telephone; 2) standardized appointment scheduling that includes capabilities to schedule follow-up appointments within a 6-month period or longer from the date of the appointment request and to remind beneficiaries of future appointments; 3) increased provider productivity standards to improve access to care and medical readiness requirements; and 4) maximum use of telehealth and secure messaging between beneficiaries and health care providers. This provision would require the Secretary to implement the requirements by February 1, 2017, and provide a

briefing on implementation to the Committees on Armed Services of the Senate and the House of Representatives by March 1, 2017.

The House recesses with an amendment that would require the Secretary of Defense to: 1) implement a standardized appointment system in the military health system by January 1, 2018, and provide to the Committees on Armed Services of the Senate and the House of Representatives, by January 1, 2017, a comprehensive plan to implement the system; 2) implement standards for productivity of health care providers at MTFs; and 3) submit a report to the committees, by March 1 of each year, on the total number of missed appointments at MTFs for which a covered beneficiary failed to appear without prior notification during the 1-year period preceding the submission of the report. Additionally, the provision would require the Secretary to brief the committees on implementation of the standardized appointment system and health care provider productivity standards by February 1, 2018.

SUBTITLE B—OTHER HEALTH CARE BENEFITS

Extended TRICARE program coverage for certain members of the National Guard and dependents during certain disaster response duty (sec. 711)

The House amendment contained a provision (sec. 722) that would amend chapter 55 of title 10, United States Code, to extend TRICARE program coverage for certain members of the National Guard and dependents performing certain disaster response duty if the period immediately follows a period of full-time National Guard duty. Under this provision, a member would not receive extended TRICARE program coverage if a governor of a state or the mayor of the District of Columbia (DC) determines that such coverage is not in the best interest of the member, state, or DC. This provision would authorize the Secretary of Defense to charge a state or DC for the costs of providing extended TRICARE program coverage to members of the National Guard and their dependents.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that provides discretionary authority to extend TRICARE program coverage for certain members of the National Guard and dependents performing certain disaster response duty if the period immediately follows a period of full-time National Guard duty. Additionally, the amendment would require the Secretary of Defense to charge a state or DC for the costs of providing extended TRICARE program coverage to members of the National Guard and their dependents if such coverage is extended.

Continuity of health care coverage for reserve components (sec. 712)

The Senate bill contained a provision (sec. 707) that would authorize the Secretary of Defense to carry out a pilot program jointly with the Director of the Office of Personnel Management (Director), of at least 5 years duration, to provide commercial health insurance coverage to eligible reserve component members who enroll for either individual, self plus one, or self and family coverage. If the Secretary and the Director determine that a pilot program is feasible, the Director would contract with qualified health insurance carriers to provide eligible beneficiaries with a variety of high quality health benefits plans, which could vary by plan design, covered benefits, geography, and price. Reserve component members and their family members would not be eligible to enroll in a health plan in the pilot program if they are eligible to enroll in a health benefits plan under the Federal Employees Health Benefits Program.

Under the pilot program, the Secretary could contract with qualified health insurance carriers to provide coverage for health care services provided at military treatment facilities to pilot program participants, and the Department would receive payment from those carriers for any services provided at those facilities. Family members of an eligible reserve component member could remain covered under the pilot program even when the reserve component member became ineligible for coverage while serving on Active Duty for a period greater than 30 days.

In addition, an eligible reserve component member would be responsible for payment of all cost sharing amounts applicable to the health benefits plan plus an annual premium amount equal to 28 percent of the total annual amount of the premium under the plan. During a period in which a reserve component member served on Active Duty for more than 30 days, the premium amount and cost shares would be zero for eligible family members.

In consultation with the Secretary of Homeland Security, the Secretary would provide recommendations and data to the Director on matters regarding military treatment facilities, matters unique to eligible reserve component members and their families, and any other guidance necessary to administer the pilot program. The Secretary and the Director would jointly establish a funding mechanism for the pilot program, and the Secretary would make funds available to the Director, without fiscal year limitation, for payment of health plan costs and administrative expenses.

The House amendment contained a provision (sec. 712) that would require the Secretary of Defense to study options for

providing health care coverage to certain current and former members of the Selected Reserve and to submit a report of the findings and recommendations to the congressional defense committees within 180 days of the date of enactment of this Act.

The Senate recedes with an amendment that would combine these provisions. The resultant provision would require the Director to submit to the Secretary of Defense, on an annual basis during each year the pilot program may be conducted, information on the use of health care benefits under the pilot program. The provision would also require the Secretary to submit an initial and a final report on the pilot program to the Committees on Armed Services of the Senate and the House of Representatives. Finally, the provision would clarify the elements required in the study of options for providing health care coverage that improves the continuity of health care provided to certain current and former members of the Selected Reserve.

Provision of hearing aids to dependents of retired members (sec. 713)

The House amendment contained a provision (sec. 721) that would amend section 1077 of title 10, United States Code, to authorize the Secretary of Defense to sell hearing aids to dependents of retired members of the uniformed services.

The Senate bill contained no similar provision.
The Senate recedes.

Coverage of medically necessary food and vitamins for certain conditions under the TRICARE program (sec. 714)

The Senate bill contained a provision (sec. 704) that would amend section 1077 of title 10, United States Code, to provide TRICARE program coverage for medically necessary food, including the equipment and supplies necessary to administer that food, and vitamins for digestive disorders and inherited metabolic disorders.

The House amendment contained no similar provision.
The House recedes with a clarifying amendment.

Eligibility of certain beneficiaries under the TRICARE program for participation in the Federal Employees Dental and Vision Insurance Program (sec. 715)

The Senate bill contained a provision (sec. 703) that would amend sections 8951 and 8981 of title 5, United States Code, to require the Secretary of Defense to enter into an

agreement with the Director of the Office of Personnel Management to offer eligible beneficiaries the opportunity to purchase dental and vision insurance currently available to federal employees under the Federal Employees Dental and Vision Insurance Program.

The House amendment contained no similar provision.

The House recedes with an amendment that would make this provision effective on or after January 1, 2018.

Applied behavior analysis (sec. 716)

The Senate bill contained a provision (sec. 758) that would require the Secretary of Defense, on the date of enactment of this Act, to reinstate the reimbursement rates in effect on March 1, 2016, for the provision of applied behavior analysis therapy and to preserve those rates throughout the duration of the Comprehensive Autism Care Demonstration program conducted under section 705 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 10 U.S.C. 1092 note), as extended and modified by the Secretary.

The House amendment contained a provision (sec. 734) that would require the Secretary to ensure that the reimbursement rates for providers of applied behavior analysis are not less than the rates in effect on March 31, 2016. The provision would require the Assistant Secretary of Defense for Health Affairs, upon completion of the demonstration, to conduct an analysis of the program and to submit a report to the Committees on Armed Services of the Senate and the House of Representatives.

The Senate recedes with an amendment that would require the analysis to include a determination of whether the use of applied behavioral analysis under the demonstration improved outcomes for beneficiaries with autism spectrum disorder.

Evaluation and treatment of veterans and civilians at military treatment facilities (sec. 717)

The Senate bill contained a provision (sec. 706) that would authorize a veteran or civilian to be evaluated and treated at a military treatment facility (MTF) if the Secretary of Defense determines that: 1) the evaluation and treatment of the individual is necessary to maintain the medical readiness skills and competencies of health care providers at the facility; 2) health care providers at the facility have the competencies, skills, and abilities to treat the individual; and 3) the facility has available space, equipment, and materials. The provision would authorize an MTF to bill and accept

reimbursement for services provided to a civilian patient. Under this provision, the Secretary of Defense would be required to enter into a memorandum of understanding with the Secretary of Veterans Affairs whereby the Secretary of Veterans Affairs would reimburse an MTF for the costs of any health care services provided to individuals eligible for health care services from the Department of Veterans Affairs (VA).

The House amendment contained no similar provision.

The House recedes with an amendment that would: 1) prioritize the evaluation and treatment of covered beneficiaries in MTFs ahead of the evaluation and treatment of veterans and civilians in those facilities; 2) require an MTF to bill and to accept reimbursement from a civilian or a third-party payer on behalf of the individual for the costs of health care services provided to the individual; and 3) require the Secretary of Defense to enter into a memorandum of agreement with the Secretary of Veterans Affairs under which the Secretary of Veterans Affairs would reimburse an MTF, using a prospective payment methodology, for the costs of any health care services provided to an individual eligible for health care services from the VA.

Enhancement of use of telehealth services in military health system (sec. 718)

The Senate bill contained a provision (sec. 705) that would require the Secretary of Defense, within 1 year of the date of enactment of this Act, to incorporate the use of telehealth services throughout the direct and purchased care components of the military health system. The provision would require the Department to make telehealth services available to: 1) improve access to primary care, urgent care, behavioral health care, and specialty care; 2) perform health assessments; 3) provide diagnoses, treatments, interventions, and supervision; 4) monitor individual health outcomes of covered beneficiaries with chronic diseases or conditions; 5) improve communication between health care providers and patients; and 6) reduce health care costs for beneficiaries and the Department of Defense.

The provision would require the Secretary to establish standardized payment methods to reimburse health care providers for telehealth services provided to covered beneficiaries in the purchased care component of the TRICARE program to incentivize the provision of telehealth services. The provision would also require the Secretary to reduce or eliminate co-payments or cost-shares for covered beneficiaries for receipt of telehealth services.

The provision would require the Secretary to submit an initial report, within 180 days of the date of enactment of this Act, to the Committees on Armed Services of the Senate and the House of Representatives, describing the full range of telehealth services to be available in the direct and purchased care components of the military health system. Within 3 years after the date of incorporation of telehealth services throughout the military health system, the Secretary would be required to submit a final report to the committees describing the impact made by use of telehealth services in the direct and purchased care components of the military health system.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment that would require the implementation of the use of telehealth services throughout the direct and purchased care components of the military health system not later than 18 months after the date of enactment of this Act and would delete the requirement that the location of the provider be considered to be the location of care.

Authorization of reimbursement by Department of Defense to entities carrying out state vaccination programs for costs of vaccines provided to covered beneficiaries (sec. 719)

The Senate bill contained a provision (sec. 757) that would authorize the Secretary of Defense to reimburse an entity carrying out a state vaccination program for the cost of providing vaccines to covered beneficiaries. Under this provision, the amount of reimbursement could not exceed the amount that the Department would reimburse an entity for providing vaccines to covered beneficiaries under the TRICARE program.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

SUBTITLE C—HEALTH CARE ADMINISTRATION

Authority to convert military medical and dental positions to civilian medical and dental positions (sec. 721)

The Senate bill contained a provision (sec. 724) that would amend chapter 49 of title 10, United States Code, to authorize the Department of Defense to convert military medical and dental positions to civilian positions if: 1) conversion

would not result in a loss of a military-essential position; 2) conversion would not result in degradation of medical care or the medical readiness of the Armed Forces; and 3) conversion to a civilian position would be more cost effective.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense, in collaboration with the service secretaries, to establish a process to define military medical and dental personnel requirements necessary to meet operational medical force readiness requirements. The amendment would authorize conversion of a military medical or dental position to a civilian medical or dental position if the Secretary determines that the position is unnecessary to meet operational medical force readiness requirements. Additionally, the amendment would require the Secretary to convert an applicable military position to a civilian position with a level of compensation commensurate with the skills and experience necessary to conduct the duties of the civilian position. The Secretary would not be authorized to place any limitation on the grade or level to which the military position would be converted. Finally, the amendment would require the Secretary to submit a report, within 90 days of enactment of this Act, to the Committees on Armed Services of the Senate and the House of Representatives that: 1) describes the process established to define military medical and dental personnel requirements necessary to meet operational medical force readiness requirements; and 2) provides a complete list, by position, of the military medical and dental requirements necessary to meet operational medical force readiness requirements. The amendment would not authorize conversions of military medical or dental positions to civilian positions until 180 days after the date on which the Secretary submits the report to the committees.

Prospective payment of funds necessary to provide medical care for the Coast Guard (sec. 722)

The House amendment contained a provision (sec. 731) that would amend chapter 13 of title 14, United States Code, to require the Secretary of Homeland Security to make a prospective payment to the Secretary of Defense of an amount that represents the actuarial valuation of medical treatment or care provided to members of the Coast Guard, former members of the Coast Guard, and their dependents at facilities under the jurisdiction of the Department of Defense except during any period in which the Coast Guard operates as a service in the Navy.

The Senate bill contained no similar provision.

The Senate recesses.

Reduction of administrative requirements relating to automatic renewal of enrollments in TRICARE Prime (sec. 723)

The Senate bill contained a provision (sec. 739) that would eliminate an annual requirement that the managed care support contractors under the TRICARE program generate and mail an enrollment renewal letter to all beneficiaries enrolled in TRICARE Prime.

The House amendment contained no similar provision.
The House recesses.

Modification of authority of Uniformed Services University of the Health Sciences to include undergraduate and other medical education and training programs (sec. 724)

The Senate bill contained a provision (sec. 753) that would amend sections 2112(a) and 2113 of title 10, United States Code, to authorize the Uniformed Services University of the Health Sciences to grant certificates, certification, and undergraduate degree programs in addition to advanced degrees.

The House amendment contained no similar provision.
The House recesses.

Adjustment of medical services, personnel authorized strengths, and infrastructure in military health system to maintain readiness and core competencies of health care providers (sec. 725)

The Senate bill contained a provision (sec. 735) that would require the Secretary of Defense to implement measures, within 180 days of the date of enactment of this Act, to maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces. The provision would require the Secretary to implement a measure to ensure the Services do not substitute a medical specialty required for medical force readiness with another medical specialty. Additionally, the provision would require the Secretary to: 1) modify medical services; 2) reduce authorized strengths of military and civilian personnel; and 3) reduce or eliminate unnecessary infrastructure in the military health system such that military treatment facilities would provide only those services required to maintain the critical wartime medical skills and core competencies of health care providers

and to ensure the medical readiness of the Armed Forces. Moreover, this provision would require the Comptroller General of the United States to provide a report, within 18 months of the date of enactment of this Act, which assesses the Department's implementation of this provision, to the Committees on Armed Services of the Senate and the House of Representatives.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary to implement measures, within 1 year of the date of enactment of this Act, to maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces. In implementing those measures, the Secretary must ensure that the medical services provided in military medical treatment facilities (MTFs), the authorized strengths of military and civilian personnel working in MTFs, and the infrastructure of MTFs maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces. The amendment would not require the Secretary to implement any of these measures at MTFs located in a foreign country if the Secretary determines that beneficiaries in that country would not have access to medical services in that country similar to access to medical services for covered beneficiaries in the United States.

Program to eliminate variability in health outcomes and improve quality of health care services delivered in military medical treatment facilities (sec. 726)

The Senate bill contained a provision (sec. 730) that would require the Secretary of Defense to conduct a program, beginning not later than January 1, 2018, to: 1) establish best practices for the delivery of health care services for certain diseases or conditions at military treatment facilities (MTFs); 2) incorporate those best practices into the daily operations of MTFs participating in the program; and 3) eliminate variability in health outcomes and improve the quality of health care services delivered at MTFs. Under this provision, the Secretary would conduct the program in three phases and be required to complete each phase within 180 days following initiation of that phase. The initiation of phases two and three would immediately follow completion of the previous phase. The provision would require the Secretary, during the conduct of the program, to continuously monitor and adjust the health care services delivered at MTFs and the number of patients enrolled at those facilities to ensure: 1) a high degree of safety and quality in the delivery of health care at those facilities; and 2) the

delivery of only those health care services critical for maintaining operational medical force readiness and the medical readiness of the Armed Forces.

The House amendment contained no similar provision.

The House recesses with an amendment that would require the Secretary, by January 1, 2018, to implement a program to establish best practices for the delivery of health care services for certain diseases or conditions at MTFs, as selected by the Secretary, and to incorporate those best practices into the daily operations of MTFs to eliminate variability in health outcomes and to improve the quality of care at MTFs. In conducting this program, the Secretary shall develop, implement, monitor, and update clinical practice guidelines reflecting best practices for the delivery of health care services. The amendment would require the Secretary to monitor the implementation of the clinical practice guidelines and to update those guidelines periodically through a process of continual assessment of evidence-based best practices within the direct care component of the military health system and the private sector.

Acquisition strategy for health care professional staffing services (sec. 727)

The Senate bill contained a provision (sec. 738) that would amend section 725(a) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291), to require the Department of Defense to implement a performance-based, strategic sourcing contract for acquiring health care professional staffing services for the military health system. The provision would require all components of the military health system to use the contract, and the Department would be required to develop a process for obtaining a waiver, based on documented rationale, to use another contract or acquisition approach.

The Senate bill also contained a provision (sec. 737) that would require the Secretary of Defense to enter into centrally-managed, performance-based contracts with private sector entities to augment the delivery of health care services at military treatment facilities (MTFs) with limited or restricted ability to provide services such as primary care or expanded-hours urgent care. Under this provision, contracts would be designed to purchase improvement in health outcomes for covered beneficiaries seeking health care services in MTFs. This provision would require the Secretary to submit a plan to the Committees on Armed Services of the Senate and the House of Representatives, within 180 days of enactment of this Act, that

includes: 1) a description of the number and types of contracts the Secretary intends to procure; and 2) a description of the performance measures used in procuring performance-based contracts.

The House amendment contained no similar provisions.

The House recedes with an amendment that would combine these provisions. The amendment would require the Secretary of Defense to develop and carry out a performance-based, strategic sourcing acquisition strategy for health care professional services at MTFs located in a state. The new acquisition strategy, as developed by the Secretary, would require all MTFs to use the contracts awarded under the strategy, but it would provide a process for an MTF to obtain a waiver of this requirement to use another acquisition strategy. The amendment would require the Secretary to submit a report to the Committees on Armed Services of the Senate and the House of Representatives, by July 1, 2017, on the status of implementing the new acquisition strategy. Finally, the amendment would repeal section 725 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 10 U.S.C. 1091 note).

Adoption of core quality performance metrics (sec. 728)

The House amendment contained a provision (sec. 711) that would require the Secretary of Defense to adopt the core quality performance measures agreed upon by a collaborative group of federal agencies, private sector health insurance plans, national physician organizations, employers, and health care consumers. These core quality performance measures would be used to evaluate the performance of the direct care and purchased care components of the military health system.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would include in the core quality metrics such other sets of core quality performance metrics released by the Core Quality Measures Collaborative as the Secretary considers appropriate. The amendment would amend section 1073b of title 10, United States Code, to require the Secretary to include the core quality performance metrics mandated under this section in those metrics publicly available on an Internet website of the Department of Defense.

Improvement of health outcomes and control of costs of health care under TRICARE program through programs to involve covered beneficiaries (sec. 729)

The Senate bill contained a provision (sec. 728) that would require the Secretary of Defense, by January 1, 2018, to implement programs to increase involvement of covered beneficiaries in making health care decisions and to encourage beneficiaries to share more responsibility for the improvement in their health outcomes through participation in medical and lifestyle intervention programs. This provision would incentivize those beneficiaries with chronic diseases or conditions, such as diabetes, asthma, or depression, or those exhibiting unhealthy behaviors, such as tobacco use or obesity, to participate in comprehensive medical or lifestyle intervention programs designed to improve beneficiaries' health outcomes and functional status while controlling health care costs for those beneficiaries and the Department. This provision would also authorize the Secretary to charge and collect a fee from a covered beneficiary, other than an Active-Duty servicemember, for failure to notify a military treatment facility, within 24 hours of a scheduled appointment with a health care provider, that the beneficiary will be unable to attend the appointment. The Secretary of Defense would be required to submit a report to the Committees on Armed Services of the Senate and the House of Representatives, by January 1, 2020, that describes implementation of the programs mandated under this provision.

The House amendment contained no similar provision.

The House recedes with an amendment that would also require the Secretary to establish a program to incentivize the maintenance of a healthy lifestyle, such as exercise and weight management, among covered beneficiaries. The amendment would not authorize the Secretary to charge and collect a fee from a covered beneficiary, other than an Active-Duty servicemember, for failure to notify a military treatment facility, within 24 hours of a scheduled appointment with a health care provider, that the beneficiary will be unable to attend the appointment.

The conferees are concerned, however, about the high number of failed medical appointments in the military health system. From October 2014 through September 2015, there were over 1.6 million scheduled appointments missed by all categories of beneficiaries. The large number of failed appointments negatively affects access to care for all beneficiaries. The conferees strongly urge the Secretary to implement programs to minimize the number of failed appointments in military hospitals and clinics.

Accountability for the performance of the military health system of certain leaders within the system (sec. 730)

The Senate bill contained a provision (sec. 722) that would require the Secretary of Defense and the secretaries of the military departments, within 180 days of the date of enactment of this Act, to incorporate performance accountability measures into the annual performance reviews of certain leadership positions in the military health care system. The provision would prohibit payment of a performance bonus to a civilian employee of the Department of Defense occupying a position, specified in the provision, unless the operations of the military health care system met or exceeded performance measures during the period of the employee's annual performance review. The Secretary of Defense would submit a report to the Committees on Armed Services of the Senate and the House of Representatives, within 180 days of enactment of this Act, which describes the incorporation of performance accountability measures in the annual performance reviews of leadership positions in the military health care system.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to determine which military and civilian leaders in the military health system would be required to have measures of accountability incorporated into their performance reviews and would delete the prohibition on performance bonuses for civilian employees who do not meet or exceed performance measures.

Establishment of advisory committees for military treatment facilities (sec. 731)

The Senate bill contained a provision (sec. 731) that would require the Secretary of Defense to establish an advisory committee for each military medical treatment facility (MTF). Each advisory committee would include six beneficiaries eligible for health care services in the military health system: 1) two Active-Duty servicemembers; 2) two Active-Duty family members; and 3) two military retirees.

The House amendment contained no similar provision.

The House recedes with an amendment that would not prescribe the composition of members of an advisory committee established by the Secretary. The amendment would also clarify that each advisory committee shall provide advice to the commanding officer or director of a MTF on the administration and activities of the facility as it relates to the experience of care for beneficiaries.

SUBTITLE D—REPORTS AND OTHER MATTERS

*Extension of authority for joint Department of Defense-
Department of Veterans Affairs Medical Facility Demonstration
Fund and report on implementation of information technology
capabilities (sec. 741)*

The Senate bill contained a provision (sec. 755) that would extend the authority for the joint Department of Defense-Department of Veterans Affairs demonstration fund from September 30, 2017, to September 30, 2018.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to submit a report, not later than March 30, 2017, to the Committees on Armed Services of the Senate and the House of Representatives on plans to implement all information technology capabilities required by the executive agreement entered into under section 1701(a) of the National Defense Authorization Act for fiscal year 2010 (Public Law 111-84) that remain unimplemented as of the date of the report.

*Pilot program on expansion of use of physician assistants to
provide mental health care to members of the Armed Forces (sec.
742)*

The Senate bill contained a provision (sec. 751) that would require the Secretary of Defense to commence a physician assistant psychiatric fellowship pilot program, within 1 year of the date of enactment of this Act, to assess the feasibility and advisability of expanding the use of physician assistants specializing in psychiatric medicine. The pilot program would consist of two rounds with each round taking a maximum of 2 years to complete. Under this provision, the Secretary would select a least five individuals to participate in the pilot program for each round. Within 180 days after the date the Secretary completes the first round of the psychiatric fellowship pilot program, the Secretary would submit an initial report to the Committees on Armed Services of the Senate and the House of Representatives on the program. Subsequently, the Secretary would submit a final report that updates the initial report within 90 days after termination of the pilot program. The authority for the pilot program would terminate upon completion of the second round of the psychiatric fellowship program.

The House amendment contained no similar provision.

The House recedes with an amendment that would authorize the Secretary to conduct a pilot program to assess the feasibility and advisability of expanding the use of physician assistants specializing in psychiatric medicine at medical

facilities of the Department of Defense. If the Secretary conducts the pilot program, the Secretary would submit a report to the Committees on Armed Services of the Senate and the House of Representatives on the pilot program within 90 days of completion of the program.

Pilot program for prescription drug acquisition cost parity in the TRICARE pharmacy benefits program (sec. 743)

The House amendment contained a provision (sec. 745) that would authorize the Secretary of Defense to conduct a pilot program to evaluate whether extending additional discounts for prescription drugs filled at TRICARE retail network pharmacies would either maintain or reduce prescription drug costs for the Department of Defense. If the Secretary decides to conduct the pilot program, the Secretary would submit to the congressional defense committees: 1) an initial report, within 90 days of enactment of this Act, containing an implementation plan for the pilot program; 2) an interim report within 180 days after the pilot program begins; and 3) a final report, within 90 days of the end of the pilot program, describing the results of the program.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary, in conducting the pilot program, to allow any TRICARE beneficiaries, other than Medicare-eligible beneficiaries, to participate in the pilot program. The amendment would also modify the requirements for the final report.

Pilot program on display of wait times at urgent care clinics and pharmacies of military medical treatment facilities (sec. 744)

The Senate bill contained a provision (sec. 733) that would require the commander or director of a military treatment facility, by January 1, 2018, to display in a conspicuous location at each urgent care clinic, emergency department, and pharmacy in a military treatment facility (MTF) an electronic sign that displays the current average wait time either to be seen by a qualified medical provider or to receive a filled prescription of a pharmaceutical agent. The provision would prescribe how the commander or director should determine the average wait times for beneficiaries at urgent care clinics, emergency departments, and pharmacies in military treatment facilities.

The House amendment contained a provision (sec. 746) that would require the Secretary of Defense to study the feasibility of displaying average wait times at urgent care clinics, pharmacies, and emergency departments of MTFs and to submit a report, which includes the estimated costs for displaying wait times, to the Committees on Armed Services of the Senate and the House of Representatives by March 1, 2017.

The Senate recedes with an amendment that would require the Secretary of Defense to conduct a pilot program, not later than 1 year after the date of enactment of this Act, for the display of wait times in urgent care clinics and pharmacies of MTFs. The provision would require the Secretary to submit a report to the Committees on Armed Services of the Senate and the House of Representatives within 90 days of completion of the pilot program that would include, among the report elements, a determination of the feasibility of expanding the posting of wait times in emergency departments in MTFs.

Requirement to review and monitor prescribing practices at military treatment facilities of pharmaceutical agents for treatment of post-traumatic stress (sec. 745)

The Senate bill contained a provision (sec. 761) that would require the Secretary of Defense, within 180 days of enactment of this Act, to: 1) conduct a comprehensive review of the prescribing practices at military treatment facilities of pharmaceutical agents for the treatment of post-traumatic stress (PTS); 2) implement a process or processes to monitor the prescribing practices at military treatment facilities of pharmaceutical agents discouraged from use under the clinical practice guideline for management for PTS published by the Department of Defense (DOD) and the Department of Veterans Affairs (VA); 3) implement a plan to address any deviations from that guideline in the prescribing practices of pharmaceutical agents for management of PTS; and 4) implement a plan to address any instances where benzodiazepines and opioids are concurrently prescribed.

The House amendment contained a similar provision (sec. 732)

The Senate recedes.

Department of Defense study on preventing the diversion of opioid medications (sec. 746)

The House amendment contained a provision (sec. 750) that would require the Secretary of Defense to conduct a study on the feasibility and effectiveness in preventing the diversion of

opioid medications by requiring opioid medications to be dispensed in vials designed to prevent unauthorized access to those medications and by educating patients and family members, with special emphasis on adolescents, on the risks associated with opioid medications.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

Incorporation into survey by Department of Defense of questions on experiences of members of the Armed Forces with family planning services and counseling (sec. 747)

The Senate bill contained a provision (sec. 759) that would require the Secretary of Defense, within 90 days after the date of enactment of this Act, to begin action to integrate into certain surveys administered by the Department of Defense questions designed to obtain information on the experiences of service women with family planning and counseling.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense, within 90 days of enactment of this Act, to initiate action to integrate into the the Health Related Behavior Survey of Active-Duty Military Personnel questions designed to obtain information on the experiences of servicemembers with family planning and counseling.

Assessment of transition to TRICARE program by families of members of reserve components called to Active Duty and elimination of certain charges for such families (sec. 748)

The Senate bill contained a provision (sec. 760) that would require the Secretary of Defense, within 180 days of enactment of this Act, to complete an assessment of the extent to which families of members of the reserve components of the Armed Forces serving on Active Duty, pursuant to a call to or order to Active Duty for a period of more than 30 days, experience difficulties in transitioning from health care arrangements relied upon when the member is not in such an Active-Duty status to health benefits under the TRICARE program. Within 180 days after completing the assessment, the Secretary shall submit a report detailing the results of the assessment to the Committees on Armed Services of the Senate and the House of Representatives. This provision would also amend section 1079(h)(4)(C)(ii) of title 10, United States Code, to expand the authority of the Secretary to eliminate balance billing for families of members of the reserve components of the Armed Forces serving on Active Duty.

The House amendment contained no similar provision.
The House recesses with a clarifying amendment.

Oversight of graduate medical education programs of military departments (sec. 749)

The Senate bill contained a provision (sec. 752) that would require the Secretary of Defense to implement a phased plan, within 1 year of the date of enactment of this Act, to eliminate those graduate medical education programs of the Department that do not directly support the medical force readiness requirements for health care providers within the Armed Forces. The Secretary would provide a report, within 180 days of the date of enactment of this Act, which provides the Department's plan to eliminate graduate medical education programs non-essential for medical force readiness.

The House amendment contained no similar provision.

The House recesses with an amendment that would require the Secretary of Defense, within 1 year of the date of enactment of this Act, to establish and implement a process to provide oversight of the graduate medical education programs of the military departments to ensure that those programs fully support the operational medical force readiness requirements for health care providers of the Armed Forces and the medical readiness of the Armed Forces. The amendment would require the Secretary, within 30 days of the establishment of the oversight process, to submit a report to the Committees on Armed Services of the Senate and the House of Representatives that describes the process. In addition, the amendment would require the Comptroller General of the United States to conduct a review of the oversight process and to provide a report to the committees within 180 days after the date that the Secretary submits the Department's report to the committees.

Study on health of helicopter and tiltrotor pilots (sec. 750)

The House amendment contained a provision (sec. 744) that would require the Secretary of Defense to conduct a long-term study of helicopter and tiltrotor pilots to assess the acute and chronic medical conditions of those pilots. The provision would also require the Secretary to brief the Committees on Armed Services of the Senate and the House of Representatives on the results of the study.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would require the Secretary to submit a report to the Committees on Armed

Services of the Senate and the House of Representatives not later than 30 days after completion of the study.

Comptroller General reports on health care delivery and waste in military health system (sec. 751)

The Senate bill contained a provision (sec. 763) that would require the Comptroller General of the United States, within 1 year after the date of enactment of this Act, and at least annually thereafter for 4 years, to submit to the Committees on Armed Services of the Senate and the House of Representatives, a report assessing and identifying potential waste and inefficiency relating to the delivery of health care within the military health system.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

Modifications of cost-sharing requirements for the TRICARE pharmacy benefits program and treatment of certain pharmaceutical agents

The Senate bill contained a provision (sec. 702) that would modify cost-sharing amounts for the TRICARE pharmacy benefits program for years 2017 through 2025. After 2025, the Department could establish cost-sharing amounts equal to the cost-sharing amounts for the previous year adjusted by an amount, if any, to reflect increases in costs of pharmaceutical agents and pharmacy dispensing fees. With this provision, beneficiaries would continue to receive pharmaceuticals at no cost in military medical treatment facilities. Under this provision, there would be no changes to cost-sharing amounts for survivors of members who died on Active Duty or for disabled retirees and their family members. The provision would authorize the Secretary of Defense, upon recommendation from the Pharmacy and Therapeutics Committee and review by the Uniform Formulary Beneficiary Advisory Panel, to exclude from the pharmacy benefits program any pharmaceutical agent that the Secretary determines provides little or no value to covered beneficiaries and the Department. Additionally, the Secretary would give preferential status to any non-generic pharmaceutical agent on the uniform formulary by treating it, for the purposes of cost-sharing, as a generic product under the TRICARE retail pharmacy and mail order programs. Finally, the provision would authorize the Secretary to adopt special reimbursement methods, amounts, and procedures in medical contracts to encourage

physicians to use high-value pharmaceutical agents and to discourage use of low-value agents.

The House amendment contained no similar provision.

The Senate recesses.

Pilot program on treatment of members of the Armed Forces for post-traumatic stress disorder related to military sexual trauma

The Senate bill contained a provision (sec. 708) that would authorize the Secretary of Defense to conduct a pilot program, of not more than 3 years duration, to award competitive grants to community partners to provide intensive outpatient programs to treat members of the Armed Forces suffering from post-traumatic stress disorder resulting from military sexual trauma, including treatment for substance use disorder, depression, and other issues related to those conditions.

The House amendment contained no similar provision.

The Senate recesses.

Selection of commanders and directors of military treatment facilities and tours of duty of commanders of such facilities

The Senate bill contained a provision (sec. 723) that would require the Secretary of Defense to develop common qualifications and core competencies required for selection of commanders or directors of military medical treatment facilities. The provision would also establish a minimum length of 4 years for tours of duty, with limited exceptions, for those commanders or directors to ensure greater stability in health system executive management at each facility and throughout the military health system.

The House amendment contained no similar provision.

The Senate recesses.

Use of mefloquine for malaria

The House amendment contained a provision (sec. 733) that would: 1) limit the use of mefloquine for malaria prophylaxis to servicemembers with intolerance or contraindications to other chemoprophylaxis agents; 2) require licensed medical providers to prescribe mefloquine on an individual basis; and 3) require medical providers to counsel servicemembers on the potential side effects of the drug and to provide written patient information required by the Food and Drug Administration.

The Senate bill contained no similar provision.

The House recesses.

The conferees note that mefloquine is one of several drugs recommended by the Centers for Disease Control to prevent malaria and to treat certain forms of the disease. The conferees are concerned, however, that mefloquine may produce serious neuropsychiatric side effects such as depression, auditory and visual hallucinations, anxiety, and suicidal ideation. The conferees urge the Department of Defense to limit the prescription of mefloquine to those servicemembers who may be unable to take other first-line anti-malarial drugs. If medical providers must prescribe mefloquine to certain servicemembers, providers must ensure that those servicemembers understand the potential adverse effects of the drug.

Mental health resources for members of the military services at high risk of suicide

The House amendment contained a provision (sec. 741) that would require the Secretary of Defense to: 1) develop a methodology that identifies servicemembers and military units at high risk of suicide; and 2) provide additional preventative and mental health treatment resources for servicemembers.

The Senate bill contained no similar provision.

The House recesses.

Research of chronic traumatic encephalopathy

The House amendment contained a provision (sec. 742) that would provide that not more than \$25 million of the funds available for advanced development for research, development, test, and evaluation for the Defense Health Program for fiscal year 2017 may be used to award grants to medical researchers and universities to support research into early detection of chronic traumatic encephalopathy.

The Senate bill contained no similar provision.

The House recesses.

Active oscillating negative pressure treatment

The House amendment contained a provision (sec. 743) that would require the Secretary of Defense to consider using non-invasive technologies, such as active oscillating negative pressure, to treat servicemembers who have incurred injuries from blast-related events.

The Senate bill contained no similar provision.

The House recesses.

Report on feasibility of including acupuncture and chiropractic services for retirees under TRICARE program

The House amendment contained a provision (sec. 747) that would require the Secretary of Defense to submit a report to the congressional defense committees on the feasibility of providing acupuncture and chiropractic services under the TRICARE program to beneficiaries who are retired members of the uniformed Services.

The Senate bill contained no similar provision.

The House recesses.

Clarification of submission of reports on longitudinal study on traumatic brain injury

The House amendment contained a provision (sec. 748) that would clarify that section 1080 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1000; 10 U.S.C. 111 note) should not apply to reports submitted by the Secretary of Defense to Congress under section 721 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2294).

The Senate bill contained no similar provision.

The House recesses.

Increased collaboration with NIH to combat triple negative breast cancer

The House amendment contained a provision (sec. 749) that would require the Department of Defense to: 1) collaborate with the National Institutes of Health to identify genetic and molecular targets and biomarkers for triple negative breast cancer; and 2) provide information in biomarker selection, drug discovery, and clinical trials design to enable early identification of this form of breast cancer and development of multiple targeted therapies for the disease.

The Senate bill contained no similar provision.

The House recesses.

Memoranda of agreement with institutions of higher education that offer degrees in allopathic or osteopathic medicine

The Senate bill contained a provision (sec. 754) that would require the Secretary of Defense to enter into memoranda of agreement with local or regional allopathic or osteopathic schools of medicine to establish military treatment facilities as affiliate teaching hospitals.

The House amendment contained no similar provision.
The Senate recesses.

The conferees note that the Department of Defense has existing authority to enter into agreements with medical schools to establish military treatment facilities as affiliate teaching hospitals, and the conferees strongly urge the Department to expand those affiliations. By sharing training facilities, staffing, and material resources, the conferees believe these new academic affiliations could help improve and sustain operational medical force readiness and serve as productive recruiting grounds for new military physicians.

Prohibition on conduct of certain medical research and development projects

The Senate bill contained a provision (sec. 756) that would prohibit the Secretary of Defense and each service secretary from funding or conducting a medical research and development project unless the secretary concerned determines that the project would protect, enhance, or restore the health and safety of members of the Armed Forces.

The House amendment contained no similar provision.
The Senate recesses.

The conferees express concern regarding the amount of congressional funding for medical research in the Department of Defense's (DOD) Congressionally Directed Medical Research Program. Since 1992, Congress has appropriated almost \$10 billion for medical research - most of it outside of DOD's core medical research mission and not requested in the Department's annual budget requests.

Report on plan to improve pediatric care and related services for children of members of the Armed Forces

The Senate bill contained a provision (sec. 762) that would require the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a plan of the Department to improve pediatric care and related services for children of members of the Armed Forces.

The House amendment contained no similar provision.
The Senate recesses.

Treatment of certain provisions relating to limitations, transparency, and oversight regarding medical research conducted by the Department of Defense

The Senate bill contained a provision (sec. 764) that would require sections 756 and 898 of the Senate bill relating to limitations, transparency, and oversight regarding medical research conducted by the Department of Defense to have no force or effect.

The House amendment contained no similar provision.
The Senate recesses.

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

SUBTITLE A—ACQUISITION POLICY AND MANAGEMENT

Rapid acquisition authority amendments (sec. 801)

The Senate bill contained a provision (sec. 801) that would amend section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314) to better integrate and conform the provision with the rapid acquisition authorities established in section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92).

The House amendment contained no similar provision.
The House recesses.

Authority for temporary service of Principal Military Deputies to the Assistant Secretaries of the military departments for acquisition as Acting Assistant Secretaries (sec. 802)

The Senate bill contained a provision (sec. 802) that would amend sections 3016(b)(5)(B), 5016(b)(4)(B), and 8016(b)(4)(B) of title 10, United States Code, to allow Principal Military Deputies to serve in an acting capacity if there is a vacancy in the position of the Service Acquisition Executive.

The House amendment contained no similar provision.
The House recesses.

Modernization of services acquisition (sec. 803)

The Senate bill contained a provision (sec. 804) that would require the Secretary of Defense to revise the Department of Defense Instruction 5000.74, dated January 6, 2016.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to review and, if necessary, revise Department of Defense Instruction 5000.74, dated January 5, 2016, and other guidance pertaining to the acquisition of services not later than 180 days after the date of the enactment of this Act. The amendment also would expand, from the acquisition workforce to all Department of Defense employees engaged in the procurement of services, the workforce to be developed and trained on the acquisition of services.

Defense Modernization Account amendments (sec. 804)

The Senate bill contained a provision (sec. 899B) that would amend section 2216 of title 10, United States Code, to clarify authorizations for the Defense Modernization Account.

The House amendment contained no similar provision.

The House recedes with an amendment that would exclude the transfer of funds that support installations and facilities to the Defense Modernization Account. The amendment would set a \$1.0 billion limit on the total balance of the account and require that an acquisition program milestone decision authority approve the use of funds in the account. The amendment would also require that subaccounts be established for each of the military departments and defense agencies that deposit and use funds in the account.

SUBTITLE B—DEPARTMENT OF DEFENSE ACQUISITION AGILITY

Modular open system approach in development of major weapon systems (sec. 805)

The House amendment contained a provision (sec. 1701) that would require all major defense acquisition programs (MDAPs) initiated after January 1, 2019, to be designed and developed with a modular open system approach (MOSA), to the maximum extent practicable.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would clarify when programs are required to start using MOSA. The amendment also would modify the definition of a major system interface to include characterization of the form, function, and content that flows across the interface. The amendment would require the acquisition strategy for a program that uses MOSA to also describe the approach to systems integration and configuration management.

Development, prototyping, and deployment of weapon system components or technology (sec. 806)

The House amendment contained a provision (sec. 1702) that would require a major defense acquisition program (MDAP) initiated after January 1, 2019, to include only technical development that the milestone decision authority determines, with a high degree of confidence, would not delay fielding target for the program. Concurrent technology maturation and system development would remain authorized, but only for technologies for which there is high confidence that concurrency would not postpone fielding. For higher risk technologies, the milestone decision authority would use the new authorities provided in this section, or other available authorities, to mature and demonstrate technologies prior to initiating or separate from a program of record. This section also would provide the military services with new funding and acquisition flexibility to experiment with, prototype, and rapidly deploy weapon system components and other technologies.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would expand the considerations for planning and conducting prototype projects to include existing commercial technologies and opportunities to reduce operation and support costs of major weapon systems. The amendment would clarify that the military services can use an existing oversight board, if one exists, to carry out the prototyping oversight requirements of this provision. The amendment would require prototyping projects to develop a plan for transition into a fielded system or operational use. The amendment also would reduce the duration of a project to 2 years and would clarify that the rapid prototyping process established by section 804 of the Fiscal Year 2016 National Defense Authorization Act (Public Law 114-92) should be pursued if projects exceed the duration and funding limits of this provision.

Cost, schedule, and performance of major defense acquisition programs (sec. 807)

The House amendment contained a provision (sec. 1703) that would require the Secretary of Defense, or his designee, to assign program cost and fielding targets when major defense acquisition programs (MDAPs) are initiated.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would clarify that cost and fielding targets should be established before funds are obligated for technology development, system

development, or production of a major defense acquisition program. The amendment would modify the definition of the cost target to include the program procurement unit cost and sustainment cost. The amendment would remove the list of elements that should be considered in establishing the program goals because such elements are generally known and are included in existing acquisition policy guidance. The amendment would modify the delegation of authority for establishing program targets only to the Deputy Secretary of Defense. The amendment also would clarify that the required independent technical risk assessments conducted prior to program milestone approvals should identify any manufacturing processes that need to be matured.

Transparency in major defense acquisition programs (sec. 808)

The House amendment contained a provision (sec. 1704) that would require the milestone decision authority for a major defense acquisition program to provide a new "acquisition scorecard" report to the congressional defense committees and, when appropriate, to congressional intelligence committees at each milestone decision point of each program.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would modify the information required in the program summary reports, to include the major cost contributors identified at Milestone A that could affect the life-cycle costs of the program and any manufacturing risks identified at Milestone A or B that are associated with the program.

Amendments relating to technical data rights (sec. 809)

The House amendment contained a provision (sec. 1705) that would make several amendments to technical data rights conferred in section 2320 of title 10, United States Code. Among other things, the provision would delineate types of interfaces and specify the rights provided to the U.S. Government in such interfaces. It would require the U.S. Government and Department of Defense contractors to negotiate for data rights when items or processes are developed with a mix of Federal and private funds. The provision also would limit deferred ordering of technical data to 6 years after delivery of the last item on a contract and to technical data generated, not utilized, in the performance of the contract.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would allow the Secretary of Defense to negotiate for rights other than

government purpose rights for technical data relating to major system interfaces if it would be in the best interest of the United States. The amendment would require the Department of Defense to identify major system interfaces in contract solicitations and contracts. For major system interfaces developed exclusively at private expense, the amendment would clarify that the Secretary shall negotiate with the developer appropriate compensation for the technical data. The conferees understand that section 2320 sets forth various rights in technical data, and that the price for acquiring technical data to which the U.S. Government is entitled is determined through negotiations between the Department and contractors. The conferees believe that in the case of privately funded major system interfaces for which the Department asserts government purpose rights it is necessary to explicitly require negotiation for compensation. Notwithstanding this amendment, the conferees expect the standard practice of negotiating prices for technical data to continue for all other categories of rights and circumstances set forth in section 2320.

The amendment also would specify the U.S. Government's rights to technical data pertaining to privately funded general interfaces necessary for the segregation and reintegration of an item or process. Finally, the amendment would extend the duration of the government-industry advisory panel established in section 813 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) and require the advisory panel to consider the technical data rights necessary to support the modular open system approach (MOSA) required elsewhere in this Act. The conferees are aware that the advisory panel has not yet completed its review of sections 2320 and 2321 of title 10, United States Code. The conferees recognize there are many issues in technical data rights that this conference agreement does not address, and are encouraged that the panel's comprehensive and thoughtful analysis thus far will yield promising recommendations.

Additionally, the conferees understand that successful implementation of MOSA necessitates the allocation of technical data rights in major system interfaces, a new concept under MOSA. The use of MOSA relies upon the ability of major system components to be added, removed, or replaced as needed throughout the life cycle of the major weapon system due to evolving technology, threats, sustainment, and other factors. Therefore, major system interfaces that share a boundary between major system components and major system platforms are critical, and it is imperative that the government have appropriate access to the technical data of such interfaces. The conferees understand the importance of technical precision in establishing

clear delineation of major system platforms, major system interfaces, and major system components. As such, the conferees urge the Department to carefully consider and take input from the advisory panel and industry on the meanings and implications of these key terms. The conferees expect the Department to include this consideration in its review of the MOSA authorities and its briefing on the implementation of MOSA required in the House report accompanying H.R. 4909 (H. Rept. 114-537) of the National Defense Authorization Act for Fiscal Year 2017.

The conferees also note that the Department recently issued a proposed rule that would implement amendments to section 2320 of title 10, United States Code, enacted in section 815 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81). Various representatives of industry have expressed concern about the effects on defense acquisition of the amendments made in Public Law 112-81 and the Department's implementation of such amendments. Therefore, the conferees believe the amendments to technical data rights included in this conference agreement are necessary at this time.

SUBTITLE C—AMENDMENTS TO GENERAL CONTRACTING AUTHORITIES, PROCEDURES, AND LIMITATIONS

Modified restrictions on undefinitized contractual actions (sec. 811)

The Senate bill contained a provision (sec. 816) that would amend section 2326 of title 10, United States Code, to revise policies regarding undefinitized contractual actions (UCAs). Over the past decade the use of UCAs by the services and defense agencies has grown significantly while the speed at which these UCAs are definitized has lagged. To address this situation, the provision would: (1) require a written determination by senior officials to extend a UCA beyond 90 days; (2) require UCAs to be awarded on a fixed-price level-of-effort basis; and (3) extend the 180 day definitization requirement to contracts in support of Foreign Military Sales cases.

The House amendment contained a similar provision (sec. 802).

The House recedes with an amendment that would eliminate the requirement that undefinitized contractual actions be awarded on a fixed-price basis, ensure that allowable profit reflects the cost risk at the time that a contractor submits a qualifying proposal to definitize a contract, and specify that

such a proposal contain the information necessary to conduct a meaningful audit of the proposal.

Amendments relating to inventory and tracking of purchases of services (sec. 812)

The Senate bill contained a provision (sec. 820) that would amend section 2330a of title 10, United States Code, to clarify the applicability of the contractor inventory requirement to staff augmentation contracts and to reduce data collection and unnecessary reporting requirements.

The House amendment contained a provision (sec. 803) that would amend section 2330a of title 10, United States Code, to revise the current requirement related to how the Department of Defense accounts for and reports contracts for services.

The Senate recedes with an amendment that would set the inventory collection threshold at contracts for services in excess of \$3.0 million and would narrow the focus of the inventory collection requirement to staff augmentation contracts as informed by the specified Service Acquisition Portfolio Groups. Rather than providing the inventory itself to the Congress, the amendment would require the Secretary of Defense to provide to Congress an annual summary of the inventory activities performed during the past year pursuant to staff augmentation contracts as defined in the amendment. Additionally, the amendment removes the Department of Defense Office of the Inspector General reporting requirement and reduces the annual Comptroller General reporting requirement to a one-time review in 2018 that would cover the changes implemented by this Act.

In performing the review and planning requirements in (d), the conferees direct the Secretary of the military department or the head of the Defense Agency to focus on the 17 Product Service Codes identified by the Office of Federal Procurement Policy and the Government Accountability Office in report GAO-16-46 as high risk for including services that are closely associated with inherently governmental functions.

The conferees direct the Secretary of Defense to brief the Committees on Armed Services of the Senate and House of Representatives, no later than February 1, 2017, on the plan to implement the inventory and reporting changes required by this Act, particularly implementation of the inventory of Product Service Codes and staff augmentation contracts. The briefing shall include information on differences in the number and value of contracts captured before and after the changes made by this Act.

Use of lowest price technically acceptable source selection process (sec. 813)

The Senate bill contained a provision (sec. 825) that would require the Department of Defense to revise the Defense Federal Acquisition Regulation Supplement (DFARS) to limit the use of lowest price technically acceptable (LPTA) source selection criteria in circumstances that would potentially deny the Department the benefits of cost and technical tradeoffs in the source selection process. The Department would be required to only use LPTA criteria in specified circumstances and avoid them to the maximum extent practicable for the procurement of knowledge-based professional services such as information technology services.

The House amendment contained a similar provision (sec. 847).

The House recedes with an amendment that would require justification of LPTA evaluation methodologies in each contract file, require determination that lowest price reflects full life-cycle costs, and expand restrictions on the use of LPTA evaluation methodologies to include advanced electronic testing and knowledge-based, training, or logistics services in overseas contingency operations. The amendment would also limit LPTA reporting to only contracts that exceed \$10.0 million.

Procurement of personal protective equipment (sec. 814)

The Senate bill contained a provision (sec. 829D) that would prohibit the use of reverse auctions and lowest price technically acceptable (LPTA) contracting methods for the procurement of personal protective equipment where the level of quality needed or the failure of the item could result in combat casualties.

The House amendment contained a similar provision (sec. 804) that would amend section 884 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) to clarify source selection criteria to be used in the procurement of personal protective equipment or critical safety items.

The House recedes.

The conferees understand that, in some cases, both LPTA and reverse auctions are appropriate contracting methods and price discovery methods. However, the conferees do not believe that such methods are appropriate for equipment that provides personal protection to members of the Armed Services.

Amendments related to detection and avoidance of counterfeit electronic parts (sec. 815)

The House amendment contained a provision (sec. 806) that would modify section 818 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) by replacing the term "trusted suppliers" with the term "suppliers that meet anticounterfeiting requirements", as well as related conforming amendments. This provision would clear up confusion about the term, which refers to the specific category of microelectronics supplies that have been accredited by the Defense Microelectronics Activity.

The Senate bill contained no similar provision.

The Senate recesses.

Amendments to special emergency procurement authority (sec. 816)

The House amendment contained a provision (sec. 807) that would amend section 1903 of title 41, United States Code, to expand the permissible uses of special emergency procurement authorities to include support of international disaster assistance and support of a national emergency or natural disaster relief efforts in the United States as defined by the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

The Senate recesses.

The conferees direct the Comptroller General, not later than 4 years after the date of enactment of this Act, to submit to the Committees on Armed Services of the Senate and House of Representatives a review of all procurement activities conducted under the authorities provided by this provision.

The conferees direct any agency making use of this expanded authority to closely consult with the Congress on its use, especially its use over extended periods of time; the establishment of mechanisms to ensure proper oversight over its use; and the monitoring of its impact on industry, especially small and disadvantaged businesses.

Compliance with domestic source requirements for footwear furnished to enlisted members of the Armed Forces upon their initial entry into the Armed Forces (sec. 817)

The Senate bill contained a provision (sec. 671) that would require the Secretary of Defense to furnish athletic footwear directly to members of the Army, Navy, Air Force, and Marine Corps instead of providing a cash allowance. Such footwear must comply with section 2533a of title 10, United States Code.

The House amendment contained a similar provision (sec. 808).

The House recedes with an amendment that would authorize the Department of Defense, for two years, to purchase additional footwear that is necessary to provide sufficient choices to minimize the incidence of athletic injuries in initial entry training. During those two years, the conferees expect the Secretary, to the maximum extent practicable, to furnish footwear from domestic sources while taking appropriate steps to minimize the incidence of athletic injuries. The conferees direct the Secretary of Defense to develop a plan and schedule to fully implement this provision, and brief that plan and schedule to the Committees on Armed Services of the Senate and the House of Representatives no later than six months following the date of enactment of this Act.

The conferees are aware that a number of scientific studies have been and are being conducted to evaluate variances in foot structures, related causes of athletic foot injuries, and appropriate footwear to reduce the incidence of such injuries. The conferees direct the Secretary of Defense to brief the results of those studies to the Committees on Armed Services of the Senate and the House of Representatives no later than 18 months following the date of enactment of this Act. The briefing shall include recommendations for reducing injuries in recruits, including modifying initial entry training methods, medically evaluating the foot types of members of the Armed Forces in initial entry training, furnishing appropriate footwear to such members in initial entry training, and domestic sourcing of such footwear.

Extension of authority for enhanced transfer of technology developed at Department of Defense laboratories (sec. 818)

The Senate bill contained a provision (sec. 899) that would extend until 2020 the authorization granted to the Secretary of Defense and military service secretaries to license Department of Defense-owned intellectual property.

The House amendment contained a similar provision (sec. 809B) to extend the authorization until 2021.

The Senate recedes.

Modified notification requirement for exercise of waiver authority to acquire vital national security capabilities (sec. 819)

The Senate bill contained a provision (sec. 805) that would amend subsection (d) of section 806 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) to provide for a notification to Congress not later than ten

days after the use of the waiver authority to acquire vital national security capabilities outlined earlier in section 806.

The House amendment contained no similar provision.

The House recesses.

Defense cost accounting standards (sec. 820)

The Senate bill contained a provision (sec. 811) that would amend chapter 7 of title 10, United States Code, and establish an independent board chaired by the Chief Financial Officer of the Department of Defense to prescribe, amend, and rescind cost accounting standards as they affect operations at the Department of Defense. The provision also requires that cost accounting standards developed shall to the maximum extent practicable align with Generally Accepted Accounting Principles (GAAP), thereby minimizing the requirement for government-unique cost accounting systems. The provision would also ensure that managerial cost accounting and activity-based accounting structures derived from cost accounting standards are applied to the financial operations of the Department of Defense.

The House amendment contained no similar provision.

The House recesses with an amendment that would modify sections 1501 and 1502 of title 41, United States Code, to improve the government-wide Cost Accounting Standards Board (CASB) and require that Federal Cost Accounting Standards (CAS) be reconciled, to the extent possible, with U.S. Generally Accepted Accounting Principles. The amendment also would require the CASB to hire an executive director and meet at least quarterly to reduce inconsistencies between CAS and GAAP, as well as address problems identified by cases presented to the Armed Services Board of Contract Appeals and Civilian Board of Contract Appeals. Additionally, the amendment would allow the head of a Federal agency to waive the application of the CAS for contracts valued at less than \$100.0 million. The amendment also would retain the Senate proposal to create a Defense Cost Accounting Standards Board, but would authorize the new board to advise the CASB, oversee implementation of CAS within the Department of Defense, and ensure that managerial cost accounting is appropriately implemented for commercial functions performed by employees of the Department. The conferees also encourage the Director, Defense Contract Audit Agency (DCAA) to examine the potential for electronic quality management systems to improve the ability of DCAA to conduct thorough and timely audits.

Increased micro-purchase threshold applicable to Department of Defense procurements (sec. 821)

The Senate bill contained a provision (sec. 812) that would amend chapter 137 of title 10, United States Code, to establish the micro-purchase threshold for Department of Defense activities at \$5,000.

The House amendment contained no similar provision.

The House recesses.

Enhanced competition requirements (sec. 822)

The Senate bill contained a provision (sec. 813) that would amend section 2306a of title 10, United States Code, to clarify the definition of competition and the role of the prime contractor in determining whether a subcontract meets the competitive or commercial test under the section.

The House amendment contained no similar provision.

The House recesses.

The conferees recognize that the government retains the right to review determinations made by prime contractors.

Revision to effective date of senior executive benchmark compensation for allowable cost limitations (sec. 823)

The House amendment contained a provision (sec. 805) that would remove the retroactive application requirement of section 803 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81), which implemented a cap on the allowable compensation of contractor employees. As a result of this revision, section 803 would apply to compensation costs incurred after January 1, 2012, under contracts entered into on or after December 31, 2011.

The Senate bill contained no similar provision.

The Senate recesses.

Treatment of independent research and development costs on certain contracts (sec. 824)

The Senate bill contained a provision (sec. 814) that would amend section 2372 of title 10, United States Code, to clarify in what circumstances independent research and development costs are considered fair, reasonable, and allowable expenses on Department of Defense contracts.

The House amendment contained no similar provision.

The House recesses with an amendment that would create a new section 2372a of title 10, United States Code, that would specify that bid and proposal expenses considered as allowable indirect costs on cost-reimbursement contracts should be reported independently of independent research and development

costs under section 2372 of title 10, United States Code. The amendment would establish for the Department of Defense a goal that Department-wide bid and proposal costs should not exceed one percent of the amount of contractor sales to the Department. The conferees do not intend for the Department to achieve this goal by arbitrarily limiting the amount of bid and proposal costs contractors may have reimbursed, but to instead address the factors driving bid and proposal costs. The amendment would also require the Department to contract with an outside, independent entity to study the laws, regulations, and practices driving bid and proposal costs and provide recommendations to the Department on how to reduce these costs. If, in any year the Department fails to meet the one percent goal, the amendment would require that an advisory panel pursuant to the Federal Advisory Committees Act (5 U.S.C. app) be established to provide recommendations on changes to statute, regulation, and practice to reduce bid and proposal costs. The amendment also would require the Department to report on bid and proposal costs and independent research and development costs as part of the report required under 2313a of title 10, United States Code.

Exception to requirement to include cost or price to the Government as a factor in the evaluation of proposals for certain multiple-award task or delivery order contracts (sec. 825)

The Senate bill contained a provision (sec. 815) that would amend section 2305(a)(3) of title 10, United States Code, to provide an exception to the existing statutory requirement to include cost or price to the Federal Government as an evaluation factor that must be considered in the evaluation of proposals for all contracts. The provision would only apply to multiple award task or delivery order contracts to buy services and the Department would then appropriately focus on price when individual task orders are issued and competed.

The House amendment contained no similar provision.

The House recedes with an amendment that would allow task or delivery orders to be awarded on a sole-source basis when a standalone contract could be awarded on a sole-source basis. The amendment also would preclude the award of multiple award contracts without cost or pricing data in cases where task orders are expected to be awarded as sole source contracts to small businesses under section 8(a) of the Small Business Act (Public Law 85-536) because price competition at the time of task or delivery order award would not be expected.

Extension of program for comprehensive small business contracting plans (sec. 826)

The Senate bill contained a provision (sec. 818) that would amend chapter 137 of title 10, United States Code, to add a new section that would codify the authority to conduct small business subcontracting plans. The Government Accountability Office (GAO) recently reported to the committee that the Test Program for Negotiation of Comprehensive Small Business Subcontracting Plans has resulted in the avoidance of millions of dollars in administrative costs and recommended that the program be made permanent. This provision would implement GAO's recommendation.

The House amendment contained no similar provision.

The House recedes with an amendment that would extend the current pilot program through the end of fiscal year 2027.

Treatment of side-by-side testing of certain equipment, munitions, and technologies manufactured and developed under cooperative research and development agreements as use of competitive procedures (sec. 827)

The Senate bill contained a provision (sec. 823) that would amend section 2350a(g) of title 10, United States Code, to add a new paragraph to clarify that the general solicitation and testing competitive procedures used under the program are competitive procedures under chapter 137 of title 10, United States Code.

The House amendment contained no similar provision.

The House recedes with an amendment that would make discretionary the use of side-by-side testing to fulfill competitive procedures for follow-on procurements and that would set a time limit within which such follow-on procurements could be conducted. The conferees expect that, prior to procuring any items under this provision, market research will be conducted to determine that comparable items are not available.

Defense Acquisition Challenge Program amendments (sec. 828)

The Senate bill contained a provision (sec. 824) that would amend section 2359b(a)(2) of title 10, United States Code, to expand the scope of the defense acquisition challenge program to include alternatives to existing acquisition programs and to clarify that the general solicitation competitive procedures used under the program are competitive procedures under chapter 137 of title 10, United States Code.

The House amendment contained no similar provision.

The House recesses.

Preference for fixed-price contracts (sec. 829)

The Senate bill contained a provision (sec. 827) that would revise the Defense Federal Acquisition Regulation Supplement to establish a preference for fixed-price contracts, including fixed-price incentive fee contracts, in the determination of contract type and establish an approval mechanism for the use of cost-type contracts over \$5.0 million in value.

The House amendment contained no similar provision.

The House recesses with an amendment that would expand the number of Department of Defense officials who can approve a cost-type contract and that would increase the contractual dollar threshold that require such approvals.

Requirement to use firm fixed-price contracts for foreign military sales (sec. 830)

The Senate bill contained a provision (sec. 828) that would require the Secretary of Defense to prescribe regulations to require the use of firm fixed-price contracts for foreign military sales not later than 180 days after the enactment of this Act. Additionally, this provision would grant the Secretary waiver authority if the Secretary determines that a different type of contract is in the best interest of the United States taxpayers.

The House amendment contained no similar provision.

The House recesses with an amendment that would clarify that foreign countries that are counterparties to foreign military sales may select a contracting vehicle that is not firm fixed-price. The conferees direct the Secretary of Defense to develop a process to determine the contracting preferences of foreign counterparties and to brief the Committees on Armed Services of the Senate and House of Representatives on the elements of the process no later than 6 months after enactment of this Act. The conferees further expect that the Secretary shall waive the requirement for firm fixed-price contracts only in exceptional cases. The conferees expect that the Department of Defense will not interfere in the process of the host nation selecting a contract type. If a contract type other than firm fixed-price is selected at the request of a country, the Secretary of Defense shall be prepared to notify Congress that the Department of Defense did not encourage the country in the decision to pursue that contract type. The amendment also would establish a pilot program to accelerate contracting of foreign

military sales by allowing the Department of Defense to base price reasonableness determinations on actual cost and pricing data for purchases of the same product for the Department.

Preference for performance-based contractual payments (sec. 831)

The Senate bill contained a provision (sec. 829) that would amend section 2307(b) of title 10, United States Code, to establish a preference for performance-based payments to contractors and would re-establish the policy objective laid out in Federal Acquisition Regulation 32.1001, which established performance-based payments as the preferred Government financing mechanism.

The House amendment contained no similar provision.

The House recedes with an amendment that would clarify that nothing in the provision authorizes the Defense Contract Audit Agency to perform audits of a contractor's compliance with Generally Accepted Accounting Principles.

Contractor incentives to achieve savings and improve mission performance (sec. 832)

The Senate bill contained a provision (sec. 829A) that would amend section 2332 of title 10, United States Code, to require the Defense Acquisition University to develop and implement a training program for Department of Defense acquisition personnel on share-in-savings contracts not later than 180 days after the enactment of this Act.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Defense Acquisition University to provide training on the use of contracting authorities that incentivize contractors to deliver additional savings to the government.

Sunset and repeal of certain contracting provisions (sec. 833)

The Senate bill contained a provision (sec. 829F) that would: (1) amend title 10, United States Code, to sunset sections 2212, 2220, 2228, 2304e, 2421 by September 30, 2018; (2) amend title 10, United States Code, to sunset section 1706 by September 30, 2019; and (3) repeal sections 2245a, 2225, 2302c, 2378, 2387 of title 10, United States Code.

The House amendment contained no similar provision.

The House recedes with an amendment that would retain the reporting requirement in section 2212 of title 10, United States Code, which provides budget information on service contracting, as well as section 1706 of title 10, United States Code, which

provides the Department of Defense with a list of acquisition positions considered inherently governmental.

Flexibility in contracting award program (sec. 834)

The Senate bill contained a provision (sec. 829G) that would establish an award to recognize defense acquisition programs and acquisition professionals that make the best use of flexibilities and those authorities granted in the Federal Acquisition Regulation and Department of Defense Instruction 5000.02 (Operation of the Defense Acquisition System) meant to increase the efficiency of programs.

The House amendment contained no similar provision.

The House recedes with an amendment that would reduce the administrative burdens associated with the awards program.

Protection of task order competition (sec. 835)

The Senate bill contained a provision (sec. 819) that would amend section 2304c(e) of title 10, United States Code, that would prohibit task and delivery order protests if the Secretary of Defense has appointed an ombudsman in accordance with section 2304c(f) of title 10, United States Code, to review complaints related to task and delivery order contracts.

The House amendment contained a similar provision (sec. 1862) that would amend section 4106(f) of title 41, United States Code, to maintain a consistent approach to task-order protests between civilian and defense agencies.

The House recedes with an amendment that would permanently authorize protests of task and delivery orders with values exceeding \$10.0 million at civilian agencies. For protests of task and delivery orders of the Department of Defense, the amendment modifies section 2304c(e)(1)(B) of title 10, United States Code, to increase the minimum value of a task or delivery order that may be protested from \$10.0 million to \$25.0 million.

Contract closeout authority (sec. 836)

The Senate bill contained a provision (sec. 829J) that would grant the Secretary of Defense the authority to close out contracts entered into prior to fiscal year 2000 without completing further reconciliation audits other than those described in this section.

The House amendment contained no similar provision.

The House recedes with an amendment that would make a series of technical corrections to conform the language of this provision to similar provisions in this bill.

Closeout of old Department of the Navy contracts (sec. 837)

The Senate bill contained a provision (sec. 829K) that would grant the Secretary of the Navy authority to close out contracts entered into between fiscal years 1974 and 1998 to design, construct, repair, or support the construction or repair of Navy submarines without completing further reconciliation audits other than those described in this section.

The House amendment contained a similar provision (sec. 837).

The House recedes with an amendment that would make a series of technical corrections to conform the language of this provision to similar provisions in this bill.

SUBTITLE D—PROVISIONS RELATING TO MAJOR DEFENSE ACQUISITION PROGRAMS

Change in date of submission to Congress of Selected Acquisition Reports (sec. 841)

The House amendment contained a provision (sec. 811) that would amend section 2342(f) of title 10, United States Code, by changing, from 45 to 10, the number of days after the President's budget request transmittal that comprehensive annual Selected Acquisition Reports are due to Congress.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would modify the date when Selected Acquisition Reports are due to Congress.

Amendments relating to independent cost estimation and cost analysis (sec. 842)

The Senate bill contained a provision (sec. 803) that would amend section 2334 of title 10, United States Code, and would repeal section 2434 of title 10, United States Code, in order to remove the ambiguity concerning the roles and responsibilities for the conduct of independent cost estimates (ICEs) by designating the Director of Cost Assessment and Program Evaluation (CAPE) to ensure standards are met. The Senate bill also contained a provision (sec. 836) that would amend subsection (d) of section 2334 of title 10, United States Code, to remove the requirement for disclosure of confidence levels for baseline estimates of major defense acquisition programs.

The House amendment contained a similar provision (sec. 812) that would amend sections 2334 and 2434 of title 10, United

States Code, to make clear that CAPE conducts or approves ICEs for all major defense acquisition programs and major automated information systems.

The Senate recedes with an amendment that would require an ICE for the technology maturation and risk reduction phase of a major defense acquisition program or major subprogram that identifies the key contributors to the life-cycle costs of the program or subprogram. The conferees expect that the procedures to be developed for collecting cost data from acquisition program contractors are cost effective and make use of existing sources of data, to the best extent practicable.

Revisions to Milestone B determinations (sec. 843)

The Senate bill contained a provision (sec. 835) that would amend section 2366b(a)(3) of title 10, United States Code to eliminate the need for waivers that are regularly submitted to the committee for programs that are executed at the beginning of the fiscal year but before the Future Years Defense Program (FYDP) has been submitted, and should receive Milestone B certification as long as there is funding in the current FYDP. This provision would reduce the number of required waivers and therefore reduce unnecessary staff burden.

The House amendment contained a similar provision (sec. 813).

The Senate recedes.

Review and report on sustainment planning in the acquisition process (sec. 844)

The House amendment contained a provision (sec. 814) that would require the Secretary of Defense to enter into a contract with an independent entity with appropriate expertise to conduct an assessment of the extent to which sustainment matters are considered in decisions related to requirements, acquisition, cost estimating, and programming and budgeting for major defense acquisition programs.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would extend and include additional elements in the review, such as an evaluation of how well life-cycle sustainment strategies required under section 2337 of title 10, United States Code, are incorporated into the acquisition strategy required by section 2431a of title 10, United States Code, and other acquisition planning.

Revision to distribution of annual report on operational test and evaluation (sec. 845)

The House amendment contained a provision (sec. 815) that would amend section 139 of title 10, United States Code, by including the Secretaries of the military departments in the list of people who receive the annual report of the Director of Operational Test and Evaluation (DOTE). The section would also extend the annual report through January 31, 2021.

The Senate bill contained no similar provision.

The Senate recesses.

The conferees recognize the importance in having an independent report each year on operational test and evaluation activities in the Department of Defense, but encourage the Director of Operational Test and Evaluation to seek and consider input from other Department test organizations in developing such reports. Further, the conferees believe that more rigorous developmental testing, realistic requirements, and disciplined systems engineering will likely improve operational test outcomes. The conferees expect program offices to take the necessary steps to improve operational test outcomes and adopt lessons learned and best practices that are identified in the DOTE annual report. The conferees note that these reports are public documents and available electronically to all interested parties.

Repeal of major automated information systems provisions (sec. 846)

The Senate bill contained a provision (sec. 831) that would repeal chapter 144A of title 10, United States Code.

The House amendment contained no similar provision.

The House recesses with an amendment that would sunset the requirements chapter 144A of title 10, United States Code, on September 30, 2017.

Revisions to definition of major defense acquisition program (sec. 847)

The Senate bill contained a provision (sec. 832) that would amend section 2430 of title 10, United States Code, and revise the definition of a major defense acquisition program to exclude fixed-price prototypes not planned as part of an existing major defense acquisition program and those programs or projects developed under the rapid fielding or rapid prototyping acquisition pathway authorized under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92).

The House amendment contained no similar provision.

The House recedes with an amendment that would specify that major defense acquisition program costs exclude acquisition programs or projects that are carried out using the rapid fielding or rapid prototyping acquisition pathway under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92).

Acquisition strategy (sec. 848)

The Senate bill contained a provision (sec. 833) that would amend section 2431a of title 10, United States Code, to make technical changes and require that the acquisition strategy for each major defense acquisition program must also consider a comprehensive sustainment strategy that includes all aspects of the total life-cycle management of the weapon system, including product support, logistics, product support engineering, supply chain integration, maintenance, acquisition logistics, and all aspects of software sustainment.

The House amendment contained no similar provision.

The House recedes with an amendment that would remove the requirement to include a sustainment strategy within the acquisition strategy required under section 2431a of title 10, United States Code. The conferees note that section 2431a of title 10, United States Code, requires logistics, maintenance, and sustainment issues to be considered in acquisition strategies, and that a life-cycle sustainment strategy is mandated under section 2337 of title 10, United States Code. Another provision in this Act requires an evaluation of the existing life-cycle sustainment strategy and an assessment of how well its elements are incorporated into the acquisition strategy in section 2431a of title 10, United States Code.

Improved life-cycle cost control (sec. 849)

The Senate bill contained a provision (sec. 834) that would make several amendments to improve life-cycle cost controls. First, this provision would amend section 804(c)(3) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), to require rapid fielding guidance from the Under Secretary of Defense for Acquisition, Technology, and Logistics to include direction on a process for identifying and exploiting opportunities to use the rapid fielding pathway to reduce total ownership costs. Secondly, this provision would amend section 805(2) of the National Defense Authorization Act for Fiscal Year 2016 (NDAA) to include life-cycle cost management as a procedure that the Secretary of Defense should establish for alternative acquisition pathways to meet national

security needs. Thirdly, this provision would amend section 833(e) of the NDAA for Fiscal Year 2016 to require the Secretary to also issue guidance on policies to maximize the use of fixed-price contracts and the ability to implement tradeoffs in total cost of ownership, schedule, and performance. Fourthly, this provision would add a new section to chapter 144 of title 10, United States Code, which would require sustainment reviews of acquisition programs 5 years after initial operational capability—unless the program has failed to maintain its availability or reliability threshold or has breached its affordability cap before that time. Additionally, this provision would require the Secretary of Defense to establish a commercial operational and support savings initiative to insert existing commercial items or technology into military legacy programs through rapid development and fielding of prototypes in order to improve readiness and reduce operations and support costs.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the military departments to conduct a sustainment review five years after declaration of initial operational capability of a major defense acquisition program and throughout the system's life cycle, using availability and reliability thresholds and cost estimates as the triggers that prompt such a review. The amendment also would clarify that sustainment reviews would be conducted in coordination with the requirements of section 2337 of title 10, United States Code, and section 832 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81). The amendment also would authorize a commercial operational and support savings initiative.

Authority to designate increments or blocks of items delivered under major defense acquisition programs as major subprograms for purposes of acquisition reporting (sec. 850)

The Senate bill contained a provision (sec. 837) that would amend section 2430a(1)(B) of title 10, United States Code, to expand the authority to designate increments or blocks of items delivered under major defense acquisition programs as major subprograms.

The House amendment contained no similar provision.

The House recedes.

Reporting of small business participation on Department of Defense programs (sec. 851)

The Senate bill contained a provision (sec. 838) that would amend chapter 137 of title 10, United States Code, to

include a new section to include first and second tier subcontracts awarded by the Department of Defense under major defense acquisition programs in the Department's overall count of small business goals.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Department of Defense to annually report on its attainment of the small business prime contracting goals and subcontracting goals as required by section 15(h) of the Small Business Act (15 United States Code 644(h)) and to report separately on its small business use after excluding certain types of contracts that may not be suitable for award to small businesses.

Waiver of congressional notification for acquisition of tactical missiles and munitions greater than quantity specified in law (sec. 852)

The Senate bill contained a provision (sec. 840) that would amend section 2308(c) of title 10, United States Code, to waive the requirement for the head of an agency to notify congressional defense committees of the decision to acquire a higher quantity of an end item for tactical missiles and munitions annual procurements.

The House amendment contained a similar provision (sec. 836) that would waive the requirement for the Secretary of Defense to notify the congressional defense committees of a decision, not later than 30 days after the date of the decision, to acquire a higher quantity of an end item (for tactical missiles and munitions annual procurements only) than is specified in law.

The Senate recedes.

Multiple program multiyear contract pilot demonstration program (sec. 853)

The Senate bill contained a provision (sec. 841) that would grant the Secretary of Defense the authority to conduct a multiyear contract for multiple defense programs that are produced at common facilities at a high rate, and which maximize commonality, efficiencies, and quality, in order to provide maximum benefit and significant savings to the Department of Defense.

The House amendment contained no similar provision.

The House recedes.

Key performance parameter reduction pilot program (sec. 854)

The Senate bill contained a provision (sec. 842) that would require the Secretary of Defense to enact a pilot program aimed at decreasing the number of Key Performance Parameters (KPPs) on acquisition programs. The Secretary would be required to select one acquisition program from each of the services to determine if limiting the number of KPPs to three, at the most, leads to operational or programmatic improvements of outcomes.

The House amendment contained no similar provision.

The House recedes with an amendment that would clarify the types of key performance parameters that may be reduced in the pilot program.

Mission integration management (sec. 855)

The Senate bill contained a provision (sec. 843) that would further enhance the Department of Defense's (DOD) efforts to adopt an open systems approach to defense acquisition. The provision would require the Secretary of Defense to implement modular open systems architecture in acquisition programs in specified mission areas when implementing section 801 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291). The provision would require each multi-service and multi-program mission outlined in the provision to have a mission integration manager to act as the principal substantive advisor to the Deputy Secretary of Defense and the Vice Chairman of the Joint Chiefs of Staff for all aspects of capability integration for the mission area.

The House amendment contained no similar provision.

The House recedes with an amendment that would incorporate into another section of this Act the requirement of the Senate provision (sec. 843) for the Department to ensure that external facing interfaces are identified and clearly and publicly characterized in terms of form, function, and the content that flows across to enable the creation of interoperable "systems of systems." The conferees urge the Department to ensure that the standards bodies and processes, which are established to support modular open systems approaches, promote interfaces that are dynamically managed, flexible, and extensible to enable technological innovation and performance growth.

The amendment also would modify the Senate provision to provide flexibility to the Department of Defense in implementing mission integration activities, and to provide an alternative funding source for mission integration activities. The conferees urge the Department of Defense to propose its own funding mechanism in future budget requests.

SUBTITLE E—PROVISIONS RELATING TO ACQUISITION WORKFORCE

Project management (sec. 861)

The Senate bill contained a provision (sec. 851) that would outline the responsibilities of the Department of Defense under chapter 87 of title 10, United States Code, for improving program and project management. This provision would require that not later than 1 year after the enactment of this Act that the Secretary of Defense develop Department-wide standards, policies, and guidelines for program and project management.

The Senate bill also contained a provision (sec. 1097) that would amend section 503 of title 31, United States Code, and Chapter 11 of title 31, United States Code, to improve Federal program and project management in the Department of Defense.

The House amendment contained a similar provision (sec. 1098L).

The Senate recedes with an amendment that would clarify that all members of the Program Management Policy Council must be officers or employees of the Federal government or the armed services. This obviates the need to address the application of the Federal Advisory Committee (5 U.S.C. App.).

Authority to waive tenure requirement for program managers for program definition and program execution periods (sec. 862)

The Senate bill contained a provision (sec. 852) that would amend sections 826(e) and 827(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) to harmonize the waiver authorities granted in these sections to the Service Acquisition Executive or the Under Secretary of Defense for Acquisition, Technology, and Logistics.

The House amendment contained no similar provision.

The House recedes.

Purposes for which the Department of Defense Acquisition Workforce Development Fund may be used; advisory panel amendments (sec. 863)

The Senate bill contained a provision (sec. 854) that would amend section 1705 of title 10, United States Code, to expand the use of the Department of Defense Acquisition Workforce Development Fund. The provision would clarify that the fund could be used for the development of acquisition tools and

methodologies and the undertaking of research and development of activities that could lead to acquisition policies and practices that will improve the efficiency and effectiveness of defense acquisition efforts.

The House amendment contained no similar provision.

The House recesses with an amendment that would clarify that the advisory panel on streamlining and codifying acquisition regulations that was established in section 809 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) is an independent advisory panel to be supported by the Defense Acquisition University and the National Defense University. The amendment would further clarify that, as an independent advisory panel, the panel has the hiring authorities provided in section 3161 of title 5, United States Code. The amendment also would limit the amount of funds that may be used in fiscal year 2017 for acquisition tools and methodologies and the undertaking of research and development to \$35.0 million.

Department of Defense Acquisition Workforce Development Fund determination adjustment (sec. 864)

The House amendment contained a provision (sec. 839) that would amend section 1705 of title 10, United States Code, to allow the Secretary of Defense to reduce the threshold amount that must be credited to the Defense Acquisition Workforce Development Fund during fiscal year 2017 from \$400.0 million to \$0. This section addresses an overfunding of the fund that has resulted from carryovers from prior years.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would require the Department of Defense to transfer \$225.0 million from the Defense Acquisition Workforce Development Fund (DAWDF) in fiscal year 2017 to the Department's Rapid Prototyping Fund. The conferees also direct the Secretary of Defense to brief the Committees on Armed Services of the Senate and the House of Representatives, not later than March 15, 2017, on the extent to which DAWDF funding is sufficient to meet acquisition workforce development requirements and on steps the Department has taken to improve the management and implementation of the DAWDF to avoid carryover funding. The conferees encourage the Department to make use of the expanded authorities for the use of the DAWDF to address workforce training and development of acquisition tools and practices to improve acquisition practice and outcomes.

It is the opinion of the conferees per section 1705 of title 10, United States Code, that the amounts transferred into

the DAWDF from unobligated balances, as described in subsection 3, does not have a maximum limit each year. The \$500,000,000 limitation only applies to subsection 2 relating to credits for contract services. The conferees direct the Secretary of Defense to establish waivers to procedures regarding obligation and expenditure rates, applicability of standard financial management regulations, and other financial management procedures, as necessary, to ensure the most efficient and effective execution of projects supported by the Rapid Prototyping Fund. Specifically, the conferees direct the Secretary to establish procedures that provide relief from strict obligation and expenditure benchmarks and flexibility in using amounts in the Fund consistent with a broad range of efforts under research, development, test and evaluation budget activities. The conferees believe that strict adherence to standard Department financial management procedures may negatively impact program execution and not enable the program to achieve its goals. The conferees direct the Secretary to notify the congressional defense committees within 30 days after any such procedures are waived.

Limitations on funds used for staff augmentation contracts at management headquarters of the Department of Defense and the military departments (sec. 865)

The Senate bill contained a provision (sec. 905) that would limit the amount of funds available for staff augmentation contracts at the Office of the Secretary of Defense and the headquarters of the military departments for fiscal years 2017 and 2018 to not more than the amount expended for those contracts in fiscal year 2016. The provision would further require a 25 percent reduction to the fiscal year 2016 funding for those contracts after fiscal year 2018.

The House amendment contained a provision (sec. 809A) that would extend the limitation on the aggregate annual amount available to the Department of Defense for contract services through fiscal year 2017.

The House recedes with an amendment that would limit the amount of funds available for staff augmentation contracts, as defined in the amendment, at the Office of the Secretary of Defense and the headquarters of the military departments for fiscal years 2017 and 2018 to not more than the amount expended for those contracts in fiscal year 2016 and would further require a 25 percent reduction to the fiscal year 2016 funding for those contracts in fiscal years 2018 through fiscal year 2022.

The conferees direct the Secretary of Defense to brief the Committees on Armed Services of the Senate and the House of Representatives, no later than February 1, 2017, on the plan to implement the requirements of this provision.

Senior Military Acquisition Advisors in the Defense Acquisition Corps (sec. 866)

The Senate bill contained a provision (sec. 592) that would add a new section 1725 to title 10, United States Code, to authorize the Secretary of Defense to establish in the Defense Acquisition Corps positions to be known as "Senior Military Acquisition Advisors". Senior Military Acquisition Advisors would be appointed by the President, by and with the advice and consent of the Senate. Eligible officers include officers in the grade of colonel or captain in the Navy, with extensive defense acquisition experience, and who are eligible for retirement. Senior Military Acquisition Advisors would be authorized to remain in service in support of their Service Acquisition Executive and be assigned as an adjunct professor at the Defense Acquisition University.

Senior Military Acquisition Advisors would be competitively selected and would provide senior level acquisition expertise to the Service Acquisition Executive of their military department for the remainder of their career. An officer who is continued on active duty under this program is not eligible for consideration for selection for promotion. A Senior Military Acquisition Advisor will serve no longer than a 5-year term. When a Senior Military Acquisition Advisor retires with a minimum of 3 years of service, the officer may, at the discretion of the President, be retired as a brigadier general or rear admiral (lower half), but without increase in retired pay or other compensation by reason of retirement of an officer in the grade of brigadier general or rear admiral (lower half).

The House amendment contained no similar provision.

The House recedes.

Authority of the Secretary of Defense under the acquisition demonstration project (sec. 867)

The Senate bill contained a provision (sec. 1104) that would repeal section 1762 of title 10, United States Code, and create a new section 1763 of title 10, United States Code, to provide a permanent authority that would allow the Secretary of Defense to establish and adjust a special system of personnel programs for employees in the Department of Defense civilian

acquisition workforce and supporting personnel assigned to work directly with that workforce.

The House amendment contained no similar provision.

The House recedes with an amendment that moves the administration of the Department of Defense acquisition workforce demonstration project from the Office of Personnel Management to the Department of Defense.

SUBTITLE F—PROVISIONS RELATED TO COMMERCIAL ITEMS

Market research for determination of price reasonableness in acquisition of commercial items (sec. 871)

The House amendment contained a provision (sec. 822) that would amend section 2377 of title 10, United States Code, relating to the preference for acquisition of commercial items by adding a new subsection that would require procurement officials of the Department of Defense to conduct or obtain market research when determining price reasonableness for commercial items.

The Senate bill contained no similar provision.

The Senate recedes.

Value analysis for the determination of price reasonableness (sec. 872)

The House amendment contained a provision (sec. 823) that would amend section 2379(d) of title 10, United States Code, by adding a new paragraph that would allow contractors to submit information or analysis pertaining to the value of a commercial item when responding to solicitations. This section would also allow contracting officers to consider value analysis, in addition to historic pricing data, when determining price reasonableness for commercial items.

The Senate bill contained no similar provision.

The Senate recedes.

Clarification of requirements relating to commercial item determinations (sec. 873)

The House amendment contained a provision (sec. 824) that would amend section 2380 of title 10, United States Code, to expand Department of Defense centralized records relating to commercial item determinations to include market research and

price reasonableness analysis. This section would also eliminate the requirement that such records be publicly accessible.

The Senate bill contained no similar provision.

The Senate recesses.

Inapplicability of certain laws and regulations to the acquisition of commercial items and commercially available off-the-shelf items (sec. 874)

The Senate bill contained a provision (sec. 861) that would amend section 2375 of title 10, United States Code, to require the establishment of a list in the Defense Federal Acquisition Regulation Supplement of inapplicable defense-unique statutes applicable to contracts for commercial items and commercially available off-the-shelf items.

The House amendment contained no similar provision.

The House recesses with an amendment that would exclude sections 2533a and 2533b of title 10, United States Code, from the applicability of this section.

Use of commercial or non-Government standards in lieu of military specifications and standards (sec. 875)

The Senate bill contained a provision (sec. 863) that would require the Secretary of Defense to ensure that the Department of Defense uses performance and commercial specifications and standards in lieu of military specifications and standards, including for procuring new systems, major modifications, upgrades to current systems, non-developmental and commercial items, and programs in all acquisition categories, unless no practical alternative exists to meet user needs.

The House amendment contained no similar provision.

The House recesses with an amendment that would clarify that commercial or non-governmental specifications and standards should be used in lieu of military specifications and standards. The amendment also would require the Department of Defense to maintain an inventory of commercial and non-governmental standards licenses.

Preference for commercial services (sec. 876)

The Senate bill contained a provision (sec. 864) that would require the Secretary of Defense to issue guidance pursuant to section 855 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92). This provision would ensure that no head of an agency would enter into a

contract in excess of the simplified acquisition threshold for specified services that are not commercial services unless the head of the agency determines in writing that no commercial services are suitable to meet the agency's needs as provided in section 2377(c)(2) of title 10, United States Code.

The House amendment contained no similar provision.

The House recedes with an amendment that would require written determination that market research has been conducted prior to awarding a contract for facilities-related services, knowledge-based services (except engineering services), construction services, medical services, or transportation services that are not commercial services. For contracts over \$10 million, the service acquisition executive, the head of a defense agency, the combatant commander, or the Under Secretary of Defense for Acquisition, Technology, and Logistics shall provide the written determination. For contracts valued between the simplified acquisition threshold and \$10 million, the contracting officer shall provide the written determination.

The conferees direct the contracting officer to retain a copy of each written determination required by this provision in the relevant contract file.

Treatment of commingled items purchased by contractors as commercial items (sec. 877)

The Senate bill contained a provision (sec. 865) that would add a new section to chapter 140 of title 10, United States Code, to treat the purchase of items valued at less than \$10,000 prior to the release of a government request for proposal as a commercial item.

The House amendment contained no similar provision.

The House recedes with an amendment that would clarify that items procured by any contractor for use in the performance of multiple contracts with the Department of Defense and other parties and are not identifiable to any particular contract should be treated as commercial items.

Treatment of services provided by nontraditional contractors as commercial items (sec. 878)

The Senate bill contained a provision (sec. 866) that would amend section 2380A of title 10, United States Code, to treat business units of nontraditional contractors that offer services as a commercial item, if the business unit uses the same personnel and similar pricing as offered to commercial customers.

The House amendment contained no similar provision.

The House recesses.

Defense pilot program for authority to acquire innovative commercial items, technologies, and services using general solicitation competitive procedures (sec. 879)

The Senate bill contained a provision (sec. 868) that would grant the Secretary of Defense the authority to carry out a pilot program to acquire innovative commercial items on a fixed-price basis using general solicitation competitive procedures and a peer review of such proposals.

The House amendment contained no similar provision.

The House recesses with an amendment that would require the Secretary of Defense to issue public guidance for the implementation of the pilot provision, requires congressional notification for the award of any contract exceeding \$100.0 million using the authority, and modifies the definition of "innovative".

Pilot programs for authority to acquire innovative commercial items using general solicitation competitive procedures (sec. 880)

The House amendment contained a provision (sec. 825) that would allow the Secretary of Defense to carry out a pilot program under which innovative commercial items may be acquired through a competitive selection of proposals, resulting from a general solicitation and the peer review of such proposals.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would change the authority to apply to the Department of Homeland Security and the General Services Administration, add a total annual limitation to the authority, reduce the reporting required to the congressional committees, modifies the definition of "innovative", and extends the termination date of the authority to September 30, 2022.

SUBTITLE G—INDUSTRIAL BASE MATTERS

Greater integration of the national technology industrial base (sec. 881)

The Senate bill contained a provision (sec. 871) that would require the Secretary of Defense to develop a plan to reduce the barriers to the seamless integration between the persons and organizations that comprise the National Technology

Industrial Base and expand the definition in section 2500 (1) of title 10, United States Code to include the United Kingdom and Australia.

The House amendment contained no similar provision.

The House recesses with an amendment that would make technical changes.

Integration of civil and military roles in attaining national technology and industrial base objectives (sec. 882)

The Senate bill contained a provision (sec. 872) that would amend section 2501(b) of title 10, United States Code, to ensure that the Secretary of Defense when meeting the national security strategy for the national technology and industrial base shall engage in acquisition reform efforts that: (1) rely, to the maximum extent practicable, upon the commercial national technology and industrial base that is required to meet the national security needs of the United States; (2) reduce the reliance of the Department of Defense on technology and industrial base sectors that are economically dependent on Department of Defense business; and (3) reduce Federal Government barriers to the use of commercial products, processes, and standards.

The House amendment contained no similar provision.

The House recesses.

Pilot program for distribution support and services for weapon systems contractors (sec. 883)

The Senate bill contained a provision (sec. 873) that would grant permissive authority to the Secretary of Defense to make available storage and distribution services support to a contractor in support of the performance by the contractor of a contract for the production, modification, maintenance, or repair of a weapon system that is entered into by an official of the Department of Defense.

The House amendment contained no similar provision.

The House recesses with a clarifying amendment that would remove the permanent authority and grant permissive authority to the Secretary of Defense to establish a six-year pilot program with a report to be delivered in the fourth year of the pilot program outlining the cost effectiveness for both government and industry as well as any performance enhancements, and recommendations on whether to make the authority permanent, and a review to be conducted by the Comptroller General of the United States during the fifth year to inform the potential extension or permanent authorization of the program.

Nontraditional and small contractor innovation prototyping program (sec. 884)

The Senate bill contained a provision (sec. 876) that would establish a pilot program for nontraditional contractors and small businesses to prototype disruptive solutions that demonstrate new capabilities that could provide alternatives to existing acquisition programs and assets.

The House amendment contained no similar provision.

The House recedes with an amendment that would add the Missile Defense Agency and protection against hypersonic weapons to the pilot program.

SUBTITLE H—OTHER MATTERS

Report on bid protests (sec. 885)

The Senate bill contained a provision (sec. 821) that would amend chapter 137 of title 10, United States Code, to add a new section to outline the role of the Government Accountability Office (GAO) in bid protests on certain contracts with the Department of Defense. The provision would require a large contractor filing a bid protest on a defense contract with GAO to cover the cost of processing the protest if all of the elements in the protest are denied in an opinion issued by GAO. The provision would also impose a withhold on payments above incurred costs on any bridge or temporary contract to an incumbent contractor who submits a protest and that protest results in the issuance of a bridge or temporary contract. The distribution of this withhold would be dependent on the outcome of the protest.

The House amendment contained a similar provision (sec. 831) that would require the Secretary of Defense to enter into a contract with an independent entity with appropriate expertise to conduct a review of the bid protest process related to major defense acquisition programs.

The Senate recedes with an amendment that expands the scope of the report to look at ways that the possibility of bid protests may influence behavior by contracting officers and by contractors. The report shall be due 1 year after the date of enactment of this Act.

Review and report on indefinite delivery contracts (sec. 886)

The House amendment contained a provision (sec. 832) that would require the Comptroller General of the United States to

review the use of indefinite delivery type contracts by the Department of Defense during fiscal years 2015, 2016, and 2017.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the review to include an assessment of Department of Defense guidance for entering into indefinite delivery contracts and for the number of vendors that should receive multiple award contracts, as well as the number and value of indefinite delivery contracts entered into with a single vendor.

Review and report on contractual flow-down provisions (sec. 887)

The House amendment contained a provision (sec. 833) that would require the Secretary of Defense to enter into a contract with an independent entity with appropriate expertise to conduct a review of contractual flow-down provisions related to major defense acquisition programs.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would expand the types of contractors and suppliers to be included in the required review. The conferees direct the Secretary of Defense or his designee to brief the Committees on Armed Services of the Senate and the House of Representatives on the interim findings and initial recommendations from the review not later than April 1, 2017.

Requirement and review relating to use of brand names or brand-name or equivalent descriptions in solicitations (sec. 888)

The Senate bill contained a provision (sec. 829E) that would require the Secretary of Defense to ensure that Department of Defense contract language does not specify a brand name in solicitations unless justification for such a specification is provided and approved in accordance with section 2304(f) of title 10, United States Code.

The House amendment contained a similar provision (sec. 834) that would require a review of specifications in information technology acquisitions to increase competition and a review of brand names and specifications for acquisitions of goods and services.

The House recedes with an amendment that would add a review of the policy, guidance, regulations, and training related to specifications included in information technology acquisitions to ensure current policies eliminate the unjustified use of potentially anti-competitive specifications.

Inclusion of information on common grounds for sustaining bid protests in annual Government Accountability Office reports to Congress (sec. 889)

The House amendment contained a provision (sec. 845) that would require the Comptroller General of the United States to include in his annual report to Congress on the Government Accountability Office each year a list of the most common grounds for sustaining protests relating to bids for contracts during the preceding year.

The Senate bill contained no similar provision.

The Senate recedes.

Study and report on contracts awarded to minority-owned and women-owned businesses (sec. 890)

The House amendment contained a provision (sec. 848) that would require the Comptroller General of the United States to perform a study on the number and types of contracts for the procurement of goods or services for the Department of Defense awarded to minority-owned and women-owned businesses during fiscal years 2010 through 2015. The report would be due to the congressional defense committees no later than 1 year after the enactment date of this Act.

The Senate bill contained no similar provision.

The Senate recedes.

Authority to provide reimbursable auditing services to certain non-Defense Agencies (sec. 891)

The Senate bill contained a provision (sec. 892) that would amend section 893 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) to provide an exception for the Defense Contract Audit Agency to provide audit support to the National Nuclear Security Administration on a reimbursable basis.

The House amendment contained a similar provision (sec. 840).

The House recedes.

Selection of service providers for auditing services and audit readiness services (sec. 892)

The House amendment contained a provision that would require the Department of Defense to select service providers for auditing services and audit readiness services based on the

best value to the Department rather than based on the lowest price technically acceptable service provider.

The Senate bill contained no similar provision.

The Senate recesses.

Amendments to contractor business system requirements (sec. 893)

The Senate bill contained a provision (sec. 891) that would amend chapter 137 of title 10, United States Code, to add a new section that would require the Secretary of Defense to develop and initiate a program to improve contractor business systems. The provision would clarify that this program would only apply to those contractors that do more than 30 percent of their business with the federal government and more than 1 percent of their business under cost-type contracts.

The House amendment contained no similar provision.

The House recesses with an amendment that would require the Department of Defense to identify and make public clear business system requirements, allow contractors to submit certification from their third-party independent auditors that their business systems conform to the Department's business system requirements, and allow a milestone decision authority to require further auditing of business systems to manage contractual risk. The amendment would also specify that business system requirements only apply to contractors that have covered contracts with the United States Government accounting for greater than 1 percent of their total gross revenue and that are not subject to full cost accounting standards pursuant to either section 1502 of title 41, United States Code, or regulations implementing section 1502 of title 41, United States Code.

Improved management practices to reduce cost and improve performance of certain Department of Defense organizations (sec. 894)

The Senate bill contained a provision (sec. 893) that would require all Department of Defense entities, with the exception of the Centers of Industrial and Technical Excellence designated pursuant to section 2474 of title 10, United States Code, which conduct commercial or non-inherently governmental work to establish cost baselines for their operations and begin to adopt best commercial and business management practices to reduce costs and improve the performance of such organizations.

The House amendment contained no similar provision.

The House recesses.

Exemption from requirement for capital planning and investment control for information technology equipment included as integral part of a weapon or weapon system (sec. 895)

The Senate bill contained a provision (sec. 895) that would require that the milestone decision authority shall only apply the requirements of paragraphs (2) through (5) of section 11312(b) of title 40, United States Code, to national security systems upon a written determination that the application of these requirements is appropriate and in the best interests of the Department of Defense.

The House amendment contained no similar provision.

The House recesses.

Modifications to pilot program for streamlining awards for innovative technology projects (sec. 896)

The Senate bill contained a provision (sec. 896) that would amend section 873 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) to clarify that the use of a technical, merit-based selection procedure or the Small Business Innovation Research Program or Small Business Technology Transfer Program for the pilot program under this section are competitive procedures for the purposes of chapter 137 of title 10, United States Code. The provision would also direct the Secretary of Defense to establish procedures under which a small business or a nontraditional contractor may engage an independent certified public accountant for the review and certification of its accounting system for the purposes of any audits required by this section.

The House amendment contained no similar provision.

The House recesses with an amendment that would include auditing officials in the list of personnel who are provided guidance and training on the flexible use and tailoring of authorities under the pilot program.

Rapid prototyping funds for the military departments (sec. 897)

The Senate bill contained a provision (sec. 899A) that would amend section 804(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) to authorize the Secretary of the Army, Navy, and Air Force each to establish service-specific funds for acquisition programs under the rapid fielding and prototyping pathways established in this section.

The House amendment contained no similar provision.

The House recesses.

Establishment of Panel on Department of Defense and AbilityOne Contracting Oversight, Accountability, and Integrity; Defense Acquisition University training (sec. 898)

The Senate bill contained a provision (sec. 829H) that would prohibit the Secretary of Defense from arranging contracts through AbilityOne, or its central non-profit agency, SourceAmerica, and instead require the Secretary to contract directly with qualified nonprofit agencies for the severely disabled until the Department of Defense (DOD) Inspector General conducted a review and certified the effectiveness of the internal controls and financial management of AbilityOne and SourceAmerica.

The House amendment contained no similar provision.

The House recedes with an amendment that would establish a panel on DOD and AbilityOne contracting oversight, accountability, and integrity to review and address the effectiveness and internal controls of the program related to DOD contracts.

Coast Guard major acquisition programs (sec. 899)

The House amendment contained a provision (sec. 835) that would amend section 56(c) of title 14, United States Code, to direct the Chief Acquisitions Officer of the Coast Guard to inform the Commandant of developments in major acquisition programs that have new or revisited trade-offs between costs, scheduling, feasibility, and performance. This section also would amend chapter 15 of title 14, United States Code, to clarify the role of the Acquisition Directorate in ensuring that the needs of customers in major acquisition programs are met in the most cost-effective manner practicable. The Vice Commandant of the Coast Guard would be responsible for representing the operating field units and would serve an advisory role to the Commandant for major acquisition programs. The customer of a major acquisition program would be specified as the operating field unit that would field the acquired system and "major acquisition program" would be defined as a program with a life-cycle cost estimate of \$300.0 million or more.

This section also would prohibit the Commandant of the Coast Guard from awarding a contract for the design of an unmanned aerial system (UAS) for use by the Coast Guard, and would require the Commandant to use and operate only UASs that have already been acquired by either the Department of Defense or the Department of Homeland Security.

This section also would allow the Coast Guard to extend major acquisition program contracts if the Comptroller General

of the United States finds that extending a current contract would be more cost effective than awarding a new contract. The Comptroller General would determine the costs for acquiring additional vessels under an existing contract, as well as the incurred costs due to schedule delays and asset design changes that would result from awarding a new contract.

This section also would require the Commandant to review all authorities provided under chapter 15 of title 14, United States Code, and other relevant statutes and deliver a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on how the Commandant can play a more appropriate role in the acquisition process with regard to policies, requirements, and implementing a more customer-oriented acquisition system.

This section also would require the Secretary for the department in which the Coast Guard is operating to submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on an analysis of multiyear procurement authorities for the procurement of at least five Fast Response Cutters (beginning with hull 43) and Offshore Patrol Cutters (beginning with hull 5). The report would include an assessment of costs and benefits, impact on delivery times, and whether acquisitions would meet the four-part test under section 2306b of title 10, United States Code.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would allow the Coast Guard to acquire unmanned aerial systems that have been previously funded by the Departments of Defense or Homeland Security. The amendment would also require the Cost Analysis Division of the Department of Homeland Security to determine if contracts for procurement of additional units under an existing Coast Guard major acquisition program contract would be cost effective.

Enhanced authority to acquire products and services produced in Africa in support of covered activities (sec. 899A)

The Senate bill contained a provision (sec. 885) that would grant the Secretary of Defense authority to make a determination to limit competition or provide a preference for products and services produced in areas where the United States has long-term agreements with host nations in the African region.

The House amendment contained no similar provision.

The House recedes with an amendment that would provide for an exemption from preferred local procurement for items included on the procurement list described in section 8503(a) of title 41, United States Code, if such a good can be produced and delivered by a qualified non-profit agency for the blind or a non-profit agency for other severely disabled in a timely fashion to support mission requirements.

LEGISLATIVE PROVISIONS NOT ADOPTED

Revision to authorities relating to Department of Defense Test Resource Management Center

The House amendment contained a provision (sec. 801) that would limit application of existing law to the Major Range and Test Facility Base and those test and evaluation facilities that are used to support the acquisition programs of the Department of Defense. The provision would align the statute to the original enactment of the law and would prevent reporting requirements from being broadened to small laboratory and educational test and evaluation facilities. The provision would also define the term "significant change" in test and evaluation facilities.

The Senate bill contained no similar provision.
The House recedes.

Repeal of temporary suspension of public-private competitions for conversion of Department of Defense functions to performance by contractors

The Senate bill contained a provision (sec. 806) that would repeal section 325 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

The House amendment contained no similar provision.
The Senate recedes.

Requirement for policies and standard checklist in procurement of services

The House amendment contained a provision (sec. 809) that would establish a procurement policy checklist to ensure accountability in the acquisition of services.

The Senate bill contained no similar provision.
The House recedes.

Non-traditional contractor definition

The Senate bill contained a provision (sec. 817) that would amend section 2302(9) of title 10, United States Code, to clarify the definition of a non-traditional contractor.

The House amendment contained no similar provision.
The Senate recesses.

Revision to definition of commercial item

The House amendment contained a provision (sec. 821) that would amend section 103 of title 41, United States Code, to expand the types of nondevelopmental items that may be considered commercial items to include items that the procuring agency determines were developed at private expense and sold in substantial quantities on a competitive basis to foreign governments.

The Senate bill contained no similar provision.
The House recesses.

Government Accountability Office bid protest reforms

The Senate bill contained a provision (sec. 821) that would amend chapter 137 of title 10, United States Code, to add a new section to outline the role of the Government Accountability Office in bid protests on certain contracts with the Department of Defense.

The House amendment contained no similar provision.
The Senate recesses.

Penalties for the use of cost-type contracts

The Senate bill contained a provision (sec. 826) that would require the secretary of each military department and the head of each of the defense agencies to pay a penalty for the use of cost-type contracts in certain cases that are awarded in fiscal year 2018 through fiscal year 2021.

The House amendment contained no similar provision.
The Senate recesses.

Nonapplicability of certain executive order to Department of Defense and National Nuclear Security Administration

The Senate bill contained a provision (sec. 829I) that would limit the application of the acquisition regulations mandated by Executive Order 13673 to contractors or subcontractors of the Department of Defense that have been suspended or debarred as a result of the federal labor law

violations referenced in the Executive Order in effect on May 28, 2015.

The House amendment contained a similar provision (sec. 1095) that would exempt the Department of Defense and the National Nuclear Security Administration from implementation of Executive Order 13673.

The conference agreement does not include either provision.

Requirement that certain ship components be manufactured in the national technology and industrial base

The House amendment contained a provision (sec. 838) that would amend section 2534 of title 10, United States Code, and would require certain auxiliary ship components to be procured from a manufacturer in the national technology and industrial base.

The Senate bill contained no similar provision.
The House recesses.

Use of economy-wide inflation index to calculate percentage increase in unit costs

The Senate bill contained a provision (sec. 839) that would amend section 2433(f) of title 10, United States Code, to require that unit costs be calculated in constant dollars with an economy-wide inflation index, such as the Gross Domestic Product Price Index.

The House amendment contained no similar provision.
The Senate recesses.

Modifications to the justification and approval process for certain sole-source contracts for small business concerns

The House amendment contained a provision (sec. 842) that would repeal section 811 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) and establish a standard justification and approval process for sole-source contracts valued at \$20.0 million or greater.

The Senate bill contained no similar provision.
The House recesses.

Briefing on design-build construction process for defense contracts

The House amendment contained a provision (sec. 843) that would require the Secretary of Defense to provide the Committee

on Armed Services of the House of Representatives with a briefing on the use and implementation of the two-phase design-build selection procedures. The briefing would include: plans to implement the updates to the Federal Acquisition Regulation that amended section 2305a, title 10, United States Code; a list of awards for design-build contracts pursuant to 2305a of title 10, United States Code, that had more than five finalists; feedback from industry; and any challenges to the implementation of this amended statute.

The Senate bill contained no similar provision.

The House recesses.

The conferees direct the Secretary of Defense, not later than March 1, 2017, to provide the congressional defense committees with a briefing on the use and implementation of the two-phase design-build selection procedures. The briefing should include how the Department of Defense continues to implement the updates to the Federal Acquisition Regulation that implemented the 2015 amendments to section 2305a, title 10, United States Code, a list of instances in which the Department awarded a design-build contract pursuant to section 2305a of title 10, United States Code, that had more than five finalists for phase-two requests for proposals during fiscal year 2016, and the list of design-build requests for proposals that used a one-step process, any feedback the Department has received from industry on the Department's design-build selection procedure, and any challenges to the implementation of the statute.

Assessment of outreach for small business concerns owned and controlled by women and minorities required before conversion of certain functions to contractor performance

The House amendment contained a provision (sec. 844) that would prohibit any Department of Defense functions performed by civilian employees tied to a military base to be converted to performance by contractors until an assessment is conducted to determine if the Department has sufficiently carried out outreach programs to assist small business concerns owned and controlled by women or socially and economically disadvantaged individuals located near a military base.

The Senate bill contained no similar provision.

The House recesses.

Enhanced use of data analytics to improve acquisition program outcomes

The Senate bill contained a provision (sec. 853) that that would mandate the establishment of activities to promote the use

of data analytics and other evaluation-related methods to support acquisition decision-making and enhance organizational learning.

The House amendment contained no similar provision.

The Senate recesses.

The conferees note a widespread recognition that the Department of Defense (DOD) does not sufficiently incorporate data into its acquisition-related learning and decision-making. Many major policy decisions are made without the benefit of being informed by substantive data. These policies are sometimes based on assumptions, and program reviews do not always sufficiently incorporate relevant data against which to evaluate success. The conferees note that the Government Accountability Office reported in 2015 that DOD officials responsible for acquisitions and developing requirements lacked access to data and the analytical tools necessary to conduct effective reviews.

The conferees believe that data analysis and other evaluation-related methods are a critical element in making well-informed acquisition decisions and managing programs. As the Congressional Research Service noted, a lack of data or effective data analyses can lead to incorrect or misleading conclusions. The result may be policies that squander resources, waste taxpayer dollars, and undermine the effectiveness of government programs or military operations.

The conferees believe that one important aspect of enhancing the use of data analytics in acquisitions is for DOD to improve data sharing both within its programs and organizations, and where appropriate outside the Department. Sharing data externally includes publishing, to the maximum extent practicable, and in a manner that protects classified and proprietary information, data collected by the Department that is related to acquisition program costs and activities. Effectively sharing such data would allow industry, academia, think tanks, and the public to develop analyses of trends, lessons learned, best practices, and new analytical methods and tools for decision-making. To this end, the conferees encourage the Department to fund intramural and extramural research and development activities to develop and implement data analytics capabilities in support of improved acquisition outcomes, possibly through leveraging the authorities of the Defense Acquisition Workforce Development Fund.

Therefore, the conferees direct the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Deputy Chief Management Officer, and the Chief Information Officer, and in coordination with the military services, to assess the effectiveness of current activities and policies related to the use of data analysis,

measurement, and other evaluation-related methods to the planning, implementation, and management of acquisition programs and the improvement of acquisition outcomes in the Department of Defense. The activities to be assessed should include data analytics capabilities and organizations within the military services; capabilities in Department of Defense laboratories, test centers, and Federally Funded Research and Development Centers to provide technical support for data analytics; and the use of existing analytical capabilities available to acquisition programs and offices to support improved acquisition outcomes.

Further, the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall conduct a review of the curriculum taught at the National Defense University, the Defense Acquisition University, and appropriate private-sector academic institutions to determine the extent to which the curricula includes appropriate courses on data analytics and other evaluation-related methods and their application to defense acquisitions, and how these efforts can be used by the acquisition workforce to perform their missions.

The conferees direct the Secretary of Defense, not later than 1 year after the date of the enactment of this Act, to brief the Armed Services Committees of the Senate and House of Representatives on the use of data analysis, measurement, and other evaluation-related methods in DOD acquisition programs. The briefing shall address the extent to which data analytics capabilities have been implemented within the military services, DOD laboratories, test centers, and Federally Funded Research and Development Centers to provide technical support for acquisition program management; the potential to increase the use of analytical capabilities for acquisition programs and offices to improve acquisition outcomes; the amount of funding for intramural and extramural research and development activities to develop and implement data analytics capabilities in support of improved acquisition outcomes; any potential improvements, based on private-sector best practices, in the efficiency of current data collection and analysis processes that could minimize collection and delivery of data by, from, and to government organizations; steps being taken to appropriately expose acquisition data in an anonymized fashion to researchers and analysts; and an assessment of whether the curriculum at the National Defense University, the Defense Acquisition University, and appropriate private-sector academic institutions includes appropriate courses on data analytics and other evaluation-related methods and their application to defense acquisitions.

Department of Defense exemptions from certain regulations

The Senate bill contained a provision (sec. 862) that would exempt purchases of commercial off-the-shelf items by the Department of Defense from certain Executive Orders and give the Secretary of Defense waiver authority for other purchases.

The House amendment contained no similar provision.
The Senate recesses.

Use of non-cost type contracts to acquire commercial items

The Senate bill contained a provision (sec. 867) that would amend section 2377 of title 10, United States Code, to require that the Defense Federal Acquisition Regulation Supplement include guidance that firm fixed-priced contracts, fixed-price incentive contracts, or fixed-price with economic price adjustment contracts be used to the maximum extent practicable for the acquisition of commercial items. Additionally, this provision would prohibit the use of cost-type contracts for commercial items.

The House amendment contained no similar provision.
The Senate recesses.

Modified requirements for distribution of assistance under procurement technical assistance cooperative agreements

The Senate bill contained a provision (sec. 875) that would amend section 2413(c) of title 10, United States Code, to conform the Procurement Technical Assistance Program with the Defense Logistics Agency current practice of using states as the geographic basis for cooperative agreement awards.

The House amendment contained no similar provision.
The Senate recesses.

The conferees agree that the current formula for distribution of grants to procurement technical assistance centers (PTACs) should be adjusted to address that the Department of Defense has consolidated its contract administration services districts, which are currently the basis for grant distribution pursuant to section 2413 of title 10, United States Code. However, the conferees believe that a successful funding formula should consider factors such as avoiding the discontinuation of services to existing clients of PTACs, the desirability of adding new PTACs or expanding the client base of existing PTACs, the population density, geographic accessibility of PTACs, duplication of services, the level of success obtained by particular grant recipients, the availability of funds, and other possible factors. Therefore,

the conferees direct the Department to provide recommendations on appropriate factors and a funding formula. To develop these recommendations, the Department shall, at a minimum, work in consultation with current grantees and their representatives and examine comparable grant programs operated by other agencies. Such programs could include the Small Business Development Centers, Women's Business Centers, and Veterans Business Outreach Centers of the Small Business Administration or the Business Centers of the Minority Business Development Agency of the Department of Commerce. The Department's recommendations shall be provided no later than March 1, 2017.

Working capital fund for precision guided munitions exports in support of contingency operations

The Senate bill contained a provision (sec. 882) that would authorize the Secretary of Defense to establish a working capital fund to finance inventories of supplies of precision guided munitions in advance of partner and allied forces requirements to enhance the effectiveness of overseas contingency operations conducted or supported by the United States.

The House amendment contained no similar provision.

The Senate recesses.

Director of Developmental Test and Evaluation

The Senate bill contained a provision (sec. 894) that would amend section 139 of title 10, United States Code, and section 196(g) of title 10, United States Code, that would refine the role of the Director of Operational Test and Evaluation.

The House amendment contained no similar provision.

The Senate recesses.

The conferees note that Congress re-established a developmental test and evaluation organization within the defense research and engineering enterprise in 2009. Since that time, the conferees have become concerned that the Department has not established a reasonable balance of investment between developmental and operational test activities. The conferees believe it is necessary to examine the functions and resources of the organizations of the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation (DT&E) and the Director of Operational Test and Evaluation to better understand if the Department has struck the right balance between these activities. To improve test and evaluation results for the Department's acquisition programs in the most efficient manner,

the Department's leadership must ensure sufficient resources to support testing and oversight activities.

The conferees note that, over time, the resources and influence of the Office of the Secretary of Defense and the Service developmental test and evaluation organizations have declined, adversely impacting the successful outcomes of acquisition efforts. However, the conferees believe that this decline should be re-examined in light of the need for stronger developmental test organizations to support department-wide efforts to promote technical innovation and re-establish battlefield technological superiority. As a result, the conferees believe it would be useful for the Department of Defense to review the resources allocated to developmental and operational test and evaluation organizations to address a number of issues and questions.

The conferees direct the Secretary of Defense to form an independent study panel, unaffiliated with a Federally Funded Research and Development Center, to review the appropriate roles, responsibilities, and level of resources for both developmental and operational test and evaluation activities required to execute statutory and regulatory responsibilities within the Office of the Secretary of Defense. The panel will develop such recommendations as it believes appropriate for optimal resources and authorities to support developmental and operational test missions. The review and report should be completed no later than 1 year after the enactment of this Act.

The committee recommends that the panel address the following questions:

(a) How can the Director of Operational Test and Evaluation and the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation (DASD DT&E) at the Office of the Secretary of Defense approach oversight within the system development cycle to avoid overlap but be mutually supporting without sacrificing the independence of either organization?

(b) Does participation with and assessment of program progress during phases prior to operational test and evaluation bias the independent objectivity of the operational test and evaluation organization?

(c) Are there specific test and evaluation activities that should be realigned for management within OSD or the services to promote effectiveness and efficiency of those programs?

(d) Overall are the developmental and operational test and evaluation organizations effectively carrying out the missions as described in title 10, United States Code, and are there impediments to meeting those responsibilities? In

addition, are they engaged in activities outside their mission areas?

(e) Are the activities of the test and evaluation organizations constructive, not duplicative or disruptive, to support the acquisition goals of the military departments and defense agencies?

(f) What staffing authorities and other resources are needed to support effective and efficient oversight of both the developmental and operational phases of testing commensurate with the effort to each relative to the portion of the programs that their oversight entails?

Improved transparency and oversight over Department of Defense research, development, test, and evaluation efforts and procurement activities related to medical research

The Senate bill contained a provision (sec. 898) that would prohibit the Secretary of Defense from entering into a contract, grant, or cooperative agreement for congressional special interest medical research programs under the congressionally directed medical research program of the Department of Defense unless additional cost accounting and other specified requirements were implemented.

The House amendment contained no similar provision.

The Senate recesses.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SUBTITLE A—OFFICE OF THE SECRETARY OF DEFENSE AND RELATED MATTERS

Organization of the Office of the Secretary of Defense (sec. 901)

The Senate bill contained a provision (sec. 901) that would amend section 133 of title 10, United States Code, to establish the position of the Under Secretary of Defense for Research and Engineering, amend section 138 of title 10, United States Code, to establish and consolidate certain Assistant Secretary of Defense positions, and make other conforming changes. The provision would also amend section 132a of title 10, United States Code, to redesignate the Under Secretary of Defense for Business Management and Information as the Under Secretary of Defense for Management and Support.

The House amendment contained a provision (sec. 846) that would revise the effective date for amendments relating to the conversion of the position of the Deputy Chief Management Officer to the position of the Under Secretary of Defense for Business Management and Information.

The House recedes with an amendment that would amend chapter 4 of title 10, United States Code, to establish an Under Secretary of Defense for Research and Engineering, an Under Secretary of Defense for Acquisition and Sustainment, and a chief management officer within the Department of Defense, effective on February 1, 2018. The amendment would make other modifying and conforming changes, and require the Secretary of Defense to conduct a review and submit a report to the congressional defense committees on the organizational and management structure for the Department.

Three broad priorities framed the conference discussions: (1) elevate the mission of advancing technology and innovation within the Department; (2) foster distinct technology and acquisition cultures to better deliver superior capabilities for the armed forces; and (3) provide greater oversight and management of the Department's Fourth Estate. The conferees believe that separating the "chief technology officer" and "chief acquisition officer" responsibilities currently residing with the Under Secretary of Defense for Acquisition, Technology, and Logistics, as well as establishing a "chief management officer" within the Department, addresses these priorities and better postures the Office of the Secretary of Defense organizationally to meet future national security challenges.

The conferees believe the technology and acquisition missions and cultures are distinct. The conferees expect that the Under Secretary of Defense for Research and Engineering would take risks, press the technology envelope, test and experiment, and have the latitude to fail, as appropriate. Whereas the conferees would expect the Under Secretary of Defense for Acquisition and Sustainment to focus on timely, cost-effective delivery and sustainment of products and services, and thus seek to minimize any risks to that objective.

Some will argue that the agreement exacerbates the technology "valley of death." The conferees acknowledge that there will be seams in any organizational construct, but also believe that this seam creates a healthy tension that can be mitigated through effective leadership and management. As an Under Secretary, third in precedence, the conferees expect that the "chief technology officer" would have the stature and resources to drive innovation throughout the Department, including as needed through development and implementation of innovative policies and practices. At the same time, the

conferees would expect the Under Secretary of Defense for Acquisition and Sustainment to challenge any advanced technology ideas that the Under Secretary cannot confidently deliver on within cost, schedule, and performance objectives, and shape those efforts appropriately.

The conferees recognize that the implementation of this provision will require further examination and analysis, to include a deeper review of authorities, responsibilities, resource implications, and the appropriate allocation of subordinate positions and organizations. As such, the provision provides policy guidance on roles and responsibilities for each of the three senior leadership positions and repeals requirements in statute for specific subordinate assistant and deputy assistant secretaries of defense to provide flexibility to the Department to allocate such subordinate positions to best meet congressional policy guidance.

The conferees believe a review of authorities is particularly important, especially as they relate to any direction and supervisory authorities vested in the three senior leadership positions, to allow those senior leaders to effectively oversee and manage activities and resources within their portfolios at the direction of the Secretary of Defense. Similarly, the conferees believe an in-depth examination of the placement within the Department and the responsibilities of the chief management officer is also warranted, as they believe such an officer could provide greater oversight and management of the non-homogenous organizations that comprise the Department's Fourth Estate. The conferees also believe an examination of the potential for the establishment of a Chief Innovation Officer position, informed by best private sector practices, is warranted.

The conferees set a date of February 1, 2018, for the implementation of the three senior leadership positions, to provide the Department with time to conduct the required review, to engage the congressional defense committees, and to provide its recommendations on an organization and management structure for the Department. However, the conferees encourage the President to move out earlier on nominations for these senior leadership positions.

Lastly, while the focus of this provision is on the Office of the Secretary of Defense, the conferees also recognize that the Department as a whole must be examined to provide the organizational and management agility and adaptability necessary to address longer-term national security challenges.

Responsibilities and reporting of the Chief Information Officer of the Department of Defense (sec. 902)

The Senate bill contained a provision (sec. 903) that would amend paragraph 8 of section 132(b) of title 10, United States Code, to establish the position of the Assistant Secretary of Defense for Information.

The House amendment contained no similar provision.

The House recedes with an amendment that would clarify in sections 131 and 142 of title 10, United States Code, the responsibilities of the Chief Information Officer of the Department of Defense.

The conferees direct the Secretary of Defense to develop a plan within 180 days after the enactment of this Act to implement a more optimized organizational structure and processes to support information management and cyber operations to include the policy, direction, oversight and acquisition functions performed by the Deputy Chief Management Officer, the Chief Information Officer, the Under Secretary of Defense for Acquisition, Technology and Logistics, the Under Secretary for Policy, and the Under Secretary for Intelligence and any other relevant entity in the Department of Defense. This plan should include both business systems and national security systems and explore the responsibilities for cyber and space policy, information network defense, and the development of policies and standards governing information technology systems and related information security activities of the Department. This plan should also assess the effectiveness and utility of the cross functional team supporting the Principal Cyber Advisor established by section 932(c)(3) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66).

Maximum number of personnel in Office of the Secretary of Defense and other Department of Defense headquarters offices (sec. 903)

The Senate bill contained a provision (sec. 904) that would:

(1) amend section 143 of title 10, United States Code, to limit the number of civilian and detailed individuals authorized to be assigned to the Office of the Secretary of Defense to 3,767;

(2) amend section 155 of title 10, to limit the number of personnel on the Joint Staff to 1,930 including not more than 1,500 Active-Duty service members;

(3) amend section 3014 of title 10, to limit the total number of members of the Armed Forces and civilian employees of the Department of the Army assigned or detailed to permanent duty in the Office of the Secretary of the Army and on the Army staff to 3,105; and to reduce the total number of

general officers assigned or detailed to permanent duty in the Office of the Secretary of the Army and on the Army staff from 67 to 50.

(4) amend section 5014 of title 10, to limit the total number of members of the Armed Forces and civilian employees of the Department of the Navy assigned or detailed to permanent duty in the Office of the Secretary of the Navy and on the Navy staff to 2,866; and to reduce the total number of flag officers assigned or detailed to permanent duty in the Office of the Secretary of the Navy and on the Navy staff from 67 to 50.

(5) amend section 8014 of title 10, to limit the total number of members of the Armed Forces and civilian employees of the Department of the Air Force assigned or detailed to permanent duty in the Office of the Secretary of the Air Force and on the Air Force staff to 2,639; and to reduce the total number of general officers assigned or detailed to permanent duty in the Office of the Secretary of the Air Force and on the Air Force staff from 60 to 45.

The provision would further clarify the exceptions to the personnel limits. It would allow the limits to be increased by 15 percent during a national emergency.

The House amendment contained no similar provision.

The House recedes with an amendment that would limit the number of civilians assigned or detailed to the headquarters operations, establish a 2,069 personnel limit for the Joint Staff, and clarify that the exceptions to the personnel limits allow an additional 15 percent during national emergencies.

Repeal of Financial Management Modernization Executive Committee (sec. 904)

The Senate bill contained a provision that would repeal section 185 of title 10, United States Code, regarding the Department of Defense Financial Management Modernization Executive Committee.

The House amendment contained no similar provision.

The House recedes.

SUBTITLE B—ORGANIZATION AND MANAGEMENT OF THE DEPARTMENT OF DEFENSE GENERALLY

Organizational Strategy for the Department of Defense (sec. 911)

The Senate bill contained a provision (sec. 941) that would require the Secretary of Defense to develop and implement an organizational strategy for the Department of Defense (DOD).

The House bill contained no similar provision.

The House recesses with an amendment that would: (1) streamline and condense the organizational strategy required from the Secretary; (2) substantially enhance the requirement for an independent study of private sector and government experience with cross-functional teams (CFTs), and the use of cross-functional groups by the Department of Defense, to inform the Secretary's implementation of CFTs and the cultural changes needed for their success; (3) lengthen and rationalize the timelines for the next Secretary of Defense to accomplish the changes mandated by the Senate provision; and (4) provide additional discretion to the Secretary regarding the number, characteristics, and application of mandated CFTs.

The intention of the conferees in adopting this provision is to provide the Secretary of Defense with a valuable tool for improving the performance of even the most elite organizations. Recognizing that the civilian and military employees of the Department of Defense are committed to the mission of protecting and defending the United States, the conferees believe that CFTs will provide the Secretary, and therefore the DOD workforce, a tool to more-effectively achieve their shared mission. The conferees believe that CFTs will enable the Secretary to more rapidly and effectively develop solutions and strategies for complex critical objectives and other organizational outputs of the Department of Defense by harnessing and integrating the expertise and ingenuity resident in the Department's functional organizations.

Successful CFTs require that DOD develop a more collaborative culture, just as the Goldwater-Nichols Act reforms required a cultural change to instill "jointness" among the military services to better support integrated operations for the combatant commands. The conferees recognize that it is difficult to legislate cultural change, but note that cultural change mandated by Goldwater-Nichols was achieved, and that this section promotes a more collaborative culture by such practical steps as training, directives and guidance, and performance reviews. However, the views and expectations of the Secretary and his principal staff advisers will be critical to success.

DOD officials have expressed the concern that the CFTs mandated under this section will undermine the authority of the Secretary of Defense and confuse lines of responsibility. The conferees emphasize that the authority of the CFTs, which will be established and directed by the Secretary and will support the Secretary, derives from the authority of the Secretary. Any authority being exercised is the delegated authority of the Secretary and is to be applied to cross-cutting objectives and other organizational issues that are not under the authority of

any officials other than the Secretary and Deputy Secretary of Defense.

The conferees note that DOD has established CFTs in the past that were highly effective, including teams to improve care for wounded warriors, dramatically increase intelligence support to counter-terrorism forces, and rapidly build thousands of life-saving armored vehicles to protect forces facing dire threats from improvised explosive devices. The attributes of these successful teams, and the manner in which they were managed, as well as the collective experience of the private sector and other government organizations, are reflected in the provision adopted by the conferees.

The conferees hope and expect that the good-faith implementation of this provision will demonstrate the value of properly constructed CFTs, which will spur the use of such teams across the Department, supporting officials and decision-making at all levels of the enterprise.

Policy, organization, and management goals and priorities of the Secretary of Defense for the Department of Defense (sec. 912)

The Senate bill contained a provision (sec. 942) that would require a series of management directives for the next Secretary of Defense.

The House amendment contained no similar provision.

The House recedes with an amendment that would scope the management overview to focus on policy goals, organizational management, and delayering of Department of Defense organizations and require updates in the form of a briefing on February 1 of each year through 2022 after the initial written report is submitted by April 1, 2017.

The Conferees note that the Secretary of Defense is expected to utilize the delivery unit authorized in this Act to assist with the execution and tracking of goals set under this provision.

Secretary of Defense delivery unit (sec. 913)

The Senate bill contained a provision (sec. 906) that would provide the Secretary of Defense with the authority to establish a delivery unit that would report directly to the Secretary in order to provide expertise and support on key reform and business transformation priorities across the Department for no more than four years beginning February 1, 2017. Such delivery unit may utilize the public-private talent exchange authorities available to the Secretary and consist of

no more than 30 professionals with deep experience in management consulting, organization transformation, and data analytics.

The House amendment contained no similar provision.

The House recedes with an amendment that would expand the role of the delivery unit beyond the business transformation process to also include the authority to identify and recommend resolutions to obstacles impeding the implementation of the Secretary's policies. The amendment also moves the establishment date of the delivery unit to March 1, 2017.

Performance of civilian functions by military personnel (sec. 914)

The House amendment contained a provision (H. 923) that would prohibit the conversion of positions performed by civilian personnel to performance by military personnel in most cases.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would further clarify that functions performed by civilian personnel should not be performed by military personnel except to meet mission requirements, as determined by the Secretary of a military department, or to address critical staffing needs for no more than one year resulting from congressional reductions in personnel or budgetary resources.

Repeal of requirements relating to efficiencies plan for the civilian personnel workforce and service contractor workforce of the Department of Defense (sec. 915)

The Senate bill contained a provision (sec. 1084) that would repeal section 955 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239).

The House amendment contained no similar provision.

The House recedes.

SUBTITLE C—JOINT CHIEFS OF STAFF AND COMBATANT COMMAND MATTERS

Joint Chiefs of Staff and related combatant command matters (sec. 921)

The Senate bill contained a provision (sec. 921) that would amend sections 151 and 153 of title 10, United States Code, to clarify the role of the Chairman of the Joint Chiefs of Staff and the key duties that this officer must perform on behalf of the joint force, specifically: providing advice on the

military elements of defense strategy and the global integration of military activities; advocating for the joint warfighter of today and tomorrow, especially with respect to developing joint capabilities; ensuring comprehensive joint readiness; and fostering joint force development. This provision seeks to clarify the role of the Chairman and thereby set an expectation that the preponderance of any Chairman's time should be devoted to the key strategic, global, and joint duties that are the Chairman's unique purview within the military.

The provision would also enhance the role of the other members of the Joint Chiefs, and the Joint Chiefs of Staff as a corporate body, to provide military advice to civilian leaders, including on the military elements of strategy. Current law provides the Chairman discretion with regard to how much to consult with the other Joint Chiefs and whether to inform civilian leaders of alternative military advice. This provision would seek to better enable the Chairman to act as the principal military adviser to civilian leaders.

The House amendment contained two similar provisions (sec. 907 and sec. 908). The first provision in the House amendment (sec. 907) would amend section 152(a) of title 10, United States Code, to extend the term of office of the Chairman of the Joint Chiefs of Staff from 2 years to 4 years. This section would also limit the reappointment of the Chairman to additional terms only in a time of war, and limit the combined period of service of an officer serving as Chairman or Vice Chairman of the Joint Chiefs of Staff to 8 years.

The second provision (sec. 908) in the House amendment would amend section 153(a) of title 10, United States Code, which sets forth the functions of the Chairman of the Joint Chiefs of Staff, by codifying the Chairman's responsibility to provide advice to the President and the Secretary of Defense on ongoing military operations and to provide advice to the Secretary on the allocation and transfer of forces among combatant commands.

The House recesses with an amendment that would make certain changes to enhance the position of the other members of the Joint Chiefs as military advisors, extend the terms of the Chairman and the Vice Chairman to 4 years and ensure that such terms are staggered, outline the Chairman's role in planning, advice, global military integration, and ensure open communication between the combatant commands and the Chairman.

Organization of the Department of Defense for management of special operations forces and special operations (sec. 922)

The Senate bill contained a provision (sec. 923) that would amend sections 138 and 167 of title 10, United States Code, to modify the roles and responsibilities of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict (ASD SOLIC) and the Commander of U.S. Special Operations Command (SOCOM).

The House amendment contained no similar provision.

The House recedes with an amendment that would make clarifying changes.

The conferees note that in recent years SOCOM has undergone significant change and the capabilities of special operations forces (SOF) have taken on critical importance for addressing the threat posed by violent extremist groups and other security challenges facing our nation. Since 2001, SOCOM's personnel numbers (civilian and military) have nearly doubled, its budget nearly tripled, and overseas deployments of SOF nearly quadrupled.

Under provisions included in the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661), commonly referred to as the "Nunn-Cohen Amendment," the ASD SOLIC is tasked with the responsibility to provide "the overall supervision (including oversight of policy and resources) of special operations activities" and is identified as "the principal civilian advisor to the Secretary of Defense on special operations and low intensity conflict matters."

The provisions described above were intended to empower the ASD SOLIC to serve a hybrid role as: 1) the Department's lead civilian policy official for matters related to special operations and low intensity conflict; and 2) the "service secretary-like" civilian with responsibility for the oversight and advocacy of SOCOM and the organization, training, and equipping of SOF. However, the conferees believe the ASD SOLIC has been challenged in fulfilling their "service secretary-like" responsibilities for a number of reasons. For example, the ASD SOLIC's organizational location within the office of the Undersecretary of Defense for Policy (USD(P)) has resulted in the ASD SOLIC dedicating a preponderance of their time and resources to policy and operational issues, at the expense of their "service secretary-like" responsibilities. Additionally, other civilian offices with greater seniority within the Department exercise related and, at times, overlapping responsibilities for aspects of SOF oversight, thereby complicating the ASD SOLIC's primacy in such matters. Furthermore, the conferees understand that studies directed by the Department when the ASD SOLIC was created determined that appropriate staffing levels for the organization would require between 95 and 110 personnel. However, the office of the ASD

SOLIC is currently only staffed by approximately 60 military and civilian personnel, only 6 of whom are focused on tasks related to the oversight and advocacy of the organization, training, and equipping of SOF. Furthermore, the addition of responsibilities for the counter-narcotics programs, building partner capacity initiatives, and humanitarian and disaster relief efforts of the DOD have further stretched the resources available to the office since its creation.

The conferees intend for this provision to clarify and strengthen the original mandate provided by the Nunn-Cohen Amendment that established the ASD SOLIC. The provision is intended to facilitate the unique "service secretary-like" responsibilities of the ASD SOLIC by mirroring the administrative chain of command relationship between the service secretaries and the military services for issues impacting the special operations-peculiar (commonly referred to as Major Force Program-11) administration and support of SOCOM, including the readiness and organization of SOF, resources (including program planning, allocation, and execution) and equipment, and relevant civilian personnel matters. The provision shall not impact the operational chain of command for SOF activities or the "service-common" responsibilities of the military services including personnel and other matters that are not special operations-peculiar.

The conferees are mindful of the congressionally-directed reductions to headquarters staff, but believe that the "service secretary-like" mission of the ASD SOLIC should be more robustly resourced in order to rebalance the ASD SOLIC's lines of effort and fulfill its mandate under title 10, United States Code. The conferees also expect the codification of the Special Operations Policy and Oversight Council under this provision to improve the oversight and advocacy of SOF by integrating the efforts of the various functional offices with direct or tangential responsibilities for SOF issues, thereby partially mitigating the need for significant numbers of additional personnel.

Additionally, the conferees note that the President approved the transfer of the mission for synchronizing global Department of Defense operations for countering weapons of mass destruction (CWMD) from United States Strategic Command (STRATCOM) to United States Special Operations Command on August 4, 2016. According to the Secretary of Defense "Expediting the transfer of CWMD responsibilities will allow USSOCOM to assume leadership for synchronization of Department of Defense (DoD) efforts in this critical mission, which will include updating the DoD CWMD Campaign Plan and instituting a comprehensive mission assessment process. I recommend this course of action to best ensure consistent, focused, and strengthened CWMD

efforts across the Department and with our interagency and international partners." The conferees support the transfer of the CWMD global synchronization mission to SOCOM because it may ensure appropriate DOD and interagency attention for this critical mission, facilitate synchronization with counterterrorism and other transregional efforts, and strengthen the preparedness of U.S. Special Operations Forces to counter these threats. However, the conferees are concerned that the requirements to successfully implement this mission change may not be fully defined and understood at this time. The conferees believe that it is important to clearly define requirements for this mission transfer to ensure that resources needed by SOCOM to adequately carry out this mission are appropriately transferred and provided for across the future years defense program.

Therefore, not later than 90 days after enactment of this Act, the conferees direct the Secretary of Defense to submit to the congressional defense committees the implementation plan for the transfer of the CWMD global synchronization mission. The report should include: an identification of resources, authorities, personnel or capabilities needed for this mission, and plans to implement those in the future years defense program; identification of the responsibilities, organizations, personnel and capabilities to be transferred from Strategic Command, including those at the Defense Threat Reduction Agency, to SOCOM to support the mission; oversight responsibilities within the Office of the Secretary of Defense; dates and criteria for the initial operating capability and full operating capability milestones.

*Establishment of Unified Combatant Command for Cyber Operations
(sec. 923)*

The House amendment contained a provision (sec. 911) that would establish a unified combatant command for cyber operations with the primary function to prepare cyber operations forces to carry out assigned missions.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees note transparency of U.S. Cyber Command operations, forces, and other activities is critical to oversight of the command by Congress. The conferees expect the quarterly cyber operations briefings, mandated by Title 10, United States Code, Section 484, to continue to serve as a forum for providing information to Congress on all offensive and significant defensive military operations in cyberspace carried

out by the unified combatant command in the preceding quarter and serve as mechanism for informing Congress of other activities of the command.

In establishing the unified combatant command for cyber operations, the conferees also expect the Secretary of Defense, in conjunction with the relevant agencies and entities within the Department of Defense, to establish formal procedures for notification to Congress of significant operations in cyberspace on a timely basis. The conferees also expect the Secretary to establish formal procedures for notification to Congress of other significant command activities, such as delegation of new authorities to the United States Cyber Command Commander for cyberspace operations by the Secretary of Defense and relevant policy and internal oversight decisions affecting activities of the command.

Assigned forces of the combatant commands (sec. 924)

The Senate bill contained a provision (sec. 1041) that would amend section 162 of title 10, United States Code, to require the secretaries of the military departments, at the direction of the Secretary of Defense, to assign forces under the jurisdiction of the secretaries concerned to the combatant commands to perform missions assigned to the combatant commands. Forces that are not so assigned shall remain under the direction and control of the respective military department secretaries for purposes of carrying out the secretaries' responsibilities under sections 3013, 5013, and 8013 including organizing, training, and mobilizing of all United States military forces.

The House amendment contained a similar provision (sec. 909).

The House recedes.

Modifications to the requirements process (sec. 925)

The Senate bill contained a provision (sec. 943) that would amend Section 181 of title 10, United States Code, to clarify and modify the joint and service-specific requirements process. This provision would ensure that the service chief of the relevant military service is responsible for all service-specific requirements, and Joint Requirements Oversight Council (JROC) validation is not required before commencing a service-specific acquisition program, except for a major defense acquisition program or a service-specific program designated for JROC oversight by the Chairman of the Joint Chiefs of Staff. Additionally, this provision would require the Chairman to determine whether a major defense acquisition program meets

joint requirements before the program or subprogram receives Milestone A approval or is otherwise initiated prior to Milestone B. The provision also would make the Vice Chairman of the Joint Chiefs of Staff the principal adviser to the Chairman on requirements.

The House amendment contained no similar provision.

The House recedes with an amendment that would modify the responsibilities of the JROC to focus on critical joint warfighting needs by: (1) determining gaps in joint military capabilities; (2) validating that proposed capabilities fulfill a gap; and (3) approving only joint performance requirements, such as interoperability or those involving more than one military service. The amendment would retain language from section 181 of title 10, United States Code, to clarify that the mission of the JROC shall include other matters assigned to it by the President or Secretary of Defense, and that the Chairman of the Joint Chiefs of Staff shall appoint members to the JROC who are recommended by the Secretaries of the military departments. The amendment would retain the Under Secretary of Defense (Comptroller) as an advisor to the JROC and broaden the base of analytic support that shall assist the JROC to include organizations within the Department that have operations research, systems analysis, and cost estimation expertise. The amendment also would modify definitions of joint military capabilities and performance requirements.

The amendment also would provide the JROC with authority to review performance requirements for other proposed or existing capabilities that the Chairman determines should be reviewed by the JROC. The conferees expect that this authority would be used only in limited situations, such as the review of proposed capabilities that may affect the joint force or an existing materiel capability solution that may no longer satisfy a previously identified gap. This authority should not supersede any other existing statutory or regulatory authority that pertains to the review and approval of requirements by other entities, such as the Missile Defense Agency or the authority to validate requirements provided to the Special Operations Command in Section 167 of title 10, United States Code.

Additionally, the amendment requires that the Secretary of Defense establish an investment review process, to be co-chaired by the Deputy Secretary of Defense and the Vice Chairman of the Joint Chiefs of Staff, to establish cost and fielding targets for new programs pursuant to section 2448a of this Act. To support establishment of cost and fielding targets, the amendment transfers from the JROC to the new investment review process the review of trade-offs among life-cycle cost, schedule, and performance objectives. The conferees direct the

Secretary to develop a plan for implementing this investment review process and to brief the defense committees on the elements of the plan no later than 6 months after enactment of the Act. In developing the plan, the conferees direct the Secretary to evaluate the Department's Analysis of Alternatives process for determining trade-offs and weapon system solutions in acquisition programs.

Assessments of combatant command structure (sec. 926)

The Senate bill contained a provision (sec. 924) that would direct the Secretary of Defense to initiate a pilot program on the organization of a unified combatant command by organizing the subordinate commands of such unified combatant command in the form of joint task forces.

The House amendment contained a similar provision (sec. 914) that would require the Secretary of Defense to enter into a contract with an independent entity to conduct an assessment on the combatant command structure and to provide recommendations for improving the overall effectiveness of combatant command structures.

The Senate recedes with an amendment clarifying that the Secretary of Defense shall conduct an assessment of the organization of the combatant commands and provide recommendations for changes to improve the effectiveness of such commands as well as enter into a contract for an independent assessment of the organization of the combatant commands.

The conferees expect the assessments to address any deficiencies in the current organization of the combatant commands; to review the growth in the size of staffs of the unified combatant commands and whether such growth inhibits an effective and efficient performance; to determine whether the combatant commands are best aligned to address persistent, trans-regional, cross-functional, and multi-domain threats; and to assess whether the current structure encourages the unified combatant commands to be overly focused on mission support activities and not sufficiently focused on operational missions of the combatant commands.

**SUBTITLE D—ORGANIZATION AND MANAGEMENT OF
OTHER DEPARTMENT OF DEFENSE OFFICES AND
ELEMENTS**

Qualifications for appointment of the Secretaries of the military departments (sec. 931)

The Senate bill contained a provision (sec. 902) that would amend sections 3013, 5013, 8013 of title 10, United States Code, to prescribe management experience of large and complex organizations as qualification required for individuals to serve as the Secretaries of the Army, Navy, and Air Force, respectively.

The House amendment contained no similar provision.

The House recedes with an amendment that would establish that service secretaries shall, to the greatest extent practicable, be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with appropriate management or leadership experience.

Enhanced personnel management authorities for the Chief of the National Guard Bureau (sec. 932)

The Senate bill contained a provision (sec. 944) that would amend section 1058 of title 10, United States Code, to enhance the personnel management authority of the Chief of the National Guard Bureau by authorizing the Chief to program for, appoint, employ, administer, detail, and assign federal civilian employees to provide full-time support to the non-federalized National Guard. This provision clarifies that state adjutants general will continue the exercise their authority to hire, employ, and supervise the federal civilian employees providing full-time support to their state.

The House amendment contained no similar provision.

The House recedes.

Reorganization and redesignation of Office of Family Policy and Office of Community Support for Military Families with Special Needs (sec. 933)

The Senate bill contained a provision (sec. 947) that would amend sections 1781(a) and 1781(c) of title 10, United States Code, to reorganize and redesignate the Office of Family Policy into the Office of Military Family Readiness Policy and the Office of Community Support for Military Families with Special Needs into the Office of Special Needs. The provision would reorganize the Office of Special Needs under the Office of Military Family Readiness Policy. The provision would also require the director of the Office of Military Family Readiness Policy to be a member of the Senior Executive Service or a general or flag officer.

The House amendment contained no similar provision.

The House recesses with an amendment that would repeal the requirement for the head of the office to be a member of the Senior Executive Service or a general or flag officer.

Redesignation of Assistant Secretary of the Air Force for Acquisition as Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics (sec. 934)

The Senate bill contained a provision (sec. 949) that would amend section 8016(b)(4)(A) of title 10, United States Code, to redesignate the title of "Assistant Secretary of the Air Force for Acquisition" to read "Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics" in this and all other laws.

The House amendment contained no similar provision.
The House recesses.

SUBTITLE E—STRATEGIES, REPORTS, AND RELATED MATTERS

National Defense Strategy (sec. 941)

The Senate bill contained a provision (sec. 1096) that would require the Secretary of Defense to provide the congressional defense committees a national defense strategy that addresses the highest priority missions for the Department of Defense, the most critical and enduring threats to the national security of the United States and its allies, and the strategies that the Department will use to counter those threats.

The House amendment contained a similar provision (sec. 904).

The House recesses with amendments clarifying the form and frequency of the national defense strategy and making other technical changes.

Commission on the National Defense Strategy for the United States (sec. 942)

The House amendment contained a provision (sec. 903) that would establish a commission to be known as the "Commission on the National Defense Strategy for the United States" to examine and make recommendations with respect to national defense strategy for the United States.

The Senate bill contained a similar provision (sec. 1078).

The Senate recesses with amendments addressing threat assessments and force structure and making other technical changes.

The commission would replace the National Defense Panel and precede the development of the National Defense Strategy, required elsewhere in this Act. The conferees believe that such an independent effort to provide recommendations and identify key issues and areas of focus, would improve the Secretary's development of strategy. Furthermore, the conferees believe that such a bipartisan effort could help build national consensus on how to address complex and challenging national security issues.

Reform of the national military strategy (sec. 943)

The Senate bill contained a provision (sec. 921(c)) that would revise the requirements of the national military strategy.

The House amendment contained a similar provision (sec. 905).

The Senate recesses with technical amendments that include language from the Senate provision.

Form of annual national security strategy report (sec. 944)

The Senate bill contained a provision (Sec. 1090) that would amend Section 108(c) of the National Security Act of 1947 (50 U.S.C. 3043(c)) by requiring the national security strategy report to be delivered in classified form, but it may include an unclassified summary.

The House amendment contained no similar provision.

The Senate recesses with technical amendment that clarifies the report should be delivered to Congress.

Modification to independent study of national security strategy formulation process (sec. 945)

The House amendment contained a provision (sec. 906) that would amend section 1064 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), which requires an independent study of the national security strategy formulation process, by adding a requirement for the study to address the workforce responsible for conducting strategic planning and to examine how Congress fits into the strategy formulation process.

The Senate bill contained no similar provision.

The Senate recesses.

SUBTITLE F—OTHER MATTERS

Enhanced security programs for Department of Defense personnel and innovation initiatives (sec. 951)

The Senate bill contained a provision (sec. 973) that would require the Secretary of Defense to take actions to allow the Defense Security Service to conduct before October 1, 2017, all personnel background and security investigations adjudicated by the Consolidated Adjudication Facility of the Department of Defense. This provision would also strengthen insider threat detection programs by streamlining requirements for the collection, storage, and retention of information and would allow the Department to seek solutions from commercial companies and improve the process for the reciprocity of security clearances.

The House amendment contained a similar provision (sec. 215) that would require the Secretary of Defense to develop and sustain a new security clearance information technology architecture to replace the legacy system of the Office of Personnel Management. Further, this section would require the Secretary of Defense, Director of National Intelligence, and Director of the Office of Personnel Management to issue a governance charter to delineate responsibilities between organizations, as well as to review and revise as necessary the executive orders, statutes, and other authorities related to personnel security. This section would also require quarterly notifications to designated congressional committees until September 30, 2019.

The House recedes with an amendment that would require the Department to prepare a plan to potentially transfer personal background and security clearance investigations back to the Department of Defense, include requirements for developing the information technology systems to support background investigations, and provide authority to waive some statutory deadlines related to the timelines for background investigations.

Modification of authority of the Secretary of Defense relating to protection of the Pentagon Reservation and other Department of Defense facilities in the National Capital Region (sec. 952)

The Senate bill contained a provision (S. 972) that would amend section 2674 of title 10, United States Code, to update the authority of the Secretary of Defense to appoint law enforcement personnel to protect the Pentagon reservation and Department of Defense activities in the National Capital Region, and to set the rates of basic pay for law enforcement and

security personnel whose permanent duty station is the Pentagon reservation.

The House amendment contained no similar provision.

The House recesses.

Modifications to requirements for accounting for members of the Armed Forces and Department of Defense civilian employees listed as missing (sec. 953)

The Senate bill contained a provision (sec. 971) that would amend sections 1501, 1505, and 1513 of title 10, United States Code, to elevate oversight of recovery policy and operations for current conflicts from the Defense POW/MIA Accounting Agency (DPAA) to the Secretary of Defense, and to clarify that the DPAA director retains authority to establish policy and execute recovery operations for missing persons from past conflicts. In addition, this provision would clarify that the Department is required to account for missing persons only to the extent practicable upon discovery of remains of missing personnel.

The House amendment contained a similar provision (sec. 925).

The Senate recesses.

Modifications to corrosion report (sec. 954)

The House amendment contained a provision (sec. 921) that would amend section 2228(e)(1) of title 10, United States Code, to modify Department of Defense corrosion reporting requirements.

The Senate bill contained no similar provision.

The Senate recesses.

LEGISLATIVE PROVISIONS NOT ADOPTED

Sense of Congress on Goldwater-Nichols Reform

The House amendment contained a provision (sec. 901) that would express the sense of Congress that certain principles should be adhered to in any reform of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433).

The Senate bill contained no similar provision.

The House recesses.

Authority to employ civilian faculty members at Joint Special Operations University

The House amendment contained a provisions (sec. 922) that would amend section 1595(c) of title 10, United States Code, to provide the Joint Special Operations University the flexibility to hire civilians as professors, instructors, and lecturers.

The Senate bill contained no similar provision.

The House recesses.

Public release by inspectors general of reports of misconduct

The House amendment contained a provision (sec. 924) that would amend sections 141, 3020, 5020, and 8020 of title 10, United States Code, to require the Department of Defense Inspector General and the service inspectors general to publicly release reports of administrative investigations that substantiate misconduct of members of the Senior Executive Service, schedule C employees, or commissioned officers in pay grade O-6 promotable and above.

The Senate bill contained no similar provision.

The House recesses.

The conferees believe the public is entitled to appropriate access to investigations that substantiate misconduct by senior officials of the Department of Defense and the military departments. The conferees note that the Department of Defense Inspector General's on-line FOIA Reading Room currently includes reports concerning those senior officials.

Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps

The House amendment contained a provision (sec. 931) that would redesignate the Department of the Navy as the Department of the Navy and Marine Corps. The House amendment contained additional provisions (sections 932, 933, and 934) that would provide technical and conforming amendments to other provisions of the law consistent with the redesignation proposed under section 931.

The Senate bill contained no similar provision.

The House recesses.

TITLE X—GENERAL PROVISIONS

SUBTITLE A—FINANCIAL MATTERS

General transfer authority (sec. 1001)

The Senate bill contained a provision (sec. 1001) that would allow the Secretary of Defense to transfer up to \$4.0 billion of fiscal year 2017 funds authorized in division A of this Act to unforeseen higher priority needs in accordance with normal reprogramming procedures. Transfers of funds between military personnel authorizations would not be counted toward the dollar limitation in this provision.

The House amendment contained a similar provision (sec. 1001) that would allow the Secretary of Defense, with certain limitations, to make transfers between amounts authorized for fiscal year 2017 in division A of this Act. This section would limit the total amount transferred under this authority to \$5.0 billion. This section would also require prompt notification to Congress of each transfer made.

The Senate recedes with an amendment that would that would allow the Secretary of Defense to transfer up to \$4.5 billion of fiscal year 2017 funds authorized in division A of this Act to unforeseen higher priority needs in accordance with normal reprogramming procedures.

Report on auditable financial statements (sec. 1002)

The House amendment contained a provision that would require the Secretary of Defense to submit to the congressional defense committees, not later than 30 days after enactment, a report ranking all military departments and Defense Agencies in order of how advanced they are in achieving auditable financial statements as required by law.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would change the deadline for the report to 90 days after enactment.

Increased use of commercial data integration and analysis products for the purpose of preparing financial statement audits (sec. 1003)

The Senate bill contained a provision that would require the Department of Defense to procure information technology services, data analysis, and data integration platforms to improve the preparation of Department of Defense financial statements.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Sense of Congress on sequestration (sec. 1004)

The Senate bill contained a provision (sec. 1003) that would express the sense of the Senate that the statutory budget caps imposed by the Budget Control Act of 2011 (BCA) remain an unreasonable and inadequate budgeting tool to address the Nation's fiscal challenges. The Senate remains concerned about the harmful impacts of sequestration on our national defense, to include non-defense agencies that contribute to our national security. This provision acknowledges that relief from the BCA should include both defense and non-defense spending.

The House amendment contained no similar provision.

The House recedes with an amendment that would express the sense of the congress that sequestration is an unreasonable and inadequate budgeting tool, imposes unacceptable limitations on the budget and increased risk to national security, and that the caps in the budget control act should be modified through a bipartisan legislative agreement.

Requirement to transfer funds from Department of Defense Acquisition Workforce Development Fund to the Treasury (sec. 1005)

The House amendment contained a provision (sec. 1002) that would reduce the unobligated balance of the Defense Acquisition Workforce Development Fund by \$475.0 million due to excess funds.

The Senate bill contained no similar provision.

The Senate recedes.

SUBTITLE B—COUNTER-DRUG ACTIVITIES

Codification and modification of authority to provide support for counter-drug activities and activities to counter transnational organized crime of civilian law enforcement agencies (sec. 1011)

The Senate bill contained a provision (sec. 1006) that would establish a new section in title 10, United States Code, to codify section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510), as most recently amended by section 1012 of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291). The provision would also make modifications to the types of support that may be provided with respect to foreign law enforcement.

The House amendment contained no similar provision.

The House recedes with an amendment that would codify and make modifications to the authority of the Department of Defense

to provide support for counter-drug activities and activities to counter transnational organized crime of civilian law enforcement agencies. The provision would also require coordination with the Secretary of State for support for foreign law enforcement agencies under the authority.

The conferees are concerned about the threat posed by the production and trafficking of heroin, fentanyl (and precursor chemicals), and other illicit drugs. Consistent with the Department's authorities and missions, the conferees direct the Department to ensure appropriate resources are allocated to efforts to combat this threat.

Secretary of Defense review of curricula and program structures of National Guard counterdrug schools (sec. 1012)

The House amendment contained a provision (sec. 1012) that would amend section 901 of the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469) to authorize the Secretary of Defense to review and approve the curriculum and program structure of each of the National Guard counterdrug schools.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees note the importance of the National Guard counterdrug schools in the development, training, and maintenance of skills for Federal, State, local, and foreign government officials to combat illicit trafficking. The committee supports increased oversight of these schools by the Secretary to improve the alignment of curriculum to defense priorities and the allocation of limited resources.

Extension of authority to support unified counterdrug and counterterrorism campaign in Colombia (sec. 1013)

The Senate bill contained a provision (sec. 1007) that would extend by 4 years the authority to support the unified counterdrug and counterterrorism campaign in the Republic of Colombia originally authorized by section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375), and most recently amended by section 1011 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92).

The House amendment contained a similar provision (sec. 1013) that would extend by 1 year the authority to support the unified counterdrug and counterterrorism campaign in the Republic of Colombia authorized by section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005

(Public Law 108-375), and most recently amended by section 1011 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92).

The House recedes with an amendment that would extend the authority for 2 years.

The conferees strongly support the vital partnership between the United States and Colombia and note the remarkable security gains the Government of Colombia has achieved over the last 15 years. The conferees believe that an enduring security relationship between the U.S. and Colombia is essential to sustaining and building upon these gains and urge the Department of Defense, in coordination with the interagency, to ensure its security cooperation programs and authorities reflect the evolving security environment in Colombia and the region.

Enhancement of information sharing and coordination of military training between Department of Homeland Security and Department of Defense (sec. 1014)

The Senate bill contained a provision (sec. 1051) that would require the Secretary of Homeland Security to ensure that the information needs of the Department of Homeland Security (DHS) relating to civilian law enforcement activities in proximity to the borders of the United States are identified and communicated to the Secretary of Defense for the purposes of planning and executing military training. The provision would require the Secretary of Defense to ensure that such military training conducted in proximity to the borders of the U.S. is coordinated with DHS. Further, the provision would require the Secretary of Homeland Security and the Secretary of Defense to create joint guidance to ensure information relevant to drug interdiction or other civilian law enforcement matters that is collected by the U.S. military during the normal course of military training or operations is provided promptly to civilian law enforcement officials in accordance with section 371 of title 10, United States Code.

The House amendment contained a similar provision (sec. 1014) that would require the Secretary of Defense to coordinate unmanned aerial systems training missions along the southern border of the United States in order to support the Department of Homeland Security's counter-narcotic trafficking efforts.

The House recedes with a technical amendment.

SUBTITLE C—NAVAL VESSELS AND SHIPYARDS

Definition of short-term work with respect to overhaul, repair, or maintenance of naval vessels (sec. 1021)

The House amendment contained a provision (sec. 1021) that would amend section 7299a of title 10, United States Code, and expand the homeport limitation of an overhaul, repair, or maintenance ship availability from six months to ten months.

The Senate bill contained no similar provision.

The Senate recesses.

Warranty requirements for shipbuilding contracts (sec. 1022)

The House amendment contained a provision (sec. 1022) that would require shipbuilding contracts to include warranty of work for a period of at least 1 year. A contracting officer may waive this requirement if a limited liability of warranted work is in the best interest of the government.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would limit this provision to new construction contracts in the Shipbuilding and Conversion, Navy account, as well as establish the effective date of this provision as the date of the enactment of the National Defense Authorization for Fiscal Year 2018 or September 30, 2017, whichever occurs later.

The conferees direct the Secretary of the Navy to submit two reports to the congressional defense committees:

(1) A report describing the status of the Department of the Navy policy being developed to implement this provision shall be submitted not later than March 30, 2017; and

(2) A report describing the final or draft Department of the Navy policy to implement this provision shall be submitted not later than June 30, 2017.

National Sea-Based Deterrence Fund (sec. 1023)

The House amendment contained a provision (sec. 1023) that would:

(1) Expand the Fund's transfer authority provided by section 1022(b)(1) of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291) to include fiscal year 2018;

(2) Amend section 2218a of title 10, United States Code, relating to the National Sea-Based Deterrence Fund to include authority for multiyear procurement of critical components to support continuous production;

(3) Clarify the definition of a national sea-based deterrence vessel.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would delete the transfer authority expansion and limit the use of multiyear

procurement authority to that needed to support continuous production of the common missile compartment.

The conferees expect the Navy to continue reviewing production approaches for the *Ohio* Replacement Program to achieve additional efficiencies. The conferees would be willing to consider expanding multiyear production authority if the Navy is able to demonstrate savings or greater efficiencies could be achievable through such use.

Availability of funds for retirement or inactivation of Ticonderoga-class cruisers or dock landing ships (sec. 1024)

The House amendment contained a provision (sec. 1024) that would prohibit the Secretary of the Navy from using funds authorized to be appropriated by this Act to retire a cruiser or dock landing ship or to place in a modernization status more than six cruisers and one dock landing ship. Furthermore, the Secretary of Defense would be prohibited from obligating more than 75 percent of the funds made available for the Office of the Secretary of Defense until the Secretary of the Navy enters into a contract for the modernization of four cruisers and one dock landing ship and enters into a contract for the procurement of combat systems upgrades associated with six such cruisers.

The Senate bill contained a similar provision (sec. 1011).

The Senate recedes with an amendment that would prohibit the retirement, preparation for retirement, inactivation, or placement in storage of any *Ticonderoga*-class cruisers or *Whidbey Island*-class amphibious ships, except to allow the modernization and upgrades for those ships to continue in accordance with section 1026 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291).

The conferees continue to support a cruiser modernization plan consistent with the "2-4-6" plan that allows the Secretary of the Navy to induct two cruisers per year into a modernization period of up to four years with no more than six cruisers in this prolonged modernization status at any one time.

SUBTITLE D—COUNTERTERRORISM

Frequency of counterterrorism operations briefings (sec. 1031)

The House amendment contained a provision (sec. 1031) that would amend section 485 of title 10, United States Code, to require the Secretary of Defense to provide monthly counterterrorism operations briefings to the congressional defense committees.

The Senate bill contained no similar provision.
The Senate recesses.

Prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba to the United States (sec. 1032)

The Senate bill contained a provision (sec. 1021) that would extend until December 31, 2017, the prohibition on the use of funds provided to the Department of Defense to transfer or release individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to the United States.

The House amendment contained a similar provision (sec. 1032).

The Senate recesses.

Prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba (sec. 1033)

The Senate bill contained a provision (sec. 1022) that would extend until December 31, 2017, the prohibition on the use of funds provided to the Department of Defense to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.

The House amendment contained a similar provision (sec. 1033).

The Senate recesses.

Prohibition on use of funds for transfer or release to certain countries of individuals detained at United States Naval Station, Guantanamo Bay, Cuba (sec. 1034)

The Senate bill contained a provision (sec. 1026) that would extend until December 31, 2017, the prohibition on the use of funds provided to the Department of Defense to transfer or release individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to Libya, Somalia, Syria, or Yemen.

The House amendment contained a similar provision (sec. 1034).

The Senate recesses.

Prohibition on use of funds for realignment of forces at or closure of United States Naval Station, Guantanamo Bay, Cuba. (sec. 1035)

The Senate bill contained a provision (sec. 1030) that would extend until December 31, 2017, the prohibition on the use of funds to close or abandon United States Naval Station, Guantanamo Bay, Cuba, to relinquish control of Guantanamo Bay to the Republic of Cuba, or to implement a material modification to the Treaty between the United States of America and Cuba signed at Washington, D.C. on May 29, 1934, that constructively closes United States Naval Station, Guantanamo Bay.

The House amendment contained a similar provision (sec. 1035).

The Senate recesses.

SUBTITLE E—MISCELLANEOUS AUTHORITIES AND LIMITATIONS

Expanded authority for transportation by the Department of Defense of non-Department of Defense personnel and cargo (sec. 1041)

The House amendment contained a provision (sec. 1041) that would amend section 2649 of title 10, United States Code, to expand the authority for transportation by the Department of Defense of non-Department of Defense personnel and cargo as well as allowing the Secretary of Defense the ability to enter into a contract or other arrangement with one or more commercial providers to make insurance products available to non-Department of Defense shippers using the Defense Transportation System to insure against the loss or damage of the shipper's cargo.

The Senate bill contained no similar provision.

The Senate recesses.

Reduction in minimum number of Navy carrier air wings and carrier air wing headquarters required to be maintained (sec. 1042)

The Senate bill contained a provision (sec. 1088) that would amend section 5062 of title 10, United States Code, to reduce the number of air wings required to be maintained and fully staffed from 10 to 9.

The House amendment contained a similar provision (sec. 1072) that would require the Secretary of Defense to submit a report to Congress on the impact of changes to the existing carrier air wing force structure.

The House recesses with an amendment that would reduce the minimum number of carrier air wings to be maintained to nine until additional deployable aircraft carriers can fully support

a tenth carrier air wing, or October 1, 2025, whichever comes first, at which time the Secretary of the Navy shall maintain a minimum of ten carrier air wings.

Modification to support for non-Federal development and testing of material for chemical agent defense (sec. 1043)

The House amendment contained a provision (sec. 1082) that would modify subsection (d) and subsection (e) of section 1034 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), to modify and extend, with a sunset date of January 31, 2021, the ``Support for Non-Federal Development and Testing of Material for Chemical Agent Defense'' report to include reporting on any instance where the Department provides biological select agents or toxins to a non-Federal entity for development of biological defenses. This amendment would supersede section 1080 of the Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92).

The Senate bill contained no similar provision.

The Senate recesses.

Protection of certain Federal spectrum operations (sec. 1044)

The House amendment contained a provision (sec. 1045) that would amend section 1004 of the Bipartisan Budget Act of 2015 (Public Law 114-74; 47 U.S.C. 921 note) by adding protections of certain Federal spectrum operations.

The Senate bill contained no similar provision.

The Senate recesses.

Prohibition on use of funds for retirement of legacy maritime mine countermeasures platforms (sec. 1045)

The Senate bill contained a provision (sec. 1012) that would prohibit funds from being used to retire, prepare to retire, transfer, or place in storage any Avenger-class mine countermeasures ship, MH-53 Sea Dragon helicopter, or associated equipment, as well as make any reductions to the manning levels of any Avenger-class mine countermeasures ship or Sea Dragon squadron or detachment. The Secretary of the Navy may waive this prohibition by making the prescribed certification to the congressional defense committees.

The House amendment contained a similar provision (sec. 1042).

The House recesses.

Extension of authority of Secretary of Transportation to issue non-premium aviation insurance (sec. 1046)

The House amendment contained a provision (sec. 1043) that would amend Section 44310(b) of title 49, United States Code, to extend the authority of the Secretary of Transportation to provide aviation insurance and reinsurance upon the request of another U.S. Government agency.

The Senate bill contained no similar provision.

The Senate recesses.

Evaluation of Navy alternate combination cover and unisex combination cover (sec. 1047)

The House amendment contained a provision (sec. 1044) that would change the Department of the Navy's mandatory wear date of the alternate combination cover from October 31, 2016, to October 31, 2020, and prohibit the Secretary of the Navy from implementing any future changes or enforce any current changes to female service dress uniforms until the Secretary submits a report to the Committees on Armed Services of the Senate and House of Representatives on the evaluation of the Navy female service dress uniform.

The Senate bill contained no similar provision.

The Senate recesses with a technical amendment that would remove the prohibition on the Secretary of the Navy to make changes to uniforms, lower the delayed implementation of existing changes from five to three years, and add a requirement for the Secretary of the Navy to submit a report to the Committees on Armed Services of the Senate and House of Representatives no later than February 1, 2017, on the survey results regarding the new covers or any other uniform changes.

Independent evaluation of Department of Defense excess property program (sec. 1048)

The Senate bill contained a provision (sec. 1053) that would amend section 2576a of title 10, United States Code to modify the availability of defense items eligible for transfer and notification requirements.

The House amendment contained a similar provision (sec. 1049) that would amend section 2576a of title 10, United States Code to modify the preference for certain purposes for the transfer of excess Department of Defense equipment to Federal and State agencies.

The House recesses with an amendment that would require the Secretary of Defense to enter into an agreement with a federally

funded research and development center, or another independent entity, with relevant expertise to conduct an evaluation of the Department of Defense excess property program under section 2576a of title 10, United States Code.

The conferees note that section 1051 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) required the Secretary of Defense to enter into an agreement with a federally funded research and development center for the conduct of an assessment of the excess property program, to include an evaluation of the policies and controls governing the determination of the suitability of recipients of controlled property transferred under the program and an analysis of reported statistics on controlled property transfers, and other related matters.

The conferees intend for the evaluation required in this Act to be part of an ongoing review of the Department of Defense excess property program.

Waiver of certain polygraph examination requirements (sec. 1049)

The House amendment contained a provision (sec. 1097) that would authorize the Commissioner of U.S. Customs and Border Protection to waive polygraph examination requirements for certain veterans.

The Senate bill contained no similar provision.

The Senate recedes.

Use of transportation worker identification credential to gain access at Department of Defense installations (sec. 1050)

The House amendment contained a provision (sec. 1098) that would require the Secretary of Defense, to the maximum extent practicable, to ensure that the Transportation Worker Identification Credential (TWIC) be accepted as a valid credential for unescorted access to Department of Defense installations by transportation workers. The provision would also exempt TWIC-carrying transportation workers with a current secret clearance issued by the Department of Defense from further vetting when seeking unescorted access to Department of Defense facilities provided that installation access personnel shall verify the person's security clearance in a timely manner. The provision would also require the Secretary of Defense to document and report each instance when a TWIC-carrying transportation worker is denied access to a military installation in designated locations, together with a reason for such denial, and the amount of time the TWIC-carrying person was required to wait for access. The report would be required not

later than 90 days after enactment of this Act and annually until the Department completes fielding of Identity Management Enterprise Services Architecture and electronic access control systems are fielded.

The Senate bill included no similar provision.

The Senate recedes with an amendment that does not include the reporting requirement in the House amendment.

Limitation on availability of funds for destruction of certain landmines and briefing on development of replacement anti-personnel landmine munitions (sec. 1051)

The House amendment contained a provision that would limit the funds available for the destruction of anti-personnel landmine munitions until the Secretary of Defense submits to Congress a report on the assessment of the current state of research into operational alternatives to anti-personnel landmines.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would limit the funds available for the destruction of anti-personnel landmines until the Secretary of Defense submits to Congress the report required by section 1058 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), instead of a new report. The amendment would also require a briefing on the current state of research and development into operational alternatives to anti-personnel landmines.

Transition of Air Force to operation of remotely piloted aircraft by enlisted personnel (sec. 1052)

The Senate bill contained a provision (Sec. 1046) that would require the Air Force, by September 30, 2019, to transition all remotely piloted aircraft (RPA) operations to an organizational model that uses enlisted personnel for the preponderance of RPA operators.

The House amendment contained no similar provision.

The House recedes with an amendment that changes "preponderance" to "a significant number of enlisted personnel," changes the required transition date to September 30, 2020, for the active duty component, and adds September 30, 2023, as the required date for transition by the Air Force Reserve and Air National Guard. The amendment also includes other minor technical corrections.

Prohibition on divestment of Marine Corps Search and Rescue Units (sec. 1053)

The Senate bill contained a provision (sec. 1047) that does not authorize appropriated amounts to retire, prepare to retire, transfer or place in storage any Marine Corps Search and Rescue Unit or to make any changes to manning levels to the same.

The House amendment contained no similar provision.
The House recedes.

Support for the Associate Director of Central Intelligence for Military Affairs (sec. 1054)

The Senate bill contained a provision (sec. 1049) that would direct the Secretary of Defense and the Under Secretary of Defense for Intelligence to ensure that the Associate Director for Military Affairs of the Central Intelligence Agency (ADMA) has access to, and support from, offices, agencies, and programs of the Department necessary for the ADMA to achieve its intended function.

The House amendment contained no similar provision.

The House recedes with amendments that clarify that the intent of the provision is to encourage effective use of the position, and to remove a requirement that any officer nominated to the position have significant interaction with the CIA within the five years prior to appointment. The conferees learned that such a requirement might impede - rather than encourage - nominees from outside of the special operations community. Therefore, the conferees believe that the relationship between the CIA and the Department's conventional forces should be encouraged, especially given the evolving and complex global threats faced by the United States.

Notification on the provision of defense sensitive support (sec. 1055)

The Senate bill contained a provision (sec. 1052) that would require the Secretary of Defense, prior to the provision of defense sensitive support to non-Department of Defense departments and agencies, to determine and notify the congressional defense committees that the support does not interfere with the mission and functions of the Department, or if it does so interfere, that it is in the national security interest of the United States.

The House amendment contained no similar provision.
The House recedes with a clarifying amendment.

Prohibition on enforcement of military commission rulings preventing members of the Armed Forces from carrying out otherwise lawful duties based on member sex (sec. 1056)

The Senate bill contained a provision (sec. 535) that would prohibit a military commission established under chapter 47A of title 10, United States Code, from acting by order, ruling, finding, or otherwise that a member of the Armed Forces may not perform duties otherwise lawfully assigned if the prohibition is based solely on the gender of the servicemember. The provision would also vacate any such order issued before the date of enactment of this Act.

The House amendment contained a similar provision (sec. 1039).

The House recedes with an amendment that would prohibit any order or other determination of a military commission that would restrict a member of the Armed Forces from carrying out otherwise lawfully assigned duties where the basis for such prohibition or restriction is the sex of the member. Upon enactment, the rule of prohibition established under this provision would apply to a military commission upon a motion to reconsider any such determination that was issued prior to enactment of this Act.

Congressional notification requirements for sensitive military operations (sec. 1057)

The Senate bill contained a provision (sec. 1044) that would amend section 130f in title 10, United States Code.

The House amendment contained a similar provision (sec. 1036).

The Senate recedes with clarifying amendment.

SUBTITLE F—STUDIES AND REPORTS

Temporary continuation of certain Department of Defense reporting requirements (sec. 1061)

The Senate bill contained a provision (sec. 1082) that would repeal the requirements for several reports that are mandated by an annual National Defense Authorization Act and by other public laws.

The Senate bill also contained a provision (sec. 1083) that would repeal several requirements for the Department of Defense to provide reports that have been added by an annual National Defense Authorization Act.

The House amendment contained a similar provision (1061) that would repeal several reporting requirements as well.

The Senate recedes with an amendment that would provide for the repeal of those reporting requirements agreed to by both the House and Senate as listed in the final bill.

Reports on programs managed under alternative compensatory control measures in the Department of Defense (sec. 1062)

The Senate bill contained a provision (sec. 1080) that would require the Department of Defense (DOD) to provide certain reports and notifications regarding programs that DOD manages under alternative compensatory control measures (ACCM).

The House amendment contained no similar provision.

The House recedes.

The Department of Defense typically uses the ACCM system to manage programs of lesser sensitivity or programs with a less enduring life than the programs that it manages under special access (SAP) program channels. The conferees believe that DOD needs to provide more rigorous oversight of and reporting on ACCM programs to the congressional defense committees. Despite several directions from Congress to the DOD to produce better information and inventories of these programs, DOD has failed to do so. Therefore, the conferees see no alternative but to include legislation on the matter, and note that failure to use and report ACCMs accordingly will jeopardize future reauthorizations.

Matters for inclusion in report on designation of countries for which rewards may be paid under Department of Defense rewards program (sec. 1063)

The House amendment contained a provision (sec. 1062) that would modify section 127b(h) of title 10, United States Code, relating to the Department of Defense rewards program.

The Senate bill contained no similar provision.

The Senate recedes.

Annual reports on unfunded priorities of the Armed Forces and the combatant commands and annual report on combatant command requirements (sec. 1064)

The Senate bill contained a provision (sec. 1076) that would require the Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, and commanders of the combatant commands (COCOM)

to submit to the Secretary of Defense, Chairman of the Joint Chiefs of Staff, and congressional defense committees a report on the unfunded priorities no later than 25 days after the date on which the President submits the annual budget request.

The House amendment contained no similar provision.

The House recedes with a technical amendment that would change the due date for the report from 25 days to 10 days after the budget request is submitted to Congress and amends section 153(c)(1) of title 10, United States Code to require the Chairman of the Joint Chiefs of Staff to submit an annual report on COCOM requirements no later than 25 days after the date on which the President submits the budget request to Congress.

The conferees note that the COCOM commanders can satisfy the requirement regarding unfunded priorities, as set forth by this provision through their submission of the integrated priority lists (IPL), provided that the IPLs contain sufficient detail on the commands' requirements shortfalls and any relevant or appropriate funding recommendations.

Management and reviews of electromagnetic spectrum (sec. 1065)

The House amendment contained a provision (sec. 1068) that would direct the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to conduct a comprehensive review of all uses by the Department of Defense of spectrum.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would amend 10 U.S.C. 488 by directing the Secretary of Defense to ensure the effective organization and management of electromagnetic spectrum used by the Department of Defense and establish an enduring review process that considers all requirements relating to such spectrum and ensures that all uses of such spectrum, regardless of the classification of such uses, are involved in the decision-making process of the Department concerning the potential sharing, reassigning, or relocating of such spectrum, of the relocation of the uses by the Department of such spectrum.

Requirement for notice and reporting to Committees on Armed Services of certain expenditures of funds by Defense Intelligence Agency (sec. 1066)

The Senate bill contained a provision (sec. 1081) that would add the Armed Services Committees of the Senate and the House of Representatives to a reporting requirement under 50 U.S.C. 3038(c) that allows the Defense Intelligence Agency to use a percentage of its funds without regard to the provisions

of law or regulation relating to the expenditure of U.S. government funds.

The House amendment contained no similar provision.
The House recesses.

Congressional notification of biological select agent and toxin theft, loss, or release involving the Department of Defense (sec. 1067)

The House amendment contained a provision (sec. 1063) that would direct the Secretary of Defense to provide notification to the congressional defense committees within 15 days of notifying the Centers for Disease Control and Prevention and/or the Animal and Plant Health Inspection Service of any theft, loss, or release of biological select agents or toxins.

The Senate bill contained no similar provision.
The Senate recesses.

Report on service-provided support and enabling capabilities to United States special operations forces (sec. 1068)

The House amendment contained a provision (sec. 1064) that would require the Secretary of Defense to submit to the congressional defense committees not later than 180 days after enactment of this Act on support contributed from each of the military services towards special operations forces for each of the fiscal years 2018 through 2020.

The Senate bill contained no similar provision.
The Senate recesses with a clarifying amendment.

Report on citizen security responsibilities in the Northern Triangle of Central America (sec. 1069)

The House amendment contained a provision (sec. 1065) that would require the Secretary of Defense and the Secretary of State to jointly submit a report to specified congressional committees not later than 180 days after enactment of this Act on the military units that have been assigned to policing or citizen security responsibilities in the Republic of Guatemala, the Republic of Honduras, and the Republic of El Salvador.

The Senate bill contained no similar provision.
The Senate recesses.

Report on counterproliferation activities and programs (sec. 1070)

The House amendment contained a provision (sec. 1066) that would require the Secretary of Defense to submit to the congressional defense committees a report on the counterproliferation activities and programs of the Department of Defense.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require a single report no later than July 1, 2017.

Report on testing and integration of minehunting sonar systems to improve Littoral Combat Ship minehunting capabilities (sec. 1071)

The House amendment contained a provision (sec. 1071) that would require a report on testing and integration of minehunting sonar systems to improve Littoral Combat Ship minehunting capabilities.

The Senate bill contained no similar provision.

The Senate recedes.

Quarterly reports on parachute jumps conducted at Fort Bragg and Pope Army Airfield and Air Force support for such jumps (sec. 1072)

The House amendment contained a provision (Sec. 1073) that would direct the Secretary of the Air Force and the Secretary of the Army to submit to the Committees on Armed Services of the House of Representatives and the Senate quarterly reports that contain information regarding parachute drop requirements for the XVIII Airborne Corps, the 82nd Airborne Division, and the United States Army Special Operations Command.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that adjusts the end date of the reporting period and clarifies the elements required in the reports.

Study on military helicopter noise (sec. 1073)

The House amendment contained a provision (Sec. 1098D) that would require the Secretary of Defense, in coordination with the Administrator of the Federal Aviation Administration to conduct a study on the effects of and provide recommendations for the reduction of military helicopter noise on the National Capital Region.

The Senate bill contained no similar provision.

The Senate recedes.

Independent review of United States military strategy and force posture in the United States Pacific Command area of responsibility (sec. 1074)

The Senate bill contained a provision (sec. 1042) that would require an independent review of United States military strategy and force posture in the United States Pacific Command area of responsibility be submit to Congress beginning in 2018 and recurring every four years thereafter.

The House amendment contained no similar provision.

The House recedes with an amendment that would require one independent review to be completed by September 1, 2018.

Assessment of the joint ground forces of the Armed Forces (sec. 1075)

The Senate bill contained a provision (Sec. 1077) that would require the Secretary of Defense and Chairman of the Joint Chiefs of Staff to oversee a comprehensive assessment of the joint ground forces and provide a report on the assessment's findings no later than one year after the enactment of this act.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Chief of Staff of the Army, and the Commandant of the Marine Corps, to oversee an assessment of the joint ground forces of the Armed Forces, and provide a report on the assessment's findings to the Committees on Armed Services of the Senate and the House of Representatives not later than one year after the enactment of this Act. The report shall include an assessment by the Chief of Staff of the Army and the Commandant of the Marine Corps of any specific gaps in the capability and capacity of the Army and Marine Corps, respectively, that threaten the successful execution of decisive operational maneuver.

SUBTITLE G—OTHER MATTERS

Technical and clerical amendments (sec. 1081)

The Senate bill contained a provision (sec. 1058) that would make technical and clerical corrections to title 10, United States Code, and various National Defense Authorization Acts.

The House amendment contained a similar provision (sec. 1081).

The Senate recesses with an amendment making additional technical and clerical amendments.

Increase in maximum amount available for equipment, services, and supplies provided for humanitarian demining assistance (sec. 1082)

The House amendment contained a provision (sec. 1083) that would raise the monetary cap in section 407 of title 10, United States Code, for the cost of equipment, services, and supplies for humanitarian demining assistance and stockpiled conventional munitions assistance provided by the Department of Defense, from \$10.0 million to \$15.0 million in any fiscal year.

The Senate bill contained no similar provision.

The Senate recesses.

Liquidation of unpaid credits accrued as a result of transactions under a cross-servicing agreement (sec. 1083)

The House amendment contained a provision (sec. 1084) that would amend section 2345 of title 10, United States Code, to provide the Secretary of Defense with the discretionary authority to liquidate unpaid debts owed to the United States by a foreign government or international organization as a result of the Department of Defense providing logistic support, supplies, or services to that foreign government or international organization.

The Senate bill contained no similar provision.

The Senate recesses.

Modification of requirements relating to management of military technicians (sec. 1084)

The House amendment contained a provision (sec. 1088) that would delay the implementation date of section 1053 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) until October 1, 2017 and align the date of conversion for military technicians (non-dual status) with military technicians (dual status).

The Senate bill contained a similar provision (sec. 1048).

The Senate recesses with an amendment that would clarify that the Secretary of Defense will continue to play a role in the conversion of positions.

Streamlining of the National Security Council (sec. 1085)

The Senate bill contained a provision (sec. 1089) that would streamline the statutory requirements for the National Security Council (NSC) and limit the size of the NSC's professional staff to 150, to include detailees and assignees from other agencies and Departments and contractors.

The House amendment contained a similar provision (sec. 926).

The House recedes with an amendment to increase the cap to 200 professional personnel, to include a transition period for the personnel cap of 18 months, and to make other technical changes.

National biodefense strategy (sec. 1086)

The House amendment contained a provision (sec. 1086) that would require the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Agriculture to jointly develop and submit to the appropriate congressional committees, within 275 days after the date of the enactment of this Act, a national bio defense strategy and implementation plan. This section would also require the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Agriculture to provide a joint briefing to the appropriate congressional committees annually, starting March 1, 2017, and ending March 1, 2019, on the strategy and status of its implementation. This section would also require the Comptroller General of the United States to submit a report to the appropriate congressional committees, within 180 days of submission of the national biodefense strategy, on a gap analysis of the national biodefense strategy and its implementation plan.

The Senate bill contained no similar provision.

The Senate recedes.

Global Cultural Knowledge Network (sec. 1087)

The House amendment contained a provision (Sec. 1087) that would require the Secretary of the Army to support the socio-cultural understanding needs of the Department of the Army, to be known as the Global Cultural Knowledge Network.

The Senate bill contained no similar provision.

The Senate recedes with amendment.

Sense of Congress regarding Connecticut's Submarine Century (sec. 1088)

The House amendment contained a provision (sec. 1089) that would express the sense of Congress commending the dedication and contributions of the people of Connecticut to the Navy and the submarine force.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

Sense of Congress regarding the reporting of the MV-22 mishap in Marana, Arizona, on April 8, 2000 (sec. 1089)

The House amendment contained a provision (Sec. 1091) that would state that the Deputy Secretary of Defense did an excellent job reviewing the investigation of this mishap.

The Senate bill contained no similar provision.

The Senate recedes.

Cost of wars (sec. 1090)

The House amendment contained a provision (sec. 1098G) that would require the Secretary of Defense, in consultation with the Commissioner of the Internal Revenue Service and the Director of the Bureau of Economic Analysis, to post the costs, including legacy costs, to the American taxpayers of the wars in Afghanistan, Iraq, and Syria.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would remove the requirement to provide the legacy costs of the wars.

Reconnaissance Strike Group matters (sec. 1091)

The Senate bill contained a provision (sec. 1045) that would require the Secretary of Defense and Chairman of the Joint Chiefs of Staff to oversee the modeling of an alternative Army design and operational concept for the Reconnaissance Strike Group (RSG), and require a report no later than one year after the enactment of this Act that explicitly addresses the value of a follow-on pilot program to test further any promising alternative force designs and concept of operation. The provision would also require the Secretary of Defense to direct an appropriate combatant commander to establish an office for the testing, evaluation, development and validation of the RSG's joint warfighting concepts, required platforms and structure.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Chairman of the Joint Chiefs of Staff and the Chief of Staff of the Army, in consultation with the Commanding General, U.S. European Command, to each conduct a separate analysis of RSG

organizational design and operational concepts and provide a report to the Committees on Armed Services of the Senate and House of Representatives on the results of these analysis. The amendment would also require a Federally Funded Research and Development Center or 501(c)(3) to review and evaluate the reports.

Border security metrics (sec. 1092)

The Senate bill contained a provision (sec. 1091) that would require the Secretary of Homeland Security to develop metrics to measure the effectiveness of security at ports of entry, between ports of entry, and in the maritime environment not later than 120 days after the enactment of this Act.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Program to commemorate the 100th anniversary of the Tomb of the Unknown Soldier (sec. 1093)

The Senate bill contained a provision (sec. 1094) that would require the Secretary of Defense to conduct a program to commemorate the 100th anniversary of the Tomb of the Unknown Soldier.

The House amendment contained no similar provision.

The House recedes.

Sense of Congress regarding the OCONUS basing of the KC-46A aircraft (sec. 1094)

The Senate bill contained a provision (Sec. 1095) that would express the sense of the Congress regarding the basing of KC-46A tanker aircraft outside of the continental United States.

The House amendment contained no similar provision.

The House recedes.

Designation of a Department of Defense Strategic Arctic Port (sec. 1095)

The Senate bill contained a provision (sec. 1043) that would require not later than 180 days after enactment of this Act, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Commanding General of the United States Army Corps of Engineers, the Commandant of the Coast Guard, and the Administrator of the Maritime Administration, to submit a report to the congressional defense committees assessing the future security requirements for one or

more strategic ports in the Arctic. The provision would further require the Secretary to establish designation criteria for a Department of Defense "Strategic Arctic Port" and submit recommendations for the designation of one or more such ports, including estimated costs for sufficient construction to initiate and sustain expected operations.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

Recovery of Excess Rifles, Ammunition, and Parts Granted to Foreign Countries and Transfer to Certain Persons (sec. 1096)

The Senate bill contained a provision (sec. 1056) that would authorize the Secretary of the Army to acquire from any person any rifle, ammunition, repair parts, or other supplies provided to any country on a grant basis under the conditions imposed by section 505 of the Foreign Assistance Act of 1961 and have become excess to the needs of such country. The Secretary of the Army may not acquire items if the United States would incur any cost for such acquisition. Rifles, ammunition, repair parts, or supplies shall be available for transfer to persons who are licensed manufacturers, importers, or dealers pursuant to section 923(a) of title 18 or uses an Army ammunition depot.

The House amendment contained a similar provision (sec.1098K)

The Senate recedes with an amendment that would allow the Secretary of the Army to recover items so long as the Army receives fair market value and the items are transferred in accordance with the Arms Export Control Act. The Secretary of the Army is directed to provide a report, not later than 180 days after the enactment of the Act, to the Committees on Armed Services of the Senate and House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, on the acquisition and transfer of excess rifles, ammunition, repair parts, other supplies eligible for transfer.

LEGISLATIVE PROVISIONS NOT ADOPTED

Delegation to Chairman of Joint Chiefs of Staff of authority to direct transfer of forces

The Senate bill contained a provision (sec. 922) that would amend section 113 of title 10, United States Code, to allow the Secretary of Defense to delegate some authority to the Chairman of the Joint Chiefs of Staff for the worldwide reallocation of limited military assets on a short-term basis,

consistent with the Secretary's policy guidance and the national defense strategy.

The House amendment contained no similar provision.

The Senate recesses.

Management of Defense clandestine human intelligence collection

The Senate bill contained a provision (sec. 945) that would require the Secretary of Defense, in coordination with the Director of National Intelligence, to carry out a pilot program to assess the feasibility and advisability of establishing a military division within the Directorate of Operations of the Central Intelligence Agency.

The House amendment contained no similar provision.

The Senate recesses.

Extension of authority to provide additional support for counter-drug activities of foreign governments

The House amendment contained a provision (sec. 1011) that would amend section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85), as most recently amended by section 1012 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), by extending the authority to provide additional support for counter-drug activities of foreign governments to September 30, 2019.

The Senate bill contained no similar provision.

The House recesses.

The conferees note that elsewhere in this Act is a provision that would consolidate multiple authorities to build the capacity of friendly foreign nations to conduct specified operations, to include counter-drug and counter-transnational organized crime operations. The conferees intend for activities conducted to date under section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85), as most recently amended by section 1012 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) to be conducted under the new building partnership capacity authority.

Funding for counter narcotics operations

The House amendment contained a provision (sec. 1015) that would increase the amount authorized to be appropriated for drug interdiction and counterdrug activities by \$3 million.

The Senate bill contained no similar provision.

The House recesses.

Report on efforts of United States Southern Command to detect and monitor drug trafficking

The House amendment contained a provision (sec. 1016) that would require the Secretary of Defense to submit to Congress a report on the effectiveness of efforts by United States Southern Command to limit threats to the national security of the United States by detecting and monitoring drug trafficking, specifically heroin and fentanyl.

The Senate bill contained no similar provision.

The House recesses.

The conferees remain concerned about the trafficking of illicit drugs into the United States, particularly heroin and fentanyl, and the devastating impact these substances are having on communities. The conferees urge the Department of Defense, in coordination with the interagency, to continue efforts to combat the flow of drugs into the United States.

Prohibition on reprogramming requests for funds for transfer or release, or construction for transfer or release, of individuals detained at United States Naval Station, Guantanamo Bay, Cuba

The Senate bill contained a provision (sec. 1022A) that would prohibit the Department of Defense from submitting reprogramming requests to Congress for funds for transfer or release, or construction for transfer or release, of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.

The House amendment contained no similar provision.

The Senate recesses.

Designing and planning related to construction of certain facilities in the United States

The Senate bill contained a provision (sec. 1023) that would authorize the Secretary of Defense to use amounts authorized to be appropriated for the Department of Defense for designing and planning related to the construction or modification of facilities in the United States to house individuals detained at United States Naval Station, Guantanamo Bay, Cuba.

The House amendment contained no similar provision.

The Senate recesses.

Authority to transfer individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to the United States temporarily for emergency or critical medical treatment

The Senate bill contained a provision (sec. 1024) that would authorize the temporary transfer of individuals detained at United States Naval Station, Guantanamo Bay, Cuba to the United States for necessary medical treatment that is not available at Guantanamo.

The House amendment contained no similar provision.
The Senate recesses.

Authority for Article III judges to take certain actions relating to individuals detained at United States Naval Station, Guantanamo Bay, Cuba

The Senate bill contained a provision (sec. 1025) that would authorize a judge of the United States District Court to have jurisdiction to use video teleconferencing to arraign, accept a plea to a charge from, and enter a judgment of conviction and sentencing against individuals held at United States Naval Station, Guantanamo Bay, Cuba.

The House amendment contained no similar provision.
The Senate recesses.

Requirement for Memorandum of Understanding Regarding Transfer of Detainees

The Senate bill contained a provision (sec. 1027) that would require any certification by the Secretary of Defense provided pursuant to Section 1034(b) of the National Defense Authorization Act of Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 801 note) to include a requirement that the United States and the foreign government of transfer have entered into a written memorandum of understanding regarding the transfer of the individual and the memorandum of understanding has been provided to the appropriate congressional committees.

The House amendment contained a similar provision (sec. 1098B).

The conference agreement does not contain this provision.

Limitation on transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, pending a report on their terrorist actions and affiliations

The Senate bill contained a provision (sec. 1028) that would require, prior to transferring any individual detained at United States Naval Station, Guantanamo Bay, Cuba to any foreign government or entity, that the Secretary of Defense submit to appropriate committees of Congress a report on the individuals' previous terrorist activities.

The House amendment contained no similar provision.
The Senate recesses.

Prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to countries covered by Department of State travel warnings

The Senate bill contained a provision (sec. 1029) that would prohibit the use of funds to transfer any individual held at United States Naval Station, Guantanamo Bay, Cuba, to a foreign country that is the subject of a State Department travel warning with certain exceptions.

The House amendment contained no similar provision.
The Senate recesses.

Restrictions on the overhaul and repair of vessels in foreign shipyards

The House amendment contained a provision (sec. 1025) that would amend section 7310(b)(1) of title 10, United States Code, to prohibit the Department of the Navy from performing any overhaul, repair, or maintenance work that takes longer than six months in foreign shipyards.

The Senate bill contained no similar provision.
The House recesses.

Restrictions on use of rocket engines from the Russian Federation for space launch of national security satellites

The Senate bill contained a provision (sec. 1036) that would prohibit the Secretary of Defense from launching any national security satellite with a launch vehicle requiring a rocket engine designed or manufactured in the Russian Federation.

The House amendment contained no similar provision.
The Senate recesses.

Limitations on use of rocket engines from the Russian Federation to achieve assured access to space

The Senate bill contained a provision (sec. 1037) that would amend section 2273(b) of title 10, United States Code, to require that assured access to space be achieved without the use of rocket engines designed or manufactured in the Russian Federation.

The House amendment contained no similar provision.

The Senate recesses.

Transportation on military aircraft on a space-available basis for members and former members of the Armed Forces with disabilities rated as total

The House amendment contained a provision (sec. 1046) that would amend section 2641b of title 10, United States Code, to authorize space-available travel for disabled veterans with a service-connected, permanent disability rated as total by the Department of Defense.

The Senate bill contained no similar provision.

The House recesses.

The conferees direct the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives, by not later than March 1, 2017, a report clarifying the retirement and benefit eligibility status of certain disabled veterans. The report will identify with particularity any differences in the "retired" status, or benefit eligibility status, for servicemembers who otherwise meet the current statutory standards for disability retirement, but who may not be retired owing to the timing of the enactment of disability retirement changes, particularly the enactment of sections 534 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201) and 513 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85) which redefined disability and retirement eligibility under section 1204 of title 10, United States Code. The conferees are aware that at least in some cases, veterans may have been separated for disability who now meet disability retirement eligibility.

The report shall describe all available processes or procedures by which a veteran who believes they should be designated as "retired" may seek redesignation by appeal to the boards for correction of military or naval records or through some other process. Finally, the Secretary of Defense will identify the number of individuals who may be eligible for redesignation under the processes or procedures so identified.

The conferees are committed to ensuring every veteran is afforded all the rights and benefits to which they are entitled under the law, especially those who are disabled with a service-connected, permanent disability.

National Guard flyovers of public events

The House amendment contained a provision (sec. 1047) that would prohibit all National Guard flyovers of public events in

support of community relations activities unless flown as part of an approved training mission.

The Senate bill contained no similar provision.

The House recesses.

Application of Freedom of Information Act to the National Security Council

The House amendment contained a provision (sec. 1048) that would apply the Freedom of Information Act (5 U.S.C. 552) to the National Security Council in certain circumstances.

The Senate bill contained no similar provision.

The House recesses.

Exemption of information on military tactics, techniques, and procedures from release under Freedom of Information Act

The Senate bill contained a provision (sec. 1054) that would amend section 130e of title 10, United States Code, to authorize the Secretary of Defense to exempt information related to military tactics, techniques, and procedures from public disclosure if the information could reasonably be expected to risk impairment of the effective operation of the Department of Defense by providing an advantage to an adversary or potential adversary, and the public interest consideration in the disclosure of such information does not outweigh preventing the disclosure of such information.

The House amendment contained no similar provision.

The Senate recesses.

Annual report on personnel, training, and equipment requirements for the non-federalized National Guard to support civilian authorities in prevention and response to domestic disasters

The House amendment contained a provision (sec. 1069) that would modify the reporting requirement of section 10504 of title 10, United States Code, to include a report on non-federalized National Guard personnel, training, and equipment requirements.

The Senate bill contained no similar provision.

The House recesses.

Briefing on criteria for determining locations of Air Force Installation and Mission Support Center headquarters

The House amendment contained a provision (sec. 1070) that would require the Secretary of the Air Force to brief the congressional defense committees on the Air Force's process and

reasoning for using proximity to primary medium commercial hub airports as part of the mission criteria for the Air Force Installation and Mission Support Center headquarters strategic basing process.

The Senate bill contained no similar provision.

The House recesses.

The conferees direct the Secretary of the Air Force to provide the congressional defense committees with a briefing by March 1, 2017 on the criteria used for determining locations of Air Force Installation and Mission Support Center headquarters, specifically the reasoning for using proximity to primary medium commercial hub airports as part of the mission criteria.

Briefing on real property inventory

The House amendment contained a provision (sec. 1074) that would require the Secretary of Defense to brief the Committee on Armed Services of the House of Representatives on the status of the Installation Geospatial Information Services of the Department of Defense as it relates to the real property inventory of the Department.

The Senate bill contained no similar provision.

The House recesses.

The conferees direct the Secretary of Defense to provide a briefing by March 1, 2017 on the status of the Installation Geospatial Information Services of the Department of Defense as it relates to the real property inventory of the Department

Report on adjustment and diversification assistance

The House amendment contained a provision (sec. 1075) that would require the Secretary of Defense to provide a briefing on the adjustment and diversification assistance authorized by subsections (b) and (c) of section 2391 of title 10, United States Code.

The Senate bill contained no similar provision.

The House recesses.

The conferees direct the Secretary of Defense to provide to the Committee on Armed Services of the House of Representatives a briefing on the adjustment and diversification assistance authorized by subsections (b) and (c) of section 2391 of title 10, United States Code. Such briefing shall be provided not later than 90 days after the date of the enactment of this Act and shall include each of the following:

(1) A description of the activities and programs currently being conducted under subsections (b)(1) and (c) of such section, including a list of the recipients of grants, and

amount received by each recipient, of such activities and programs in each of the five most recent fiscal years.

(2) For each of the five fiscal years preceding the fiscal year during which the briefing is conducted, separate estimates of the funding the Department of Defense has directed to activities under each of clauses (A) through (E) of paragraph (1) of subsection (b) and under subsection (c) of such section and the recipients of such funding.

Briefing on the protection of personally identifying information of members of the Armed Forces

The House amendment contained a provision (sec. 1076) that would require the Secretary of Defense to provide the congressional defense committees a briefing on the efforts of the Department of Defense to protect the personally identifiable information of members of the Armed Forces and their families.

The Senate bill contained no similar provision.
The House recesses.

The conferees are concerned about the impact of recent, significant disclosures of personally identifiable information of service members, government civilians and their families as a result of lax information security practices at the Office of Personnel Management. Coupled with similar breeches occurring in the private sector that have resulted in sensitive personal information, including credit information and medical records, being released to unknown parties, the conferees recognize that such breaches have the potential to jeopardize both the financial security as well as the physical security of these individuals. The conferees urge the Department of Defense to continue to strengthen ongoing initiatives and to develop and implement new initiatives to protect the personally identifiable information of members of the Armed Forces, government civilians, and their families. Further, the conferees expect the Department to keep the Committees on Armed Services of the Senate and the House of Representatives informed of any challenges associated with these initiatives, as well as any trends related to fraudulent or suspicious activity that targets the personally identifiable information of members of the Armed Forces, government civilians, and their families.

Report on priorities for bed downs, basing criteria, and special mission units for C-130J aircraft of the Air Force

The Senate bill contained a provision (Sec. 1085) that would direct the Secretary of the Air Force to submit a report to the congressional defense committees on the overall

prioritization, bed downs, basing criteria, and unit conversion priorities for C-130J aircraft and special mission units of the Air Force Reserve Command, Air National Guard, and the regular Air Force.

The House amendment contained no similar provision.

The Senate recesses.

The conferees direct the Secretary of the Air Force, not later than February 1, 2017, to submit to the congressional defense committees a report on the following:

(1) The overall prioritization scheme of the Air Force for future C-130J aircraft unit bed downs;

(2) The strategic basing criteria of the Air Force for C-130J aircraft unit conversions;

(3) The unit conversion priorities for special mission units of the Air Force Reserve Command, the Air National Guard, and the regular Air Force, and the manner which considerations such as age of airframes factor into such priorities; and,

(4) Such other information relating to C-130J aircraft unit conversions and bed downs as the Secretary considers appropriate.

Clarification of contracts covered by airlift service provision

The House amendment contained a provision (sec. 1085) that would amend section 9516 of title 10, United States Code, to define "contract for airlift service" to include any contract or subcontract that may be utilized in the performance of airlift service or transportation services.

The Senate bill contained no similar provision.

The House recesses.

LNG permitting certainty and transparency

The House amendment contained a provision (sec. 1090) that would require the Department of Energy to issue a final decision on any application for the authorization to export natural gas not later than 30 days after completing an environmental review or the date of enactment of this Act.

The Senate bill contained no similar provision.

The House recesses.

Transfer of surplus firearms to Corporation for the Promotion of Rifle Practice and Firearms Safety

The House amendment contained a provision (sec. 1092) that would amend section 40728(h) of title 26, United States Code, by changing the authority of the Secretary of the Army from permissive to directive and striking the limitation of 10,000 .45 caliber M1911/M1911A1 pistols.

The Senate bill contained no similar provision.

The House recesses.

Sense of Congress regarding the importance of Panama City, Florida, to the history and future of the Armed Forces

The House amendment contained a provision (sec. 1093) that would express the Sense of Congress on the role of Panama City, Florida to the Armed Forces of the United States.

The Senate bill contained no similar provision.

The House recesses.

The conferees note that Panama City, Florida has long played an important role in the development and support of the United States armed forces.

Protection against misuse of Naval Special Warfare Command insignia

The Senate bill contained a provision (sec. 1093) that would add a new section 7882 to title 10, United States Code, to prohibit a person from using any covered Naval Special Warfare insignia in connection with any promotion, service or other commercial activity when a particular use would be likely to suggest a false affiliation, connection, or association with, endorsement by, or approval of, the United States, the Department of Defense, or the Department of the Navy, and to authorize the Attorney General to initiate civil proceedings to prevent unauthorized use of such insignia.

The House amendment contained no similar provision.

The Senate recesses.

Protections relating to civil rights and disabilities

The House amendment contained a provision (sec. 1094) that would require any branch or agency of the federal government to provide the protection and exemptions consistent with sections 702(a) and 703(e)(2) of the Civil Rights Act of 1964 (sections 2000e-1(a) and 2000e-2(e) of title 42, United States Code) and section 103(d) of the Americans with Disabilities Act of 1990 (section 12113(d) of title 42, United States Code) with respect to any religious corporation, religious association, religious educational institution, or religious society that is a

recipient of or offeror for a federal government contract, grant or similar arrangement.

The Senate bill contained no similar provision.

The House recesses.

Determination and disclosure of transportation costs incurred by Secretary of Defense for congressional trips outside the United States

The House amendment contained a provision (sec. 1096) that would require the Secretary of Defense to determine and disclose the transportation costs incurred by the Department of Defense for certain congressional trips outside the United States.

The Senate bill contained no similar provision.

The House recesses.

The conferees continue to support public disclosure of official travel by Members, officers, and employees of the Senate and the House of Representatives. To this end, the conferees note that section 1754(b) of title 22, United States Code, contains reporting and disclosure requirements for congressional travel outside the United States, including a requirement for reports to be open to public inspection and published in the Congressional Record. The conferees recognize that there are circumstances under which transportation provided by the Department of Defense best meets the needs of congressional delegations, ranging from protecting the safety and security of the delegations, expediency, and accessing destinations that have little or no commercial air service. The conferees further note that the Committees on Armed Services of the Senate and the House of Representatives each maintain policies and processes to provide further oversight of travel requests by members and employees of the committees.

Sense of Congress regarding American veterans disabled for life

The House amendment contained a provision (sec. 1098C) that would express the sense of Congress regarding American veterans disabled for life.

The Senate bill contained no similar provision.

The House recesses.

Maritime Occupational Safety and Health Advisory Committee

The House amendment contained a provision (sec. 1098E) that would establish a Maritime Occupational Safety and Health Advisory Committee.

The Senate bill contained no similar provision.

The House recesses.

Sense of Congress regarding United States Northern Command Preparedness

The House amendment contained a provision (sec. 1098F) that would express the sense of the Congress related to the preparedness of United States Northern Command.

The Senate bill contained no similar provision.

The House recesses.

The conferees note the important role of United States Northern Command in domestic disaster relief and consequence management operations. The conferees encourage United States Northern Command to build on current efforts and leverage, where possible, existing training and management expertise within the Department and other available resources to support this important mission.

Workforce issues for relocation of marines to Guam

The House amendment contained a provision (sec. 1098H) that would grant the U.S. Citizenship Immigration Services flexibility to approve H-2B visa application renewals for contractors performing work on Guam for the duration of the construction plans supporting the realignment of U.S. Marines to Guam.

The Senate bill contained no similar provision.

The House recesses

The conferees direct the Secretary of the Navy to submit a report to the Committees on Armed Services of the Senate and the House of Representatives and the Committees on the Judiciary of the Senate and the House of Representatives no later than April 1, 2017, regarding the impacts the current H-2B visa program and renewal process have on the relocation of U.S. Marine forces to Guam. At minimum, the report should include the following elements:

- (1) A description of the impacts to the cost and schedule of the relocation of U.S. Marine forces to Guam;
- (2) A description of the impacts to U.S. bilateral and multilateral relations and agreements in the Pacific;
- (3) A description of the specific impacts for the military construction program required to support the relocation of U.S. Marine forces to Guam;
- (4) A description of the specific impacts on the delivery of healthcare to support the relocation of U.S. Marine forces to Guam as well as challenges to providing health care on

Guam as identified in the supplemental environmental impact statement;

(5) Any other such information as the Secretary believes is relevant to workforce issues for the relocation of U.S. Marines to Guam; and

(6) If the Secretary believes that changes to the statute governing the non-immigrant worker program described above are necessary in order to mitigate adverse impacts to the cost or schedule of the military construction program, or the delivery of healthcare, required to support the relocation of U.S. Marine forces to Guam, the Secretary, in coordination with the Director of U.S. Citizenship and Immigration Services, is encouraged to include a legislative proposal that would mitigate the impacts described in the report.

Review of Department of Defense debt collection regulations

The House amendment contained a provision (sec. 1098I) that would require the Secretary of Defense to review and update Department of Defense regulations to ensure such regulations comply with Federal consumer protection law with respect to the collection of debt.

The Senate bill contained no similar provision.

The House recesses.

Importance of role played by women in World War II

The House amendment contained a provision (sec. 1098J) that would express the sense of Congress in acknowledging the important role played by women in World War II.

The Senate bill contained no similar provision.

The House recesses.

The conferees note, with gratitude, the enduring legacy and example of patriotic service by those women who worked and volunteered on the home front in support of the military overseas.

Prohibition on modification, abrogation, or other related actions with respect to United States jurisdiction and control over United States Naval Station, Guantanamo Bay, Cuba, without congressional action.

The House amendment contained provisions (secs. 1099, 1099A-C) that prohibit action to modify, abrogate, or replace the stipulations, agreements, and commitments in the Guantanamo Lease Agreements, or to impair or abandon the jurisdiction of

the United States over United States Naval Station, Guantanamo Bay, Cuba, without congressional action.

The Senate bill contained no similar provision.

The House recesses.

Pilot's Bill of Rights 2

The Senate bill contained a series of provisions (sec. 3301, 3302, 3303, 3304, 3305, 3306, and 3307) that would establish Federal Aviation Administration third class medical reform and general aviation pilot protections, "The Pilots Bill of Rights 2".

The House amendment contained no similar provisions.

The Senate recesses on these provisions.

Comprehensive strategy for detention of certain individuals

The House amendment contained a provision that would require the Secretary of Defense, in consultation with the Attorney General and the Director of National Intelligence, to submit a report to the appropriate congressional committees by July 19, 2017, setting forth the details of a comprehensive strategy for the detention of individuals captured and held pursuant to the Authorization of the Use of Military Force (Public Law 107-40) pending the end of hostilities.

The Senate bill contained no similar provision.

The House recesses.

Declassification of information on past terrorist activities of detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.

The House amendment contained a provision that would require the Director of National Intelligence to complete a declassification review of intelligence reports prepared by the National Counterterrorism Center prior to Periodic Review Board sessions or detainee transfers on the past terrorist activities of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, who were transferred or released from United States Naval Station, Guantanamo Bay, Cuba, and make any information declassified available to the public.

The Senate bill contained no similar provision.

The House recesses.

TITLE XI—CIVILIAN PERSONNEL MATTERS

SUBTITLE A—DEPARTMENT OF DEFENSE MATTERS GENERALLY

Civilian personnel management (sec. 1101)

The Senate bill contained a provision (sec. 1101) that would modify Section 129 of title 10, United States Code to remove restrictions on managing civilian personnel within the Department of Defense on the basis of man years, end strength, full-time equivalent positions, or maximum number of employees. The provision would add a new section requiring a report no later than February 1 of each year from the Secretary of Defense to the congressional defense committees on the management of the civilian workforce of the Office of the Secretary of Defense and the Defense Agencies and Field Activities. The provision would require the Secretary of each military department to submit a report on the management of the civilian workforce under the jurisdiction of each Secretary which provides for the projected size of the civilian workforce in the current year and for each year in the future-years defense program to include a justification of any projected increases.

The House amendment contained no similar provision.

The House recesses.

Repeal of requirement for annual strategic workforce plan for the Department of Defense (sec. 1102)

The Senate bill contained a provision (sec. 1102) that would repeal the reporting requirement for the Department of Defense to submit a biennial strategic workforce plan, as contained in section 115b of title 10, United States Code.

The House amendment contained no similar provision.

The House recesses.

Training for employment personnel of Department of Defense on matters relating to authorities for recruitment and retention at United States Cyber Command (sec. 1103)

The Senate bill contained a provision (sec. 1108) that would require training for employment and human resources personnel at the Department of Defense on special recruitment, hiring, special pays, and retention authorities for positions at United States Cyber Command. In addition to training, written guidance would also be required to inform such employees of the Department of Defense on which authorities are available and how to use those authorities.

The House amendment contained no similar provision.
The House recedes with a technical amendment.

Public-private talent exchange (sec. 1104)

The Senate bill contained a provision (sec. 1107) that would allow Department of Defense employees to work in the private sector and private industry employees to work within the Department of Defense. Exchanges would encourage Department of Defense employees to gain skills that align with functional communities or occupational specialties.

The House amendment contained a similar provision (sec. 1113).

The Senate recedes with an amendment that would clarify the conditions under which a temporary assignment of an employee of the Department of Defense may be made and the terms and conditions for private-sector employees assigned to a Department of Defense organization.

The conferees note that as this authority would build on programs like the Intergovernmental Personnel Act (IPA), the committee understands that the Department of Defense has established procedures for monitoring and controlling salaries and expenses for the IPA program, including a limitation on salaries that may be paid or reimbursed for IPAs, and expects that such constraints will be applied to the pilot authorized by this provision.

Temporary and term appointments in the competitive service in the Department of Defense (sec. 1105)

The Senate bill contained a provision (sec. 1103) that would allow non-competitive appointments to Department of Defense temporary and term positions for no more than 18 months without the possibility of extension.

The House amendment contained no similar provision.
The House recedes.

Direct-hire authority for the Department of Defense for post-secondary students and recent graduates (sec. 1106)

The Senate bill contained a provision (sec. 1106) that would establish a Department of Defense (DoD) civilian on-campus recruiting authority under title 10 as an alternative to the federal government-wide Pathways program (established by Executive Order 13562) and other Title 5 hiring authorities. This proposal would facilitate DoD recruiters' efforts to recruit students directly to civilian positions using a new

hiring authority expressly designed for this purpose. Hiring managers and recruiters, who already travel to specific schools with programs they want to target, would be able to involve candidates in a rigorous interview process, and make conditional offers on the spot. This would allow DoD to compete for highly qualified students and recent graduates. This authority would be limited to no more than 15 percent of the total number of hires made into professional and administrative occupations of the Department at the GS-11 level and below annually and would sunset four years after the date on which the Secretary first appoints a recent graduate or current post-secondary student to a position under this section.

The House amendment contained no similar provision.

The House recedes with an amendment that would sunset the provision on September 30, 2021 and require the Secretary of Defense, to the extent practical, to provide public notice and advertising of positions offered under this authority.

Temporary increase in maximum amount of voluntary separation incentive pay authorized for civilian employees of the Department of Defense (sec. 1107)

The Senate bill contained a provision (sec. 1109) that would increase the maximum amount of separation pay authorized for Voluntary Separation Incentive Pay (VSIP) from the current ceiling of \$25,000 to \$40,000 for civilian employees of the Department of Defense. This increased maximum amount would adjust for inflation from when VSIP was first authorized for the Department of Defense in 1993. The Chief Human Capital Officers Act of 2002 (Public Law 107-296) provided government-wide authority to provide VSIP. The maximum payable amount has not been adjusted since VSIP was first authorized.

The House amendment contained no similar provision.

The House recedes with an amendment that would sunset the provision on September 30, 2018.

Extension of the rate of overtime pay for Department of the Navy employees performing work aboard or dockside in support of the nuclear-powered aircraft carrier forward deployed in Japan (sec. 1108)

The Senate bill contains a provision (sec. 1136) that would amend sections 5542 and 5544 of title 5, United States Code, to allow overtime pay equal to one and one-half times the hourly rate of basic pay for nonexempt Federal civilian

employees assigned to temporary duty travel in exempt areas as defined by the Fair Labor Standards Act of 1938.

The House amendment contains no similar provision.

The House recedes with an amendment that would extend the authority to pay overtime to Department of the Navy employees performing work aboard or dockside in support of the nuclear-powered aircraft carrier forward deployed in Japan through September 30, 2018.

Limitation on number of DOD SES positions (sec. 1109)

The Senate bill contained a provision (sec. 1112) that would limit the number of employees at the Department of Defense who are in the Senior Executive Service (SES). The limitation in this provision would reduce by 25 percent the number of covered SES employees of the Department, which were employed on December 31, 2015. The reduction required by this provision would be effective on January 1, 2019. Covered SES employees would not include "Highly Qualified Experts," which the provision limits to 200. The limitation would not apply to those employees of the Department who are appointed by the President and confirmed by the Senate.

The House amendment contained no similar provision.

The House recedes with an amendment that would limit the number of senior executives authorized for the Department of Defense to 1,260, and Highly Qualified Experts to 200.

Direct hire authority for financial management experts into the Department of Defense workforce (sec. 1110)

The Senate bill contained a provision (sec. 1105) that would provide each secretary of a military department with the authority to appoint qualified candidates possessing a finance, accounting, management, or actuarial science degree to financial management, accounting, auditing, and actuarial positions within the Department of Defense workforce. The authority would be limited to 10 percent of the total number of finance, accounting, management, actuarial science, or financial management positions within each military department that are filled as of the close of the fiscal year last ending before the start of such calendar year. The authority would expire on January 1, 2023.

The House amendment contained no similar provision.

The House recedes with an amendment that would include within this direct appointment authority those possessing a degree or related experience with business administration.

Repeal of certain basis for appointment of a retired member of the Armed Forces to Department of Defense position within 180 days of retirement (sec. 1111)

The Senate bill contained a provision (sec. 1110) that would amend section 3326 of title 5, United States Code, to repeal subsection (b)(3) which allows the Secretary concerned to waive the restriction on the appointment of retired members of the armed forces to positions in the civil service in the Department of Defense within 180 days of their retirement based on a state of national emergency.

The House amendment contained no similar provision.

The House recedes.

SUBTITLE B—DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY LABORATORIES AND RELATED MATTERS

Permanent personnel management authority for the Department of Defense for experts in science and engineering (sec. 1121)

The Senate bill contained a provision (sec. 1121) that would support efforts by the Defense Advanced Research Projects Agency to attract, recruit, and employ world-class scientific, technical, and engineering talent to manage and oversee the innovative research and technology development programs of the agency. The provision would make permanent and codify the current experimental personnel authority that the agency has quite successfully employed, as well as preserve the agency's ability to compete with the private sector for technical talent through flexibility in setting compensation levels.

The House amendment contained a similar provision (sec. 1105) that would remove the sunset date and annual reporting requirement for these authorities and codify them in chapter 81 of title 10, United States Code.

The House recedes with a technical amendment.

Codification and modification of certain authorities for certain positions at Department of Defense research and engineering laboratories (sec. 1122)

The Senate bill contained a provision (sec. 1122) that would increase the limit from 3 percent to 10 percent on the total number of student employees eligible for direct hire by

the directors of the Department of Defense science and technology reinvention laboratories. The provision would also make this authority permanent.

The House amendment contained no similar provision.

The House recesses with an amendment to codify this authority in chapter 139 of Title 10, United States Code.

Modification to information technology personnel exchange program (sec. 1123)

The Senate bill contained a provision (sec. 1124) that would make the Department of Defense's Information Technology Exchange Program permanent.

The House amendment contained a similar provision (sec. 1106) that would expand the scope of the program to include cyber operations personnel, and increase the number of personnel that could be exchanged from 10 to 50.

The Senate recesses with an amendment to extend the sunset of the program from 2018 to 2022.

Pilot program on enhanced pay authority for certain research and technology positions in the science and technology reinvention laboratories of the Department of Defense (sec. 1124)

The Senate bill contained a provision (sec. 1125) that would give Department of Defense science and technology laboratories the authority to offer compensation for certain positions requiring extremely high levels of experience above the maximum amount normally allowed by the executive schedule.

The House amendment contained no similar provision.

The House recesses.

Temporary direct hire authority for domestic defense industrial base facilities, the Major Range and Test Facilities Base, and the Office of the Director of Operational Test and Evaluation (sec. 1125)

The Senate bill contained a provision (sec. 1123) that would give the directors of Department of Defense test and evaluations facilities the same direct hire authorities already provided to the directors of the Department's science and technology laboratories.

The House amendment contained a similar provision (sec. 1101) that would provide direct hire authority for Department of Defense industrial base facilities located in the United States, as well as the Major Range and Test Facilities Base.

The Senate recesses with an amendment to clarify and enhance several aspects of the authorities.

The conferees direct the Secretary of Defense to provide a briefing to the House and Senate Armed Services Committees as well as the House Committee on Oversight and Government Reform and the Senate Homeland Security and Governmental Affairs Committee, not later than 60 days after the end of fiscal year 2018 and again each year until the temporary authorities expire, on the effectiveness of all direct hire authorities granted in this Act in fulfilling the civilian manpower needs of the Department.

SUBTITLE C—GOVERNMENT-WIDE MATTERS

Elimination of two-year eligibility limitation for noncompetitive appointment of spouses of members of the Armed Forces (sec. 1131)

The House amendment contained a provision (sec. 574) that would specify that there is no time limitation on a relocating spouse's eligibility for noncompetitive appointment from the date of the servicemember's permanent change of station orders to the spouse's permanent appointment per duty station.

The Senate bill contained a similar provision (sec. 1113).
The Senate recesses.

Temporary personnel flexibilities for domestic defense industrial base facilities and Major Range and Test Facilities Base civilian personnel (sec. 1132)

The House amendment contained a provision (sec. 1102) that would allow Department of Defense industrial base facilities located in the United States and Major Range and Test Facilities Base centers to hire temporary employees into permanent positions outside of the requirements of the competitive services.

The Senate bill contained no similar provision.

The Senate recesses with an amendment to clarify the benefits available to such personnel.

One-year extension of temporary authority to grant allowances, benefits, and gratuities to civilian personnel on official duty in a combat zone (sec. 1133)

The House amendment contained a provision (sec. 1103) that would extend by 1 year the discretionary authority of the head

of a federal agency to provide allowances, benefits, and gratuities comparable to those provided to members of the Foreign Service to an agency's civilian employees on official duty in a combat zone.

The Senate bill contained a similar provision (sec. 1152).

The Senate recesses.

Advance payments for employees relocating within the United States and its territories (sec. 1134)

The Senate bill contained a provision (sec. 1135) that would authorize the use of advance payment of basic pay for current employees who relocate within the United States and its territories to a location outside the employee's current commuting area. Advance payment of basic pay under this provision would be limited in amount to not more than two pay periods.

The House amendment contained a similar provision (sec. 1104) that would limit the amount to not more than six pay periods.

The Senate recesses with an amendment that would limit the amount to not more than four pay periods.

Eligibility of employees in a time-limited appointment to compete for a permanent appointment at any Federal agency (sec. 1135)

The House amendment contained a provision (sec. 1108) that would modify section 9602 of title 5, United States Code, to clarify the eligibility of employees of a land management agency in a time-limited appointment to compete for a permanent appointment at any Federal agency.

The Senate bill contained a similar provision (sec. 1131).

The Senate recesses.

Review of official personnel file of former Federal employee before rehiring (sec. 1136)

The House amendment contained an amendment (sec. 1111) that would require an appointing authority to review and consider the information relating to a prospective employee's former government service in the candidate's official personnel record file prior to making any determination with respect to the appointment or reinstatement of the employee to such a person.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would clarify which types of information an appointing authority should review.

One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas (sec. 1137)

The Senate bill contained a provision (sec. 1137) that would amend section 1101 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417), as most recently amended by section as amended by section 1108 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), to extend through 2017 the authority of heads of executive agencies to waive limitation on the aggregate of basic and premium pay of employees who perform work in an overseas location that is in the area of responsibility of the commander, U.S. Central Command (CENTCOM), or a location that was formerly in CENTCOM but has been moved to an area of responsibility for the Commander, U.S. Africa Command, in support of a military operation or an operation in response to a declared emergency.

The House amendment contained no similar provision.

The House recedes.

Administrative leave (sec. 1138)

The House amendment contained a provision (sec. 1109) that would provide that a Federal employee may not be placed on administrative leave, or other paid non-duty status without charging leave, for more than 14 total days for reasons relating to misconduct or performance.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would provide that a Federal employee may not be placed on administrative leave for more than 10 work days in any calendar year, and authorize additional periods of administrative leave only for employees under investigation or in a notice period, subject to agency determination that the continued presence of the employee in the workplace poses a threat to other employees, evidence relevant to a pending investigation, Government property, or legitimate Government interests.

Direct hiring for Federal wage schedule employees (sec. 1139)

The Senate bill contained a provision (sec. 1132) that would direct the Director of the Office of Personnel Management

to permit certain agencies to use the direct-hire authority of permanent and non-permanent positions in the competitive service for prevailing rate employees when there is a severe shortage of candidates or a critical hiring need for such positions.

The House amendment contained no similar provision.

The House recesses.

Record of investigation of personnel action in separated employee's official personnel file (sec. 1140)

The House amendment contained a provision (sec. 1110) that would require the head of an agency to make a permanent notation in an individual's personnel file if the individual resigns from government employment while the subject of a personnel investigation and an adverse finding against the individual is made as a result of the investigation.

The Senate bill contained no similar amendment.

The Senate recesses.

LEGISLATIVE PROVISIONS NOT ADOPTED

Treatment of certain localities for calculation of per diem allowances

The House amendment contained a provision (sec. 1107) that would consolidate per diem localities in the Dayton, Ohio, area.

The Senate bill contained no similar provision.

The House recesses.

Pilot programs on career sabbaticals for Department of Defense civilian employees

The Senate bill contained a provision (sec. 1111) that would create a pilot program on career sabbaticals for Department of Defense civilian employees.

The House amendment contained no similar provision.

The Senate recesses.

Report on Department of Defense civilian workforce personnel and contractors

The House amendment contained a provision (sec. 1112) that would require the Secretary of Defense to submit a detailed report on the structure and number of the civilian workforce and contractors of the Department of Defense.

The Senate bill contained no similar amendment.

The House recesses.

Appointment authority for uniquely qualified prevailing rate employees

The Senate bill contained a provision (sec. 1133) that would allow the head of an agency to appoint an individual to a prevailing rate position at such a rate of basic pay above the minimum rate of the appropriate grade in cases where there is an unusually large shortage of qualified candidates for employment, unique qualifications of a candidate of employment, or a special need of the Government for the services of a candidate for employment.

The House amendment contained no similar provision.

The Senate recedes.

Limitation on preference eligible hiring preferences for permanent employees in the competitive service

The Senate bill contained a provision (sec. 1134) that would limit the application of points for preference eligible hiring to the first appointment of a preference eligible candidate in a permanent position in the competitive service.

The House amendment contained no similar provision.

The Senate recedes.

The conferees remain concerned that the Department of Defense has difficulty accessing highly skilled non-veterans into its civilian labor force due to strict preference eligible hiring requirements, and believes that a detailed examination of Department of Defense preference eligible hiring practices is overdue. Therefore, the conferees direct the Secretary of Defense, in coordination with the Secretary of Labor, Secretary of Veterans Affairs, and the Director of the Office of Personnel Management to submit a report no later than May 1, 2017, to the Committees on Armed Services of the Senate and House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives. Such report shall consist of a coordinated overview of the Veterans preference process in Federal hiring and shall contain the following elements: (1) an analysis of how the current process of applying preference eligible points works in practice, including initial hires and the process as employees move and advance into new positions; (2) a review of positive impacts realized in the past five years of preference eligible hiring; (3) an analysis of the impact of preference eligible hiring on agencies' ability to hire qualified non-veteran applicants; (4) an analysis of the impact of preference eligible hiring on agencies' ability to hire qualified non-veteran recent

graduates and young talent needed to build the future workforce; (5) a review of challenges identified in the past five years of preference eligible hiring; (6) an analysis of the impact of preference eligible hiring on science, technology, engineering and math positions; and (7) proposals from the reviewing agencies to improve the current preference eligible hiring process.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

SUBTITLE A—ASSISTANCE AND TRAINING

One-year extension of logistical support for coalition forces supporting certain United States military operations (sec. 1201)

The House amendment contained a provision (sec. 1201) that would amend section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), as most recently amended by section 1201 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), by authorizing the Secretary of Defense to provide supplies, services, transportation, and other logistical support to coalition forces supporting U.S. operations in the Republic of Iraq and the Islamic Republic of Afghanistan during fiscal year 2017.

The Senate bill contained no similar provision.

The Senate recesses.

Special Defense Acquisition Fund matters (sec. 1202)

The Senate bill contained a provision (sec. 1202) that would increase the obligation authority for the Special Defense Acquisition Fund.

The House amendment contained no similar provision.

The House recesses with an amendment that would require quarterly spending plans and annual inventories to ensure more regular and routine oversight and alignment of the use of such funds with security assistance priorities and national security objectives.

The amendment also requires that \$500.0 million of the Special Defense Acquisition Fund may only be used to procure and stock precision guided munitions that may be required by partner and allied forces to enhance the effectiveness of their contribution to overseas contingency operations conducted or supported by the United States. If necessary, the conferees

understand that nothing in this provision would preclude the Secretary of Defense from using precision guided munitions that have been procured and stocked using the Special Defense Acquisition Fund to meet immediate United States military requirements.

Codification of authority for support of special operations to combat terrorism (sec. 1203)

The Senate bill contained a provision (sec. 1203) that would establish a new section 127e in title 10, United States Code, to codify section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375), as most recently amended by section 1274 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92). The provision would increase the annual cap on the authority from \$85.0 million to \$100.0 million and would limit the amount available to support any particular military operation under the authority to \$10.0 million in a fiscal year as well as modify notification requirements.

The House amendment contained a similar provision that would modify and extend section 1208 of Public Law 108-375, as amended, for 3 years.

The House recedes with an amendment that would eliminate the limitation of \$10.0 million on support to any particular military operation in a fiscal year and make other clarifying changes to the reporting requirements associated with this authority.

The conferees express strong support for "section 1208" authority and its importance in countering threats posed by violent extremist groups. The conferees believe that the maturity of the authority, the need for predictability when working with foreign partner forces, and the enduring nature of the threats facing our nation support the codification of this authority. The conferees believe that an increase of the annual cap to \$100.0 million will provide for stability and sufficient flexibility to address unforeseen contingencies in future years.

The conferees expect the Department to exercise judicious use of the authority and conduct appropriate planning to preserve the flexibility afforded by the codification and expansion of this authority.

Furthermore, the conferees expect the Department to appropriately scope support provided under this authority to address operational requirements in support of defined counterterrorism missions. This authority should not be used solely for the purpose of building the capacity of or engagement with foreign partner forces. When operational requirements no

longer require the use of this tailored authority, support for foreign partner forces should be expeditiously terminated or transitioned to other authorities and funding sources that are more appropriately designed for longer-term, sustained capacity-building efforts.

Independent evaluation of Strategic Framework for Department of Defense security cooperation (sec. 1204)

The House amendment contained a provision (sec. 1206) that would require the Secretary of Defense to enter into an agreement with a federally funded research and development center, or another appropriate independent entity, with expertise in security cooperation to conduct an assessment of the Strategic Framework for Department of Defense Security Cooperation and submit a report to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives not later than November 1, 2017, containing the assessment.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

Sense of Congress regarding an assessment, monitoring, and evaluation framework for security cooperation (sec. 1205)

The House amendment contained a provision (sec. 1207) that would express the sense of Congress that the Secretary of Defense should develop and maintain an assessment, monitoring, and evaluation framework for security cooperation with foreign countries to ensure accountability and foster implementation of best practices.

The Senate bill contained no similar provision.

The Senate recedes.

SUBTITLE B—MATTERS RELATING TO AFGHANISTAN AND PAKISTAN

Extension and modification of Commanders' Emergency Response Program (sec. 1211)

The Senate bill contained a provision (sec. 1201) that would extend through fiscal year 2019 the Commanders' Emergency Response Program (CERP) in Afghanistan under section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public

Law 112-81) as amended. The provision would also expand the authorization to make certain payments to redress injury and loss in Iraq in accordance with section 1211 of the National Defense Authorization Act for Fiscal Year 2016 to Afghanistan and Syria.

The House amendment contained a similar provision (sec. 1211).

The Senate recedes with a technical amendment.

Extension of authority to acquire products and services produced in countries along a major route of supply to Afghanistan (sec. 1212)

The Senate bill contained a provision (sec. 883) that would amend section 801(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) to extend by 2 years the authority to acquire products and services produced in countries along the major route of supply to Afghanistan.

The House amendment contained a similar provision (sec. 1213) that would extend the authority by 1 year.

The House recedes.

Extension and modification of authority to transfer defense articles and provide defense services to the military and security forces of Afghanistan (sec. 1213)

The Senate bill contained a provision (sec. 1211) that would extend through December 31, 2017, the authority under section 1222 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) to transfer defense articles being drawn down in Afghanistan, and to provide defense services in connection with such transfers, to the military and security forces of Afghanistan. The provision would also extend through fiscal year 2017 the exemption for excess defense articles (EDA) transferred from Department of Defense stocks in Afghanistan from counting toward the annual limitation on the aggregate value of EDA transferred under section 516 of the Foreign Assistance Act of 1961 (Public Law 87-195). The provision would also convert certain quarterly reports into an annual report.

The House amendment contained a similar provision (sec. 1241).

The House recedes.

Special immigrant status for certain Afghans (sec. 1214)

The House amendment contained a provision (sec. 1216) that would extend the authorization for the Afghan Special Immigrant Visa (SIV) program for one year and narrow the eligibility requirements for Afghan SIV candidates.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment that would modify eligibility requirements for applicants to include those that perform sensitive and trusted activities for the United States Government in Afghanistan; extend the underlying SIV program for four additional years; and provide an additional 1,500 visas. The conferees believe that any Afghan performing sensitive and trusted activities for or on the behalf of the United States Government should be eligible for the Special Immigrant Visa program.

Modification to semiannual report on enhancing security and stability in Afghanistan (sec. 1215)

The House amendment contained a provision (sec. 1217) that would add the requirement for an assessment of the implementation of the Afghan Personnel and Pay System to the report on enhancing the strategic partnership between the United States and Afghanistan.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

Prohibition on use of funds for certain programs and projects of the Department of Defense in Afghanistan that cannot be safely accessed by United States Government personnel (sec. 1216)

The Senate bill contained a provision (sec. 1213) that would prohibit the obligation or expenditure of amounts available to the Department of Defense for a construction or other infrastructure program or project in Afghanistan unless certain conditions are met. The provision also provides for certain waivers.

The House amendment contained no similar provision.

The House recedes with an amendment that would provide for an additional waiver by the Commander of the Combined Security Transition Command - Afghanistan for projects greater than \$1.0 million, but less than \$20.0 million.

Improvement of oversight of United States Government efforts in Afghanistan (sec. 1217)

The Senate bill contained a provision (sec. 1215) that would require the Lead Inspector General for Operation Freedom's

Sentinel, in coordination with certain other inspectors general, to submit a report on oversight activities in Afghanistan to optimize the utilization of oversight resources through planning, coordination, and reduction of redundancies in oversight activities.

The House amendment contained no similar provision.

The House recedes with an amendment that would add the requirement to report on the professional standards used by inspectors general to ensure the accuracy, precision, and overall quality of the products they publish regarding Afghanistan.

The conferees note that inspectors general play a crucial role in helping to ensure appropriate oversight and efficient use of federal resources in challenging environments, including Afghanistan. The conferees believe the Inspectors General operating in Afghanistan should work together to ensure appropriate oversight occurs at all levels, with minimal burden to U.S. military operations, diplomatic efforts and developmental projects. The conferees urge additional efforts to optimize coordination and to maximize the use of professional standards among inspectors general in Afghanistan to ensure the most efficient and effective use of oversight resources.

Extension and modification of authority for reimbursement of certain coalition nations for support provided to United States military operations (sec. 1218)

The Senate bill contained a provision (sec. 1214) that would provide the Secretary of Defense the authority to reimburse Pakistan up to \$800.0 million in fiscal year 2017 for certain activities that enhance the security situation in the northwest regions of Pakistan and along the Afghanistan-Pakistan border. The provision would also make \$300.0 million of this amount contingent upon a certification from the Secretary of Defense that Pakistan is taking demonstrable steps against the Haqqani Network in Pakistan. The Senate bill also contained a companion provision (sec. 1212) that would extend and modify the authority for reimbursement of coalition nations in support of U.S. operations in Iraq and Afghanistan to include Syria.

The House amendment contained a similar provision (sec. 1212) that would extend the authority for reimbursement of coalition nations for support provided to the United States for military operations in Iraq and Afghanistan through December 31, 2017. The provision would make \$1.1 billion in funding available for the overall coalition support funds program, including up to \$900.0 million for reimbursement of Pakistan. The provision would also make \$450.0 million of this amount contingent upon a

certification from the Secretary of Defense that Pakistan is taking demonstrable steps against the Haqqani Network in Pakistan.

The Senate recedes with an amendment to merge the three provisions into one provision. The revised provision would extend the authorization of the coalition support funds program for reimbursement of nations in support of U.S. operations in Iraq and Afghanistan. The provision would expand the authorization to include support for operations in Syria and would retain the authority to provide such reimbursement to Pakistan. In addition, the provision would include a modified list of security enhancement activities for which Pakistan would be eligible for reimbursement.

The provision authorizes \$1.1 billion for the overall coalition support funds program, including up to \$900.0 million for Pakistan. Of this amount, the provision would make \$400.0 million contingent upon a certification from the Secretary of Defense that Pakistan is taking demonstrable steps against the Haqqani Network in Pakistani territory.

The conferees remain concerned about the persecution of groups seeking political or religious freedom in Pakistan, including the Balochi, Sindhi, and Hazara ethnic groups, as well as religious groups, including Christian, Hindu, and Ahmadiyya Muslim. Consequently, the conferees believe that the Secretary of Defense should continue to closely monitor the provision of U.S. security assistance to Pakistan and ensure that Pakistan is not using its military or any assistance provided by the United States to persecute minority groups.

In addition, the conferees note that the renewed authority allows for reimbursement of Pakistan for security activities along the Afghanistan-Pakistan border, including providing training and equipment for the Pakistan Frontier Corps Khyber Pakhtunkhwa. However, the conferees are concerned that Pakistan continues to delay or deny visas for U.S. personnel that could assist with the provision of such training. Given this situation, the conferees recommend that the Department of Defense condition reimbursements for training and equipment with appropriate access by U.S. personnel.

The conferees note that while the pilot program for stability activities in the Federally Administered Tribal Areas that was authorized under Section 1212 of the National Defense Authorization Act for Fiscal Year 2016 (P.L.114-92) would not be specifically reauthorized by this provision, the activities covered by the pilot program would be eligible for reimbursement under the modifications made by this provision. The conferees also note that coalition support funds appropriated by the Consolidated Appropriations Act of 2016 (P.L.114-113) remain

eligible for obligation for two fiscal years. As a result, the conferees expect that the Department of Defense will continue activities under the pilot program through the end of fiscal year 2017.

SUBTITLE C—MATTERS RELATING TO SYRIA, IRAQ, AND IRAN

Modification and extension of authority to provide assistance to the vetted Syrian opposition (sec. 1221)

The Senate bill contained a provision (sec. 1221) that would extend and modify the authority under section 1209 of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3541) to assist the vetted elements of the Syrian opposition for certain purposes to December 31, 2019, as well as strike the prior approval reprogramming requirement and replace it with a notification requirement before carrying out new initiatives.

The House amendment contained a similar provision (sec. 1221) that would extend the authority for one year and add certain certification requirements.

The Senate recedes with an amendment that would extend the authority through December 31, 2018, maintain the reprogramming requirement, and strike the certification requirements.

Modification and extension of authority to provide assistance to counter the Islamic State of Iraq and the Levant (sec. 1222)

The Senate bill contained a provision (sec. 1222) that would extend the authority under section 1236 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3559) to military and other security forces of or associated with the Government of Iraq, including Kurdish and tribal security forces, with a national mission, to counter the Islamic State in Iraq and the Levant (ISIL) to December 31, 2019.

The House amendment contained a similar provision (sec. 1222) that would extend the authority to December 31, 2017.

The House recedes with an amendment that would extend the authority through December 31, 2018.

The conferees direct the Secretary of Defense in coordination with the Secretary of State to brief the congressional defense committees, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee, not later

than 90 days after the enactment of this Act, on the campaign to liberate Mosul, Iraq from the control of ISIL. The briefing on the campaign to liberate Mosul shall also contain the plan to hold Mosul after liberation and include a detailed blueprint on how humanitarian, reconstruction, and stabilization assistance will be provided to support a follow on governance structure.

The conferees note the importance of the provision of up to \$480 million in stipends and sustainment through the Government of Iraq to the Iraqi Kurdish Peshmerga and urge the Secretary of Defense, in coordination with the Secretary of State, to provide such assistance through the Government of Iraq to Sunni tribal security forces and other local security forces with a national security mission. The conferees remind the Secretaries that local security forces with a national security mission may include, in addition to Sunni tribal elements, local security forces that are committed to protecting highly vulnerable ethnic and religious communities, such as Yazidi, Christian, Assyrian, and Turkoman communities, against the ISIL threat.

Extension and modification of authority to support operations and activities of the Office of Security Cooperation in Iraq (sec. 1223)

The Senate bill contained a provision (sec. 1223) that would extend through fiscal year 2017 the authority under section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) as amended, for the Secretary of Defense to support the operations and activities of the Office of Security Cooperation in Iraq (OSC-I).

The House amendment contained a similar provision (sec. 1223) that would extend the authority for OSC-I for one year through fiscal year 2017 and authorize the Secretary of Defense to conduct training with the Iraqi Border Police.

The Senate recedes with an amendment that would extend the authority through fiscal year 2017.

The conferees direct the Secretary of Defense and the Secretary of State to submit to the congressional defense committees, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee, a plan to transition the activities conducted by OSC-I but funded by the Department of Defense to another entity or transition the funding of such activities to another source not later than the end of fiscal year 2018.

Limitation on provision of man-portable air defense systems to the vetted Syrian opposition during fiscal year 2017 (sec. 1224)

The House amendment contained a provision (sec. 1229) that would prohibit the funds authorized to be appropriated or otherwise made available for the Department of Defense for fiscal year 2017 to be obligated or expended to transfer or facilitate the transfer of man-portable air defense systems (MANPADs) to any entity in Syria.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense and Secretary of State to notify the congressional defense committees, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee should a determination be made to provide MANPADs to elements of the appropriately vetted Syrian opposition. The conferees expect that should such a determination be made, the requirement for the provision of such a capability and the decision to provide it would be thoroughly vetted by and receive broad support from the interagency.

Modification of annual report on military power of Iran (sec. 1225)

The Senate bill contained a provision (sec. 1226) that would add additional elements concerning cyber capabilities to the annual report on the military power of Iran required under section 1245 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

The House amendment contained a similar provision (sec. 1253).

The Senate recedes with a technical amendment.

Quarterly report on confirmed ballistic missile launches from Iran (sec. 1226)

The House amendment contained a provision (sec.1259S) that would require the President to notify Congress within 48 hours of a suspected ballistic missile launch, including a test, by Iran. The President shall further notify Congress of the entities involved in the launch and a description of the steps the President will take in response to the launch, including diplomatic efforts and the imposition of unilateral sanctions.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would replace the house provision with the requirement for a quarterly report to Congress by the Director of National Intelligence describing any confirmed ballistic missile launches by Iran. An additional quarterly report to Congress from the Secretary of State and the Secretary of Treasury is required setting forth a description of

the efforts, if any, to impose unilateral sanctions against entities or individuals in connection with a confirmed ballistic missile launch from Iran and any diplomatic efforts to impose multilateral sanctions.

SUBTITLE D—MATTERS RELATING TO THE RUSSIAN FEDERATION

Military response options to Russian Federation violation of INF Treaty (sec. 1231)

The House amendment contained a provision (sec. 1232) that would withhold \$10.0 million of funding for the Department of Defense to provide support services to the Executive Office of the President until the Secretary of Defense submits to the appropriate congressional committees a plan for the development of military capabilities in response to the Russian Federation non-compliance with its obligations under the INF Treaty, as required by section 1243(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat.1062).

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would drop section (a)(1) from the House provision. The conferees note that the plan contained in the report previously submitted to Congress, pursuant to the above Public Law, was insufficient and failed to address adequately the military response options that were outlined in congressional testimony presented by Mr. Brian McKeon, Deputy Under Secretary of Defense for Policy. For example, in testimony to the House Armed Services Committee on December 10, 2014, Mr. McKeon stated: "The range of options we are looking at in the military sphere fall into three broad categories: Active defenses to counter intermediate-range ground-launched cruise missiles; counterforce capabilities to prevent intermediate-range ground-launched cruise missile attacks; and countervailing strike capabilities to enhance U.S. or allied forces." The conferees note that nothing in this provision is intended to direct testing or deployment of systems that would cause the United States to violate the INF Treaty.

Limitation on military cooperation between the United States and the Russian Federation (sec. 1232)

The House amendment contained a provision (sec. 1233) that would prohibit funds authorized to be appropriated or otherwise

made available by this Act through fiscal year 2017 from being used for bilateral military-to-military contact between the United States and the Russian Federation without certain certifications by the Secretary of Defense, in consultation with the Secretary of State, or unless certain waiver conditions are met.

The Senate bill contained no similar provision.
The Senate recesses.

Extension and modification of authority on training for Eastern European national military forces in the course of multilateral exercises (sec. 1233)

The Senate bill contained a provision (sec. 1232) that would extend through fiscal year 2019 the authority under section 1251 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) for the Secretary of Defense to provide multilateral or regional training, and pay the incremental expenses of participating in such training, for countries in Eastern Europe that are a signatory to the Partnership for Peace Framework Documents but not a member of the North Atlantic Treaty Organization (NATO) or became a NATO member after January 1, 1999. The provision would also add the authority to utilize under this section amounts authorized to be appropriated for certain purposes under the European Deterrence Initiative.

The House amendment contained no similar provision.

The House recesses with an amendment that would extend the authority through fiscal year 2018 and pay the incremental expenses incurred by a country as a result of national security forces participation in certain types of training. The conferees note that the purpose of such training is to promote interoperability, improve the ability of participating countries to respond to external threats including from hybrid warfare, and increase the ability of NATO to take collective action when required.

The conferees note the importance of regular updates on the status and effectiveness of the implementation and planned use of the authority and direct the Secretary of Defense to brief, not later than 120 days after the enactment of this Act, the Committees on Armed Services of the Senate and the House of Representatives on the overall strategy to increase capabilities and develop key participants' skills under this authority, the expenditure of funds under this authority to date, and planned future activities, including the types of national security forces trained or planned to be trained under this authority.

Prohibition on availability of funds relating to sovereignty of the Russian Federation over Crimea (sec. 1234)

The House amendment contained a provision (sec. 1236) that would prohibit funds authorized to be appropriated or made available by this Act through fiscal year 2017 for the Department of Defense to implement any activity that recognizes the sovereignty of the Russian Federation over Crimea. The provision included a waiver if the Secretary of Defense, with the concurrence of the Secretary of State, determines that to do so would be in the national security interest of the United States and submits a notification of the waiver to certain Congressional committees.

The Senate bill contained no similar provision.

The Senate recesses.

Annual report on military and security developments involving the Russian Federation (sec. 1235)

The Senate bill contained a provision (sec. 1233) that would add additional elements to the annual report on Russian military and security developments required under section 1245 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291) including an assessment of Russian operations in Ukraine and an analysis of the nuclear strategy and associated doctrine of Russia.

The House amendment contained a similar provision that would require reporting on the Russian Federation's foreign military deployments.

The House recesses with an amendment that would add the Russian Federation's foreign military deployments, including significant deployments of naval vessels to foreign countries, to the annual report.

Limitation on use of funds to vote to approve or otherwise adopt any implementing decision of the Open Skies Consultative Commission and related requirements (sec. 1236)

The Senate bill contained a provision (sec. 1079) that would require the Secretary of Defense to submit to the appropriate committees of Congress, an annual report on observation flights over the United States under the Open Skies Treaty during the previous year.

The House amendment contained a similar provision (sec. 1231) that would limit funds that may be used to approve or permit approval of a request by the Russian Federation to carry

out observation flights with an aircraft that has installed an upgraded sensor with infrared or synthetic aperture radar capability over the United States or the territory covered in the Open Skies Treaty, unless the administration can certify certain conditions.

The Senate recedes with an amendment that would limit funding that may be used to vote to approve or otherwise adopt any implementing decision of the Open Skies Consultative Commission to authorize approval of requests by state parties to the Treaty of infrared or synthetic aperture radars, pursuant to the Open Skies Treaty, unless and until the Secretary of Defense, jointly with the relevant U.S. government officials, submits to the appropriate congressional committees a certification that such implementing decision would not be detrimental or otherwise harmful to the national security of the United States, and submits a report.

Further, not later than 90 days prior to when the U.S. votes to approve or otherwise adopt any implementing decision, the Secretary of State shall submit to Congress certain certifications. If the Secretary is unable to make these certifications, the Secretary must submit a report to Congress explaining why it is in the national interest of the U.S. to vote to approve or otherwise adopt such implementing decision.

The amendment also requires a quarterly report by certain government officials evaluating Open Skies Treaty overflights of the United States by the Russian Federation.

The amendment further states that not more than 65-percent of the funds authorized for fiscal year 2017 may be used to carry out any activities to implement the Open Skies Treaty until the Director of National Intelligence and the Director of the National Geospatial-Intelligence Agency submit an evaluation of whether it is possible, consistent with U.S. national security interests, to substitute commercial imagery or other phenomenologies for such data generated by Treaty overflights. The amendment further limits the funding until the Secretary of State submits a report on cost of implementing the Open Skies Treaty and on impact on participation and contributions by covered state parties and relationships among covered state parties.

Extension and enhancement of Ukraine Security Assistance Initiative (sec. 1237)

The Senate bill contained a provision (sec. 1231) that would extend through fiscal year 2019 the authority under section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) for the Secretary of

Defense, in coordination with the Secretary of State, to provide security assistance and intelligence support to military and other security forces of the government of Ukraine. The provision would authorize the use of up to \$500.0 million in fiscal year 2017 to provide security assistance to Ukraine. The provision would prohibit the obligation or expenditure of half of the funds authorized to be appropriated in fiscal year 2017 under this authority until the Secretary of Defense, in coordination with the Secretary of State, certifies that Ukraine has taken substantial action to make defense institutional reforms and outlines areas where further work may remain.

The House amendment contained a similar provision (sec. 1235) that would make conforming changes of a non-substantive nature to section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92).

The House recesses with an amendment that would extend the authority through December 31, 2018, and authorize the use of up to \$350 million in fiscal year 2017 to provide security assistance to Ukraine. The provision would limit the obligation or expenditure of funds to \$175 million of the funds authorized to be appropriated in fiscal year 2017 until a certification is made that Ukraine has taken substantial action on defense institutional reforms.

The conferees remain deeply concerned by the continuing aggression of Russia and Russian-backed separatists that violate ceasefire agreements and as such, continue to emphasize the fundamental importance of providing security assistance and intelligence support, including lethal military assistance, to the Government of Ukraine to build its capacity to defend its territory and sovereignty.

The conferees are concerned that progress in the area of defense institutional reform has been slow and uneven and note that such reforms are critical to sustaining capabilities developed using security assistance. Such reforms are critical to the long-term stability and security of Ukraine. The conferees welcome the signing of the Partner Concept document between the United States and Ukraine as well as the appointment of a senior advisor to the Ukrainian government and encourage further progress on institutional reform efforts.

SUBTITLE E—REFORM OF DEPARTMENT OF DEFENSE SECURITY COOPERATION

Enactment of new chapter for defense security cooperation (sec. 1241)

The Senate bill contained a provision (sec. 1252) that would create a new chapter in title 10, United States Code, on security cooperation, and would transfer, modify, and codify security cooperation-related provisions from elsewhere in title 10 and public law to this new chapter.

The House amendment contained a similar provision (sec. 1261).

The House recedes with amendments that would make several modifications, including to: 1) narrow the scope of the authority for the Department to provide assistance to build the capacity of a friendly foreign nation to conduct specified military operations, modify the availability of funds for such purposes, and change notification requirements; 2) preserve the existing authority for the Department of Defense (DOD) to operate five Regional Centers for Security Studies; 3) require the Secretary of Defense to designate an individual and office at the Under Secretary of Defense-level or below with responsibility for oversight of strategic policy and guidance and responsibility for overall resource allocation for security cooperation programs and activities of the Department; and 4) authorize the Department to provide support to other departments and agencies of the United States Government for the purpose of implementing or supporting foreign assistance programs and activities that advance security cooperation objectives.

The conferees note that over the last 15 years, the Department of Defense's engagement with national security forces of friendly foreign countries has expanded in response to changing strategic requirements. Correspondingly, the number and complexity of authorities and associated funding provided to the Department to conduct security cooperation programs has expanded, resulting in security cooperation authorities being dispersed throughout title 10 and public law. This architecture has led to a confusing and unwieldy security cooperation enterprise that undermines the ability of the Department--particularly its senior civilian and military leaders--to prioritize, plan, synchronize, execute, allocate resources, and oversee activities. The current situation has also resulted in frequent changes for the security cooperation professionals attempting to implement security cooperation programs and activities. This has contributed to suboptimal outcomes and missed opportunities. Further, the conferees believe the complex patchwork of authorities and sources of funding hinders appropriate congressional and public transparency and complicates robust congressional oversight of a key mission for the Department.

As such, the conferees believe that consolidating the various security cooperation authorities under a single security

cooperation chapter in title 10 will provide greater clarity and consistency about the nature and scope of DOD's security cooperation programs and activities to those who plan, manage, implement, and conduct oversight of these programs. The conferees note that the functional areas in which the Department is authorized to provide assistance under this provision are consistent with existing focus areas of the Department's 'train and equip' programs. The conferees also note that authority to provide assistance to build the capacity of friendly foreign countries to conduct military intelligence operations already exists, because the Department's existing authorities include support functions, and intelligence operations frequently act in that capacity. The inclusion of intelligence operations is intended solely to clarify that the Department may conduct such activities either as a supporting activity for other operations or as a stand-alone operation, and it is not meant to suggest that other activities that support or enable programs providing training and equipment to foreign forces (such as logistics or communications activities) are not permitted under existing authorities.

Additionally, for the purposes of executing programs and activities in the new security cooperation chapter in title 10, funds available to DOD for security cooperation may be used prior to the submission of a consolidated security cooperation budget as required by section 1249 of this subtitle.

Moreover, consolidation of a single 'train and equip' authority will ensure that the Department has flexibility to meet its evolving strategic objectives, without being forced to bend its strategy to meet the contours of available tailored authorities. The conferees do not intend for the consolidation to create a DOD mission that competes with security assistance overseen by the Department of State. Rather, a consolidated 'train and equip' authority should enable the Department to meet its own defense-specific objectives in support of broader defense strategy and plans, as well as to better integrate title 10 security cooperation activities into the broader United States Government approach to security sector assistance. To that end, the conferees note that the provision would increase coordination between the Department of Defense and the Department of State in the planning and implementation of security sector assistance programs by requiring the Secretary of Defense and the Secretary of State to jointly develop and plan 'train and equip' programs as well as to coordinate the implementation of such programs and ensure robust end-use monitoring of provided assistance. The conferees believe that the Department of Defense and the Department of State should have greater visibility into the planning, programming, and

execution of each organization's security sector assistance programs and activities and urge both Departments to enhance visibility and collaboration on such programs early in the planning process and through execution so as to avoid unnecessary duplication and enhance overall unity of effort.

Additionally, the conferees are concerned that the existing process for coordination between the two Departments on security sector assistance programs is too ad-hoc in nature and often elevates responsibility for such coordination, particularly those activities requiring concurrence, to the senior-most echelons of the respective organizations - to include the Deputy Secretary or Secretary level - resulting in a cumbersome and time-intensive process. Therefore, the provision would require the Secretary of Defense and the Secretary of State to designate individuals at the lowest possible level in their respective organizations with responsibility for such coordination.

The conferees note that the Department's security cooperation activities over the last 15 years have emphasized building the capacity of partner forces at the tactical and operational level. However, the conferees are concerned that insufficient attention and resources have been provided for building institutional capacity at higher echelons, particularly the generating force (e.g. those with 'man, train, and equip' responsibilities) and at the strategic level (e.g. ministerial and general staff levels). The conferees expect the Department to increase its emphasis on strengthening the defense institutions of friendly foreign nations as it builds security cooperation programs and activities and expects proposals submitted to Congress to include a robust defense institution building component. Moreover, the conferees expect the Department to take advantage of the simplified framework of security cooperation authorities adopted in this section to develop security cooperation programs that integrate activities to simultaneously engage partners and build capacity at each of these levels - tactical, operational, and strategic.

Additionally, the conferees note the importance of sustaining capabilities provided to friendly foreign nations, particularly equipment, to the long-term success of DOD's security cooperation programs and activities. As such, the conferees expect that there is a plan to transition sustainment support from DOD to other sources of funding, such as foreign countries' national funds, will be part of each security cooperation program.

In addition to the cumbersome, confusing, and complex patchwork of authorities and funding sources, the Department's organizational structure for the security cooperation enterprise

has undermined the ability of senior Department officials to adequately oversee, prioritize, and synchronize security cooperation programs and activities to support strategic priorities. Currently, there is no individual or office below the Deputy Secretary of Defense with responsibility to oversee strategic policy and resource allocation for the security cooperation enterprise. Instead, such responsibility spans multiple components and offices at the level of Under Secretary. Therefore, the provision would require the Secretary to assign responsibility for the oversight of strategic policy and guidance and responsibility for overall resource allocation for security cooperation programs and activities of the Department of Defense to a single official and office in the Office of the Secretary of Defense at the level of Under Secretary or below. The conferees intend for this individual and office to better synchronize planning and programs across the regional and functional components of the Department and ensure that such activities and resources are appropriately aligned with strategic priorities. Further, the conferees expect that this arrangement will empower the Department to prioritize resources and consider trade-offs across the full range of security cooperation programs and funding sources. Additionally, the provision would assign responsibility for the execution and administration of all security cooperation programs and activities of the Department of Defense involving the provision of defense articles, military training, and other defense-related services by grant, loan, cash sale, or lease to the Director of the Defense Security Cooperation Agency. This assignment of responsibility is meant to help the Department overcome the distortions, lack of coordination, and duplication that occurs across the Department's security cooperation enterprise, arising from narrowly-focused program offices found throughout the Office of the Secretary of Defense, the Joint Staff, Military Departments, Combatant Commands, and the defense agencies.

The provision would preserve the five Department of Defense Regional Centers for Security Studies. The provision would also require the Secretary to review, on an annual basis, the program and structure of each Regional Center in order to ensure that they are appropriately aligned with the strategic priorities of the Department. The conferees intend for the Regional Centers to more closely align activities with the requirements of DOD, and to serve as an effective tool to advance clearly defined security cooperation objectives in direct support of defense strategy.

The conferees note that, despite the marked increase in DOD security cooperation programs and activities over the last

15 years, the Department has not applied sufficient emphasis and resources to develop a comprehensive framework to assess, monitor, and evaluate its security cooperation programs and activities from inception to completion. Instead, the conferees believe that the Department has focused on assessments of partner nation capability gaps at the beginning of assistance programs rather than over the life cycle of the program, which has undermined the Department's ability to measure outcomes against objectives. Sufficient attention must be given to the implementation of programs with continuous robust evaluation to gauge whether programs and activities are meeting or have met defined objectives. The conferees expect the Department to allocate sufficient resources to its assessment, monitoring, and evaluation program, and to apply lessons learned from the program to improve and reshape security cooperation programs and activities to maximize effectiveness and efficiency.

Further, in this context, the conferees believe the Department's security cooperation data systems should provide an enterprise-wide view of security cooperation activities to facilitate best practices and enable strategic decision-making. In addition to basic data about security cooperation programs, the system should support the distribution of lessons-learned, including the activities' goals and history of development, and inform future activities and resource allocation. The conferees note the current limitations of the Global Theater Security Cooperation Management information Systems (G-TSCMIS) program and encourage the Department to review the use and functionality of G-TSCMIS at all user levels. The Department should further consider measures to promote more wide-spread and regular use of G-TSCMIS and ensure that processes and system functionality appropriately collects, stores, integrates, and distributes information Department-wide.

Military-to-military exchanges (sec. 1242)

The Senate bill contained a provision (sec. 1253) that would combine existing security cooperation authorities permitting the exchange of military and defense personnel with allies of the United States and other friendly foreign countries.

The House amendment contained no similar provision.

The House recesses with a clarifying amendment.

The conferees encourage the Department to make more effective use of exchanges of military and defense personnel as important elements of broader security cooperation efforts, particularly with regard to building partner operational capacity or strengthening the management functions of partner

defense institutions. Such exchanges offer opportunities for U.S. military and civilian personnel to mentor foreign counterparts, share relevant operational concepts, and assess how well previous assistance has been employed and sustained. Meanwhile, foreign exchange officers can obtain valuable on-the-job training working among their U.S. counterparts and improve their understanding of U.S. military organizations and operations, contributing to deeper interoperability. Such exchanges should be planned with these advantages in mind, in integration with other security cooperation activities and authorities.

Consolidation and revision of authorities for payment of personnel expenses necessary for theater security cooperation (sec. 1243)

The Senate bill contained a provision (sec. 1254) that would consolidate and modify similar authorities permitting the payment of personnel expenses of allied or partner countries during theater security cooperation activities.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

Transfer and revision of certain authorities on payment of expenses of training and exercises with friendly foreign forces (sec. 1244)

The Senate bill contained a provision (sec. 1255) that would combine and modify similar authorities for paying for the expenses of partner nations when conducting training with U.S. Armed Forces and for the expenses of developing countries when participating in exercises.

The House amendment contained a similar provision (sec. 1202) that would extend the authority in section 1203 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66) for training of general purpose forces of the United States Armed Forces with military and other security forces of friendly foreign countries to December 31, 2019.

The House recedes with an amendment that would combine and modify similar authorities for paying for the expenses of partner nations when conducting training with U.S. Armed Forces and for the expenses of developing countries when participating in exercises. The provision would also transfer section 2011 of title 10, United States Code to the new chapter 16 on security cooperation created elsewhere in this Act.

The conferees note that the transfer of section 2011 of title 10, United States Code to the new chapter 16 is part of a

broader effort to consolidate and simplify authorities related to security cooperation. The conferees do not intend for this transfer to negatively impact administration of Special Operations Forces Joint Combined Exchange and Training Program by the Commander, United States Special Operations Command, which remains a standalone authority within the new chapter.

Transfer and revision of authority to provide operational support to forces of friendly foreign countries (sec. 1245)

The Senate bill contained a provision (sec. 1256) that would consolidate and modify section 127d of title 10, United States Code, section 1207 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), and section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), as amended, relating to the provision of operational support to partners and allies in combined operations with U.S. Armed Forces, in military operations that support U.S. national security interests, or in support of U.S. operations in Iraq and Afghanistan.

The House amendment contained no similar provision.

The House recedes with technical amendment.

Department of Defense State Partnership Program (sec. 1246)

The Senate bill contained a provision (sec. 1257) that would codify the Department of Defense State Partnership Program (section 1205 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66), as amended by section 1203 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92)).

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Transfer of authority on regional defense combating terrorism fellowship program (sec. 1247)

The Senate bill contained a provision (sec. 1258) that would transfer to the new chapter 16 on security cooperation in title 10, United States Code, the regional combating terrorism fellowship program (section 2249c of title 10, United States Code) and modify the program to authorize the Secretary of Defense to carry out a program under which the Secretary may pay costs associated with the education and training of national-level security officials of friendly foreign nations.

The House amendment contained no similar provision.

The House recesses with an amendment that would transfer the underlying authority for the regional combating terrorism fellowship program to the new chapter 16 on security cooperation and would make a technical modification to the reporting requirement.

Consolidation of authorities for service academy international engagement (sec. 1248)

The Senate bill contained a provision (sec. 1259) that would amend Chapter 16 of title 10, United States Code, to consolidate international engagement authorities for the service academies of the Army, Navy, and Air Force.

The House amendment contained no similar provision.

The House recesses.

The conferees note that under current law, there are nine separate authorities that determine the selection of, funding for, and conditions for international students attending the service academies of the Army, Navy, or Air Force. The conferees believe consolidating these authorities would provide consistency by creating a single, common authority for use by the service academies to select international students and conduct exchange programs with foreign military academies.

Consolidated annual budget for security cooperation programs and activities of the Department of Defense (sec. 1249)

The Senate bill contained a provision (sec. 1262) that would require the budget of the President for each fiscal year after fiscal year 2018, as submitted to Congress by the President pursuant to section 1105 of title 31, United States Code, to include as a separate item the amounts requested for the Department of Defense (including those funds in the budgets of the military departments) for such fiscal year for all security cooperation programs and activities of the Department, including the specific amounts, if any, and the specific country or region, to the maximum extent practicable, for such programs and activities.

The House amendment contained no similar provision.

The House recesses with a technical amendment.

Consistent with the creation of the new chapter 16 on security cooperation and the consolidation of the Department of Defense's security cooperation funding and related authorities, this provision is intended to enhance the ability of the congressional defense committees to conduct oversight of the Department's security cooperation programs and activities, including those undertaken by the military services; to

understand better how the Department plans, programs, and prioritizes its security cooperation programs and activities to fill gaps in its contingency plans; to enable foreign partners against a common threat or enemy; and to align resources with the Department's strategic objectives. This approach is also intended to better enable public transparency.

Department of Defense security cooperation workforce development (sec. 1250)

The Senate bill contained a provision (sec. 1263) that would direct the Secretary of Defense to create a Department of Defense security cooperation workforce development program to oversee the development and management of a professional workforce supporting security cooperation programs of the Department of Defense as well as the execution of security assistance programs and activities under the Foreign Assistance Act and the Arms Control Act by the Department of Defense.

The House amendment contained no similar provision.

The House recesses with a clarifying amendment.

Despite the increasing emphasis on security cooperation to further its strategic objectives, the conferees are concerned that the Department of Defense - whether in implementing State Department programs or its own programs - has not devoted sufficient attention and resources to the development, management, and sustainment of the Department's security cooperation workforce to ensure effective assessment, planning, monitoring, execution, evaluation, and administration of security cooperation programs and initiatives. As a result of this inattention, security cooperation initiatives are not always planned and implemented in such a way as to most effectively advance national security objectives, and the Military Departments are left to pursue their unique service objectives, which may not always align with broader foreign policy objectives or integrate with Department of Defense efforts. The conferees are also concerned about the lack of standardization in the organization of the security cooperation workforce within the Military Departments.

Finally, the conferees believe that security cooperation outcomes would improve if the security cooperation planning workforce, including within Embassy country teams and at Geographic Combatant Commands, was able to draw upon not just the foreign area officer specialty, but also upon other relevant specialties such as force planning, logistics, and acquisition.

The conferees believe that building security capabilities of a partner nation and deepening interoperability through security cooperation requires a specialized set of skills, and

the current system neither develops those skills among its workforce nor rationally assigns its workforce to match appropriate skills with requirements. The conferees believe increased attention and resourcing must be focused on the recruitment, training, certification, assignment, and career development of the security cooperation workforce. The conferees expect the Department to implement this authority expansively in order to address shortfalls in the security cooperation workforce throughout the enterprise.

Specifically, implementation of this authority should (1) ensure the development and rational allocation of qualified and experienced personnel in order to support high-priority security cooperation initiatives and partners; (2) ensure the appropriate sizing, organization, and chain-of-command for the security cooperation workforce within the Military Departments; (3) ensure the appropriate skills and capabilities are developed within the workforce and that there are standard and viable career paths; and (4) ensure sufficient size of the Title 10 workforce to enhance program management and administration, as well as to strike a more appropriate balance with the Title 22 workforce. The conferees expect that the Department will allocate necessary resources, from available Title 10 security cooperation program resources and other appropriate sources, sufficient to achieve these objectives, and reflect these costs in its annual security cooperation budget submission.

The conferees note that effectiveness and efficiency of security cooperation implementation will depend on a workforce that is integrated across the enterprise and responsive to clear strategic direction in support of Department priorities.

Reporting requirements (sec. 1251)

The Senate bill contained a provision (sec. 1261) to consolidate and standardize the Department's reporting on security cooperation authorities and programs in an annual report.

The House amendment contained a similar provision (sec. 1205).

The Senate recedes with a technical amendment.

The conferees note that this Act retains nearly all of the notification requirements with respect to the Department's security cooperation activities. Coupled with the requirement for an annual budget submission that appears elsewhere in this Act, this approach relieves the Department of an overly burdensome reporting regime while maintaining the transparency and accountability required for appropriate oversight and real-time monitoring of the Department's new programs. The conferees

expect that the level of detail contained in the annual report should be equal to or greater than the existing individual reports. Any degradation in the quality of the reporting on the Department's security cooperation program and activities would be inconsistent with the intent of the conferees in undertaking this broader reform initiative.

Quadrennial Review of Security Sector Assistance Program and Authorities of the United States Government (sec. 1252)

The conference agreement includes a provision that would require the President to conduct a quadrennial review of all U.S. Government security sector assistance programs, policies, authorities, and resources.

Other conforming amendments and authority for administration (sec. 1253)

The Senate bill contained a provision (sec. 1265) that would repeal superseded, obsolete, or duplicate statutes relating to security cooperation as part of its efforts to streamline and rationalize the authorities of the Department to conduct security cooperation.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

SUBTITLE F—HUMAN RIGHTS SANCTIONS

Global Magnitsky Human Rights Accountability Act (secs. 1261-1265)

The Senate bill contained provisions (secs. 1281-1284) that would authorize the President to impose sanctions with respect to any foreign person that the President determines is responsible for gross human rights violations or acts of significant corruption.

The House amendment contained no similar provision.

The House recedes with amendments which would sunset the provision six years after enactment, modify the congressional referral mechanism, and revise the waiver threshold for the termination of sanctions, as well as several technical amendments.

SUBTITLE G—MISCELLANEOUS REPORTS

Modification of annual report on military and security developments involving the People's Republic of China (sec. 1271)

The House amendment contained a provision (sec. 1242) that would require a summary of the order of battle of the People's Liberation Army, including anti-ship ballistic missiles, theater ballistic missiles, and land attack cruise missile inventory and a description of the People's Republic of China's military and nonmilitary activities in the South China Sea to be added to the Annual Report on Military and Security Developments Involving the People's Republic of China.

The Senate bill contained no similar provision.

The Senate recesses.

Monitoring and evaluation of overseas humanitarian, disaster, and civic aid programs of the Department of Defense (sec. 1272)

The House amendment contained a provision (sec. 1245) that would authorize the Secretary of Defense to use up to 5 percent of the amounts authorized to be appropriated by this Act for Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) for fiscal year 2017, to conduct monitoring and evaluation of the OHDACA programs of the Department of Defense. This section would also require the Secretary of Defense to provide a briefing to the specified committees not later than 90 days after the date of the enactment of this Act on mechanisms to evaluate OHDACA programs.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would extend the authorization to fiscal year 2018.

Strategy for United States defense interests in Africa (sec. 1273)

The House amendment contained a provision (sec. 1249) that would require the Secretary of Defense to submit a report not later than 1 year after the date of the enactment of this Act to the congressional defense committees that contains a strategy for United States defense interests in Africa.

The Senate bill contained no similar provision.

The Senate recesses with a technical amendment.

Report on the potential for cooperation between the United States and Israel on directed energy capabilities (sec. 1274)

The House amendment contained a provision (sec. 1250) that would allow the Secretary of Defense to carry out research, development, test and evaluation activities, on a joint basis with Israel to establish directed energy capabilities to detect and defeat ballistic missiles, cruise missiles, unmanned aerial vehicles, mortars, and improvised explosive devices that threaten the United States, deployed forces of the United States, or Israel.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would replace the House provision with the requirement for a report on the potential for United States and Israeli directed energy cooperation to defeat ballistic missiles, cruise missiles, unmanned aerial vehicles, mortars, and improvised explosive devices. The report is due to the congressional defense and foreign relations committees not later than 180 days after enactment of this act.

Annual update of Department of Defense Freedom of Navigation Report (sec. 1275)

The Senate bill contained a provision (sec. 1241) that directs the Secretary of Defense to submit an annual report to the Committees on Armed Services of the Senate and the House of Representatives setting forth an update on the most current Freedom of Navigation Report under the Freedom of Navigation Operations (FONOPS) program.

The House amendment contained a similar provision (sec. 1255) that directs the Secretary of Defense to submit a quarterly report to the congressional defense committees on any excessive territorial claims of foreign countries that were challenged by freedom of navigation operations and flights carried out by the armed forces during such fiscal quarter.

The House recedes with an amendment that would terminate the report on September 30, 2021.

Reports on INF Treaty and Open Skies Treaty (sec. 1276)

The House amendment contained a provision (sec. 1259H) that would require the Chairman of the Joint Chiefs of Staff to submit to the appropriate congressional committees a report on the Open Skies Treaty that assesses possible non-compliance of the treaty by the Russian Federation, and whether the treaty remains in the national security interest of the United States. It would also require a report on the INF Treaty of whether and why the Treaty remains in the national security interests of the

United States and a specific plan to remedy the Russian violation of the INF Treaty.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would add the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence to the list of congressional committees to receive the reports.

Assessment of proliferation of certain remotely piloted aircraft systems (sec. 1277)

The Senate bill contained a provision (sec. 1275) that would require an independent assessment directed by the Chairman of the Joint Chiefs of Staff to report on the impact to United States national security interests of the proliferation of certain remotely piloted aircraft. The assessment would include an analysis of the threat posed to the United States as a result of the proliferation of such aircraft to adversaries, the impact of such proliferation on the combat capabilities of and interoperability with partners and allies of the United States, and the potential benefits and risks of continuing to limit exports of such aircraft.

The House amendment contained no similar provision.

The House recesses.

The conferees note that the proliferation of remotely piloted aircraft has significantly altered the context of the international security environment since the origination of the Missile Technology Control Regime that proscribes a "strong presumption of denial" for the export of such aircraft.

SUBTITLE H—OTHER MATTERS

Enhancement of interagency support during contingency operations and transition periods (sec. 1281)

The Senate bill contained a provision (sec. 1050) that would authorize the Secretary of Defense and the Secretary of State to enter into an agreement allowing each Secretary to provide support, supplies, and services on a reimbursement basis, or by exchange of support, supplies, and services, to the other Secretary during a contingency operation and related transition period.

The House amendment contained a similar provision (sec. 1246).

The Senate recesses with a technical amendment.

Two-year extension and modification of authorization of non-conventional assisted recovery capabilities (sec. 1282)

The Senate bill contained a provision (sec. 1274) that would extend the authority of the Department of Defense to establish, develop, and maintain non-conventional assisted recovery (NAR) capabilities for three additional years and modify the eligibility of personnel for whom such support may be provided.

The House amendment contained a similar provision that would modify section 943 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417), as most recently amended by section 1271 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), to permit the recovery of individuals identified by the Secretary of Defense when a non-conventional assisted recovery capability is already in place and would extend the authority through 2020.

The Senate recedes with a technical amendment.

The conferees direct the Department to ensure that the planning, initiation, sustainment, and utilization of NAR capabilities are fully coordinated and de-conflicted with other U.S. departments and agencies who may also play a role in the recovery of designated individuals overseas. (The conferees also note that non-conventional assisted recovery is a traditional military activity and the authority modified and extended by this provision does not authorize the conduct of intelligence activities.)

Authority to destroy certain specified World War II-era United States-origin chemical munitions located on San Jose Island, Republic of Panama (sec. 1283)

The House amendment contained a provision (sec. 1248) that would authorize the Secretary of Defense to destroy eight chemical munitions on San Jose Island, Panama. The use of these funds shall not take effect until there is an agreement between the United States and Panama that such munitions are termed "old chemical weapons" and not "abandoned chemical weapons" and that per the prior lease agreement, the United States is under no legal obligation to destroy any additional chemical munitions, munitions constituents, and associated debris that may be located on San Jose Island as a result of research, development, and testing activities conducted on San Jose Island during the period of 1943 through 1947. This provision is not applicable to agreements with or obligations to countries other than Panama.

The Senate bill contained a similar provision (sec. 1421).
The Senate recedes.

Sense of Congress on military exchanges between the United States and Taiwan (sec. 1284)

The Senate bill contained a provision (sec. 1243) that directed the Secretary of Defense to carry out a program of exchanges of senior military officers and senior officials between the United States and Taiwan, both in the United States and Taiwan, designed to improve military to military relations between the United States and Taiwan.

The House amendment contained a similar provision (sec. 1254) that expressed a sense of the congress that that the Secretary of Defense should conduct a program of senior military exchanges between the United States and Taiwan, both in the United States and Taiwan, that have the objective of improving military-to-military relations and defense cooperation between the United States and Taiwan.

The House recedes with an amendment that the Secretary of Defense should carry out such a program of exchanges, both in the United States and Taiwan.

Limitation on availability of funds to implement the Arms Trade Treaty (sec. 1285)

The House amendment contained a provision (sec. 1259A) that would prohibit the use of funds to implement the Arms Trade Treaty unless the Treaty has received the advice and consent of the Senate and has been the subject of implementing legislation. The National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 801 note) contained a similar provision.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

Prohibition on use of funds to invite, assist, or otherwise assure the participation of Cuba in certain joint or multilateral exercises (sec. 1286)

The Senate bill contained a provision (sec. 1204) that would prohibit the Secretary of Defense from using any funds to invite, assist, or otherwise assure the participation of the Government of Cuba in any joint or multilateral exercise or related security conference between the United States and Cuba until the Secretary, in coordination with the Director of National Intelligence, submits to Congress certain assurances. The provision would provide an exception to the prohibition for any joint or multilateral exercise or operation related to humanitarian assistance or disaster response.

The House amendment contained a similar provision (sec. 1259B) that would prohibit the use of funds authorized to be appropriated or otherwise made available to the Department of Defense for any bilateral military-to-military contact or cooperation between the Governments of the United States and Cuba until the Secretary of Defense and the Secretary of State, in consultation with the Director of National Intelligence, certify to the appropriate congressional committees that the Government of Cuba has taken specified actions.

The Senate recedes with an amendment that would prohibit the Secretary of Defense from using any funds authorized to be appropriated or otherwise made available for fiscal year 2017 for the Department of Defense unless the Secretary of Defense and the Secretary of State, in consultation with the Director of National Intelligence, certify to the appropriate congressional committees that the Government of Cuba has taken specified actions, with certain exceptions.

It is the intent of the conferees that the exception contained in subsection (b)(1) of this section includes periodic contact between appropriate officials of the Governments of the United States and Cuba concerning the security and management of personnel and facilities at Naval Station Guantanamo Bay, commonly referred to as "fence-line talks," which have been a routine and ongoing activity for many years and have proven important to ensuring the safety of U.S. personnel serving at Naval Station Guantanamo Bay.

Global Engagement Center (sec. 1287)

The House amendment contained a provision (sec. 1259C) that would direct the Secretary of State in coordination with the Secretary of Defense (and relevant federal departments and agencies and partner nations) to establish a Global Engagement Center (GEC) within 6 months of enactment. The GEC's general purpose would be to discover, expose and counter foreign government information warfare efforts (to include foreign propaganda and disinformation efforts) and proactively advance fact-based narratives that support US allies and interests. The GEC would terminate 5 years after enactment.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that included changes to the purpose and functions of the GEC, further specified the appointment, delegation and scope and responsibility and authority of the head of the GEC, modified the authority to transfer funds for the GEC, added a reporting requirement to the appropriate congressional committees, and extended the termination of the GEC to 8 years after enactment.

Modification of United States International Broadcasting Act of 1994 (sec. 1288)

The House amendment contained a provision (sec. 1259D) that would amend Section 304 of P.L. 103-236 (22 USC 6203) to permanently establish the Chief Executive Officer (CEO) position as head of the Broadcasting Board of Governors (BBG), the federal agency that oversees all US-funded non-military international broadcasting, while removing the nine-member bipartisan Board that currently heads the agency. It would also provide certain new flexibilities in the BBG CEO's authorities, including expanded authority to allow the BBG CEO to direct appropriated funds and to hire certain personnel. The House amendment also contained a provision (sec. 1259E) that would authorize the BBG CEO to consolidate the current US international broadcasters that receive federal grants as independent non-profit corporations (Radio Free Europe/Radio Liberty, Radio Free Asia, and the Middle East Broadcasting Networks) into one grantee broadcaster, with certain related expanded supervisory roles and authorities vested in the BBG CEO. This provision would also authorize the BBG CEO to establish a similar non-federal broadcasting corporation, receiving a federal operating grant, to assume the broadcasting responsibilities of the Voice of America (VOA, the federal government broadcaster operating within the BBG), and abolish VOA as a federal entity.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would eliminate the timing requirement for nomination of the BBG CEO, add a notification requirement for redirection of funds, establish the international broadcasting advisory board, add a mission definition for the consolidated broadcast entities, and deleted specific discussion of Voice of America.

Redesignation of South China Sea Initiative (sec. 1289)

The Senate bill contained a provision (sec. 1246) that would redesignate the South China Sea Initiative (Public Law 114-92; 129 Stat. 1073; U.S.C. 2282 note) as the Southeast Asia Maritime Security Initiative.

The House amendment contained a similar provision (sec. 1259F).

The Senate recedes.

The conferees believe that the United States should continue supporting the efforts of countries participating in the Southeast Asia Maritime Security Initiative to strengthen

their maritime security capacity, domain awareness, and integration of their capabilities.

Measures against persons involved in activities that violate arms control treaties or agreements with the United States (sec. 1290)

The House amendment contained a provision (sec. 1259L) that would require the President to impose certain measures on a person the President determines has engaged in any activity that contributed to the President's or Secretary of State's determination that such a country is not in full compliance with its obligations undertaken in all arms control, on proliferation, and disarmament agreements to which the United States is participating state. Certain measures, exceptions, remedies, and waivers are included in the provision, including an exception for sanctions that would impact contracts related to major routes of supply; a waiver on a case-by-case if the person or entity engaging in, or supporting, an activity that contributed to a country not being in full compliance did not knowingly engage in such activity, and such waiver is in the interest of the national security of the United States; and termination of sanctions when the country concerned is no longer in violation.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of the Treasury to produce a list of persons (including an entity or entities) involved in sanctionable activity under this section not later than 30 days after the annual report on Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments (required by 22 U.S.C. 2593a) has been submitted. Such person(s) would be subject to immediate sanction.

Additionally, the Senate amendment narrows the scope of the new sanction only to those countries who are not determined to be closely cooperating with the United States by the Director of National Intelligence.

The Senate amendment also required the waiver tied to a knowing violation include a requirement that such conduct has been terminated or that verifiable assurances that the person will terminate such activity have been provided.

The Senate amendment further provides waiver authority if the President determines on a case-by-case basis that the imposition of a sanction under this section would jeopardize an intelligence source or method. The conferees expect this waiver to be used only when there is a clear and specific risk that sources and methods would be compromised or exposed. Detailed

information on such risk will be reported to the specified congressional committees.

The Senate amendment also provides measures to delay the immediate imposition of sanctions if the President determines the government of the country concerned has taken specific and effective actions, including penalties as appropriate, to terminate the involvement of a domiciled person in the activity that triggered sanctions. This delay includes up to 120 days if the President initiates consultations with the government of the country concerned and an additional 120 days if such government is in the process of taking specific and effective actions to terminate the involvement of a domiciled entity in the activity that triggered sanctions.

The Senate amendment contains additional measures for termination if the person has ceased the activity contributing to a country's violation.

Agreements with foreign governments to develop land-based water resources in support of and in preparation for contingency operations (sec. 1291)

The House amendment contained a provision (sec. 1259Q) that would authorize the Secretary of Defense, with the concurrence of the Secretary of State, to enter into agreements with foreign nations to develop land-based water resources in support of contingency operations.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to notify the appropriate congressional committees 30 days after entering into an agreement.

Enhancing defense and security cooperation with India (sec. 1292)

The Senate bill contained a provision (sec. 1247) that would enhance military cooperation between the United States and India by recommending the Secretary of Defense take certain steps regarding exchanges between senior military officers and senior civilian defense officials of the Government of India and the United States Government.

The House amendment contained a similar provision (sec. 1262) that would require certain actions by the Secretary of Defense and the Secretary of State to enhance defense and security cooperation between India and the United States.

The Senate recedes with an amendment.

Coordination of efforts to develop free trade agreements with sub-Saharan African countries (sec. 1293)

The Senate bill contained a provision (sec. 1271) that would amend section 116 of the African Growth and Opportunity Act (19 U.S.C. 3723).

The House amendment contained no similar provision.

The House recesses with a technical amendment.

Extension and expansion of authority to support border security operations of certain foreign countries (sec. 1294)

The Senate bill contained a provision (sec. 1272) that would expand the authority under section 1226 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1056; 22 U.S.C. 2551 note) to provide assistance to the Governments of Jordan and Lebanon to support efforts to enhance security along borders with Syria and/or Iraq to also provide assistance to the Governments of Tunisia and Egypt to support efforts to enhance security along borders with Libya.

The House amendment contained no similar provision.

The House recesses with a technical amendment.

Should funds from the Counter Islamic State of Iraq and the Levant Fund be utilized to conduct activities pursuant to this authority, the conferees direct the Secretary of Defense to submit to the congressional defense committees a notification not later than 15 days before providing such support.

Modification and clarification of United States-Israel anti-tunnel cooperation authority (sec. 1295)

The Senate bill contained a provision (sec. 1273) that would increase the annual limitation of the authority under section 1279 of the National Defense Authorization Act for Fiscal Year 2016 (P.L. 114-92) for the Secretary of Defense, in consultation with the Secretary of State, to carry out research, development, test, and evaluation, on a joint basis with Israel to establish anti-tunnel defense capabilities to detect, map, and neutralize underground tunnels.

The House amendment contained no similar provision.

The House recesses.

Maintenance of prohibition on procurement by Department of Defense of People's Republic of China-origin items that meet the definition of goods and services controlled as munitions items when moved to the "600 series" of the Commerce Control List (sec. 1296)

The Senate bill contained a provision (sec. 886) that would amend section 1211 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) to maintain the prohibition on procuring military items from China.

The House amendment contained no similar provision.

The House recesses.

International sales process improvements (sec. 1297)

The Senate bill contained a provision (sec. 881) that would require the Secretary of Defense to develop a plan to improve the management and use of fees collected on the transfer of defense articles and services under programs in which the Defense Security Cooperation Agency has administrative responsibilities.

The House amendment contained no similar provision.

The House recesses with an amendment that would clarify requirements to be addressed in the plan and require that the plan be submitted to the congressional defense committees no later than 180 days after the date of enactment of this Act.

Efforts to end modern slavery (sec. 1298)

The Senate bill contained a provision (sec. 1276) that would require the Secretary of Defense to implement policies and procedures to ensure Armed Forces personnel engaged in partnership activities with foreign nations receive education and training on human slavery, and to ensure the United States Armed Forces maximize efforts to appropriately assist in combatting trafficking in persons. The provision would authorize grants to support transformational programs and projects that seek to achieve a measurable and substantial reduction of the prevalence of modern slavery in target populations within partner countries.

The House amendment contained no similar provision.

The House recesses with a technical amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

Modification and extension of authority to conduct activities to enhance the capability of foreign countries to respond to incidents involving weapons of mass destruction

The House amendment contained a provision (sec. 1203) that would modify section 1204 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66) to include a 48-hour congressional notification when assistance expected to

exceed \$4.0 million is provided to certain foreign countries, to cap the funds available at \$20.0 million, and extend the authority 1 year, through September 30, 2020.

The Senate bill contained no similar provision.

The House recesses.

The conferees note that elsewhere in this Act is a provision that would consolidate multiple authorities to build the capacity of friendly foreign nations to conduct specified operations, to include counter-weapons of mass destruction operations. The conferees intend for activities conducted to date under section 1204 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66) to be conducted under the new building partnership capacity in the new chapter 16 on security cooperation without disruption. Further, the conferees intend that such activities to build the capacity of friendly foreign nations to conduct counter-weapons of mass destruction operations will continue to be administered by the Director of the Defense Threat Reduction Agency.

Report on the prohibition on use of funds for assistance to units of foreign security forces that have committed a gross violation of human rights

The House amendment included a provision (sec. 1208) that would require the Secretary of Defense to submit to the congressional defense committees a report on the implementation of section 294 of title 10, United States Code (relating to prohibition on use of funds for assistance to units of foreign security forces that have committed a gross violation of human rights).

The Senate bill included no similar provision.

The House recesses.

The conferees direct the Secretary of Defense, no later than 180 days after the enactment of this Act, to submit to the congressional defense committees a report on the implementation of section 294 of title 10, United States Code (relating to prohibition on use of funds for assistance to units of foreign security forces that have committed a gross violation of human rights). The report shall include (1) A detailed description of the policies and procedures governing the manner in which Department of Defense personnel identify and report information on gross violations of human rights and how such information is shared with personnel responsible for implementing the prohibition in subsection (a)(1) of section 294 of title 10, United States Code; (2) The funding expended in fiscal years 2015 and 2016 for purposes of implementing section 294 of title 10, United States Code, including any relevant training of

personnel, and a description of the titles, roles, and responsibilities of the personnel responsible for reviewing credible information relating to human rights violations and the personnel responsible for making decisions regarding the implementation of the prohibition in subsection (a)(1) of such section 294; (3) An addendum that includes any findings or recommendations included in any report issued by a Federal Inspector General related to the implementation of section 294 of title 10, United States Code, and, as appropriate, the Department of Defense's response to such findings or recommendations; (4) implementation of section 1206 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015; and (5) Any other matters the Secretary determines is appropriate.

Sense of Congress on United States policy and strategy in Afghanistan

The House amendment contained a provision (sec. 1215) that would express the sense of Congress that the President should authorize a certain number of United States troops for missions in Afghanistan and provide the appropriate authorities, capabilities, and resources to ensure both mission success and adequate force protection for United State forces.

The Senate bill contained no similar provision.

The House recesses.

The conferees note that the United States continues to have vital national security interests in ensuring that Afghanistan is a stable, sovereign country and that stability and security in Afghanistan reinforces stability and security in the region. The conferees urge the President to ensure that the commander in Afghanistan has the required resources, authorities, and capabilities to protect U.S. and Coalition troops and to enable their counterterrorism and train, advise and assist missions. Further, the conferees believe that the United States should continue to provide the required support to the Afghan National Defense and Security Forces to secure Afghanistan.

Sense of Congress relating to Dr. Shakil Afridi

The House amendment contained a provision (sec. 1218) that would establish findings and a sense of Congress regarding the continued detention of Dr. Shakil Afridi by the Pakistani government.

The Senate bill contained no similar provision.

The House recesses.

The conferees note the contributions of Dr. Afridi to efforts to locate Osama bin Laden, remain concerned about Dr. Afridi's continuing incarceration, and urge the Government of Pakistan to release him immediately.

Report on access to financial records of the Government of Afghanistan to audit the use of funds for assistance for Afghanistan

The House amendment contained a provision (sec. 1219) that would require the Secretary of Defense to submit a report to Congress on the extent to which the Combined Security Transition Command-Afghanistan has adequate access to financial records of the Government of Afghanistan to audit the use of funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for assistance for Afghanistan.

The Senate bill contained no similar provision.

The House recesses.

The conferees direct the Secretary of Defense to provide a briefing to the congressional defense committees not later than 90 days after the enactment of this Act on the extent to which the Department of Defense has adequate access, for accountability purposes, to financial records of the Government of Afghanistan associated with the use of funds authorized to be appropriated by this act or otherwise made available for fiscal year 2017 for security assistance for Afghanistan.

Report on prevention of future terrorist organizations in Iraq and Syria

The House amendment contained a provision (sec. 1224) that would require the Secretary of Defense to submit a report that describes the political, economic, and security conditions in Iraq and Syria that would be necessary and sufficient to prevent the formation of future terrorist organizations in Iraq and Syria that may present a danger to the United States, its allies, and the stability of Iraq, Syria, and the rest of the Middle East region.

The Senate bill contained no similar provision.

The House recesses.

The conferees direct the Secretary of Defense and Secretary of State to jointly provide a report to the congressional defense committees, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee not later than one year after the date of the enactment of this Act on the political and military strategies to defeat the Islamic State in Iraq and the Levant (ISIL), and on the political, economic, and

security conditions in Iraq and Syria that would be necessary and sufficient to prevent the formation of future terrorist organizations in Iraq and Syria. At a minimum, the briefing should include a description of: (1) the military conditions that must be met for ISIL to be considered defeated; (2) the plan for achieving a political transition in Syria; (3) a plan for Iraqi political reform and reconciliation among ethnic groups and political parties; (4) an assessment of the required future size and structure of the Iraqi Security Forces, including irregular forces; and (5) a description of the roles and responsibilities of U.S. allies and partners and other countries in the region in establishing regional stability.

The conferees also direct the Comptroller General of the United States to submit to the congressional defense committees, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee, not later than one year after the date of the enactment of this Act, a report on the United States' and the Government of Iraq's capacities to apply transparency and anti-fraud mechanisms, accounting and internal controls standards, and other financial management and accountability measures to transfers of cash and other forms of assistance provided to the Iraqi Security Forces, including irregular forces, and other recipients through the Iraq Train and Equip Fund.

Semiannual report on integration of political and military strategies against ISIL

The House amendment contained a provision (sec. 1225) that would require the Secretary of Defense and Secretary of State to jointly submit a semi-annual report on the political and military strategies to defeat the Islamic State in Iraq and the Levant. The provision would also require the Comptroller General of the United States to review certain financial management and accountability measures relating to assistance provided through the Iraq Train and Equip Fund.

The Senate bill contained no similar provision.

The House recesses.

The conferees note that matters raised by the House provision are addressed elsewhere in this report.

Sense of Congress condemning continuing attacks on medical facilities in Syria

The House amendment contained a provision (sec. 1226) that would express the sense of Congress that the United States Government should condemn and call for an immediate end to attacks on medical facilities and medical providers in Syria and

encourage the United States Government to support efforts to meet urgent humanitarian needs where appropriate.

The Senate bill contained no similar provision.

The House recesses.

The conferees note with deep concern continued attacks on civilians, medical personnel, and medical facilities in Syria. These attacks constitute violations of international humanitarian law. The conferees urge the Department of Defense to ensure these violations are documented and further encourage the Department of Defense to support, where appropriate, international efforts to meet humanitarian and medical needs in Syria.

Sense of Congress on business practices of the Islamic State of Iraq and Syria

The House amendment contained a provision (sec. 1228) that would express the sense of Congress that the United States should focus all necessary efforts in the Middle East to disrupt the financing of the Islamic State of Iraq and the Levant (ISIL) through oil production and sale.

The Senate bill contained no similar provision.

The House recesses.

The conferees remain prepared to provide U.S. military forces engaged in Operation Inherent Resolve and other counterterrorism operations across the globe with the resources and authorities necessary to defeat the Islamic State in Iraq and the Levant, al Qaeda, and forces associated with these groups, including the resources and authorities necessary to disrupt the financing of those groups through oil production and sale.

Statement of policy on United States efforts in Europe to reassure United States partners and allies and deter aggression by the Government of the Russian Federation

The House amendment contained a provision (sec. 1234) that would express a statement that it is the policy of the United States to reassure U.S. partners and allies in Europe and to deter aggression by the Government of the Russian Federation in order to enhance regional and global security and stability.

The Senate bill contained no similar provision.

The House recesses.

The conferees remain concerned about the evolving security situation throughout the European continent. A revanchist Russian Federation, rising incidents of terrorism, and unprecedented refugee and migrant flows are among the issues

that continue to present significant security challenges to the region. The conferees recognize the North Atlantic Treaty Organization (NATO) as the cornerstone of transatlantic security cooperation and the guarantor of peace and stability in Europe. The conferees believe that NATO members must continue to review defense spending to ensure sufficient funding is obligated to meet security needs, as well as providing adequate NATO contributions. The fulfillment of NATO members' commitments to allocate a minimum of two percent of Gross Domestic Product (GDP) for defense expenditures and 20 percent of defense expenditures on major equipment, is of vital importance to the health of the NATO alliance. The conferees remain committed to supporting and upholding the policies enumerated in the NATO 2012 Wales Summit and the NATO 2016 Warsaw Summit including full realization of the Readiness Action Plan, fulfillment of defense spending commitments, and timely implementation of an enhanced forward military presence.

The conferees support U.S. efforts to increase presence in the European theater and commend the work of the Department of Defense thus far to reassure U.S. allies and partners in the region, increase NATO interoperability, provide critical training and assistance to European allies and partners, and deter Russian aggression. The conferees view the fiscal year 2017 President's Budget Request of \$3.42 billion for the European Deterrence Initiative (EDI) as an important step to support the stability and security of the region and deter further Russian antagonism and aggression. EDI will continue to serve as an important tool to bolster U.S. force presence in the region, train and equip the security forces of European partners and allies, enhance indications and warning mechanisms, and improve U.S. agility and flexibility through strategic infrastructure investments. The conferees believe additional emphasis is necessary on developing capabilities for countering unconventional methods of warfare such as cyber warfare, economic coercion, information operations, and intelligence operations. The conferees encourage the Department of Defense to include EDI resources and programs in the base budget in order to ensure persistent funding support as well as the ability to plan for long-term investments towards the security and stability of the European continent.

European investment in security and stability

The Senate bill contained a provision (sec. 1234) that would express the sense of Congress that North Atlantic Treaty Organization (NATO) allies and European partners are indispensable to addressing global security challenges and that

their investment in developing and employing robust security capabilities in Europe should meet or exceed U.S. efforts in this regard and would require an accounting by the Secretary of Defense of current and planned security investments by NATO allies and European partners.

The House amendment contained no similar provision.

The Senate recesses.

The conferees direct the Secretary of Defense, not later than 60 days after the date of the enactment of this Act, to present to the congressional defense committees, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee an accounting of European investment in security capabilities including current and planned efforts to contribute to global security operations. The presentation should include a summary of major outcomes from recent NATO summits, as well a detailed accounting of initiatives by other NATO members and European partners to: a.) deter security challenges posed by Russia, b.) increase capabilities to respond to unconventional or hybrid warfare tactics, c.) enhance security in Europe in ways that match or compliment United States contributions to conventional deterrence in the region, d.) contribute to the campaign to counter the Islamic State of Iraq and the Levant and the NATO-led mission in Afghanistan, and e.) counter terrorism in Europe and Africa, as well as any other matters the Secretary of Defense considers appropriate.

Sense of Senate on European Deterrence Initiative

The Senate Bill contained a provision (sec. 1235) that would express the sense of the Senate that the European Deterrence Initiative will bolster efforts to deter further Russian aggression, enhance the capability to defend territorial integrity and preserve regional stability, and improve the agility and flexibility of military forces to address threats across the full spectrum of warfighting requirements and diverse geographic locations. The provision would also express the sense of the Senate that such efforts as the European Deterrence Initiative should be in the base budget of the Department of Defense to address long-term stability on the European continent.

The House amendment contained no similar provision.

The Senate recesses.

The conferees note that support for the European Deterrence Initiative and its importance to the stability and security of the region and deterring further Russian antagonism and aggression is addressed elsewhere in this report.

Modification and extension of report on military assistance to Ukraine

The House amendment contained a provision (sec. 1237) that would express the sense of Congress that the United States should continue to support the Government of Ukraine's efforts to provide and maintain security in Ukraine including support to the Ukrainian military, the Ukrainian National Guard, and the State Border Guard Service of Ukraine.

The Senate bill contained no similar provision.

The House recesses.

The conferees remain deeply concerned about the ongoing threats to the sovereignty and territorial integrity of Ukraine, including the continued violations of ceasefire agreements by Russia and Russian-backed separatists. The conferees urge the Department of Defense to continue to provide robust support to the Government of Ukraine, including through lethal assistance, to help defend against such aggression. The conferees note that authorization to provide assistance to the State Border Guard Service of Ukraine is included in another provision of this Act.

Sense of Congress on malign activities of the Government of Iran

The House amendment contained a provision (sec. 1241) that would express the sense of Congress that the United States should increase efforts to counter the continued expansion of malign activities of the Government of Iran in the Middle East.

The Senate bill contained no similar provision.

The House recesses.

The conferees urge the Secretary of Defense to increase efforts to counter the Government of Iran's malign activities, including by maintaining a robust U.S. military presence forward deployed in the United States Central Command area of responsibility and by further enhancing regional ballistic missile defense capabilities and cooperation.

Inclusion of the Philippines among allied countries with whom United States may enter into cooperative military airlift agreements

The Senate bill contained a provision (sec. 1242) that would include the Philippines among allied countries that the United States can enter into a cooperative military airlift agreement with.

The House amendment contained no similar provision.

The Senate recesses.

Sense of Congress on trilateral cooperation between Japan, South Korea, and the United States

The House amendment contained a provision (sec. 1243) that expressed a sense of the Congress that Japan and the Republic of Korea (South Korea) are both treaty allies and critically important security partners of the United States.

The Senate bill contained no similar provision.

The House recesses.

The conferees recognize the continued importance of trilateral cooperation among the United States, Japan, and the Republic of Korea. More specifically, the conferees believe the United States should continue to support defense cooperation between Japan and the Republic of Korea on the full range of issues related to North Korea as well as other security challenges in the Asia-Pacific region.

Sense of Congress on cooperation between Singapore and the United States

The House amendment contained a provision (sec. 1244) that expressed a sense of the Congress regarding continued cooperation between the United States and the Republic of Singapore.

The Senate bill contained no similar provision.

The House recesses.

The conferees recognize the continued role Singapore has played as a security partner in Southeast Asia, including its recent decision to host rotational P-8 Poseidon deployments.

United States policy on Taiwan

The Senate bill contained a provision (sec. 1244) that expressed a sense of the Senate that the United States should strengthen and enhance its long-standing partnership and strategic cooperation with Taiwan, with the objective of reinforcing its commitment to the Taiwan Relations Act and the "Six Assurances."

The House amendment contained a similar provision (sec. 1259) that directs the Secretary of Defense and the Secretary of State to jointly submit to the appropriate committees of Congress a report that contains a description of the steps the United States has taken, plans to take, and will take to provide Taiwan with arms of a defensive character in accordance with the Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301 et seq.) no later than February 15, 2017.

The legislative provisions were not adopted.

The conferees direct the Secretary of Defense and the Secretary of State to provide a briefing to the congressional defense committees on the steps the United States has taken, plans to take, and will take to provide Taiwan with arms of a defensive character in accordance with the Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301 et seq.) no later than September 1, 2017.

The conferees believe the United States should conduct regular transfers of defense articles and defense services with the government of Taiwan, support the efforts of Taiwan to integrate innovative and asymmetric capabilities, including undersea warfare capabilities optimized for the defense of the Taiwan Strait, assist Taiwan in building an effective air defense capability consisting of a balance of fighters and mobile air defense systems, and permit Taiwan to participate in bilateral training activities hosted by the United States that increase the credible deterrent capabilities of Taiwan.

Sense of Congress on military relations between Vietnam and the United States

The Senate bill contained a provision (sec. 1245) that expressed a sense of the Senate that removing the prohibition on the sale of lethal military equipment to the Government of Vietnam would further United States national security interests, that any future arms sales by the United States to Vietnam should be monitored to ensure that Vietnam continues to make progress on human rights and that arms sold in the future are not being used by Vietnam in ways that violate the human rights and freedom of civilians in Vietnam.

The House amendment contained a similar provision (sec. 1259V) that expressed a sense of the Congress that the United States Government should review its policy on the transfer of lethal weapons to Vietnam and that it should evaluate certain human rights benchmarks when providing military assistance to Vietnam.

The legislative provisions were not adopted.

The conferees support the decision to fully lift the ban on the sale of lethal military equipment to Vietnam and believe that the United States Government must continue to monitor Vietnam's human rights record in the context of providing Vietnam with lethal military equipment in the future.

Annual report on foreign military sales to Taiwan

The House amendment contained a provision (sec. 1256) that directs the Secretary of Defense to submit to the Committees on

Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives a report that lists each request received from Taiwan and each letter of offer to sell any defense articles or services under this Act to Taiwan during such fiscal year.

The Senate bill contained no similar provision.

The House recesses.

Elsewhere in this report, the conferees note that the United States should conduct regular transfers of defense articles and defense services with the government of Taiwan.

Sense of Congress in support of a denuclearized Korean peninsula

The House amendment contained a provision (sec. 1259K) that expressed a sense of the Congress that United States foreign policy should support a denuclearized Korean peninsula.

The Senate bill contained no similar provision.

The House recesses.

The conferees express their strong support for the decision to deploy the Terminal High Altitude Area Defense (THAAD) missile defense system to the Republic of Korea. The conferees regard this deployment as benefitting the United States and the Republic of Korea by further protecting the citizens of both countries against the threat of missile attack on the Korean Peninsula.

Authority to grant observer status to the military forces of Taiwan at RIMPAC exercises

The House amendment contained a provision (sec. 1259P) that authorized the Secretary of Defense to grant observer status to the military forces of Taiwan in the maritime exercise known as the Rim of the Pacific Exercise.

The Senate bill contained no similar provision.

The House recesses.

The conferees note that the Secretary of Defense has the authority to invite Taiwan to the Rim of the Pacific exercise.

Sense of Congress on commitment to the Republic of Palau

The Senate bill contained a provision (sec. 1277) that would express a sense of the Congress that Congress and the President should promptly enact the Compact Review Agreement signed by the United States and Palau in 2010.

The House amendment contained no similar provision.

The Senate recesses.

The conferees believe that enacting the Compact Review Agreement is important to United States' national security interests and, as such, believe that the President should include the Compact Review Agreement in the Fiscal Year 2018 budget request.

Sense of Congress on support for Estonia, Latvia, and Lithuania

The House amendment contained a provision (sec. 1251) that would express the sense of the Congress on support for the Republic of Estonia, the Republic of Latvia, and the Republic of Lithuania, including support for their sovereignty.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that support for allies and partners in Europe is addressed elsewhere in this report.

Sense of Congress on security sector assistance

The Senate bill contained a provision (sec. 1251) that would express the Sense of the Congress on the security cooperation programs and activities of the Department of Defense, as well as the broader security sector assistance activities of the U.S. government.

The House amendment contained no similar provision.

The Senate recedes.

Sense of Congress on support for Georgia

The House amendment contained a provision (sec. 1252) that would express the sense of the Congress on support for Georgia's sovereignty and territorial integrity as well as support for continued cooperation between the United States and Georgia.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that support for allies and partners in Europe is addressed elsewhere in this report.

Sense of Congress regarding on July 2016 NATO Summit in Warsaw, Poland

The House amendment contained a provision (sec. 1257) that would express the sense of the Congress on supporting certain outcomes of the July 2016 North Atlantic Treaty Organization (NATO) Summit in Warsaw, Poland.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that support for certain outcomes of the NATO Summit is addressed elsewhere in this report.

Report on violence and cartel activity in Mexico

The House amendment contained a provision (sec. 1258) that would require the Secretary of Defense to submit to the congressional defense committees a report on violence and cartel activity in Mexico and the impact on the national security of the United States.

The Senate bill contained no similar provision.

The House recesses.

The conferees note that the ongoing violence associated with transnational organized crime poses a threat to the security interests of Mexico and the United States. The conferees recognize the shared commitment of the United States and Mexico to combat this threat and expect the Secretary of Defense to update periodically the Committees on Armed Services of the House of Representatives and the Senate on the Department's security cooperation activities with the Government of Mexico.

Opportunities to equip certain foreign military entities

The House amendment contained a provision (sec. 1259G) that would add the requirement for a report that describes efforts to make United States manufacturers aware of opportunities to equip foreign military forces approved to receive assistance from the United States and any new plans to raise awareness of such opportunities.

The Senate bill contained no similar provision.

The House recesses.

The conferees direct the Secretary of Defense and the Secretary of State to jointly provide a briefing to the congressional defense committees, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee, within 180 days of the enactment of this act, on efforts to make United States manufacturers aware of procurement opportunities related to equipping foreign security forces approved to purchase or receive equipment from United States manufacturers.

Sense of Congress regarding the role of the United States in the North Atlantic Treaty Organization

The House amendment contained a provision (sec. 1259I) that would express the sense of the Congress that continued United States leadership in the North Atlantic Treaty

Organization is critical to the national security of the United States.

The Senate bill contained no similar provision.

The House recesses.

The conferees note that the importance of continued United States leadership in the North Atlantic Treaty Organization is addressed elsewhere in this report.

Authorization of United States assistance to Israel

The House amendment contained a provision (sec. 1259J) that would authorize the President to provide assistance to Israel to improve maritime security and maritime domain awareness.

The Senate bill contained no similar provision.

The House recesses.

The conferees note that maritime security and maritime domain awareness in the Eastern Mediterranean Sea are critical not only to the security of Israel but also to U.S. national security interests and encourage the Department of Defense to continue efforts to develop and improve capabilities in these areas.

Department of Defense report on cooperation between Iran and the Russian Federation

The House amendment contained a provision (sec. 1259M) that would require a report on cooperation between Iran and the Russian Federation.

The Senate bill contained no similar provision.

The House recesses.

The conferees direct the Secretary of Defense and Secretary of State to jointly provide a briefing to the congressional defense committees, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee not later than 180 days after the date of the enactment of this Act, on cooperation between Iran and the Russian Federation. The briefing shall, at a minimum, include (1) how such cooperation affects the national security interests of the United States; (2) cooperation relating to the conflict in Syria; (3) weapons, if any, transferred from Russia to Iran; (4) cooperation, if any, in space and to what extent those capabilities can be applied to Iran's ballistic missile program; and (5) naval cooperation in the Eastern Mediterranean Sea and Arabian Gulf.

Report on maintenance by Israel of a robust independent capability to remove existential security threats

The House amendment contained a provision (sec. 1259N) that would express the sense of Congress that Israel should be able to defend its vital national interests and protect its territory and population against existential threats. The provision would also require a report to certain committees of Congress that would identify capabilities and platforms requested by the Government of Israel that would contribute to the maintenance of Israel's defensive capability, assess the availability for sale or transfer of such items, and describe what steps the President is taking to transfer those items.

The Senate bill contained no similar provision.

The House recesses.

Report on use by the Government of Iran of commercial aircraft and related services for illicit military or other activities

The House amendment contained a provision (sec. 1259O) that would require a report to certain committees of Congress on the use by the Government of Iran of commercial aircraft and related services for illicit military and other activities for the past five years.

The Senate bill contained no similar provision.

The House recesses.

The conferees direct that not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall provide a briefing to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the use of the commercial entities by the Government of Iran for illicit military or other activities during the 5-year period ending on the date of enactment of this Act. The briefing, at a minimum, should include a description of the extent to which: (1) the Government of Iran has used commercial entities to facilitate the shipment of illicit cargo; (2) the commercial sector of Iran has provided financial, material, and technological support to the Islamic Revolutionary Guard Corps (IRGC); and (3) foreign governments and persons have facilitated such activities, including allowing the use of airports, services, or other resources.

Extension of reporting requirements on the use of certain Iranian seaports by foreign vessels and use of foreign airports by sanctioned Iranian air carriers

The House amendment contained a provision (sec. 1259R) that would amend section 1252(a) of the National Defense Authorization Act for Fiscal Year 2013 (22 U.S.C. 8808(a)).

The Senate bill contained no similar provision.
The House recesses.

Sense of Congress on integrated ballistic missile defense system for GCC partner countries, Jordan, Egypt and Israel

The House amendment contained a provision (sec. 1259T) that would express the sense of Congress that to assist in preventing an attack by Iran, the United States should encourage and enable as appropriate an integrated ballistic missile defense system that links GCC partner countries, Jordan, Egypt, and Israel.

The Senate bill contained no similar provision.
The House recesses.

The conferees encourage the United States Government to continue to work towards a ballistic missile defense system that integrates the capabilities of Gulf Cooperation Council partner nations.

Authority to provide assistance and training to increase maritime security and domain awareness of foreign countries bordering the Persian Gulf, Arabian Sea, or Mediterranean Sea

The House amendment contained a provision (sec. 1259U) that would authorize assistance and training to increase maritime security and domain awareness of foreign countries bordering the Persian Gulf, the Arabian Sea, or the Mediterranean Sea in order to deter and counter illicit smuggling and related maritime activity by Iran, including illicit Iranian weapons shipments.

The Senate bill contained no similar provision.
The House recesses.

The conferees note that this provision would be duplicative of provisions included elsewhere in this Act. The conferees further note that the stated purpose of this provision is indeed an important matter - maritime security in the Arabian Sea, Arabian Gulf, and Mediterranean Sea are critical to U.S. national security interests and the global marketplace.

Report on efforts to combat Boko Haram in Nigeria and the Lake Chad Basin

The House amendment contained a provision (sec. 1259W) that would express a sense of Congress and require the Secretary

of Defense, the Secretary of State, and the Attorney General to jointly submit to Congress a report on efforts to combat Boko Haram against the people of Nigeria and the Lake Chad Basin.

The Senate bill contained no similar provision.

The House recesses.

The conferees note that the ongoing violence and abhorrent human rights violations perpetrated by the terrorist group Boko Haram against the people of the Lake Chad Basin region of Africa poses a threat to the regional stability and to the security interests of the United States associated with ongoing violence and the gross human rights violations against the people of the Lake Chad Basin carried out by Boko Haram and the need to investigate and prosecute such violations. The conferees also note the need to bring to justice those responsible for such atrocities should be brought to justice. The conferees recognize the shared commitment of the United States and countries of the Lake Chad Basin to combat Boko Haram and expect the Secretary of Defense to update the Committees on Armed Services of the House of Representatives and the Senate periodically on the Department's activities in this regard.

Security Cooperation Enhancement Fund

The Senate bill contained a provision (sec. 1260) that would create a central fund for the security cooperation programs and activities of the Department of Defense.

The House amendment contained no similar provision.

The Senate recesses.

Coordination between Department of Defense and Department of State on certain security cooperation and security assistance programs and activities

The Senate bill contained a provision (sec. 1264) that would require the Secretary of Defense and the Secretary of State not later than 90 days after enactment of this Act to establish interim regulations and, not later than 270 days after enactment of this Act, final regulations, to establish a formal process for the two Departments on all matters relating to the policy, planning, and implementation of security cooperation programs and activities as specified in the Act.

The House amendment contained no similar provision.

The Senate recesses.

United Nations processing center in Erbil, Iraqi Kurdistan, to assist internationally-displaced communities

The House amendment contained a provision (sec. 1227) that would seek the establishment of a United Nations processing center in Erbil, Iraqi Kurdistan, to assist internationally-displaced communities through the voice and vote of the United States at the United Nations.

The Senate bill contained no similar provision.

The House recedes.

TITLE XIII—COOPERATIVE THREAT REDUCTION

Specification of Cooperative Threat Reduction funds (sec. 1301)

The Senate bill contained a provision (sec. 1301) that would authorize funds to be appropriated by the Department of Defense for the Cooperative Threat Reduction Program.

The House amendment contained an identical provision (sec. 1301).

The conference agreement includes this provision.

Funding allocations (sec. 1302)

The Senate bill contained a provision (sec. 1302) that would allocate funding for the Cooperative Threat Reduction program from within the overall \$325.6 million that the committee would authorize for the CTR Program. The allocation under this section reflects the amount of the budget request for fiscal year 2017.

The House amendment contained a similar provision (sec. 1302) that would allocate funding for the Cooperative Threat Reduction program at \$325.6 million, including for certain specific purposes. In addition, the House amendment would also extend certain notification requirements, which would allow the committee to enhance its oversight of proposed CTR projects. Further, it would require a new determination as to whether other authorities are also available to the Secretary of Defense, and other Secretaries as applicable, and if they exist, an explanation for why the Secretaries were not able to use them for a specific proposed project.

The Senate recedes.

Limitation on availability of funds for Cooperative Threat Reduction in People's Republic of China (sec. 1303)

The House amendment contained a provision (sec. 1303) that would ensure Cooperative Threat Reduction funds are obligated or expended in quarterly installments. The provision would further

require that the Secretary of Defense not obligate or expend funds for CTR activities in China unless he has submitted to the specific congressional committees a certification regarding certain nonproliferation benchmarks (including the arrest of Li Fangwei, also known as ``Karl Lee'') with respect to China.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that requires obligation or expenditure of such funds in semiannual installments. The amendment further requires that 15 days before funds are obligated, the Secretary of Defense shall submit to the congressional defense committees, the House Foreign Affairs Committee and the Senate Committee on Foreign Affairs the report on such activities as required by section 50 United States Code 3711(g). In addition to the matters required by 50 United States Code 3711(g), each report shall include in coordination with the Secretary of State whether China has taken material steps to disrupt proliferation activities of Li Fangwei; and arrest Li Fangwei pursuant to an indictment charged in the United States District Court of New York on April 29, 2014; and whether China has proliferated to any non-nuclear weapons state or any nuclear weapons state in violation of the Treaty on Non-Proliferation of Nuclear Weapons including any item that contributes to a ballistic missile as well as the number and type of demarches with respect to the above matters.

TITLE XIV—OTHER AUTHORIZATIONS

SUBTITLE A—MILITARY PROGRAMS

Working Capital Funds (sec. 1401)

The Senate bill contained a provision (sec. 1401) that would authorize appropriations for Defense Working Capital Funds at the levels identified in section 4501 of division D of this Act.

The House amendment contained an identical provision (sec. 1401).

The conference agreement includes this provision.

Chemical Agents and Munitions Destruction, Defense (sec. 1402)

The Senate bill contained a provision (sec. 1402) that would authorize the appropriations for Chemical Agents and Munitions Destruction, Defense, at levels identified in section 4501 of division D of this Act.

The House amendment contained an identical provision (sec. 1403).

The conference agreement includes this provision.

Drug Interdiction and Counter-Drug Activities, Defense-Wide (sec. 1403)

The Senate bill contained a provision (sec. 1403) that would authorize appropriations for Drug Interdiction and Counter-Drug Activities, Defense-Wide at the levels identified in section 4501 of division D of this Act.

The House amendment contained an identical provision (sec. 1404).

The conference agreement includes this provision.

Defense Inspector General (sec. 1404)

The Senate bill contained a provision (sec. 1404) that would authorize appropriations for the Office of the Inspector General at the levels identified in section 4501 of division D of this Act.

The House amendment contained an identical provision (sec. 1405).

The conference agreement includes this provision.

Defense Health Program (sec. 1405)

The Senate bill contained a provision (sec. 1405) that would authorize appropriations for the Defense Health Program activities at the levels identified in section 4501 of division D of this Act.

The House amendment contained an identical provision (sec. 1406).

The conference agreement includes this provision.

SUBTITLE B—NATIONAL DEFENSE STOCKPILE

Authority to dispose of certain materials from and to acquire additional materials for the National Defense Stockpile (sec. 1411)

The Senate bill contained a provision (sec. 1412) that would require the National Defense Stockpile (NDS) Manager to dispose of specific rare earth elements (REE) while also allowing funds available in the National Defense Stockpile

Transaction Fund to be used for the acquisition of other materials.

The House amendment contained a similar provision (sec. 1411) that would grant permissive authority to the NDS Manager to dispose of specific REE while also allowing funds available in the NDS Transaction Fund to be used for the acquisition of other materials.

The Senate recesses.

The conferees note that REE acquisitions would alleviate some defense supply chain vulnerability as well as mitigate some risk of foreign reliance for REE and critical materials.

National Defense Stockpile matters (sec. 1412)

The Senate bill contained a provision (sec. 1411) that would amend section 4 of the Strategic and Critical Materials Stock Piling Act, title 50 United States Code, to provide the authority to recover, acquire, recycle, and manage the disposal of excess and recyclable strategic and critical materials containing rare earth elements (REE) from other federal agencies, including the Department of Defense. The provision would also enable the National Defense Stockpile (NDS) Manager to fund the qualification of domestically-produced strategic materials and REE, which could provide significant cost savings to DOD compared to foreign REE.

The House amendment contained a similar provision (sec. 1412).

The House recesses.

The conferees strongly believe that enabling the NDS to qualify domestic materials and create substitutions could provide a significant risk mitigation for DOD's supply chain and reduce the reliance upon foreign-sourced REE, along with cost-effective domestic and strategic alternatives.

Additionally, the conferees strongly encourage DOD to use its authority to recycle previously discarded items such as unclassified electronic waste, fluorescent lamps, batteries, magnets, and thermal barrier coatings in order to extract, reclaim, and reuse critical materials and REE to address DOD requirements.

SUBTITLE C—CHEMICAL DEMILITARIZATION MATTERS

National Academies of Sciences study on conventional munitions demilitarization alternative technologies (sec. 1421)

The Senate bill contained a provision (sec. 1422) that would require the Secretary of the Army in concurrence with the Board on Army Science and Technology of the National Academies of Sciences, Engineering, and Medicine to conduct a study of the conventional munitions demilitarization program of the Department of Defense.

The House amendment contained no similar provision.
The House recesses.

SUBTITLE D—OTHER MATTERS

Authority for transfer of funds to Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois (sec. 1431)

The Senate bill contained a provision (sec. 1431) that would authorize the Secretary of Defense to transfer \$122.4 million to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities.

The House amendment contained a similar provision (sec. 1421).

The Senate recesses.

Authorization of appropriations for Armed Forces Retirement Home (sec. 1432)

The Senate bill contained a provision (sec. 1432) that would authorize appropriations of \$64.3 million for the Armed Forces Retirement Home for fiscal year 2017.

The House amendment contained an identical provision (sec. 1422).

The conference agreement includes this provision.

LEGISLATIVE PROVISIONS NOT ADOPTED

National Defense Sealift Fund

The House amendment contained a provision (sec. 1402) that would authorize appropriations for the National Defense Sealift Fund at the levels identified in section 4501 of the House amendment.

The Senate bill contained no similar provision.
The House recesses.

National Sea-Based Deterrence Fund

The House amendment contained a provision (sec. 1407) that would authorize appropriations for the National Sea-Based Deterrence Fund at the levels identified in section 4501 of the House amendment.

The Senate bill contained no similar provision.
The House recesses.

Security Cooperation Enhancement Fund

The Senate bill contained a provision (sec. 1406) that authorized appropriations for the Security Cooperation Enhancement Fund activities at the levels identified in section 4501 of division D of this Act.

The House amendment contained no similar provision.
The Senate recesses.

**TITLE XV—AUTHORIZATION OF ADDITIONAL
APPROPRIATIONS FOR OVERSEAS CONTINGENCY
OPERATIONS**

SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

*Purpose and treatment of certain authorizations of
appropriations (sec. 1501)*

The Senate bill contained a provision (sec. 1501) that would establish this title and make authorization of appropriations available upon enactment of this Act for the Department of Defense, in addition to amounts otherwise authorized in this Act.

The House amendment contained a similar provision (sec. 1501).

The Senate recesses.

Procurement (sec. 1502)

The Senate bill contained a provision (sec. 1503) that would authorize additional appropriations for Procurement at the levels identified in section 4102 of division D of this Act.

The House amendment contained a similar provision (sec. 1502).

The Senate recesses.

Research, development, test, and evaluation (sec. 1503)

The Senate bill contained a provision (sec. 1504) that would authorize additional appropriations for Research, Development, Test, and Evaluation at the levels identified in section 4202 of division D of this Act.

The House amendment contained a similar provision (sec. 1503).

The Senate recesses.

Operation and maintenance (sec. 1504)

The Senate bill contained a provision (sec. 1505) that would authorize the additional appropriations for operation and maintenance activities.

The House amendment contained a similar provision (sec. 1504) that would authorize additional appropriations for operation and maintenance programs at the levels identified in section 4302 and section 4303 of division D of the amendment. This section would limit the appropriations for operation and maintenance identified in section 4302 to only be available for obligation until April 30, 2017.

The Senate recesses with an amendment that would allow funds to be available through the entirety of the fiscal year.

Military personnel (sec. 1505)

The Senate bill contained a provision (sec. 1506) that would authorize the additional appropriations for military personnel activities.

The House amendment contained a similar provision (sec. 1505) would authorize additional appropriations for military personnel programs at the levels identified in section 4402 and section 4403 of division D of the amendment. This section would limit the appropriations for military personnel activities identified in section 4402 to only be available for obligation until April 30, 2017.

The Senate recesses with an amendment that would allow funds to be available through the entirety of the fiscal year.

Working capital funds (sec. 1506)

The Senate bill contained a provision (sec. 1507) that would authorize the additional appropriations for the Defense Working Capital Funds.

The House amendment contained a similar provision (sec. 1506) would authorize additional appropriations for Defense Working Capital Funds at the levels identified in section 4502 of division D of the amendment. This section would limit the appropriations for the Defense Working Capital Funds to only be available for obligation until April 30, 2017.

The House recesses.

Drug Interdiction and Counter-Drug Activities, Defense-wide (sec. 1507)

The Senate bill contained a provision (sec. 1508) that would authorize additional appropriations for Drug Interdiction and Counterdrug Activities, Defense-Wide at the levels identified in section 4502 of division D of this Act.

The House amendment contained a similar provision (sec. 1507).

The Senate recesses.

Defense Inspector General (sec. 1508)

The Senate bill contained a provision (sec. 1509) that would authorize additional appropriations for the Office of the Inspector General at the levels identified in section 4502 of division D of this Act.

The House amendment contained an identical provision (sec. 1508).

The conference agreement includes this provision.

Defense Health program (sec. 1509)

The Senate bill contained a provision (sec. 1510) that would authorize additional appropriations for the Defense Health Program.

The House amendment contained a similar provision (sec. 1509) would authorize additional appropriations for the Defense Health Program at the levels identified in section 4502 of division D of the amendment. This section would limit the appropriations for the Defense Health Program to only be available for obligation until April 30, 2017.

The House recesses.

SUBTITLE B—FINANCIAL MATTERS

Treatment as additional authorizations (sec. 1511)

The Senate bill contained a provision (sec. 1521) that would state that amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

The House amendment contained an identical provision (sec. 1521).

The conference agreement includes this provision.

Special transfer authority (sec. 1512)

The Senate bill contained a provision (sec. 1522) that would allow the Secretary of Defense to transfer up to \$3.5 billion of overseas contingency operation funding authorized for fiscal year 2017 in this title to unforeseen higher priority needs in accordance with normal reprogramming procedures.

The House amendment contained a similar provision (sec. 1522) that would authorize the transfer of up to \$4.5 billion of additional war-related funding authorizations in this title among the accounts in this title.

The Senate recedes with an amendment that would allow the Secretary of Defense to transfer up to \$3.5 billion of overseas contingency operation funding authorized for fiscal year 2017 in this title to unforeseen higher priority needs in accordance with normal reprogramming procedures.

SUBTITLE C—LIMITATIONS, REPORTS, AND OTHER MATTERS

Afghanistan Security Forces Fund (sec. 1521)

The Senate bill contained a provision (sec. 1533) that would require that amounts authorized for the Afghanistan Security Forces Fund (ASFF) for fiscal year 2017 continue to be subject to the conditions specified in subsections (b) through (g) of section 1513 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), as amended. The provision would extend the authority under subsection 1532(b) of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291) to accept certain equipment procured using ASFF funds and to treat such equipment as Department of Defense stocks as well as the goal of using \$25.0 million to support to the extent practicable the efforts of the Government of Afghanistan to promote the security of Afghan women and girls and report on a plan to

promote the security of Afghan women as required by section 1531 of the National Defense Authorization Act of 2016.

The House amendment contained a similar provision (sec. 1531).

The House recesses with a technical amendment.

Joint Improvised Explosive Device Defeat Fund (sec. 1522)

The House amendment contained a provision (sec. 1532) that would modify subsection 1532(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) to extend the use and transfer authority for the Joint Improvised Explosive Device Defeat Fund (JIEDDF) through fiscal year 2017. It would also modify section 1532(c) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) to expand the foreign governments to whom assistance may be provided in order to counter the flow of improvised explosive device (IED) precursor chemicals.

The Senate bill contained a similar provision (sec. 1531) that would extend the use and transfer authority for the JIEDDF for one year.

The Senate recesses with an amendment to modify and expand the reporting requirements under section 1532(c).

The conferees expect the expanded IED precursor chemical authority to be focused on efforts to counter the Islamic State of Iraq and the Levant. The conferees direct the Secretary of Defense to brief the congressional defense committees, not later than 90 days after enactment of this Act, regarding utilization of the IED precursor chemical authority to date, the plans for future employment of the authority, and a discussion of additional authorities that would be useful to the efforts to stem the flow of IED precursor chemicals and components.

Furthermore, the conferees note that Section 1532(c) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), required a plan for transition of the Joint Improvised-Threat Defeat Agency (JIDA) activities, functions, and resources to an existing military department or Defense Agency. On January 29, 2016, the congressional defense committees were notified by the Under Secretary of Defense for Acquisition, Technology and Logistics that the entirety of activities, functions, and resources of JIDA would transition under the authority, direction, and control of the Defense Threat Reduction Agency (DTRA) not later than September 30, 2016 as the Joint Improvised-Threat Defeat Organization (JIDO).

The conferees support the transition of JIDA as JIDO under the authority, direction, and control of DTRA. Integration of the roles, mission, and activities of JIDA under DTRA should

result in reduced overhead management costs while maintaining core competencies of each entity in order to respond to warfighter needs. The conferees commend the identification of potential areas to reduce overhead costs and achieve efficiencies in the transition plan submitted on August 21, 2016. However, the conferees note the lack of detail regarding the processes used to integrate cost reduction efforts into the ongoing transition plan needed to realize savings and efficiencies.

The conferees recognize the transition will impact both DTRA's and JIDA's organizational construct. The conferees also recognize that the transition and associated efficiencies may warrant changes in JIDA's leadership construct and associated billets as JIDA becomes an organization under the authority, direction, and control of DTRA.

Therefore, the conferees direct the Under Secretary of Defense for Acquisition, Technology and Logistics to brief the congressional defense committees, not later than 60 days after enactment of this act, on the implementation of the transition of JIDA to DTRA as JIDO. The briefing shall include a progress report on the overhead cost reductions and efficiencies as well as cost reduction processes identified in the transition plan, an identification of efficiencies expected to be achieved in addition to those identified in the initial transition plan, the organizational and command and control constructs of DTRA and JIDO, an overview of the combined budget estimations across the Future Years Defense Program, and a description of how the core competencies of both DTRA and JIDO are being retained in order to fulfill designated missions and respond to warfighter needs.

Extension of authority to use Joint Improvised Explosive Device Defeat Fund for training of foreign security forces to defeat improvised explosive devices (sec. 1523)

The House amendment contained a provision (sec. 1533) that would modify section 1533(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) by extending the Authority to use the Joint Improvised Explosive Device Defeat Fund for training of foreign security forces to defeat improvised explosive devices and precursor chemicals from September 30, 2018, to September 30, 2020.

The Senate bill contained no similar provision.

The Senate recedes.

Overseas contingency operations (sec. 1524)

The Senate bill contained a provision (sec. 1502) that would designate authorization of appropriations in this section as overseas contingency operations.

The House amendment contained no similar provision.

The House recesses.

Extension and modification of authorities on Counterterrorism Partnerships Fund (sec. 1525)

The Senate bill contained a provision (sec. 1532) that would modify and extend for 1 fiscal year section 1534 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291).

The House amendment contained no similar provision.

The House recesses.

LEGISLATIVE PROVISIONS NOT ADOPTED

Counterterrorism Partnerships Fund

The House amendment included a provision (sec. 1510) that would authorize additional appropriations for the Counterterrorism Partnerships Fund (CTPF).

The Senate bill included no similar provision.

The House recesses.

The conferees note that elsewhere in this Act, funding requested by the Department of Defense for the CTPF was transferred to Operations and Maintenance, Defense-Wide, Defense Security Cooperation Agency, consistent with the reform of the Department of Defense's security cooperation programs and associated funding. It is the intent of the conferees that the CTPF funding transferred to the Defense Security Cooperation Agency be available for the purposes authorized in chapter 16 of title 10, United States Code as added elsewhere in this Act.

Security Cooperation Enhancement Fund

The Senate bill contained a provision (sec. 1511) that authorized appropriations for the Security Cooperation Enhancement Fund activities at the levels identified in section 4502 of division D of this Act.

The House bill contained no similar provision.

The Senate recesses.

Codification of Office of Management and Budget criteria

The House amendment contained a provision (sec. 1523) that would delineate guidance for the Secretary of Defense when submitting requests for overseas contingency operations.

The Senate bill contained no similar provision.

The House recesses.

TITLE XVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS

SUBTITLE A—SPACE ACTIVITIES

Repeal of provision permitting the use of rocket engines from the Russian Federation for the evolved expendable launch vehicle program (sec. 1601)

The Senate bill contained a provision (sec.1038) that would repeal section 8048 of the Department of Defense Appropriations Act, Fiscal Year 2016 (division C, Public Law 114-113; 129 Stat. 2363).

The House amendment contained no similar provision.

The House recesses.

Exception to the prohibition on contracting with Russian suppliers of rocket engines for the evolved expendable launch vehicle program (sec. 1602)

The House amendment contained a provision (sec.1602) that would modify section 1608 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291), as amended by section 1607 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) by striking subsection (c) and inserting a new subsection. The new subsection would state that the prohibition would not apply to either the placement of orders or exercise of options under the contract numbered FA8811-13-C-0003 and awarded on December 18, 2013, or contracts that are awarded for the procurement of property or services for space launch activities that include the use of a total of 18 rocket engines designed or manufactured in the Russian Federation in addition to the Russian-designed or manufactured engines to which paragraph (1) applies.

The Senate bill contained a similar provision (sec.829B) that would allow until December 31, 2022, the Secretary of Defense to award contracts to launch providers of launch services that intends to use any certified launch vehicle in its

inventory without regard to the country of origin of the rocket engine that will be used on that launch vehicle. The provision would limit the total number of rocket engines designed or manufactured in the Russian Federation to not more than eighteen.

The Senate recedes with an amendment that would adopt the House language and prohibit the award of a contract requiring a rocket engine designed or manufactured in the Russian Federation after December 31, 2022.

Rocket propulsion system to replace RD-180 (sec. 1603)

The House amendment contained a provision (sec.1601) that would modify section 1604 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291), as amended by section 1606 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92).

The Senate bill contained no similar provision.
The Senate recedes with a clarifying amendment.

Plan for use of allied launch vehicles (sec. 1604)

The Senate bill contained a provision (sec.1602) that would require the Commander of the Air Force Space Command to develop a contingency plan for using allied space launch vehicles to meet assured access to space requirements should the Department of Defense not be able to meet those requirements, for a limited period of time, using only United States launch vehicles.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to coordinate the required plan with the Director of National Intelligence. The amendment would require the required plan assess the relevant laws, regulations, and policies governing the launch of national security satellites and whether any legislative, regulatory, or policy actions (including with respect to waivers) would be necessary to allow for the launch of a national security satellite on an allied launch vehicle. The amendment also requires an assessment of the certification requirements for using allied launch vehicles pursuant to the plan and the estimated cost, schedule, and actions that would be necessary to certify allied launch vehicles.

The conferees note that the term "allied launch vehicle" explicitly prohibits the consideration of space launch vehicles from Russia, China, Iran, and North Korea.

The conferees expect that the Secretary and Director take into consideration the findings of the related study of options for a backup plan for assured access to space as identified in the Fiscal Year 2016 National Defense Authorization Act Joint Explanatory Statement.

Analysis of alternatives for wide-band communications (sec. 1605)

The House amendment contained a provision (sec.1603) that would amend section 1611 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) by striking subsection (b) and would insert a requirement for the Secretary of Defense to develop study guidance for the analysis of alternatives for wide-band communications to consider the full range of military and commercial satellite communications capabilities, acquisition processes, and service delivery models. The provision would also require the Secretary to ensure that any cost assessments of military or commercial satellite communications systems include detailed full life cycle costs, as applicable, including but not limited to military personnel, military construction, military infrastructure operation, maintenance costs, and ground and user terminal impacts; and to also identify any considerations relating to the use of military versus commercial systems for wide-band satellite communications. The provision would also direct the Comptroller General the United States to assess the sufficiency of the study.

The Senate bill contained a similar provision (sec.1608) that would require the Comptroller General to assess the types of analyses the Department of Defense has conducted to understand the costs and benefits of the use of KA-band commercial satellite communications by the department.

The Senate recedes with an amendment that would combine the Senate and House provisions.

Modification to pilot program for acquisition of commercial satellite communications services (sec. 1606)

The Senate bill contained a provision (sec.1601) that would amend section 1605 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291) to prohibit the obligation or expenditure of any funding made available until the Secretary of Defense submits to the congressional defense committees a plan to demonstrate that the pilot program will achieve order-of-magnitude improvements in satellite communications capability.

The House amendment contained a similar provision (sec.1604) that would also amend section 1605 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291), as amended by section 1612 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), by adding a requirement that in developing and carrying out the pilot program, the Secretary shall take actions to begin the implementation of each specified goal by not later than September 30, 2017.

The House recedes with an amendment that would merge the two provisions and prohibit the obligation or expenditure of 5 percent of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the headquarters of Air Force Space Command until the Secretary of Defense submits a plan to demonstrate that the pilot program will achieve order-of-magnitude improvements in satellite communications capability.

The conferees agree that the pilot program and pathfinders are separate but complementary efforts. The conferees direct the Secretary of Defense to provide a briefing to the Congressional Defense committees by December 1, 2016 on the status of the pilot program and pathfinder activities, including an implementation timeline and an identification of any implementation challenges and options to address them.

Space-based environmental monitoring (sec. 1607)

The House amendment contained a provision (sec.1605) that would direct the Secretary of Defense and the Director of the National Oceanic and Atmospheric Administration (NOAA) to establish mechanisms to collaborate and coordinate in defining the roles and responsibilities of the Department of Defense and NOAA with regards to carrying out space-based environmental monitoring and planning for future non-governmental space-based environmental monitoring capabilities.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

The conferees note that this is not an authorization for a joint satellite program of the Department of Defense and NOAA.

Prohibition on use of certain non-allied positioning, navigation, and timing systems (sec. 1608)

The House amendment contained a provision (sec.1606) that would require that, not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall ensure that the Armed Forces and each element of the Department of

Defense do not use a non-allied positioning, navigation, and timing system or a service provided by such a system. This requirement would sunset on September 30, 2018.

The provision would also provide that the Secretary of Defense may waive the prohibition if the Secretary determines it is in the national security interest of the United States and is necessary to mitigate exigent operational concerns, and notifies the appropriate congressional committees in writing and a period of 30 days has elapsed from the date of such notification.

The provision would further require the Secretary of Defense, Chairman of the Joint Chiefs of Staff, and the Director of National Intelligence to submit to the congressional defense committees and the congressional intelligence committees not later than 120 days after the date of the enactment of this Act an assessment of the risks to national security and to the operations and plans of the Department of Defense from using a non-allied positioning, navigation, and timing system or service provided by such a system.

The Senate bill contained no similar provision.

The Senate recesses.

Limitation of availability of funds for the Joint Space Operations Center Mission System (sec. 1609)

The House amendment contained a provision (sec.1607) that would limit 75 percent of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for increment 3 of the Joint Space Operations Center Mission System program, until the Secretary of the Air Force, in coordination with the Commander of the U.S. Strategic Command, submits to the congressional defense committees a report on such increment.

The Senate bill contained a similar provision (sec.1609) that would limit the use of funds for increment 3 of the Joint Space Operations Center Mission System until the Secretary of the Air Force submits to the congressional defense committees a report setting forth a strategy for acquiring a common software and hardware framework for battle management, communication, and control.

The Senate recesses with an amendment that would combine the conditions of both provisions into one reporting requirement.

The conferees do not expect to restrict the study activities to develop the plan for the JMS increment 3 space battle management, communications, and control.

Limitation on availability of funds for the Global Positioning System Next Generation Operational Control System (sec. 1610)

The Senate bill contained a provision (sec.1610) that would restrict the obligation or expenditure of amounts authorized to be appropriated for fiscal year 2017 and available for the current product development contract for the Global Positioning System Next Generation Operational Control System (GPS-OCX) until the Secretary of Defense submits to Congress the certification required under section 2433a(c)(2), title 10, United States Code, commonly referred to as a Nunn-McCurdy certification.

The House amendment contained no similar provision.

The House recedes with an amendment that would impose spending limitations subject to certain certifications and briefings to Congress.

Availability of funds for certain secure voice conferencing capabilities (sec. 1611)

The Senate bill contained a provision (sec.1612) that would authorize up to \$10.2 million in Air Force research, development, test, and evaluation funds from fiscal year 2015 or 2016 for the Presidential and National Voice Conferencing Program and the Advanced Extremely High Frequency Extended Data Rate, worldwide, secure, survivable voice conferencing capability for the President and national leaders.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

The conferees direct the Co-Chairmen of the Council on Oversight of the National Leadership Command, Control, and Communications System to provide a report to the congressional defense committees, not later than 180 days after the date of the enactment of this Act, on the requirements and gaps, if any, for manpower to operate and sustain and to modernize the national leadership communications system. Such report shall detail the requirements and gaps, if any, by each agency comprising the national leadership communications system; the plan to close those gaps including through the use of existing hiring and retention authorities; the related estimated costs of such plan; the requirements and gaps broken down by job activity and geographic region. The report required should explicitly detail any recommendations or requirements for new hiring and retention authorities that may be required to assist the Department in closing any gaps identified by the Council. The co-chairmen of the Council shall provide a briefing to the congressional defense committees on their preliminary findings

and recommendations not later than 90 days after the date of the enactment of this Act.

Space-based infrared system and advanced extremely high frequency program (sec. 1612)

The House amendment contained a provision (sec. 1608) that would restrict the Secretary of Defense from developing or acquiring an alternative to the space-based infrared system program of record, as well as developing or acquiring an alternative to the advanced extremely high frequency program of record, until the Commander of U.S. Strategic Command and the Director of the Space Security and Defense Program, in coordination with the Defense Intelligence Officer for Science and Technology of the Defense Intelligence Agency, jointly submit an assessment to the appropriate congressional committees of the resilience and mission assurance of each alternative considered for the respective programs.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

Pilot program on commercial weather data (sec. 1613)

The House amendment contained a provision (sec.1610) that would direct the Secretary of Defense to establish a pilot program to assess the viability of commercial satellite weather data to support requirements of the Department of Defense.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

Plans on transfer of acquisition and funding authority of certain weather missions to National Reconnaissance Office (sec. 1614)

The House amendment contained a provision (sec.1609) that would limit 50 percent of the funding for the weather satellite follow-on program until the Secretary of the Air Force submits to the appropriate committees a plan for the Air Force to transfer, beginning with fiscal year 2018, the acquisition authority and the funding authority for certain space-based environmental monitoring missions from the Air Force to the National Reconnaissance Office (NRO), including a description of the amount of funds that would be necessary to be transferred from the Air Force to the NRO during fiscal years 2018 through 2022 to carry out such plan.

The provision would direct the Director of the NRO to develop a plan to carry out certain space-based environmental

monitoring missions. The provision would also require the Director of the Cost Assessment Improvement Group of the Office of the Director of National Intelligence, in coordination with the Director of the Cost Assessment and Program Evaluation of the Office of the Secretary of Defense, to certify the funding identified by the Secretary of the Air Force and the Director of the NRO is sufficient.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would allow the Secretary of the Air Force and the Director of the NRO to waive the limitation and requirement for a plan if the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Chairman of the Joint Chiefs of Staff jointly certify that the Secretary of the Air Force is carrying out a formal acquisition program that has received milestone A approval to address the cloud characterization and theater weather imagery requirements of the Department of Defense.

Five-year plan for Joint Interagency Combined Space Operations Center (sec. 1615)

The Senate bill contained a provision (sec.1604) that would require the Secretary of Defense to submit a 5-year plan for the Joint Interagency Combined Space Operations Center.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to coordinate the required plan with the Director of National Intelligence. The amendment would also require that the plan be provided to the appropriate congressional committees within 90 days and that it include a description of the command and control of the related operations of the Joint Interagency Combined Space Operations Center.

Organization and management of national security space activities of the Department of Defense (sec. 1616)

The House amendment contained a provision (sec. 1611) that would state findings and the sense of Congress on the organization and management of the national security space activities of the Department of Defense. The provision would also direct the Secretary of Defense and the Director of the Office of Management and Budget to each separately submit a report to the appropriate committees not later than 180 days after the date of the enactment of this Act on the recommendations to strengthen the leadership, management, and organization of the Department of Defense with respect to the national security space activities of the Department.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would require the reports required address the findings covered in the report of the Comptroller General of the United States numbered GAO-16-592R regarding space acquisition and oversight of the Department of Defense.

Review of charter of Operationally Responsive Space Program Office (sec. 1617)

The House amendment contained a provision (sec. 1612) that would direct the Secretary of Defense to conduct a review of the Operationally Responsive Space Program Office and submit a report to the congressional defense committees not later than 180 days after the date of the enactment of this Act.

The Senate bill contained no similar provision.

The Senate recesses.

Backup and complementary positioning, navigation, and timing capabilities of Global Positioning System (sec. 1618)

The House amendment contained a provision (sec. 1613) that would direct the Secretary of Defense, Secretary of Transportation, and Secretary of Homeland Security to jointly conduct a study to assess and identify the technology-neutral requirements to backup and complement the positioning, navigation, and timing (PNT) capabilities of the Global Positioning System for national security and critical infrastructure. The provision would also direct the Secretary of Defense, Secretary of Transportation, and Secretary of Homeland Security to submit a report to the appropriate congressional committees not later than 1 year after the date of the enactment of this Act on the study.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would expand upon the analysis of alternative requirements.

The conferees assert that each Department should only fund activities which meet their own respective requirements.

Report on use of spacecraft assets of the space-based infrared system wide-field-of-view program (sec. 1619)

The House amendment contained a provision (sec. 1614) that would direct the Secretary of Defense, in coordination with the Director of National Intelligence, to submit a report on the feasibility of using available spacecraft assets of the space-based infrared system wide-field-of-view program to satisfy

other mission requirements of the Department of Defense or the intelligence community.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

Provision of certain information to Government Accountability Office by National Reconnaissance Office (sec. 1620)

The Senate bill contained a provision (sec.1606) that would require the Comptroller General of the United States to conduct an assessment, for calendar year 2017 and each calendar year thereafter, of the cost, schedule, and performance of each program of the National Reconnaissance Office (NRO) for developing, acquiring, launching, and deploying satellites or overhead reconnaissance systems that receive funding from the Military Intelligence Program or is supported by personnel of the Department of Defense. The provision would also direct the director of the NRO to provide the Comptroller General access, in a timely manner, to the information the Comptroller General requires to conduct the assessment.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Director of the NRO provide access to the Comptroller General of the United States, in a timely manner, to the cost, schedule, and performance information the Comptroller General requires to conduct assessments, as required by any of the appropriate congressional committees, of programs of the NRO.

The conferees note that the committees of jurisdiction recognize the unique security requirements associated with classified and compartmented programs and activities. Access by the Comptroller General to such programs of the NRO will be carefully reviewed, similar to the manner of such access to such programs of the Department of Defense. Such access will be considered by the committees on a case-by-case basis.

Cost-benefit analysis of commercial use of excess ballistic missile solid rocket motors (sec. 1621)

The Senate bill contained a provision (sec.1607) that would require the Comptroller General of the United States to conduct an analysis of the cost and benefits of allowing the use of excess ballistic missile solid rocket motors for commercial space launch purposes. The analysis would include an evaluation of the effect of allowing such use on national security, the Department of Defense, the solid rocket motor industrial base, the commercial space launch market, and any other areas the Comptroller General considers appropriate.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Comptroller General to provide an interim briefing on March 17, 2017 and a final briefing not later than 180 days after the date of enactment of this Act.

Independent assessment of Global Positioning System Next Generation Operational Control System (sec. 1622)

The Senate bill contained a provision (sec.1605) that would require the Secretary of Defense to enter into an agreement with a federally funded research and development center to review the acquisition strategy for the Next Generation Operational Control System for the Global Positioning System.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense, not later than 60 days after the date of the enactment of this act, to enter into an arrangement with a federally funded research and development center, or other appropriate independent entity to review the acquisition strategy for the Next Generation Operational Control System for the Global Positioning System. The amendment would also add a requirement that the independent assessment evaluate the ability of alternative systems to satisfy the requirements of the Department of Defense.

**SUBTITLE B—DEFENSE INTELLIGENCE AND
INTELLIGENCE-RELATED ACTIVITIES**

Report on United States Central Command Intelligence Fusion Center (sec. 1631)

The House amendment contained a provision (sec. 1622) that would limit funding until the Commander of the United States Central Command submits to the appropriate committees reports on the steps taken by the Commander to formalize and disseminate procedures for the Intelligence Fusion Center of the United States Central Command and on the steps taken by the Commander to address the findings of the final report of the Inspector General of the Department of Defense (IG).

The Senate bill contained no similar provision.

The Senate recedes with an amendment to remove the funding limitations and the requirement to provide a report on the findings of the final report of the Inspector General of the Department of Defense.

The conferees urge the Inspector General of the Department of Defense to finalize its investigation into the Directorate for Intelligence at United States Central Command and, if related allegations are substantiated, provide recommendations on any corrective measures that should be undertaken. The conferees also direct the Secretary of Defense to provide the appropriate congressional committees a briefing on the Department's views of the final IG report within 60 days of the report's completion.

Prohibition on availability of funds for certain relocation activities for NATO Intelligence Fusion Cell (sec. 1632)

The House amendment contained a provision (sec. 1623) that would limit 15 percent of the increase in spending for manpower for the Joint Intelligence Analysis Complex until the Secretary of Defense provides a revised analysis of alternatives to the congressional defense committees and the Permanent Select Committee on Intelligence of the House of Representatives for the basing of a new complex. The new analysis should be based on operational requirements and costs and informed by the findings of the report of the Comptroller General of the United States on the Joint Intelligence Analysis Complex cost estimating and basing decision process.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would prohibit funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for operation and maintenance to be obligated or expended for the procurement of certain supplies and equipment for the relocation of the NATO Intelligence Fusion Cell (NIFC) to Royal Air Force Base Croughton, United Kingdom, and would also require the Secretary of Defense in coordination with the Director of National Intelligence to submit a report on the requirements and costs associated with such a relocation.

Survey and review of Defense Intelligence Enterprise (sec. 1633)

The Senate bill contained a provision (sec. 1671) that would require the Chairman of the Joint Chiefs of Staff to conduct a review of the Defense Intelligence Enterprise, including the defense intelligence agencies and intelligence elements of the combatant commands and military departments, to assess the capabilities and capacity of such Enterprise to meet present and future defense intelligence requirements and to report to appropriate congressional committees.

The House amendment contained no similar provision.

The House recesses with a clarifying amendment.

SUBTITLE C—CYBERSPACE-RELATED MATTERS

Special emergency procurement authority to facilitate the defense against or recovery from a cyber attack (sec. 1641)

The House amendment contained a provision (sec. 1631) that would modify the current special procurement authority in section 1903(a)(2) of title 41, United States Code, to include use of such authority for recovery from or defense against cyber attacks.

The Senate bill contained a similar provision (sec. 829C) to provide special emergency procurement authority in title 10, United States Code.

The Senate recesses.

Limitation on termination of dual-hat arrangement for Command of the United States Cyber Command (sec. 1642)

The Senate bill contained a provision (sec. 1633) that would express the sense of Congress that the arrangement (commonly referred to as a "dual-hat arrangement") under which the Commander of the United States Cyber Command (CYBERCOM) also serves as the Director of the National Security Agency is in the national security interests of the United States. The provision would also prohibit the Secretary of Defense from taking action to end the "dual-hat arrangement" until the Secretary and the Chairman of the Joint Chiefs of Staff jointly determine and certify to the appropriate committees of Congress that ending that arrangement will not pose unacceptable risks to the military effectiveness of CYBERCOM. The provision would also require the establishment of conditions-based criteria for assessing the need to sustain the "dual-hat arrangement."

The House amendment contained no similar provision.

The House recesses with a clarifying amendment.

Cyber mission forces matters (sec. 1643)

The Senate bill contained a provision (sec. 1632) that would provide interim authorities to the Secretary of Defense to enhance the Department's ability to hire and retain civilian personnel with the high-level of skill and aptitude necessary to provide critical technical support to the Cyber Mission Teams that are now nearing full operational capability. The provision

also would direct the Principal Cyber Advisor to (1) supervise the development of training standards and capacity to train civilian cyber personnel to develop tools and weapons for the Cyber Mission Forces and (2) ensure that sufficient priority exists for the timely completion of security clearance investigations and adjudications for such personnel.

The House amendment contained no similar provision.

The House recesses with a technical amendment.

Requirement to enter into agreements relating to use of cyber opposition forces (sec. 1644)

The House amendment contained a provision (sec. 1633) that would require the Secretary of Defense to enter into agreements with each combatant command relating to the use of cyber opposition forces by September 30, 2017. This section would also require the development of a joint certification and training standard for cyber opposition forces by March 31, 2017.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would include an additional requirement for the Secretary of Defense to issue a joint training and certification standard by June 30, 2017 for the protection of control systems for use by all cyber operations forces within the Department of Defense.

Cyber protection support for Department of Defense personnel in positions highly vulnerable to cyber attack (sec. 1645)

The Senate bill contained a provision (sec. 1631) that would authorize the Secretary of Defense to provide cyber protection support to personnel who are determined by the Secretary to be of highest risk of vulnerability to cyber attacks on their personal devices, networks, and persons.

The House amendment contained no similar provision.

The House recesses with an amendment that would clarify that the providing of cyber protection support is at the discretion of the Secretary of Defense and that nothing in the provision should be construed to encourage personnel of the Department of Defense to use personal technology devices for official business or to authorize cyber protection team support for senior Department personnel using personal devices and networks in an official capacity.

Limitation on full deployment of joint regional security stacks (sec. 1646)

The House amendment contained a provision (sec. 1634) that would limit the amount of authorized funds available to be obligated or expended in fiscal year 2017 for cryptographic systems and key management infrastructure until the Secretary of Defense, in coordination with the Director of the National Security Agency, provides a report on the integration of the cryptographic modernization and key management infrastructure programs of the military departments, including a description of how the military departments have implemented stronger leadership, increased integration, and reduced redundancy with respect to such modernization and programs.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would prohibit any Department of Defense service or agency from declaring full operational capability for deployment of joint regional security stacks until such time as the service or agency has completed operational test and evaluation activities to determine the effectiveness, suitability, and survivability of the system. The provision would allow this requirement to be waived under certain circumstances.

The conferees direct the Department of Defense to provide a briefing to the Armed Services Committee of the Senate and House of Representatives, as well as the House Permanent Select Committee on Intelligence, no later than 60 days after the enactment of this Act, on the progress and activities of the Communications Security Review and Advisory Board. The conferees recognize the importance of cryptographic modernization and key management programs with the Department in providing critical encryption and communications security capabilities for the Department, and remain focused on ensuring such activities are coordinated and managed across the military services and Defense Agencies in a reasonable manner. The conferees encourage the Department to strengthen mechanisms like the Communications Security Review and Advisory Board in order to maintain oversight across the Department and deliver those capabilities in a timely and cost effective manner.

Advisory committee on industrial security and industrial base policy (sec. 1647)

The House amendment contained a provision (sec. 1637) that would require the Secretary of Defense to: (1) assess the sufficiency of the Department of Defense's regulatory mechanisms for secure defense information held by cleared defense contractors to determine whether there are any gaps that may undermine the protection of such information; and (2) prescribe regulations to improve security of such information.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would establish an advisory committee to review, assess, and make recommendations with respect to industrial security and industrial base policy. The committee should meet at least annually until its termination on September 30, 2022.

Change in name of National Defense University's Information Resources Management College to College of Information and Cyberspace (sec. 1648)

The House amendment contained a provision (sec. 1632) that would modify section 2165 of title 10, United States Code, to change the name of the Information Resources Management College to the College of Information and Cyberspace.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

Evaluation of cyber vulnerabilities of F-35 aircraft and support systems (sec. 1649)

The Senate bill contained a provision (sec. 1635) that would modify a provision from the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), requiring the Secretary of Defense to evaluate the cyber vulnerabilities of every major Department of Defense weapons system by not later than December 31, 2019. The provision would do so by requiring that a complete evaluation of the F-35 aircraft and its support systems, such as the Autonomic Logistics Information System, be completed before February 1, 2017. The provision would require the Secretary of Defense to submit a report on the F-35 cyber vulnerability evaluation to the congressional defense committees no later than February 28, 2017. The provision would also allow for funding to be used for the development of tools that improve cyber vulnerability assessments, non-recurring engineering for the design of mitigation solutions, and Department-wide information repositories to share assessment findings and mitigation solutions.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the evaluation of cyber vulnerabilities of the F-35 and support systems not later than 120 days after the date of enactment of this act. The amendment would also require the report on the evaluation completed to be submitted to the congressional defense committees not later than 180 days after the date of enactment.

Evaluation of cyber vulnerabilities of Department of Defense critical infrastructure (sec. 1650)

The Senate bill contained a provision (sec. 1637) that would require the Secretary of Defense to evaluate the cyber vulnerabilities of Department of Defense critical infrastructure by not later than December 31, 2020.

The Senate bill also contained a provision (sec. 1634) that would authorize the Secretary of Defense to carry out a Pilot program on application of consequence-driven, cyber-informed engineering to mitigate against cyber-security threats.

The House amendment contained no similar provision.

The House recedes with an amendment that would combine the two Senate provisions.

Strategy to incorporate Army reserve component cyber protection teams into Department of Defense cyber mission force (sec. 1651)

The House amendment contained a provision (sec. 1639) that would require the Secretary of the Army to provide a briefing on a strategy for incorporating Army National Guard protection teams into the cyber mission force of the Department of Defense.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would expand the scope of the strategy to include both the Army National Guard and the other reserve components of the Army.

Strategic plan for the Defense Information Systems Agency (sec. 1652)

The Senate bill contained a provision (sec. 1636) that would require the Director of the Defense Information Systems Agency (DISA) to develop a technology strategy.

The House amendment contained no similar provision.

The House recedes with an amendment that requires the Director of DISA to develop strategic plan that reviews the requirements and missions of the agency, and assesses the adequacy of the technology strategy, workforce, and facilities to meet those requirements.

The conferees note that the Secretary of Defense is making efforts to increase the department's use of and exposure to innovative commercial information technologies and increase outreach to innovative small businesses in locations including Silicon Valley. Many of the technologies and systems of interest are within the mission area of DISA.

However, the conferees note with acute concern that at the same time this trend is occurring to seek out and exploit new

commercial innovation, DISA appears to be reducing its support for research and technology innovation, and has limited connectivity and coordination with other science and technology activities of the Department of Defense. The conferees believe that for a technology organization to eliminate its funding for flexible exploration of new technology is short-sighted and detrimental to the long term health of the organization. The conferees are concerned that DISA has not adequately linked its research and technology needs in a way to support the overall missions of the Agency, which has repercussions on the workforce it is able to attract, and the quality of support it is able to provide the warfighter. To use one example, the conferees believe that such behavior has impacted the ability of the Agency to fully realize the benefits, as well as the operational challenges and potentialities of emerging technologies like cloud and mobile computing, cyber defense and big data analytics. That impacts interactions with industry, but the conferees also believe that DISA has not adequately leveraged potential relationships with DOD labs and other innovative research activities. The conferees believe that through the process of developing a regular strategic plan, the Director of DISA should be taking the opportunity to develop closer coordination with appropriate research and development organizations in the Office of the Secretary of Defense and the Military Services to improve DISA's innovative capacity, strengthen its R&D programs, and improve DOD's ability to adopt the best commercial and other information technologies to support defense missions.

Plan for information security continuous monitoring capability and comply-to-connect policy; limitation on software licensing (sec. 1653)

The Senate bill contained a provision (sec. 1638) that would require the Chief Information Officer of the Department of Defense and the Commander of United States Cyber Command, in coordination with the Principal Cyber Adviser, to jointly develop a plan for a modernized, enterprise-wide information security continuous monitoring capability and a comply-to-connect policy.

The House amendment contained no similar provision.

The House recesses with a technical amendment.

Reports on deterrence of adversaries in cyberspace (sec. 1654)

The Senate bill contained a provision (sec. 1639) that would require the Secretary of Defense to submit a report to the

congressional defense committees specifying in detail the authorities that have been delegated by the President to the Secretary for conducting cyber operations. The report would require the Secretary to detail the standing authorities and limitations that authorize or limit the Secretary in conducting cyber operations and how those authorities compare to the authorities delegated to the Secretary for activities in non-cyber domains.

The Senate bill also contained a provision (sec. 1640) that would require the Chairman of the Joint Chiefs of Staff to submit to the President and the congressional defense committees a report on the military and nonmilitary options available to the United States to deter Russia, China, Iran, North Korea, and terrorist organizations in cyberspace. The provision would require the report to include an assessment of the effectiveness of the deterrence options available. It also would require the Chairman provide an integrated priorities list of cyber deterrence capabilities of the Department of Defense that identify, at a minimum, high priority capability needs prioritized across armed forces and functional lines, risk areas, and long-term strategic planning issues. The provision would also require within 60 days of receiving the report from the Chairman of the Joint Chiefs of Staff, that the President submit to the congressional defense committees a separate report identifying when an action carried out in cyberspace constitutes an act of war against the United States. The report would include (1) identification of what actions carried out in cyberspace constitute an act of war against the United States; (2) identification of how the law of war applies to the cyber operations of the Department of Defense; (3) identification of the circumstances required for responding to a cyber attack against the United States; and (4) a declaratory policy on the use of cyber weapons by the United States.

The House amendment contained a related provision (sec. 1636) that would require the Secretary of Defense submit a report to the congressional defense committees on the policies, doctrine, procedures, and authorities governing Department of Defense activities in response to malicious cyber activities carried out against the United States or United States persons by foreign states or non-state actors.

The House recesses with an amendment that would combine the three related provisions.

The conferees note that in preparing the report required by the provision the President shall consider (1) what severity of cyber attack would elicit a military response; (2) The ways in which the effects of a cyber attack may be equivalent to effects of an attack using conventional kinetic weapons,

including with respect to physical destruction or casualties; (3) intangible effects of significant scope, intensity, or duration; and (4) how the law of neutrality applies, how the utilization or exploitation of communications infrastructure in neutral States applies, and what limitations, if any, apply in exercising the right of the United States to act in self-defense through a cyber-operation.

Sense of Congress on cyber resiliency of the networks and communications systems of the National Guard (sec. 1655)

The House amendment contained a provision (sec. 1638) that would assert the sense of Congress concerning cyber resiliency of the networks and communications systems of the National Guard.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that encourages the National Guard to budget within National Guard resources.

SUBTITLE D—NUCLEAR FORCES

Improvements to Council on Oversight of National Leadership Command, Control, and Communications System (sec. 1661)

The Senate bill contained a provision (sec. 1652) that would modify an existing report and add an assessment of the readiness of the command, control, and communications system for the national leadership of the United States.

The House amendment contained a similar provision (sec. 1641) that would require a report on space architecture development and limits funding to make changes to the command, control, and communications system in a manner that reduces warning time provided to the national leadership of the United States with respect to a warning of a strategic missile attack on the United States.

The conference agreement includes both the House and Senate provisions.

The General Accountability Office (GAO) in its report titled Nuclear Command, Control, and Communications: DOD Has Taken Steps to Address Sustainment and Maintenance Challenges for Critical Satellite Systems but Could Better Identify Risks and Mitigation Actions, GAO-16-370C (May 26, 2016). In that report the GAO highlighted a number of concerns regarding critical satellite systems used for nuclear command, control, and communications and recommended the Department of Defense take action to improve the identification of risks and mitigation actions. DOD, in its official response to GAO's

report, disagreed with GAO's recommendation. The department stated that it understood the concerns that GAO raised in respect to risks to these systems, but stated that DOD has a strong governance and oversight structure. The department asserted that it believes the actions taken to date address risk at an acceptable level with the transition of these satellite systems to their replacement systems.

Given the concerns raised by the GAO in its report, the conferees direct the Council on Oversight of the National Leadership Command, Control, and Communications System to provide a written assessment to the congressional defense committees that details (1) the actions the department has taken to identify the risks associated with the transition of these critical satellite systems, (2) information about the department's evaluation of the acceptability of each of the identified risks, and (3) information regarding actions the department has identified to mitigate these risks. The committee directs the Council to provide its written assessment to the congressional defense committees no later than February 28, 2017.

Treatment of certain sensitive information by State and local governments (sec. 1662)

The Senate bill contained a provision (sec. 1055) that would authorize the Secretary of Defense to designate information as being Department of Defense critical infrastructure security information to ensure that such information is not disseminated without authorization.

The House amendment contained a similar provision (sec. 1642).

House recedes with technical and conforming amendments.

Procurement authority for certain parts of intercontinental ballistic missile fuzes (sec. 1663)

The Senate bill contained a provision (sec. 1651) that would give the Department of Defense the authority to buy intercontinental ballistic missile fuze parts.

The House amendment contained an identical provision (sec. 1643).

The conference agreement includes this provision.

Prohibition on availability of funds for mobile variant of ground-based strategic deterrent missile (sec. 1664)

The House amendment contained a provision (sec. 1644) that would prohibit funds authorized to be appropriated to retain the option for, or develop, a mobile variant of the ground-based strategic deterrent missile.

The Senate bill contained no similar provision.

The Senate recesses.

Limitation on availability of funds for extension of New START Treaty (sec. 1665)

The House amendment contained a provision (sec. 1645) that would limit authorized funds to be appropriated for the Department of Defense to extend the New Start Treaty under certain circumstances.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would change the reporting period from 180 days to 120 days following the submission of both the report required by the provision and the National Intelligence Estimate.

Certifications regarding integrated tactical warning and attack assessment mission of the Air Force (sec. 1666)

The House amendment contained a provision (sec. 1646) that would require the Secretary of the Air Force to consolidate under a major command, commanded by a single general officer, the responsibility, authority, accountability, and resources for carrying out the nuclear command, control, and communications functions of the Air Force by March 31, 2017. This consolidation would be required to include, at a minimum, all terrestrial and aerial components of the nuclear command and control system that are survivable and endurable, as well as all terrestrial and aerial components of the integrated tactical warning and attack assessment (ITW/AA) system that are survivable and endurable.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would require that, not later than March 31, 2017 and each year through 2020, the Commander of the U.S. Strategic Command certify to the Secretary of Defense and the congressional defense committees that the Air Force is organized, staffed, trained and equipped to carry out the portions of the ITW/AA system assigned to the Air Force that are survivable and endurable. The Commander would further be required to certify that the programs and plans of the Air Force for sustaining, modernizing, training and exercising capabilities relating to such missions are sufficient for mission success. If the Commander of the U.S. Strategic Command does not make such a certification, the Secretary of the

Air Force would be required to immediately consolidate the terrestrial and aerial components of the ITW/AA system that are survivable and enduring under the Air Force Global Strike Command. The amendment also contains a rule of construction that this section may not be construed to affect any responsibilities relating to the ITW/AA system in effect on the date of enactment of this Act pursuant to certain agreements between the United States and Canada.

Matters relating to intercontinental ballistic missiles (sec. 1667)

The House amendment contained a provision (sec. 1649A) that would state the policy of the United States to maintain and modernize a responsive and alert intercontinental ballistic missile force and prohibit (1) funding for reducing the responsiveness or alert level of the intercontinental ballistic missiles of the United States and (2) reducing the quantity of deployed intercontinental ballistic missiles of the United States to less than 400.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would drop the policy statement and add an element on cost to the reporting requirement.

Requests for forces to meet security requirements for land-based nuclear forces (sec. 1668)

The Senate bill contained a provision (sec. 1655) that would require the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to decide if the land-based missile fields using UH-1N helicopters meet security requirements and if there are any shortfalls or gaps in meeting such requirements.

The House amendment contained a similar provision (sec. 1649) that would require the Chairman of the Joint Chiefs of Staff to certify to the congressional defense committees that the Chairman has approved any requests for forces of a commander of a combatant command to meet the security requirements of land-based nuclear forces.

The Senate recedes with an amendment that would combine the two provisions while eliminating the certification required under the House provision. The provision includes a restriction of 25 percent on travel and representational expenses of the Under Secretary of Defense for Acquisition, Technology, and Logistics until the Under Secretary certifies that there is an acquisition process in place to ensure that a UH-IN replacement aircraft is under contract in fiscal year 2018.

Report on Russian and Chinese political and military leadership survivability, command and control, and continuity of government programs and activities (sec. 1669)

The House amendment contained a provision (sec. 1647) that would require the Director of National Intelligence to submit to the appropriate congressional committees, a report on the leadership survivability, command and control, and continuity of government programs and activities with respect to the People's Republic of China and the Russian Federation.

The Senate bill contained no similar provision.

The Senate recesses.

Review by the Comptroller General of the United States of recommendations relating to nuclear enterprise of Department of Defense (sec. 1670)

The Senate bill contained a provision (sec. 1653) that would require the Comptroller General to review the Department of Defense's nuclear enterprise review process to ascertain whether recommendations are adequately being implemented.

The House amendment contained no similar provision.

The House recesses.

Sense of Congress on nuclear deterrence (sec. 1671)

The Senate bill contained a provision (sec. 1654) that would state the sense of Congress that the nuclear forces of the United States continue to play a fundamental role in deterring aggression against the interests of the United States and its allies. It also states that the prevention of war through effective deterrence requires survivable and flexible nuclear forces that are well exercised and ready to respond to nuclear escalation if necessary.

The House amendment contained no similar provision.

The House recesses with an amendment that would update the provision to take into account the July 2016 NATO Warsaw Summit communique.

Sense of Congress on importance of independent nuclear deterrent of United Kingdom (sec. 1672)

The House amendment contained a provision (sec. 1648) that would express the sense of Congress that the United States believes that the independent nuclear deterrent and decision-making of the United Kingdom provides a crucial contribution to

international stability, the North Atlantic Treaty Organization alliance, and the national security of the United States.

The Senate bill contained no similar provision.

The Senate recesses.

SUBTITLE E—MISSILE DEFENSE PROGRAMS

National missile defense policy (sec. 1681)

The Senate bill contained a provision (sec. 1665) that would remove the word "limited" from Section 2 of the National Missile Defense Act of 1999 (Public Law 106-38; 10 U.S.C. 2431 note).

The House amendment contained a similar provision (sec. 1665) that would replace the National Missile Defense Act of 1999 with new policy language to the effect that the United States should maintain and improve a robust layered missile defense system capable of defending the territory of the United States and its allies against the developing and increasingly complex ballistic missile threat.

The Senate recesses with an amendment that would add to the House provision language making it clear that the United States should deploy effective missile defense systems.

The conferees note, nothing in this legislative provision requires or directs the development of missile defenses against any country or its strategic nuclear forces.

Extensions of prohibitions relating to missile defense information and systems (sec. 1682)

The Senate bill contained a provision (sec. 1666) that would extend prohibitions relating to missile defense information and systems as described in section 130h(d) of title 10, United States Code, to 2018.

The House amendment contained a provision (sec. 1651) that would prohibit funds to integrate a missile defense system of the Russian Federation or a missile defense system of the People's Republic of China into any missile defense system of the United States, and which would extend this prohibition, and a prohibition on sharing certain missile defense information with Russia, to 2027.

The Senate recesses with an amendment that would extend the current prohibitions by two years to January 1, 2019.

Non-terrestrial missile defense intercept and defeat capability for the ballistic missile defense system (sec. 1683)

The Senate bill contained a provision (sec. 1663) that would amend section 1685 of the National Defense Authorization Act for Fiscal Year 2016 by adding at the end a new subsection stating that no later than 60 days after the submittal of the report required, the Director may commence coordination and activities associated with research, development, test, and evaluation on the programs described.

The House amendment contained a similar provision (sec. 1656) that would require the Director of the Missile Defense Agency to commence the planning for concept definition, design, research, development, engineering evaluation, and test of a space-based ballistic missile intercept and defeat layer to the ballistic missile defense system, including with respect to a space test bed for a missile interceptor capability, and submit a detailed budget and development plan for these activities with the budget of the president submitted for fiscal year 2018.

The House recesses.

The conferees note that while the United States enjoys a measure of protection against ballistic missiles of all ranges, the ballistic missile threat - including to the U.S. homeland - continues to grow. The 2010 Ballistic Missile Defense Review noted, "It is difficult to predict precisely how the threat to the U.S. homeland will evolve, but it is certain that it will do so." The conferees agree and received testimony that the threat from ballistic missiles has continued to grow in numbers and in range and countermeasures, making missiles more complex, survivable, reliable, and accurate.

Likewise, the conferees observe that United States space assets are under increasing threat. Director of National Intelligence, James Clapper, testified before the Senate Armed Services Committee on February 9, 2016 that "Threats to our use of military, civil, and commercial space systems will increase in the next few years as Russia and China progress in developing counterspace weapon systems to deny, degrade, or disrupt U.S. space systems." And that "Russia and China continue to pursue weapons systems capable of destroying satellites on orbit, placing U.S. satellites at greater risk in the next few years. China has probably made progress on the antisatellite missile system that it tested in July 2014."

All of this is to suggest that the United States cannot stop exploring new and more effective means for protecting our homeland and forces against ballistic missile threats and for guarding our critical civilian and military space assets. This provision encourages the Department of Defense to examine the feasibility of defeating such threats with a new generation of missile defense capabilities based in space.

Review of the missile defeat policy and strategy of the United States (sec. 1684)

The Senate bill contained a provision (sec. 1664) that would require the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to conduct a review of the strategy, programs and capabilities to counter cruise and ballistic missiles prior to launch using the full range of active, passive, kinetic, and non-kinetic defense measures.

The House amendment contained a provision (sec. 1652) that required the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to conduct a new review of the missile defeat capability, policy, and strategy of the United States with respect to left and right of launch ballistic missile defense, for both regional and homeland missile defense, incorporating the full range of active, passive, kinetic and non-kinetic defense measures, and integrating offensive and defensive forces for the defeat of ballistic and cruise missiles.

The House amendment also contained a provision (sec. 1662) that required the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to submit to the congressional defense committees the classified and unclassified declaratory policy of the United States regarding the use of the left-of-launch capability of the United States and how the Secretary and Chairman intend to ensure such capability is a deterrent to attacks by adversaries.

The Senate recedes with an amendment that combines the three provisions into a single provision with technical changes to the former House provision (sec. 1652). The new provision reduces the prohibition on acquisition changes to the Missile Defense Agency to two years, rather than the indefinite period included in the original House provision.

Maximizing Aegis Ashore capability and developing medium range discrimination radar (sec. 1685)

The House amendment contained a provision (sec. 1654) that would require the Secretary of Defense to conduct a complete evaluation of the optimal anti-air warfare capability for each current Aegis Ashore site and as part of any future deployment by the United States of an Aegis Ashore site. The provision also required the Director of the Missile Defense Agency to notify Congress whether the preferred location for fielding a medium range ballistic missile defense radar for the defense of Hawaii would require an updated environmental impact statement. The Department would also be required to conduct an assessment of the ballistic and air threat against Hawaii and the efficacy of

making the Aegis Ashore site at the Pacific Missile Range Facility operational and deploying the preferred alternative for fielding a medium range ballistic missile defense sensor for the defense of Hawaii.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would require the Secretary of Defense to continue the development, procurement, and deployment of anti-air warfare capabilities at each Aegis Ashore site in Romania and Poland.

The provision also requires the Director of the Missile Defense Agency, if he determines that an updated environmental impact statement is required for fielding a medium range ballistic missile defense sensor for the defense of Hawaii, to commence such action not later than 60 days after the date of notification.

With respect to the requirement for an evaluation of the ballistic and air threat to Hawaii and the efficacy of various defensive measures, the conferees note that the Department has already submitted reports addressing the various alternatives and therefore expect the Department only to provide an update.

Technical authority for integrated air and missile defense activities and programs (sec. 1686)

The House amendment contained a provision (sec. 1655) that would allow the Director of the Missile Defense Agency to seek to have staff detailed to the Missile Defense Agency from the Joint Functional Component Command for Integrated Missile Defense and the Joint Integrated Air and Missile Defense Organization in a number the Director determines necessary.

The Senate bill contained no similar provision.

The Senate recesses.

Hypersonic defense capability development (sec. 1687)

The House amendment contained a provision (sec. 1657) that would require the Director of the Missile Defense Agency to establish a program of record in the ballistic missile defense system to develop and field a defensive system to defeat hypersonic boost-glide and maneuvering ballistic missiles. A limitation was placed on funding for certain headquarters operations in the Office of the Secretary of Defense until such a program of record is created. A report to Congress on the Missile Technology Control Regime (MTCR) was also required.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would direct that the Director of the Missile Defense Agency serve as the executive agent for the Department of Defense for the development of a capability to counter hypersonic boost-glide vehicle capabilities and conventional prompt global strike capabilities that may be employed against the U.S., its allies, and U.S. deployed forces, and establish a program of record for such capability not later than September 30, 2017. Reports to Congress must be provided on the architecture and sensors needed to detect hypersonic threats and on the military capabilities and capability gaps related to the threat posed by hypersonic boost-glide vehicles and maneuvering ballistic missiles. The limitation on funds and the MTCR report were removed.

Conventional Prompt Global Strike weapons system (sec. 1688)

The Senate bill contained a provision (sec. 1672) that would require the Secretary of Defense to make a Milestone A decision for Conventional Prompt Global Strike no later than September 30, 2020, or 8 months after the successful completion of the Intermediate Range Flight 2 test.

The House amendment contained a similar provision (sec. 1659) that would make no more than 75 percent of funds be obligated or expended for research, development, test, and evaluation, for the conventional prompt global strike until the Chairman of the Joint Chiefs of Staff submits to the congressional defense committees a report on warfighter requirements and whether the program schedule supports such requirements.

The Senate recedes with an amendment that would combine the two provisions, merging the Senate provision into the House amendment.

Required testing by Missile Defense Agency of ground-based midcourse defense element of ballistic missile defense system (sec. 1689)

The Senate bill contained a provision (sec. 1661) that would require the Director of the Missile Defense Agency to administer a flight test of the ground-based mid-course defense element of the ballistic missile defense system not less frequently than once each fiscal year and allows certain exceptions.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Iron Dome short-range rocket defense system and Israeli cooperative missile defense program codevelopment and coproduction (sec. 1690)

The Senate bill contained a provision (sec. 1662) that would authorize not more than \$42.0 million for the Missile Defense Agency to provide to the Government of Israel to procure Tamir interceptors for the Iron Dome short-range rocket defense system through co-production of such interceptors in the United States, including certain conditions.

The House amendment contained a similar provision (sec. 1653) that would authorize not more than \$62.0 million for the Missile Defense Agency to provide to the Government of Israel to procure Tamir interceptors for the Iron Dome short-range rocket defense system through coproduction of such interceptors in the United States by industry of the United States, including certain conditions. The House provision would also authorize not more than \$150.0 million to procure the David's Sling weapon system and not more than \$120.0 million for the Arrow 3 Upper Tier interceptor program, including for coproduction of parts and components in the United States, subject to certain certifications.

The House recedes with an amendment that would combine the two provisions with certain technical corrections and clarifications. The certification concerning the requirement for a bilateral international agreement required by the provision may be waived if the Under Secretary certifies that the funds specified for the David's Sling weapon system and for the Arrow 3 Upper Tier interceptor program are provided to Israel solely for funding the procurement of long-lead components and critical hardware in accordance with a production plan and funding profile detailing Israeli contributions and if the long-lead procurement will be conducted in a manner that does not incur nonrecurring engineering activity or additional cost to United States suppliers. The agreement authorizes \$62.0 million to procure Tamir interceptors, the amount prescribed in the House amendment.

Limitations on availability of funds for lower-tier air and missile defense capability of the Army (sec. 1691)

The House amendment contained a provision that would limit the obligation or expenditure of fifty percent of the amount authorized to be appropriated in fiscal year 2017 for the Patriot Lower Tier Air and Missile Defense (LTAMDS) capability of the Army until certain conditions are met.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would reduce the limitation to twenty-five percent of the funds authorized to be appropriated for LTAMDS Research, Development, Test and Evaluation (RDT&E). The amendment would also amend the conditions the Department of Defense would need to meet to lift the limitation on funds.

The conferees note that the amended provision would not require either a Capabilities Development Document in 2017 or Low Rate Initial Production earlier than 2021, nor is it the conferees intent to mandate such actions.

The conferees agree on the vital importance of the expeditious fielding of a lower tier air and missile defense capability that meets the needs of our warfighters and seamlessly integrates with the nation's other deployed, or planned to be deployed, air and missile defense capabilities.

The conferees also note the Government Accountability Office's (GAO) recent report on the Army's strategy for modernizing the Patriot missile defense system found that throughput limitations under the Army's current maintenance schedule present an elevated risk of equipment failure. The conferees are concerned that potential delays in modernizing Patriot systems, components, and software will amplify these risks as units continue to train, deploy, and operate legacy Patriot equipment at a high tempo over an extended period.

Therefore, the conferees direct GAO to assess the Army's Patriot maintenance and recapitalization plans to ensure that operational needs are met. As part of its assessment, the conferees direct the GAO to review whether Patriot units are undergoing sufficient maintenance in between deployments, and the extent to which the Army has identified and assessed options for increasing its maintenance throughput, including associated costs and impacts on Patriot training and operations. The GAO also should assess whether and how the Army plans to mitigate the risk of equipment failure should Patriot modernization efforts be delayed. The GAO shall complete its review and report to congressional defense committees at an agreed upon date.

Pilot program on loss of unclassified, controlled technical information (sec. 1692)

The House amendment contained a provision (sec. 1660) that would require the Director of the Missile Defense Agency to carry out a pilot program to implement improvements to the data protection options in the programs of the Missile Defense Agency, particularly with respect to unclassified, controlled technical information and controlled unclassified information.

The Senate bill contained no similar provision.
The Senate recesses.

Plan for procurement of medium-range discrimination radar to improve homeland missile defense (sec. 1693)

The House amendment contained a provision (sec. 1663) that would require the Director of the Missile Defense Agency to plan to procure a medium range discrimination radar or equivalent sensor to improve homeland missile defense of Hawaii, and to issue a request for proposals for the medium-range discrimination radar no later than October 1, 2017.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would clarify that the Missile Defense Agency shall develop a plan to procure a medium-range discrimination radar or equivalent sensor to improve homeland missile defense for Hawaii and to field such radar or equivalent sensor by not later than December 31, 2021, and that the Director shall submit the plan to the congressional defense committees not later than 60 days after enactment.

Review of Missile Defense Agency budget submissions for ground-based midcourse defense and evaluation of alternative ground-based interceptor deployments (sec. 1694)

The House amendment contained a provision (sec. 1661) that would require the Director of Cost Assessment and Program Evaluation to submit to the congressional defense committees a report on the modernization requirements for the ground-based midcourse defense system. The provision would also require the Commander of United States Northern Command to certify the level of funding for the ground-based midcourse defense system, and an evaluation of transportable ground-based interceptors by the Director of the Missile Defense Agency.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would strike the certification required by the Commander of United States Northern Command, and make it clear that the industrial base requirements required by the report be those requirements generally understood by the Missile Defense Agency.

Semiannual notifications on missile defense tests and costs (sec. 1695)

The House amendment contained a provision (sec. 1664) that would require the Director of the Missile Defense Agency to submit to the congressional defense committees a notification on

certain matters related to each planned flight test, including intercept tests.

The Senate bill contained no similar provision.

The Senate recesses.

*Reports on unfunded priorities of the Missile Defense Agency
(sec. 1696)*

The House amendment contained a provision (sec. 1067) that would require the inclusion of ballistic missile defense information in the annual reports on requirements of the combatant commanders and the prioritized capabilities list for ballistic missile defense developed by the commander of the United States Strategic Command.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would modify the House provision with a requirement that not later than 10 days after the budget of the President for fiscal years 2018 and 2019 are submitted to Congress, the Director of the Missile Defense Agency shall submit to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, and to the congressional defense committees, a report on the unfunded priorities of the Missile Defense Agency.

SUBTITLE F—OTHER MATTERS

Protection of certain facilities and assets from unmanned aircraft (sec. 1697)

The House amendment contained a provision (sec. 1671) that would authorize the Secretary of Defense, and allow the Secretary to authorize the armed forces, to take actions that are necessary to mitigate the threat of an unmanned aircraft system or unmanned aircraft that poses an imminent threat to the safety or security of a covered facility or asset that is: (1) identified by the Secretary; (2) located in the United States; and (3) related to the nuclear deterrence mission of the Department of Defense (including nuclear command and control, integrated tactical warning and attack assessment, and continuity of government), the missile defense mission of the Department; or the national security space mission of the Department.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would authorize the Secretary, notwithstanding title 18 of the United States Code, to take actions that are necessary to mitigate the threat (as defined by the Secretary of Defense, in consultation with

the Secretary of Transportation) that an unmanned aircraft system or unmanned aircraft poses to the safety or security of a covered facility or asset. The amendment would also clarify the actions that would be authorized.

Harmful interference to Department of Defense Global Positioning System (sec. 1698)

The House amendment contained a provision (sec. 1673) that would amend the Federal Communications Commission (FCC) conditions on commercial terrestrial operations (47 U.S.C. 301 et seq.) by adding that the FCC shall not permit commercial terrestrial operations in the 1525-1559 megahertz band or the 1626.5-1660.5 megahertz band until 90 days after the FCC resolves concerns of widespread harmful interference by such operations in such band to Department of Defense Global Positioning System (GPS) devices. The provision would also require the Secretary of Defense to conduct a review of harmful interference of Department of Defense GPS devices and to notify congress if the Secretary determines the existence of widespread harmful interference.

The Senate bill contained no similar provision.

The Senate recesses with a technical amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

Availability of certain amounts to meet requirements in connection with United States policy on assured access to space

The Senate bill contained a provision (sec. 1611) that would allow for up to half of the funds made available for a replacement space launch propulsion system or new launch vehicle in fiscal years 2016, 2017, or any future fiscal year, be made available for meeting the requirements in connection with United States policy on assured access to space (section 2273(b), title 10, United States Code).

The House amendment contained no similar provision.

The Senate recesses.

Department of Defense-wide requirements for security clearances for military intelligence officers

The Senate bill contained a provision (sec. 1621) that would require the Secretary of Defense to ensure that each military intelligence officer serving as a unit or service intelligence officer, or in command of an intelligence unit or activity, has an active security clearance.

The House amendment contained no similar provision.
The Senate recesses.

The conferees note with displeasure the recent situation in which an officer serving as the Deputy Chief of Naval Operations for Information Warfare, N2/N6, Office of the Chief of Naval Operations, and Director of Naval Intelligence, was unable to fully perform the duties of the office to which he was appointed, with the advice and consent of the Senate, because his access to classified information was suspended. The conferees expect that in the future every officer serving as a unit or service intelligence officer, or in command of an intelligence unit or activity will have an active security clearance.

Limitation on availability of funds for intelligence management

The House amendment contained a provision (sec. 1621) that would limit the amount of authorized funds available to be obligated or expended for intelligence management until the Under Secretary of Defense for Intelligence provides a report to the appropriate congressional committees on counterintelligence activities described in the classified annex accompanying this Act.

The Senate bill contained no similar provision.
The House recesses.

Sense of Congress on initial operating capability of phase 2 of European Phased Adaptive Approach to missile defense

The House amendment contained a provision (sec. 1666) that would express the Sense of Congress that the United States is committed to the defense of deployed members of the Armed Forces of the United States and to the defense of the European allies of the United States by increasing the ballistic missile defense capability of the North Atlantic Treaty Organization.

The Senate bill contained no similar provision.

The conferees note that on July 9, 2016, the Heads of State and Government participating in the meeting of the North Atlantic Council in Warsaw, Poland, issued the "Warsaw Summit Communique." In that document, the Heads of State and Government stated that:

"At our Summit in Chicago in 2012, we declared the achievement of an Interim NATO BMD Capability as an operationally significant first step. At the Wales Summit, we welcomed the forward deployment of BMD-capable Aegis ships to Rota, Spain that could be made available to NATO. Today a new milestone in the development of NATO BMD has been reached and we

are pleased to declare the achievement of the NATO BMD Initial Operational Capability. This is a significant step toward the aim of NATO BMD that offers a stronger capability to defend our populations, territory, and forces across southern NATO Europe against a potential ballistic missile attack. The Aegis Ashore site in Deveselu, Romania represents a significant portion of this increase in capability, and the command and control (C2) of the Aegis Ashore site is being transferred to NATO. We also welcome that Turkey hosts a forward-based early-warning BMD radar at Kürecik and that Poland will be hosting an Aegis Ashore site at the Redzikowo military base. We are also pleased that additional voluntary national contributions have been offered by Allies, and we encourage further voluntary contributions, all of which will add robustness to the capability."

The Communique further stated that, "NATO missile defence is not directed against Russia and will not undermine Russia's strategic deterrence capabilities. NATO missile defence is intended to defend against potential threats emanating from outside the Euro-Atlantic area."

The House recedes.

Pilot program on application of consequence-driven, cyber-informed engineering to mitigate against cyber-security threats

The Senate bill contained a provision (sec. 1634) that would authorize the Secretary of Defense, in coordination with the secretaries of the military departments, to carry out a pilot program to assess the feasibility and advisability of applying consequence-driven, cyber-informed engineering methodologies to military installation operating technologies, including industrial control systems, to increase resilience against cybersecurity threats.

The House amendment contained no similar provision.

The Senate recedes.

The conferees note that elsewhere in the conference agreement there is a requirement for the Secretary of Defense to conduct a pilot program to assess the feasibility and advisability of applying, innovative methodologies or engineering approaches to improve the defense of control systems against cyber attacks in order to increase the resilience of military installations against cybersecurity threats and prevent or mitigate the potential for high-consequence cyberattacks, and to inform future requirements development for such systems.

TITLE XVII—GUAM WORLD WAR II LOYALTY RECOGNITION ACT

Guam World War II Loyalty Recognition Act (secs. 1701-1707)

The House amendment contained a number of provisions (sec. 7301-7306) that would honor the suffering and loyalty of the residents of Guam during its occupation by Imperial Japanese forces during the Second World War and direct the federal government to adjudicate and facilitate the claims of compensable Guam victims and survivors of compensable Guam decedents.

Specifically, the House amendment contained a provision (sec. 7302) that would express the eternal gratitude of the United States to the residents of Guam for their loyalty and courage under threat of death and great bodily harm at the hands of occupying forces. It also contained a provision that would direct the Secretary of the Treasury to establish a special fund for the payment of claims to compensable Guam victims and their survivors (sec. 7303), a provision that would require the Secretary of the Treasury to compensate compensable victims and survivors of compensable Guam decedents following certification from the Foreign Claims Settlement Commission (sec. 7304), and a provision that would direct the Foreign Claims Settlement Commission to adjudicate claims and to determine eligibility for claims under the aforementioned section 7304 (sec. 7305). Finally, it contained a provision that would direct the Secretary of the Interior to establish a grant program designed to educate and to memorialize the occupation of Guam while honoring the loyalty of its inhabitants (sec. 7306) and a provision that would authorize appropriations for the aforementioned sections 7304 and 7305 for any fiscal year beginning after the date of the enactment, with \$5,000,000 authorized per fiscal year for section 7306 (sec. 7307).

The Senate bill contained no similar provisions.

The Senate recesses.

**TITLE XVIII—MATTERS RELATING TO SMALL
BUSINESS PROCUREMENT**

**SUBTITLE A—IMPROVING TRANSPARENCY AND
CLARITY FOR SMALL BUSINESSES**

Plain language rewrite of requirements for small business procurements (sec. 1801)

The House amendment contained a provision (sec. 1801) that would amend section 15(a) of the Small Business Act (15 U.S.C.

644(a)) to revise existing statute by better organizing the section and modernizing the terms consistent with those in titles 10 and 41, United States Code.

The Senate bill contained no similar provision.
The Senate recesses.

Transparency in small business goals (sec. 1802)

The House amendment contained a provision (sec. 1803) that would amend section 15(h) of the Small Business Act (15 U.S.C. 644(h)) to require the Administrator of the General Services Administration to issue an annual report on the share of total contract value awarded to small businesses.

The Senate bill contained no similar provision.
The Senate recesses.

**SUBTITLE B—CLARIFYING THE ROLES OF SMALL
BUSINESS ADVOCATES**

Scope of review by procurement center representatives (sec. 1811)

The Senate bill contained a provision (sec. 884) that would codify for Department of Defense contracts the longstanding exemption contained in Federal Acquisition Regulation 19.000(b) that small business set-asides are not applied to overseas contracts.

The House amendment contained a similar provision (sec. 1811) that would amend section 15(l) of the Small Business Act (15 U.S.C. 644(l)) to reverse a regulatory change made by the Small Business Administration during enactment of the Small Business Jobs Act of 2010 (Public Law 111-240) and to ensure that procurement center representatives review consolidated contracts or task orders that are fully or partially set aside or reserved for small business.

The Senate recesses with an amendment that would clarify that procurement center representatives of the Small Business Administration shall not review contracts awarded pursuant to status of forces agreements or contracts of the Department of Defense awarded and performed overseas. The amendment also would stipulate that contracts excluded from procurement center representative review shall not be included in any calculation of the Department's attainment of the small business goals established in 15(g) of the Small Business Act (15 USC 644(g)).

Duties of the Office of Small and Disadvantaged Business Utilization (sec. 1812)

The House amendment contained a provision (sec. 1813) that would amend section 15(k) of the Small Business Act (15 U.S.C. 644(k)) to revise the duties of the Offices of Small and Disadvantaged Business Utilization in Federal agencies. The offices would be authorized to provide assistance to service-disabled veteran-owned small businesses and participants in the Historically Underutilized Business Zone program which are not included in the current list of small business programs. The offices also would review annual summaries of Government credit card purchases to ensure compliance with the Small Business Act.

The Senate bill contained no similar provision.
The Senate recesses.

Improving contractor compliance (sec. 1813)

The House amendment contained a provision (sec. 1814) that would amend sections 15 and 45 of the Small Business Act (15 U.S.C. 644 and 15 U.S.C. 657r), and section 831(e)(1) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510), to promote the availability of existing programs that assist small contractors attempting to comply with Federal regulations. The Small Business Administration would develop a list of no-cost compliance assistance programs for small contractors which would be distributed through the Small Business Administration and Federal agency small-business offices to small contractors. This section would also require that any mentor-protégé agreement approved by the Small Business Administration or the Department of Defense address the provision of compliance assistance to the protégé firm.

The Senate bill contained no similar provision.
The Senate recesses.

Improving education on small business regulations (sec. 1814)

The House amendment contained a provision (sec. 1861) that would amend section 15 of the Small Business Act (15 U.S.C. 644) to require the Small Business Administration to annually share a list of regulatory changes affecting small-business contracting with entities responsible for training acquisition personnel, such as the Federal Acquisition Institute and the Defense Acquisition University, and to entities providing technical assistance to small contractors. This section would also require that the applicable entities periodically update training materials.

The Senate bill contained no similar provision.
The Senate recesses.

SUBTITLE C—STRENGTHENING OPPORTUNITIES FOR COMPETITION IN SUBCONTRACTING

Good faith in subcontracting (sec. 1821)

The House amendment contained a provision (sec. 1821) that would amend section 8(d) of the Small Business Act (15 U.S.C. 637(d)) to improve compliance with subcontracting requirements.

The Senate bill contained no similar provision.
The Senate recesses.

Pilot program to provide opportunities for qualified subcontractors to obtain past performance ratings (sec. 1822)

The House amendment contained a provision (sec. 1822) that would establish a 3-year pilot program in which small, first-tier subcontractors could obtain past performance credit from the Small Business Administration.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would establish a deadline by which small business concerns must submit requests for a past performance rating.

The conferees direct the Secretary of Defense to ensure that the Department of Defense, its components, and the Services are providing timely evaluations of past performance and giving due credit to the evaluations previously conducted, even those conducted by a different component, Service, or agency, consistent with current law and regulation. No later than 60 days after enactment of the National Defense Authorization for Fiscal Year 2017, the conferees direct the Secretary to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives on the Department's progress meeting these objectives.

Amendments to the Mentor-Protege Program of the Department of Defense (sec. 1823)

The House amendment contained a provision (sec. 1831) that would amend section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510), to require the Small Business Administration to determine whether a prospective protege firm is affiliated with its proposed mentor prior to

approval of a mentor-protégé agreement. The same requirement would be removed from the Department of Defense.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment that would better organize the eligibility requirements. The conferees note that the changes in this provision will allow for determinations of small business status to be made in the same manner as such determinations are for purposes of federal contracting. The change does not alter the Department's control of its mentor-protégé program, nor the statutory provision that prohibits the Small Business Administration from considering support provided by a mentor to a protégé firm under this program as evidence of affiliation. However, the provision would prevent instances of confusion, and the potential for fraud, by preventing competing determinations of small business status.

SUBTITLE D—MISCELLANEOUS PROVISIONS

Improvements to size standards for small agricultural producers (sec. 1831)

The House amendment contained a provision (sec. 1863) that would amend section 18(b) of the Small Business Act (15 U.S.C. 647(b)) to revise the definition of an agricultural enterprise. This section would also amend section 3(a) of the Small Business Act (15 U.S.C. 632(a)) to authorize the Small Business Administration to establish different size standards for various types of agricultural enterprises. Size standards would be established according to the existing method and appeals process by which the Small Business Administration establishes other size standards.

The Senate bill contained no similar provision.

The Senate recedes.

Uniformity in service-disabled veteran definitions (sec. 1832)

The House amendment contained a provision (sec. 1864) that would amend section 3(q) of the Small Business Act (15 U.S.C. 632(q)) and section 8127 of title 38, United States Code, to standardize definitions for veteran-owned small businesses (VOSBs) and service-disabled veteran-owned small businesses (SDVOSBs). This section would also require the Secretary of Veterans Affairs to use the regulations established by the Small Business Administration for establishing ownership and control of VOSBs and SDVOSBs. The Secretary would continue to determine whether individuals are veterans or service-disabled veterans and would be responsible for verification of applicant firms.

Challenges to the status of a VOSB or SDVOSB based upon issues of ownership or control would be decided by the administrative judges at the Office of Hearings and Appeals of the Small Business Administration. This section would not affect the Department of Defense.

The Senate bill contained no similar provision.

The Senate recesses.

Office of Hearings and Appeals (sec. 1833)

The House amendment contained a provision (sec. 1866) that would amend sections 3(a) and 5(i) of the Small Business Act (15 U.S.C. 632(a) and 15 U.S.C. 634(i)) to clarify that the Office of Hearings and Appeals will not hear appeals on programs not found in the Small Business Act. This section also would allow a grace period for appeals that occur before the Small Business Administration implements the requirements of this section.

The Senate bill contained no similar provision.

The Senate recesses.

Extension of SBIR and STTR programs (sec. 1834)

The Senate bill contained a provision (sec. 874) that would amend sections 9(m) and 9(n)(1) of the Small Business Act (15 U.S.C. 638(m)) in order to make the Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program at the Department of Defense permanent.

The House amendment contained no similar provision.

The House recesses with an amendment that would extend the programs government-wide for an additional 5 years.

Issuance of guidance on small business matters (sec. 1835)

The House amendment contained a provision (sec. 1867) that would require the Administrator of the Small Business Administration to issue guidance with respect to the changes to the Small Business Act made in this title.

The Senate bill contained no similar provision.

The Senate recesses with a technical amendment that would provide a timeline for implementing guidance by the Department of Veterans Affairs.

**SUBTITLE E—IMPROVING CYBER PREPAREDNESS FOR
SMALL BUSINESSES**

*Small Business Development Center Cyber Strategy and outreach
(sec. 1841)*

The House amendment contained a provision (sec. 1869A) that would amend section 227 of the Homeland Security Act of 2002 (6 U.S.C. 148) to grant the Secretary of Homeland Security authority to provide assistance to small business development centers in the form of training and dissemination of information on cybersecurity, as outlined elsewhere in this Act.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment that would maintain consistency in the use of terms such as cyber threat awareness.

Role of small business development centers in cybersecurity and preparedness (sec. 1842)

The House amendment contained a provision (sec. 1868) that would amend section 21 of the Small Business Act (15 U.S.C. 648) to define the role of the Small Business Development Center Cyber Strategy, which was established elsewhere in this Act.

The Senate bill contained no similar provision.

The Senate recedes.

Additional cybersecurity assistance for small business development centers (sec. 1843)

The House amendment contained a provision (sec. 1869) that would amend section 21(a) of the Small Business Act (15 U.S.C. 648) to give the Department of Homeland Security the authority to provide cybersecurity assistance, in the form of trainings and other outreach, to small business development centers to enhance security and awareness.

The Senate bill contained no similar provision.

The Senate recedes.

Prohibition on additional funds (sec. 1844)

The House amendment contained a provision (sec. 1869C) that would prohibit the use of additional funds to be appropriated to carry out the previous sections, other than those already appropriated within these sections.

The Senate bill contained no similar provision.

The Senate recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Improving reporting on small business goals

The House amendment contained a provision (sec. 1802) that would amend section 15(h) of the Small Business Act (15 U.S.C. 644(h)) to require the Small Business Administration, using data already required to be collected from contractors, to track companies that outgrow or no longer qualify for a small business program, as well as identify how prime contracting goals are met.

The Senate bill contained no similar provision.
The House recesses.

Uniformity in procurement terminology

The House amendment contained a provision (sec. 1804) that would amend section 3(m) of the Small Business Act (15 U.S.C. 632(m)) and section 15(j) of the Small Business Act (15 U.S.C. 644(j)) to update procurement terminology consistent with the Federal Acquisition Regulation and with terminology used in titles 10 and 41, United States Code.

The Senate bill contained no similar provision.
The House recesses.

Responsibilities of Commercial Market Representatives

The House amendment contained a provision (sec. 1812) that would amend section 4(h) of the Small Business Act (15 U.S.C. 633(h)), to provide a definition of the duties and responsibilities of the commercial market representatives employed by the Small Business Administration.

The Senate bill contained no similar provision.
The House recesses.

Responsibilities of Business Opportunity Specialists

The House amendment contained a provision (sec. 1815) that would amend section 4(g) of the Small Business Act (15 U.S.C. 633(g)) to add a job description and reporting hierarchy for business opportunity specialists of the Small Business Administration.

The Senate bill contained no similar provision.
The House recesses.

Improving cooperation between the mentor-protégé programs of the Small Business Administration and the Department of Defense

The House amendment contained a provision (sec. 1832) that would amend section 45(b) of the Small Business Act (15 U.S.C. 657r(b)) to require the Department of Defense to obtain approval from the Administrator of the Small Business Administration prior to carrying out a mentor-protégé program.

The Senate bill contained no similar provision.

The House recesses.

Office of Women's Business Ownership

The House amendment contained a provision (sec. 1841) that would amend section 29(g) of the Small Business Act (15 U.S.C. 656(g)) to clarify the duties of the Small Business Administration's Office of Women's Business Ownership, and to require that the office establish an accreditation program for its grant recipients.

The Senate bill contained no similar provision.

The House recesses.

Women's Business Center Program

The House amendment contained a provision (sec. 1842) that would amend section 29 of the Small Business Act (15 U.S.C. 656), relating to the Women's Business Center Program.

The Senate bill contained no similar provision.

The House recesses.

Matching requirements under Women's Business Center Program

The House amendment contained a provision (sec. 1843) that would amend section 29 of the Small Business Act (15 U.S.C. 656), relating to the Women's Business Center Program, to limit the ability of the Administrator to waive the requirement for matching funds by grant recipients, and to provide that excess non-Federal dollars obtained by a grant recipient will not be subject to part 200 of title 2, Code of Federal Regulations, or any successor regulations.

The Senate bill contained no similar provision.

The House recesses.

SCORE reauthorization

The House amendment contained a provision (sec. 1851) that would amend section 20 of the Small Business Act (15 U.S.C. 631 note) to authorize the SCORE program through fiscal year 2018, and to permit the current level of appropriations to extend through that period.

The Senate bill contained no similar provision.
The House recesses.

SCORE program

The House amendment contained a provision (sec. 1852) that would amend sections 8(b) and 8(c) of the Small Business Act (15 U.S.C. 637(b)-(c)) to rename the Service Corps of Retired Executives program, the "SCORE" program.

The Senate bill contained no similar provision.
The House recesses.

Online component

The House amendment contained a provision (sec. 1853) that would amend section 8(c) of the Small Business Act (15 U.S.C. 637(c)) to create an online component for the SCORE Association to utilize.

The Senate bill contained no similar provision.
The House recesses.

Study and report on the future role of the SCORE program

The House amendment contained a provision (sec. 1854) that would require the SCORE Association to conduct a study and develop a plan for how the SCORE program will evolve to meet the needs of small business concerns.

The Senate bill contained no similar provision.
The House recesses.

Technical and conforming amendments

The House amendment contained a provision (sec. 1855) that would make technical and conforming amendments to various places in law which reference the program that SCORE would replace.

The Senate bill contained no similar provision.
The House recesses.

Required reports pertaining to capital planning and investment control

The House amendment contained a provision (sec. 1865) that would require the Small Business Administration to provide information regarding certain Federal major information technology investments to the Small Business and Entrepreneurship Committee of the Senate and the Small Business Committee of the House of Representatives.

The Senate bill contained no similar provision.
The House recesses.

GAO study on small business cyber support services and small business development center cyber strategy

The House amendment contained a provision (sec. 1869B) that would require the Comptroller General of the United States to conduct a review of current cybersecurity resources at the Federal level aimed at assisting small business concerns with developing or enhancing cybersecurity infrastructure, cyber threat awareness, or cyber training programs for employees.

The Senate bill contained no similar provision.
The House recesses.

Short title

The House amendment contained a provision (sec. 1871) that would cite this subtitle as the "Small Business Development Centers Improvement Act of 2016".

The Senate bill contained no similar provision.
The House recesses.

Use of authorized entrepreneurial development programs

The House amendment contained a provision (sec. 1872) that would amend the Small Business Act (15 U.S.C. 631 et seq.) to add a new section that would expand the use of entrepreneurial development programs.

The Senate bill contained no similar provision.
The House recesses.

Marketing of services

The House amendment contained a provision (sec. 1873) that would amend section 21 of the Small Business Act (15 U.S.C. 648) to ensure that the Administrator will not prohibit applicants who have received grants under the Small Business Development Center program from marketing and advertising their services to individuals and small business concerns.

The Senate bill contained no similar provision.
The House recesses.

Data collection

The House amendment contained a provision (sec. 1874) that would amend section 21 of the Small Business Act (15 U.S.C. 648)

to ensure that data collection regarding grant applicants is improved.

The Senate bill contained no similar provision.

The House recesses.

Fees from private partnerships and cosponsorships

The House amendment contained a provision (sec. 1875) that would amend section 21(a)(3) of the Small Business Act (15 U.S.C. 648(a)(3)(C)) that would ensure that small business development centers participating in private partnerships and cosponsorships with the Administration are not limited from collecting fees or other income related to the operation of such partnerships.

The Senate bill contained no similar provision.

The House recesses.

Equity for small business development centers

The House amendment contained a provision (sec. 1876) that would amend subclause (I) of section 21(a)(4)(C)(v) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(v)) to increase the threshold allowed to the Administrator to pay expenses related to the development program from \$500,000 to \$600,000.

The Senate bill contained no similar provision.

The House recesses.

Confidentiality requirements

The House amendment contained a provision (sec. 1877) that would amend Section 21(a)(7)(A) of the Small Business Act (15 U.S.C. 648(a)(7)(A)) to clarify that certain information regarding small business participation in this program would not be disclosed without the consent of the individual or small business concern to any State, local or Federal agency, or third party.

The Senate bill contained no similar provision.

The House recesses.

Limitation on award of grants to small business development centers

The House amendment contained a provision (sec. 1878) that would amend section 21 of the Small Business Act (15 U.S.C. 648) to limit the award of grants.

The Senate bill contained no similar provision.

The House recesses.

TITLE XIX—DEPARTMENT OF HOMELAND SECURITY STRATEGY FOR INTERNATIONAL PROGRAMS

Department of Homeland Security Strategy for International Programs (secs. 1901-1913)

The conference agreement includes a subtitle that would make various authorizations and modifications with respect to the Department of Homeland Security.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Summary and explanation of funding tables

Division B of this Act authorizes funding for military construction projects of the Department of Defense. It includes funding authorizations for the construction and operation of military family housing as well as military construction for the reserve components, the defense agencies, and the North Atlantic Treaty Organization Security Investment Program. It also provides authorization for the base closure accounts that fund military construction, environmental cleanup, and other activities required to implement the decisions in base closure rounds.

The tables contained in this Act provide the project-level authorizations for the military construction funding authorized in Division B of this Act and summarize that funding by account.

Short title (sec. 2001)

The Senate bill contained a provision (sec. 2001) that would designate division B of this Act as the "Military Construction Authorization Act for Fiscal Year 2017."

The House amendment contained an identical provision (sec. 2001).

The conference agreement includes this provision.

Expiration of authorizations and amounts required to be specified by law (sec. 2002)

The Senate bill contained a provision (sec. 2002) that would establish the expiration date for authorizations in this Act for military construction projects, land acquisition, family

housing projects, and contributions to the North Atlantic Treaty Organization Security Investment Program as of October 1, 2019, or the date of enactment of an act authorizing funds for military construction for fiscal year 2020, whichever is later.

The House amendment contained a similar provision (sec. 2002).

The Senate recesses.

Effective date (sec. 2003)

The Senate bill contained a provision (sec. 2003) that would provide an effective date for titles XXI through XXVII of October 1, 2016 or the date of enactment of this Act.

The House amendment contained a similar provision (sec. 2003).

The Senate recesses.

TITLE XXI—ARMY MILITARY CONSTRUCTION

Summary

The budget request included authorization of appropriations of \$503.5 million for military construction and \$526.7 million for family housing for the Army in fiscal year 2017.

The conference agreement includes authorization of appropriations of \$553.9 million for military construction and \$483.2 million for family housing for the Army in fiscal year 2017.

The agreement includes authorization for three projects from the Army's unfunded requirements list: \$10.6 million for a Company Operations Facility at Fort Gordon, Georgia; \$6.9 million for a Fire Station at Fort Leonard Wood, Missouri; and \$23.0 million for a Vehicle Maintenance Shop at Fort Belvoir, Virginia.

The conferees note that the budget request included \$143.6 million for Family Housing New Construction at Camp Humphries, Republic of Korea. Furthermore, the conferees are aware that this is the first phase of proposed military family housing construction at Camp Humphries, with a \$153.0 million second phase planned for fiscal year 2019. Given the requirements that have been established by the Commander of U.S. Forces Korea to house command sponsored families on installation and the timelines for the relocation of U.S. Forces Korea and Eighth Army to Camp Humphries, the conferees believe that combining the two phases into a single project will result in efficiencies in terms of the financial cost of the project and the construction

timeline. Therefore, the agreement recommends a total authorization of \$297.0 million for Family Housing New Construction at Camp Humphries, Republic of Korea. However, the conferees support the authorization of appropriations for fiscal year 2017 only in an amount equivalent to the ability of the military department to execute in the year of authorization of appropriations. Therefore, the agreement recommends \$100.0 million, a reduction of \$43.6 million, for this project in fiscal year 2017.

In addition, the conference agreement authorizes \$35.0 million for the Army's unspecified minor construction program, an increase of \$10.0 million above the budget request.

Authorized Army construction and land acquisition projects (sec. 2101)

The Senate bill contained a provision (sec. 2101) that would contain the list of authorized Army construction projects for fiscal year 2017. The authorized amounts are listed on an installation-by-installation basis. The state list contained in this Act is intended to be the binding list of the specific projects authorized at each location.

The House amendment contained a similar provision (sec. 2101).

The Senate recedes.

Family housing (sec. 2102)

The Senate bill contained a provision (sec. 2102) that would authorize new construction and planning and design of family housing units for the Army for fiscal year 2017.

The House amendment contained a similar provision (sec. 2102).

The Senate recedes.

Authorization of appropriations, Army (sec. 2103)

The Senate bill contained a provision (sec. 2103) that would authorize appropriations for the active component military construction and family housing projects of the Army authorized for construction for fiscal year 2017. This provision would also provide an overall limit on the amount authorized for military construction and family housing projects for the active component of the Army.

The House amendment contained an identical provision (sec. 2103).

The conference agreement includes this provision.

Modification of authority to carry out certain fiscal year 2014 project (sec. 2104)

The Senate bill contained a provision (sec. 2104) that would modify the authorization contained in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66) for construction of an aircraft maintenance hangar at Joint Base Lewis-McChord, Washington to include an aircraft washing apron.

The House amendment contained an identical provision (sec. 2104).

The conference agreement includes this provision.

Extension of authorizations of certain fiscal year 2013 projects (sec. 2105)

The Senate bill contained a provision (sec. 2105) that would extend the authorization contained in section 2101 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239) for two projects until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

The House amendment contained a similar provision (sec. 2105).

The Senate recesses.

Extension of authorizations of certain fiscal year 2014 projects (sec. 2106)

The Senate bill contained a provision (sec. 2106) that would extend the authorization contained in section 2101 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66) for three projects until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

The House amendment contained a similar provision (sec. 2106).

The House recesses.

TITLE XXII—NAVY MILITARY CONSTRUCTION

Summary

The budget request included authorization of appropriations of \$1.03 billion for military construction and \$394.9 million for family housing for the Navy and Marine Corps in fiscal year 2017.

The conference agreement includes authorization of appropriations of \$1.2 billion for military construction and \$394.9 million for family housing for the Navy and Marine Corps in fiscal year 2017.

The conference agreement includes authorization for two projects from the Navy's unfunded requirements list unfunded requirements list: \$27.0 million for Chambers Field Magazine Recap Phase 1 at Norfolk, Virginia, and \$73.0 million for SEAWOLF Class Service Pier at Bangor, Washington

The agreement includes authorization for three projects from the Marine Corp's unfunded requirements list: \$118.9 million for an Aircraft Maintenance Hangar Increment 1 at Miramar, California; \$34.7 million for a Communication Complex & Infrastructure Upgrade at Miramar, California; \$40.0 million for F-35 Parking Apron at Miramar, California. With respect to the Aircraft Maintenance Hangar, we support the authorization for appropriations in an amount equivalent to the ability of the military department to execute in the year of the authorization for appropriations. For this project, the conferees believe that the Department of the Navy has exceeded its ability to fully expend the funding requested for fiscal year 2017. As such, the agreement recommends incremental funding with an authorization of appropriations in the amount of \$79.4 million, a reduction of \$39.5 million, for this project. Furthermore, the conferees note that these three projects at Miramar were included in the Marine Corps' unfunded requirements list due to a late development and the need to align F-35C squadron operational dates with plans to stand up the first F-35C compatible aircraft carrier on the west coast of the United States.

Authorized Navy construction and land acquisition projects (sec. 2201)

The Senate bill contained a provision (sec. 2201) that would authorize Navy and Marine Corps military construction projects for fiscal year 2017. The authorized amounts are listed on an installation-by-installation basis.

The House amendment contained a similar provision (sec. 2201).

The Senate recedes with a technical amendment.

Family housing (sec. 2202)

The Senate bill contained a provision (sec. 2202) that would authorize new construction, planning, and design of family housing units for the Navy for fiscal year 2017. This provision would also authorize funds for facilities that support family housing, including housing management offices, housing maintenance, and storage facilities.

The House amendment contained an identical provision (sec. 2202).

The conference agreement includes this provision.

Improvements to military family housing units (sec. 2203)

The Senate bill contained a provision (sec. 2203) that would authorize the Secretary of the Navy to improve existing family housing units of the Department of the Navy in an amount not to exceed \$11.1 million.

The House amendment contained an identical provision (sec. 2203).

The conference agreement includes this provision.

Authorization of appropriations, Navy (sec. 2204)

The Senate bill contained a provision (sec. 2204) that would authorize appropriations for the active component military construction and family housing projects of the Department of the Navy authorized for construction for fiscal year 2017. This provision would also provide an overall limit on the amount authorized for military construction and family housing projects for the active components of the Navy and the Marine Corps. The state list contained in this report is the binding list of the specific projects authorized at each location.

The House amendment contained an identical provision (sec. 2204).

The conference agreement includes this provision.

Modification of authority to carry out certain fiscal year 2014 project (sec. 2205)

The Senate bill contained a provision (sec. 2205) that would modify the authorization contained in section 2201 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66) for construction of a water transmission line at Pearl City, Hawaii to include a 591-meter long, 16-inch diameter water transmission line as part of the network required to provide the main water supply to Joint Base Pearl Harbor-Hickam, Hawaii.

The House amendment contained an identical provision (sec. 2205).

The conference agreement includes this provision.

*Extension of authorizations of certain fiscal year 2013 projects
(sec. 2206)*

The Senate bill contained a provision (sec. 2206) that would extend the authorization contained in section 2201 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239), for various projects until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

The House amendment contained a similar provision (sec. 2206).

The Senate recedes.

*Extension of authorizations of certain fiscal year 2014 projects
(sec. 2207)*

The Senate bill contained a provision (sec. 2207) that would modify the authorization contained in section 2201 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66), for seven projects until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

The House amendment contained an identical provision (sec. 2207).

The conference agreements includes this provision.

*Status of "net negative" policy regarding Navy acreage on Guam
(sec. 2208)*

The House amendment included a provision (Sec. 2208) that would require the Secretary of the Navy to submit a report to the congressional defense committees not later than 6 months after the date of the enactment of this Act regarding the status of the implementation of the "Net Negative" policy regarding the total number of acres of real property controlled by the Department of the Navy on the Territory of Guam.

The Senate bill contained no similar provision.

The Senate recedes with an amendment.

The conferees are concerned that the Department of the Navy has not adequately defined the scope of lands that will be returned to the Government of Guam pursuant to the Net Negative

policy announced in 2011, or the process that will be used to identify and transfer such lands. Specifically, the conferees are concerned by the ambiguity regarding the status of lands identified for return prior to the announcement of the Net Negative policy, such as Guam Land Use Plan of 1977, which were not originally identified for inclusion in the calculation of lands under the Net Negative policy.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

Summary

The budget request included authorization of appropriations of \$1.5 billion for military construction and \$335.7 million for family housing for the Air Force in fiscal year 2017.

The conference agreement includes authorization of appropriations of \$1.7 billion for military construction and \$335.7 million for family housing for the Air Force in fiscal year 2017.

The conference agreement includes authorization for seven projects on the Air Force's unfunded requirements list: \$15.5 million for a JAG School Expansion at Maxwell Air Force Base, Alabama; \$36.0 million for Dormitories (288 rooms) at Eglin Air Force Base, Florida; \$41.0 million for Consolidated Corrosion Facility Add/Alt at Scott Air Force Base, Illinois; \$50.0 million for Consolidated Communications Center at Joint Base Andrews, Maryland; \$10.9 million to Construction Vandenberg Gate Complex at Hanscom Air Force Base, Massachusetts; \$26.0 million for E-3G Mission and Flight Simulator Training Facility at Tinker Air Force Base, Oklahoma; and \$17.0 million for Fire & Rescue Station at Joint Base Charleston, South Carolina.

In addition, the conference agreement authorizes \$40.0 million for the Air Force's unspecified minor construction program, an increase of \$10.0 million above the budget request.

Authorized Air Force construction and land acquisition projects (sec. 2301)

The Senate bill contained a provision (sec. 2301) that would authorize Air Force military construction projects for fiscal year 2017. The authorized amounts are listed on an installation-by-installation basis.

The House amendment contained a similar provision (sec. 2301).

The Senate recedes with a technical amendment.

Family housing (sec. 2302)

The Senate bill contained a provision (sec. 2302) that would authorize new construction, planning, and design of family housing units for the Air Force for fiscal year 2017. This provision would also authorize funds for facilities that support family housing, including housing management offices, housing maintenance, and storage facilities.

The House amendment contained an identical provision (sec. 2302).

The conference agreement includes this provision.

Improvements to military family housing units (sec. 2303)

The Senate bill contained a provision (sec. 2303) that would authorize the Secretary of the Air Force to improve existing family housing units of the Department of the Air Force in an amount not to exceed \$150.7 million.

The House amendment contained an identical provision (sec. 2303).

The conference agreement includes this provision.

Authorization of appropriations, Air Force (sec. 2304)

The Senate bill contained a provision (sec. 2304) that would authorize appropriations for the active component military construction and family housing projects of the Air Force authorized for construction for fiscal year 2017. This provision would also provide an overall limit on the amount authorized for military construction and family housing projects for the active component of the Air Force. The state list contained in this report is the binding list of the specific projects authorized at each location.

The House amendment contained an identical provision (sec. 2304).

The conference agreement includes this provision.

Modification of authority to carry out certain fiscal year 2016 project (sec. 2305)

The Senate bill contained a provision (sec. 2305) that would modify the authorization contained in section 2301 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) for a tactical response force alert facility at Malstrom Air Force Base, Montana to include the construction of an emergency power generator system.

The House amendment contained an identical provision (sec. 2305).

The conference agreement includes this provision.

*Extension of authorization of certain fiscal year 2013 project
(sec. 2306)*

The House amendment contained a provision (sec. 2306) that would extend the authorization listed, originally provided by section 2301 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239), and previously extended by section 2309 of the Military Construction Authorization Act for Fiscal Year 2016 (Public Law 114-92), until October 1, 2017, or the date of the enactment of an act authorizing funds for military construction for fiscal year 2018, whichever is later.

The Senate bill contained no similar provision.

The Senate recesses.

*Extension of authorization of certain fiscal year 2014 project
(sec. 2307)*

The Senate bill contained a provision (sec. 2306) that would extend the authorization contained in section 2301 of the Military Construction Act for Fiscal Year 2014 (division B of Public Law 113-66) for various projects until October 1, 2017, or the date of the enactment of an act authorizing funds for military construction for fiscal year 2018, whichever is later.

The House amendment contained a similar provision (sec. 2307).

The Senate recesses.

Restriction on acquisition of property in Northern Mariana Islands (sec. 2308)

The House amendment contained a provision (sec. 2308) that would prohibit the Secretary of the Air Force from using any of the amounts authorized to be appropriated to acquire property or interests in property at an unspecified location in the Commonwealth of the Northern Mariana Islands until the congressional defense committees have received a report from the Secretary that provides the specific location of the property or interest in property to be acquired, the total cost, scope and location of military construction projects for divert activities and exercises at the location, and an analysis of any alternative locations considered, including other locations or

interests within the Commonwealth of the Northern Mariana Islands or the Freely Associated States.

The Senate bill contained no similar provision.

The Senate recesses.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

Summary

The budget request included authorization of appropriations of \$2.06 billion for military construction and \$62.4 million for family housing for the defense agencies in fiscal year 2017.

The conference agreement includes authorization of appropriations of \$2.03 billion for military construction and \$62.4 million for family housing for the defense agencies in fiscal year 2017.

The budget request included \$10.0 million for contingency construction at various world-wide locations. The conferees note that the Department of Defense has not requested a military construction project using funds from this account since 2008. As such, the agreement recommends no funds, a reduction of \$10.0 million for this program.

The budget request included \$10.0 million for the Energy Conservation Investment Program's Planning and Design activities. The conferees recommend that this program be carried out as part of the Defense-Wide Military Construction program. Therefore, the agreement recommends no funding for the Energy Conservation Investment Program's Planning and Design activities, a reduction of \$10.0 million, and \$23.5 million for Defense Wide Military Construction Planning and Design activities, an increase of \$10.0 million, to reflect the inclusion of the Energy Conservation Investment Program as part of the Defense Wide Military Construction program.

The budget request included \$71.6 million for the National Geospatial Intelligence Agency Military Construction Planning and Design activities. The conferees understand that the National Geospatial Intelligence Agency would be unable to execute the full amount requested for Military Construction Planning and Design activities in fiscal year 2017. Therefore, the agreement recommends \$36.0 million, a reduction of \$35.6 million, for this program.

In addition, the agreement recommends an increase of funding for a military construction project not included in the budget request, \$15.0 million for the Missile Defense Agency

Military Construction Planning and Design activities for an East Coast site for homeland missile defense.

Authorized Defense Agencies construction and land acquisition projects (sec. 2401)

The Senate bill contained a provision (sec. 2401) that would contain the list of authorized defense agencies' construction projects for fiscal year 2017. The authorized amounts are listed on an installation-by-installation basis. The state list contained in this Act is intended to be the binding list of the specific projects authorized at each location.

The House amendment contained a similar provision (sec. 2401).

The Senate recedes with a technical amendment.

Authorized energy conservation projects (sec. 2402)

The House amendment contained a provision (sec. 2402) that would authorize the Secretary of Defense to carry out energy conservation projects valued at a cost greater than \$3.0 million at the amounts authorized for each project at a specific location. This section would also authorize the sum total of projects across various locations, each project of which is less than \$3.0 million.

The Senate bill contained a similar provision (sec. 2402).
The Senate recedes.

Authorization of appropriations, Defense Agencies (sec. 2403)

The Senate bill contained a provision (sec. 2403) that would authorize appropriations for the military construction and family housing projects of the defense agencies authorized for construction for fiscal year 2017. This provision would also provide an overall limit on the amount authorized for military construction and family housing projects for the defense agencies.

The House amendment contained an identical provision (sec. 2403).

The conference agreement includes this provision.

Modification of authority to carry out certain fiscal year 2014 project (sec. 2404)

The Senate bill contained a provision (sec. 2404) that would modify the authority contained in section 2401 of the Military Construction Authorization Act for Fiscal Year 2014

(division B of Public Law 113-66) for the construction of a high school at Royal Air Force Base Lakenheath, United Kingdom to allow the construction of a combined middle/high school.

The House amendment contained an identical provision (sec. 2404).

The conference agreement includes this provision.

Extension of authorizations of certain fiscal year 2013 projects (sec. 2405)

The Senate bill contained a provision (sec. 2405) that would extend the authorization contained in section 2401 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239) for two projects until October 1, 2017, or the date of the enactment of an act authorizing funds for military construction for fiscal year 2018, whichever is later.

The House amendment contained an identical provision (sec. 2405).

The conference agreement includes this provision.

Extension of authorizations of certain fiscal year 2014 projects (sec. 2406)

The Senate bill contained a provision (sec. 2406) that would extend the authorization contained in section 2401 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66) for ten projects until October 1, 2017, or the date of enactment of an act authorizing funds for the military construction for fiscal year 2018, whichever is later.

The House amendment contained an identical provision (sec. 2406).

The conference agreement includes this provision.

TITLE XXV—INTERNATIONAL PROGRAMS

Summary

The budget request included authorization of appropriations of \$177.9 million for military construction in fiscal year 2017 for the North Atlantic Treaty Organization (NATO) Security Investment Program. In addition, pursuant to agreement with the Republic of Korea, the budget request included a list of \$618.6 million in military construction

projects to be funded as in-kind contributions by the Republic of Korea.

The conference agreement includes this amount for the NATO projects and the authorization to accept the military construction projects funded by the Republic of Korea.

SUBTITLE A—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Authorized NATO construction and land acquisition projects (sec. 2501)

The Senate bill contained a provision (sec. 2501) that would authorize the Secretary of Defense to make contributions to the North Atlantic Treaty Organization Security Investment Program in an amount equal to the sum of the amount specifically authorized in section 2502 of this title and the amount of recoupment due to the United States for construction previously financed by the United States.

The House amendment contained an identical provision (sec. 2501).

The conference agreement includes this provision.

Authorization of appropriations, NATO (sec. 2502)

The Senate bill contained a provision (sec. 2502) that would authorize appropriations of \$177.9 million for the U.S. contribution to the North Atlantic Treaty Organization Security Investment Program for fiscal year 2017.

The House amendment contained an identical provision (sec. 2502).

The conference agreement includes this provision.

SUBTITLE B—HOST COUNTRY IN-KIND CONTRIBUTIONS

Republic of Korea funded construction projects (sec. 2511)

The Senate bill contained a provision (sec. 2511) that would authorize the Secretary of Defense to accept 19 military construction projects totaling \$684.1 million from the Republic of Korea as in-kind contributions.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Summary

The budget request included \$672.7 million for military construction for National Guard and Reserve facilities for fiscal year 2017.

The conference agreement includes authorization of appropriations of \$781.2 million for military construction for National Guard and Reserve facilities in fiscal year 2017.

The agreement includes authorization for three projects from the Army National Guard's unfunded requirements list: \$16.5 million for National Guard Readiness Center at Fort Carson, Colorado; \$20.0 million for Access Control Buildings at Fort Indiantown Gap, Pennsylvania; and \$31.0 million for a General Instruction Building at Camp Guernsey, Wyoming.

The agreement includes authorization for one project from the Army Reserves unfunded requirements list: \$30.0 million for an Army Reserve Center in Phoenix, Arizona.

The agreement includes authorization for two projects from the Air National Guard's unfunded requirements list: \$5.0 million for Munitions Load Crew Training/Corrosion Control Facility at Joint Base Andrews, Maryland and \$6.0 million for Indoor Small Arms Range at Toledo Express Airport, Ohio.

SUBTITLE A--PROJECT AUTHORIZATIONS AND AUTHORIZATIONS OF APPROPRIATIONS

Authorized Army National Guard construction and land acquisition projects (sec. 2601)

The Senate bill contained a provision (sec. 2601) that would authorize military construction projects for the Army National Guard for fiscal year 2017. The authorized amounts are listed on an installation-by-installation basis.

The House amendment contained a similar provision (sec. 2601).

The Senate recedes with a technical amendment.

Authorized Army Reserve construction and land acquisition projects (sec. 2602)

The Senate bill contained a provision (sec. 2602) that would authorize military construction projects for the Army

Reserve for fiscal year 2017. The authorized amounts are listed on an installation-by-installation basis.

The House amendment contained a similar provision (sec. 2602).

The House recesses.

Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects (sec. 2603)

The Senate bill contained a provision (sec. 2603) that would contain the list of authorized Navy Reserve and Marine Corps Reserve construction projects for fiscal year 2017.

The House amendment contained an identical provision (sec. 2603).

The conference agreement includes this provision.

Authorized Air National Guard construction and land acquisition projects (sec. 2604)

The Senate bill contained a provision (sec. 2604) that would authorize military construction projects for the Air National Guard for fiscal year 2017. The authorized amounts are listed on an installation-by-installation basis.

The House amendment contained a similar provision (sec. 2604).

The Senate recesses.

Authorized Air Force Reserve construction and land acquisition projects (sec. 2605)

The Senate bill contained a provision (sec. 2605) that would authorize military construction projects for the Air Force Reserve for fiscal year 2017. The authorized amounts are listed on an installation-by-installation basis.

The House amendment contained a similar provision (sec. 2605).

The House recesses.

Authorization of appropriations, National Guard and Reserve (sec. 2606)

The Senate bill contained a provision (sec. 2606) that would authorize appropriations for the reserve component military construction projects authorized for construction for fiscal year 2017 in this Act. This provision would also provide an overall limit on the amount authorized for military construction projects for each of the reserve components of the

military departments. The state list contained in this report is the binding list of the specific projects authorized at each location.

The House amendment contained an identical provision (sec. 2606).

The conference agreement includes this provision.

SUBTITLE B--OTHER MATTERS

Modification of authority to carry out certain fiscal year 2014 project (sec. 2611)

The Senate bill contained a provision (sec. 2611) that would modify the authorization contained in section 2602 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66) for construction of a new Army Reserve Center at Bullville, New York to allow the Secretary of the Army to add to or alter the existing Army Reserve Center at that location.

The House amendment contained an identical provision (sec. 2611).

The conference agreement includes this provision.

Modification of authority to carry out certain fiscal year 2015 project (sec. 2612)

The Senate bill contained a provision (sec. 2612) that would modify the authorizations contained in section 2603 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113-291), for construction of a Reserve Training Center in Pittsburgh, Pennsylvania to allow the acquisition of approximately 8.5 acres of adjacent land necessary to construct road improvements and associated supporting facilities to provide required access to that site.

The House amendment contained an identical provision (sec. 2612).

The conference agreement includes this provision.

Modification of authority to carry out certain fiscal year 2016 project (sec. 2613)

The House amendment contained a provision (sec. 2613) that would modify the authority provided by section 2602 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114-92) to authorize the Secretary of

the Army to make certain modifications to the scope of a previously authorized construction project.

The Senate bill contained no similar provision.

The Senate recesses.

*Extension of authorization of certain fiscal year 2013 project
(sec. 2614)*

The Senate bill contained a provision (sec. 2613) that would extend the authorization contained in section 2603 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239) for one project until October 1, 2017, or the date of the enactment of an act authorizing funds for military construction for fiscal year 2018, whichever is later.

The House amendment contained an identical provision (sec. 2614).

The conference agreement includes this provision.

*Extension of authorizations of certain fiscal year 2014 projects
(sec. 2615)*

The Senate bill contained a provision (sec. 2614) that would extend the authorization contained in sections 2602, 2603, 2604, and 2605 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66) for six projects until October 1, 2017, or the date of the enactment of an act authorizing funds for military construction for fiscal year 2018, whichever is later.

The House amendment contained an identical provision (sec. 2615).

The conference agreement includes this provision.

LEGISLATIVE PROVISIONS NOT ADOPTED

Report on replacement of security forces and communications training facility at Frances S. Gabreski Air National Guard Base, New York

The Senate bill contained a provision (sec. 2615) that would require the Secretary of the Air Force to submit a report to the congressional defense committees assessing the need to replace security forces and communication facilities at Frances S. Gabreski Air National Guard Base, New York.

The House amendment contained no similar provision.

The Senate recesses.

The conferees direct the Secretary of the Air Force to provide the congressional defense committees, by April 1, 2017, a report detailing an assessment of the need to replace security forces and communication facilities at Frances S. Gabreski Air National Guard Base, New York.

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

Summary

The budget request included authorization of appropriations of \$205.2 million for the ongoing cost of environmental remediation and other activities necessary to continue implementation of the 1988, 1991, 1993, 1995, and 2005 Base Realignment and Closure (BRAC) rounds.

The conference agreement includes authorization of appropriations of \$240.7 million for activities related to BRAC activities from previous rounds. This includes \$24.5 million, an increase of \$10.0 million, for the Army, \$159.4 million, an increase of \$25.0 million, for the Navy, and \$56.4 million, as included in the budget request, for the Air Force.

Extension of authorizations of certain fiscal year 2014 projects (sec. 2701)

The Senate bill contained a provision (sec. 2701) that would authorize appropriations for fiscal year 2017 for ongoing activities that are required to implement the decisions of the 1988, 1991, 1993, 1995, and 2005 Base Realignment and Closure rounds.

The House amendment contained an identical provision (sec. 2701).

The conference agreement includes this provision.

Prohibition on conducting additional base realignment and closure (BRAC) round (sec. 2702)

The Senate bill contained a provision (sec. 2702) that would make clear that nothing in this Act shall be construed to authorize a future Base Realignment and Closure (BRAC) round. Elsewhere in the Act, the Senate recommended a reduction of \$4.0 million for BRAC planning activities.

The House amendment contained a similar provision (sec. 2701).

The House recesses.

The conferees remain concerned that the Secretary of Defense has yet to provide the force structure plan, the infrastructure inventory, and the assessment of infrastructure necessary to support the force structure that were required to be prepared under section 2815 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1175). The conferees believe this congressionally directed report is necessary in order to evaluate the Department's need, and request for a new base realignment and closure round.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

SUBTITLE A—MILITARY CONSTRUCTION PROGRAM AND MILITARY FAMILY HOUSING CHANGES

Modification of criteria for treatment of laboratory revitalization projects as minor military construction projects (sec. 2801)

The Senate bill contained a provision (sec. 220) that would modify the authority to use minor military construction to revitalize antiquated laboratories and to increase the scope of the projects that are allowed under this provision to \$6.0 million. Additionally, this provision would extend the authorization to 2025.

The House amendment contained a similar provision (sec. 2801).

The Senate recedes with an amendment that includes the extension of the authorization through 2025.

Classification of facility conversion projects as repair projects (sec. 2802)

The House amendment contained a provision (sec. 2802) that would amend section 2811 of title 10, United States Code, to reclassify facility conversion as repair, thereby allowing all work within the existing dimensions of a facility to be considered repair.

The Senate bill contained no similar provision.

The Senate recedes.

Limited authority for scope of work increase (sec. 2803)

The Senate bill contained a provision (sec. 2802) that would allow the Department of Defense to increase the scope of military construction projects by up to 10 percent above the amount authorized by Congress after notifying the appropriate congressional committees.

The House amendment contained no similar provision.

The House recesses.

Extension of temporary, limited authority to use operation and maintenance funds for construction projects in certain areas outside the United States (sec. 2804)

The Senate bill contained a provision (sec. 2801) that would reauthorize contingency construction authority in certain areas outside the United States for an additional year.

The House amendment contained a similar provision (sec. 2803) that would provide continued authority for the Secretary of Defense to use funds appropriated for Operation and Maintenance for military construction to meet temporary operational requirements during a time of declared war, national emergency, or contingency operation through the end of fiscal year 2017.

The Senate recesses.

Authority to expand energy conservation construction program to include energy resiliency projects (sec. 2805)

The House amendment contained a provision (sec. 2805) that would amend section 2914 of title 10, United States Code, to address gaps in the information contained in congressional notifications submitted by the Secretary of Defense for the Energy Conservation Investment Program. This section would also add an annual reporting requirement on the status of projects being executed under the program beginning with fiscal year 2017 and ending with fiscal year 2020.

The Senate bill contained a related provision (sec. 2811) that would allow the Energy Conservation Investment Program to invest in projects relating to resiliency and security.

The Senate recesses with an amendment to expand the authority of the Energy Conservation Investment Program to include resiliency projects.

Additional entities eligible for participation in defense laboratory modernization pilot program (sec. 2806)

The House amendment contained a provision (sec. 2806) that would expand the defense laboratory modernization pilot program

to include a Department of Defense research, development, test, and evaluation facility that is not designated as a Science and Technology Reinvention Laboratory, but nonetheless is involved with developmental test and evaluation.

The Senate bill contained no similar provision.

The Senate recesses.

Extension of temporary authority for acceptance and use of contributions for certain construction, maintenance, and repair projects mutually beneficial to the Department of Defense and Kuwait military forces (sec. 2807)

The Senate bill contained a provision (sec. 2803) that would make permanent the authority to accept contributions from the Government of Kuwait for certain infrastructure projects that are mutually beneficial to the Department of Defense and Kuwait Military Forces.

The House amendment contained a similar provision (sec. 2804) that would extend for 5 years the temporary project authority for acceptance and use of contributions for construction, maintenance, and repair projects mutually beneficial to the Department of Defense and Kuwait military forces from September 30, 2020, to September 30, 2025.

The House recesses with an amendment that would extend the temporary project authority for 10 years.

SUBTITLE B—REAL PROPERTY AND FACILITIES ADMINISTRATION

Acceptance of military construction projects as payments in-kind and in-kind contributions (sec. 2811)

The House amendment contained a provision (sec. 2811) that would establish a notification requirement for payment in-kind and in-kind contributions used for overseas military construction projects and repeal the authorization requirement established for such projects in section 2803 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291).

The Senate bill contained no similar provision.

The Senate recesses with a technical amendment.

Allotment of space and provision of services to WIC offices operating on military installations (sec. 2812)

The House amendment contained a provision (sec. 2813) that would authorize the Secretary of a military department to allot space and services on military installations to local agencies administering WIC programs to service members and their families.

The Senate bill contained no similar provision.

The Senate recesses.

Sense of Congress regarding inclusion of stormwater systems and components within the meaning of "wastewater system" under the Department of Defense authority for conveyance of utility systems (sec. 2813)

The House amendment contained a provision (sec. 2815) that would express the sense of Congress that stormwater systems and components are included within the meaning of "wastewater system" under the Department of Defense authority for conveyance of utility systems in section 2688 of title 10, United States Code.

The Senate bill contained no similar provision.

The Senate recesses.

Assessment of public schools on Department of Defense installations (sec. 2814)

The Senate bill contained a provision (sec. 575) that would require the Comptroller General of the United States to submit a report, within 1 year after the date of enactment of this Act, which provides an analysis of the condition and capacity of public schools on military installations. The provision would require the analysis to include schools omitted from the July 2011 Department of Defense analysis of such schools.

The House amendment contained a provision (sec. 2816) that would require the Secretary of Defense, within 1 year of the date of enactment of this Act, to submit a report to the congressional defense committees, which includes an update to the July 2011 assessment on the condition and capacity of elementary and secondary public schools on military installations.

The Senate recesses with an amendment that would require the Secretary to submit additional information in the report required under this provision on the status of funds appropriated and the schedule for completion of projects approved for funding. Additionally, the provision would require the Comptroller General of the United States to submit a report to the congressional defense committees, within 180 days after

the date of submission of the report by the Secretary, providing an evaluation of the accuracy and analytical sufficiency of the updated assessment conducted by the Department of Defense.

Prior certification required for use of Department of Defense facilities by other Federal agencies for temporary housing support. (sec. 2815)

The House amendment contained a provision (sec. 2812) that would prohibit any military installation, not including those installations located outside of the United States, from being used to house unaccompanied alien children.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to certify that the use of federal facilities by another agency would not negatively affect military training, operations, readiness, or other military requirements.

SUBTITLE C—LAND CONVEYANCES

Land conveyances, High Frequency Active Auroral Research Program facility and adjacent property, Gakona, Alaska (sec. 2821)

The Senate bill contained a provision (sec. 2823) that would authorize the Secretary of the Air Force to convey a portion of the property that was used for the High Frequency Active Auroral Research Program near the Gulkana Village to the University of Alaska for consideration that the Secretary determines is appropriate. The provision would authorize the Secretary of the Air Force to convey another portion of the property, for consideration, to the Ahtna Alaska Native Corporation from which the property was purchased by the Secretary.

The House amendment contained a similar provision (sec. 2831).

The House recedes.

Land conveyance, Champion Air Force Radar Station, Galena, Alaska (sec. 2822)

The Senate bill contained a provision (sec. 2822) that would authorize the Secretary of the Air Force to convey the former Champion Air Force station to the town of Galena, Alaska.

The House amendment contained a similar provision (sec. 2832).

The House recesses.

Lease, Joint Base Elmendorf-Richardson, Alaska (sec. 2823)

The Senate bill contained a provision (sec. 2826) that would authorize the Secretary of the Air Force to lease certain property at Joint Base Elmendorf-Richardson to the Municipality of Anchorage, Alaska and Mountain View Loins Club.

The House amendment contained no similar provision.

The House recesses.

Transfer of administrative jurisdictions, Navajo Army Depot, Arizona (sec. 2824)

The Senate bill contained a provision (sec. 2825) that would provide for the transfer of administrative jurisdiction of property at Navajo Army Depot, Arizona, to the Department of the Army for the purposes of continued military operations.

The House amendment contained no similar provision.

The House recesses with a technical amendment.

Exchange of property interests, San Diego Unified Port District, California (sec. 2825)

The House amendment contained a provision (sec. 2833) that would authorize the Secretary of the Navy to exchange approximately 0.33 acres in San Diego, California that contains 48 parking spaces, with the San Diego Unified Port District in return for property of equal value, and without encumbrances, that provides the rights to an equivalent number of parking spaces.

The Senate bill contained no similar provision.

The Senate recesses.

Release of property interests retained in connection with land conveyance, Eglin Air Force Base, Florida (sec. 2826)

The House amendment contained a provision (sec. 2834) that would authorize the Secretary of the Air Force to release any and all exceptions, limitations, and conditions specified by the United States in the deeds conveying approximately 126 acres of real property in Okaloosa County, Florida, which were conveyed to the Air Force Enlisted Men's Widows and Dependents Home Foundations, Incorporated.

The Senate bill contained no similar provision.

The Senate recesses with a technical amendment.

Land exchange, Fort Hood, Texas (sec. 2827)

The House amendment contained a provision (sec. 2835) that would authorize the Secretary of the Army to exchange land at Fort Hood, Texas, with the City of Copperas Cove, Texas, to support the city's efforts to improve arterial transportation routes in the vicinity of Fort Hood and to promote economic development.

The Senate bill contained no similar provision.

The Senate recesses.

Land conveyance, P-36 Warehouse, Colbern United States Army Reserve Center, Laredo, Texas (sec. 2828)

The House amendment contained a provision (sec. 2836) that would authorize the Secretary of the Army to convey, without consideration, to the Laredo Community College all right, title, and interest of the United States in and to the approximately 725 square foot Historic Building, P-36 Quartermaster Warehouse, at Colbern United States Army Reserve Center, Laredo, Texas.

The Senate bill contained no similar provision.

The Senate recesses with a technical amendment.

Land conveyance, St. George National Guard Armory, St. George, Utah (sec. 2829)

The House amendment contained a provision (sec. 2837) that would authorize the Secretary of the Interior to convey, without consideration, to the State of Utah all right, title, and interest of the United States in and to a parcel of public land in St. George, Utah, comprising approximately 70 acres, for the purpose of permitting the Utah National Guard to use the conveyed land for military purposes.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would include a reversionary clause.

Land acquisitions, Arlington County, Virginia (sec. 2829A)

The Senate bill contained a provision (sec. 2821) that would authorize the Secretary of the Army to acquire by whatever means the Secretary determines is sufficient for the expansion of Arlington National Cemetery in order to maximize the number of interment sites and the compatible use of adjacent properties.

The House amendment contained no similar provision.

The House recesses with a technical amendment.

Release of restrictions, Richland Innovation Center, Richland, Washington (sec. 2829B)

The House amendment contained a provision (sec. 2838) that would authorize the Secretary of Transportation, acting through the Maritime Administrator and in consultation with the Administrator of General Services, to release, for consideration, to the Port of Benton all remaining right, title, and interest of the United States in and to a parcel of real property consisting of approximately 71.5 acres, including any improvements thereon, in Richland, Washington.

The Senate bill contained no similar provision.

The Senate recesses.

Modification of land conveyance, Rocky Mountain Arsenal National Wildlife Refuge (sec. 2829C)

The House amendment contained a provision (sec. 2839) that would amend section 5(d)(1) of the Rocky Mountain Arsenal National Wildlife Refuge Act of 1992 (Public Law 102-402), to stipulate that any real property designated for disposal under this section that prohibits the use of the property for residential or industrial purposes may be modified or removed if it is determined, through a risk assessment, that the property is protective for the proposed use.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would allow property to be used if a determination is made that the property will be protective of human health and the environment for the proposed use with an adequate margin of safety following the modification or removal of the restriction. The provision would further state that the Secretary of the Army is not responsible for the cost of risk assessment, any damages attributable to the use as a result of any modification to the original deed restriction, or costs of any actions taken in response to such damages.

Closure of St. Marys Airport (sec. 2829D)

The House amendment contained a provision (sec. 2839A) that would provide for the release of the City of St. Marys, Georgia, from its obligations to the Federal Aviation Administration (FAA) associated with operation of an airport and for the Secretary of the Navy to pay for certain costs owed by the City of St. Marys to FAA associated with the release. This would then lead to the closure of the airport.

The Senate bill contained no similar provision.

The Senate recesses.

Transfer of Fort Belvoir Mark Center Campus from the Secretary of the Army to the Secretary of Defense and applicability of certain provisions of law relating to the Pentagon Reservation (sec. 2829E)

The Senate bill contained a provision (sec. 2824) that would transfer the administrative jurisdiction of the Fort Belvoir Mark Center, where the Washington Headquarters Service is located, from the Secretary of the Army to the Secretary of Defense.

The House amendment contained no similar provision.

The House recesses.

Return of certain lands at Fort Wingate to the original inhabitants (sec. 2829F)

The House amendment contained a provision (sec. 7005) that would incorporate the Return of Certain Lands at Fort Wingate to The Original Inhabitants Act into this Act. This Act would require all U.S. interest in and to specified lands of the former Fort Wingate Depot Activity in McKinley County, New Mexico, transferred to the Department of the Interior to be held in trust for: (1) the Zuni Tribe as part of the Zuni Reservation; and (2) the Navajo Nation as part of the Navajo Reservation.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would limit the term of the utility easements.

SUBTITLE D—MILITARY MEMORIALS, MONUMENTS, AND MUSEUMS

Cyber Center for Education and Innovation—Home of the National Cryptological Museum (sec. 2831)

The Senate bill contained a provision (sec. 1673) that would authorize the Secretary of Defense to establish a Cyber Center for Education and Innovation and National Cryptologic Museum at Fort George G. Meade, and to enter into an agreement with a non-profit organization to design, construct, and operate the Center.

The House amendment contained a similar provision (sec. 2851).

The Senate recesses with technical amendment.

Renaming site of the Dayton Aviation Heritage National Historical Park, Ohio (sec. 2832)

The House amendment contained a provision (sec. 2852) that would modify the name of the John W. Berry, Sr. Wright Brothers Aviation Center, Dayton, Ohio, to the John W. Berry, Sr. Wright Brothers National Museum, Dayton, Ohio.

The Senate bill contained no similar provision.

The Senate recesses.

Women's military service memorials and museums (sec. 2833)

The Senate bill contained a provision (sec. 340) that would provide permissive authority to the Secretary of Defense to enter into a contract, or contracts, valued at no more than \$5,000,000, with a non-profit organization for the acquisition, installation, and maintenance of exhibits, facilities, historical displays, and programs at military service memorials and museums that highlight the role of women in the military.

The House amendment contained a similar provision (sec. 2853).

The House recesses.

The conferees note the important role of women in the military history of the United States and directs the Secretary of Defense to notify the congressional defense committees upon funding being used to honor the service and sacrifice of these women.

Petersburg National Battlefield boundary modification (sec. 2834)

The House amendment contained a provision (sec. 2854) that would authorize the Secretary of the Interior to acquire the land and interest in land, only from willing sellers and without use of condemnation, to expand the boundary of the Petersburg National Battlefield. This section would also authorize a land swap of approximately 1.170-acres between the Secretary of the Interior and the Secretary of the Army.

The Senate bill contained no similar provision.

The Senate recesses with a technical amendment.

SUBTITLE E—DESIGNATIONS AND OTHER MATTERS

Designation of portion of Moffett Federal Airfield, California, as Moffett Air National Guard Base (sec. 2841)

The House amendment contained a provision (sec. 2861) that would designate the 111-acre cantonment area at Moffett Federal Airfield, California, utilized by the California Air National Guard as "Moffett Air National Guard Base."

The Senate bill contained no similar provision.

The Senate recedes.

Redesignation of Mike O'Callaghan Federal Medical Center (sec. 2842)

The House amendment contained a provision (sec. 2862) that would rename the Mike O'Callaghan Federal Medical Center to the Mike O'Callaghan Military Medical Center by amending the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201), as amended by section 8135(a) of the Department of Defense Appropriations Act, 1997 (section 101(b) of division A of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104-208), and as amended by section 2862 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81).

The Senate bill contained no similar provision.

The Senate recedes.

Replenishment of Sierra Vista subwatershed regional aquifer, Arizona (sec. 2843)

The Senate bill contained a provision that would allow the Secretary of the Army or the Secretary of the Interior to enter into a cooperative agreement with the Cochise Conservation Recharge Network, Arizona, in support of efforts to replenish the regional aquifer identified under Section 321(g) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136).

The House amendment contained no similar provision.

The House recedes.

Limited exceptions to restriction on development of public infrastructure in connection with realignment of Marine Corps forces in Asia-Pacific region (sec. 2844)

The House amendment contained a provision (sec. 2821) that would amend restrictions placed on the development of civilian infrastructure on Guam to support the realignment of Marine Corps Forces in the Asia-Pacific region to allow the use of funds for infrastructure projects that are identified in the report of the Economic Adjustment Committee required by section

2822(d) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66).

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would lift the restriction for the cultural repository facility where artifacts discovered during military construction projects would be stored.

Permanent withdrawal or transfer of administrative jurisdiction of public land, Naval Air Weapons Station China Lake, California (sec. 2845)

The House amendment contained a provision (sec. 2842) that would amend section 2979 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66) to make permanent or authorize transfer of administrative jurisdiction of the public land withdrawal for Naval Air Weapons China Lake, California.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would provide for a 50 year withdrawal of the land.

LEGISLATIVE PROVISIONS NOT ADOPTED

Sense of Congress on maximizing number of veterans employed on military construction projects

The House amendment contained a provision (sec. 2807) that would express the sense of Congress that the Department of Defense should seek ways to employ veterans on military construction projects.

The Senate bill contained no similar provision.

The House recedes.

Authority of the Secretary concerned to accept lessee improvements at Government-owned/contractor-operated industrial plants or facilities

The Senate bill contained a provision (sec. 2812) that would amend section 2535 of title 10, United States Code, to allow a service secretary to accept facility improvements of the leased plant or facility if necessary for the development or production of military weapon systems, munitions, components, or supplies. Upon completion of the improvement the Department of Defense would assume ownership.

The House amendment contained no similar provision.

The Senate recedes.

Treatment of insured depository institutions operating on land leased from military installations

The Senate bill contained a provision (sec. 2813) that would amend section 2667 of title 10, United States Code, to authorize the Secretary concerned to treat all Federal or State chartered insured depository institutions to be treated equally with regard to certain financial arrangements.

The House amendment contained no similar provision.

The Senate recesses.

Sense of Congress regarding need to consult with State and local officials prior to acquisitions of real property

The House amendment contained a provision (sec. 2814) that would express the sense of Congress regarding the need for the Department of Defense to consult with state and local officials prior to acquisitions of real property.

The Senate bill contained no similar provision.

The House recesses.

Improved process for disposal of Department of Defense surplus real property located overseas

The House amendment contained a provision (sec. 2817) that would amend section 2687a of title 10, United States Code, to require the Secretary of Defense to establish a process for foreign governments to petition to transfer surplus real estate property in the foreign country.

The Senate bill contained no similar provision.

The House recesses.

Prohibition on transfer of administrative jurisdiction, portion of Organ Mountains Area, Fillmore Canyon, New Mexico

The House amendment contained a provision (sec. 2839B) that would prohibit the Secretary of Defense from transferring the administrative jurisdiction over the parcel of Federal land depicted as "Parcel D" on the map entitled "Organ Mountains Area - Fillmore Canyon" and dated April 19, 2016 from the Department of Defense to the Secretary of the Interior.

The Senate bill contained no similar provision.

The House recesses.

Bureau of Land Management withdrawn military lands under Military Lands Withdrawal Act of 1999

The House amendment contained a provision (sec. 2841) that would extend the public lands withdrawn for military purposes listed in the Military Lands Withdrawal Act of 1999 (title 30 of Public Law 106-65) until the Secretary of a military department determines a military purpose does not exist, or the Secretary of Interior permanently transfers the administrative jurisdiction to the Secretary of the military department concerned.

The Senate bill contained no similar provision.

The House recesses.

Certification of optimal location for 4th and 5th generation combat aircraft basing and for rotation of forces at Naval Air Station El Centro or Marine Corps Air Station Kaneohe Bay

The Senate bill contained a provision (sec. 2851) that would prohibit the expenditure of any funds for the construction of hangars, housing, maintenance or related facilities to support any current or future F/A-18 or F-35 squadrons at Naval Air Station Lemoore until an analysis of operational requirements confirms that Naval Air Station Lemoore is the optimal location for those squadrons.

The House amendment contained no similar provision.

The Senate recesses.

Amendments to the National Historic Preservation Act

The House amendment contained a provision (sec. 2855) that would prohibit the designation of Federal property as a National Historic Landmark or for nomination to the World Heritage List if the head of the agency managing the Federal property objects to such inclusion or designation for reasons of national security. This section would also authorize the expedited removal of Federal property listed on the National Register of Historic Places if the managing agency of that Federal property submits a request to the Secretary of Interior for such removal for reasons of national security.

The Senate bill contained no similar provision.

The House recesses.

Recognition of the National Museum of World War II Aviation

The House amendment contained a provision (sec. 2856) that would require a certification by the Secretary of the Air Force, Secretary of the Navy, and Secretary of the Army to allow recognition of the National Museum of World War II Aviation in

Colorado Springs, Colorado, as America's National World War II Aviation Museum.

The Senate bill contained no similar provision.

The House recesses.

Battleship preservation grant program

The House amendment contained a provision (sec. 2857) that would create a grant program for the Department of the Interior for the preservation of United States' most historic battleships.

The Senate bill contained no similar provision.

The House recesses.

Implementation of lesser prairie-chicken range-wide conservation plan and other conservation measures

The House amendment contained a provision (sec. 2865) that would prohibit the Secretary of Interior from treating the Lesser Prairie Chicken as a threatened or endangered species under the Endangered Species Act of 1973 before December 31, 2022.

The Senate bill contained no similar provision.

The House recesses.

Transfer of certain items of the Omar Bradley Foundation to the descendants of General Omar Bradley

The House amendment contained a provision (sec. 2863) that would authorize the transfer of certain items of the Omar Bradley estate under the control of the Omar Bradley Foundation to the descendants of General Omar Bradley.

The Senate bill contained no similar provision.

The House recesses.

Protection and recovery of Greater Sage Grouse

The House amendment contained a provision (sec. 2864) would delay any finding by the Secretary of the Interior with respect to the Greater Sage Grouse under clause (i), (ii), or (iii) of section 4(b)(3)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b) (3) (B)) through September 30, 2025. In an effort to foster greater coordination between the States and the Federal Government regarding management plans for the Greater Sage Grouse, this section would prohibit the Secretary of the Interior and the Secretary of Agriculture from amending

any Federal resource management plan applicable to Federal lands in a State in which the Governor of the State has notified the Secretaries concerned that the State has a State management plan in place. Lastly, this section would also require the Secretary of the Interior and the Secretary of Agriculture to jointly submit an annual report to the Committee on Natural Resources of the House of Representatives through 2026 on the effectiveness of the systems to monitor the status of Greater Sage Grouse on Federal lands under their jurisdiction.

The Senate bill contained no similar provision.

The House recesses.

Removal of endangered species status for American burying beetle

The House amendment contained a provision (sec. 2866) would remove the endangered species status for the American Burying Beetle.

The Senate bill contained no similar provision.

The House recesses.

Report on documentation for acquisition of certain properties along Columbia River, Washington, by Corps of Engineers

The House amendment contained a provision (sec. 2867) that would require a report from the Secretary of the Army on the process by which the Corps of Engineers acquired certain properties along the Columbia River in Washington.

The Senate bill contained no similar provision.

The House recesses.

The conferees direct the Secretary of the Army to provide a report to the congressional defense committees by March 1, 2017 on the process by which the Corps of Engineers acquired certain properties along the Columbia River in Washington as described in paragraph (2) of section 501(i) of the Water Resources Development Act of 1996 (Public Law 104-303; 110 Stat. 3752), and shall include in the report the specific legal documentation pursuant to which the properties were acquired.

**TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS
MILITARY CONSTRUCTION**

Authorized Navy construction and land acquisition projects (sec. 2901)

The Senate bill contained a provision (sec. 2901) that would authorize Navy and Marine Corps military construction

projects for fiscal year 2017 for overseas contingency operations. The authorized amounts are listed on an installation-by-installation basis.

The House amendment contained an identical provision (sec. 2901).

The conference agreement includes this provision.

Authorized Air Force construction and land acquisition projects (sec. 2902)

The Senate bill contained a provision (sec. 2902) that would authorize Air Force military construction projects for fiscal year 2017 for overseas contingency operations. The authorized amounts are listed on an installation-by-installation basis.

The House amendment contained an identical provision (sec. 2902).

The conference agreement includes this provision.

Authorization of appropriations (sec. 2903)

The Senate bill contained a provision (sec. 2903) that would authorize appropriations for military construction for the specified projects in the overseas contingency operations account for fiscal year 2017.

The House amendment contained a similar provision (sec. 2903).

The Senate recesses.

TITLE XXX—UTAH TEST AND TRAINING RANGE AND RELATED MATTERS

SUBTITLE A—AUTHORIZATION FOR TEMPORARY CLOSURE OF CERTAIN PUBLIC LAND ADJACENT TO THE UTAH TEST AND TRAINING RANGE

Definitions (sec. 3001)

The Senate bill contained a provision (sec. 2832) that would define the terms Exchange Map, Federal Land, Non-Federal Land, Secretary, and State.

The House amendment contained a similar provision (sec. 3001).

The House recesses with a technical edit.

Memorandum of agreement (sec. 3002)

The Senate bill contained a provision (sec. 2833) that would require the Secretary of the Air Force and the Secretary of the Interior to enter into a memorandum of agreement that authorizes the Secretary of the Air Force, in consultation with the Secretary of the Interior, to impose limited closures of specific Bureau of Land Management land for military operations and national security and public safety purposes at the Utah Test and Training Range.

The House amendment contained a similar provision (sec. 3011).

The House recedes with a technical edit.

Temporary closures (sec. 3003)

The Senate bill contained a provision (sec. 2834) that would allow the Secretary of the Air Force, in consultation with the Secretary of the Interior, to determine necessary temporary closures related to the military operations, public safety, or national security.

The House amendment contained a similar provision (sec. 3012).

The House recedes with a technical edit.

Liability (sec. 3004)

The Senate bill contained a provision (sec. 2835) that would hold harmless the United States, including all departments, agencies, officers, and employees and not be liable for any injury or damage to any individual or property suffered in the course of any mining, mineral, or geothermal activity, or any other authorized non defense-related activity conduction on BLM Land.

The House amendment contained an identical provision (sec. 3014).

The conference agreement includes this provision.

Community resource advisory group (sec. 3005)

The Senate bill contained a provision (sec. 2836) that would require the establishment of the Utah Test and Training Range Community Relations Advisory Group not later than 90 days after enactment of this Act.

The House amendment contained a similar provision (sec. 3013).

The House recedes with an amendment to change the termination period for the advisory group from 10 to 7 years, and authorize the group, acting jointly with Secretary of Interior, to elect to terminate the group earlier.

Savings clauses (sec. 3006)

The Senate bill contained a provision (sec. 2837) that would outline the limitations of this act on current agreements.

The House amendment contained a similar provision (sec. 3015).

The House recedes.

SUBTITLE B—BUREAU OF LAND MANAGEMENT LAND EXCHANGE WITH STATE OF UTAH

Definitions (sec. 3011)

The Senate bill contained a provision (sec. 2841) that would provide for definitions for BLM Land, Secretary of the Interior, the State of Utah, and the Utah Test and Training Range.

The House amendment contained a similar provision (sec. 3022).

The House recedes with a technical edit.

Exchange of Federal land and non-Federal land (sec. 3012)

The Senate bill contained a provision (sec. 2842) that would outline the manner in which the exchange of federal land and non-federal land would take place.

The House amendment contained a similar provision (sec. 3023).

The House recedes.

Status and management of non-Federal land acquired by the United States (sec. 3013)

The Senate bill contained a provision (sec. 2843) that would stipulate the management of non-federal land acquired by the United States.

The House amendment contained a similar provision (sec. 3024).

The House recedes.

Hazardous substances (sec. 3014)

The Senate bill contained a provision (sec. 2844) that would stipulate the responsible party for any costs related to the cleanup of hazardous materials.

The House amendment contained a similar provision (sec. 3025).

The House recesses with a technical edit.

LEGISLATIVE PROVISIONS NOT ADOPTED

Short title

The Senate bill contained a provision (sec. 2831) that would allow for the section to be cited as the "Utah Test and Training Range Encroachment Prevention and Temporary Closure Act."

The House amendment contained no similar provision.

The Senate recesses.

Findings and purpose

The House amendment contained a provision (sec. 3021) that would state the key findings and define the purpose for the Land Exchange of certain Federal land and non-Federal land between the United States and the State of Utah.

The Senate bill contained no similar provision.

The House recesses.

Recognition and transfer of certain highway rights-of-way

The House amendment contained a provision (sec. 3031) that would recognize the existence and validity of certain highway rights-of-way and authorize the Secretary with administrative jurisdiction to convey, without consideration, to certain counties and the State of Utah as joint tenants, easements for motorized travel rights-of-way across Federal land for all highways as shown and described in the official transportation maps, but excludes any class D road located within the boundaries of Cedar Mountain Wilderness Area or any wilderness study area designated in law or by administrative action in any of the counties.

The Senate bill contained no similar provision.

The House recesses.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SUBTITLE A—NATIONAL SECURITY PROGRAMS AUTHORIZATIONS

National Nuclear Security Administration (sec. 3101)

The Senate bill contained a provision (sec. 3101) that would authorize a total of \$12.9 billion for the Department of Energy in fiscal year 2017 for the National Nuclear Security Administration to carry out programs necessary to national security.

The House amendment contained a similar provision (sec. 3101) that would authorize appropriations for the National Nuclear Security Administration for fiscal year 2017 and would also authorize new plant projects for the National Nuclear Security Administration.

The Senate recesses.

The Department of Energy's (DOE) National Nuclear Security Administration (NNSA) is pursuing a revised strategy for its Chemistry and Metallurgy Research Replacement (CMRR) project after spending \$500.0 million on the design of the original project and cancelling the Nuclear Facility subproject in 2014. The revised project, which is now broken down into 4 subprojects, includes renovating two existing facilities, the RLUOB and the PF-4 facility, at NNSA's Los Alamos site and installing plutonium research equipment in those facilities to support NNSA's plutonium pit production and defense plutonium work in the near term. NNSA is also studying the possibility that, in the future, it may need to expand the capacity for plutonium chemistry and research beyond that provided by the 4 subprojects. In addition, NNSA is looking at a modular approach of constructing one or more identical buildings to support future plutonium pit manufacturing requirements beyond what can be currently produced in PF-4. In accordance with DOE Order 413.3B and the Secretary's guidance on project management, NNSA

is currently conducting an analysis of alternatives for the proposed modular approach.

The conferees are pleased that NNSA has adopted a strategy that maximizes the space within existing facilities to the greatest extent practicable while continuing to examine options to support future work. However, while the conferees recognize the complexity and importance of the CMRR project and defense-related plutonium activities in general, the conferees remain concerned that NNSA has not adequately estimated the cost and schedule, nor properly specified project requirements, for either the CMRR project or the proposed modular approach to ensure that the two projects together will provide the capabilities needed to support NNSA's plutonium strategy, including legislatively directed pit production levels.

To enable the conferees to monitor any future cost increases and schedule delays associated with these projects, the conferees direct NNSA to brief the congressional defense committees, no later than October 1, 2017, on the status of its actions taken to address the recommendations contained within a recent Government Accountability Office report numbered GAO-16-585 and titled "DOE Project Management: NNSA Needs to Clarify Requirements for Its Plutonium Analysis Project at Los Alamos". This briefing should be accompanied by a written briefing document.

This briefing should clarify the relationship between the requirements for the CMRR project and the proposed modular approach and NNSA's plutonium strategy. The briefing should identify any gaps between the capabilities these projects will deliver and the requirements of the plutonium strategy and provide information on NNSA plans to address any such gaps. The briefing should also address the degree to which these projects can provide plutonium capabilities to support other DOE activities outside of the Office of Defense Programs. Finally, the briefing should provide an update on the analysis of alternatives for the proposed modular approach, including the specific requirements identified, the analysis conducted for each alternative identified, and the proposed path forward, if known.

Defense environmental cleanup (sec. 3102)

The Senate bill contained a provision (sec. 3102) that would authorize appropriations for defense environmental cleanup activities for fiscal year 2017.

The House amendment contained a similar provision (sec. 3102).

The Senate recesses.

Other defense activities (sec. 3103)

The Senate bill contained a provision (sec. 3103) that would authorize appropriations for other defense activities for the Department of Energy for fiscal year 2017.

The House amendment contained an identical provision (sec. 3103).

The conference agreement includes this provision.

Nuclear energy (sec. 3104)

The Senate bill contained a provision (sec. 3104) that would authorize appropriations for certain nuclear energy programs for the Department of Energy for fiscal year 2017.

The House amendment contained an identical provision (sec. 3104).

The conference agreement includes this provision.

SUBTITLE B—PROGRAM AUTHORIZATIONS, RESTRICTIONS, AND LIMITATIONS

Independent acquisition project reviews of capital assets acquisition projects (sec. 3111)

The House amendment contained a provision (sec. 3111) that would ensure that an independent entity conducts reviews of each capital asset acquisition project as the project moves toward the approval of each critical decision, 0, 1 and 2 in the acquisition process.

The Senate bill contained no similar provision.

The Senate recedes.

Protection of certain nuclear facilities and assets from unmanned aircraft (sec. 3112)

The House amendment contained a provision (sec. 3119C) that would authorize the Secretary of Energy to take actions that are necessary to mitigate the threat of an unmanned aircraft system or unmanned aircraft that poses an imminent threat to the safety or security of a covered facility or asset that is identified by the Secretary of Energy, is located in the United States, and is owned by the United States, or contracted to the United States, to store or use special nuclear material.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would authorize the Secretary, notwithstanding title 18 of the United States Code, to take actions that are necessary to mitigate the threat (as defined by the Secretary of Energy, in consultation with the Secretary of Transportation) that an unmanned aircraft system or unmanned aircraft poses to the safety or security of a covered facility or asset. The amendment would also clarify the actions that would be authorized.

Common financial reporting system for the nuclear security enterprise (sec. 3113)

The Senate Bill contained a provision (sec. 3111) that would require the Administrator of the National Nuclear Security Administration (NNSA) to complete implementation of a common financial system for the nuclear security enterprise no later than 3 years after the date of enactment of this Act.

The House amendment contained no similar provision. The House recesses with an amendment that would adjust the timeline for implementation to four years; require the Administrator to work in consultation with NNSA Council; clarify that implementation of a common system should be to the extent practicable; that such system should be for common financial reporting system rather than a common financial system; while leveraging CAPE where appropriate; and ensure the reports required on progress of implementation include discussion of benefits, costs and challenges related to implementation.

The conferees note that the intention of this provision is not to enforce a single financial accounting system upon the various management and operating contractors of the nuclear security enterprise. Instead, this provision seeks, to the extent practicable, commonality and consistency in the way the contractors report data up to NNSA to better enable NNSA to manage and track programs across the enterprise.

Rough estimate of total life cycle cost of tank waste cleanup at Hanford Nuclear Reservation (sec. 3114)

The Senate bill contained a provision (sec. 3121) that would require Department of Energy's Office of Environmental Management to provide a rough order-of-magnitude estimate of the total lifecycle cost of the Waste Treatment and Immobilization Plant (WTP) project and tank waste management and treatment operations.

The House amendment contained no similar provision.

The House recesses with an amendment that would make technical corrections to the life cycle cost estimation dates as

well as changing life-cycle cost to a rough estimation of life cycle cost.

Annual certification of shipments to Waste Isolation Pilot Plant (sec. 3115)

The House amendment contained a provision (sec. 3119) that would require the Secretary of Energy to certify to the congressional defense committees that the covered contractors are aware of the contents of each container shipped to the Waste Isolation Pilot Plant and that the Administrator is aware of the contents of each container shipped to the Waste Isolation Pilot Plant.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would make technical corrections. The conferees note that the certification includes the WIPP Waste Acceptance Criteria as well as pertinent regulatory requirements for transportation, which are consistent with Waste Isolation Pilot Plant Land Withdrawal Act, P.L. 102-579, as amended.

Disposition of weapons-usable plutonium (sec. 3116)

The Senate bill contained a provision (sec. 3114) that would require the Secretary of Energy to enter into an arrangement with the Chief of Engineers to act as an owner's agent for the Secretary with respect to the MOX facility. The Chief would assess the MOX facility contract and report to the Secretary on recommended contract changes to reduce risk and cost to the Department of Energy.

The House amendment contained a provision (sec. 3113) that would direct the Secretary of Energy to carry out construction and project support activities relating to the MOX facility. The Secretary would be able to waive this requirement if certain conditions are satisfied.

The House recedes with an amendment that makes certain technical and conforming amendments to the Senate provision and that directs the Secretary of Energy to carry out construction and project support activities relating to the MOX facility.

Design basis threat (sec. 3117)

The House amendment contained a provision (sec. 3114) that would require the Secretary of Energy to update Department of Energy Order 470.3 billion relating to the design basis threat for protecting nuclear weapons, special nuclear material, and

other critical assets in the custody of the Department of Energy.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would modify the due date to 30 days after the date of enactment of this act.

Industry best practices in operations at National Nuclear Security Administration facilities and sites (sec. 3118)

The Senate bill contained a provision (sec. 3112) that would require the National Nuclear Security Administration to review how to implement industry best practices at its sites consistent with maintaining or reducing risks and preserving and protecting health, safety, and security.

The House amendment contained no similar provision.

The House recedes with an amendment that would include improving mission performance and effectiveness in the purposes of the committee established by this section; modify the termination date for the committee to 2021; and make other technical conforming changes. The conferees note that industry best practices may not always be applicable, especially in the case of high-hazard and nuclear operations, and do not intend any changes that would reduce or undermine health, safety or security at National Nuclear Security Administration sites.

Pilot program on unavailability for overhead costs of amounts specified for laboratory-directed research and development (sec. 3119)

The Senate bill contained a provision (sec. 3115) that would remove the overhead burden on National Nuclear Security Administration (NNSA) laboratories for Laboratory Directed Research and Development (LDRD).

The House amendment contained a similar provision (sec. 3119B) that would express the Sense of Congress that the Secretary of Energy should ensure that each laboratory operating contractor or plant or site manager of a NNSA facility adopt generally accepted and consistent accounting practices for laboratory, plant, or site directed research and development.

The House recedes with an amendment that would create a 3-year pilot program for the exemption of LDRD at national security laboratories from overhead changes and require the Administrator to submit a report to the congressional defense committees before the end of the pilot program that assesses the costs, benefits, risks, and other effects of the pilot program.

Research and development of advanced naval nuclear fuel system based on low-enriched uranium (sec. 3120)

The House amendment contained a provision (sec. 3112) that would prohibit authorized funds to be appropriated for the Department of Energy to plan or carry out research and development of an advanced naval nuclear fuel system based on low-enriched uranium.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that makes technical and conforming changes.

Increase in certain limitations applicable to funds for conceptual and construction design of the Department of Energy (sec. 3121)

The Senate bill contained a provision (sec. 3116) that would update older statutory ceilings for construction design that require authorization.

The House amendment contained no similar provision.

The House recedes.

Prohibition on availability of funds for programs in Russian Federation (sec. 3122)

The House amendment contained a provision (sec. 3115) that would prohibit funding to enter into a contract with, or otherwise provide assistance to, the Russian Federation.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would adjust the Secretary of Energy waiver for urgent circumstances and include an exception for not more than \$3.0 million that may be spent on the Department of Energy's Russian Health Study Program.

Limitation on availability of funds for Federal salaries and expenses (sec. 3123)

The House amendment contained a provision (sec. 3116) that would require not more than 90 percent of the National Nuclear Security Administration defense related Federal salaries may be obligated or expended until the date on which the Secretary of Energy submits to the congressional defense committees and the congressional intelligence committees an updated plan on the designing and building of prototypes of nuclear weapons, and a description of the determination of the Secretary with respect

to the manner in which the designing and building of prototypes of nuclear weapons is carried out under such an updated plan.

The Senate bill contained no similar provision.

The Senate recedes with an amendment containing technical conforming changes as well as clarifying the definition of congressional intelligence committees.

Limitation on availability of funds for defense environmental cleanup program direction (sec. 3124)

The House amendment contained a provision (sec. 3117) that would require no more than 90 percent of funds authorized to be appropriated for defense environmental cleanup for program direction may be expended until the Secretary of Energy submits to Congress the future-years defense environmental cleanup plan.

The Senate bill contained no similar provision.

The Senate recedes.

Limitation on availability of funds for acceleration of nuclear weapons dismantlement (sec. 3125)

The Senate bill contained a provision (sec. 3113) that would limit the rate at which the National Nuclear Security Agency is authorized to dismantle weapons to the schedule and funding profile put forth in the fiscal year 2016 stockpile stewardship and management plan but which provided for an exception if the budget request included a certain amount of funding for nuclear weapons modernization.

The House amendment contained a similar provision (sec. 3118) that would limit funding to be obligated or expended in fiscal years 2017 to 2021 to carry out the nuclear weapons dismantlement and disposition activities of the National Nuclear Security Administration.

The Senate recedes with an amendment that would strike the prohibition on the dismantlement of the W84 warhead.

SUBTITLE C—PLANS AND REPORTS

Independent assessment of technology development under defense environmental cleanup program (sec. 3131)

The House amendment contained a provision (sec. 3124) that would require the Secretary of Energy, in association with the National Academy of Sciences, to conduct an independent assessment of the technology development efforts of the defense environmental cleanup program at the Department of Energy.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would change the due date of the assessment to 18 months after the date of enactment.

Updated plan for verification and monitoring of proliferation of nuclear weapons and fissile material (sec. 3132)

The House amendment contained a provision (sec. 3125) that would require the President to submit to the appropriate congressional committees, a comprehensive and detailed update to the plan developed under section 3133(a) of the Carl Levin and Howard P. "Buck" McKeon national Defense Authorization Act for Fiscal Year 2015.

The Senate bill contained no similar provision.

The Senate recedes.

Report on the use of highly-enriched uranium for naval reactors (sec. 3133)

The House amendment contained a provision (sec. 3126) that would require the Secretary of Defense, the Secretary of Energy, and the Secretary of State to provide a briefing to the appropriate congressional committees on the feasibility and potential benefits of a dialogue between the United States and France on the use of low-enriched uranium in naval reactors.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require a report by the Director of National Intelligence on various matters related to the impact of using low-enriched uranium in naval reactor fuel. The conferees do not intend this provision to indicate concurrence with all aspects of the proposal contained in the Naval Reactors report dated July 2016, and do not intend to indicate a presumption of whether or how such a program should be implemented. In addition, the conferees note that the Secretary of the Navy and the Secretary of Energy have not yet submitted to the defense committees their determination as to whether the United States should continue to pursue such a program.

Analysis of approaches for supplemental treatment of low-activity waste at Hanford Nuclear Reservation (sec. 3134)

The Senate bill contained a provision (sec. 3122) that would require the Secretary of Energy to enter into an agreement with a federally funded research and development center (FFRDC)

to conduct an analysis of supplemental waste treatment options at the Hanford site.

The House amendment contained no similar provision.

The House recesses with an amendment that would require the review of the National Academies of Science, Engineering, and Medicine to provide an opportunity for public comment, with sufficient notice, to inform and improve the quality of the review. In addition, the briefings on progress to be made to the congressional defense committees every 180 days shall terminate upon submission of the materials required in subsection (f) paragraph (2). The National Academies shall provide to the State of Washington both the analysis and the review in draft form, with an opportunity to comment on them for a period of not less than 60 days, and comments of the State of Washington shall be included in the Secretary's submission to the congressional defense committees of the analysis, review, and Secretary's comments. This section shall not conflict with or impair the obligation of the Secretary to comply with the amended consent decree in *Washington v. Moniz*, No. 2:08-CV-5085-RMP (E.D. Wash.) or the Hanford Federal Facility Agreement and Consent Order, nor shall this section conflict with or impair the regulatory authority of the State of Washington under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) and any corresponding State law. The amendment removes the requirement of a specific analytical approach. However, the conferees note that section 3161 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) directs the use of national international standards and nuclear industry best practices, including probabilistic or quantitative risk assessment if sufficient data exist, while maintaining adequate health and safety protection, at facilities of the Office of Environmental Management of the Department of Energy. The conferees therefore expect that, to the extent practicable and appropriate, the analysis shall be conducted using state-of-the-art risk assessment practices such as probabilistic risk assessment.

Clarification of annual report and certification on status of security of atomic energy defense facilities (sec. 3135)

The House amendment contained a provision (sec. 3121) that would clarify Section 4506(b)(1)(B) of the Atomic Energy Defense Act that such facilities are secure and that the security measures at such facilities meet the security standards and requirements of the Department of Energy.

The Senate bill contained no similar provision.

The Senate recesses.

Report on service support contracts and authority for appointment of certain personnel (sec. 3136)

The House amendment contained a provision (sec. 3122) that would add to the annual reporting requirements, the cost of the contract and identification of the program or program direction accounts that support the contract.

The Senate bill contained no similar provision.

The Senate recesses with an amendment extending Section 4601(c) of the Atomic Energy Defense Act (50 U.S.C.(c)(1)) from September 30, 2016 to September 30, 2020.

Elimination of certain reporting requirements (sec. 3137)

The Senate bill contained a provision (sec. 3125 and 3124) that would repeal a reporting requirement by the Comptroller General as the underlying program has been terminated and eliminate duplicate reviews of the National Nuclear Security Administration's budget.

The House amendment contained a similar provision (sec. 3123).

The House recesses with an amendment that would combine the repeals described in Senate bill sections 3124 and 3125 with the House amendment section 3123; add a subsection (d) that would modify the requirement for a briefing on additive manufacturing technologies contained in section 3139(c) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) and make certain technical and conforming changes.

Report on United States nuclear deterrence (sec. 3138)

The House amendment contained a provision (sec. 3119A) that would limit funds for the Department of Energy and require the Secretary of Energy to submit to the appropriate congressional committees the report entitled "U.S. Nuclear Deterrence in the Coming Decades" no later than 15 days after the date of enactment.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would drop the fence on funding and add that the Secretary may state his views in the cover letter to the report.

LEGISLATIVE PROVISIONS NOT ADOPTED

Analyses of options for disposal of high-level radioactive waste

The Senate bill contained a provision (sec. 3123) that would require the Secretary of Energy to enter into an arrangement with a federally funded research and development center to conduct analyses of options referenced in the Department's October 2014 report. These analyses shall include comprehensive system life cycle cost and schedule estimates conducted using Government Accountability Office (GAO) best practices and covering all phases of work, from site selection and characterization to site closure and monitoring.

The House amendment contained no similar provision.

The Senate recedes, the provision was not adopted.

**TITLE XXXII—DEFENSE NUCLEAR FACILITIES
SAFETY BOARD**

Authorization (sec. 3201)

The Senate bill contained a provision (sec. 3201) that would authorize funding for the Defense Facilities Nuclear Safety Board at \$31.0 million consistent with the budget request.

The House amendment contained an identical provision (sec. 3201).

The conference agreement includes this provision.

**TITLE XXXIII—FEDERAL AVIATION
ADMINISTRATION THIRD CLASS MEDICAL REFORM
AND GENERAL AVIATION PILOT PROTECTIONS**

LEGISLATIVE PROVISIONS NOT ADOPTED

Pilot's Bill of Rights 2

The Senate bill contained a series of provisions (sec. 3301, 3302, 3303, 3304, 3305, 3306, and 3307) that would establish Federal Aviation Administration third class medical reform and general aviation pilot protections, "The Pilots Bill of Rights 2".

The House amendment contained no similar provisions.

The Senate recedes on these provisions.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Authorization of appropriations (sec. 3401)

The House amendment contained a provision (sec. 3401) that would authorize \$14,950,000 for fiscal year 2017 for operation and maintenance of the Naval Petroleum Reserves.

The Senate bill contained no similar provision.
The Senate recesses.

TITLE XXXV—MARITIME MATTERS

**SUBTITLE A—MARITIME ADMINISTRATION, COAST
GUARD, AND SHIPPING MATTERS**

Authorization of the Maritime Administration (sec. 3501)

The House amendment contained a provision (sec. 3501) that would authorize appropriations for the national security aspects of the merchant marine for fiscal year 2017.

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a similar provision (sec. 101).

The Senate recesses with an amendment that would include greater specificity within program authorizations and authorize funding for the National Security Multi-Mission Vessel.

Authority to extend certain age restrictions relating to vessels in the Maritime Security Fleet (sec. 3502)

The House amendment contained a provision (sec. 3503) that would amend section 53102 of title 46, United States Code, to provide authority to the Secretary of Defense, in conjunction with the Secretary of Transportation, to extend the age restriction for vessels in the Maritime Security Fleet by five years if the Secretaries jointly determine it is in the national interest to do so.

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a similar provision (sec. 304).

The Senate recesses.

Corrections to provisions enacted by Coast Guard Authorization Acts (sec. 3503)

The House amendment contained a provision (sec. 3504) that would make technical and conforming corrections to provisions of the Coast Guard Authorization Act of 2015 (Public Law 114-120).

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a similar provision (sec. 503).

The Senate recesses with a technical amendment.

Status of National Defense Reserve Fleet vessels (sec. 3504)

The House amendment contained a provision (sec. 3505) that would clarify that National Defense Reserve Fleet (NDRF) vessels, including the U.S. Maritime Administration's training vessels, are public vessels of the United States. This provision would also clarify that a NDRF vessel remains a "vessel" within the meaning of section 3 of title 1, United States Code, until it is delivered to a dismantling facility.

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a similar provision (sec. 301).

The Senate recesses.

NDRF National Security Multi-Mission Vessel (sec. 3505)

The House amendment contained a provision (sec. 3506) that would authorize the Maritime Administrator to enter into a contract for a National Security Multi-Mission Vessel. The provision would also require the Maritime Administrator to enter into a contract or agreement with the Secretary of the Navy under which the Navy would serve as the general agent for the Maritime Administration for the purposes of the construction of the ship.

The Senate bill and Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained no similar provision.

The Senate recesses with an amendment that would require the Secretary of Transportation, in consultation with the Chief of Naval Operations and the Commandant of the Coast Guard, to ensure the Maritime Administrator has completed the design of the National Security Multi-Mission Vessel that will allow for the start of construction in fiscal year 2018. The amendment would also require the Maritime Administrator to provide for an entity other than the Maritime Administration to contract for the construction of the vessel. The conferees believe that the Maritime Administrator should leverage the ship construction expertise of the Department of the Navy, the Coast Guard or a

commercial operator when contracting for the construction of the vessel.

The conferees direct the Maritime Administrator to submit to the Committees on Armed Services of the House and Senate, the Committee on Commerce, Science and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House the acquisition strategy for the National Security Multi-Mission Vessel concurrent with the budget submission in which the request for construction funding is included. This acquisition strategy shall address each of the elements described in paragraphs 6.a(1) through 6.a(4) of enclosure 2 to Department of Defense Instruction 5000.02.

Superintendent of United States Merchant Marine Academy (sec. 3506)

The House amendment contained a provision (sec. 3507) that would require the Secretary of Transportation to appoint as Superintendent of U.S. Merchant Marine Academy an individual from the senior ranks of the United States merchant marine, maritime industry, or from the retired list of flag-rank Navy or Coast Guard officers who possess significant merchant marine experience.

The Senate bill and Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained no similar provision.

The Senate recedes with amendment that would also allow the appointment of an individual who has served at sea and who has achieved general officer rank in other branches of the Armed Forces or has exemplary educational leadership experience. It also would allow for the selection of the best qualified candidate that may not fully meet all criteria defined in this provision.

Use of National Defense Reserve Fleet scrapping proceeds (sec. 3507)

The House amendment contained a provision (sec. 3508) that would increase the apportionment of National Defense Reserve Fleet (NDRF) scrapping proceeds to the National Maritime Heritage Grant Program.

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 308) that would require the U.S. Maritime Administration to submit an annual report to Congress on the management of NDRF scrapping proceeds and the National Heritage Grant Program and conduct a biennial assessment of the vessel disposal program.

The Senate recedes with an amendment that would combine the House and Senate provisions, better align reporting requirements with agency responsibilities, and reserve a portion of the National Maritime Grant Program apportionment for the U.S. Maritime Administration.

Floating dry docks (sec. 3508)

The House amendment contained a provision (sec. 3509) that would amend section 55122 of title 46, United States Code, to exempt certain floating dry docks from limitations imposed by such section 55122.

The Senate bill contained a similar provision (sec. 3502).
The Senate recedes with a technical amendment.

Transportation worker identification credentials for individuals undergoing separation, discharge, or release from the Armed Forces (sec. 3509)

The Senate bill contained a provision (sec. 564) that would require the Secretary of Defense to consult, and enter into a memorandum of understanding, with the Secretary of Homeland Security to afford a priority in the processing of applications for Transportation Worker Identification Credentials (TWIC) by members of the Armed Forces who are undergoing separation, discharge or release from the Armed forces. The provision would require adjudication of such applications not later than 14 days after the application is submitted, unless an appeal or waiver applies, or if other documentation is required. The priority for separating servicemembers shall commence not later than 180 days after enactment of this Act. The provision also requires a report on the implementation of this provision one year after enactment of this Act.

The House amendment contained a provision (sec. 3510) that would amend section 70105 of title 46, United States Code, to require the Secretary of Homeland Security to provide priority processing of applications from, and to issue TWIC for members of the Armed Forces who are undergoing separation, discharge or release from the Armed forces. The provision would require adjudication of such applications by such transitioning members of the Armed Forces not later than 13 days after the application is submitted, unless an appeal or waiver applies, or if other documentation is required.

The Senate recedes with an amendment that would require adjudication of applications not later than 30 days after the application is submitted, unless an appeal or waiver applies, or

if other documentation is required. The processing deadline would apply to applications for TWIC submitted after the end of the 180 day period beginning on the date of enactment of this Act. The amendment requires the Secretary of Homeland Defense and the Secretary of Defense to enter into a memorandum of understanding within 180 days after the date of enactment of this Act regarding the submission and processing of applications for TWIC by transitioning service members. The amendment also requires a report on the implementation of this provision one year after enactment of this Act.

Actions to address sexual harassment and sexual assault at the United States Merchant Marine Academy (sec. 3510)

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 201) that would set minimum training requirements and comprehensive policies for sexual harassment and sexual assault prevention and response at the United States Merchant Marine Academy. The provision would also expand existing requirements for an annual assessment of sexual assault and harassment policies to include a biennial focus group.

The House amendment contained no similar provision.

The House recedes with an amendment that would add confidentiality procedures to the comprehensive policy requirement.

Sexual assault response coordinators and sexual assault victim advocates (sec. 3511)

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 202) that would require the U.S. Merchant Marine Academy to employ or contract with at least one full-time sexual assault response coordinator, maintain a program for volunteer sexual assault victim advocates, and maintain a 24-hour hotline through which a victim of a sexual assault can receive victim support services.

The House amendment contained no similar provision.

The House recedes with an amendment that would clarify a victim's discretion in selecting a victim advocate and make a conforming change concerning confidentiality requirements.

Report from the Department of Transportation Inspector General (sec. 3512)

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 203) that would require the Department of Transportation Inspector General to submit a report to Congress that describes the effectiveness of the sexual harassment and sexual assault prevention and response program at the U.S. Merchant Marine Academy.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

Sexual assault prevention and response working group (sec. 3513)

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 204) that would require the Maritime Administrator to convene a working group to examine methods to improve the prevention of, and response to, any sexual harassment or sexual assault that occurs during a cadet's Sea Year experience with the U.S. Merchant Marine Academy. This provision would require the working group to submit a report containing actionable recommendations to Congress.

The House amendment contained no similar provision.

The House recedes with amendment that would make technical changes and would separate as a new section a requirement that the Maritime Administrator establish certain criteria for vessel operators to participate in U.S. Merchant Marine Academy Sea Year program.

Sea Year compliance (sec. 3514)

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 204) that would require the Maritime Administrator to convene a working group to examine methods to improve the prevention of, and response to, any sexual harassment or sexual assault that occurs during a cadet's Sea Year experience with the U.S. Merchant Marine Academy. This provision would require the working group to submit a report containing actionable recommendations to Congress.

The House amendment contained no similar provision.

The House recedes with an amendment that would create a new section to require that the Maritime Administrator establish certain criteria for vessel operators to participate in U.S. Merchant Marine Academy Sea Year program. This provision is the new section.

State maritime academy physical standards and reporting (sec. 3515)

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 303) that would require any individual enrolled at a State maritime academy in a merchant marine officer program to meet, throughout enrollment at the academy, the medical and physical requirements required to obtain a mariner's license or merchant mariner documentation.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

Appointments (sec. 3516)

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 305) that would increase from 40 to 50 the number of potential appointments to the U.S. Merchant Marine Academy for individuals the Secretary considers to be of special value, including factors such as prior military experience and whether the individual is the first in their family to attend college.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

Maritime workforce working group (sec. 3517)

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 307) that would require the Secretary of Transportation to convene a working group to assess the pool of citizen mariners necessary to support the United States flag fleet, especially in times of emergency, and report to Congress on the assessment and recommendations for improving the quality of interagency data.

The House amendment contained no similar provision.

The House recedes with an amendment that would add the Committee on Armed Services of the House of Representatives as a report recipient, add the U.S. Navy to the working group, and add a sunset clause.

Maritime extreme weather task force (sec. 3518)

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 309) that would require the Secretary of Transportation to create an extreme weather task force to analyze the impact of

extreme weather events on the maritime environment and to report to Congress on best practices and recommendations.

The House amendment contained no similar provision.

The House recedes with an amendment that would remove the Federal Maritime Commission from the task force and remove the authorization of appropriations.

Workforce plans and onboarding policies (sec. 3519)

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 401) that would require the Maritime Administrator to review and update the U.S. Maritime Administration's workforce and onboarding policies to fully implement competency models for mission-critical occupations, align training programs and systems, and report to Congress on actions taken.

The House amendment contained no similar provision.

The House recedes with amendment that would add the Committee on Armed Services of the House of Representatives as a report recipient.

Drug and alcohol policy (sec. 3520)

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 402) that would require the Maritime Administrator to ensure that all fleet managers have received applicable training on the Department of Transportation's drug and alcohol policy, institute a system for tracking all drug and alcohol policy training in a standardized repository, and report to Congress on actions taken.

The House amendment contained no similar provision.

The House recedes with an amendment that would add the Committee on Armed Services of the House of Representatives as a report recipient.

Vessel transfers (sec. 3521)

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 403) that would require the Maritime Administrator to submit a report to Congress that describes the policies and procedures for vessel transfer at the U.S. Maritime Administration, including updated Vessel Transfer Office procedures to process vessel transfer applications.

The House amendment contained no similar provision.

The House recedes with an amendment that would add the Committee on Armed Services of the House of Representatives as a report recipient.

Clarifying amendment; continuation boards (sec. 3522)

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 501) that would make a clarifying amendment concerning the continuation board convened for the U.S. Coast Guard.

The House amendment contained no similar provision.
The House recedes.

Polar icebreaker recapitalization plan (sec. 3523)

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 603) that would require the Secretary of Homeland Security, in consultation with the Secretary of the Navy, to submit to Congress a detailed recapitalization plan that meets the 2013 Department of Homeland Security Mission Need Statement.

The House amendment contained no similar provision.
The House recedes with a technical amendment.

GAO report on icebreaking capability in the United States (sec. 3524)

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 604) that would require the Comptroller General to submit a report to Congress on the current state of the United States Federal icebreaking fleet, including analysis of the icebreaking assets and gaps in icebreaking capabilities.

The House amendment contained no similar provision.

The House recedes with amendment that would define the appropriate report recipients and would clarify the applicability of the report to all icebreaking assets.

SUBTITLE B—PRIBILOF ISLANDS TRANSITION COMPLETION

Pribilof Islands Transition Completion (secs. 3531-3533)

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 504) that would require the U.S. Coast Guard to report to

Congress on the Coast Guard's use of certain tracts of land on St. Paul Island, planned use of those tracts of land, and planned use of other facilities on St. Paul Island.

The House amendment contained no similar provision.

The House recedes with an amendment that would make changes to Coast Guard access to certain specified tracts of land.

SUBTITLE C—SEXUAL HARASSMENT AND ASSAULT PREVENTION AT THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Actions to address sexual harassment at National Oceanic and Atmospheric Administration (sec. 3541)

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 711) that would require the Secretary of Commerce to develop a policy on the prevention and response to sexual harassment involving NOAA employees, NOAA Corps members, and all individuals who work with or conduct business on behalf of the Administration. The Administration would also be required to create a process for after-hours reporting and ensure that Equal Employment Opportunity personnel are distributed in each region of operations and at the marine and aviation centers.

The House amendment contained no similar provision.

The House recedes with an amendment that would reduce the number of personnel required to implement this section.

Actions to address sexual assault at National Oceanic and Atmospheric Administration (sec. 3542)

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 712) that would require the Secretary of Commerce to develop a policy on the prevention and response to sexual assault involving NOAA employees, NOAA Corps members, and all individuals who work with or conduct business on behalf of the Administration (wage mariners, scientists, students, interns, volunteers, etc.). The Secretary would be required to establish victim advocates and create a process for 24-hour reporting.

The House amendment contained no similar provision.

The House recedes with an amendment that would reduce the number of personnel required to implement this section.

Rights of the victim of a sexual assault (sec. 3543)

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 713) that would provide the victim of a sexual assault the right to be reasonably protected from the accused.

The House amendment contained no similar provision.
The House recesses.

Change of station (sec. 3544)

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 714) that would require timely consideration of a unit transfer or work location change to accommodate the victim of a sexual assault.

The House amendment contained no similar provision.
The House recesses.

Applicability of policies to crews of vessels secured by National Oceanic and Atmospheric Administration under contract (sec. 3545)

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 715) that would require any contract into which the NOAA enters for use of a vessel (ship, small boat, aircraft) to include as a condition that any personnel attached to the vessel are subject to the policies developed under section 711(a) and 712(a) of S.2829.

The House amendment contained no similar provision.
The House recesses.

Annual report on sexual assaults in the National Oceanic and Atmospheric Administration (sec. 3546)

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 716) that would require the Secretary of Commerce to submit an annual report to Congress that includes the number of sexual assaults, a synopsis of each case, and the disciplinary actions taken.

The House amendment contained no similar provision.
The House recesses.

Sexual assault defined (sec. 3547)

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 717) that would define the term "sexual assault".

The House amendment contained no similar provision.
The House recesses.

LEGISLATIVE PROVISIONS NOT ADOPTED

Short title

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 1) that would allow the bill to be cited as the "Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017."

The House amendment contained no similar provision.
The Senate recesses.

Maritime Administration authorization request

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 102) that would require the U.S. Maritime Administration to submit an authorization request to Congress within 30 days of the date the President's budget is submitted to Congress.

The House amendment contained no similar provision.
The Senate recesses.

Port infrastructure development

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 302) that would allow the Maritime Administrator to use not more than three percent of port infrastructure development program funds for administrative expenses of the program.

The House amendment contained no similar provision.
The Senate recesses.

High-speed craft classification services

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 306) that would allow the Secretary of the Navy to select, under certain conditions, a classification society recognized and authorized by the Secretary to provide a classification for high-speed craft.

The House amendment contained no similar provision.

The Senate recesses.

Short title

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 601) that would allow the title to be cited as the "Polar Icebreaker Fleet Recapitalization Transparency Act."

The House amendment contained no similar provision.

The Senate recesses.

Definitions

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 602) that would define certain terms in the "Polar Icebreaker Fleet Recapitalization Transparency Act."

The House amendment contained no similar provision.

The Senate recesses.

Short title

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 701) that would allow the title to be cited as the "National Oceanic and Atmospheric Administration Sexual Harassment and Assault Prevention Act".

The House amendment contained no similar provision.

The Senate recesses.

Reauthorization of Hydrographic Services Improvement Act of 1998

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 771) that would reauthorize the Hydrographic Services Improvement Act of 1998.

The House amendment contained no similar provision.

The Senate recesses.

Maritime Administration

The Senate bill contained a provision (sec. 3501) that would re-authorize certain aspects of the Maritime Administration.

The House amendment contained no similar provision.

The Senate recesses.

Authority to make pro rata annual payments under operating agreements for vessels participating in Maritime Security Fleet

The House amendment contained a provision (sec. 3502) that would amend subsection (d) of section 53106 of title 46, United States Code, to permit the Secretary of Transportation to make a pro rata reduction in the amounts paid to vessel owners or operators under operating agreements under chapter 531 of that title if appropriations are insufficient to make full payment of the amounts authorized and agreed to under subsection (a) of section 53106.

The Senate bill and Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained no similar provision.

The House recesses.

Application of law

The House amendment contained a provision (sec. 3512) that would amend section 4301 of title 46, United States Code, to deem, for the purposes of any Federal law except the Federal Water Pollution Control Act, any vessel being repaired or dismantled as a recreational vessel if that vessel shares elements of design and construction of traditional recreational vessels and, when operating, is not normally engaged in a military, commercial, or traditionally commercial undertaking.

The Senate bill and Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained no similar provision.

The House recesses.

Commissioned officer corps of the National Oceanic and Atmospheric Administration

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a subtitle (subtitle B of title VII) that would provide authorities for the commissioned officer corps of the National Oceanic and Atmospheric Administration.

The House amendment contained no similar provisions.

The Senate recesses.

Ballast water

The House amendment contained a title (title XXXVI) that would enact the Vessel Incident Discharge Act.

The Senate bill and Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained no similar provisions.

The House recesses.

DIVISION D—FUNDING TABLES

Authorization of amounts in funding tables (sec. 4001)

The Senate bill contained a provision (sec. 4001) that would provide for the allocation of funds among programs, projects, and activities in accordance with the tables in division D of this Act, subject to reprogramming in accordance with established procedures.

Consistent with the previously expressed views of the committee, the provision would also require that decisions by an agency head to commit, obligate, or expend funds to a specific entity on the basis of such funding tables be based on authorized, transparent, statutory criteria, or merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, and other applicable provisions of law.

The House amendment contained a similar provision (sec. 4001).

The Senate recesses.

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2017

(In Thousands of Dollars)

	FY 2017 Request	Conference Change	Conference Authorized
DISCRETIONARY AUTHORIZATIONS WITHIN THE JURISDICTION OF THE ARMED SERVICES COMMITTEE			
National Defense Funding, Base Budget Request			
Function 051, Department of Defense-Military			
Division A: Department of Defense Authorizations			
Title I—Procurement			
Aircraft Procurement, Army	3,614,787		3,614,787
Missile Procurement, Army	1,519,966	−9,837	1,510,129
Weapons & Tracked Combat Vehicles, Army	2,265,177	85,900	2,351,077
Procurement of Ammunition, Army	1,513,157	1,646	1,514,803
Other Procurement, Army	5,873,949	−38,285	5,835,664
Aircraft Procurement, Navy	14,109,148	−157,372	13,951,776
Weapons Procurement, Navy	3,209,262	−21,772	3,187,490
Procurement of Ammunition, Navy & Marine Corps	664,368	−7,100	657,268
Shipbuilding & Conversion, Navy	18,354,874	525,696	18,880,570
Other Procurement, Navy	6,338,861	−79,931	6,258,930
Procurement, Marine Corps	1,362,769	−4,325	1,358,444
Aircraft Procurement, Air Force	13,922,917	−87,300	13,835,617
Missile Procurement, Air Force	2,426,621	−10,752	2,415,869
Space Procurement, Air Force	3,055,743	−229,900	2,825,843
Procurement of Ammunition, Air Force	1,677,719	−6,000	1,671,719
Other Procurement, Air Force	17,438,056	−15,300	17,422,756
Procurement, Defense-Wide	4,524,918	355,000	4,879,918
Joint Urgent Operational Needs Fund	99,300	−99,300	0
National Guard & Reserve Equipment		250,000	250,000
Subtotal, Title I—Procurement	101,971,592	451,068	102,422,660
Title II—Research, Development, Test and Evaluation			
Research, Development, Test & Evaluation, Army	7,515,399	13,291	7,528,690
Research, Development, Test & Evaluation, Navy	17,276,301	−197,638	17,078,663
Research, Development, Test & Evaluation, Air Force	28,112,251	−54,650	28,057,601
Research, Development, Test & Evaluation, Defense- Wide	18,308,826	−42,150	18,266,676
Operational Test & Evaluation, Defense	178,994		178,994
Subtotal, Title II—Research, Development, Test and Evaluation	71,391,771	−281,147	71,110,624
Title III—Operation and Maintenance			
Operation & Maintenance, Army	33,809,040	23,234	33,832,274
Operation & Maintenance, Army Reserve	2,712,331	21,500	2,733,831
Operation & Maintenance, Army National Guard	6,825,370	27,635	6,853,005
Operation & Maintenance, Navy	39,483,581	507,700	39,991,281
Operation & Maintenance, Marine Corps	5,954,258	185,350	6,139,608
Operation & Maintenance, Navy Reserve	927,656	−21,200	906,456
Operation & Maintenance, Marine Corps Reserve	270,633	−100	270,533
Operation & Maintenance, Air Force	37,518,056	−180,400	37,337,656
Operation & Maintenance, Air Force Reserve	3,067,929	−57,000	3,010,929

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2017—Continued

(In Thousands of Dollars)

	FY 2017 Request	Conference Change	Conference Authorized
Operation & Maintenance, Air National Guard	6,703,578	-69,400	6,634,178
Operation & Maintenance, Defense-Wide	32,571,590	115,089	32,686,679
US Court of Appeals for the Armed Forces, Defense ...	14,194		14,194
Overseas Humanitarian, Disaster and Civic Aid	105,125		105,125
Cooperative Threat Reduction	325,604		325,604
Environmental Restoration, Army	170,167		170,167
Environmental Restoration, Navy	281,762		281,762
Environmental Restoration, Air Force	371,521		371,521
Environmental Restoration, Defense	9,009		9,009
Environmental Restoration, Formerly Used Sites	197,084		197,084
Subtotal, Title III—Operation and Maintenance	171,318,488	552,408	171,870,896
Title IV—Military Personnel			
Military Personnel Appropriations	128,902,332	-699,768	128,202,564
Medicare-Eligible Retiree Health Fund Contributions ...	6,366,908		6,366,908
Subtotal, Title IV—Military Personnel	135,269,240	-699,768	134,569,472
Title XIV—Other Authorizations			
Working Capital Fund, Army	56,469		56,469
Working Capital Fund, Air Force	63,967		63,967
Working Capital Fund, Defense-Wide	37,132		37,132
Working Capital Fund, DECA	1,214,045		1,214,045
Chemical Agents & Munitions Destruction	551,023		551,023
Drug Interdiction and Counter Drug Activities	844,800	-125,000	719,800
Office of the Inspector General	322,035		322,035
Defense Health Program	33,467,516	-373,600	33,093,916
Subtotal, Title XIV—Other Authorizations	36,556,987	-498,600	36,058,387
Total, Division A: Department of Defense Authoriza- tions	516,508,078	-476,039	516,032,039
Division B: Military Construction Authorizations			
Military Construction			
Army	503,459	50,500	553,959
Navy	1,027,763	247,916	1,275,679
Air Force	1,481,058	205,465	1,686,523
Defense-Wide	2,056,091	-30,647	2,025,444
NATO Security Investment Program	177,932		177,932
Army National Guard	232,930	67,500	300,430
Army Reserve	68,230	30,000	98,230
Navy and Marine Corps Reserve	38,597		38,597
Air National Guard	143,957	11,000	154,957
Air Force Reserve	188,950		188,950
Subtotal, Military Construction	5,918,967	581,734	6,500,701
Family Housing			
Construction, Army	200,735	-43,563	157,172
Operation & Maintenance, Army	325,995		325,995
Construction, Navy and Marine Corps	94,011		94,011

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2017—Continued

(In Thousands of Dollars)

	FY 2017 Request	Conference Change	Conference Authorized
Operation & Maintenance, Navy and Marine Corps	300,915		300,915
Construction, Air Force	61,352		61,352
Operation & Maintenance, Air Force	274,429		274,429
Operation & Maintenance, Defense-Wide	59,157		59,157
Improvement Fund	3,258		3,258
Subtotal, Family Housing	1,319,852	-43,563	1,276,289
Base Realignment and Closure			
Base Realignment and Closure—Army	14,499	10,000	24,499
Base Realignment and Closure—Navy	134,373	25,000	159,373
Base Realignment and Closure—Air Force	56,365		56,365
Subtotal, Base Realignment and Closure	205,237	35,000	240,237
Undistributed Adjustments			
Prior Year Savings	0	-307,662	-307,662
Subtotal, Undistributed Adjustments	0	-307,662	-307,662
Total, Division B: Military Construction Authoriza- tions	7,444,056	265,509	7,709,565
Total, 051, Department of Defense-Military	523,952,134	-210,530	523,741,604
Division C: Department of Energy National Security Authorization and Other Authorizations			
Function 053, Atomic Energy Defense Activities			
Environmental and Other Defense Activities			
Nuclear Energy	151,876	-15,260	136,616
Weapons Activities	9,243,147	185,882	9,429,029
Defense Nuclear Nonproliferation	1,807,916	79,000	1,886,916
Naval Reactors	1,420,120	-2,500	1,417,620
Federal salaries and expenses	412,817	-17,300	395,517
Defense Environmental Cleanup	5,382,050	-108,492	5,273,558
Other Defense Activities	791,552	-2,000	789,552
Subtotal, Environmental and Other Defense Activi- ties	19,209,478	119,330	19,328,808
Independent Federal Agency Authorization			
Defense Nuclear Facilities Safety Board	31,000		31,000
Subtotal, Independent Federal Agency Authorization	31,000	0	31,000
Subtotal, 053, Atomic Energy Defense Activities	19,240,478	119,330	19,359,808
Function 054, Defense-Related Activities			
Other Agency Authorizations			
Maritime Security Program	211,000	88,997	299,997
Subtotal, Independent Federal Agency Authorization	211,000	88,997	299,997
Subtotal, 054, Defense-Related Activities	211,000	88,997	299,997

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2017—Continued

(In Thousands of Dollars)

	FY 2017 Request	Conference Change	Conference Authorized
Subtotal, Division C: Department of Energy National Security Authorization and Other Authorizations ..	19,451,478	208,327	19,659,805
Total, National Defense Funding, Base Budget Request	543,403,612	-2,203	543,401,409

National Defense Funding, Overseas Contingency Operations

National Defense Funding, Overseas Contingency Operations Budget Request

Function 051, Department of Defense-Military

Procurement

Aircraft Procurement, Army	235,131		235,131
Missile Procurement, Army	529,317		529,317
Weapons & Tracked Combat Vehicles, Army	153,544	144,800	298,344
Procurement of Ammunition, Army	301,523		301,523
Other Procurement, Army	1,309,610		1,309,610
Joint Improvised-Threat Defeat Fund	394,800		394,800
Aircraft Procurement, Navy	358,830		358,830
Weapons Procurement, Navy	8,600		8,600
Procurement of Ammunition, Navy & Marine Corps	66,229		66,229
Other Procurement, Navy	69,877		69,877
Procurement, Marine Corps	118,939		118,939
Aircraft Procurement, Air Force	679,969	-25,600	654,369
Missile Procurement, Air Force	154,845		154,845
Procurement of Ammunition, Air Force	164,408	-9,250	155,158
Other Procurement, Air Force	3,834,165		3,834,165
Procurement, Defense-Wide	234,434	-19,250	215,184
Subtotal, Procurement	8,614,221	90,700	8,704,921

Research, Development, Test and Evaluation

Research, Development, Test & Evaluation, Army	239,689		239,689
Research, Development, Test & Evaluation, Navy	40,333		40,333
Research, Development, Test & Evaluation, Air Force	32,905		32,905
Research, Development, Test & Evaluation, Defense-Wide	165,419		165,419
Subtotal, Research, Development, Test and Evaluation	478,346	0	478,346

Operation and Maintenance

Operation & Maintenance, Army	16,658,381	-245,000	16,413,381
Operation & Maintenance, Army Reserve	24,120		24,120
Operation & Maintenance, Army National Guard	66,907		66,907
Afghanistan Security Forces Fund	4,263,215		4,263,215
Iraq Train & Equip Fund	919,500	-919,500	0
Syria Train & Equip Fund	250,000	-250,000	0
Counter-ISIL Fund	0	1,169,500	1,169,500

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2017—Continued

(In Thousands of Dollars)

	FY 2017 Request	Conference Change	Conference Authorized
Operation & Maintenance, Navy	5,441,406		5,441,406
Operation & Maintenance, Marine Corps	1,112,805		1,112,805
Operation & Maintenance, Navy Reserve	26,265		26,265
Operation & Maintenance, Marine Corps Reserve	3,304		3,304
Operation & Maintenance, Air Force	9,757,326	43,542	9,800,868
Operation & Maintenance, Air Force Reserve	57,586		57,586
Operation & Maintenance, Air National Guard	20,000		20,000
Operation & Maintenance, Defense-Wide	6,357,088	760,000	7,117,088
Subtotal, Operation and Maintenance	44,957,903	558,542	45,516,445
Military Personnel			
Military Personnel Appropriations	3,644,161		3,644,161
Subtotal, Military Personnel	3,644,161	0	3,644,161
Other Authorizations			
Working Capital Fund, Army	46,833		46,833
Working Capital Fund, Defense-Wide	93,800		93,800
Drug Interdiction and Counter Drug Activities	191,533		191,533
Office of the Inspector General	22,062		22,062
Defense Health Program	334,311		334,311
Counterterrorism Partnerships Fund	1,000,000	-1,000,000	0
Ukraine Security Assistance		350,000	350,000
Subtotal, Other Authorizations	1,688,539	-650,000	1,038,539
Military Construction			
Army	18,900		18,900
Navy	21,400		21,400
Air Force	88,740	-449	88,291
Defense-Wide	5,000		5,000
Subtotal, Military Construction	134,040	-449	133,591
Subtotal, Overseas Contingency Operations	59,517,210	-1,207	59,516,003
Subtotal, 051, Department of Defense-Military	59,517,210	-1,207	59,516,003
Total, National Defense Funding, Overseas Contingency Operations Budget Request	59,517,210	-1,207	59,516,003

National Defense Funding, Overseas Contingency Operations Funding for Base Requirements

Function 051, Department of Defense-Military

Procurement			
Aircraft Procurement, Army	78,040		78,040
Missile Procurement, Army	150,000	196,100	346,100
Procurement of Ammunition, Army		240,200	240,200
Other Procurement, Army	161,900		161,900
Joint Improvised-Threat Defeat Fund	113,272		113,272
Aircraft Procurement, Navy	34,200		34,200
Weapons Procurement, Navy		117,200	117,200

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2017—Continued

(In Thousands of Dollars)

	FY 2017 Request	Conference Change	Conference Authorized
Procurement of Ammunition, Navy & Marine Corps		77,200	77,200
Other Procurement, Navy	59,329		59,329
Aircraft Procurement, Air Force	179,430		179,430
Missile Procurement, Air Force	184,700		184,700
Procurement of Ammunition, Air Force	323,000		323,000
Procurement, Defense-Wide	4,000		4,000
Subtotal, Procurement	1,287,871	630,700	1,918,571
Research, Development, Test and Evaluation			
Research, Development, Test & Evaluation, Army	33		33
Research, Development, Test & Evaluation, Navy	37,990		37,990
Subtotal, Research, Development, Test and Evaluation	38,023	0	38,023
Operation and Maintenance			
Operation & Maintenance, Army	1,586,475	962,000	2,548,475
Operation & Maintenance, Army Reserve	14,559	95,800	110,359
Operation & Maintenance, Army National Guard	60,128	128,800	188,928
Operation & Maintenance, Navy	1,481,516	26,100	1,507,616
Operation & Maintenance, Marine Corps	300,000	7,200	307,200
Operation & Maintenance, Navy Reserve		500	500
Operation & Maintenance, Marine Corps Reserve		1,000	1,000
Operation & Maintenance, Air Force	124,000	49,100	173,100
Operation & Maintenance, Air Force Reserve		1,600	1,600
Operation & Maintenance, Air National Guard		4,300	4,300
Operation & Maintenance, Defense-Wide	38,044		38,044
Subtotal, Operation and Maintenance	3,604,722	1,276,400	4,881,122
Military Personnel			
Military Personnel Appropriations	62,965	1,287,500	1,350,465
Subtotal, Military Personnel	62,965	1,287,500	1,350,465
Other Authorizations			
Drug Interdiction and Counter Drug Activities	23,800		23,800
Subtotal, Other Authorizations	23,800	0	23,800
Military Construction			
Navy	38,409		38,409
Subtotal, Military Construction	38,409	0	38,409
Subtotal, 051, Department of Defense-Military	5,055,790	3,194,600	8,250,390
Total, National Defense Funding, Overseas Contingency Operations Funding for Base Requirements	5,055,790	3,194,600	8,250,390
Total, National Defense Funding, Overseas Contingency Operations	64,573,000	3,193,393	67,766,393
Total, National Defense	607,976,612	3,191,190	611,167,802

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2017—Continued

(In Thousands of Dollars)

	FY 2017 Request	Conference Change	Conference Authorized
MEMORANDUM: BASE BUDGET REQUIREMENTS			
Base Funding	543,403,612	-2,203	543,401,409
Overseas Contingency Operations Funding for Base Requirements	5,055,790	3,194,600	8,250,390
Total, Base Budget Requirements	548,459,402	3,192,397	551,651,799
MEMORANDUM: NON-DEFENSE AUTHORIZATIONS			
Title XIV—Armed Forces Retirement Home (Function 600)	64,300		64,300
Title XXXIV—Naval Petroleum and Oil Shale Reserves (Function 270)	14,950		14,950
MEMORANDUM: TRANSFER AUTHORITIES (NON-ADD)			
Title X—General Transfer Authority	[5,000,000]	[-500,000]	[4,500,000]
Title XV—Special Transfer Authority	[4,500,000]	[-1,000,000]	[3,500,000]
MEMORANDUM: DEFENSE AUTHORIZATIONS NOT UNDER THE JURISDICTION OF THE ARMED SERVICES COM- MITTEE (NON-ADD)			
Defense Production Act	[44,605]		[44,605]

NATIONAL DEFENSE BUDGET AUTHORITY IMPLICATION

(In Thousands of Dollars)

	FY 2017 Request	Conference Change	Conference Authorized
Summary, Discretionary Authorizations Within the Jurisdiction of the Armed Services Committee			
SUBTOTAL, DEPARTMENT OF DEFENSE (051)	523,952,134	-210,530	523,741,604
SUBTOTAL, ATOMIC ENERGY DEFENSE PROGRAMS (053)	19,240,478	119,330	19,359,808
SUBTOTAL, DEFENSE-RELATED ACTIVITIES (054)	211,000	88,997	299,997
TOTAL, NATIONAL DEFENSE (050)—BASE BILL	543,403,612	-2,203	543,401,409
TOTAL, OVERSEAS CONTINGENCY OPERATIONS	64,573,000	3,193,393	67,766,393
GRAND TOTAL, NATIONAL DEFENSE	607,976,612	3,191,190	611,167,802
Base National Defense Discretionary Programs that Are Not In the Jurisdiction of the Armed Services Committee or Do Not Require Additional Authorization			
Defense Production Act Purchases	44,000		44,000
Indefinite Account: Disposal Of DOD Real Property	8,000		8,000
Indefinite Account: Lease Of DOD Real Property	37,000		37,000
Subtotal, Budget Sub-Function 051	89,000		89,000
Formerly Utilized Sites Remedial Action Program	103,000		103,000
Subtotal, Budget Sub-Function 053	103,000		103,000
Other Discretionary Programs	7,750,000		7,750,000
Other Discretionary Programs—proposed rescission (FBI S&E)	-133,000		-133,000
Subtotal, Budget Sub-Function 054	7,617,000		7,617,000
Total Defense Discretionary Adjustments (050)	7,809,000		7,809,000
Budget Authority Implication, National Defense Discretionary			
Department of Defense--Military (051)	588,614,134	2,982,863	591,596,997
Atomic Energy Defense Activities (053)	19,343,478	119,330	19,462,808
Defense-Related Activities (054)	7,828,000	88,997	7,916,997
Total BA Implication, National Defense Discretionary	615,785,612	3,191,190	618,976,802
National Defense Mandatory Programs, Current Law (CBO Estimates)			
Concurrent receipt accrual payments to the Military Retirement Fund	6,769,000		6,769,000
Revolving, trust and other DOD Mandatory	1,463,000		1,463,000
Offsetting receipts	-1,856,000		-1,856,000
Subtotal, Budget Sub-Function 051	6,376,000		6,376,000
Energy employees occupational illness compensation programs and other	1,169,000		1,169,000
Subtotal, Budget Sub-Function 053	1,169,000		1,169,000
Radiation exposure compensation trust fund	62,000		62,000
Payment to CIA retirement fund and other	514,000		514,000
Subtotal, Budget Sub-Function 054	576,000		576,000
Total National Defense Mandatory (050)	8,121,000		8,121,000
Budget Authority Implication, National Defense Discretionary and Mandatory			
Department of Defense--Military (051)	594,990,134	2,982,863	597,972,997
Atomic Energy Defense Activities (053)	20,512,478	119,330	20,631,808
Defense-Related Activities (054)	8,404,000	88,997	8,492,997

NATIONAL DEFENSE BUDGET AUTHORITY IMPLICATION—Continued
(In Thousands of Dollars)

	FY 2017 Request	Conference Change	Conference Authorized
Total BA Implication, National Defense Discretionary and Mandatory	623,906,612	3,191,190	627,097,802

TITLE XLI—PROCUREMENT

SEC. 4101. PROCUREMENT.

SEC. 4101. PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
AIRCRAFT PROCUREMENT, ARMY											
FIXED WING											
001	UTILITY F/W AIRCRAFT	3	57,529	3	57,529	3	57,529			3	57,529
003	MQ-1 UAV		55,388		84,988		55,388				55,388
	Ground Mounted Airspace Deconfliction Radar				[29,600]						
ROTARY											
006	AH-64 APACHE BLOCK IIIA REMAN	48	803,084	48	803,084	48	803,084			48	803,084
007	ADVANCE PROCUREMENT (CY)		185,160		185,160		185,160				185,160
008	UH-60 BLACKHAWK M MODEL (MYP)	36	755,146	36	755,146	36	755,146			36	755,146
009	ADVANCE PROCUREMENT (CY)		174,107		174,107		174,107				174,107
010	UH-60 BLACK HAWK A AND L MODELS	38	46,173	38	46,173	38	46,173			38	46,173
011	CH-47 HELICOPTER	22	556,257	22	556,257	22	556,257			22	556,257
012	ADVANCE PROCUREMENT (CY)		8,707		8,707		8,707				8,707
MODIFICATION OF AIRCRAFT											
013	MQ-1 PAYLOAD (MIP)		43,735		43,735		43,735				43,735
015	MULTI SENSOR ABN RECON (MIP)		94,527		94,527		94,527				94,527
016	AH-64 MODS		137,883		137,883		137,883				137,883
017	CH-47 CARGO HELICOPTER MODS (MYP)		102,943		102,943		102,943				102,943
018	GRCS SEMA MODS (MIP)		4,055		4,055		4,055				4,055
019	ARL SEMA MODS (MIP)		6,793		6,793		6,793				6,793
020	EMARSS SEMA MODS (MIP)		13,197		13,197		13,197				13,197
021	UTILITY/CARGO AIRPLANE MODS		17,526		17,526		17,526				17,526
022	UTILITY HELICOPTER MODS		10,807		10,807		10,807				10,807
023	NETWORK AND MISSION PLAN		74,752		74,752		74,752				74,752
024	COMMS, NAV SURVEILLANCE		69,960		69,960		69,960				69,960
025	GATM ROLLUP		45,302		45,302		45,302				45,302

SEC. 4101. PROCUREMENT (In Thousands of Dollars)												
Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized		
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	
026	RQ-7 UAV MODS		71,169		71,169		71,169				71,169	
027	UAS MODS		21,804		26,224		21,804				21,804	
	Realign APS Unit Set Requirements from OCO				[4,420]							
	GROUND SUPPORT AVIONICS											
028	AIRCRAFT SURVIVABILITY EQUIPMENT		67,377		67,377		67,377				67,377	
029	SURVIVABILITY CM		9,565		9,565		35,565				9,565	
	ASE PNT unfunded requirement						[26,000]					
030	CMWS		41,626		41,626		41,626				41,626	
	OTHER SUPPORT											
032	AVIONICS SUPPORT EQUIPMENT		7,007		7,007		7,007				7,007	
033	COMMON GROUND EQUIPMENT		48,234		48,234		48,234				48,234	
034	AIRCREW INTEGRATED SYSTEMS		30,297		30,297		30,297				30,297	
035	AIR TRAFFIC CONTROL		50,405		50,405		50,405				50,405	
036	INDUSTRIAL FACILITIES		1,217		1,217		1,217				1,217	
037	LAUNCHER, 2.75 ROCKET		3,055		3,055		3,055				3,055	
	TOTAL AIRCRAFT PROCUREMENT, ARMY	147	3,614,787	147	3,648,807	147	3,640,787				147	3,614,787
	MISSILE PROCUREMENT, ARMY											
	SURFACE-TO-AIR MISSILE SYSTEM											
001	LOWER TIER AIR AND MISSILE DEFENSE (AMD)		126,470		126,470		126,470				126,470	
002	MSE MISSILE	85	423,201	85	505,601	85	423,201			85	423,201	
	Program increase				[82,400]							
003	ADVANCE PROCUREMENT (CY)		19,319		19,319		19,319				19,319	
	AIR-TO-SURFACE MISSILE SYSTEM											
004	HELLFIRE SYS SUMMARY	155	42,013	155	42,013	155	42,013			155	42,013	
005	JOINT AIR-TO-GROUND MSLS (JAGM)	324	64,751	324	64,751	324	64,751			324	64,751	
006	ADVANCE PROCUREMENT (CY)		37,100		37,100		37,100				37,100	
	ANTI-TANK/ASSAULT MISSILE SYS											
007	JAVELIN (AAWS-M) SYSTEM SUMMARY	309	73,508	309	89,075	309	73,508				309	72,904
	Engineering services cost growth									-604		
	Realign APS Unit Set Requirements from OCO				[15,567]					[-604]		
008	TOW 2 SYSTEM SUMMARY	595	64,922	595	145,574	595	64,922				595	64,922
	Realign APS Unit Set Requirements from OCO				[80,652]							

009	ADVANCE PROCUREMENT (CY)		19,949		19,949		19,949		-9,233		10,716
	Advance procurement cost growth								[-9,233]		
010	GUIDED MLRS ROCKET (GMLRS)	1,068	172,088	1,068	248,079	1,068	172,088			1,068	172,088
	Realign APS Unit Set Requirements from OCO				[75,991]						
011	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	1,704	18,004	1,704	18,004	1,704	18,004			1,704	18,004
	MODIFICATIONS										
013	PATRIOT MODS		197,107		197,107		197,107				197,107
014	ATACMS MODS		150,043		150,043		150,043				150,043
015	GMLRS MOD		395		395		395				395
017	AVENGER MODS		33,606		33,606		33,606				33,606
018	ITAS/TOW MODS		383		383		383				383
019	MLRS MODS		34,704		34,704		34,704				34,704
020	HIMARS MODIFICATIONS		1,847		1,847		1,847				1,847
	SPARES AND REPAIR PARTS										
021	SPARES AND REPAIR PARTS		34,487		34,487		34,487				34,487
	SUPPORT EQUIPMENT & FACILITIES										
022	AIR DEFENSE TARGETS		4,915		4,915		4,915				4,915
024	PRODUCTION BASE SUPPORT		1,154		1,154		1,154				1,154
	TOTAL MISSILE PROCUREMENT, ARMY	4,240	1,519,966	4,240	1,774,576	4,240	1,519,966		-9,837	4,240	1,510,129
	PROCUREMENT OF W&TCV, ARMY										
	TRACKED COMBAT VEHICLES										
001	STRYKER VEHICLE		71,680		71,680		71,680				71,680
	MODIFICATION OF TRACKED COMBAT VEHICLES										
002	STRYKER (MOD)		74,348		74,348		74,348				74,348
003	STRYKER UPGRADE		444,561		444,561		433,561		-11,000		433,561
	Early to need						[11,000]				
005	BRADLEY PROGRAM (MOD)		276,433		276,433		276,433		-3,100		273,333
	Excess program management growth								[-3,100]		
006	HOWITZER, MED SP FT 155MM M109A6 (MOD)		63,138		63,138		63,138				63,138
007	PALADIN INTEGRATED MANAGEMENT (PIM)	36	469,305	36	594,489	36	469,305			36	469,305
	Realign APS Unit Set Requirements from OCO				[125,184]						
008	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	22	91,963	22	91,963	22	91,963			22	91,963
009	ASSAULT BRIDGE (MOD)		3,465		9,415		3,465				3,465
	Realign APS Unit Set Requirements from OCO				[5,950]						
010	ASSAULT BREACHER VEHICLE		2,928		2,928		2,928				2,928
011	M88 FOV MODS		8,685		8,685		8,685				8,685
012	JOINT ASSAULT BRIDGE	9	64,752	9	64,752	9	64,752			9	64,752
013	M1 ABRAMS TANK (MOD)		480,166		480,166		620,166				480,166
	APS Unfunded requirement						[82,000]				

SEC. 4101. PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	M1 industrial base Unfunded requirement										
014	ABRAMS UPGRADE PROGRAM				172,200						100,000
	Realign APS Unit Set Requirements from OCO				[172,200]						[100,000]
	WEAPONS & OTHER COMBAT VEHICLES										
016	INTEGRATED AIR BURST WEAPON SYSTEM FAMILY		9,764		9,764		9,764				9,764
017	MORTAR SYSTEMS		8,332		8,332		8,332				8,332
018	XM320 GRENADE LAUNCHER MODULE (GLM)		3,062		3,062		3,062				3,062
019	COMPACT SEMI-AUTOMATIC SNIPER SYSTEM		992		992		992				992
020	CARBINE		40,493		40,493		40,493				40,493
021	COMMON REMOTELY OPERATED WEAPONS STATION		25,164		25,164		25,164				25,164
	MOD OF WEAPONS AND OTHER COMBAT VEH										
022	MK-19 GRENADE MACHINE GUN MODS		4,959		4,959		4,959				4,959
023	M777 MODS		11,913		11,913		11,913				11,913
024	M4 CARBINE MODS		29,752		29,752		28,752				29,752
	Program decrease						[-1,000]				
025	M2 50 CAL MACHINE GUN MODS		48,582		48,582		48,582				48,582
026	M249 SAW MACHINE GUN MODS		1,179		1,179		1,179				1,179
027	M240 MEDIUM MACHINE GUN MODS		1,784		1,784		1,784				1,784
028	SNIPER RIFLES MODIFICATIONS		971		971		971				971
029	M119 MODIFICATIONS		6,045		6,045		6,045				6,045
030	MORTAR MODIFICATION		12,118		12,118		12,118				12,118
031	MODIFICATIONS LESS THAN \$5.0M (WOCV-WTCV)		3,157		3,157		3,157				3,157
	SUPPORT EQUIPMENT & FACILITIES										
032	ITEMS LESS THAN \$5.0M (WOCV-WTCV)		2,331		2,331		2,331				2,331
035	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG)		3,155		3,155		3,155				3,155
036	BRADLEY PROGRAM				72,800		1,000				
	Program increase for Modular Handgun System						[1,000]				
	Realign APS Unit Set Requirements from OCO				[72,800]						
	TOTAL PROCUREMENT OF W&TCV, ARMY	67	2,265,177	67	2,641,311	67	2,394,177		85,900	67	2,351,077
	PROCUREMENT OF AMMUNITION, ARMY										
	SMALL/MEDIUM CAL AMMUNITION										
001	CTG, 5.56MM, ALL TYPES		40,296		40,296		37,696				40,296

SEC. 4101. PROCUREMENT (In Thousands of Dollars)												
Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized		
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	
NETWORKED MUNITIONS												
018	SPIDER NETWORK MUNITIONS, ALL TYPES				10,353							
	Realign APS Unit Set Requirements from OCO				[10,353]							
ROCKETS												
019	SHOULDER LAUNCHED MUNITIONS, ALL TYPES		38,000		101,210		38,000					38,000
	Realign APS Unit Set Requirements from OCO				[63,210]							
020	ROCKET, HYDRA 70, ALL TYPES		87,213		87,213		87,213					87,213
OTHER AMMUNITION												
021	CAD/PAD, ALL TYPES		4,914		4,914		4,914					4,914
022	DEMOLITION MUNITIONS, ALL TYPES		6,380		12,753		6,380					6,380
	Realign APS Unit Set Requirements from OCO				[6,373]							
023	GRENADES, ALL TYPES		22,760		26,903		22,760					22,760
	Realign APS Unit Set Requirements from OCO				[4,143]							
024	SIGNALS, ALL TYPES		10,666		12,518		10,666					10,666
	Realign APS Unit Set Requirements from OCO				[1,852]							
025	SIMULATORS, ALL TYPES		7,412		7,412		7,412					7,412
MISCELLANEOUS												
026	AMMO COMPONENTS, ALL TYPES		12,726		12,726		12,726					12,726
027	NON-LETHAL AMMUNITION, ALL TYPES		6,100		6,873		5,900		-200			5,900
	Early to need						[-200]		[-200]			
	Realign APS Unit Set Requirements from OCO				[773]							
028	ITEMS LESS THAN \$5 MILLION (AMMO)		10,006		10,006		9,506		-500			9,506
	Early to need						[-500]		[-500]			
029	AMMUNITION PECULIAR EQUIPMENT		17,275		13,575		13,575		-3,700			13,575
	Early to need				[-3,700]		[-3,700]		[-3,700]			
030	FIRST DESTINATION TRANSPORTATION (AMMO)		14,951		14,951		14,951					14,951
PRODUCTION BASE SUPPORT												
032	INDUSTRIAL FACILITIES		222,269		242,269		222,269		20,000			242,269
	Program increase				[20,000]				[20,000]			
033	CONVENTIONAL MUNITIONS DEMILITARIZATION		157,383		157,383		157,383					157,383
034	ARMS INITIATIVE		3,646		3,646		3,646					3,646
	TOTAL PROCUREMENT OF AMMUNITION, ARMY		1,513,157		1,731,120		1,485,457		1,646			1,514,803

OTHER PROCUREMENT, ARMY									
TACTICAL VEHICLES									
001	TACTICAL TRAILERS/DOLLY SETS		3,733		3,733		3,733		3,733
002	SEMITRAILERS, FLATBED:		3,716		7,896		3,716		3,716
	Realign APS Unit Set Requirements from OCO				[4,180]				
003	HI MOB MULTI-PURP WHLD VEH (HMMWV)				50,000		21,000	50,000	50,000
	HMMWV M997A3 ambulance recapitalization for Active Component.				[50,000]		[21,000]	[50,000]	
004	GROUND MOBILITY VEHICLES (GMV)		4,907		4,907		4,907		4,907
006	JOINT LIGHT TACTICAL VEHICLE	1,828	587,514	1,828	587,514	1,828	587,514	1,828	587,514
007	TRUCK, DUMP, 20T (CCE)		3,927		3,927		3,927		3,927
008	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	8	53,293	8	200,769	8	53,293	8	53,293
	Realign APS Unit Set Requirements from OCO				[147,476]				
009	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP		7,460		7,460		7,460		7,460
010	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	430	39,564	430	45,686	430	39,564	430	39,564
	Realign APS Unit Set Requirements from OCO				[6,122]				
011	PLS ESP		11,856		118,214		11,856		11,856
	Realign APS Unit Set Requirements from OCO				[106,358]				
012	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV				76,561				
	Realign APS Unit Set Requirements from OCO				[76,561]				
013	TACTICAL WHEELED VEHICLE PROTECTION KITS		49,751		76,870		49,751		49,751
	Realign APS Unit Set Requirements from OCO				[27,119]				
014	MODIFICATION OF IN SVC EQUIP		64,000		57,456		52,000	-10,000	54,000
	Program reduction				[-10,000]		[-12,000]	[-10,000]	
	Realign APS Unit Set Requirements from OCO				[3,456]				
015	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS		10,611		10,611		10,611		10,611
NON-TACTICAL VEHICLES									
016	HEAVY ARMORED SEDAN		394		394		394		394
018	NONTACTICAL VEHICLES, OTHER		1,755		1,755		1,755		1,755
COMM—JOINT COMMUNICATIONS									
019	WIN-T—GROUND FORCES TACTICAL NETWORK		427,598		434,170		327,598		427,598
	Ahead of need						[-100,000]		
	Realign APS Unit Set Requirements from OCO				[6,572]				
020	SIGNAL MODERNIZATION PROGRAM		58,250		58,250		58,250		58,250
021	JOINT INCIDENT SITE COMMUNICATIONS CAPABILITY		5,749		5,749		5,749		5,749
022	JCSE EQUIPMENT (USREDCOM)		5,068		5,068		5,068		5,068
COMM—SATELLITE COMMUNICATIONS									
023	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS		143,805		143,805		143,805		143,805
024	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS		36,580		36,580		36,580		36,580
025	SHF TERM		1,985		25,985		1,985		1,985

SEC. 4101. PROCUREMENT (In Thousands of Dollars)												
Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized		
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	
	Realign APS Unit Set Requirements from OCO				[24,000]							
027	SMART-T (SPACE)		9,165		9,165		9,165					9,165
	COMM—C3 SYSTEM											
031	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)		2,530		2,530		2,530					2,530
	COMM—COMBAT COMMUNICATIONS											
033	HANDHELD MANPACK SMALL FORM FIT (HMS)	5,656	273,645	5,656	273,645	5,656	273,645			5,656		273,645
034	MID-TIER NETWORKING VEHICULAR RADIO (MNVF)		25,017		25,017		25,017					25,017
035	RADIO TERMINAL SET, MIDS LVT(2)		12,326		12,326		12,326					12,326
037	TRACTOR DESK		2,034		2,034		2,034					2,034
038	TRACTOR RIDE		2,334		2,334		2,334					2,334
039	SPIDER APLA REMOTE CONTROL UNIT		1,985		1,985		1,985					1,985
040	SPIDER FAMILY OF NETWORKED MUNITIONS INCR		10,796		10,796		10,796					10,796
042	TACTICAL COMMUNICATIONS AND PROTECTIVE SYSTEM		3,607		3,607		3,607					3,607
043	UNIFIED COMMAND SUITE		14,295		14,295		14,295					14,295
045	FAMILY OF MED COMM FOR COMBAT CASUALTY CARE		19,893		19,893		19,893					19,893
	COMM—INTELLIGENCE COMM											
047	CI AUTOMATION ARCHITECTURE		1,388		1,388		1,388					1,388
048	ARMY CA/MISO GPF EQUIPMENT		5,494		5,494		5,494					5,494
	INFORMATION SECURITY											
049	FAMILY OF BIOMETRICS		2,978		2,978		2,978					2,978
051	COMMUNICATIONS SECURITY (COMSEC)		131,356		133,284		131,356					131,356
	Realign APS Unit Set Requirements from OCO				[1,928]							
052	DEFENSIVE CYBER OPERATIONS		15,132		15,132		15,132					15,132
	COMM—LONG HAUL COMMUNICATIONS											
053	BASE SUPPORT COMMUNICATIONS		27,452		27,452		27,452					27,452
	COMM—BASE COMMUNICATIONS											
054	INFORMATION SYSTEMS		122,055		122,055		122,055					122,055
055	EMERGENCY MANAGEMENT MODERNIZATION PROGRAM	1	4,286	1	4,286	1	4,286			1		4,286
056	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM		131,794		131,794		131,794					131,794
	ELECT EQUIP—TACT INT REL ACT (TIARA)											
059	JTT/CIBS-M		5,337		5,337		5,337					5,337
062	DCGS-A (MIP)		242,514		242,514		149,514		-24,700			217,814
	Program reduction						[-93,000]		[-24,700]			

063	JOINT TACTICAL GROUND STATION (JTGS)	4,417	4,417	4,417		4,417
064	TROJAN (MIP)	17,455	17,615	17,455		17,455
	Realign APS Unit Set Requirements from OCO		[160]			
065	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	44,965	44,965	44,965		44,965
066	CI HUMINT AUTO REPRTING AND COLL(CHARCS)	7,658	7,658	7,658		7,658
067	CLOSE ACCESS TARGET RECONNAISSANCE (CATR)	7,970	7,970	7,970		7,970
068	MACHINE FOREIGN LANGUAGE TRANSLATION SYSTEM-M	545	545	545		545
	ELECT EQUIP—ELECTRONIC WARFARE (EW)					
070	LIGHTWEIGHT COUNTER MORTAR RADAR	74,038	99,930	61,538	-5,585	68,453
	Realign APS Unit Set Requirements from OCO		[25,892]			
	Unit cost growth			[-12,500]	[-5,585]	
071	EW PLANNING & MANAGEMENT TOOLS (EWPMT)	3,235	3,235	3,235		3,235
072	AIR VIGILANCE (AV)	733	733	733		733
074	FAMILY OF PERSISTENT SURVEILLANCE CAPABILITE	1,740	1,740	1,740		1,740
075	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	455	455	455		455
076	CI MODERNIZATION	176	176	176		176
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)					
077	SENTINEL MODS	40,171	40,171	40,171		40,171
078	NIGHT VISION DEVICES	163,029	163,029	163,029		163,029
079	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	15,885	15,885	15,885		15,885
080	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	48,427	52,697	48,427		48,427
	Realign APS Unit Set Requirements from OCO		[4,270]			
081	FAMILY OF WEAPON SIGHTS (FWS)	55,536	55,536	55,536		55,536
082	ARTILLERY ACCURACY EQUIP	4,187	4,187	4,187		4,187
085	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	137,501	137,501	137,501		137,501
086	JOINT EFFECTS TARGETING SYSTEM (JETS)	50,726	50,726	50,726		50,726
087	MOD OF IN-SVC EQUIP (LLDR)	28,058	28,058	21,558		28,058
	Reduce to FY16 levels			[-6,500]		
088	COMPUTER BALLISTICS: LHMBC XM32	5,924	5,924	5,924		5,924
089	MORTAR FIRE CONTROL SYSTEM	22,331	22,621	22,331		22,331
	Realign APS Unit Set Requirements from OCO		[290]			
090	COUNTERFIRE RADARS	314,509	281,509	278,509	-33,000	281,509
	Unit cost savings		[-33,000]	[-36,000]	[-33,000]	
	ELECT EQUIP—TACTICAL C2 SYSTEMS					
091	FIRE SUPPORT C2 FAMILY	8,660	8,660	8,660		8,660
092	AIR & MSL DEFENSE PLANNING & CONTROL SYS	54,376	124,334	54,376		54,376
	Realign APS Unit Set Requirements from OCO		[69,958]			
093	IAMD BATTLE COMMAND SYSTEM	204,969	204,969	204,969		204,969
094	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	4,718	4,718	4,718		4,718
095	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	11,063	11,063	11,063		11,063

SEC. 4101. PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
096	MANEUVER CONTROL SYSTEM (MCS)		151,318	151,318			124,318				151,318
	Reduce to FY16 level						[-27,000]				
097	GLOBAL COMBAT SUPPORT SYSTEM-ARMY (GCSS-A)		155,660	155,660			155,660				155,660
098	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPP)		4,214	4,214			4,214				4,214
099	RECONNAISSANCE AND SURVEYING INSTRUMENT SET		16,185	16,185			16,185				16,185
100	MOD OF IN-SVC EQUIPMENT (ENFIRE)		1,565	1,565			1,565				1,565
	ELECT EQUIP—AUTOMATION										
101	ARMY TRAINING MODERNIZATION		17,693	17,693			17,693				17,693
102	AUTOMATED DATA PROCESSING EQUIP		107,960	107,960			98,560				107,960
	Program reduction						[-9,400]				
103	GENERAL FUND ENTERPRISE BUSINESS SYSTEMS FAM		6,416	6,416			6,416				6,416
104	HIGH PERF COMPUTING MOD PGM (HPCMP)		58,614	58,614			58,614				58,614
105	CONTRACT WRITING SYSTEM		986	986							986
	Contract writing unjustified requirement						[-986]				
106	RESERVE COMPONENT AUTOMATION SYS (RCAS)		23,828	23,828			23,828				23,828
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)										
107	TACTICAL DIGITAL MEDIA		1,191	1,191			1,191				1,191
108	ITEMS LESS THAN \$5M (SURVEYING EQUIPMENT)		1,995	2,091			1,995				1,995
	Realign APS Unit Set Requirements from OCO			[96]							
	ELECT EQUIP—SUPPORT										
109	PRODUCTION BASE SUPPORT (C-E)		403	403			403				403
	CLASSIFIED PROGRAMS										
110A	CLASSIFIED PROGRAMS		4,436	4,436			4,436				4,436
	CHEMICAL DEFENSIVE EQUIPMENT										
111	PROTECTIVE SYSTEMS		2,966	2,966			2,966				2,966
112	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)		9,795	9,795			9,795				9,795
114	CBRN DEFENSE		17,922	19,763			17,922				17,922
	Realign APS Unit Set Requirements from OCO			[1,841]							
	BRIDGING EQUIPMENT										
115	TACTICAL BRIDGING		13,553	39,553			13,553				13,553
	Realign APS Unit Set Requirements from OCO			[26,000]							
116	TACTICAL BRIDGE, FLOAT-RIBBON		25,244	25,244			25,244				25,244
117	BRIDGE SUPPLEMENTAL SET		983	983			983				983

118	COMMON BRIDGE TRANSPORTER (CBT) RECAP	25,176	25,176	25,176		25,176
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT					
119	GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS)	39,350	39,350	39,350		39,350
120	AREA MINE DETECTION SYSTEM (AMDS)	10,500	10,500	10,500		10,500
121	HUSKY MOUNTED DETECTION SYSTEM (HMDS)	274	274	274		274
122	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS)	2,951	2,951	2,951		2,951
123	EOD ROBOTICS SYSTEMS RECAPITALIZATION	1,949	1,949	1,949		1,949
124	ROBOTICS AND APPLIQUE SYSTEMS	5,203	5,471	5,203		5,203
	Realign APS Unit Set Requirements from OCO		[268]			
125	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	5,570	5,570	5,570		5,570
126	REMOTE DEMOLITION SYSTEMS	6,238	6,238	6,238		6,238
127	< \$5M. COUNTERMINE EQUIPMENT	836	836	836		836
128	FAMILY OF BOATS AND MOTORS	3,171	3,451	3,171		3,171
	Realign APS Unit Set Requirements from OCO		[280]			
	COMBAT SERVICE SUPPORT EQUIPMENT					
129	HEATERS AND ECU'S	18,707	19,601	18,707		18,707
	Realign APS Unit Set Requirements from OCO		[894]			
130	SOLDIER ENHANCEMENT	2,112	2,112	2,112		2,112
131	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	10,856	10,856	10,856		10,856
132	GROUND SOLDIER SYSTEM	32,419	32,419	32,419		32,419
133	MOBILE SOLDIER POWER	30,014	30,014	30,014		30,014
135	FIELD FEEDING EQUIPMENT	12,544	15,209	12,544		12,544
	Realign APS Unit Set Requirements from OCO		[2,665]			
136	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	18,509	18,509	18,509		18,509
137	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	29,384	39,173	29,384		29,384
	Realign APS Unit Set Requirements from OCO		[9,789]			
138	ITEMS LESS THAN \$5M (ENG SPT)		300			
	Realign APS Unit Set Requirements from OCO		[300]			
	PETROLEUM EQUIPMENT					
139	QUALITY SURVEILLANCE EQUIPMENT	4,487	9,287	4,487		4,487
	Realign APS Unit Set Requirements from OCO		[4,800]			
140	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	42,656	63,476	32,656	-7,000	35,656
	Program decrease			[-10,000]	[-7,000]	
	Realign APS Unit Set Requirements from OCO		[20,820]			
	MEDICAL EQUIPMENT					
141	COMBAT SUPPORT MEDICAL	59,761	65,524	59,761		59,761
	Realign APS Unit Set Requirements from OCO		[5,763]			
	MAINTENANCE EQUIPMENT					
142	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	35,694	33,803	30,694	-3,500	32,194
	Program reduction		[-3,500]	[-5,000]	[-3,500]	

SEC. 4101. PROCUREMENT (In Thousands of Dollars)												
Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized		
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	
143	Realign APS Unit Set Requirements from OCO				[1,609]							
	ITEMS LESS THAN \$5.0M (MAINT EQ)		2,716		2,861		2,716					2,716
	Realign APS Unit Set Requirements from OCO				[145]							
	CONSTRUCTION EQUIPMENT											
144	GRADER, ROAD MTZD, HVY, 6X4 (CCE)		1,742		4,789		1,742					1,742
	Realign APS Unit Set Requirements from OCO				[3,047]							
145	SCRAPERS, EARTHMOVING		26,233		26,233		26,233					26,233
147	HYDRAULIC EXCAVATOR		1,123		1,123		1,123					1,123
148	TRACTOR, FULL TRACKED				4,426							
	Realign APS Unit Set Requirements from OCO				[4,426]							
149	ALL TERRAIN CRANES		65,285		65,285		65,285					65,285
151	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)		1,743		4,643		1,743					1,743
	Realign APS Unit Set Requirements from OCO				[2,900]							
152	ENHANCED RAPID AIRFIELD CONSTRUCTION CAPAP		2,779		2,779		2,779					2,779
154	CONST EQUIP ESP		26,712		23,212		22,212		-4,500			22,212
	Program reduction				[-3,500]		[-4,500]		[-4,500]			
155	ITEMS LESS THAN \$5.0M (CONST EQUIP)		6,649		6,745		6,649					6,649
	Realign APS Unit Set Requirements from OCO				[96]							
	RAIL FLOAT CONTAINERIZATION EQUIPMENT											
156	ARMY WATERCRAFT ESP		21,860		16,860		10,860					21,860
	Program reduction				[-5,000]		[-11,000]					
157	ITEMS LESS THAN \$5.0M (FLOAT/RAIL)		1,967		1,967		1,967					1,967
	GENERATORS											
158	GENERATORS AND ASSOCIATED EQUIP		113,266		125,727		113,266					113,266
	Program decrease				[-7,500]							
	Realign APS Unit Set Requirements from OCO				[19,961]							
159	TACTICAL ELECTRIC POWER RECAPITALIZATION		7,867		7,867		7,867					7,867
	MATERIAL HANDLING EQUIPMENT											
160	FAMILY OF FORKLIFTS		2,307		3,153		2,307					2,307
	Realign APS Unit Set Requirements from OCO				[846]							
	TRAINING EQUIPMENT											
161	COMBAT TRAINING CENTERS SUPPORT		75,359		75,359		75,359					75,359
162	TRAINING DEVICES, NONSYSTEM		253,050		253,050		253,050					253,050

163	CLOSE COMBAT TACTICAL TRAINER	48,271	48,271	48,271	48,271					
164	AVIATION COMBINED ARMS TACTICAL TRAINER	40,000	40,000	40,000	40,000					
165	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	11,543	11,543	11,543	11,543					
	TEST MEASURE AND DIG EQUIPMENT (TMD)									
166	CALIBRATION SETS EQUIPMENT	4,963	4,963	4,963	4,963					
167	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	29,781	29,781	29,781	29,781					
168	TEST EQUIPMENT MODERNIZATION (TEMOD)	6,342	7,482	6,342	6,342					
	Realign APS Unit Set Requirements from OCO		[1,140]							
	OTHER SUPPORT EQUIPMENT									
169	M25 STABILIZED BINOCULAR	3,149	3,149	3,149	3,149					
170	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	18,003	18,003	18,003	18,003					
171	PHYSICAL SECURITY SYSTEMS (OPA3)	44,082	44,082	44,082	44,082					
172	BASE LEVEL COMMON EQUIPMENT	2,168	2,168	2,168	2,168					
173	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)	67,367	67,367	67,367	67,367					
	Reduce to FY16 level								[-5,000]	
174	PRODUCTION BASE SUPPORT (OTH)	1,528	1,528	1,528	1,528					
175	SPECIAL EQUIPMENT FOR USER TESTING	8,289	8,289	8,289	8,289					
177	TRACTOR YARD	6,888	6,888	6,888	6,888					
	OPA2									
179	INITIAL SPARES—C&E	27,243	27,243	27,243	27,243					
	TOTAL OTHER PROCUREMENT, ARMY	7,923	5,873,949	7,923	6,473,477	7,923	5,562,063	-38,285	7,923	5,835,664
	AIRCRAFT PROCUREMENT, NAVY									
	COMBAT AIRCRAFT									
003	JOINT STRIKE FIGHTER CV	4	890,650	4	890,650	4	890,650		4	890,650
004	ADVANCE PROCUREMENT (CY)		80,908		80,908		80,908			80,908
005	JSF STOVL	16	2,037,768	16	2,037,768	16	2,037,768		16	2,037,768
006	ADVANCE PROCUREMENT (CY)		233,648		233,648		233,648			233,648
007	CH-53K (HEAVY LIFT)	2	348,615	2	348,615	2	348,615		2	348,615
008	ADVANCE PROCUREMENT (CY)		88,365		88,365		88,365			88,365
009	V-22 (MEDIUM LIFT)	16	1,264,134	16	1,264,134	16	1,264,134		16	1,249,134
	Support cost growth									[-15,000]
010	ADVANCE PROCUREMENT (CY)		19,674		19,674		19,674			19,674
011	H-1 UPGRADES (UH-1Y/AH-1Z)	24	759,778	24	759,778	24	759,778		24	756,586
	Airframe unit cost growth									[-3,192]
012	ADVANCE PROCUREMENT (CY)		57,232		57,232		57,232			57,232
014	MH-60R (MYP)		61,177		26,177		61,177			53,177
	Line shutdown costs—early to need									[-8,000]
016	P-8A POSEIDON	11	1,940,238	11	1,940,238	11	1,940,238		11	1,863,238
	Airframe unit cost growth									[-77,000]

SEC. 4101. PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
017	ADVANCE PROCUREMENT (CY)		123,140		123,140		123,140				123,140
018	E-2D ADV HAWKEYE	6	916,483	6	916,483	6	916,483			6	916,483
019	ADVANCE PROCUREMENT (CY)		125,042		125,042		125,042				125,042
	TRAINER AIRCRAFT										
020	JPATS		5,849		5,849		5,849				5,849
	OTHER AIRCRAFT										
021	KC-130J	2	128,870	2	128,870	2	128,870			2	128,870
022	ADVANCE PROCUREMENT (CY)		24,848		24,848		24,848				24,848
023	MQ-4 TRITON	2	409,005	2	409,005	2	409,005			2	396,125
	Unit cost savings								-12,880		
									[-12,880]		
024	ADVANCE PROCUREMENT (CY)		55,652		55,652		55,652				55,652
025	MQ-8 UAV	1	72,435	1	72,435	1	72,435			1	72,435
	MODIFICATION OF AIRCRAFT										
029	AEA SYSTEMS		51,900		51,900		51,900				51,900
030	AV-8 SERIES		60,818		60,818		60,818				60,818
031	ADVERSARY		5,191		5,191		5,191				5,191
032	F-18 SERIES		1,023,492		986,192		1,023,492				986,192
	Unobligated balances				[-37,300]						[-37,300]
034	H-53 SERIES		46,095		46,095		46,095				46,095
035	SH-60 SERIES		108,328		108,328		108,328				108,328
036	H-1 SERIES		46,333		46,333		46,333				46,333
037	EP-3 SERIES		14,681		14,681		14,681				14,681
038	P-3 SERIES		2,781		2,781		2,781				2,781
039	E-2 SERIES		32,949		32,949		32,949				32,949
040	TRAINER A/C SERIES		13,199		13,199		13,199				13,199
041	C-2A		19,066		19,066		19,066				19,066
042	C-130 SERIES		61,788		61,788		61,788				59,788
	Training equipment unjustified growth (OSIP 022-07)								-2,000		
									[-2,000]		
043	FEWSG		618		618		618				618
044	CARGO/TRANSPORT A/C SERIES		9,822		9,822		9,822				9,822
045	E-6 SERIES		222,077		222,077		222,077				222,077
046	EXECUTIVE HELICOPTERS SERIES		66,835		66,835		66,835				66,835
047	SPECIAL PROJECT AIRCRAFT		16,497		16,497		16,497				16,497

048	T-45 SERIES	114,887	114,887	114,887		114,887				
049	POWER PLANT CHANGES	16,893	16,893	16,893	-2,000	14,893				
	Excess support growth				[-2,000]					
050	JPATS SERIES	17,401	17,401	17,401		17,401				
051	COMMON ECM EQUIPMENT	143,773	143,773	143,773		143,773				
052	COMMON AVIONICS CHANGES	164,839	164,839	164,839		164,839				
053	COMMON DEFENSIVE WEAPON SYSTEM	4,403	4,403	4,403		4,403				
054	ID SYSTEMS	45,768	45,768	45,768		45,768				
055	P-8 SERIES	18,836	18,836	18,836		18,836				
056	MAGTF EW FOR AVIATION	5,676	5,676	5,676		5,676				
057	MQ-8 SERIES	19,003	19,003	19,003		19,003				
058	RQ-7 SERIES	3,534	3,534	3,534		3,534				
059	V-22 (TILT/ROTOR ACFT) OSPREY	141,545	141,545	141,545		141,545				
060	F-35 STOVL SERIES	34,928	34,928	34,928		34,928				
061	F-35 CV SERIES	26,004	26,004	26,004		26,004				
062	QRC	5,476	5,476	5,476		5,476				
	AIRCRAFT SPARES AND REPAIR PARTS									
063	SPARES AND REPAIR PARTS	1,407,626	1,407,626	1,458,426		1,407,626				
	F-35B spares unfunded requirement			(50,800)						
	AIRCRAFT SUPPORT EQUIP & FACILITIES									
064	COMMON GROUND EQUIPMENT	390,103	370,103	390,103		390,103				
	Program decrease		[-20,000]							
065	AIRCRAFT INDUSTRIAL FACILITIES	23,194	23,194	23,194		23,194				
066	WAR CONSUMABLES	40,613	40,613	40,613		40,613				
067	OTHER PRODUCTION CHARGES	860	860	860		860				
068	SPECIAL SUPPORT EQUIPMENT	36,282	36,282	36,282		36,282				
069	FIRST DESTINATION TRANSPORTATION	1,523	1,523	1,523		1,523				
	TOTAL AIRCRAFT PROCUREMENT, NAVY	84	14,109,148	84	14,016,848	84	14,159,948	-157,372	84	13,951,776
	WEAPONS PROCUREMENT, NAVY									
	MODIFICATION OF MISSILES									
001	TRIDENT II MODS	1,103,086	1,103,086	1,103,086		1,103,086				
	SUPPORT EQUIPMENT & FACILITIES									
002	MISSILE INDUSTRIAL FACILITIES	6,776	6,776	6,776		6,776				
	STRATEGIC MISSILES									
003	TOMAHAWK	100	186,905	100	186,905	196	271,105	-7,000	100	179,905
	Program increase					[96]	[84,200]			
	Tomahawk unit cost growth							[-7,000]		
	TACTICAL MISSILES									
004	AMRAAM	163	204,697	163	204,697	163	204,697	-7,250	163	197,447

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Unit cost growth								[-7,250]		
005	SIDEWINDER	152	70,912	152	70,912	152	70,912			152	70,912
006	JSOW		2,232		2,232		2,232				2,232
007	STANDARD MISSILE	125	501,212	125	501,212	125	501,212		-3,244	125	497,968
	Diminishing manufacturing sources excess growth								[-3,244]		
008	RAM	90	71,557	90	71,557	90	71,557			90	71,557
009	JOINT AIR GROUND MISSILE (JAGM)	96	26,200	96	26,200	96	26,200		-4,278	96	21,922
	Unit cost savings								[-4,278]		
012	STAND OFF PRECISION GUIDED MUNITIONS (SOPGM)	24	3,316	24	3,316	24	3,316			24	3,316
013	AERIAL TARGETS		137,484		137,484		137,484				137,484
014	OTHER MISSILE SUPPORT		3,248		3,248		3,248				3,248
015	LRASM	10	29,643	10	29,643	10	29,643			10	29,643
	MODIFICATION OF MISSILES										
016	ESSM	75	52,935	75	52,935	75	52,935			75	52,935
018	HARM MODS		178,213		178,213		148,213				178,213
	Advanced Anti-Radiation Guided Missile production issues						[-30,000]				
019	STANDARD MISSILES MODS		8,164		8,164		8,164				8,164
	SUPPORT EQUIPMENT & FACILITIES										
020	WEAPONS INDUSTRIAL FACILITIES		1,964		1,964		1,964				1,964
021	FLEET SATELLITE COMM FOLLOW-ON		36,723		36,723		36,723				36,723
	ORDNANCE SUPPORT EQUIPMENT										
022	ORDNANCE SUPPORT EQUIPMENT		59,096		59,096		66,066				59,096
	Program increase						[6,970]				
	TORPEDOES AND RELATED EQUIP										
023	SSTD		5,910		5,910		5,910				5,910
024	MK-48 TORPEDO	11	44,537	11	44,537	11	44,537			11	44,537
025	ASW TARGETS		9,302		9,302		9,302				9,302
	MOD OF TORPEDOES AND RELATED EQUIP										
026	MK-54 TORPEDO MODS		98,092		98,092		98,092				98,092
027	MK-48 TORPEDO ADCAP MODS		46,139		46,139		46,139				46,139
028	QUICKSTRIKE MINE		1,236		1,236		1,236				1,236
	SUPPORT EQUIPMENT										
029	TORPEDO SUPPORT EQUIPMENT		60,061		60,061		60,061				60,061

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030	ASW RANGE SUPPORT	3,706		3,706		3,706		3,706
	DESTINATION TRANSPORTATION							
031	FIRST DESTINATION TRANSPORTATION	3,804		3,804		3,804		3,804
	GUNS AND GUN MOUNTS							
032	SMALL ARMS AND WEAPONS	18,002		18,002		18,002		18,002
	MODIFICATION OF GUNS AND GUN MOUNTS							
033	CIWS MODS	50,900		50,900		50,900		50,900
034	COAST GUARD WEAPONS	25,295		25,295		25,295		25,295
035	GUN MOUNT MODS	77,003		77,003		77,003		77,003
036	LCS MODULE WEAPONS	24	24	2,776	24	2,776	24	2,776
038	AIRBORNE MINE NEUTRALIZATION SYSTEMS	15,753		15,753		15,753		15,753
	SPARES AND REPAIR PARTS							
040	SPARES AND REPAIR PARTS	62,383		62,383		62,383		62,383
	TOTAL WEAPONS PROCUREMENT, NAVY	870	3,209,262	870	3,209,262	966	3,270,432	-21,772
	870	3,209,262	870	3,209,262	966	3,270,432	-21,772	870
	3,187,490							
	PROCUREMENT OF AMMO, NAVY & MC							
	NAVY AMMUNITION							
001	GENERAL PURPOSE BOMBS	91,659		91,659		91,659		91,659
002	AIRBORNE ROCKETS, ALL TYPES	65,759		65,759		65,759		65,759
003	MACHINE GUN AMMUNITION	8,152		8,152		8,152		8,152
004	PRACTICE BOMBS	41,873		41,873		41,873		41,873
005	CARTRIDGES & CART ACTUATED DEVICES	54,002		54,002		54,002		54,002
006	AIR EXPENDABLE COUNTERMEASURES	57,034		57,034		57,034		57,034
007	JATOS	2,735		2,735		2,735		2,735
009	5 INCH/54 GUN AMMUNITION	19,220		19,220		19,220		19,220
010	INTERMEDIATE CALIBER GUN AMMUNITION	30,196		30,196		30,196		30,196
011	OTHER SHIP GUN AMMUNITION	39,009		39,009		39,009		39,009
012	SMALL ARMS & LANDING PARTY AMMO	46,727		46,727		46,727		46,727
013	PYROTECHNIC AND DEMOLITION	9,806		9,806		9,806		9,806
014	AMMUNITION LESS THAN \$5 MILLION	2,900		2,900		2,900		2,900
	MARINE CORPS AMMUNITION							
015	SMALL ARMS AMMUNITION	27,958		27,958		27,958		27,958
017	40 MM, ALL TYPES	14,758		14,758		14,758		14,758
018	60MM, ALL TYPES	992		992		992		992
020	120MM, ALL TYPES	16,757		16,757		12,757		12,157
	120mm early to need					[-4,000]		[-4,600]
021	GRENADES, ALL TYPES	972		972		972		972
022	ROCKETS, ALL TYPES	14,186		14,186		14,186		14,186
023	ARTILLERY, ALL TYPES	68,656		68,656		68,656		68,656
024	DEMOLITION MUNITIONS, ALL TYPES	1,700		1,700		1,700		1,700

SEC. 4101. PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
025	FUZE, ALL TYPES		26,088		26,088		26,088				26,088
027	AMMO MODERNIZATION		14,660		14,660		14,660				14,660
028	ITEMS LESS THAN \$5 MILLION		8,569		8,569		6,069		-2,500		6,069
	Early to need						[-2,500]		[-2,500]		
	TOTAL PROCUREMENT OF AMMO, NAVY & MC		664,368		664,368		657,868		-7,100		657,268
	SHIPBUILDING AND CONVERSION, NAVY										
	FLEET BALLISTIC MISSILE SHIPS										
001	OHIO REPLACEMENT SUBMARINE ADVANCE PROCUREMENT		773,138				773,138				773,138
	Transfer to Title XIV National Sea-Based Deterrence Fund				[-773,138]						
	OTHER WARSHIPS										
002	CARRIER REPLACEMENT PROGRAM		1,291,783		1,291,783		1,291,783				1,291,783
003	ADVANCE PROCUREMENT (CY)		1,370,784		1,370,784		1,370,784				1,370,784
004	VIRGINIA CLASS SUBMARINE	2	3,187,985	2	3,187,985	2	3,187,985			2	3,187,985
005	ADVANCE PROCUREMENT (CY)		1,767,234		1,767,234		1,767,234		85,000		1,852,234
	Long-lead Time Materiel Orders for Virginia Class								[85,000]		
006	CVN REFUELING OVERHAULS		1,743,220		1,743,220		1,743,220				1,743,220
007	ADVANCE PROCUREMENT (CY)		248,599		248,599		248,599				248,599
008	DDG 1000		271,756		271,756		271,756				271,756
009	DDG-51	2	3,211,292	2	3,211,292	2	3,261,092		49,800	2	3,261,092
	Fund additional FY16 destroyer						[49,800]		[49,800]		
011	LITTORAL COMBAT SHIP	2	1,125,625	2	1,125,625	2	1,097,625		-28,000	2	1,097,625
	Unjustified growth						[-28,000]		[-28,000]		
	AMPHIBIOUS SHIPS										
012A	AMPHIBIOUS SHIP REPLACEMENT LX(R)								440,000		440,000
	Procurement of LPD-29 or LX (R)								[440,000]		
013	AMPHIBIOUS SHIP REPLACEMENT LX(R) ADVANCE PROCUREMENT ..						50,000				
	Advanced procurement for LX (R)						[50,000]				
016	LHA REPLACEMENT	1	1,623,024	1	1,623,024	1	1,623,024			1	1,623,024
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST										
020	ADVANCE PROCUREMENT (CY)		73,079		73,079		73,079				73,079
022	MOORED TRAINING SHIP	1	624,527	1	624,527	1	624,527			1	624,527
025	OUTFITTING		666,158		666,158		666,158		-21,104		645,054

053	AN/SLQ-32	274,892	274,892	1	297,892	-8,251	266,641
	Additional SEWIP Blk 3 unfunded requirement			[1]	[23,000]		
	Block 3 excess support					[-4,270]	
	Block 3T excess support					[-1,000]	
	Block 3T installation prior year carryover					[-2,981]	
	RECONNAISSANCE EQUIPMENT						
054	SHIPBOARD IW EXPLOIT	170,733	170,733		170,733		170,733
055	AUTOMATED IDENTIFICATION SYSTEM (AIS)	958	958		958		958
	OTHER SHIP ELECTRONIC EQUIPMENT						
057	COOPERATIVE ENGAGEMENT CAPABILITY	22,034	22,034		22,034		22,034
059	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	12,336	12,336		12,336		12,336
060	ATDLS	30,105	30,105		30,105		30,105
061	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	4,556	4,556		4,556		4,556
062	MINESWEEPING SYSTEM REPLACEMENT	56,675	56,675		32,175	-24,477	32,198
	Ahead of need				[-24,500]	[-24,477]	
063	SHALLOW WATER MCM	8,875	8,875		8,875		8,875
064	NAVSTAR GPS RECEIVERS (SPACE)	12,752	12,752		12,752		12,752
065	AMERICAN FORCES RADIO AND TV SERVICE	4,577	4,577		4,577		4,577
066	STRATEGIC PLATFORM SUPPORT EQUIP	8,972	8,972		8,972		8,972
	AVIATION ELECTRONIC EQUIPMENT						
069	ASHORE ATC EQUIPMENT	75,068	75,068		75,068		75,068
070	AFLOAT ATC EQUIPMENT	33,484	33,484		33,484		33,484
076	ID SYSTEMS	22,177	22,177		22,177		22,177
077	NAVAL MISSION PLANNING SYSTEMS	14,273	14,273		14,273		14,273
	OTHER SHORE ELECTRONIC EQUIPMENT						
080	TACTICAL/MOBILE C4I SYSTEMS	27,927	27,927		27,927		27,927
081	DCGS-N	12,676	12,676		12,676		12,676
082	CANES	212,030	212,030		212,030		212,030
083	RADIAC	8,092	8,092		8,092		8,092
084	CANES-INTELL	36,013	36,013		36,013		36,013
085	GPETE	6,428	6,428		6,428		6,428
087	INTEG COMBAT SYSTEM TEST FACILITY	8,376	8,376		8,376		8,376
088	EMI CONTROL INSTRUMENTATION	3,971	3,971		3,971		3,971
089	ITEMS LESS THAN \$5 MILLION	58,721	58,721		58,721		58,721
	SHIPBOARD COMMUNICATIONS						
090	SHIPBOARD TACTICAL COMMUNICATIONS	17,366	17,366		17,366		17,366
091	SHIP COMMUNICATIONS AUTOMATION	102,479	102,479		102,479		102,479
092	COMMUNICATIONS ITEMS UNDER \$5M	10,403	10,403		10,403		10,403
	SUBMARINE COMMUNICATIONS						
093	SUBMARINE BROADCAST SUPPORT	34,151	34,151		34,151		34,151

SEC. 4101. PROCUREMENT (In Thousands of Dollars)												
Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized		
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	
094	SUBMARINE COMMUNICATION EQUIPMENT		64,529		64,529		64,529					64,529
	SATELLITE COMMUNICATIONS											
095	SATELLITE COMMUNICATIONS SYSTEMS		14,414		14,414		14,414					14,414
096	NAVY MULTIBAND TERMINAL (NMT)		38,365		38,365		38,365					38,365
	SHORE COMMUNICATIONS											
097	JCS COMMUNICATIONS EQUIPMENT		4,156		4,156		4,156					4,156
	CRYPTOGRAPHIC EQUIPMENT											
099	INFO SYSTEMS SECURITY PROGRAM (ISSP)		85,694		85,694		85,694					85,694
100	MIO INTEL EXPLOITATION TEAM		920		920		920					920
	CRYPTOLOGIC EQUIPMENT											
101	CRYPTOLOGIC COMMUNICATIONS EQUIP		21,098		21,098		21,098					21,098
	OTHER ELECTRONIC SUPPORT											
102	COAST GUARD EQUIPMENT		32,291		32,291		32,291					32,291
	SONOBUOYS											
103	SONOBUOYS—ALL TYPES		162,588		162,588		162,588		-3,047			159,541
	Excess unit cost growth								[-3,047]			
	AIRCRAFT SUPPORT EQUIPMENT											
104	WEAPONS RANGE SUPPORT EQUIPMENT		58,116		58,116		58,116					58,116
105	AIRCRAFT SUPPORT EQUIPMENT		120,324		120,324		120,324					120,324
106	METEOROLOGICAL EQUIPMENT		29,253		29,253		29,253					29,253
107	DCRS/DPL		632		632		632					632
108	AIRBORNE MINE COUNTERMEASURES		29,097		29,097		29,097					29,097
109	AVIATION SUPPORT EQUIPMENT		39,099		39,099		39,099					39,099
	SHIP GUN SYSTEM EQUIPMENT											
110	SHIP GUN SYSTEMS EQUIPMENT		6,191		6,191		6,191					6,191
	SHIP MISSILE SYSTEMS EQUIPMENT											
111	SHIP MISSILE SUPPORT EQUIPMENT		320,446		310,946		320,446		-9,500			310,946
	Program execution				[-9,500]				[-9,500]			
112	TOMAHAWK SUPPORT EQUIPMENT		71,046		71,046		71,046					71,046
	FBM SUPPORT EQUIPMENT											
113	STRATEGIC MISSILE SYSTEMS EQUIP		215,138		215,138		215,138					215,138
	ASW SUPPORT EQUIPMENT											
114	SSN COMBAT CONTROL SYSTEMS		130,715		130,715		130,715					130,715

115	ASW SUPPORT EQUIPMENT	26,431	26,431	26,431		26,431
	OTHER ORDNANCE SUPPORT EQUIPMENT					
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	11,821	11,821	11,821		11,821
117	ITEMS LESS THAN \$5 MILLION	6,243	6,243	6,243		6,243
	OTHER EXPENDABLE ORDNANCE					
118	SUBMARINE TRAINING DEVICE MODS	48,020	48,020	48,020		48,020
120	SURFACE TRAINING EQUIPMENT	97,514	97,514	97,514	-2,535	94,979
	Unjustified growth				[-2,535]	
	CIVIL ENGINEERING SUPPORT EQUIPMENT					
121	PASSENGER CARRYING VEHICLES	8,853	8,853	8,853		8,853
122	GENERAL PURPOSE TRUCKS	4,928	4,928	4,928		4,928
123	CONSTRUCTION & MAINTENANCE EQUIP	18,527	18,527	18,527		18,527
124	FIRE FIGHTING EQUIPMENT	13,569	13,569	13,569		13,569
125	TACTICAL VEHICLES	14,917	14,917	14,917		14,917
126	AMPHIBIOUS EQUIPMENT	7,676	7,676	7,676		7,676
127	POLLUTION CONTROL EQUIPMENT	2,321	2,321	2,321		2,321
128	ITEMS UNDER \$5 MILLION	12,459	12,459	12,459		12,459
129	PHYSICAL SECURITY VEHICLES	1,095	1,095	1,095		1,095
	SUPPLY SUPPORT EQUIPMENT					
131	SUPPLY EQUIPMENT	16,023	16,023	16,023		16,023
133	FIRST DESTINATION TRANSPORTATION	5,115	5,115	5,115		5,115
134	SPECIAL PURPOSE SUPPLY SYSTEMS	295,471	295,471	295,471		295,471
	TRAINING DEVICES					
136	TRAINING AND EDUCATION EQUIPMENT	9,504	9,504	9,504		9,504
	COMMAND SUPPORT EQUIPMENT					
137	COMMAND SUPPORT EQUIPMENT	37,180	37,180	37,180	-7,200	29,980
	CNIC building control systems unjustified request				[-7,200]	
139	MEDICAL SUPPORT EQUIPMENT	4,128	4,128	4,128		4,128
141	NAVAL MIP SUPPORT EQUIPMENT	1,925	1,925	1,925		1,925
142	OPERATING FORCES SUPPORT EQUIPMENT	4,777	4,777	4,777		4,777
143	C4ISR EQUIPMENT	9,073	9,073	9,073		9,073
144	ENVIRONMENTAL SUPPORT EQUIPMENT	21,107	21,107	21,107		21,107
145	PHYSICAL SECURITY EQUIPMENT	100,906	100,906	100,906		100,906
146	ENTERPRISE INFORMATION TECHNOLOGY	67,544	67,544	67,544		67,544
	OTHER					
150	NEXT GENERATION ENTERPRISE SERVICE	98,216	98,216	98,216		98,216
	CLASSIFIED PROGRAMS					
150A	CLASSIFIED PROGRAMS	9,915	9,915	9,915		9,915
	SPARES AND REPAIR PARTS					
151	SPARES AND REPAIR PARTS	199,660	199,660	199,660		199,660

SEC. 4101. PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	TOTAL OTHER PROCUREMENT, NAVY		6,338,861		6,272,961	2	6,408,661		-79,931		6,258,930
	PROCUREMENT, MARINE CORPS										
	TRACKED COMBAT VEHICLES										
001	AAV7A1 PIP		73,785		73,785		73,785		-2,000		71,785
	Production engineering support excess growth								[-2,000]		
002	LAV PIP		53,423		53,423		53,423				53,423
	ARTILLERY AND OTHER WEAPONS										
003	EXPEDITIONARY FIRE SUPPORT SYSTEM		3,360		3,360		3,360				3,360
004	155MM LIGHTWEIGHT TOWED HOWITZER		3,318		3,318		3,318				3,318
005	HIGH MOBILITY ARTILLERY ROCKET SYSTEM		33,725		33,725		33,725				33,725
006	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION		8,181		8,181		8,181				8,181
	OTHER SUPPORT										
007	MODIFICATION KITS		15,250		15,250		15,250				15,250
	GUIDED MISSILES										
009	GROUND BASED AIR DEFENSE		9,170		9,170		9,170				9,170
010	JAVELIN		1,009		1,009		1,009				1,009
011	FOLLOW ON TO SMAW		24,666		24,666		24,666				24,666
012	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H)		17,080		17,080		17,080				17,080
	COMMAND AND CONTROL SYSTEMS										
015	COMMON AVIATION COMMAND AND CONTROL SYSTEM (C)		47,312		47,312		47,312				47,312
	REPAIR AND TEST EQUIPMENT										
016	REPAIR AND TEST EQUIPMENT		16,469		16,469		16,469				16,469
	COMMAND AND CONTROL SYSTEM (NON-TEL)										
019	ITEMS UNDER \$5 MILLION (COMM & ELEC)		7,433		7,433		7,433				7,433
020	AIR OPERATIONS C2 SYSTEMS		15,917		15,917		15,917				15,917
	RADAR + EQUIPMENT (NON-TEL)										
021	RADAR SYSTEMS		17,772		17,772		17,772				17,772
022	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	3	123,758	3	123,758	3	123,758			3	123,758
023	RQ-21 UAS	4	80,217	4	80,217	4	80,217			4	80,217
	INTELL/COMM EQUIPMENT (NON-TEL)										
024	GCSS-MC		1,089		1,089		1,089				1,089
025	FIRE SUPPORT SYSTEM		13,258		13,258		13,258				13,258

026	INTELLIGENCE SUPPORT EQUIPMENT		56,379		56,379		56,379		56,379
029	RQ-11 UAV		1,976		1,976		1,976		1,976
031	DCGS-MC		1,149		1,149		1,149		1,149
032	UAS PAYLOADS		2,971		2,971		2,971		2,971
	OTHER SUPPORT (NON-TEL)								
034	NEXT GENERATION ENTERPRISE NETWORK (NGEN)		76,302		76,302		76,302		76,302
035	COMMON COMPUTER RESOURCES		41,802		41,802		41,802	-2,325	39,477
	Prior year carryover							[-2,325]	
036	COMMAND POST SYSTEMS		90,924		90,924		90,924		90,924
037	RADIO SYSTEMS		43,714		43,714		43,714		43,714
038	COMM SWITCHING & CONTROL SYSTEMS		66,383		66,383		66,383		66,383
039	COMM & ELEC INFRASTRUCTURE SUPPORT		30,229		30,229		30,229		30,229
	CLASSIFIED PROGRAMS								
039A	CLASSIFIED PROGRAMS		2,738		2,738		2,738		2,738
	ADMINISTRATIVE VEHICLES								
041	COMMERCIAL CARGO VEHICLES		88,312		88,312		88,312		88,312
	TACTICAL VEHICLES								
043	MOTOR TRANSPORT MODIFICATIONS		13,292		13,292		13,292		13,292
045	JOINT LIGHT TACTICAL VEHICLE	192	113,230	192	113,230	192	113,230	192	113,230
046	FAMILY OF TACTICAL TRAILERS		2,691		2,691		2,691		2,691
	ENGINEER AND OTHER EQUIPMENT								
048	ENVIRONMENTAL CONTROL EQUIP ASSORT		18		18		18		18
050	TACTICAL FUEL SYSTEMS		78		78		78		78
051	POWER EQUIPMENT ASSORTED		17,973		17,973		17,973		17,973
052	AMPHIBIOUS SUPPORT EQUIPMENT		7,371		7,371		7,371		7,371
053	EOD SYSTEMS		14,021		14,021		14,021		14,021
	MATERIALS HANDLING EQUIPMENT								
054	PHYSICAL SECURITY EQUIPMENT		31,523		31,523		31,523		31,523
	GENERAL PROPERTY								
058	TRAINING DEVICES		33,658		33,658		33,658		33,658
060	FAMILY OF CONSTRUCTION EQUIPMENT		21,315		21,315		21,315		21,315
061	FAMILY OF INTERNALLY TRANSPORTABLE VEH (ITV)		9,654		9,654		9,654		9,654
	OTHER SUPPORT								
062	ITEMS LESS THAN \$5 MILLION		6,026		6,026		6,026		6,026
	SPARES AND REPAIR PARTS								
064	SPARES AND REPAIR PARTS		22,848		22,848		22,848		22,848
	TOTAL PROCUREMENT, MARINE CORPS	199	1,362,769	199	1,362,769	199	1,362,769	-4,325	1,358,444

AIRCRAFT PROCUREMENT, AIR FORCE
TACTICAL FORCES

SEC. 4101. PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
001	F-35	43	4,401,894	43	4,401,894	43	4,401,894			43	4,188,894
	Program efficiencies								-213,000		
									[-213,000]		
002	ADVANCE PROCUREMENT (CY)		404,500		404,500		404,500				404,500
	TACTICAL AIRLIFT										
003	KC-46A TANKER	15	2,884,591	15	2,884,591	15	2,884,591			15	2,884,591
	OTHER AIRLIFT										
004	C-130J	2	145,655	2	145,655	2	145,655			2	145,655
006	HC-130J	4	317,576	4	317,576	4	317,576			4	317,576
007	ADVANCE PROCUREMENT (CY)		20,000		20,000		20,000				20,000
008	MC-130J	6	548,358	6	548,358	6	548,358			6	548,358
009	ADVANCE PROCUREMENT (CY)		50,000		50,000		50,000				50,000
	HELICOPTERS										
010	UH-1N REPLACEMENT		18,337		18,337	8	320,637				18,337
	HH-60 Blackhawks, initial spares, and support equipment ...					[8]	[302,300]				
	MISSION SUPPORT AIRCRAFT										
012	CIVIL AIR PATROL A/C	6	2,637	6	2,637	6	2,637			6	2,637
	OTHER AIRCRAFT										
013	TARGET DRONES	41	114,656	41	114,656	41	114,656			41	114,656
014	RQ-4		12,966		12,966		12,966				12,966
015	MQ-9		122,522		122,522		35,522				122,522
	Air Force requested realignment								[-87,000]		
	STRATEGIC AIRCRAFT										
016	B-2A		46,729		46,729		46,729				46,729
017	B-1B		116,319		116,319		116,319				116,319
018	B-52		109,020		109,020		109,020				109,020
	TACTICAL AIRCRAFT										
020	A-10		1,289		1,289		1,289				1,289
021	F-15		105,685		105,685		105,685				105,685
022	F-16		97,331		97,331		185,631		17,000		114,331
	Active missile warning system						[12,000]		[12,000]		
	Anti-jam global positioning system (GPS) upgrade						[5,000]		[5,000]		
	Digital radar warning system						[23,000]				
	Multi-mission computer and MIDS-JTRS						[48,300]				

023	F-22A	163,008		163,008		163,008		163,008
024	F-35 MODIFICATIONS	175,811		175,811		175,811		175,811
025	INCREMENT 3.2B	76,410		76,410		76,410		76,410
026	ADVANCE PROCUREMENT (CY)	2,000		2,000		2,000		2,000
	AIRLIFT AIRCRAFT							
027	C-5	24,192		24,192		24,192		24,192
029	C-17A	21,555		21,555		21,555		21,555
030	C-21	5,439		5,439		5,439		5,439
031	C-32A	35,235		35,235		35,235		35,235
032	C-37A	5,004		5,004		5,004		5,004
	TRAINER AIRCRAFT							
033	GLIDER MODS	394		394		394		394
034	T-6	12,765		12,765		12,765		12,765
035	T-1	25,073		25,073		25,073		17,073
	Production schedule slip					-8,000		
036	T-38	45,090		45,090		45,090		45,090
	OTHER AIRCRAFT							
037	U-2 MODS	36,074		36,074		36,074		36,074
038	KC-10A (ATCA)	4,570		4,570		4,570		4,570
039	C-12	1,995		1,995		1,995		1,995
040	VC-25A MOD	102,670		102,670		102,670		102,670
041	C-40	13,984		13,984		13,984		13,984
042	C-130	9,168	50	81,668		9,168	50	81,668
	8-Bladed Propellers			[16,000]				[16,000]
	Electronic Propeller Control Systems			[13,500]				[13,500]
	In-flight Propeller Balancing System Certification			[1,500]				[1,500]
	T56 3.5 Engine Upgrade Kits		[50]	[41,500]			[50]	[41,500]
043	C-130J MODS	89,424		89,424		89,424		89,424
044	C-135	64,161		64,161		64,161		64,161
045	COMPASS CALL MODS	130,257		59,857		155,857		59,857
	Air Force requested realignment from Initial Spares					[25,600]		
	Compass Call Program Restructure							[-70,400]
046	RC-135	211,438		211,438		211,438		211,438
047	E-3	82,786		82,786		82,786		82,786
048	E-4	53,348		53,348		53,348		53,348
049	E-8	6,244		6,244		6,244		6,244
050	AIRBORNE WARNING AND CONTROL SYSTEM	223,427		223,427		223,427		223,427
051	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	4,673	3	4,673		4,673	3	4,673
052	H-1	9,007		9,007		9,007		9,007
054	H-60	91,357		91,357		91,357		91,357

SEC. 4101. PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
055	RQ-4 MODS		32,045		32,045		32,045				32,045
056	HC/MC-130 MODIFICATIONS		30,767		30,767		30,767				30,767
057	OTHER AIRCRAFT		33,886		33,886		33,886				33,886
059	MQ-9 MODS		141,929		141,929		141,929				141,929
060	CV-22 MODS		63,395		63,395		63,395				63,395
	AIRCRAFT SPARES AND REPAIR PARTS										
061	INITIAL SPARES/REPAIR PARTS		686,491		673,291		747,891		-13,200		673,291
	Air Force requested realignment						[-25,600]				
	Air Force requested realignment from MQ-9						[87,000]				
	Compass Call Program Restructure				[-13,200]				[-13,200]		
	COMMON SUPPORT EQUIPMENT										
062	AIRCRAFT REPLACEMENT SUPPORT EQUIP		121,935		121,935		121,935				121,935
	POST PRODUCTION SUPPORT										
063	B-2A		154		154		154				154
064	B-2A		43,330		43,330		43,330				43,330
065	B-52		28,125		28,125		28,125				28,125
066	C-17A		23,559		23,559		23,559				23,559
069	F-15		2,980		2,980		2,980				2,980
070	F-16		15,155		39,955		15,155		24,800		39,955
	Additional mission trainers				[24,800]				[24,800]		
071	F-22A		48,505		48,505		48,505				48,505
074	RQ-4 POST PRODUCTION CHARGES		99		99		99				99
	INDUSTRIAL PREPAREDNESS										
075	INDUSTRIAL RESPONSIVENESS		14,126		14,126		14,126				14,126
	WAR CONSUMABLES										
076	WAR CONSUMABLES		120,036		120,036		120,036				120,036
	OTHER PRODUCTION CHARGES										
077	OTHER PRODUCTION CHARGES		1,252,824		1,252,824		1,252,824				1,252,824
	CLASSIFIED PROGRAMS										
077A	CLASSIFIED PROGRAMS		16,952		16,952		16,952		103,000		119,952
	Compass Call Program Restructure								[103,000]		
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	120	13,922,917	170	13,936,617	128	14,313,517	50	-87,300	170	13,835,617

MISSILE PROCUREMENT, AIR FORCE									
MISSILE REPLACEMENT EQUIPMENT—BALLISTIC									
001	MISSILE REPLACEMENT EQ-BALLISTIC		70,247		70,247		70,247		70,247
TACTICAL									
002	JOINT AIR-SURFACE STANDOFF MISSILE	360	431,645	360	431,645	360	431,645	360	431,645
003	LRASMO	20	59,511	20	59,511	20	59,511	20	59,511
004	SIDEWINDER (AIM-9X)	287	127,438	287	127,438	287	127,438	287	127,438
005	AMRAAM	256	350,144	256	350,144	256	350,144	256	339,392
	Pricing adjustment							-10,752	
006	PREDATOR HELLFIRE MISSILE	284	33,955	284	33,955	284	33,955	284	33,955
007	SMALL DIAMETER BOMB	312	92,361	312	92,361	312	92,361	312	92,361
INDUSTRIAL FACILITIES									
008	INDUSTR'L PREPAREDNS/POL PREVENTION		977		977		977		977
CLASS IV									
009	ICBM FUZE MOD		17,095		17,095		17,095		17,095
010	MM III MODIFICATIONS		68,692		68,692		68,692		68,692
011	AGM-65D MAVERICK		282		282		282		282
013	AIR LAUNCH CRUISE MISSILE (ALCM)		21,762		21,762		21,762		21,762
014	SMALL DIAMETER BOMB		15,349		15,349		15,349		15,349
MISSILE SPARES AND REPAIR PARTS									
015	INITIAL SPARES/REPAIR PARTS		81,607		81,607		81,607		81,607
SPECIAL PROGRAMS									
030	SPECIAL UPDATE PROGRAMS		46,125		46,125		46,125		46,125
CLASSIFIED PROGRAMS									
030A	CLASSIFIED PROGRAMS		1,009,431		1,009,431		1,009,431		1,009,431
	TOTAL MISSILE PROCUREMENT, AIR FORCE	1,519	2,426,621	1,519	2,426,621	1,519	2,426,621	-10,752	1,519
SPACE PROCUREMENT, AIR FORCE									
SPACE PROGRAMS									
001	ADVANCED EHF		645,569		645,569		645,569		645,569
002	AF SATELLITE COMM SYSTEM		42,375		42,375		42,375		42,375
003	COUNTERSPACE SYSTEMS		26,984		26,984		26,984		26,984
004	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	16	88,963	16	88,963	16	88,963	16	88,963
005	WIDEBAND GAFILLER SATELLITES(SPACE)		86,272		116,272		86,272		86,272
	Pilot Program				[30,000]				
006	GPS III SPACE SEGMENT		34,059		34,059		34,059		34,059
007	GLOBAL POSITIONING (SPACE)		2,169		2,169		2,169		2,169
008	SPACEBORNE EQUIP (COMSEC)		46,708		46,708		46,708		46,708
009	GLOBAL POSITIONING (SPACE)		13,171		10,271		13,171		10,271
	Excess to Need				[-2,900]				[-2,900]

SEC. 4101. PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
010	MILSATCOM		41,799		41,799		41,799				41,799
011	EVOLVED EXPENDABLE LAUNCH CAPABILITY		768,586		768,586		768,586		-26,000		742,586
	Early to need								[-26,000]		
012	EVOLVED EXPENDABLE LAUNCH VEH(SPACE)	5	737,853	5	737,853	5	737,853		-201,000	5	536,853
	Early to need								[-201,000]		
013	SBIR HIGH (SPACE)		362,504		362,504		362,504				362,504
014	NUDET DETECTION SYSTEM		4,395		4,395		4,395				4,395
015	SPACE MODS		8,642		8,642		8,642				8,642
016	SPACELIFT RANGE SYSTEM SPACE		123,088		123,088		123,088				123,088
	SSPARES										
017	INITIAL SPARES/REPAIR PARTS		22,606		22,606		22,606				22,606
	TOTAL SPACE PROCUREMENT, AIR FORCE	21	3,055,743	21	3,082,843	21	3,055,743		-229,900	21	2,825,843
	PROCUREMENT OF AMMUNITION, AIR FORCE										
	ROCKETS										
001	ROCKETS		18,734		18,734		18,734				18,734
	CARTRIDGES										
002	CARTRIDGES		220,237		220,237		220,237				220,237
	BOMBS										
003	PRACTICE BOMBS		97,106		97,106		97,106				97,106
004	GENERAL PURPOSE BOMBS		581,561		581,561		581,561				581,561
005	MASSIVE ORDNANCE PENETRATOR (MOP)		3,600		3,600		3,600				3,600
006	JOINT DIRECT ATTACK MUNITION	12,133	303,988	12,133	303,988	12,133	303,988		-6,000	12,133	297,988
	Pricing adjustment for increased quantity								[-6,000]		
	OTHER ITEMS										
007	CAD/PAD		38,890		38,890		38,890				38,890
008	EXPLOSIVE ORDNANCE DISPOSAL (EOD)		5,714		5,714		5,714				5,714
009	SPARES AND REPAIR PARTS		740		740		740				740
010	MODIFICATIONS		573		573		573				573
011	ITEMS LESS THAN \$5 MILLION		5,156		5,156		5,156				5,156
	FLARES										
012	FLARES		134,709		134,709		134,709				134,709
	FUZES										

013	FUZES	229,252		229,252		229,252		229,252
	SMALL ARMS							
014	SMALL ARMS	37,459		37,459		37,459		37,459
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	12,133	1,677,719	12,133	1,677,719	12,133	1,677,719	-6,000 12,133 1,671,719
	OTHER PROCUREMENT, AIR FORCE							
	PASSENGER CARRYING VEHICLES							
001	PASSENGER CARRYING VEHICLES	14,437		14,437		14,437		14,437
	CARGO AND UTILITY VEHICLES							
002	MEDIUM TACTICAL VEHICLE	24,812		24,812		24,812		24,812
003	CAP VEHICLES	984		984		984		984
004	ITEMS LESS THAN \$5 MILLION	11,191		11,191		11,191		11,191
	SPECIAL PURPOSE VEHICLES							
005	SECURITY AND TACTICAL VEHICLES	5,361		5,361		5,361		5,361
006	ITEMS LESS THAN \$5 MILLION	4,623		4,623		4,623		4,623
	FIRE FIGHTING EQUIPMENT							
007	FIRE FIGHTING/CRASH RESCUE VEHICLES	12,451		7,451		12,451		12,451
	Program reduction			[-5,000]				
	MATERIALS HANDLING EQUIPMENT							
008	ITEMS LESS THAN \$5 MILLION	18,114		18,114		18,114		18,114
	BASE MAINTENANCE SUPPORT							
009	RUNWAY SNOW REMOV & CLEANING EQUIP	2,310		2,310		2,310		2,310
010	ITEMS LESS THAN \$5 MILLION	46,868		46,868		46,868		46,868
	COMM SECURITY EQUIPMENT(COMSEC)							
012	COMSEC EQUIPMENT	72,359		72,359		72,359		72,359
	INTELLIGENCE PROGRAMS							
014	INTELLIGENCE TRAINING EQUIPMENT	6,982		6,982		6,982		6,982
015	INTELLIGENCE COMM EQUIPMENT	30,504		30,504		35,604		30,504
	Air Force requested realignment from AFNET					[5,100]		
	ELECTRONICS PROGRAMS							
016	AIR TRAFFIC CONTROL & LANDING SYS	55,803		55,803		55,803		55,803
017	NATIONAL AIRSPACE SYSTEM	2,673		2,673		2,673		2,673
018	BATTLE CONTROL SYSTEM—FIXED	5,677		5,677		5,677		5,677
019	THEATER AIR CONTROL SYS IMPROVEMENTS	1,163		1,163		1,163		1,163
020	WEATHER OBSERVATION FORECAST	21,667		21,667		21,667		21,667
021	STRATEGIC COMMAND AND CONTROL	39,803		39,803		39,803		39,803
022	CHEYENNE MOUNTAIN COMPLEX	24,618		24,618		24,618		24,618
023	MISSION PLANNING SYSTEMS	15,868		15,868		15,868		15,868
025	INTEGRATED STRAT PLAN & ANALY NETWORK (ISPAN)	9,331		9,331		9,331		9,331
	SPCL COMM-ELECTRONICS PROJECTS							

SEC. 4101. PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
026	GENERAL INFORMATION TECHNOLOGY		41,779		41,779		41,779				41,779
027	AF GLOBAL COMMAND & CONTROL SYS		15,729		15,729		15,729				15,729
028	MOBILITY COMMAND AND CONTROL		9,814		9,814		9,814				9,814
029	AIR FORCE PHYSICAL SECURITY SYSTEM		99,460		99,460		99,460				99,460
030	COMBAT TRAINING RANGES		34,850		34,850		34,850				34,850
031	MINIMUM ESSENTIAL EMERGENCY COMM N		198,925		198,925		198,925				198,925
032	WIDE AREA SURVEILLANCE (WAS)		6,943		6,943		6,943				6,943
033	C3 COUNTERMEASURES		19,580		19,580		19,580				19,580
034	GCSS-AF FOS		1,743		1,743		1,743				1,743
036	THEATER BATTLE MGT C2 SYSTEM		9,659		9,659		9,659				9,659
037	AIR & SPACE OPERATIONS CTR-WPN SYS		15,474		15,474		15,474				15,474
038	AIR OPERATIONS CENTER (AOC) 10.2		30,623		30,623		30,623		-15,300		15,323
	Fielding								[-15,300]		
	AIR FORCE COMMUNICATIONS										
039	INFORMATION TRANSPORT SYSTEMS		40,043		40,043		40,043				40,043
040	AFNET		146,897		146,897		141,797				146,897
	Air Force requested realignment						[-5,100]				
041	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)		5,182		5,182		5,182				5,182
042	USCENTCOM		13,418		13,418		13,418				13,418
	ORGANIZATION AND BASE										
052	TACTICAL C-E EQUIPMENT		109,836		109,836		109,836				109,836
053	RADIO EQUIPMENT		16,266		16,266		16,266				16,266
054	CCTV/AUDIOVISUAL EQUIPMENT		7,449		7,449		7,449				7,449
055	BASE COMM INFRASTRUCTURE		109,215		109,215		109,215				109,215
	MODIFICATIONS										
056	COMM ELECT MODS		65,700		65,700		65,700				65,700
	PERSONAL SAFETY & RESCUE EQUIP										
058	ITEMS LESS THAN \$5 MILLION		54,416		54,416		54,416				54,416
	DEPOT PLANT+MTRLS HANDLING EQ										
059	MECHANIZED MATERIAL HANDLING EQUIP		7,344		7,344		7,344				7,344
	BASE SUPPORT EQUIPMENT										
060	BASE PROCURED EQUIPMENT		6,852		11,852		6,852				6,852
	Program increase				[5,000]						

063	MOBILITY EQUIPMENT		8,146		8,146		8,146		8,146
064	ITEMS LESS THAN \$5 MILLION		28,427		28,427		28,427		28,427
	SPECIAL SUPPORT PROJECTS								
066	DARP RC135		25,287		25,287		25,287		25,287
067	DCGS-AF		169,201		169,201		169,201		169,201
069	SPECIAL UPDATE PROGRAM		576,710		576,710		576,710		576,710
	CLASSIFIED PROGRAMS								
070A	CLASSIFIED PROGRAMS		15,119,705		15,119,705		15,119,705		15,119,705
	SPARES AND REPAIR PARTS								
072	SPARES AND REPAIR PARTS		15,784		15,784		15,784		15,784
	TOTAL OTHER PROCUREMENT, AIR FORCE		17,438,056		17,438,056		17,438,056	-15,300	17,422,756
	PROCUREMENT, DEFENSE-WIDE								
	MAJOR EQUIPMENT, WHS								
037	MAJOR EQUIPMENT, OSD	39	29,211	39	29,211	39	6,111	39	29,211
	Mentor Protégé						[-23,100]		
	MAJOR EQUIPMENT, NSA								
036	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)		4,399		4,399		4,399		4,399
	MAJOR EQUIPMENT, WHS								
040	MAJOR EQUIPMENT, WHS		24,979		24,979		24,979		24,979
	MAJOR EQUIPMENT, DISA								
006	INFORMATION SYSTEMS SECURITY		21,347		21,347		21,347		21,347
007	TELEPORT PROGRAM		50,597		50,597		50,597		50,597
008	ITEMS LESS THAN \$5 MILLION		10,420		10,420		10,420		10,420
009	NET CENTRIC ENTERPRISE SERVICES (NCES)		1,634		1,634		1,634		1,634
010	DEFENSE INFORMATION SYSTEM NETWORK		87,235		87,235		87,235		87,235
011	CYBER SECURITY INITIATIVE		4,528		4,528		4,528		4,528
012	WHITE HOUSE COMMUNICATION AGENCY		36,846		36,846		36,846		36,846
013	SENIOR LEADERSHIP ENTERPRISE		599,391		599,391		599,391		599,391
015	JOINT REGIONAL SECURITY STACKS (JRSS)		150,221		150,221		150,221		150,221
	MAJOR EQUIPMENT, DLA								
017	MAJOR EQUIPMENT		2,055		2,055		2,055		2,055
	MAJOR EQUIPMENT, DSS								
020	MAJOR EQUIPMENT		1,057		1,057		1,057		1,057
	MAJOR EQUIPMENT, DCAA								
001	ITEMS LESS THAN \$5 MILLION		2,964		2,964		2,964		2,964
	MAJOR EQUIPMENT, TJS								
038	MAJOR EQUIPMENT, TJS		7,988		7,988		7,988		7,988
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY								
023	THAAD	24	369,608	24	369,608	24	369,608	24	369,608

SEC. 4101. PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
024	AEGIS BMD	35	463,801	35	528,801	35	463,801		65,000	35	528,801
	Increasing BMD capability for Aegis Ships				[65,000]				[65,000]		
025	BMDS AN/TPY-2 RADARS		5,503		5,503		5,503				5,503
026	ARROW UPPER TIER				120,000				120,000		120,000
	Increase for Arrow 3 Coproduction subject to Title XVI				[120,000]				[120,000]		
027	DAVID'S SLING				150,000				150,000		150,000
	Increase for DSWS Coproduction subject to Title XVI				[150,000]				[150,000]		
028	AEGIS ASHORE PHASE III		57,493		82,493		57,493				57,493
	Classified adjustment				[25,000]						
029	IRON DOME		42,000		62,000		42,000		20,000		62,000
	Increase for Coproduction of Iron Dome Tamir Interceptors subject to Title XVI.				[20,000]				[20,000]		
030	AEGIS BMD HARDWARE AND SOFTWARE	6	50,098	6	50,098	6	50,098			6	50,098
	MAJOR EQUIPMENT, DHRA										
003	PERSONNEL ADMINISTRATION		14,232		14,232		14,232				14,232
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY										
021	VEHICLES		200		200		200				200
022	OTHER MAJOR EQUIPMENT		6,437		6,437		6,437				6,437
	MAJOR EQUIPMENT, DODEA										
019	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS		288		288		288				288
	MAJOR EQUIPMENT, DCMA										
002	MAJOR EQUIPMENT		92		92		92				92
	MAJOR EQUIPMENT, DMACT										
018	MAJOR EQUIPMENT	4	8,060	4	8,060	4	8,060			4	8,060
	CLASSIFIED PROGRAMS										
040A	CLASSIFIED PROGRAMS		568,864		568,864		568,864				568,864
	AVIATION PROGRAMS										
042	ROTARY WING UPGRADES AND SUSTAINMENT		150,396		168,996		168,996				150,396
	Program increase				[18,600]						
043	UNMANNED ISR		21,190		21,190		21,190				21,190
045	NON-STANDARD AVIATION		4,905		4,905		4,905				4,905
046	U-28		3,970		3,970		3,970				3,970
047	MH-47 CHINOOK		25,022		25,022		25,022				25,022

049	CV-22 MODIFICATION	19,008	19,008	19,008		19,008
051	MQ-9 UNMANNED AERIAL VEHICLE	10,598	10,598	25,398		10,598
	MQ-9 capability enhancements			[14,800]		
053	PRECISION STRIKE PACKAGE	213,122	213,122	200,022	-13,050	200,072
	SOCOM requested transfer			[-13,100]	[-13,050]	
054	AC/MC-130J	73,548	85,648	86,648	13,050	86,598
	SOCOM requested transfer		[12,100]	[13,100]	[13,050]	
055	C-130 MODIFICATIONS	32,970	32,970	32,970		32,970
	SHIPBUILDING					
056	UNDERWATER SYSTEMS	37,098	37,098	37,098		37,098
	AMMUNITION PROGRAMS					
057	ORDNANCE ITEMS <\$5M	105,267	105,267	105,267		105,267
	OTHER PROCUREMENT PROGRAMS					
058	INTELLIGENCE SYSTEMS	79,963	79,963	79,963		79,963
059	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	13,432	13,432	13,432		13,432
060	OTHER ITEMS <\$5M	66,436	66,436	66,436		66,436
061	COMBATANT CRAFT SYSTEMS	55,820	55,820	55,820		55,820
062	SPECIAL PROGRAMS	107,432	107,432	107,432		107,432
063	TACTICAL VEHICLES	67,849	67,849	67,849		67,849
064	WARRIOR SYSTEMS <\$5M	245,781	245,781	245,781		245,781
065	COMBAT MISSION REQUIREMENTS	19,566	19,566	19,566		19,566
066	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	3,437	3,437	3,437		3,437
067	OPERATIONAL ENHANCEMENTS INTELLIGENCE	17,299	17,299	17,299		17,299
069	OPERATIONAL ENHANCEMENTS	219,945	219,945	219,945		219,945
	CBDP					
070	CHEMICAL BIOLOGICAL SITUATIONAL AWARENESS	148,203	148,203	148,203		148,203
071	CB PROTECTION & HAZARD MITIGATION	161,113	161,113	161,113		161,113
	TOTAL PROCUREMENT, DEFENSE-WIDE	108 4,524,918	108 4,935,618	108 4,535,218	355,000	108 4,879,918
	JOINT URGENT OPERATIONAL NEEDS FUND					
	JOINT URGENT OPERATIONAL NEEDS FUND					
001	JOINT URGENT OPERATIONAL NEEDS FUND	99,300		99,300	-99,300	
	Program decrease		[-99,300]		[-99,300]	
	TOTAL JOINT URGENT OPERATIONAL NEEDS FUND	99,300		99,300	-99,300	
	NATIONAL GUARD AND RESERVE EQUIPMENT					
	UNDISTRIBUTED					
007	MISCELLANEOUS EQUIPMENT		250,000		250,000	250,000
	Program increase		[250,000]		[250,000]	
	TOTAL NATIONAL GUARD AND RESERVE EQUIPMENT		250,000		250,000	250,000

SEC. 4101. PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	TOTAL PROCUREMENT	27,441	101,971,592	27,491	103,124,709	27,547	102,434,976	50	451,068	27,491	102,422,660

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
AIRCRAFT PROCUREMENT, ARMY											
MODIFICATION OF AIRCRAFT											
015	MULTI SENSOR ABN RECON (MIP)		21,400		21,400		21,400				21,400
020	EMARSS SEMA MODS (MIP)	2	42,700	2	42,700	2	42,700			2	42,700
026	RQ-7 UAV MODS		1,775		1,775		1,775				1,775
027	UAS MODS		4,420				4,420				4,420
	Realign APS Unit Set Requirements to Base				[-4,420]						
GROUND SUPPORT AVIONICS											
030	CMWS		56,115		56,115		56,115				56,115
031	CIRCM		108,721		108,721		108,721				108,721
	TOTAL AIRCRAFT PROCUREMENT, ARMY	2	235,131	2	230,711	2	235,131			2	235,131
MISSILE PROCUREMENT, ARMY											
AIR-TO-SURFACE MISSILE SYSTEM											
004	HELLFIRE SYS SUMMARY	2,570	305,830	2,570	305,830	2,570	305,830			2,570	305,830
ANTI-TANK/ASSAULT MISSILE SYS											
007	JAVELIN (AAWS-M) SYSTEM SUMMARY	83	15,567	83		83	15,567			83	15,567
	Realign APS Unit Set Requirements to Base				[-15,567]						
008	TOW 2 SYSTEM SUMMARY	815	80,652	815		815	80,652			815	80,652
	Realign APS Unit Set Requirements to Base				[-80,652]						
010	GUIDED MLRS ROCKET (GMLRS)	698	75,991	698		698	75,991			698	75,991
	Realign APS Unit Set Requirements to Base				[-75,991]						
012	LETHAL MINIATURE AERIAL MISSILE SYSTEM (LMAMS)	545	51,277	545	51,277	545	51,277			545	51,277
	TOTAL MISSILE PROCUREMENT, ARMY	4,711	529,317	4,711	357,107	4,711	529,317			4,711	529,317
PROCUREMENT OF W&TCV, ARMY											
MODIFICATION OF TRACKED COMBAT VEHICLES											
007	PALADIN INTEGRATED MANAGEMENT (PIM)	12	125,184	12		12	125,184			12	125,184
	Realign APS Unit Set Requirements to Base				[-125,184]						
009	ASSAULT BRIDGE (MOD)		5,950				5,950				5,950

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
014	Realign APS Unit Set Requirements to Base				[-5,950]						
	ABRAMS UPGRADE PROGRAM								72,000		72,000
	Army requested realignment (ERI)				[172,200]				[172,000]		
	Realign APS Unit Set Requirements to Base				[-172,200]				[-100,000]		
	WEAPONS & OTHER COMBAT VEHICLES										
017	MORTAR SYSTEMS		22,410		22,410		22,410				22,410
	SUPPORT EQUIPMENT & FACILITIES										
036	BRADLEY PROGRAM								72,800		72,800
	Army requested realignment (ERI)				[72,800]				[72,800]		
	Realign APS Unit Set Requirements to Base				[-72,800]						
	TOTAL PROCUREMENT OF W&TCV, ARMY	12	153,544	12	22,410	12	153,544		144,800	12	298,344
	PROCUREMENT OF AMMUNITION, ARMY										
	SMALL/MEDIUM CAL AMMUNITION										
002	CTG, 7.62MM, ALL TYPES		9,642				9,642				9,642
	Realign APS Unit Set Requirements to Base				[-9,642]						
004	CTG, .50 CAL, ALL TYPES		6,607		609		6,607				6,607
	Realign APS Unit Set Requirements to Base				[-5,998]						
005	CTG, 20MM, ALL TYPES		1,077				1,077				1,077
	Realign APS Unit Set Requirements to Base				[-1,077]						
006	CTG, 25MM, ALL TYPES		28,534				28,534				28,534
	Realign APS Unit Set Requirements to Base				[-28,534]						
007	CTG, 30MM, ALL TYPES		20,000		20,000		20,000				20,000
008	CTG, 40MM, ALL TYPES		7,423				7,423				7,423
	Realign APS Unit Set Requirements to Base				[-7,423]						
	MORTAR AMMUNITION										
009	60MM MORTAR, ALL TYPES		10,000		10,000		10,000				10,000
010	81MM MORTAR, ALL TYPES		2,677				2,677				2,677
	Realign APS Unit Set Requirements to Base				[-2,677]						
	TANK AMMUNITION										
012	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES		8,999				8,999				8,999
	Realign APS Unit Set Requirements to Base				[-8,999]						
	ARTILLERY AMMUNITION										

014	ARTILLERY PROJECTILE, 155MM, ALL TYPES	30,348		10,000		30,348		30,348
	Realign APS Unit Set Requirements to Base				[-20,348]			
015	PROJ 155MM EXTENDED RANGE M982	140				140		140
	Realign APS Unit Set Requirements to Base				[-140]			
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	29,655		5,000		29,655		29,655
	Realign APS Unit Set Requirements to Base				[-24,655]			
	MINES							
017	MINES & CLEARING CHARGES, ALL TYPES	16,866				16,866		16,866
	Realign APS Unit Set Requirements to Base				[-16,866]			
	NETWORKED MUNITIONS							
018	SPIDER NETWORK MUNITIONS, ALL TYPES	10,353						10,353
	Early to need							
	Realign APS Unit Set Requirements to Base				[-10,353]			
	ROCKETS							
019	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	63,210				63,210		63,210
	Realign APS Unit Set Requirements to Base				[-63,210]			
020	ROCKET, HYDRA 70, ALL TYPES	42,851		42,851		42,851		42,851
	OTHER AMMUNITION							
022	DEMOLITION MUNITIONS, ALL TYPES	6,373				6,373		6,373
	Realign APS Unit Set Requirements to Base				[-6,373]			
023	GRENADES, ALL TYPES	4,143				4,143		4,143
	Realign APS Unit Set Requirements to Base				[-4,143]			
024	SIGNALS, ALL TYPES	1,852				1,852		1,852
	Realign APS Unit Set Requirements to Base				[-1,852]			
	MISCELLANEOUS							
027	NON-LETHAL AMMUNITION, ALL TYPES	773				773		773
	Realign APS Unit Set Requirements to Base				[-773]			
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	301,523		88,460		291,170		301,523
	OTHER PROCUREMENT, ARMY							
	TACTICAL VEHICLES							
002	SEMITRAILERS, FLATBED:	4,180				4,180		4,180
	Realign APS Unit Set Requirements to Base				[-4,180]			
008	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	643	147,476	643		643	147,476	643
	Realign APS Unit Set Requirements to Base				[-147,476]			
010	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	51	6,122	51		51	6,122	51
	Realign APS Unit Set Requirements to Base				[-6,122]			
011	PLS ESP	106,358				106,358		106,358
	Realign APS Unit Set Requirements to Base				[-106,358]			
012	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	203,766				203,766		203,766
	Realign APS Unit Set Requirements to Base				127,205			

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Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Realign APS Unit Set Requirements to Base				[-76,561]						
013	TACTICAL WHEELED VEHICLE PROTECTION KITS		101,154		74,035		101,154				101,154
	Realign APS Unit Set Requirements to Base				[-27,119]						
014	MODIFICATION OF IN SVC EQUIP		155,456		152,000		155,456				155,456
	Realign APS Unit Set Requirements to Base				[-3,456]						
	COMM—JOINT COMMUNICATIONS										
019	WIN-T—GROUND FORCES TACTICAL NETWORK		9,572		3,000		9,572				9,572
	Realign APS Unit Set Requirements to Base				[-6,572]						
	COMM—SATELLITE COMMUNICATIONS										
025	SHF TERM		24,000				24,000				24,000
	Realign APS Unit Set Requirements to Base				[-24,000]						
	COMM—INTELLIGENCE COMM										
047	CI AUTOMATION ARCHITECTURE		1,550		1,550		1,550				1,550
	INFORMATION SECURITY										
051	COMMUNICATIONS SECURITY (COMSEC)		1,928				1,928				1,928
	Realign APS Unit Set Requirements to Base				[-1,928]						
052	DEFENSIVE CYBER OPERATIONS		26,500		26,500		26,500				26,500
	COMM—BASE COMMUNICATIONS										
056	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM		20,510		20,510		20,510				20,510
	ELECT EQUIP—TACT INT REL ACT (TIARA)										
062	DCGS-A (MIP)		33,032		33,032		33,032				33,032
064	TROJAN (MIP)		3,305		3,145		3,305				3,305
	Realign APS Unit Set Requirements to Base				[-160]						
066	CI HUMINT AUTO REPRTING AND COLL(CHARCS)		7,233		7,233		7,233				7,233
069	BIOMETRIC TACTICAL COLLECTION DEVICES (MIP)		5,670		5,670		5,670				5,670
	ELECT EQUIP—ELECTRONIC WARFARE (EW)										
070	LIGHTWEIGHT COUNTER MORTAR RADAR		25,892				25,892				25,892
	Realign APS Unit Set Requirements to Base				[-25,892]						
074	FAMILY OF PERSISTENT SURVEILLANCE CAPABILITIE		11,610		11,610		11,610				11,610
075	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES		23,890		23,890		23,890				23,890
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)										
080	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS		76,270		72,000		76,270				76,270
	Realign APS Unit Set Requirements to Base				[-4,270]						

089	MORTAR FIRE CONTROL SYSTEM		2,572		2,282		2,572		2,572
	Realign APS Unit Set Requirements to Base				[-290]				
	ELECT EQUIP—TACTICAL C2 SYSTEMS								
092	AIR & MSL DEFENSE PLANNING & CONTROL SYS	31	69,958	31		31	69,958	31	69,958
	Realign APS Unit Set Requirements to Base				[-69,958]				
	ELECT EQUIP—AUTOMATION								
102	AUTOMATED DATA PROCESSING EQUIP		9,900		9,900		9,900		9,900
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)								
108	ITEMS LESS THAN \$5M (SURVEYING EQUIPMENT)		96				96		96
	Realign APS Unit Set Requirements to Base				[-96]				
	CHEMICAL DEFENSIVE EQUIPMENT								
114	CBRN DEFENSE		1,841				1,841		1,841
	Realign APS Unit Set Requirements to Base				[-1,841]				
	BRIDGING EQUIPMENT								
115	TACTICAL BRIDGING		26,000				26,000		26,000
	Realign APS Unit Set Requirements to Base				[-26,000]				
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT								
124	ROBOTICS AND APPLIQUE SYSTEMS		268				268		268
	Realign APS Unit Set Requirements to Base				[-268]				
128	FAMILY OF BOATS AND MOTORS		280				280		280
	Realign APS Unit Set Requirements to Base				[-280]				
	COMBAT SERVICE SUPPORT EQUIPMENT								
129	HEATERS AND ECU'S		894				894		894
	Realign APS Unit Set Requirements to Base				[-894]				
134	FORCE PROVIDER		53,800		53,800		53,800		53,800
135	FIELD FEEDING EQUIPMENT		2,665				2,665		2,665
	Realign APS Unit Set Requirements to Base				[-2,665]				
136	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM		2,400		2,400		2,400		2,400
137	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS		9,789				9,789		9,789
	Realign APS Unit Set Requirements to Base				[-9,789]				
138	ITEMS LESS THAN \$5M (ENG SPT)		300				300		300
	Realign APS Unit Set Requirements to Base				[-300]				
	PETROLEUM EQUIPMENT								
139	QUALITY SURVEILLANCE EQUIPMENT		4,800				4,800		4,800
	Realign APS Unit Set Requirements to Base				[-4,800]				
140	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	174	78,240	174	57,420	174	78,240	174	78,240
	Realign APS Unit Set Requirements to Base				[-20,820]				
	MEDICAL EQUIPMENT								
141	COMBAT SUPPORT MEDICAL		5,763				5,763		5,763
	Realign APS Unit Set Requirements to Base				[-5,763]				

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Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
MAINTENANCE EQUIPMENT											
142	MOBILE MAINTENANCE EQUIPMENT SYSTEMS		1,609				1,609				1,609
	Realign APS Unit Set Requirements to Base				[-1,609]						
143	ITEMS LESS THAN \$5.0M (MAINT EQ)		145				145				145
	Realign APS Unit Set Requirements to Base				[-145]						
CONSTRUCTION EQUIPMENT											
144	GRADER, ROAD MTZD, HVY, 6X4 (CCE)		3,047				3,047				3,047
	Realign APS Unit Set Requirements to Base				[-3,047]						
148	TRACTOR, FULL TRACKED		4,426				4,426				4,426
	Realign APS Unit Set Requirements to Base				[-4,426]						
151	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)		2,900				2,900				2,900
	Realign APS Unit Set Requirements to Base				[-2,900]						
155	ITEMS LESS THAN \$5.0M (CONST EQUIP)		96				96				96
	Realign APS Unit Set Requirements to Base				[-96]						
GENERATORS											
158	GENERATORS AND ASSOCIATED EQUIP		21,861		1,900		21,861				21,861
	Realign APS Unit Set Requirements to Base				[-19,961]						
MATERIAL HANDLING EQUIPMENT											
160	FAMILY OF FORKLIFTS		846				846				846
	Realign APS Unit Set Requirements to Base				[-846]						
TEST MEASURE AND DIG EQUIPMENT (TMD)											
168	TEST EQUIPMENT MODERNIZATION (TEMOD)		1,140				1,140				1,140
	Realign APS Unit Set Requirements to Base				[-1,140]						
OTHER SUPPORT EQUIPMENT											
170	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT		8,500		8,500		8,500				8,500
	TOTAL OTHER PROCUREMENT, ARMY	899	1,309,610	899	697,582	899	1,309,610			899	1,309,610
JOINT IMPROVISED-THREAT DEFEAT FUND											
NETWORK ATTACK											
001	RAPID ACQUISITION AND THREAT RESPONSE		332,000		307,000		332,000				332,000
	Program decrease				[-25,000]						
STAFF AND INFRASTRUCTURE											
002	MISSION ENABLERS		62,800		62,800		62,800				62,800

		TOTAL JOINT IMPROVISED-THREAT DEFEAT FUND	394,800	369,800	394,800	394,800
		AIRCRAFT PROCUREMENT, NAVY				
		COMBAT AIRCRAFT				
002		F/A-18E/F (FIGHTER) HORNET	2 184,912	2 184,912	2 184,912	2 184,912
		OTHER AIRCRAFT				
026		STUASLO UAV	4 70,000	4 70,000	4 70,000	4 70,000
		MODIFICATION OF AIRCRAFT				
037		EP-3 SERIES	7,505	7,505	7,505	7,505
047		SPECIAL PROJECT AIRCRAFT	14,869	14,869	14,869	14,869
051		COMMON ECM EQUIPMENT	70,780	70,780	70,780	70,780
059		V-22 (TILT/ROTOR ACFT) OSPREY	8,740	8,740	8,740	8,740
		AIRCRAFT SPARES AND REPAIR PARTS				
063		SPARES AND REPAIR PARTS	1,500	1,500	1,500	1,500
		AIRCRAFT SUPPORT EQUIP & FACILITIES				
065		AIRCRAFT INDUSTRIAL FACILITIES	524	524	524	524
		TOTAL AIRCRAFT PROCUREMENT, NAVY	6 358,830	6 358,830	6 358,830	6 358,830
		WEAPONS PROCUREMENT, NAVY				
		TACTICAL MISSILES				
010		HELLFIRE	100 8,600	100 8,600	100 8,600	100 8,600
		TOTAL WEAPONS PROCUREMENT, NAVY	100 8,600	100 8,600	100 8,600	100 8,600
		PROCUREMENT OF AMMO, NAVY & MC				
		NAVY AMMUNITION				
001		GENERAL PURPOSE BOMBS	40,366	40,366	40,366	40,366
002		AIRBORNE ROCKETS, ALL TYPES	8,860	8,860	8,860	8,860
006		AIR EXPENDABLE COUNTERMEASURES	7,060	7,060	7,060	7,060
013		PYROTECHNIC AND DEMOLITION	1,122	1,122	1,122	1,122
014		AMMUNITION LESS THAN \$5 MILLION	3,495	3,495	3,495	3,495
		MARINE CORPS AMMUNITION				
015		SMALL ARMS AMMUNITION	1,205	1,205	1,205	1,205
017		40 MM, ALL TYPES	539	539	539	539
018		60MM, ALL TYPES	909	909	909	909
020		120MM, ALL TYPES	530	530	530	530
022		ROCKETS, ALL TYPES	469	469	469	469
023		ARTILLERY, ALL TYPES	1,196	1,196	1,196	1,196
024		DEMOLITION MUNITIONS, ALL TYPES	261	261	261	261
025		FUZE, ALL TYPES	217	217	217	217
		TOTAL PROCUREMENT OF AMMO, NAVY & MC	66,229	66,229	66,229	66,229

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Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
OTHER PROCUREMENT, NAVY											
OTHER SHORE ELECTRONIC EQUIPMENT											
081	DCGS-N		12,000		12,000		12,000				12,000
OTHER ORDNANCE SUPPORT EQUIPMENT											
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP		40,000		40,000		40,000				40,000
CIVIL ENGINEERING SUPPORT EQUIPMENT											
124	FIRE FIGHTING EQUIPMENT		630		630		630				630
SUPPLY SUPPORT EQUIPMENT											
133	FIRST DESTINATION TRANSPORTATION		25		25		25				25
COMMAND SUPPORT EQUIPMENT											
137	COMMAND SUPPORT EQUIPMENT		10,562		10,562		10,562				10,562
139	MEDICAL SUPPORT EQUIPMENT		5,000		5,000		5,000				5,000
CLASSIFIED PROGRAMS											
150A	CLASSIFIED PROGRAMS		1,660		1,660		1,660				1,660
	TOTAL OTHER PROCUREMENT, NAVY		69,877		69,877		69,877				69,877
PROCUREMENT, MARINE CORPS											
ARTILLERY AND OTHER WEAPONS											
006	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION		572		572		572				572
GUIDED MISSILES											
010	JAVELIN	9	1,606	9	1,606	9	1,606			9	1,606
OTHER SUPPORT (TEL)											
018	MODIFICATION KITS		2,600		2,600		2,600				2,600
COMMAND AND CONTROL SYSTEM (NON-TEL)											
019	ITEMS UNDER \$5 MILLION (COMM & ELEC)		2,200		2,200		2,200				2,200
INTELL/COMM EQUIPMENT (NON-TEL)											
026	INTELLIGENCE SUPPORT EQUIPMENT		20,981		20,981		20,981				20,981
029	RQ-11 UAV		3,817		3,817		3,817				3,817
OTHER SUPPORT (NON-TEL)											
035	COMMON COMPUTER RESOURCES		2,600		2,600		2,600				2,600
037	RADIO SYSTEMS		9,563		9,563		9,563				9,563
ENGINEER AND OTHER EQUIPMENT											

053	EOD SYSTEMS		75,000		75,000		75,000		75,000
	TOTAL PROCUREMENT, MARINE CORPS	9	118,939	9	118,939	9	118,939	9	118,939
	AIRCRAFT PROCUREMENT, AIR FORCE								
	OTHER AIRLIFT								
004	C-130J	1	73,000	1	73,000	1	73,000	1	73,000
	OTHER AIRCRAFT								
015	MQ-9	12	273,600	12	273,600	12	273,600	12	186,600
	Air Force requested transfer to line 61 for spares								-87,000
									[-87,000]
	STRATEGIC AIRCRAFT								
019	LARGE AIRCRAFT INFRARED COUNTERMEASURES		135,801		135,801		135,801		135,801
	TACTICAL AIRCRAFT								
020	A-10		23,850		23,850		23,850		23,850
	OTHER AIRCRAFT								
047	E-3		6,600		6,600		6,600		6,600
056	HC/MC-130 MODIFICATIONS		13,550		13,550		13,550		13,550
057	OTHER AIRCRAFT		7,500		7,500		7,500		7,500
059	MQ-9 MODS		112,068		112,068		112,068		112,068
	AIRCRAFT SPARES AND REPAIR PARTS								
061	INITIAL SPARES/REPAIR PARTS		25,600				25,600		87,000
	Air Force requested transfer from line 15 for spares								61,400
									[-87,000]
	Compass Call Program Restructure				[-25,600]				[-25,600]
	OTHER PRODUCTION CHARGES								
077	OTHER PRODUCTION CHARGES		8,400		8,400		8,400		8,400
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	13	679,969	13	654,369	13	679,969	13	654,369
									-25,600
	MISSILE PROCUREMENT, AIR FORCE								
	TACTICAL								
006	PREDATOR HELLFIRE MISSILE	1,252	145,125	1,252	145,125	1,252	145,125	1,252	145,125
	CLASS IV								
011	AGM-65D MAVERICK		9,720		9,720		9,720		9,720
	TOTAL MISSILE PROCUREMENT, AIR FORCE	1,252	154,845	1,252	154,845	1,252	154,845	1,252	154,845
	PROCUREMENT OF AMMUNITION, AIR FORCE								
	CARTRIDGES								
002	CARTRIDGES		9,830		9,830		9,830		9,830
	BOMBS								
004	GENERAL PURPOSE BOMBS		7,921		7,921		7,921		7,921
006	JOINT DIRECT ATTACK MUNITION	6,033	140,126	6,033	140,126	6,033	140,126	6,033	130,876
	Pricing adjustment								-9,250
									[-9,250]

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Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	FLARES										
012	FLARES		6,531		6,531		6,531				6,531
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	6,033	164,408	6,033	164,408	6,033	164,408		-9,250	6,033	155,158
	OTHER PROCUREMENT, AIR FORCE										
	PASSENGER CARRYING VEHICLES										
001	PASSENGER CARRYING VEHICLES		2,003		2,003		2,003				2,003
	CARGO AND UTILITY VEHICLES										
002	MEDIUM TACTICAL VEHICLE		9,066		9,066		9,066				9,066
004	ITEMS LESS THAN \$5 MILLION		12,264		12,264		12,264				12,264
	SPECIAL PURPOSE VEHICLES										
006	ITEMS LESS THAN \$5 MILLION		16,789		16,789		16,789				16,789
	FIRE FIGHTING EQUIPMENT										
007	FIRE FIGHTING/CRASH RESCUE VEHICLES		48,590		48,590		48,590				48,590
	MATERIALS HANDLING EQUIPMENT										
008	ITEMS LESS THAN \$5 MILLION		2,366		2,366		2,366				2,366
	BASE MAINTENANCE SUPPORT										
009	RUNWAY SNOW REMOV & CLEANING EQUIP		6,468		6,468		6,468				6,468
010	ITEMS LESS THAN \$5 MILLION		9,271		9,271		9,271				9,271
	ELECTRONICS PROGRAMS										
016	AIR TRAFFIC CONTROL & LANDING SYS		42,650		42,650		42,650				42,650
	SPCL COMM-ELECTRONICS PROJECTS										
029	AIR FORCE PHYSICAL SECURITY SYSTEM		7,500		7,500		7,500				7,500
033	C3 COUNTERMEASURES		620		620		620				620
	ORGANIZATION AND BASE										
052	TACTICAL C-E EQUIPMENT		8,100		8,100		8,100				8,100
	MODIFICATIONS										
056	COMM ELECT MODS		3,800		3,800		3,800				3,800
	BASE SUPPORT EQUIPMENT										
061	ENGINEERING AND EOD EQUIPMENT		53,900		53,900		53,900				53,900
	SPECIAL SUPPORT PROJECTS										
067	DCGS-AF		800		800		800				800
	CLASSIFIED PROGRAMS										

November 21, 2016 (7:58 p.m.)

070A	CLASSIFIED PROGRAMS	3,609,978		3,609,978		3,609,978			3,609,978
	TOTAL OTHER PROCUREMENT, AIR FORCE	3,834,165		3,834,165		3,834,165			3,834,165
	PROCUREMENT, DEFENSE-WIDE								
	MAJOR EQUIPMENT, DISA								
007	TELEPORT PROGRAM	1,900		1,900		1,900			1,900
	CLASSIFIED PROGRAMS								
040A	CLASSIFIED PROGRAMS	32,482		32,482		32,482			32,482
	AVIATION PROGRAMS								
041	MC-12	5,000		5,000		5,000			5,000
043	UNMANNED ISR	11,880		11,880		11,880			11,880
046	U-28	38,283		38,283		38,283			38,283
	AMMUNITION PROGRAMS								
057	ORDNANCE ITEMS <\$5M	52,504		52,504		52,504			52,504
	OTHER PROCUREMENT PROGRAMS								
058	INTELLIGENCE SYSTEMS	22,000		22,000		22,000			22,000
060	OTHER ITEMS <\$5M	11,580		11,580		11,580			11,580
062	SPECIAL PROGRAMS	13,549		13,549		13,549			13,549
063	TACTICAL VEHICLES	3,200		3,200		3,200			3,200
069	OPERATIONAL ENHANCEMENTS	42,056		42,056		42,056			22,806
	Classified adjustment							-19,250	
	TOTAL PROCUREMENT, DEFENSE-WIDE	234,434		234,434		234,434		[-19,250]	215,184
	TOTAL PROCUREMENT	13,037	8,614,221	13,037	7,430,766	13,037	8,603,868	90,700	13,037
									8,704,921

SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS.

SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
AIRCRAFT PROCUREMENT, ARMY											
FIXED WING											
003	MQ-1 UAV				95,100						
	Army unfunded requirement				[95,100]						
ROTARY											
005	HELICOPTER, LIGHT UTILITY (LUH)			17	110,000						
	Army unfunded requirement (ARI)			[17]	[110,000]						
006	AH-64 APACHE BLOCK IIIA REMAN	4	78,040	4	78,040	4	78,040			4	78,040
007	ADVANCE PROCUREMENT (CY)			10	72,900						
	Army unfunded requirement (ARI)			[10]	[72,900]						
007A	AH-64 APACHE BLOCK IIIA NEW BUILD			5	190,000						
	Army unfunded requirement (ARI)			[5]	[190,000]						
008	UH-60 BLACKHAWK M MODEL (MYP)			36	440,200						
	Army unfunded requirement (ARI)			[36]	[440,200]						
MODIFICATION OF AIRCRAFT											
017	CH-47 CARGO HELICOPTER MODS (MYP)				102,000						
	Army unfunded requirement (ARI)				[102,000]						
GROUND SUPPORT AVIONICS											
028	AIRCRAFT SURVIVABILITY EQUIPMENT				22,000						
	Army unfunded requirement-modernized warning system (ARI)				[22,000]						
029	SURVIVABILITY CM				28,000						
	Army unfunded requirement-assured PNT (ARI)				[28,000]						
	TOTAL AIRCRAFT PROCUREMENT, ARMY	4	78,040	72	1,138,240	4	78,040			4	78,040
MISSILE PROCUREMENT, ARMY											
AIR-TO-SURFACE MISSILE SYSTEM											
004	HELLFIRE SYS SUMMARY	1,485	150,000	1,485	150,000	1,485	150,000			1,485	150,000
ANTI-TANK/ASSAULT MISSILE SYS											
007	JAVELIN (AAWS-M) SYSTEM SUMMARY			591	104,200				104,200		104,200

010	Army unfunded requirement	[591]	[104,200]	[104,200]				
	GUIDED MLRS ROCKET (GMLRS)	1,158	76,000	76,000			76,000	
	Army unfunded requirement	[1,158]	[76,000]	[76,000]				
	MODIFICATIONS							
014	ATACMS MODS	17	15,900	15,900			15,900	
	Army unfunded requirement	[17]	[15,900]	[15,900]				
	TOTAL MISSILE PROCUREMENT, ARMY	1,485	150,000	3,251	346,100	1,485	150,000	196,100
	1,485	150,000	3,251	346,100	1,485	150,000	196,100	1,485
	346,100							
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SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS (In Thousands of Dollars)													
Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized			
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost		
ARTILLERY AMMUNITION													
015	PROJ 155MM EXTENDED RANGE M982			332	23,500					332	23,500	332	23,500
	Army unfunded requirement			[332]	[23,500]					[332]	[23,500]		
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL				10,000						10,000		10,000
	Army unfunded requirement				[10,000]						[10,000]		
ROCKETS													
019	SHOULDER LAUNCHED MUNITIONS, ALL TYPES				30,000						30,000		30,000
	Army unfunded requirement				[30,000]						[30,000]		
020	ROCKET, HYDRA 70, ALL TYPES			44,606	42,500				44606	42,500	44,606	42,500	42,500
	Army unfunded requirement			[44,106]	[27,500]				[44,106]	[27,500]			
	Army unfunded requirement- guided hydra rockets			[500]	[15,000]				[500]	[15,000]			
UNDISTRIBUTED													
034A	UNDISTRIBUTED				46,500								
	Additional funding to support increase in Army end strength				[46,500]								
	TOTAL PROCUREMENT OF AMMUNITION, ARMY			44,938	287,700				44,938	240,200	44,938	240,200	
OTHER PROCUREMENT, ARMY													
TACTICAL VEHICLES													
008	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	449	152,000	449	152,000	449	152,000					449	152,000
COMM—JOINT COMMUNICATIONS													
019	WIN-T—GROUND FORCES TACTICAL NETWORK				80,000								
	BBA Restoration—2BCTs - Increment 2				[80,000]								
ELECT EQUIP—TACTICAL SURV. (TAC SURV)													
080	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS				8,400								
	Army unfunded requirement- CRAM Upgrades and MODS				[8,400]								
GENERATORS													
158	GENERATORS AND ASSOCIATED EQUIP		9,900		9,900		9,900						9,900
UNDISTRIBUTED													
180	UNDISTRIBUTED				18,400								
	Additional funding to support increase in Army end strength				[18,400]								
	TOTAL OTHER PROCUREMENT, ARMY	449	161,900	449	268,700	449	161,900					449	161,900
JOINT IMPROVISED-THREAT DEFEAT FUND													

	NETWORK ATTACK				
001	RAPID ACQUISITION AND THREAT RESPONSE	113,272	113,272	113,272	113,272
	TOTAL JOINT IMPROVISED-THREAT DEFEAT FUND	113,272	113,272	113,272	113,272
	AIRCRAFT PROCUREMENT, NAVY				
	COMBAT AIRCRAFT				
002	F/A-18E/F (FIGHTER) HORNET		14	1,400,000	
	Navy unfunded requirement		[14]	[1,400,000]	
003	JOINT STRIKE FIGHTER CV		4	540,000	
	Marine Corps unfunded requirement		[2]	[270,000]	
	Navy unfunded requirement		[2]	[270,000]	
005	JSF STOVL		2	254,200	
	Marine Corps unfunded requirement		[2]	[254,200]	
009	V-22 (MEDIUM LIFT)		2	150,000	
	Marine Corps unfunded requirement		[2]	[150,000]	
011	H-1 UPGRADES (UH-1Y/AH-1Z)		2	57,000	
	Marine Corps unfunded requirement- AH-1Zs		[2]	[57,000]	
	AIRLIFT AIRCRAFT				
019A	C-40A		4	415,000	
	Marine Corps unfunded requirement		[2]	[207,500]	
	Navy unfunded requirement		[2]	[207,500]	
	OTHER AIRCRAFT				
023	MQ-4 TRITON		1	95,000	
	Additional system—ISR shortfalls		[1]	[95,000]	
025	MQ-8 UAV		4	47,500	
	Scope Increase		[4]	[47,500]	
	MODIFICATION OF AIRCRAFT				
034	H-53 SERIES			16,100	
	Accelerate readiness improvement			[2,800]	
	Marine Corps unfunded requirement- degraded visual environment.			[13,300]	
035	SH-60 SERIES	3,000		3,000	3,000
036	H-1 SERIES	3,740		27,140	3,740
	Accelerate readiness improvement			[23,400]	
051	COMMON ECM EQUIPMENT	27,460		27,460	27,460
059	V-22 (TILT/ROTOR ACFT) OSPREY			39,300	
	Marine Corps unfunded requirement- SPMAGTF- C4 UUNS			[39,300]	
	AIRCRAFT SPARES AND REPAIR PARTS				
063	SPARES AND REPAIR PARTS			140,300	
	KC-130J spares			[36,000]	

SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Marine Corps unfunded requirement- F35 B spares				(91,000)						
	Marine Corps unfunded requirement- F35 C spares				(13,300)						
	TOTAL AIRCRAFT PROCUREMENT, NAVY		34,200	33	3,212,000		34,200				34,200
	WEAPONS PROCUREMENT, NAVY										
	STRATEGIC MISSILES										
003	TOMAHAWK			98	76,000				84,200		84,200
	Scope Increase			(98)	(76,000)				(84,200)		
	TACTICAL MISSILES										
005	SIDEWINDER			75	33,000			75	33,000	75	33,000
	Navy unfunded requirement			(75)	(33,000)			(75)	(33,000)		
015A	LCS OVER-THE-HORIZON MISSILE			8	18,100						
	Navy unfunded requirement			(8)	(18,100)						
	TOTAL WEAPONS PROCUREMENT, NAVY			181	127,100			75	117,200	75	117,200
	PROCUREMENT OF AMMO, NAVY & MC										
	NAVY AMMUNITION										
001	GENERAL PURPOSE BOMBS				58,000				58,000		58,000
	Navy unfunded requirement—JDAM components				(58,000)				(58,000)		
	MARINE CORPS AMMUNITION										
023	ARTILLERY, ALL TYPES								19,200		19,200
	Marine Corps unfunded requirement- GMLRS AW munitions ..								(19,200)		
	TOTAL PROCUREMENT OF AMMO, NAVY & MC				58,000				77,200		77,200
	SHIPBUILDING AND CONVERSION, NAVY										
	OTHER WARSHIPS										
003	ADVANCE PROCUREMENT (CY)				263,000						
	Advance Procurement for CVN-81				(263,000)						
005	ADVANCE PROCUREMENT (CY)				85,000						
	Long-lead Time Materiel Orders				(85,000)						
009	DDG-51			1	433,000						
	Scope Increase			(1)	(433,000)						
011	LITTORAL COMBAT SHIP			1	384,700						

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	Scope Increase	[1]	[384,700]		
	AMPHIBIOUS SHIPS				
012A	AMPHIBIOUS SHIP REPLACEMENT LX(R)	1	856,000		
	Procurement of LPD-29 or LX (R)	[1]	[856,000]		
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST				
026	SHIP TO SHORE CONNECTOR	3	165,000		
	Scope Increase	[3]	[165,000]		
028	LCAC SLEP	4	80,300		
	Scope Increase	[4]	[80,300]		
	TOTAL SHIPBUILDING AND CONVERSION, NAVY	10	2,267,000		
	OTHER PROCUREMENT, NAVY				
	OTHER SHIPBOARD EQUIPMENT				
009	DDG MOD	1	65,000		
	Scope Increase	[1]	[65,000]		
	SMALL BOATS				
032	STANDARD BOATS		20,000		
	Program Acceleration		[20,000]		
	OTHER SHIP SUPPORT				
039A	LCS LAUNCHER	2	24,900		
	Navy unfunded requirement	[2]	[24,900]		
	AIRCRAFT SUPPORT EQUIPMENT				
104	WEAPONS RANGE SUPPORT EQUIPMENT		9,000		
	Navy unfunded requirement—Barking Sands Tactical Under-water Range.		[9,000]		
	OTHER ORDNANCE SUPPORT EQUIPMENT				
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	59,329	59,329	59,329	59,329
	TOTAL OTHER PROCUREMENT, NAVY	59,329	178,229	59,329	59,329
	PROCUREMENT, MARINE CORPS				
	ARTILLERY AND OTHER WEAPONS				
004	155MM LIGHTWEIGHT TOWED HOWITZER		14,000		
	Marine Corps unfunded requirement- chrome tubes		[14,000]		
005	HIGH MOBILITY ARTILLERY ROCKET SYSTEM		19,200		
	Program Increase- 148 additional GMLRS		[19,200]		
	OTHER SUPPORT (NON-TEL)				
036	COMMAND POST SYSTEMS		40,800		
	Marine Corps unfunded requirement- SPMAGTF—C4 UUNS ...		[40,800]		
	TOTAL PROCUREMENT, MARINE CORPS		74,000		

SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
AIRCRAFT PROCUREMENT, AIR FORCE											
TACTICAL FORCES											
001	F-35			5	690,500						
	Air Force unfunded requirement			[5]	[690,500]						
OTHER AIRLIFT											
004	C-130J			3	271,500						
	Scope Increase			[3]	[271,500]						
HELICOPTERS											
010	UH-1N REPLACEMENT				80,000						
	Program increase to address urgent need				[80,000]						
OTHER AIRCRAFT											
015	MQ-9	12	179,430	12	179,430	12	179,430			12	179,430
015A	EC-130H			1	103,000						
	Scope increase			[1]	[103,000]						
TACTICAL AIRCRAFT											
020	A-10				218,500						
	A-10 wing upgrades				[120,000]						
	Air Force unfunded requirement- A-10 antijam GPS				[10,300]						
	Air Force unfunded requirement- A-10 situation awareness upgrade kits.				[23,200]						
	Air Force unfunded requirement- ASE radar warning receiver upgrades.				[65,000]						
021	F-15				60,400						
	Air Force unfunded requirement- ASE radar warning receiver upgrades.				[60,400]						
022	F-16				187,500						
	Air Force unfunded requirement- antijam GPS				[5,000]						
	Air Force unfunded requirement- missile warning system				[12,000]						
	Air Force unfunded requirement- radar warning receiver upgrades.				[170,500]						
OTHER AIRCRAFT											
049	E-8			2	17,500						
	Additional 2 PME-DMS kits			[2]	[17,500]						

054	H-60				70,700					
	Air Force unfunded requirement- ASE radar warning receivers				[70,700]					
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	12	179,430	23	1,879,030	12	179,430		12	179,430
	MISSILE PROCUREMENT, AIR FORCE									
	TACTICAL									
007	SMALL DIAMETER BOMB	4,195	167,800	4,195	167,800	4,195	167,800		4,195	167,800
	CLASS IV									
011	AGM-65D MAVERICK		16,900		16,900		16,900			16,900
	TOTAL MISSILE PROCUREMENT, AIR FORCE	4,195	184,700	4,195	184,700	4,195	184,700		4,195	184,700
	PROCUREMENT OF AMMUNITION, AIR FORCE									
	ROCKETS									
001	ROCKETS		60,000		60,000		60,000			60,000
	BOMBS									
006	JOINT DIRECT ATTACK MUNITION	12,498	263,000	12,498	263,000	12,498	263,000		12,498	263,000
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	12,498	323,000	12,498	323,000	12,498	323,000		12,498	323,000
	PROCUREMENT, DEFENSE-WIDE									
	MAJOR EQUIPMENT, DISA									
007	TELEPORT PROGRAM		2,000		2,000		2,000			2,000
016	DEFENSE INFORMATION SYSTEMS NETWORK		2,000		2,000		2,000			2,000
	TOTAL PROCUREMENT, DEFENSE-WIDE		4,000		4,000		4,000			4,000
	TOTAL PROCUREMENT	18,643	1,287,871	65,669	10,728,171	18,643	1,287,871	45,013	630,700	63,656
										1,918,571

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)							
Line	Program Element	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY							
BASIC RESEARCH							
001	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	12,381	12,381	12,381		12,381
002	0601102A	DEFENSE RESEARCH SCIENCES	253,116	253,116	253,116		253,116
003	0601103A	UNIVERSITY RESEARCH INITIATIVES	69,166	69,166	69,166		69,166
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	94,280	94,280	94,280		94,280
		SUBTOTAL BASIC RESEARCH	428,943	428,943	428,943		428,943
APPLIED RESEARCH							
005	0602105A	MATERIALS TECHNOLOGY	31,533	31,533	37,033	5,500	37,033
		Ground vehicle coating system			[5,500]	[5,500]	
006	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY	36,109	36,109	38,109	2,000	38,109
		Program increase			[2,000]	[2,000]	
007	0602122A	TRACTOR HIP	6,995	6,995	6,995		6,995
008	0602211A	AVIATION TECHNOLOGY	65,914	65,914	65,914		65,914
009	0602270A	ELECTRONIC WARFARE TECHNOLOGY	25,466	25,466	25,466		25,466
010	0602303A	MISSILE TECHNOLOGY	44,313	44,313	44,313		44,313
011	0602307A	ADVANCED WEAPONS TECHNOLOGY	28,803	28,803	28,803		28,803
012	0602308A	ADVANCED CONCEPTS AND SIMULATION	27,688	27,688	27,688		27,688

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013	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	67,959	67,959	67,959		67,959
014	0602618A	BALLISTICS TECHNOLOGY	85,436	85,436	85,436		85,436
015	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY	3,923	3,923	3,923		3,923
016	0602623A	JOINT SERVICE SMALL ARMS PROGRAM	5,545	5,545	5,545		5,545
017	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY	53,581	53,581	53,581		53,581
018	0602705A	ELECTRONICS AND ELECTRONIC DEVICES	56,322	56,322	56,322		56,322
019	0602709A	NIGHT VISION TECHNOLOGY	36,079	36,079	36,079		36,079
020	0602712A	COUNTERMINE SYSTEMS	26,497	26,497	26,497		26,497
021	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	23,671	23,671	23,671		23,671
022	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY	22,151	22,151	22,151		22,151
023	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	37,803	37,803	37,803		37,803
024	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY	13,811	13,811	13,811		13,811
025	0602784A	MILITARY ENGINEERING TECHNOLOGY	67,416	67,416	67,416		67,416
026	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	26,045	26,045	21,045		26,045
		Decrease for social science research			[-5,000]		
027	0602786A	WARFIGHTER TECHNOLOGY	37,403	42,403	37,403	5,000	42,403
		Program Increase		[5,000]		[5,000]	
028	0602787A	MEDICAL TECHNOLOGY	77,111	77,111	77,111		77,111
		SUBTOTAL APPLIED RESEARCH	907,574	912,574	910,074	12,500	920,074
		ADVANCED TECHNOLOGY DEVELOPMENT					
029	0603001A	WARFIGHTER ADVANCED TECHNOLOGY	38,831	38,831	38,831		38,831
030	0603002A	MEDICAL ADVANCED TECHNOLOGY	68,365	68,365	68,365		68,365
031	0603003A	AVIATION ADVANCED TECHNOLOGY	94,280	94,280	94,280		94,280
032	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	68,714	68,714	68,714		68,714
033	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY	122,132	122,132	172,132	30,000	152,132
		Emerging requirement			[50,000]	[30,000]	
034	0603006A	SPACE APPLICATION ADVANCED TECHNOLOGY	3,904	3,904	3,904		3,904
035	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY	14,417	14,417	14,417		14,417
037	0603009A	TRACTOR HIKE	8,074	21,374	8,074	13,300	21,374
		Classified adjustment		[13,300]		[13,300]	
038	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS	18,969	18,969	18,969		18,969

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Line	Program Element	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
039	0603020A	TRACTOR ROSE	11,910	11,910	11,910		11,910
040	0603125A	COMBATING TERRORISM—TECHNOLOGY DEVELOPMENT	27,686	27,686	27,686		27,686
041	0603130A	TRACTOR NAIL	2,340	2,340	2,340		2,340
042	0603131A	TRACTOR EGGS	2,470	2,470	2,470		2,470
043	0603270A	ELECTRONIC WARFARE TECHNOLOGY	27,893	27,893	22,893		27,893
		General decrease			[-5,000]		
044	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	52,190	52,190	52,190		52,190
045	0603322A	TRACTOR CAGE	11,107	11,107	11,107		11,107
046	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	177,190	179,190	177,190	2,000	179,190
		Program increase		[2,000]		[2,000]	
047	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	17,451	17,451	17,451		17,451
048	0603607A	JOINT SERVICE SMALL ARMS PROGRAM	5,839	5,839	5,839		5,839
049	0603710A	NIGHT VISION ADVANCED TECHNOLOGY	44,468	44,468	44,468		44,468
050	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS	11,137	11,137	11,137		11,137
051	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY	20,684	20,684	20,684		20,684
052	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY	44,239	44,239	39,239		44,239
		General program decrease			[-5,000]		
053	0603794A	C3 ADVANCED TECHNOLOGY	35,775	35,775	35,775		35,775
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	930,065	945,365	970,065	45,300	975,365
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES					
054	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION	9,433	9,433	9,433		9,433
055	0603308A	ARMY SPACE SYSTEMS INTEGRATION	23,056	23,056	23,056		23,056
056	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	72,117	72,117	72,117		72,117
057	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV	28,244	28,244	28,244		28,244
058	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	40,096	40,096	40,096		40,096
059	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	10,506	10,506	10,506		10,506

060	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV	15,730	15,730	15,730		15,730
061	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	10,321	10,321	10,321		10,321
062	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL	7,785	7,785	7,785		7,785
063	0603790A	NATO RESEARCH AND DEVELOPMENT	2,300	2,300	2,300		2,300
064	0603801A	AVIATION—ADV DEV	10,014	10,014	10,014		10,014
065	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	20,834	20,834	20,834		20,834
066	0603807A	MEDICAL SYSTEMS—ADV DEV	33,503	41,003	33,503		33,503
		Program increase		[7,500]			
067	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	31,120	31,120	40,520	9,400	40,520
		Accelerate small arms improvement			[9,400]	[9,400]	
068	0604100A	ANALYSIS OF ALTERNATIVES	6,608	6,608	6,608		6,608
069	0604114A	LOWER TIER AIR MISSILE DEFENSE (LTAMD) SENSOR	35,132	35,132	35,132		35,132
070	0604115A	TECHNOLOGY MATURATION INITIATIVES	70,047	70,047	70,047	–9,009	61,038
		Excess growth				[–9,009]	
071	0604120A	ASSURED POSITIONING, NAVIGATION AND TIMING (PNT)	83,279	83,279	83,279		83,279
073	0305251A	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT	40,510	40,510	40,510	–10,000	30,510
		Inadequate justification				[–10,000]	
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	550,635	558,135	560,035	–9,609	541,026
		SYSTEM DEVELOPMENT & DEMONSTRATION					
074	0604201A	AIRCRAFT AVIONICS	83,248	83,248	83,248		83,248
075	0604270A	ELECTRONIC WARFARE DEVELOPMENT	34,642	34,642	34,642		34,642
077	0604290A	MID-TIER NETWORKING VEHICULAR RADIO (MNVR)	12,172	12,172	12,172		12,172
078	0604321A	ALL SOURCE ANALYSIS SYSTEM	3,958	3,958	3,958		3,958
079	0604328A	TRACTOR CAGE	12,525	12,525	12,525		12,525
080	0604601A	INFANTRY SUPPORT WEAPONS	66,943	66,943	66,943		66,943
082	0604611A	JAVELIN	20,011	20,011	20,011		20,011
083	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	11,429	11,429	11,429		11,429
084	0604633A	AIR TRAFFIC CONTROL	3,421	3,421	3,421		3,421
085	0604641A	TACTICAL UNMANNED GROUND VEHICLE (TUGV)	39,282	39,282	39,282		39,282
086	0604642A	LIGHT TACTICAL WHEELED VEHICLES	494	494	494		494
087	0604645A	ARMORED SYSTEMS MODERNIZATION (ASM)—ENG DEV	9,678	9,678	9,678		9,678

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088	0604710A	NIGHT VISION SYSTEMS—ENG DEV	84,519	84,519	84,519		84,519
089	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	2,054	2,054	2,054		2,054
090	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	30,774	30,774	30,774		30,774
091	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV	53,332	61,332	53,332	8,000	61,332
		Program increase- all digital radar technology for CRAM		[8,000]		[8,000]	
092	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	17,887	17,887	17,887		17,887
093	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	8,813	8,813	8,813		8,813
094	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV	10,487	10,487	10,487		10,487
095	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	15,068	15,068	15,068		15,068
096	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION	89,716	89,716	89,716		89,716
097	0604802A	WEAPONS AND MUNITIONS—ENG DEV	80,365	80,365	80,365		80,365
098	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV	75,098	86,198	75,098	11,100	86,198
		Program Increase- next generation signature management		[11,100]		[11,100]	
099	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV	4,245	4,245	4,245		4,245
100	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV	41,124	41,124	41,124		41,124
101	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV	39,630	39,630	39,630		39,630
102	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE	205,590	205,590	205,590		205,590
103	0604820A	RADAR DEVELOPMENT	15,983	15,983	15,983		15,983
104	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEB)	6,805	6,805	6,805		6,805
105	0604823A	FIREFINDER	9,235	9,235	9,235		9,235
106	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	12,393	12,393	12,393		12,393
107	0604854A	ARTILLERY SYSTEMS—EMD	1,756	1,756	1,756		1,756
108	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	74,236	74,236	74,236		74,236
109	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A)	155,584	155,584	135,584	-11,000	144,584
		Unjustified growth			[-20,000]	[-11,000]	
110	0605028A	ARMORED MULTI-PURPOSE VEHICLE (AMPV)	184,221	184,221	184,221		184,221

111	0605029A	INTEGRATED GROUND SECURITY SURVEILLANCE RESPONSE CAPABILITY (IGSSR-C).	4,980	4,980	4,980	4,980
112	0605030A	JOINT TACTICAL NETWORK CENTER (JTNC)	15,041	15,041	15,041	15,041
113	0605031A	JOINT TACTICAL NETWORK (JTN)	16,014	16,014	16,014	16,014
114	0605032A	TRACTOR TIRE	27,254	27,254	27,254	27,254
115	0605033A	GROUND-BASED OPERATIONAL SURVEILLANCE SYSTEM—EXPEDITIONARY (GBOSS-E).	5,032	5,032	5,032	5,032
116	0605034A	TACTICAL SECURITY SYSTEM (TSS)	2,904	2,904	2,904	2,904
117	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM)	96,977	96,977	96,977	96,977
118	0605036A	COMBATING WEAPONS OF MASS DESTRUCTION (CWMD)	2,089	2,089	2,089	2,089
119	0605041A	DEFENSIVE CYBER TOOL DEVELOPMENT	33,836	33,836	33,836	33,836
120	0605042A	TACTICAL NETWORK RADIO SYSTEMS (LOW-TIER)	18,824	18,824	18,824	18,824
121	0605047A	CONTRACT WRITING SYSTEM	20,663	20,663		20,663
		Unjustified request			[-20,663]	
122	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	41,133	41,133	54,133	41,133
		ASE unfunded requirement			[13,000]	
123	0605052A	INDIRECT FIRE PROTECTION CAPABILITY INC 2—BLOCK 1	83,995	83,995	83,995	83,995
125	0605380A	AMF JOINT TACTICAL RADIO SYSTEM (JTRS)	5,028	5,028	5,028	5,028
126	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	42,972	42,972	42,972	42,972
128	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD)	252,811	252,811	252,811	252,811
131	0605766A	NATIONAL CAPABILITIES INTEGRATION (MIP)	4,955	4,955	4,955	4,955
132	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	11,530	11,530	11,530	11,530
133	0605830A	AVIATION GROUND SUPPORT EQUIPMENT	2,142	2,142	2,142	2,142
134	0210609A	PALADIN INTEGRATED MANAGEMENT (PIM)	41,498	41,498	41,498	41,498
135	0303032A	TROJAN—RH12	4,273	4,273	4,273	4,273
136	0304270A	ELECTRONIC WARFARE DEVELOPMENT	14,425	14,425	14,425	14,425
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	2,265,094	2,284,194	2,237,431	8,100 2,273,194
		RDT&E MANAGEMENT SUPPORT				
137	0604256A	THREAT SIMULATOR DEVELOPMENT	25,675	25,675	25,675	25,675
138	0604258A	TARGET SYSTEMS DEVELOPMENT	19,122	19,122	19,122	19,122

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Line	Program Element	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
139	0604759A	MAJOR T&E INVESTMENT	84,777	84,777	84,777		84,777
140	0605103A	RAND ARROYO CENTER	20,658	20,658	20,658		20,658
141	0605301A	ARMY KWAJALEIN ATOLL	236,648	236,648	236,648		236,648
142	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	25,596	25,596	25,596		25,596
144	0605601A	ARMY TEST RANGES AND FACILITIES	293,748	293,748	293,748		293,748
145	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	52,404	52,404	52,404		52,404
146	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	38,571	38,571	38,571		38,571
147	0605606A	AIRCRAFT CERTIFICATION	4,665	4,665	4,665		4,665
148	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	6,925	6,925	6,925		6,925
149	0605706A	MATERIEL SYSTEMS ANALYSIS	21,677	21,677	21,677		21,677
150	0605709A	EXPLOITATION OF FOREIGN ITEMS	12,415	12,415	12,415		12,415
151	0605712A	SUPPORT OF OPERATIONAL TESTING	49,684	49,684	49,684		49,684
152	0605716A	ARMY EVALUATION CENTER	55,905	55,905	55,905		55,905
153	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG	7,959	7,959	7,959		7,959
154	0605801A	PROGRAMWIDE ACTIVITIES	51,822	51,822	51,822		51,822
155	0605803A	TECHNICAL INFORMATION ACTIVITIES	33,323	33,323	35,823		33,323
		Program increase Geospatial			[2,500]		
156	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	40,545	40,545	40,545		40,545
157	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	2,130	2,130	2,130		2,130
158	0605898A	MANAGEMENT HQ—R&D	49,885	49,885	49,885		49,885
159	0303260A	DEFENSE MILITARY DECEPTION INITIATIVE	2,000	2,000	2,000		2,000
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	1,136,134	1,136,134	1,138,634		1,136,134
		OPERATIONAL SYSTEMS DEVELOPMENT					
161	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	9,663	9,663	9,663		9,663
162	0603813A	TRACTOR PULL	3,960	3,960	3,960		3,960
163	0605024A	ANTI-TAMPER TECHNOLOGY SUPPORT	3,638	3,638	3,638		3,638

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164	0607131A	WEAPONS AND MUNITIONS PRODUCT IMPROVEMENT PROGRAMS	14,517	14,517	14,517		14,517
165	0607133A	TRACTOR SMOKE	4,479	4,479	4,479		4,479
166	0607134A	LONG RANGE PRECISION FIRES (LRPF)	39,275	39,275	39,275		39,275
167	0607135A	APACHE PRODUCT IMPROVEMENT PROGRAM	66,441	66,441	66,441		66,441
168	0607136A	BLACKHAWK PRODUCT IMPROVEMENT PROGRAM	46,765	46,765	46,765		46,765
169	0607137A	CHINOOK PRODUCT IMPROVEMENT PROGRAM	91,848	91,848	91,848		91,848
170	0607138A	FIXED WING PRODUCT IMPROVEMENT PROGRAM	796	796	796		796
171	0607139A	IMPROVED TURBINE ENGINE PROGRAM	126,105	126,105	126,105		126,105
172	0607140A	EMERGING TECHNOLOGIES FROM NIE	2,369	2,369	2,369		2,369
173	0607141A	LOGISTICS AUTOMATION	4,563	4,563	4,563		4,563
174	0607665A	FAMILY OF BIOMETRICS	12,098	12,098	12,098		12,098
175	0607865A	PATRIOT PRODUCT IMPROVEMENT	49,482	49,482	49,482		49,482
176	0202429A	AEROSTAT JOINT PROJECT—COCOM EXERCISE	45,482	2,482	4,482	-43,000	2,482
		Program reduction		[-43,000]	[-41,000]	[-43,000]	
178	0203728A	JOINT AUTOMATED DEEP OPERATION COORDINATION SYSTEM (JADOCs)	30,455	30,455	30,455		30,455
179	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	316,857	316,857	328,857		316,857
		APS unfunded requirement			[12,000]		
180	0203740A	MANEUVER CONTROL SYSTEM	4,031	4,031	4,031		4,031
181	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	35,793	35,793	35,793		35,793
182	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	259	259	259		259
183	0203758A	DIGITIZATION	6,483	6,483	6,483		6,483
184	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	5,122	5,122	5,122		5,122
185	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	7,491	7,491	7,491		7,491
186	0203808A	TRACTOR CARD	20,333	20,333	20,333		20,333
188	0205410A	MATERIALS HANDLING EQUIPMENT	124	124	124		124
190	0205456A	LOWER TIER AIR AND MISSILE DEFENSE (AMD) SYSTEM	69,417	69,417	69,417		69,417
191	0205778A	GUIDED MULTIPLE-LAUNCH ROCKET SYSTEM (GMLRS)	22,044	22,044	22,044		22,044
192	0208053A	JOINT TACTICAL GROUND SYSTEM	12,649	12,649	12,649		12,649
194	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	11,619	11,619	11,619		11,619
195	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	38,280	38,280	38,280		38,280
196	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	27,223	27,223	2,023		27,223
		GCSS unjustified request			[-25,200]		

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197	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	18,815	18,815	18,815		18,815
198	0303150A	WWWCCS/GLOBAL COMMAND AND CONTROL SYSTEM	4,718	4,718	4,718		4,718
202	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	8,218	8,218	8,218		8,218
203	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS	11,799	11,799	11,799		11,799
204	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	32,284	32,284	284		32,284
		Change in tactical requirements			[-32,000]		
205	0305219A	MQ-1C GRAY EAGLE UAS	13,470	13,470	13,470		13,470
206	0305232A	RQ-11 UAV	1,613	1,613	1,613		1,613
207	0305233A	RQ-7 UAV	4,597	4,597	4,597		4,597
209	0310349A	WIN-T INCREMENT 2—INITIAL NETWORKING	4,867	4,867	4,867		4,867
210	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	62,287	62,287	62,287		62,287
210A	9999999999	CLASSIFIED PROGRAMS	4,625	4,625	4,625		4,625
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	1,296,954	1,253,954	1,210,754	-43,000	1,253,954
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY	7,515,399	7,519,299	7,455,936	13,291	7,528,690
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY					
		BASIC RESEARCH					
001	0601103N	UNIVERSITY RESEARCH INITIATIVES	101,714	121,714	101,714	20,000	121,714
		Program increase		[20,000]		[20,000]	
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	18,508	18,508	18,508		18,508
003	0601153N	DEFENSE RESEARCH SCIENCES	422,748	422,748	422,748		422,748
		SUBTOTAL BASIC RESEARCH	542,970	562,970	542,970	20,000	562,970
		APPLIED RESEARCH					
004	0602114N	POWER PROJECTION APPLIED RESEARCH	41,371	41,371	41,371		41,371
005	0602123N	FORCE PROTECTION APPLIED RESEARCH	158,745	158,745	158,745		158,745

006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	51,590	51,590	51,590		51,590
007	0602235N	COMMON PICTURE APPLIED RESEARCH	41,185	41,185	41,185		41,185
008	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	45,467	45,467	45,467		45,467
009	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	118,941	118,941	118,941		118,941
010	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	42,618	74,618	42,618	30,000	72,618
		Service Life Extension Program—AGOR		[32,000]		[30,000]	
011	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	6,327	6,327	6,327		6,327
012	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	126,313	126,313	136,313		126,313
		Program increase			[10,000]		
013	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH	165,103	165,103	165,103		165,103
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	33,916	33,916	33,916		33,916
015	0602898N	SCIENCE AND TECHNOLOGY MANAGEMENT—ONR HEADQUARTERS	29,575	29,575	29,575		29,575
		SUBTOTAL APPLIED RESEARCH	861,151	893,151	871,151	30,000	891,151
		ADVANCED TECHNOLOGY DEVELOPMENT					
016	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY	96,406	106,406	81,406		96,406
		General decrease			[−15,000]		
		Program increase for common mount		[10,000]			
017	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	48,438	48,438	48,438		48,438
018	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY	26,421	26,421	26,421		26,421
019	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	140,416	140,416	140,416		140,416
020	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT	13,117	13,117	13,117		13,117
021	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT	249,092	249,092	239,092	−2,000	247,092
		Capable manpower, and power and energy			[−10,000]	[−2,000]	
022	0603680N	MANUFACTURING TECHNOLOGY PROGRAM	56,712	56,712	56,712		56,712
023	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	4,789	4,789	4,789		4,789
024	0603747N	UNDERSEA WARFARE ADVANCED TECHNOLOGY	25,880	25,880	25,880		25,880
025	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	60,550	65,550	60,550		60,550
		Program Increase		[5,000]			
026	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY	15,167	15,167	15,167		15,167
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	736,988	751,988	711,988	−2,000	734,988

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ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES							
027	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	48,536	48,536	48,536		48,536
028	0603216N	AVIATION SURVIVABILITY	5,239	5,239	5,239		5,239
030	0603251N	AIRCRAFT SYSTEMS	1,519	1,519	1,519		1,519
031	0603254N	ASW SYSTEMS DEVELOPMENT	7,041	7,041	7,041		7,041
032	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	3,274	3,274	3,274		3,274
033	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	57,034	72,034	57,034	-41,538	15,496
		Program Increase		[15,000]			
		Rapid prototype development excess growth				[-30,267]	
		Unmanned rapid prototype development excess growth				[-11,271]	
034	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	165,775	165,775	164,275	-22,227	143,548
		Excess prior year funds			[-1,500]	[-1,500]	
		LDUUV product development excess growth				[-13,800]	
		USV with AQS-20 product development excess growth				[-5,750]	
		USV with AQS-20 support excess growth				[-1,177]	
035	0603506N	SURFACE SHIP TORPEDO DEFENSE	87,066	87,066	87,066		87,066
036	0603512N	CARRIER SYSTEMS DEVELOPMENT	7,605	7,605	7,605		7,605
037	0603525N	PILOT FISH	132,068	132,068	132,068		132,068
038	0603527N	RETRACT LARCH	14,546	14,546	14,546		14,546
039	0603536N	RETRACT JUNIPER	115,435	115,435	115,435		115,435
040	0603542N	RADIOLOGICAL CONTROL	702	702	702		702
041	0603553N	SURFACE ASW	1,081	1,081	1,081		1,081
042	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	100,565	100,565	100,565		100,565
043	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	8,782	8,782	8,782		8,782
044	0603563N	SHIP CONCEPT ADVANCED DESIGN	14,590	14,590	14,590		14,590
045	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	15,805	15,805	15,805		15,805
046	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	453,313	453,313	453,313		453,313

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047	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	36,655	36,655	36,655		36,655
048	0603576N	CHALK EAGLE	367,016	367,016	367,016		367,016
049	0603581N	LITTORAL COMBAT SHIP (LCS)	51,630	51,630	51,630		51,630
050	0603582N	COMBAT SYSTEM INTEGRATION	23,530	23,530	23,530		23,530
051	0603595N	OHIO REPLACEMENT	700,811	700,811	700,811		700,811
052	0603596N	LCS MISSION MODULES	160,058	129,158	129,158	-30,871	129,187
		Program Restructure		[-30,900]	[-30,900]	[-30,871]	
053	0603597N	AUTOMATED TEST AND ANALYSIS		8,000		8,000	8,000
		Program increase		[8,000]		[8,000]	
054	0603599N	FRIGATE DEVELOPMENT	84,900	84,900	84,900		84,900
055	0603609N	CONVENTIONAL MUNITIONS	8,342	8,342	8,342		8,342
056	0603611M	MARINE CORPS ASSAULT VEHICLES	158,682	158,682	158,682	-19,920	138,762
		Product development prior year carryover				[-19,920]	
057	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	1,303	1,303	1,303		1,303
058	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	46,911	46,911	46,911		46,911
060	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	4,556	4,556	4,556		4,556
061	0603721N	ENVIRONMENTAL PROTECTION	20,343	20,343	20,343		20,343
062	0603724N	NAVY ENERGY PROGRAM	52,479	52,479	52,479		52,479
063	0603725N	FACILITIES IMPROVEMENT	5,458	5,458	5,458		5,458
064	0603734N	CHALK CORAL	245,860	245,860	245,860		245,860
065	0603739N	NAVY LOGISTIC PRODUCTIVITY	3,089	3,089	3,089		3,089
066	0603746N	RETRACT MAPLE	323,526	323,526	323,526		323,526
067	0603748N	LINK PLUMERIA	318,497	318,497	318,497		318,497
068	0603751N	RETRACT ELM	52,834	52,834	52,834		52,834
069	0603764N	LINK EVERGREEN	48,116	48,116	48,116		48,116
070	0603787N	SPECIAL PROCESSES	13,619	13,619	13,619		13,619
071	0603790N	NATO RESEARCH AND DEVELOPMENT	9,867	9,867	9,867		9,867
072	0603795N	LAND ATTACK TECHNOLOGY	6,015	6,015	6,015		6,015
073	0603851M	JOINT NON-LETHAL WEAPONS TESTING	27,904	27,904	27,904		27,904
074	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL	104,144	104,144	104,144	-1,422	102,722
		UCLASS test support unjustified request				[-1,422]	
075	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS	32,700	32,700	32,700		32,700

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Line	Program Element	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
076	0604112N	GERALD R. FORD CLASS NUCLEAR AIRCRAFT CARRIER (CVN 78—80)	70,528	70,528	70,528		70,528
077	0604122N	REMOTE MINEHUNTING SYSTEM (RMS)	3,001	3,001	3,001		3,001
078	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM)	34,920	34,920	34,920		34,920
080	0604292N	MH-XX	1,620	1,620	1,620		1,620
081	0604454N	LX (R)	6,354	6,354	25,354		6,354
		Needed to maintain schedule			[19,000]		
082	0604536N	ADVANCED UNDERSEA PROTOTYPING	78,589	78,589	44,189	-34,400	44,189
		Ahead of need			[-34,400]	[-34,400]	
084	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM	9,910	9,910	9,910		9,910
085	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT.	23,971	23,971	23,971		23,971
086	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOPMENT	252,409	252,409	252,409	-2,038	250,371
		Increment II early to need				[-2,038]	
087	0605812M	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	23,197	23,197	23,197		23,197
088	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	9,110	9,110	9,110		9,110
089	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	437	437	437		437
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	4,662,867	4,654,967	4,615,067	-144,416	4,518,451
		SYSTEM DEVELOPMENT & DEMONSTRATION					
090	0603208N	TRAINING SYSTEM AIRCRAFT	19,938	19,938	19,938		19,938
091	0604212N	OTHER HELO DEVELOPMENT	6,268	6,268	6,268		6,268
092	0604214N	AV-8B AIRCRAFT—ENG DEV	33,664	33,664	33,664		33,664
093	0604215N	STANDARDS DEVELOPMENT	1,300	1,300	1,300		1,300
094	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	5,275	5,275	5,275		5,275
095	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING	3,875	3,875	3,875		3,875
096	0604221N	P-3 MODERNIZATION PROGRAM	1,909	1,909	1,909		1,909

097	0604230N	WARFARE SUPPORT SYSTEM	13,237	13,237	13,237		13,237
098	0604231N	TACTICAL COMMAND SYSTEM	36,323	36,323	36,323		36,323
099	0604234N	ADVANCED HAWKEYE	363,792	363,792	363,792		363,792
100	0604245N	H-1 UPGRADES	27,441	27,441	27,441		27,441
101	0604261N	ACOUSTIC SEARCH SENSORS	34,525	34,525	34,525		34,525
102	0604262N	V-22A	174,423	174,423	174,423	-16,725	157,698
		Hardware development airframe excess growth				[-8,474]	
		Refueling system development excess growth				[-8,251]	
103	0604264N	AIR CREW SYSTEMS DEVELOPMENT	13,577	13,577	13,577		13,577
104	0604269N	EA-18	116,761	116,761	116,761		116,761
105	0604270N	ELECTRONIC WARFARE DEVELOPMENT	48,766	48,766	48,766		48,766
106	0604273N	EXECUTIVE HELO DEVELOPMENT	338,357	338,357	338,357		338,357
107	0604274N	NEXT GENERATION JAMMER (NGJ)	577,822	577,822	577,822		577,822
108	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY)	2,365	2,365	2,365		2,365
109	0604282N	NEXT GENERATION JAMMER (NGJ) INCREMENT II	52,065	52,065	52,065	-10,000	42,065
		Program growth				[-10,000]	
110	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	282,764	282,764	282,764		282,764
111	0604311N	LPD-17 CLASS SYSTEMS INTEGRATION	580	580	580		580
112	0604329N	SMALL DIAMETER BOMB (SDB)	97,622	97,622	97,622		97,622
113	0604366N	STANDARD MISSILE IMPROVEMENTS	120,561	120,561	120,561		120,561
114	0604373N	AIRBORNE MCM	45,622	45,622	45,622		45,622
116	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING	25,750	25,750	25,750		25,750
118	0604501N	ADVANCED ABOVE WATER SENSORS	85,868	85,868	85,868		85,868
119	0604503N	SSN-688 AND TRIDENT MODERNIZATION	117,476	117,476	117,476		117,476
120	0604504N	AIR CONTROL	47,404	47,404	47,404		47,404
121	0604512N	SHIPBOARD AVIATION SYSTEMS	112,158	112,158	112,158		112,158
122	0604518N	COMBAT INFORMATION CENTER CONVERSION	6,283	6,283	6,283		6,283
123	0604522N	AIR AND MISSILE DEFENSE RADAR (AMDR) SYSTEM	144,395	144,395	144,395		144,395
124	0604558N	NEW DESIGN SSN	113,013	113,013	113,013		113,013
125	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	43,160	43,160	43,160		43,160
126	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	65,002	85,002	65,002	20,000	85,002
		CVN Design		[20,000]		[20,000]	

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127	0604574N	NAVY TACTICAL COMPUTER RESOURCES	3,098	3,098	3,098		3,098
128	0604580N	VIRGINIA PAYLOAD MODULE (VPM)	97,920	97,920	97,920		97,920
129	0604601N	MINE DEVELOPMENT	10,490	10,490	10,490		10,490
130	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	20,178	20,178	20,178		20,178
131	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	7,369	7,369	7,369		7,369
132	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	4,995	4,995	4,995		4,995
133	0604727N	JOINT STANDOFF WEAPON SYSTEMS	412	412	412		412
134	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	134,619	134,619	134,619		134,619
135	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	114,475	105,475	114,475	-9,000	105,475
		Program Execution		[-9,000]		[-9,000]	
136	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	114,211	114,211	114,211	-3,000	111,211
		Decoy development effort unjustified growth				[-3,000]	
137	0604761N	INTELLIGENCE ENGINEERING	11,029	11,029	11,029		11,029
138	0604771N	MEDICAL DEVELOPMENT	9,220	9,220	9,220		9,220
139	0604777N	NAVIGATION/ID SYSTEM	42,723	42,723	42,723		42,723
140	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	531,426	531,426	531,426		531,426
141	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD	528,716	528,716	528,716		528,716
142	0604810M	JOINT STRIKE FIGHTER FOLLOW ON DEVELOPMENT—MARINE CORPS	74,227	74,227	74,227	-2,250	71,977
		Follow-on development excess funds				[-2,250]	
143	0604810N	JOINT STRIKE FIGHTER FOLLOW ON DEVELOPMENT—NAVY	63,387	63,387	63,387	-2,250	61,137
		Follow-on development excess funds				[-2,250]	
144	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	4,856	4,856	4,856		4,856
145	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	97,066	97,066	97,066		97,066
146	0605024N	ANTI-TAMPER TECHNOLOGY SUPPORT	2,500	2,500	2,500		2,500
147	0605212N	CH—53K RDTE	404,810	404,810	404,810	-31,513	373,297
		Program delay				[-31,513]	
148	0605215N	MISSION PLANNING	33,570	33,570	33,570		33,570

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149	0605217N	COMMON AVIONICS	51,599	51,599	51,599		51,599
150	0605220N	SHIP TO SHORE CONNECTOR (SSC)	11,088	11,088	11,088		11,088
151	0605327N	T-AO (X)	1,095	1,095	1,095		1,095
152	0605414N	MQ-XX	89,000	77,000	89,000	-12,000	77,000
		Excess Obligation		[-12,000]		[-12,000]	
153	0605450N	JOINT AIR-TO-GROUND MISSILE (JAGM)	17,880	17,880	17,880		17,880
154	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	59,126	59,126	59,126		59,126
155	0605504N	MULTI-MISSION MARITIME (MMA) INCREMENT III	182,220	182,220	182,220	-30,000	152,220
		Program execution				[-30,000]	
156	0204202N	DDG-1000	45,642	45,642	45,642		45,642
159	0304231N	TACTICAL COMMAND SYSTEM—MIP	676	676	676		676
160	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	36,747	36,747	36,747		36,747
161	0305124N	SPECIAL APPLICATIONS PROGRAM	35,002	35,002	35,002		35,002
162	0306250M	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT	4,942	4,942	6,726		4,942
		Full spectrum cyber operations unfunded requirement			[1,784]		
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	6,025,655	6,024,655	6,027,439	-96,738	5,928,917
		MANAGEMENT SUPPORT					
163	0604256N	THREAT SIMULATOR DEVELOPMENT	16,633	16,633	16,633		16,633
164	0604258N	TARGET SYSTEMS DEVELOPMENT	36,662	36,662	36,662		36,662
165	0604759N	MAJOR T&E INVESTMENT	42,109	42,109	42,109		42,109
166	0605126N	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION	2,998	2,998	2,998		2,998
167	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	3,931	3,931	3,931		3,931
168	0605154N	CENTER FOR NAVAL ANALYSES	46,634	46,634	46,634		46,634
169	0605285N	NEXT GENERATION FIGHTER	1,200	1,200	1,200		1,200
171	0605804N	TECHNICAL INFORMATION SERVICES	903	903	903		903
172	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	87,077	87,077	76,277		87,077
		Unjustified growth			[-10,800]		
173	0605856N	STRATEGIC TECHNICAL SUPPORT	3,597	3,597	3,597		3,597
174	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	62,811	62,811	62,811		62,811
175	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	106,093	106,093	106,093		106,093
176	0605864N	TEST AND EVALUATION SUPPORT	349,146	349,146	349,146		349,146

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Line	Program Element	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
177	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY	18,160	18,160	18,160		18,160
178	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	9,658	9,658	9,658		9,658
179	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	6,500	6,500	6,500		6,500
180	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	22,247	22,247	22,247		22,247
181	0605898N	MANAGEMENT HQ—R&D	16,254	16,254	16,254		16,254
182	0606355N	WARFARE INNOVATION MANAGEMENT	21,123	21,123	21,123		21,123
		SUBTOTAL MANAGEMENT SUPPORT	853,736	853,736	842,936		853,736
OPERATIONAL SYSTEMS DEVELOPMENT							
188	0607658N	COOPERATIVE ENGAGEMENT CAPABILITY (CEC)	84,501	84,501	84,501		84,501
189	0607700N	DEPLOYABLE JOINT COMMAND AND CONTROL	2,970	2,970	2,970		2,970
190	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	136,556	136,556	136,556		136,556
191	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	33,845	33,845	33,845		33,845
192	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	9,329	9,329	9,329		9,329
193	0101402N	NAVY STRATEGIC COMMUNICATIONS	17,218	17,218	17,218		17,218
195	0204136N	F/A-18 SQUADRONS	189,125	189,125	189,125		189,125
196	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL)	48,225	48,225	48,225		48,225
197	0204228N	SURFACE SUPPORT	21,156	21,156	21,156		21,156
198	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	71,355	71,355	71,355		71,355
199	0204311N	INTEGRATED SURVEILLANCE SYSTEM	58,542	58,542	58,542	-1,484	57,058
		TASW prototypes excess growth				[-1,484]	
200	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT)	13,929	13,929	13,929		13,929
201	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	83,538	83,538	83,538		83,538
202	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	38,593	38,593	38,593		38,593
203	0204574N	CRYPTOLOGIC DIRECT SUPPORT	1,122	1,122	1,122		1,122
204	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT	99,998	99,998	99,998		99,998
205	0205601N	HARM IMPROVEMENT	48,635	48,635	48,635		48,635

206	0205604N	TACTICAL DATA LINKS	124,785	124,785	124,785	124,785
207	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	24,583	24,583	24,583	24,583
208	0205632N	MK-48 ADCAP	39,134	39,134	39,134	39,134
209	0205633N	AVIATION IMPROVEMENTS	120,861	120,861	120,861	120,861
210	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	101,786	101,786	101,786	101,786
211	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	82,159	82,159	82,159	82,159
212	0206335M	COMMON AVIATION COMMAND AND CONTROL SYSTEM (CAC2S)	11,850	11,850	11,850	11,850
213	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	47,877	47,877	47,877	47,877
214	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	13,194	13,194	13,194	13,194
215	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	17,171	17,171	17,171	17,171
216	0206629M	AMPHIBIOUS ASSAULT VEHICLE	38,020	38,020	38,020	38,020
217	0207161N	TACTICAL AIM MISSILES	56,285	56,285	56,285	56,285
218	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	40,350	40,350	40,350	40,350
219	0219902M	GLOBAL COMBAT SUPPORT SYSTEM—MARINE CORPS (GCSS-MC)	9,128	9,128	9,128	9,128
223	0303109N	SATELLITE COMMUNICATIONS (SPACE)	37,372	37,372	37,372	37,372
224	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES)	23,541	23,541	23,541	23,541
225	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	38,510	38,510	38,510	38,510
228	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES	6,019	6,019	6,019	6,019
229	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	8,436	8,436	8,436	8,436
230	0305205N	UAS INTEGRATION AND INTEROPERABILITY	36,509	36,509	36,509	33,509
		Prior year carryover				[-3,000]
231	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	2,100	2,100	2,100	2,100
232	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	44,571	44,571	44,571	44,571
233	0305220N	MQ-4C TRITON	111,729	111,729	111,729	111,729
234	0305231N	MQ-8 UAV	26,518	26,518	26,518	26,518
235	0305232M	RQ-11 UAV	418	418	418	418
236	0305233N	RQ-7 UAV	716	716	716	716
237	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASLO)	5,071	5,071	5,071	5,071
238	0305239M	RQ-21A	9,497	9,497	9,497	9,497
239	0305241N	MULTI-INTELLIGENCE SENSOR DEVELOPMENT	77,965	77,965	77,965	77,965
240	0305242M	UNMANNED AERIAL SYSTEMS (UAS) PAYLOADS (MIP)	11,181	11,181	11,181	11,181
241	0305421N	RQ-4 MODERNIZATION	181,266	181,266	181,266	181,266

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Line	Program Element	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
242	0308601N	MODELING AND SIMULATION SUPPORT	4,709	4,709	4,709		4,709
243	0702207N	DEPOT MAINTENANCE (NON-IF)	49,322	54,322	49,322		49,322
		MH-60 Fleet Mid-Life Upgrades		[5,000]			
245	0708730N	MARITIME TECHNOLOGY (MARITECH)	3,204	3,204	3,204		3,204
245A	9999999999	CLASSIFIED PROGRAMS	1,228,460	1,228,460	1,228,460		1,228,460
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	3,592,934	3,597,934	3,592,934	-4,484	3,588,450
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	17,276,301	17,339,401	17,204,485	-197,638	17,078,663
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF					
		BASIC RESEARCH					
001	0601102F	DEFENSE RESEARCH SCIENCES	340,812	340,812	340,812		340,812
002	0601103F	UNIVERSITY RESEARCH INITIATIVES	145,044	145,044	145,044		145,044
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	14,168	14,168	14,168		14,168
		SUBTOTAL BASIC RESEARCH	500,024	500,024	500,024		500,024
		APPLIED RESEARCH					
004	0602102F	MATERIALS	126,152	131,152	126,152	5,000	131,152
		Precision measuring tools		[5,000]		[5,000]	
005	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	122,831	127,831	122,831	5,000	127,831
		Reusable Hypersonic vehicle structures development		[5,000]		[5,000]	
006	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	111,647	116,647	111,647		111,647
		Human-Machine Teaming		[5,000]			
007	0602203F	AEROSPACE PROPULSION	185,671	185,671	190,671	5,000	190,671
		Program increase			[5,000]	[5,000]	
008	0602204F	AEROSPACE SENSORS	155,174	155,174	155,174		155,174
009	0602601F	SPACE TECHNOLOGY	117,915	117,915	117,915		117,915

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010	0602602F	CONVENTIONAL MUNITIONS	109,649	109,649	109,649		109,649
011	0602605F	DIRECTED ENERGY TECHNOLOGY	127,163	127,163	127,163		127,163
012	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS	161,650	161,650	161,650		161,650
013	0602890F	HIGH ENERGY LASER RESEARCH	42,300	42,300	47,300		42,300
		Joint technology office			[5,000]		
		SUBTOTAL APPLIED RESEARCH	1,260,152	1,275,152	1,270,152	15,000	1,275,152
		ADVANCED TECHNOLOGY DEVELOPMENT					
014	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	35,137	45,137	35,137	10,000	45,137
		Metals Affordability Initiative		[10,000]		[10,000]	
015	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	20,636	20,636	20,636		20,636
016	0603203F	ADVANCED AEROSPACE SENSORS	40,945	40,945	40,945		40,945
017	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	130,950	130,950	130,950		130,950
018	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY	94,594	99,594	99,594	5,000	99,594
		Silicon Carbide for aerospace power application		[5,000]	[5,000]	[5,000]	
019	0603270F	ELECTRONIC COMBAT TECHNOLOGY	58,250	58,250	53,250		58,250
		General decrease			[-5,000]		
020	0603401F	ADVANCED SPACECRAFT TECHNOLOGY	61,593	61,593	61,593		61,593
021	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	11,681	11,681	11,681		11,681
022	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT	26,492	26,492	26,492		26,492
023	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	102,009	102,009	102,009		102,009
024	0603605F	ADVANCED WEAPONS TECHNOLOGY	39,064	39,064	39,064		39,064
025	0603680F	MANUFACTURING TECHNOLOGY PROGRAM	46,344	46,344	46,344		46,344
026	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION	58,110	58,110	48,110		58,110
		Unjustified increase			[-10,000]		
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	725,805	740,805	715,805	15,000	740,805
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES					
027	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	5,598	5,598	5,598		5,598
028	0603438F	SPACE CONTROL TECHNOLOGY	7,534	7,534	7,534		7,534
029	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	24,418	24,418	24,418		24,418
030	0603790F	NATO RESEARCH AND DEVELOPMENT	4,333	4,333	4,333		4,333

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032	0603830F	SPACE SECURITY AND DEFENSE PROGRAM	32,399	32,399	32,399		32,399
033	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL	108,663	108,663	108,663		108,663
035	0604015F	LONG RANGE STRIKE—BOMBER	1,358,309	1,358,309	1,056,009		1,358,309
		Excess to contract award				[-302,300]	
036	0604257F	ADVANCED TECHNOLOGY AND SENSORS	34,818	34,818	34,818		34,818
037	0604317F	TECHNOLOGY TRANSFER	3,368	3,368	3,368		3,368
038	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM ..	74,308	74,308	74,308		74,308
039	0604422F	WEATHER SYSTEM FOLLOW-ON	118,953	113,953	118,953	-5,000	113,953
		Transfer Cloud Characterization and Theater Weather Imagery to NRO		[-5,000]		[-5,000]	
040	0604425F	SPACE SITUATION AWARENESS SYSTEMS	9,901	9,901	9,901		9,901
041	0604776F	DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D	25,890	25,890	25,890		25,890
042	0604857F	OPERATIONALLY RESPONSIVE SPACE	7,921	27,921	17,921	10,500	18,421
		Program increase		[20,000]	[10,000]	[10,500]	
043	0604858F	TECH TRANSITION PROGRAM	347,304	347,304	347,304		347,304
044	0605230F	GROUND BASED STRATEGIC DETERRENT	113,919	113,919	113,919		113,919
046	0207110F	NEXT GENERATION AIR DOMINANCE	20,595	15,595	20,595		20,595
		Program reduction		[-5,000]			
047	0207455F	THREE DIMENSIONAL LONG-RANGE RADAR (3DELRR)	49,491	39,491	49,491		49,491
		Excess funding to need		[-10,000]			
048	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE)	278,147	278,147	278,147		278,147
049	0305236F	COMMON DATA LINK EXECUTIVE AGENT (CDL EA)	42,338	42,338	42,338		42,338
050	0306250F	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT	158,002	158,002	158,002		158,002
051	0306415F	ENABLED CYBER ACTIVITIES	15,842	15,842	15,842		15,842
052	0901410F	CONTRACTING INFORMATION TECHNOLOGY SYSTEM	5,782	5,782	5,782		5,782
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	2,847,833	2,847,833	2,555,533	5,500	2,853,333
SYSTEM DEVELOPMENT & DEMONSTRATION							

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054	0604270F	ELECTRONIC WARFARE DEVELOPMENT	12,476	12,476	12,476	-3,300	9,176
		Improved GPS				[-3,300]	
055	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	82,380	82,380	82,380		82,380
056	0604287F	PHYSICAL SECURITY EQUIPMENT	8,458	8,458	8,458		8,458
057	0604329F	SMALL DIAMETER BOMB (SDB)—EMD	54,838	54,838	54,838	-7,800	47,038
		Improved GPS				[-7,800]	
058	0604421F	COUNTERSPACE SYSTEMS	34,394	34,394	34,394		34,394
059	0604425F	SPACE SITUATION AWARENESS SYSTEMS	23,945	23,945	23,945		23,945
060	0604426F	SPACE FENCE	168,364	168,364	168,364		168,364
061	0604429F	AIRBORNE ELECTRONIC ATTACK	9,187	9,187	9,187		9,187
062	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	181,966	181,966	181,966		181,966
063	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	20,312	20,312	20,312		20,312
064	0604604F	SUBMUNITIONS	2,503	2,503	2,503		2,503
065	0604617F	AGILE COMBAT SUPPORT	53,680	53,680	53,680		53,680
066	0604618F	JOINT DIRECT ATTACK MUNITION	9,901	9,901	9,901		9,901
067	0604706F	LIFE SUPPORT SYSTEMS	7,520	7,520	7,520		7,520
068	0604735F	COMBAT TRAINING RANGES	77,409	77,409	77,409		77,409
069	0604800F	F-35—EMD	450,467	450,467	450,467		450,467
070	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)—EMD	296,572	100,000	296,572	-136,572	160,000
		Launch System Development		[100,000]		[160,000]	
		Next Generation Launch System Investment		[-296,572]		[-296,572]	
070A	0604XXXF	ROCKET PROPULSION SYSTEM		220,000		220,000	220,000
		Rocket Propulsion System Replacement of RD-180		[220,000]		[220,000]	
071	0604932F	LONG RANGE STANDOFF WEAPON	95,604	95,604	95,604		95,604
072	0604933F	ICBM FUZE MODERNIZATION	189,751	189,751	189,751		189,751
073	0605030F	JOINT TACTICAL NETWORK CENTER (JTNC)	1,131	1,131	1,131		1,131
074	0605213F	F-22 MODERNIZATION INCREMENT 3.2B	70,290	70,290	70,290		70,290
075	0605214F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT	937	937	937		937
076	0605221F	KC-46	261,724	121,724	121,724	-140,000	121,724
		Scope Reduction		[-140,000]		[-140,000]	
077	0605223F	ADVANCED PILOT TRAINING	12,377	12,377	4,477	-5,000	7,377
		Early to need			[-7,900]	[-5,000]	

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078	0605229F	CSAR HH-60 RECAPITALIZATION	319,331	319,331	319,331	-15,000	304,331
		Forward financing				[-15,000]	
080	0605431F	ADVANCED EHF MILSATCOM (SPACE)	259,131	259,131	229,131	-30,000	229,131
		Delayed analysis of alternatives			[-30,000]	[-30,000]	
081	0605432F	POLAR MILSATCOM (SPACE)	50,815	50,815	50,815		50,815
082	0605433F	WIDEBAND GLOBAL SATCOM (SPACE)	41,632	41,632	41,632	10,000	51,632
		COMSATCOM pilot program				[10,000]	
083	0605458F	AIR & SPACE OPS CENTER 10.2 RDT&E	28,911	28,911	28,911		28,911
084	0605931F	B-2 DEFENSIVE MANAGEMENT SYSTEM	315,615	288,957	288,915	-26,700	288,915
		Scope Reduction		[-26,658]	[-26,700]	[-26,700]	
085	0101125F	NUCLEAR WEAPONS MODERNIZATION	137,909	137,909	137,909		137,909
086	0207171F	F-15 EPAWSS	256,669	256,669	256,669		256,669
087	0207701F	FULL COMBAT MISSION TRAINING	12,051	12,051	12,051		12,051
088	0305176F	COMBAT SURVIVOR EVADER LOCATOR	29,253	29,253	29,253		29,253
089	0307581F	JSTARS RECAP	128,019	128,019	128,019		128,019
090	0401319F	PRESIDENTIAL AIRCRAFT REPLACEMENT (PAR)	351,220	351,220	351,220		351,220
091	0701212F	AUTOMATED TEST SYSTEMS	19,062	19,062	19,062		19,062
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	4,075,804	3,932,574	3,871,204	-134,372	3,941,432
		MANAGEMENT SUPPORT					
092	0604256F	THREAT SIMULATOR DEVELOPMENT	21,630	21,630	21,630		21,630
093	0604759F	MAJOR T&E INVESTMENT	66,385	66,385	66,385		66,385
094	0605101F	RAND PROJECT AIR FORCE	34,641	34,641	34,641		34,641
096	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	11,529	11,529	11,529		11,529
097	0605807F	TEST AND EVALUATION SUPPORT	661,417	661,417	661,417		661,417
098	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	11,198	11,198	11,198		11,198
099	0605864F	SPACE TEST PROGRAM (STP)	27,070	27,070	27,070		27,070

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100	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT.	134,111	134,111	134,111	134,111
101	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT	28,091	28,091	28,091	28,091
102	0606017F	REQUIREMENTS ANALYSIS AND MATURATION	29,100	29,100	29,100	29,100
103	0606116F	SPACE TEST AND TRAINING RANGE DEVELOPMENT	18,528	18,528	18,528	18,528
104	0606392F	SPACE AND MISSILE CENTER (SMC) CIVILIAN WORKFORCE	176,666	176,666	176,666	176,666
105	0308602F	ENTEPRISE INFORMATION SERVICES (EIS)	4,410	4,410	4,410	4,410
106	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	14,613	14,613	14,613	14,613
107	0804731F	GENERAL SKILL TRAINING	1,404	1,404	1,404	1,404
109	1001004F	INTERNATIONAL ACTIVITIES	4,784	4,784	4,784	4,784
		SUBTOTAL MANAGEMENT SUPPORT	1,245,577	1,245,577	1,245,577	1,245,577
		OPERATIONAL SYSTEMS DEVELOPMENT				
110	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT	393,268	393,268	393,268	393,268
111	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	15,427	15,427	15,427	15,427
112	0604445F	WIDE AREA SURVEILLANCE	46,695	46,695	46,695	46,695
115	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS)	10,368	10,368	10,368	10,368
116	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	31,952	31,952	31,952	31,952
117	0605117F	FOREIGN MATERIEL ACQUISITION AND EXPLOITATION	42,960	42,960	42,960	42,960
118	0605278F	HC/MC—130 RECAP RDT&E	13,987	13,987	13,987	13,987
119	0101113F	B—52 SQUADRONS	78,267	78,267	78,267	78,267
120	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	453	453	453	453
121	0101126F	B—1B SQUADRONS	5,830	5,830	5,830	5,830
122	0101127F	B—2 SQUADRONS	152,458	152,458	152,458	152,458
123	0101213F	MINUTEMAN SQUADRONS	182,958	182,958	182,958	182,958
124	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM	39,148	39,148	39,148	39,148
126	0101316F	WORLDWIDE JOINT STRATEGIC COMMUNICATIONS	6,042	6,042	6,042	6,042
128	0102110F	UH—1N REPLACEMENT PROGRAM	14,116	14,116	14,116	14,116
129	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM	10,868	10,868	10,868	10,868
130	0105921F	SERVICE SUPPORT TO STRATCOM—SPACE ACTIVITIES	8,674	8,674	8,674	8,674
131	0205219F	MQ—9 UAV	151,373	200,373	186,473	161,373
		Auto take-off and landing capability		[35,000]	[35,100]	[10,000]

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		Tactical Datalink Integration		[14,000]			
133	0207131F	A-10 SQUADRONS	14,853	14,853	14,853		14,853
134	0207133F	F-16 SQUADRONS	132,795	132,795	132,795		132,795
135	0207134F	F-15E SQUADRONS	356,717	356,717	356,717		356,717
136	0207136F	MANNED DESTRUCTIVE SUPPRESSION	14,773	14,773	14,773		14,773
137	0207138F	F-22A SQUADRONS	387,564	387,564	387,564	-8,100	379,464
		Improved GPS				[-8,100]	
138	0207142F	F-35 SQUADRONS	153,045	153,045	153,045	-5,500	147,545
		Follow-on development—excess funds				[-5,500]	
139	0207161F	TACTICAL AIM MISSILES	52,898	52,898	52,898		52,898
140	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	62,470	62,470	62,470		62,470
143	0207227F	COMBAT RESCUE—PARARESCUE	362	362	362		362
144	0207247F	AF TENCAP	28,413	31,613	28,413		28,413
		Restore FY16 level		[3,200]			
145	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	649	649	649		649
146	0207253F	COMPASS CALL	13,723	50,823	13,723	37,100	50,823
		Compass Call Program Restructure		[37,100]		[37,100]	
147	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	109,859	109,859	109,859		109,859
148	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	30,002	30,002	30,002		30,002
149	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	37,621	37,621	37,621	-12,278	25,343
		Weapon system modification				[-12,278]	
150	0207412F	CONTROL AND REPORTING CENTER (CRC)	13,292	13,292	13,292		13,292
151	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	86,644	86,644	86,644		86,644
152	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS	2,442	2,442	2,442		2,442
154	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	10,911	15,911	10,911	5,000	15,911
		Geospatial software development		[5,000]		[5,000]	
155	0207444F	TACTICAL AIR CONTROL PARTY-MOD	11,843	11,843	11,843		11,843

156	0207448F	C2ISR TACTICAL DATA LINK	1,515	1,515	1,515	1,515
157	0207452F	DCAPES	14,979	14,979	14,979	14,979
158	0207590F	SEEK EAGLE	25,308	25,308	25,308	25,308
159	0207601F	USAF MODELING AND SIMULATION	16,666	16,666	16,666	16,666
160	0207605F	WARGAMING AND SIMULATION CENTERS	4,245	4,245	4,245	4,245
161	0207697F	DISTRIBUTED TRAINING AND EXERCISES	3,886	3,886	3,886	3,886
162	0208006F	MISSION PLANNING SYSTEMS	71,785	71,785	71,785	71,785
164	0208087F	AF OFFENSIVE CYBERSPACE OPERATIONS	25,025	25,025	25,025	25,025
165	0208088F	AF DEFENSIVE CYBERSPACE OPERATIONS	29,439	29,439	29,439	29,439
168	0301017F	GLOBAL SENSOR INTEGRATED ON NETWORK (GSIN)	3,470	3,470	3,470	3,470
169	0301112F	NUCLEAR PLANNING AND EXECUTION SYSTEM (NPES)	4,060	4,060	4,060	4,060
175	0301400F	SPACE SUPERIORITY INTELLIGENCE	13,880	13,880	13,880	13,880
176	0302015F	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	30,948	30,948	30,948	30,948
177	0303001F	FAMILY OF ADVANCED BLOS TERMINALS (FAB-T)	42,378	42,378	42,378	42,378
178	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	47,471	47,471	47,471	47,471
179	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	46,388	46,388	46,388	46,388
180	0303141F	GLOBAL COMBAT SUPPORT SYSTEM	52	52	52	52
181	0303142F	GLOBAL FORCE MANAGEMENT—DATA INITIATIVE	2,099	2,099	2,099	2,099
184	0304260F	AIRBORNE SIGINT ENTERPRISE	90,762	90,762	90,762	90,762
187	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,354	4,354	4,354	4,354
188	0305110F	SATELLITE CONTROL NETWORK (SPACE)	15,624	15,624	15,624	15,624
189	0305111F	WEATHER SERVICE	19,974	22,974	19,974	22,974
		Commercial Weather Pilot Program		[3,000]		[3,000]
190	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCAL)	9,770	9,770	9,770	9,770
191	0305116F	AERIAL TARGETS	3,051	3,051	3,051	3,051
194	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	405	405	405	405
195	0305145F	ARMS CONTROL IMPLEMENTATION	4,844	4,844	4,844	4,844
196	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	339	339	339	339
199	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER	3,989	3,989	3,989	3,989
200	0305174F	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOPMENT	3,070	3,070	3,070	3,070
201	0305179F	INTEGRATED BROADCAST SERVICE (IBS)	8,833	8,833	8,833	8,833
202	0305182F	SPACELIFT RANGE SYSTEM (SPACE)	11,867	11,867	11,867	11,867

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203	0305202F	DRAGON U-2	37,217	37,217	37,217		37,217
205	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	3,841	18,841	3,841	15,000	18,841
		Wide area motion imagery		[15,000]		[15,000]	
206	0305207F	MANNED RECONNAISSANCE SYSTEMS	20,975	20,975	20,975		20,975
207	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	18,902	18,902	18,902		18,902
208	0305220F	RQ-4 UAV	256,307	256,307	256,307		256,307
209	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	22,610	16,310	22,610		22,610
		Program reduction		[-6,300]			
211	0305238F	NATO AGS	38,904	38,904	38,904		38,904
212	0305240F	SUPPORT TO DCGS ENTERPRISE	23,084	23,084	23,084		23,084
213	0305258F	ADVANCED EVALUATION PROGRAM	116,143	116,143	116,143		116,143
214	0305265F	GPS III SPACE SEGMENT	141,888	141,888	141,888		141,888
215	0305600F	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES	2,360	2,360	2,360		2,360
216	0305614F	JSPOC MISSION SYSTEM	72,889	72,889	72,889		72,889
217	0305881F	RAPID CYBER ACQUISITION	4,280	4,280	4,280		4,280
218	0305906F	NCMC—TW/AA SYSTEM	4,951	4,951	4,951		4,951
219	0305913F	NUDET DETECTION SYSTEM (SPACE)	21,093	21,093	21,093		21,093
220	0305940F	SPACE SITUATION AWARENESS OPERATIONS	35,002	35,002	35,002		35,002
222	0308699F	SHARED EARLY WARNING (SEW)	6,366	6,366	6,366		6,366
223	0401115F	C-130 AIRLIFT SQUADRON	15,599	15,599	15,599		15,599
224	0401119F	C-5 AIRLIFT SQUADRONS (IF)	66,146	66,146	66,146		66,146
225	0401130F	C-17 AIRCRAFT (IF)	12,430	12,430	12,430		12,430
226	0401132F	C-130J PROGRAM	16,776	16,776	16,776		16,776
227	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	5,166	5,166	5,166		5,166
229	0401314F	OPERATIONAL SUPPORT AIRLIFT	13,817	13,817	13,817		13,817
230	0401318F	CV-22	16,702	16,702	16,702		16,702
231	0408011F	SPECIAL TACTICS / COMBAT CONTROL	7,164	7,164	7,164		7,164

232	0702207F	DEPOT MAINTENANCE (NON-IF)	1,518	1,518	1,518		1,518
233	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	61,676	61,676	61,676		61,676
234	0708611F	SUPPORT SYSTEMS DEVELOPMENT	9,128	9,128	9,128		9,128
235	0804743F	OTHER FLIGHT TRAINING	1,653	1,653	1,653		1,653
236	0808716F	OTHER PERSONNEL ACTIVITIES	57	57	57		57
237	0901202F	JOINT PERSONNEL RECOVERY AGENCY	3,663	3,663	3,663		3,663
238	0901218F	CIVILIAN COMPENSATION PROGRAM	3,735	3,735	3,735		3,735
239	0901220F	PERSONNEL ADMINISTRATION	5,157	5,157	5,157		5,157
240	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY	1,523	1,523	1,523		1,523
242	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT	10,581	10,581	3,781		10,581
		Cost estimating unjustified request			[−4,900]		
		PBES unjustified request			[−1,900]		
242A	9999999999	CLASSIFIED PROGRAMS	13,091,557	13,091,557	13,091,557		13,091,557
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	17,457,056	17,563,056	17,485,356	44,222	17,501,278
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF	28,112,251	28,105,021	27,643,651	−54,650	28,057,601
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW					
		BASIC RESEARCH					
001	0601000BR	DTRA BASIC RESEARCH INITIATIVE	35,436	35,436	35,436		35,436
002	0601101E	DEFENSE RESEARCH SCIENCES	362,297	352,297	362,297		362,297
		Program reduction		[−10,000]			
003	0601110D8Z	BASIC RESEARCH INITIATIVES	36,654	36,654	36,654		36,654
004	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE	57,791	57,791	57,791		57,791
005	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	69,345	79,345	69,345	10,000	79,345
		K−12 STEM program increase		[10,000]		[10,000]	
006	0601228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES/MINORITY INSTITUTIONS	23,572	33,572	23,572	10,000	33,572
		Program increase		[10,000]		[10,000]	
007	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	44,800	44,800	44,800		44,800
		SUBTOTAL BASIC RESEARCH	629,895	639,895	629,895	20,000	649,895
		APPLIED RESEARCH					

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008	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	17,745	17,745	17,745		17,745
009	0602115E	BIOMEDICAL TECHNOLOGY	115,213	105,213	115,213		115,213
		Program reduction		[-10,000]			
010	0602230D8Z	DEFENSE TECHNOLOGY INNOVATION	30,000		30,000	-30,000	0
		Program decrease		[-30,000]		[-30,000]	
011	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	48,269	48,269	48,269		48,269
012	0602251D8Z	APPLIED RESEARCH FOR THE ADVANCEMENT OF S&T PRIORITIES	42,206	42,206	42,206		42,206
013	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY	353,635	348,635	353,635		353,635
		Program reduction		[-5,000]			
014	0602383E	BIOLOGICAL WARFARE DEFENSE	21,250	21,250	21,250		21,250
015	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	188,715	188,715	188,715		188,715
016	0602668D8Z	CYBER SECURITY RESEARCH	12,183	12,183	12,183		12,183
017	0602702E	TACTICAL TECHNOLOGY	313,843	313,843	313,843		313,843
018	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	220,456	210,456	220,456	-6,000	214,456
		Program reduction		[-10,000]		[-6,000]	
019	0602716E	ELECTRONICS TECHNOLOGY	221,911	221,911	221,911		221,911
020	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES	154,857	154,857	154,857		154,857
021	0602751D8Z	SOFTWARE ENGINEERING INSTITUTE (SEI) APPLIED RESEARCH	8,420	8,420	8,420		8,420
022	1160401BB	SOF TECHNOLOGY DEVELOPMENT	37,820	37,820	37,820		37,820
		SUBTOTAL APPLIED RESEARCH	1,786,523	1,731,523	1,786,523	-36,000	1,750,523
		ADVANCED TECHNOLOGY DEVELOPMENT					
023	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	23,902	23,902	23,902		23,902
025	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	73,002	100,002	73,002		73,002
		Additional EOD equipment for Conventional Units		[12,000]			
		Program increase for DOD CT and C-UAS		[15,000]			
026	0603133D8Z	FOREIGN COMPARATIVE TESTING	19,343	29,343	19,343	10,000	29,343

		Anti-tunnel defense systems		[10,000]		[10,000]	
027	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT.	266,444	266,444	266,444		266,444
028	0603176C	ADVANCED CONCEPTS AND PERFORMANCE ASSESSMENT	17,880	17,880	17,880		17,880
030	0603178C	WEAPONS TECHNOLOGY	71,843	71,843	71,843		71,843
031	0603179C	ADVANCED C4ISR	3,626	3,626	3,626		3,626
032	0603180C	ADVANCED RESEARCH	23,433	23,433	23,433		23,433
033	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	17,256	17,256	17,256		17,256
035	0603274C	SPECIAL PROGRAM—MDA TECHNOLOGY	83,745	108,745	83,745	-71,950	11,795
		Classified Annex		[25,000]			
		Program reduction				[-71,950]	
036	0603286E	ADVANCED AEROSPACE SYSTEMS	182,327	177,327	182,327		182,327
		Program reduction		[-5,000]			
037	0603287E	SPACE PROGRAMS AND TECHNOLOGY	175,240	165,240	175,240	-10,000	165,240
		Program reduction		[-10,000]		[-10,000]	
038	0603288D8Z	ANALYTIC ASSESSMENTS	12,048	12,048	12,048		12,048
039	0603289D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS	57,020	57,020	57,020		57,020
041	0603375D8Z	TECHNOLOGY INNOVATION	39,923	19,923	39,923	-20,000	19,923
		Program decrease		[-20,000]		[-20,000]	
042	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT.	127,941	127,941	127,941		127,941
043	0603527D8Z	RETRACT LARCH	181,977	181,977	181,977		181,977
044	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	22,030	22,030	22,030		22,030
045	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	148,184	158,184	148,184	-16,000	132,184
		Program decrease				[-16,000]	
		Social Media Analysis Cell		[10,000]			
046	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	9,331	9,331	9,331		9,331
047	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM	158,398	148,398	158,398		158,398
		Program decrease		[-10,000]			
048	0603680S	MANUFACTURING TECHNOLOGY PROGRAM	31,259	31,259	31,259		31,259
049	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT	49,895	49,895	49,895		49,895
050	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	11,011	11,011	11,011		11,011

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052	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	65,078	65,078	65,078		65,078
053	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT	97,826	97,826	97,826		97,826
054	0603727D8Z	JOINT WARFIGHTING PROGRAM	7,848	7,848	7,848	-2,500	5,348
		Prior year carryover				[-2,500]	
055	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	49,807	49,807	49,807		49,807
056	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	155,081	155,081	155,081		155,081
057	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	428,894	428,894	428,894		428,894
058	0603767E	SENSOR TECHNOLOGY	241,288	241,288	241,288		241,288
060	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	14,264	14,264	14,264		14,264
061	0603826D8Z	QUICK REACTION SPECIAL PROJECTS	74,943	72,943	74,943	-2,000	72,943
		QRSP		[-2,000]		[-2,000]	
063	0603833D8Z	ENGINEERING SCIENCE & TECHNOLOGY	17,659	17,659	17,659		17,659
064	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	87,135	87,135	87,135		87,135
065	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT	37,329	37,329	41,329	4,000	41,329
		Competitive technology investment			[4,000]	[4,000]	
066	0303310D8Z	CWMD SYSTEMS	44,836	21,236	44,836	-23,600	21,236
		Constellation program reduction		[-23,600]		[-23,600]	
067	1160402BB	SOF ADVANCED TECHNOLOGY DEVELOPMENT	61,620	61,620	61,620		61,620
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	3,190,666	3,192,066	3,194,666	-132,050	3,058,616
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES					
		ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES					
068	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P	28,498	28,498	28,498		28,498
069	0603600D8Z	WALKOFF	89,643	89,643	89,643		89,643
071	0603821D8Z	ACQUISITION ENTERPRISE DATA & INFORMATION SERVICES	2,136	2,136	2,136		2,136
072	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	52,491	52,491	52,491		52,491

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073	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT	206,834	206,834	206,834		206,834
074	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT	862,080	862,080	862,080		862,080
075	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL	138,187	138,187	138,187		138,187
076	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	230,077	230,077	230,077		230,077
077	0603890C	BMD ENABLING PROGRAMS	401,594	401,594	401,594		401,594
078	0603891C	SPECIAL PROGRAMS—MDA	321,607	321,607	321,607	-16,900	304,707
		Program reduction				[-16,900]	
079	0603892C	AEGIS BMD	959,066	959,066	959,066	-20,000	939,066
		SM-3 IIA development excess growth				[-20,000]	
080	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM	32,129	32,129	32,129		32,129
081	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS	20,690	20,690	20,690		20,690
082	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGE- MENT AND COMMUNICATI.	439,617	439,617	449,617	3,900	443,517
		Post Intercept Assessment Acceleration			[10,000]	[3,900]	
083	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT	47,776	47,776	47,776		47,776
084	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC)	54,750	54,750	54,750		54,750
085	0603906C	REGARDING TRENCH	8,785	8,785	8,785		8,785
086	0603907C	SEA BASED X-BAND RADAR (SBX)	68,787	68,787	68,787		68,787
087	0603913C	ISRAELI COOPERATIVE PROGRAMS	103,835	293,835	238,835	164,900	268,735
		Directed Energy Cooperation through MDA		[25,000]			
		Increase for Cooperative Development Programs subject to Title XVI ..		[165,000]	[135,000]	[164,900]	
088	0603914C	BALLISTIC MISSILE DEFENSE TEST	293,441	293,441	293,441		293,441
089	0603915C	BALLISTIC MISSILE DEFENSE TARGETS	563,576	563,576	563,576		563,576
090	0603920D8Z	HUMANITARIAN DEMINING	10,007	10,007	10,007		10,007
091	0603923D8Z	COALITION WARFARE	10,126	10,126	11,126		10,126
		Long Endurance UAS			[1,000]		
092	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM	3,893	3,893	8,893	5,000	8,893
		Corrosion prevention			[5,000]	[5,000]	
093	0604115C	TECHNOLOGY MATURATION INITIATIVES	90,266	105,266	90,266		90,266
		Directed Energy Acceleration—Low Power Laser Demonstrator - to re- claim schedule slippage.		[15,000]			
094	0604132D8Z	MISSILE DEFEAT PROJECT	45,000	45,000	45,000		45,000

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095	0604250D8Z	ADVANCED INNOVATIVE TECHNOLOGIES	844,870	794,870	844,870	-15,000	829,870
		SCO		[-50,000]		[-15,000]	
096	0604342D8Z	DEFENSE TECHNOLOGY OFFSET			25,000		
		Directed energy systems prototyping			[25,000]		
097	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED SYSTEM COMMON DEVELOPMENT.	3,320	3,320	3,320		3,320
099	0604682D8Z	WARGAMING AND SUPPORT FOR STRATEGIC ANALYSIS (SSA)	4,000	4,000	4,000		4,000
102	0604826J	JOINT C5 CAPABILITY DEVELOPMENT, INTEGRATION AND INTEROPERABILITY ASSESSMENTS.	23,642	23,642	23,642		23,642
104	0604873C	LONG RANGE DISCRIMINATION RADAR (LRDR)	162,012	162,012	162,012		162,012
105	0604874C	IMPROVED HOMELAND DEFENSE INTERCEPTORS	274,148	274,148	329,148		274,148
		GBI Booster Acceleration			[30,000]		
		RKV Risk Reduction			[25,000]		
106	0604876C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT TEST	63,444	63,444	63,444		63,444
107	0604878C	AEGIS BMD TEST	95,012	95,012	95,012		95,012
108	0604879C	BALLISTIC MISSILE DEFENSE SENSOR TEST	83,250	83,250	83,250		83,250
109	0604880C	LAND-BASED SM-3 (LBSM3)	43,293	43,293	43,293		43,293
110	0604881C	AEGIS SM-3 BLOCK IIA CO-DEVELOPMENT	106,038	106,038	106,038		106,038
111	0604887C	BALLISTIC MISSILE DEFENSE MIDCOURSE SEGMENT TEST	56,481	56,481	56,481		56,481
112	0604894C	MULTI-OBJECT KILL VEHICLE	71,513	71,513	121,513		71,513
		Technology maturation			[50,000]		
114	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	2,636	2,636	2,636		2,636
115	0305103C	CYBER SECURITY INITIATIVE	969	969	969		969
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES	6,919,519	7,074,519	7,200,519	121,900	7,041,419
115A	0604XXXD	WEATHER SYSTEM FOLLOW-ON		5,000		5,000	5,000
		Transfer Cloud Characterization and Theater Weather Imagery from USAF.		[5,000]		[5,000]	

		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	5,000	5,000	5,000	5,000
		SYSTEM DEVELOPMENT AND DEMONSTRATION				
116	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD	10,324	10,324	10,324	10,324
117	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT	181,303	186,303	181,303	181,303
		Examination of Army land-attack and anti-ship capability		[5,000]		
118	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD	266,231	266,231	266,231	266,231
119	0604764K	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO)		15,000		
		Commercial IT Eval Program		[15,000]		
120	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	16,288	16,288	16,288	16,288
121	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES	4,568	4,568	4,568	4,568
122	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	11,505	11,505	11,505	11,505
123	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	1,658	1,658	1,658	1,658
124	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	2,920	2,920	2,920	2,920
126	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION	12,631	12,631	12,631	12,631
128	0605080S	DEFENSE AGENCY INITIATIVES (DAI)—FINANCIAL SYSTEM	26,657	26,657	26,657	26,657
129	0605090S	DEFENSE RETIRED AND ANNUITANT PAY SYSTEM (DRAS)	4,949	4,949	4,949	4,949
130	0605140D8Z	TRUSTED FOUNDRY	69,000	69,000	69,000	69,000
131	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES	9,881	9,881	9,881	9,881
132	0303141K	GLOBAL COMBAT SUPPORT SYSTEM	7,600	7,600	7,600	7,600
133	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEIM)	2,703	2,703	2,703	2,703
		SUBTOTAL SYSTEM DEVELOPMENT AND DEMONSTRATION	628,218	648,218	628,218	628,218
		MANAGEMENT SUPPORT				
134	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	4,678	4,678	4,678	4,678
135	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	4,499	4,499	4,499	4,499
136	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP)	219,199	219,199	219,199	219,199
137	0604942D8Z	ASSESSMENTS AND EVALUATIONS	28,706	28,706	128,706	28,706
		Classified assessment			[100,000]	
138	0605001E	MISSION SUPPORT	69,244	69,244	69,244	69,244
139	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC)	87,080	87,080	87,080	67,080
		Prior year carryover and minimize growth			[-20,000]	[-20,000]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
140	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	23,069	23,069	23,069		23,069
142	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO)	32,759	32,759	32,759		32,759
144	0605142D8Z	SYSTEMS ENGINEERING	32,429	32,429	32,429		32,429
145	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD	3,797	3,797	3,797		3,797
146	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	5,302	5,302	5,302		5,302
147	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION	7,246	7,246	7,246		7,246
148	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	1,874	1,874	1,874		1,874
149	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	85,754	85,754	85,754		85,754
158	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER.	2,187	2,187	2,187		2,187
159	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	22,650	22,650	22,650		22,650
160	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	43,834	43,834	43,834		43,834
161	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION	22,240	22,240	22,240		22,240
162	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	19,541	23,541	24,541	4,000	23,541
		Program increase		[4,000]	[5,000]	[4,000]	
163	0605898E	MANAGEMENT HQ—R&D	4,759	4,759	4,759		4,759
164	0605998KA	MANAGEMENT HQ—DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	4,400	4,400	4,400		4,400
165	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	4,014	4,014	4,014		4,014
166	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI)	2,072	2,072	2,072		2,072
167	0204571J	JOINT STAFF ANALYTICAL SUPPORT	7,464	7,464	7,464		7,464
170	0303166J	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES	857	857	857		857
171	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO)	916	916	916		916
172	0305172K	COMBINED ADVANCED APPLICATIONS	15,336	15,336	15,336		15,336
173	0305193D8Z	CYBER INTELLIGENCE	18,523	18,523	18,523	-5,000	13,523
		Program decrease				[-5,000]	
175	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)—MHA.	34,384	34,384	34,384		34,384

176	0901598C	MANAGEMENT HQ—MDA	31,160	56,160	31,160		31,160
		Cyber Improvements Acceleration		[25,000]			
179	0903235D8W	JOINT SERVICE PROVIDER (JSP)	827	827	827		827
180A	9999999999	CLASSIFIED PROGRAMS	56,799	56,799	56,799		56,799
		SUBTOTAL MANAGEMENT SUPPORT	897,599	926,599	1,002,599	-21,000	876,599
		OPERATIONAL SYSTEM DEVELOPMENT					
181	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	4,241	4,241	4,241		4,241
182	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MANA.	1,424	1,424	1,424		1,424
183	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHAIS).	287	287	287		287
184	0607210D8Z	INDUSTRIAL BASE ANALYSIS AND SUSTAINMENT SUPPORT	16,195	16,195	16,195		16,195
185	0607310D8Z	CWMD SYSTEMS: OPERATIONAL SYSTEMS DEVELOPMENT	4,194	4,194	4,194		4,194
186	0607327T	GLOBAL THEATER SECURITY COOPERATION MANAGEMENT INFORMATION SYSTEMS (G-TSCMIS).	7,861	7,861	7,861		7,861
187	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOP- MENT).	33,361	33,361	33,361		33,361
189	0208043J	PLANNING AND DECISION AID SYSTEM (PDAS)	3,038	3,038	3,038		3,038
190	0208045K	C4I INTEROPERABILITY	57,501	57,501	57,501		57,501
192	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING	5,935	5,935	5,935		5,935
196	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	575	575	575		575
197	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION	18,041	18,041	18,041		18,041
198	0303126K	LONG-HAUL COMMUNICATIONS—DCS	13,994	18,994	13,994		13,994
		Secure cellular communications for senior leaders		[5,000]			
199	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	12,206	12,206	12,206		12,206
200	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI)	34,314	34,314	34,314		34,314
201	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	36,602	36,602	36,602		36,602
202	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	8,876	8,876	8,876		8,876
203	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	159,068	161,068	172,068	2,000	161,068
		Cross Domain Solutions			[5,000]		
		Reduction to NSA Information Systems and Security Programs			[-8,000]		

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		SHARKSEER Program Increase		[2,000]	[16,000]	[2,000]	
204	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	24,438	24,438	24,438		24,438
205	0303153K	DEFENSE SPECTRUM ORGANIZATION	13,197	13,197	13,197		13,197
207	0303228K	JOINT INFORMATION ENVIRONMENT (JIE)	2,789	2,789	2,789		2,789
209	0303430K	FEDERAL INVESTIGATIVE SERVICES INFORMATION TECHNOLOGY	75,000	75,000	75,000		75,000
210	0303610K	TELEPORT PROGRAM	657	657	657		657
215	0305103K	CYBER SECURITY INITIATIVE	1,553	1,553	1,553		1,553
220	0305186D8Z	POLICY R&D PROGRAMS	6,204	4,204	6,204	-2,000	4,204
		Program decrease		[-2,000]		[-2,000]	
221	0305199D8Z	NET CENTRICITY	17,971	17,971	17,971		17,971
223	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	5,415	5,415	5,415		5,415
226	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,030	3,030	3,030		3,030
229	0305327V	INSIDER THREAT	5,034	5,034	5,034		5,034
230	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM	2,037	2,037	2,037		2,037
236	0307577D8Z	INTELLIGENCE MISSION DATA (IMD)	13,800	13,800	13,800		13,800
238	0708012S	PACIFIC DISASTER CENTERS	1,754	1,754	1,754		1,754
239	0708047S	DEFENSE PROPERTY ACCOUNTABILITY SYSTEM	2,154	2,154	2,154		2,154
240	0902298J	MANAGEMENT HQ—OJCS	826	826	826		826
241	1105219BB	MQ-9 UAV	17,804	17,804	29,804		17,804
		MQ-9 capability enhancements			[12,000]		
244	1160403BB	AVIATION SYSTEMS	159,143	147,043	159,143		159,143
		AC-130 Precision Strike		[-12,100]			
245	1160405BB	INTELLIGENCE SYSTEMS DEVELOPMENT	7,958	7,958	7,958		7,958
246	1160408BB	OPERATIONAL ENHANCEMENTS	64,895	64,895	64,895		64,895
247	1160431BB	WARRIOR SYSTEMS	44,885	44,885	44,885		44,885
248	1160432BB	SPECIAL PROGRAMS	1,949	1,949	1,949		1,949
249	1160434BB	UNMANNED ISR	22,117	22,117	22,117		22,117

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250	1160480BB	SOF TACTICAL VEHICLES	3,316	3,316	3,316	3,316
251	1160483BB	MARITIME SYSTEMS	54,577	54,577	54,577	54,577
252	1160489BB	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	3,841	3,841	3,841	3,841
253	1160490BB	OPERATIONAL ENHANCEMENTS INTELLIGENCE	11,834	11,834	11,834	11,834
253A	9999999999	CLASSIFIED PROGRAMS	3,270,515	3,270,515	3,270,515	3,270,515
255	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM			16,300	
		Sharkseer email protection			[16,300]	
		SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT	4,256,406	4,249,306	4,297,706	4,256,406
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW	18,308,826	18,467,126	18,740,126	-42,150 18,266,676
		OPERATIONAL TEST & EVAL, DEFENSE				
		MANAGEMENT SUPPORT				
001	06051180TE	OPERATIONAL TEST AND EVALUATION	78,047	88,047	78,047	78,047
		DOT&E Cybersecurity Exercises		[10,000]		
002	06051310TE	LIVE FIRE TEST AND EVALUATION	48,316	48,316	48,316	48,316
003	06058140TE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	52,631	52,631	52,631	52,631
		SUBTOTAL MANAGEMENT SUPPORT	178,994	188,994	178,994	178,994
		TOTAL OPERATIONAL TEST & EVAL, DEFENSE	178,994	188,994	178,994	178,994
		UNDISTRIBUTED GENERAL PROVISIONS				
		UNDISTRIBUTED GENERAL PROVISIONS				
010	9999999999	UNDISTRIBUTED GENERAL PROVISIONS			4,000	
		Cyber pilot program for installations			[4,000]	
		SUBTOTAL UNDISTRIBUTED GENERAL PROVISIONS			4,000	
		TOTAL UNDISTRIBUTED GENERAL PROVISIONS			4,000	
		TOTAL RDT&E	71,391,771	71,619,841	71,227,192	-281,147 71,110,624

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)							
Line	Program Element	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES							
055	0603308A	ARMY SPACE SYSTEMS INTEGRATION	9,375	9,375	9,375		9,375
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	9,375	9,375	9,375		9,375
SYSTEM DEVELOPMENT & DEMONSTRATION							
091	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV	78,700	78,700	78,700		78,700
114	0605032A	TRACTOR TIRE	10,000	10,000	10,000		10,000
117	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM)	10,900	10,900	10,900		10,900
119	0605041A	DEFENSIVE CYBER TOOL DEVELOPMENT	50,500	50,500	50,500		50,500
122	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	73,110	73,110	73,110		73,110
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	223,210	223,210	223,210		223,210
OPERATIONAL SYSTEMS DEVELOPMENT							
208	0307665A	BIOMETRICS ENABLED INTELLIGENCE	7,104	7,104	7,104		7,104
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	7,104	7,104	7,104		7,104
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY	239,689	239,689	239,689		239,689
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES							
038	0603527N	RETRACT LARCH	3,907	3,907	3,907		3,907
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	3,907	3,907	3,907		3,907
OPERATIONAL SYSTEMS DEVELOPMENT							
245A	9999999999	CLASSIFIED PROGRAMS	36,426	36,426	36,426		36,426
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	36,426	36,426	36,426		36,426

		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	40,333	40,333	40,333	40,333
		SYSTEM DEVELOPMENT & DEMONSTRATION				
058	0604421F	COUNTERSPACE SYSTEMS	425	425	425	425
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	425	425	425	425
		OPERATIONAL SYSTEMS DEVELOPMENT				
200	0305174F	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOPMENT	4,715	4,715	4,715	4,715
242A	9999999999	CLASSIFIED PROGRAMS	27,765	27,765	27,765	27,765
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	32,480	32,480	32,480	32,480
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF	32,905	32,905	32,905	32,905
		OPERATIONAL SYSTEM DEVELOPMENT				
253A	9999999999	CLASSIFIED PROGRAMS	165,419	165,419	165,419	165,419
		SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT	165,419	165,419	165,419	165,419
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW	165,419	165,419	165,419	165,419
		TOTAL RDT&E	478,346	478,346	478,346	478,346

SEC. 4203. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS.

SEC. 4203. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS (In Thousands of Dollars)						
Line	Program Element	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change Conference Authorized
RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY						
SYSTEM DEVELOPMENT & DEMONSTRATION						
090	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	33	33	33	33
122	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT		10,000		
		Army unfunded requirement—modernized warning system		[10,000]		
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	33	10,033	33	33
OPERATIONAL SYSTEMS DEVELOPMENT						
161	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM		16,000		
		Army unfunded requirement—GMLRS M-code upgrade		[16,000]		
166	0607134A	LONG RANGE PRECISION FIRES (LRPF)		27,700		
		Army unfunded requirement		[27,700]		
179	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS		10,000		
		Army unfunded requirement—Vehicle APS		[10,000]		
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT		53,700		
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY	33	63,733	33	33
RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY						
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES						
078	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM)	37,990	37,990	37,990	37,990
081	0604454N	LX (R)		19,000		
		LX (R) Design		[19,000]		
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	37,990	56,990	37,990	37,990

		SYSTEM DEVELOPMENT & DEMONSTRATION				
102	0604262N	V-22A	11,400			
		Accelerate Readiness Improvement—Swashplate actuator re-design ..	[11,400]			
118	0604501N	ADVANCED ABOVE WATER SENSORS	20,000			
		Aegis Radar Solid State Improvements	[20,000]			
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	31,400			
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	37,990	88,390	37,990	37,990
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW				
		ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES				
074	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT	65,000			
		Ground System Communications Modernization & Upgrades to Enable Full RKV Capabilities.	[65,000]			
076	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	45,000			
		Electronic Protection Acceleration for Sensors	[25,000]			
		RFPs for Hawaii & East Coast Radars	[20,000]			
077	0603890C	BMD ENABLING PROGRAMS	10,000			
		Modeling and Simulation Improvements	[10,000]			
079	0603892C	AEGIS BMD	10,000			
		Aegis BMD Integration with AMDR	[10,000]			
082	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATI.	30,000			
		C2BMC Acceleration	[20,000]			
		Post-Intercept Assessment Acceleration	[10,000]			
088	0603914C	BALLISTIC MISSILE DEFENSE TEST	10,000			
		Test Infrastructure	[10,000]			
105	0604874C	IMPROVED HOMELAND DEFENSE INTERCEPTORS	75,000			
		Modernized Booster Acceleration	[50,000]			
		RKV risk reduction	[25,000]			
112	0604894C	MULTI-OBJECT KILL VEHICLE	55,000			
		MOKV Technology Maturation	[55,000]			

SEC. 4203. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS (In Thousands of Dollars)						
Line	Program Element	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change Conference Authorized
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES		300,000		
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW		300,000		
		TOTAL RDT&E	38,023	452,123	38,023	38,023

TITLE XLIII—OPERATION AND MAINTENANCE

SEC. 4301. OPERATION AND MAINTENANCE.

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)						
Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
OPERATION & MAINTENANCE, ARMY						
OPERATING FORCES						
010	MANEUVER UNITS	791,450	791,450	841,450	50,000	841,450
	Home station training unfunded requirement			[50,000]	[50,000]	
020	MODULAR SUPPORT BRIGADES	68,373	68,373	68,373		68,373
030	ECHELONS ABOVE BRIGADE	438,823	438,823	438,823		438,823
040	THEATER LEVEL ASSETS	660,258	660,258	660,258		660,258
050	LAND FORCES OPERATIONS SUPPORT	863,928	1,198,828	863,928		863,928
	Realign APS Unit Set Requirements from OCO		[334,900]			
060	AVIATION ASSETS	1,360,597	1,360,597	1,428,597	100,500	1,461,097
	Eleventh CAB				[32,500]	
	Flying hour program unfunded requirement			[68,000]	[68,000]	
070	FORCE READINESS OPERATIONS SUPPORT	3,086,443	3,094,443	3,086,443		3,086,443
	Additional cyber protection teams		[3,000]			
	Public-private cyber training partnership		[5,000]			
080	LAND FORCES SYSTEMS READINESS	439,488	439,488	439,488		439,488
090	LAND FORCES DEPOT MAINTENANCE	1,013,452	1,026,052	1,032,852	19,400	1,032,852
	Depot maintenance unfunded requirement			[19,400]	[19,400]	
	Realign APS Unit Set Requirements from OCO		[12,600]			
100	BASE OPERATIONS SUPPORT	7,816,343	7,831,343	7,816,343	22,100	7,838,443
	Eleventh CAB Support				[22,100]	
	Realign APS Unit Set Requirements from OCO		[15,000]			

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	2,234,546	2,234,546	2,588,946	85,400	2,319,946
	Restore Sustainment shortfalls			[354,400]	[85,400]	
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	452,105	452,105	452,105		452,105
130	COMBATANT COMMANDERS CORE OPERATIONS	155,658	155,658	155,658		155,658
170	COMBATANT COMMANDS DIRECT MISSION SUPPORT	441,143	441,143	447,843		441,143
	SOUTHCOM LIDAR unfunded requirement			[6,700]		
	SUBTOTAL OPERATING FORCES	19,822,607	20,193,107	20,321,107	277,400	20,100,007
MOBILIZATION						
180	STRATEGIC MOBILITY	336,329	336,329	336,329		336,329
190	ARMY PREPOSITIONED STOCKS	390,848	574,848	415,848	25,000	415,848
	Program increase			[25,000]	[25,000]	
	Realign APS Unit Set Requirements from OCO		[184,000]			
200	INDUSTRIAL PREPAREDNESS	7,401	7,401	7,401		7,401
	SUBTOTAL MOBILIZATION	734,578	918,578	759,578	25,000	759,578
TRAINING AND RECRUITING						
210	OFFICER ACQUISITION	131,942	131,942	131,942		131,942
220	RECRUIT TRAINING	47,846	47,846	47,846		47,846
230	ONE STATION UNIT TRAINING	45,419	45,419	45,419		45,419
240	SENIOR RESERVE OFFICERS TRAINING CORPS	482,747	482,747	482,747		482,747
250	SPECIALIZED SKILL TRAINING	921,025	927,525	921,025	6,500	927,525
	Defense Foreign Language Program		[6,500]		[6,500]	
260	FLIGHT TRAINING	902,845	902,845	939,445	42,934	945,779
	Graduate pilot training unfunded requirement			[5,400]	[5,405]	
	School Air OPTEMPO unfunded requirement			[31,200]	[31,125]	
	Train full ARPINT load of 990				[6,404]	

270	PROFESSIONAL DEVELOPMENT EDUCATION	216,583	216,583	216,583	31,600	248,183
	Military Training and PME				[31,600]	
280	TRAINING SUPPORT	607,534	607,534	607,534		607,534
290	RECRUITING AND ADVERTISING	550,599	550,599	515,599	-25,000	525,599
	Unjustified program growth			[-35,000]	[-25,000]	
300	EXAMINING	187,263	187,263	187,263		187,263
310	OFF-DUTY AND VOLUNTARY EDUCATION	189,556	189,556	189,556		189,556
320	CIVILIAN EDUCATION AND TRAINING	182,835	182,835	182,835		182,835
330	JUNIOR RESERVE OFFICER TRAINING CORPS	171,167	171,167	171,167		171,167
	SUBTOTAL TRAINING AND RECRUITING	4,637,361	4,643,861	4,638,961	56,034	4,693,395
	ADMIN & SRVWIDE ACTIVITIES					
350	SERVICEWIDE TRANSPORTATION	230,739	350,739	230,739	65,000	295,739
	Realign APS Unit Set Requirements from OCO		[120,000]			
	Restore critical shortfalls				[65,000]	
360	CENTRAL SUPPLY ACTIVITIES	850,060	850,060	850,060		850,060
370	LOGISTIC SUPPORT ACTIVITIES	778,757	778,757	782,757		778,757
	Corrosion oil assistance unfunded requirement			[4,000]		
380	AMMUNITION MANAGEMENT	370,010	370,010	370,010		370,010
390	ADMINISTRATION	451,556	451,556	451,556		451,556
400	SERVICEWIDE COMMUNICATIONS	1,888,123	1,888,123	1,888,123		1,888,123
410	MANPOWER MANAGEMENT	276,403	276,403	276,403		276,403
420	OTHER PERSONNEL SUPPORT	369,443	369,443	369,443		369,443
430	OTHER SERVICE SUPPORT	1,096,074	1,096,074	1,066,574		1,096,074
	Army museum early to need			[-29,500]		
440	ARMY CLAIMS ACTIVITIES	207,800	207,800	207,800		207,800
450	REAL ESTATE MANAGEMENT	240,641	240,641	240,641		240,641
460	FINANCIAL MANAGEMENT AND AUDIT READINESS	250,612	250,612	250,612		250,612
470	INTERNATIONAL MILITARY HEADQUARTERS	416,587	416,587	416,587		416,587
480	MISC. SUPPORT OF OTHER NATIONS	36,666	36,666	36,666		36,666
530	CLASSIFIED PROGRAMS	1,151,023	1,151,023	1,157,023		1,151,023
	SOUTHCOM unfunded requirement			[6,000]		

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)						
Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	8,614,494	8,734,494	8,594,994	65,000	8,679,494
	UNDISTRIBUTED					
540	UNDISTRIBUTED		-654,600	-279,780	-400,200	-400,200
	15% printing reduction			[-34,300]		
	DCGS-A undistributed reduction			[-63,000]		
	Excessive standard price for fuel		[-56,100]	[-123,300]	[-56,100]	
	Foreign Currency adjustments		[-229,900]	[-59,180]	[-194,100]	
	Historical unobligated balances		[-376,300]			
	Prohibition on Per Diem Allowance Reduction		[7,700]			
	Working Capital Fund Carryover Above Allowable Ceiling				[-150,000]	
	SUBTOTAL UNDISTRIBUTED		-654,600	-279,780	-400,200	-400,200
	TOTAL OPERATION & MAINTENANCE, ARMY	33,809,040	33,835,440	34,034,860	23,234	33,832,274
	OPERATION & MAINTENANCE, ARMY RES					
	OPERATING FORCES					
010	MODULAR SUPPORT BRIGADES	11,435	11,435	11,435		11,435
020	ECHELONS ABOVE BRIGADE	491,772	491,772	537,772	20,000	511,772
	Home station training unfunded requirement			[20,000]	[20,000]	
	Lodging in kind unfunded requirement			[26,000]		
030	THEATER LEVEL ASSETS	116,163	116,163	116,163		116,163
040	LAND FORCES OPERATIONS SUPPORT	563,524	563,524	563,524		563,524
050	AVIATION ASSETS	91,162	91,162	91,162		91,162
060	FORCE READINESS OPERATIONS SUPPORT	347,459	347,659	347,759	200	347,659
	Defense Language Program		[200]		[200]	
	Range increase unfunded requirement			[300]		

070	LAND FORCES SYSTEMS READINESS	101,926	101,926	101,926		101,926
080	LAND FORCES DEPOT MAINTENANCE	56,219	56,219	56,219		56,219
090	BASE OPERATIONS SUPPORT	573,843	573,843	573,843		573,843
100	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	214,955	214,955	236,455	8,100	223,055
	Restore Sustainment shortfalls			[21,500]	[8,100]	
110	MANAGEMENT AND OPERATIONAL HEADQUARTERS	37,620	37,620	37,620		37,620
	SUBTOTAL OPERATING FORCES	2,606,078	2,606,278	2,673,878	28,300	2,634,378
	ADMIN & SRVWD ACTIVITIES					
120	SERVICEWIDE TRANSPORTATION	11,027	11,027	11,027		11,027
130	ADMINISTRATION	16,749	16,749	16,749		16,749
140	SERVICEWIDE COMMUNICATIONS	17,825	17,825	17,825		17,825
150	MANPOWER MANAGEMENT	6,177	6,177	6,177		6,177
160	RECRUITING AND ADVERTISING	54,475	54,475	54,475		54,475
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	106,253	106,253	106,253		106,253
	UNDISTRIBUTED					
180	UNDISTRIBUTED		-6,800		-6,800	-6,800
	Excessive standard price for fuel		[-6,800]		[-6,800]	
	SUBTOTAL UNDISTRIBUTED		-6,800		-6,800	-6,800
	TOTAL OPERATION & MAINTENANCE, ARMY RES	2,712,331	2,705,731	2,780,131	21,500	2,733,831
	OPERATION & MAINTENANCE, ARNG					
	OPERATING FORCES					
010	MANEUVER UNITS	708,251	708,251	778,251	50,000	758,251
	Home station training unfunded requirement			[70,000]	[50,000]	
020	MODULAR SUPPORT BRIGADES	197,251	197,251	197,251		197,251
030	ECHELONS ABOVE BRIGADE	792,271	792,271	792,271		792,271
040	THEATER LEVEL ASSETS	80,341	80,341	80,341		80,341
050	LAND FORCES OPERATIONS SUPPORT	37,138	37,138	39,538		37,138
	Range increase unfunded requirement			[2,400]		

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)						
Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
060	AVIATION ASSETS	887,625	887,625	887,625	-2,800	884,825
	Unjustified program growth				[-2,800]	
070	FORCE READINESS OPERATIONS SUPPORT	696,267	696,467	696,267	-6,115	690,152
	Defense Language Program		[200]		[200]	
	Unjustified program growth				[-6,315]	
080	LAND FORCES SYSTEMS READINESS	61,240	61,240	61,240		61,240
090	LAND FORCES DEPOT MAINTENANCE	219,948	219,948	274,548		219,948
	Depot maintenance unfunded requirement			[42,300]		
	TWV depot maintenance unfunded requirement			[12,300]		
100	BASE OPERATIONS SUPPORT	1,040,012	1,040,012	1,040,012		1,040,012
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	676,715	676,715	708,815	14,400	691,115
	Restore Sustainment shortfalls			[32,100]	[14,400]	
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	1,021,144	1,021,144	1,021,144		1,021,144
	SUBTOTAL OPERATING FORCES	6,418,203	6,418,403	6,577,303	55,485	6,473,688
	ADMIN & SRVWD ACTIVITIES					
130	SERVICEWIDE TRANSPORTATION	6,396	6,396	6,396		6,396
140	ADMINISTRATION	68,528	71,052	68,528	1,150	69,678
	National Guard State Partnership Program		[2,524]			
	State Partnership Program				[1,150]	
150	SERVICEWIDE COMMUNICATIONS	76,524	76,524	76,524		76,524
160	MANPOWER MANAGEMENT	7,712	7,712	7,712		7,712
170	OTHER PERSONNEL SUPPORT	245,046	245,046	249,546		245,046
	Director of Psychological Health (DPH) Positions			[9,500]		
	Program decrease			[-5,000]		
180	REAL ESTATE MANAGEMENT	2,961	2,961	2,961		2,961
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	407,167	409,691	411,667	1,150	408,317

UNDISTRIBUTED					
190	UNDISTRIBUTED		-29,000	-29,000	-29,000
	Excessive standard price for fuel		[-29,000]	[-29,000]	
	SUBTOTAL UNDISTRIBUTED		-29,000	-29,000	-29,000
	TOTAL OPERATION & MAINTENANCE, ARNG	6,825,370	6,799,094	6,988,970	27,635
	6,853,005				
OPERATION & MAINTENANCE, NAVY					
OPERATING FORCES					
010	MISSION AND OTHER FLIGHT OPERATIONS	4,094,765	4,094,765	4,094,765	4,094,765
020	FLEET AIR TRAINING	1,722,473	1,722,473	1,722,473	1,722,473
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	52,670	52,670	52,670	52,670
040	AIR OPERATIONS AND SAFETY SUPPORT	97,584	97,584	97,584	97,584
050	AIR SYSTEMS SUPPORT	446,733	446,733	446,733	6,500
	Marine Corps unfunded requirement—accelerate readiness - H-1				[5,300]
	Marine Corps unfunded requirement—accelerate readiness - MV-22B				[1,200]
060	AIRCRAFT DEPOT MAINTENANCE	1,007,681	1,007,681	1,041,681	64,000
	AC Depot maintenance unfunded requirement			[34,000]	[34,000]
	Navy unfunded requirement—Improve Afloat Readiness				[30,000]
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	38,248	38,248	38,248	38,248
080	AVIATION LOGISTICS	564,720	564,720	586,120	33,500
	E-6B and F-35 sustainment unfunded requirement			[16,000]	[16,000]
	Marine Corps unfunded requirement—accelerate readiness - KC-130J				[6,800]
	Marine Corps unfunded requirement—accelerate readiness - MV-22B				[10,700]
	MV-22 JPBL unfunded requirement			[5,400]	
090	MISSION AND OTHER SHIP OPERATIONS	3,513,083	3,513,083	3,513,083	348,200
	Cruiser Modernization				[90,200]
	Navy unfunded requirement—Improve Afloat Readiness				[158,000]
	Navy unfunded requirement—Restore 3 CG Deployments				[41,000]
	Navy unfunded requirement—Reverse PONCE (LPD-15) Inactivation				[59,000]
100	SHIP OPERATIONS SUPPORT & TRAINING	743,765	743,765	743,765	19,700
					763,465

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)						
Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	Navy unfunded requirement—Restore Fleet Training				[19,700]	
110	SHIP DEPOT MAINTENANCE	5,168,273	5,177,773	5,168,273	318,600	5,486,873
	Cruiser Modernization				[71,100]	
	Navy unfunded requirement—Ship Depot Wholeness				[238,000]	
	Program increase		[9,500]		[9,500]	
120	SHIP DEPOT OPERATIONS SUPPORT	1,575,578	1,575,578	1,575,578	79,000	1,654,578
	Navy unfunded requirement—Increase Alfoat Readiness				[79,000]	
130	COMBAT COMMUNICATIONS	558,727	558,727	558,727		558,727
140	ELECTRONIC WARFARE	105,680	105,680	105,680		105,680
150	SPACE SYSTEMS AND SURVEILLANCE	180,406	180,406	180,406		180,406
160	WARFARE TACTICS	470,032	470,032	470,032		470,032
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	346,703	346,703	346,703		346,703
180	COMBAT SUPPORT FORCES	1,158,688	1,158,688	1,158,688		1,158,688
190	EQUIPMENT MAINTENANCE	113,692	113,692	113,692		113,692
200	DEPOT OPERATIONS SUPPORT	2,509	2,509	2,509		2,509
210	COMBATANT COMMANDERS CORE OPERATIONS	91,019	91,019	91,019		91,019
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	74,780	74,780	74,780		74,780
230	CRUISE MISSILE	106,030	106,030	106,030		106,030
240	FLEET BALLISTIC MISSILE	1,233,805	1,241,305	1,233,805		1,233,805
	Engineering and Technical Services, Project 934		[7,500]			
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	163,025	163,025	163,025		163,025
260	WEAPONS MAINTENANCE	553,269	551,469	553,269		553,269
	Heavy Weight Torpedo Program Execution		[-1,500]			
	Light Weight Torpedo Program Execution		[-300]			
270	OTHER WEAPON SYSTEMS SUPPORT	350,010	350,010	350,010		350,010
280	ENTERPRISE INFORMATION	790,685	790,685	736,385		790,685
	Underexecution			[-54,300]		

290	SUSTAINMENT, RESTORATION AND MODERNIZATION	1,642,742	1,642,742	1,803,642	55,100	1,697,842
	Restore Sustainment shortfalls			[160,900]	[55,100]	
300	BASE OPERATING SUPPORT	4,206,136	4,206,136	4,206,136		4,206,136
	SUBTOTAL OPERATING FORCES	31,173,511	31,188,711	31,335,511	924,600	32,098,111
	MOBILIZATION					
310	SHIP PREPOSITIONING AND SURGE	893,517	893,517	893,517		893,517
320	READY RESERVE FORCE	274,524	274,524	274,524		274,524
330	AIRCRAFT ACTIVATIONS/INACTIVATIONS	6,727	6,727	6,727		6,727
340	SHIP ACTIVATIONS/INACTIVATIONS	288,154	288,154	288,154		288,154
350	EXPEDITIONARY HEALTH SERVICES SYSTEMS	95,720	95,720	95,720		95,720
360	INDUSTRIAL READINESS	2,109	2,109	2,109		2,109
370	COAST GUARD SUPPORT	21,114	21,114	21,114		21,114
	SUBTOTAL MOBILIZATION	1,581,865	1,581,865	1,581,865		1,581,865
	TRAINING AND RECRUITING					
380	OFFICER ACQUISITION	143,815	143,815	143,815		143,815
390	RECRUIT TRAINING	8,519	8,519	8,519		8,519
400	RESERVE OFFICERS TRAINING CORPS	143,445	143,445	143,445		143,445
410	SPECIALIZED SKILL TRAINING	699,214	699,214	699,214		699,214
420	FLIGHT TRAINING	5,310	5,310	5,310		5,310
430	PROFESSIONAL DEVELOPMENT EDUCATION	172,852	174,052	172,852		172,852
	Naval Sea Cadets		[1,200]			
440	TRAINING SUPPORT	222,728	222,728	222,728		222,728
450	RECRUITING AND ADVERTISING	225,647	225,647	225,647		225,647
460	OFF-DUTY AND VOLUNTARY EDUCATION	130,569	130,569	130,569		130,569
470	CIVILIAN EDUCATION AND TRAINING	73,730	73,730	73,730		73,730
480	JUNIOR ROTC	50,400	50,400	50,400		50,400
	SUBTOTAL TRAINING AND RECRUITING	1,876,229	1,877,429	1,876,229		1,876,229
	ADMIN & SRVWD ACTIVITIES					
490	ADMINISTRATION	917,453	917,453	917,453		917,453

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)						
Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
500	EXTERNAL RELATIONS	14,570	14,570	14,570		14,570
510	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	124,070	124,070	124,070		124,070
520	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	369,767	369,767	369,767		369,767
530	OTHER PERSONNEL SUPPORT	285,927	285,927	281,927		285,927
	NHHC unjustified growth			[-4,000]		
540	SERVICEWIDE COMMUNICATIONS	319,908	319,908	319,908		319,908
570	SERVICEWIDE TRANSPORTATION	171,659	171,659	171,659		171,659
580	ENVIRONMENTAL PROGRAMS			18,000		
	Environmental program shortfall unfunded requirement			[18,000]		
590	PLANNING, ENGINEERING AND DESIGN	270,863	270,863	270,863		270,863
600	ACQUISITION AND PROGRAM MANAGEMENT	1,112,766	1,112,766	1,112,766		1,112,766
610	HULL, MECHANICAL AND ELECTRICAL SUPPORT	49,078	49,078	49,078		49,078
620	COMBAT/WEAPONS SYSTEMS	24,989	24,989	24,989		24,989
630	SPACE AND ELECTRONIC WARFARE SYSTEMS	72,966	72,966	72,966		72,966
640	NAVAL INVESTIGATIVE SERVICE	595,711	595,711	595,711		595,711
700	INTERNATIONAL HEADQUARTERS AND AGENCIES	4,809	4,809	4,809		4,809
730	CLASSIFIED PROGRAMS	517,440	517,440	517,440		517,440
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	4,851,976	4,851,976	4,865,976		4,851,976
	UNDISTRIBUTED					
740	UNDISTRIBUTED		-585,600	-260,290	-416,900	-416,900
	15% printing reduction			[-7,300]		
	Excessive standard price for fuel		[-390,500]	[-238,380]	[-390,500]	
	Foreign Currency adjustments		[-26,400]	[-14,610]	[-26,400]	
	Historical unobligated balances		[-174,100]			
	Prohibition on Per Diem Allowance Reduction		[5,400]			
	SUBTOTAL UNDISTRIBUTED		-585,600	-260,290	-416,900	-416,900

	TOTAL OPERATION & MAINTENANCE, NAVY	39,483,581	38,914,381	39,399,291	507,700	39,991,281
	OPERATION & MAINTENANCE, MARINE CORPS					
	OPERATING FORCES					
010	OPERATIONAL FORCES	674,613	674,613	738,313	85,700	760,313
	Enterprise network defense unfunded requirement			[5,700]	[5,700]	
	Exercise program unfunded requirement			[58,000]	[58,000]	
	Marine Corps unfunded requirement- enhanced combat helmets				[22,000]	
020	FIELD LOGISTICS	947,424	947,424	975,524	36,250	983,674
	Critical/ no fail EOD unfunded requirement			[600]	[600]	
	Marine Corps unfunded requirement- rifle combat optic modernization			[13,300]	[13,200]	
	Marine Corps unfunded requirement- SPMAGTF—C4 UUNS				[8,250]	
	Nano/VTOL unfunded requirement			[14,200]	[14,200]	
030	DEPOT MAINTENANCE	206,783	206,783	214,583	7,800	214,583
	Depot maintenance unfunded requirement			[7,800]	[7,800]	
040	MARITIME PREPOSITIONING	85,276	85,276	85,276		85,276
050	SUSTAINMENT, RESTORATION & MODERNIZATION	632,673	632,673	711,173	62,000	694,673
	Facility demolition unfunded requirement			[39,200]	[39,200]	
	Restore Sustainment shortfalls			[39,300]	[22,800]	
060	BASE OPERATING SUPPORT	2,136,626	2,136,626	2,136,626		2,136,626
	SUBTOTAL OPERATING FORCES	4,683,395	4,683,395	4,861,495	191,750	4,875,145
	TRAINING AND RECRUITING					
070	RECRUIT TRAINING	15,946	15,946	15,946		15,946
080	OFFICER ACQUISITION	935	935	935		935
090	SPECIALIZED SKILL TRAINING	99,305	99,305	99,305		99,305
100	PROFESSIONAL DEVELOPMENT EDUCATION	45,495	45,995	45,495		45,495
	MOS-to-Degree Program		[500]			
110	TRAINING SUPPORT	369,979	369,979	369,979		369,979
120	RECRUITING AND ADVERTISING	165,566	165,566	165,566		165,566
130	OFF-DUTY AND VOLUNTARY EDUCATION	35,133	35,133	35,133		35,133

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)						
Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
140	JUNIOR ROTC	23,622	23,622	23,622		23,622
	SUBTOTAL TRAINING AND RECRUITING	755,981	756,481	755,981		755,981
	ADMIN & SRVWD ACTIVITIES					
150	SERVICEWIDE TRANSPORTATION	34,534	34,534	34,534		34,534
160	ADMINISTRATION	355,932	355,932	355,932		355,932
180	ACQUISITION AND PROGRAM MANAGEMENT	76,896	76,896	76,896		76,896
200	CLASSIFIED PROGRAMS	47,520	47,520	47,520		47,520
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	514,882	514,882	514,882		514,882
	UNDISTRIBUTED					
210	UNDISTRIBUTED		-37,700	-41,830	-6,400	-6,400
	15% printing reduction			[-14,300]		
	Excessive standard price for fuel		[-4,900]	[-24,660]	[-4,900]	
	Foreign Currency adjustments		[-1,500]	[-2,870]	[-1,500]	
	Historical unobligated balances		[-33,100]			
	Prohibition on Per Diem Allowance Reduction		[1,800]			
	SUBTOTAL UNDISTRIBUTED		-37,700	-41,830	-6,400	-6,400
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	5,954,258	5,917,058	6,090,528	185,350	6,139,608
	OPERATION & MAINTENANCE, NAVY RES					
	OPERATING FORCES					
010	MISSION AND OTHER FLIGHT OPERATIONS	526,190	526,190	526,190		526,190
020	INTERMEDIATE MAINTENANCE	6,714	6,714	6,714		6,714
030	AIRCRAFT DEPOT MAINTENANCE	86,209	86,209	86,209	4,000	90,209
	Navy unfunded requirement—Improve Afloat Readiness				[4,000]	

040	AIRCRAFT DEPOT OPERATIONS SUPPORT	389	389	389		389
050	AVIATION LOGISTICS	10,189	10,189	10,189		10,189
070	SHIP OPERATIONS SUPPORT & TRAINING	560	560	560	300	860
	Navy unfunded requirement—Restore Fleet Training				[300]	
090	COMBAT COMMUNICATIONS	13,173	13,173	13,173		13,173
100	COMBAT SUPPORT FORCES	109,053	109,053	109,053		109,053
120	ENTERPRISE INFORMATION	27,226	27,226	27,226		27,226
130	SUSTAINMENT, RESTORATION AND MODERNIZATION	27,571	27,571	33,371	1,100	28,671
	Restore Sustainment shortfalls			[5,800]	[1,100]	
140	BASE OPERATING SUPPORT	99,166	99,166	99,166		99,166
	SUBTOTAL OPERATING FORCES	906,440	906,440	912,240	5,400	911,840
	ADMIN & SRVWD ACTIVITIES					
150	ADMINISTRATION	1,351	1,351	1,351		1,351
160	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	13,251	13,251	13,251		13,251
170	SERVICEMEN COMMUNICATIONS	3,445	3,445	3,445		3,445
180	ACQUISITION AND PROGRAM MANAGEMENT	3,169	3,169	3,169		3,169
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	21,216	21,216	21,216		21,216
	UNDISTRIBUTED					
200	UNDISTRIBUTED		-26,600		-26,600	-26,600
	Excessive standard price for fuel		[-26,600]		[-26,600]	
	SUBTOTAL UNDISTRIBUTED		-26,600		-26,600	-26,600
	TOTAL OPERATION & MAINTENANCE, NAVY RES	927,656	901,056	933,456	-21,200	906,456
	OPERATION & MAINTENANCE, MC RESERVE					
	OPERATING FORCES					
010	OPERATING FORCES	94,154	94,154	94,154		94,154
020	DEPOT MAINTENANCE	18,594	18,594	18,594		18,594
030	SUSTAINMENT, RESTORATION AND MODERNIZATION	25,470	25,470	30,970	700	26,170
	Restore Sustainment shortfalls			[5,500]	[700]	

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)						
Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
040	BASE OPERATING SUPPORT	111,550	111,550	111,550		111,550
	SUBTOTAL OPERATING FORCES	249,768	249,768	255,268	700	250,468
ADMIN & SRVWD ACTIVITIES						
050	SERVICEWIDE TRANSPORTATION	902	902	902		902
060	ADMINISTRATION	11,130	11,130	11,130		11,130
070	RECRUITING AND ADVERTISING	8,833	8,833	8,833		8,833
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	20,865	20,865	20,865		20,865
UNDISTRIBUTED						
090	UNDISTRIBUTED		-800		-800	-800
	Excessive standard price for fuel		[-800]		[-800]	
	SUBTOTAL UNDISTRIBUTED		-800		-800	-800
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	270,633	269,833	276,133	-100	270,533
OPERATION & MAINTENANCE, AIR FORCE						
OPERATING FORCES						
010	PRIMARY COMBAT FORCES	3,294,124	3,294,124	3,294,124		3,294,124
020	COMBAT ENHANCEMENT FORCES	1,682,045	1,682,045	1,684,845	2,800	1,684,845
	HH-60 unfunded requirement			[2,800]	[2,800]	
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,730,757	1,730,757	1,730,757		1,730,757
040	DEPOT MAINTENANCE	7,042,988	6,986,488	7,193,388	113,076	7,156,064
	Compass Call Program Restructure		[-56,500]		[-56,500]	
	Weapon system sustainment unfunded requirement			[150,400]	[169,576]	
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,657,019	1,657,019	1,657,019	53,000	1,710,019
	Restore Sustainment shortfalls				[53,000]	

060	BASE SUPPORT	2,787,216	2,787,216	2,787,216		2,787,216
070	GLOBAL C3I AND EARLY WARNING	887,831	887,831	887,831	40,000	927,831
	Air Force unfunded requirement—Ground Based Radars				[40,000]	
080	OTHER COMBAT OPS SPT PROGRAMS	1,070,178	1,070,178	1,070,178		1,070,178
100	LAUNCH FACILITIES	208,582	208,582	208,582		208,582
110	SPACE CONTROL SYSTEMS	362,250	362,250	362,250		362,250
120	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	907,245	907,245	907,245		907,245
130	COMBATANT COMMANDERS CORE OPERATIONS	199,171	199,171	199,171		199,171
135	CLASSIFIED PROGRAMS	930,757	930,757	930,757		930,757
	SUBTOTAL OPERATING FORCES	22,760,163	22,703,663	22,913,363	208,876	22,969,039
	MOBILIZATION					
140	AIRLIFT OPERATIONS	1,703,059	1,703,059	1,703,059		1,703,059
150	MOBILIZATION PREPAREDNESS	138,899	138,899	138,899		138,899
160	DEPOT MAINTENANCE	1,553,439	1,553,439	1,619,839	66,424	1,619,863
	Weapon system sustainment unfunded requirement			[66,400]	[66,424]	
170	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	258,328	258,328	258,328	8,300	266,628
	Restore Sustainment shortfalls				[8,300]	
180	BASE SUPPORT	722,756	722,756	722,756		722,756
	SUBTOTAL MOBILIZATION	4,376,481	4,376,481	4,442,881	74,724	4,451,205
	TRAINING AND RECRUITING					
190	OFFICER ACQUISITION	120,886	120,886	120,886		120,886
200	RECRUIT TRAINING	23,782	23,782	23,782		23,782
210	RESERVE OFFICERS TRAINING CORPS (ROTC)	77,692	77,692	77,692		77,692
220	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	236,254	236,254	393,954	7,600	243,854
	Restore Sustainment shortfalls			[157,700]	[7,600]	
230	BASE SUPPORT	819,915	819,915	819,915		819,915
240	SPECIALIZED SKILL TRAINING	387,446	387,446	387,446		387,446
250	FLIGHT TRAINING	725,134	725,134	725,134		725,134
260	PROFESSIONAL DEVELOPMENT EDUCATION	264,213	264,213	264,213		264,213
270	TRAINING SUPPORT	86,681	86,681	86,681		86,681

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)						
Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
280	DEPOT MAINTENANCE	305,004	305,004	305,004		305,004
290	RECRUITING AND ADVERTISING	104,754	104,754	77,754		104,754
	Advertising unjustified growth			[-27,000]		
300	EXAMINING	3,944	3,944	3,944		3,944
310	OFF-DUTY AND VOLUNTARY EDUCATION	184,841	184,841	184,841		184,841
320	CIVILIAN EDUCATION AND TRAINING	173,583	173,583	173,583		173,583
330	JUNIOR ROTC	58,877	58,877	58,877		58,877
	SUBTOTAL TRAINING AND RECRUITING	3,573,006	3,573,006	3,703,706	7,600	3,580,606
ADMIN & SRVWD ACTIVITIES						
340	LOGISTICS OPERATIONS	1,107,846	1,107,846	1,107,846		1,107,846
350	TECHNICAL SUPPORT ACTIVITIES	924,185	924,185	924,185		924,185
360	DEPOT MAINTENANCE	48,778	48,778	48,778		48,778
370	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	321,013	321,013	321,013	10,300	331,313
	Restore Sustainment shortfalls				[10,300]	
380	BASE SUPPORT	1,115,910	1,115,910	1,115,910		1,115,910
390	ADMINISTRATION	811,650	811,650	811,650		811,650
400	SERVICEWIDE COMMUNICATIONS	269,809	269,809	269,809		269,809
410	OTHER SERVICEWIDE ACTIVITIES	961,304	961,304	961,304		961,304
420	CIVIL AIR PATROL	25,735	30,500	25,735	2,800	28,535
	Civil Air Patrol O&M Support		[4,765]		[2,800]	
450	INTERNATIONAL SUPPORT	90,573	90,573	90,573		90,573
460	CLASSIFIED PROGRAMS	1,131,603	1,131,603	1,131,603		1,131,603
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	6,808,406	6,813,171	6,808,406	13,100	6,821,506
UNDISTRIBUTED						
470	UNDISTRIBUTED		-765,900	-436,910	-484,700	-484,700

	15% printing reduction			[–8,900]		
	Excessive standard price for fuel	[–368,000]		[–394,560]	[–368,000]	
	Foreign Currency adjustments	[–116,700]		[–33,450]	[–116,700]	
	Historical unobligated balances	[–288,000]				
	Prohibition on Per Diem Allowance Reduction	[6,800]				
	SUBTOTAL UNDISTRIBUTED	–765,900		–436,910	–484,700	–484,700
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	37,518,056	36,700,421	37,431,446	–180,400	37,337,656
	OPERATION & MAINTENANCE, AF RESERVE					
	OPERATING FORCES					
010	PRIMARY COMBAT FORCES	1,707,882	1,707,882	1,707,882		1,707,882
020	MISSION SUPPORT OPERATIONS	230,016	230,016	259,016		230,016
	Lodging in kind unfunded requirement			[29,000]		
030	DEPOT MAINTENANCE	541,743	541,743	541,743		541,743
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	113,470	113,470	125,170	2,700	116,170
	Restore Sustainment shortfalls			[11,700]	[2,700]	
050	BASE SUPPORT	384,832	384,832	384,832		384,832
	SUBTOTAL OPERATING FORCES	2,977,943	2,977,943	3,018,643	2,700	2,980,643
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES					
060	ADMINISTRATION	54,939	54,939	54,939		54,939
070	RECRUITING AND ADVERTISING	14,754	14,754	14,754		14,754
080	MILITARY MANPOWER AND PERS MGMT (ARPC)	12,707	12,707	12,707		12,707
090	OTHER PERS SUPPORT (DISABILITY COMP)	7,210	7,210	7,210		7,210
100	AUDIOVISUAL	376	376	376		376
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	89,986	89,986	89,986		89,986
	UNDISTRIBUTED					
110	UNDISTRIBUTED		–59,700		–59,700	–59,700
	Excessive standard price for fuel		[–59,700]		[–59,700]	
	SUBTOTAL UNDISTRIBUTED		–59,700		–59,700	–59,700

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)						
Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	3,067,929	3,008,229	3,108,629	-57,000	3,010,929
	OPERATION & MAINTENANCE, ANG					
	OPERATING FORCES					
010	AIRCRAFT OPERATIONS	3,282,238	3,282,238	3,282,238	-4,000	3,278,238
	Unjustified growth				[-4,000]	
020	MISSION SUPPORT OPERATIONS	723,062	723,062	723,062		723,062
030	DEPOT MAINTENANCE	1,824,329	1,824,329	1,867,529	43,200	1,867,529
	Weapon system sustainment engines unfunded requirement			[3,200]	[3,200]	
	Weapon system sustainment unfunded requirement			[40,000]	[40,000]	
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	245,840	245,840	259,840	9,100	254,940
	Restore Sustainment shortfalls			[14,000]	[9,100]	
050	BASE SUPPORT	575,548	575,548	575,548		575,548
	SUBTOTAL OPERATING FORCES	6,651,017	6,651,017	6,708,217	48,300	6,699,317
	ADMINISTRATION AND SERVICE-WIDE ACTIVITIES					
060	ADMINISTRATION	23,715	26,239	23,715		23,715
	National Guard State Partnership Program		[2,524]			
070	RECRUITING AND ADVERTISING	28,846	28,846	28,846		28,846
	SUBTOTAL ADMINISTRATION AND SERVICE-WIDE ACTIVITIES	52,561	55,085	52,561		52,561
	UNDISTRIBUTED					
080	UNDISTRIBUTED		-117,700		-117,700	-117,700
	Excessive standard price for fuel		[-117,700]		[-117,700]	
	SUBTOTAL UNDISTRIBUTED		-117,700		-117,700	-117,700

	TOTAL OPERATION & MAINTENANCE, ANG	6,703,578	6,588,402	6,760,778	-69,400	6,634,178
	OPERATION & MAINTENANCE, DEFENSE-WIDE					
	OPERATING FORCES					
010	JOINT CHIEFS OF STAFF	506,113	506,113	506,113		506,113
020	OFFICE OF THE SECRETARY OF DEFENSE	524,439	519,439	524,439		524,439
	Program decrease		[-5,000]			
030	SPECIAL OPERATIONS COMMAND/OPERATING FORCES	4,898,159	4,898,159	4,852,859	-8,800	4,889,359
	Unjustified growth in total civilian compensation			[-45,300]	[-8,800]	
	SUBTOTAL OPERATING FORCES	5,928,711	5,923,711	5,883,411	-8,800	5,919,911
	TRAINING AND RECRUITING					
040	DEFENSE ACQUISITION UNIVERSITY	138,658	138,658	138,658		138,658
050	JOINT CHIEFS OF STAFF	85,701	85,701	95,701		85,701
	Model alternative design of reconnaissance strike group			[10,000]		
070	SPECIAL OPERATIONS COMMAND/TRAINING AND RECRUITING	365,349	365,349	365,349		365,349
	SUBTOTAL TRAINING AND RECRUITING	589,708	589,708	599,708		589,708
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES					
080	CIVIL MILITARY PROGRAMS	160,480	195,480	185,480	35,339	195,819
	National Guard Youth Challenge Program		[15,000]		[10,339]	
	STARBASE		[20,000]	[25,000]	[25,000]	
100	DEFENSE CONTRACT AUDIT AGENCY	630,925	630,925	630,925		630,925
110	DEFENSE CONTRACT MANAGEMENT AGENCY	1,356,380	1,356,380	1,356,380		1,356,380
120	DEFENSE HUMAN RESOURCES ACTIVITY	683,620	683,620	683,620		683,620
130	DEFENSE INFORMATION SYSTEMS AGENCY	1,439,891	1,439,891	1,439,891		1,439,891
150	DEFENSE LEGAL SERVICES AGENCY	24,984	24,984	24,984		24,984
160	DEFENSE LOGISTICS AGENCY	357,964	354,964	352,164	-5,800	352,164
	Price Comparability Office unjustified growth		[-3,000]	[-5,800]	[-5,800]	
170	DEFENSE MEDIA ACTIVITY	223,422	213,422	223,422		223,422
	Program decrease		[-10,000]			
180	DEFENSE PERSONNEL ACCOUNTING AGENCY	112,681	112,681	112,681		112,681

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)						
Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
190	DEFENSE SECURITY COOPERATION AGENCY	496,754	496,754	81,954	125,000	621,754
	Transfer Combatting Terrorism Fellowship to to Security Cooperation Enhancement Fund			[-26,800]		
	Transfer Defense Institute of International Legal Studies to Security Cooperation Enhancement Fund			[-2,600]		
	Transfer Defense Institution Reform Initiative to to Security Cooperation Enhancement Fund			[-25,600]		
	Transfer from Drug Interdiction and Counter-Drug Activities				[125,000]	
	Transfer Global Train and Equip to Security Cooperation Enhancement Fund			[-270,200]		
	Transfer Ministry of Defense Advisors to to Security Cooperation Enhancement Fund			[-9,200]		
	Transfer Regional Centers to Security Cooperation Enhancement Fund			[-58,600]		
	Transfer Wales initiative Fund/Partnership for Peace to Security Cooperation Enhancement Fund			[-21,800]		
200	DEFENSE SECURITY SERVICE	538,711	538,711	538,711		538,711
230	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	35,417	35,417	35,417		35,417
240	DEFENSE THREAT REDUCTION AGENCY	448,146	448,146	448,146		448,146
260	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	2,671,143	2,701,143	2,701,143	30,000	2,701,143
	Impact Aid		[30,000]	[25,000]	[25,000]	
	Impact Aid severe disabilities			[5,000]	[5,000]	
270	MISSILE DEFENSE AGENCY	446,975	446,975	446,975		446,975
290	OFFICE OF ECONOMIC ADJUSTMENT	155,399	155,399	123,199	-19,200	136,199
	Guam public health lab			[-32,200]	[-19,200]	
300	OFFICE OF THE SECRETARY OF DEFENSE	1,481,643	1,406,713	1,502,643	5,650	1,487,293
	Alcohol Abuse Prevention Program		[1,000]			
	BRAC 2017 Round Planning and Analyses		[-3,530]	[-4,000]	[-3,530]	
	CWMD Sustainment: Constellation program reduction		[-3,800]		[-3,800]	

	DOD rewards early to need			[-5,000]	[-1,000]	
	Intelligence Management—program reduction				[-1,000]	
	Program decrease		[-84,428]			
	Reediness environmental protection initiative		[15,828]		[14,980]	
	Secretary of Defense Delivery Unit			[30,000]		
310	SPECIAL OPERATIONS COMMAND/ADMIN & SVC-WIDE ACTIVITIES	89,429	70,829	89,429		89,429
	SOCOM MH-60 Block Upgrades / MH-60M Replacement		[-18,600]			
320	WASHINGTON HEADQUARTERS SERVICES	629,874	619,874	629,874		629,874
	Program decrease		[-10,000]			
330	CLASSIFIED PROGRAMS	14,069,333	14,071,333	14,054,033		14,069,333
	Classified adjustment		[2,000]			
	Reduction to NSA Information Systems and Security Program (4GT4)			[-27,000]		
	Sharkseer email protection			[11,700]		
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	26,053,171	26,003,641	25,661,071	170,989	26,224,160
	UNDISTRIBUTED					
340	UNDISTRIBUTED		-308,900	-33,080	-47,100	-47,100
	15% printing reduction			[-1,400]		
	Commission on Military, National, and Public Service			[15,000]		
	Excessive standard price for fuel		[-17,800]	[-41,100]	[-17,800]	
	Foreign Currency adjustments		[-34,300]	[-10,580]	[-34,300]	
	Historical unobligated balances		[-248,100]			
	Program decrease		[-15,000]			
	Prohibition on Per Diem Allowance Reduction		[6,300]			
	Temporary Duty Assignment Per Diem Rate Waiver			[5,000]	[5,000]	
	SUBTOTAL UNDISTRIBUTED		-308,900	-33,080	-47,100	-47,100
	TOTAL OPERATION & MAINTENANCE, DEFENSE-WIDE	32,571,590	32,208,160	32,111,110	115,089	32,686,679
	MISCELLANEOUS APPROPRIATIONS					
	MISCELLANEOUS APPROPRIATIONS					
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	14,194	14,194	14,194		14,194

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)						
Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
020	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	105,125	105,125	105,125		105,125
030	COOPERATIVE THREAT REDUCTION	325,604	325,604	325,604		325,604
050	ENVIRONMENTAL RESTORATION, ARMY	170,167	170,167	170,167		170,167
060	ENVIRONMENTAL RESTORATION, NAVY	281,762	281,762	281,762		281,762
070	ENVIRONMENTAL RESTORATION, AIR FORCE	371,521	371,521	371,521		371,521
080	ENVIRONMENTAL RESTORATION, DEFENSE	9,009	9,009	9,009		9,009
090	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	197,084	197,084	197,084		197,084
	SUBTOTAL MISCELLANEOUS APPROPRIATIONS	1,474,466	1,474,466	1,474,466		1,474,466
	TOTAL MISCELLANEOUS APPROPRIATIONS	1,474,466	1,474,466	1,474,466		1,474,466
	TOTAL OPERATION & MAINTENANCE	171,318,488	169,322,271	171,389,798	552,408	171,870,896

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)						
Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
OPERATION & MAINTENANCE, ARMY						
OPERATING FORCES						
010	MANEUVER UNITS	427,063	416,263	427,063	-10,800	416,263
	Army requested realignment (ERI)		[-10,800]		[-10,800]	
040	THEATER LEVEL ASSETS	1,834,423	1,904,523	1,834,423		1,834,423
	Operational support for deployed end strength of 9,800 in Afghanistan		[70,100]			
050	LAND FORCES OPERATIONS SUPPORT	558,086	158,386	558,086	-132,000	426,086
	Army requested realignment (ERI)		[-132,000]		[-132,000]	
	Operational support for deployed end strength of 9,800 in Afghanistan		[67,200]			
	Realign APS Unit Set Requirements to Base		[-334,900]			
060	AVIATION ASSETS	58,620	90,120	58,620		58,620
	Operational support for deployed end strength of 9,800 in Afghanistan		[31,500]			
070	FORCE READINESS OPERATIONS SUPPORT	1,552,468	1,725,968	1,552,468	-2,000	1,550,468
	Army requested realignment (ERI)		[-2,000]		[-2,000]	
	Operational support for deployed end strength of 9,800 in Afghanistan		[175,500]			
080	LAND FORCES SYSTEMS READINESS	476,853	486,853	476,853		476,853
	Operational support for deployed end strength of 9,800 in Afghanistan		[10,000]			
100	BASE OPERATIONS SUPPORT	45,749	30,749	45,749		45,749
	Realign APS Unit Set Requirements to Base		[-15,000]			
140	ADDITIONAL ACTIVITIES	8,234,566	9,315,166	8,234,566		8,234,566
	Operational support for deployed end strength of 9,800 in Afghanistan		[1,093,200]			
	Realign APS Unit Set Requirements to Base		[-12,600]			
150	COMMANDERS EMERGENCY RESPONSE PROGRAM	5,000	5,000	5,000		5,000
160	RESET	1,100,722	1,100,722	1,100,722		1,100,722
170	COMBATANT COMMANDS DIRECT MISSION SUPPORT	79,568	79,568	79,568		79,568

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)						
Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	SUBTOTAL OPERATING FORCES	14,373,118	15,313,318	14,373,118	-144,800	14,228,318
	MOBILIZATION					
190	ARMY PREPOSITIONED STOCKS	350,200	130,000	350,200	-220,200	130,000
	Army requested realignment (ERI)		[-220,200]		[-220,200]	
	SUBTOTAL MOBILIZATION	350,200	130,000	350,200	-220,200	130,000
	ADMIN & SRVWIDE ACTIVITIES					
350	SERVICEWIDE TRANSPORTATION	720,399	739,499	720,399	120,000	840,399
	Army requested realignment (ERI)		[120,000]		[120,000]	
	Operational support for deployed end strength of 9,800 in Afghanistan		[203,100]			
	Realign APS Unit Set Requirements to Base		[-304,000]			
380	AMMUNITION MANAGEMENT	13,974	49,074	13,974		13,974
	Operational support for deployed end strength of 9,800 in Afghanistan		[35,100]			
420	OTHER PERSONNEL SUPPORT	105,508	105,508	105,508		105,508
450	REAL ESTATE MANAGEMENT	185,904	283,404	185,904		185,904
	Operational support for deployed end strength of 9,800 in Afghanistan		[97,500]			
530	CLASSIFIED PROGRAMS	909,278	923,578	909,278		909,278
	Operational support for deployed end strength of 9,800 in Afghanistan		[14,300]			
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	1,935,063	2,101,063	1,935,063	120,000	2,055,063
	UNDISTRIBUTED					
540	UNDISTRIBUTED		-6,083,330			
	Excessive standard price for fuel		[-138,600]			
	Historical unobligated balances		[-188,500]			
	Prorated OCO allocation in support of base readiness requirements		[-5,756,230]			
	SUBTOTAL UNDISTRIBUTED		-6,083,330			

	TOTAL OPERATION & MAINTENANCE, ARMY	16,658,381	11,461,051	16,658,381	-245,000	16,413,381
	OPERATION & MAINTENANCE, ARMY RES					
	OPERATING FORCES					
020	ECHELONS ABOVE BRIGADE	6,252	9,252	6,252		6,252
	Operational support for deployed end strength of 9,800 in Afghanistan		[3,000]			
040	LAND FORCES OPERATIONS SUPPORT	2,075	3,075	2,075		2,075
	Operational support for deployed end strength of 9,800 in Afghanistan		[1,000]			
060	FORCE READINESS OPERATIONS SUPPORT	1,140	1,440	1,140		1,140
	Operational support for deployed end strength of 9,800 in Afghanistan		[300]			
090	BASE OPERATIONS SUPPORT	14,653	15,153	14,653		14,653
	Operational support for deployed end strength of 9,800 in Afghanistan		[500]			
	SUBTOTAL OPERATING FORCES	24,120	28,920	24,120		24,120
	UNDISTRIBUTED					
180	UNDISTRIBUTED		-11,394			
	Prorated OCO allocation in support of base readiness requirements		[-11,394]			
	SUBTOTAL UNDISTRIBUTED		-11,394			
	TOTAL OPERATION & MAINTENANCE, ARMY RES	24,120	17,526	24,120		24,120
	OPERATION & MAINTENANCE, ARNG					
	OPERATING FORCES					
010	MANEUVER UNITS	10,564	16,564	10,564		10,564
	Operational support for deployed end strength of 9,800 in Afghanistan		[6,000]			
020	MODULAR SUPPORT BRIGADES	748	748	748		748
030	ECHELONS ABOVE BRIGADE	5,751	7,451	5,751		5,751
	Operational support for deployed end strength of 9,800 in Afghanistan		[1,700]			
040	THEATER LEVEL ASSETS	200	200	200		200
060	AVIATION ASSETS	27,183	30,983	27,183		27,183
	Operational support for deployed end strength of 9,800 in Afghanistan		[3,800]			

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)						
Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
070	FORCE READINESS OPERATIONS SUPPORT	2,741	2,741	2,741		2,741
100	BASE OPERATIONS SUPPORT	18,800	18,800	18,800		18,800
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	920	920	920		920
	SUBTOTAL OPERATING FORCES	66,907	78,407	66,907		66,907
	UNDISTRIBUTED					
190	UNDISTRIBUTED		-30,892			
	Prorated OCO allocation in support of base readiness requirements		[-30,892]			
	SUBTOTAL UNDISTRIBUTED		-30,892			
	TOTAL OPERATION & MAINTENANCE, ARNG	66,907	47,515	66,907		66,907
	AFGHANISTAN SECURITY FORCES FUND					
	MINISTRY OF DEFENSE					
010	SUSTAINMENT	2,173,341	2,173,341	2,173,341		2,173,341
020	INFRASTRUCTURE	48,262	48,262	48,262		48,262
030	EQUIPMENT AND TRANSPORTATION	821,716	921,547	821,716		821,716
	Maintain security forces at fiscal year 2016 levels		[99,831]			
040	TRAINING AND OPERATIONS	289,139	350,555	289,139		289,139
	Maintain security forces at fiscal year 2016 levels		[61,416]			
	SUBTOTAL MINISTRY OF DEFENSE	3,332,458	3,493,705	3,332,458		3,332,458
	MINISTRY OF INTERIOR					
050	SUSTAINMENT	860,441	880,300	860,441		860,441
	Maintain security forces at fiscal year 2016 levels		[19,859]			
060	INFRASTRUCTURE	20,837	20,837	20,837		20,837
070	EQUIPMENT AND TRANSPORTATION	8,153	116,573	8,153		8,153

	Maintain security forces at fiscal year 2016 levels		[108,420]			
080	TRAINING AND OPERATIONS	41,326	65,342	41,326		41,326
	Maintain security forces at fiscal year 2016 levels		[24,016]			
	SUBTOTAL MINISTRY OF INTERIOR	930,757	1,083,052	930,757		930,757
	UNDISTRIBUTED					
110	UNDISTRIBUTED		-1,482,289			
	Prorated OCO allocation in support of base readiness requirements		[-1,482,289]			
	SUBTOTAL UNDISTRIBUTED		-1,482,289			
	TOTAL AFGHANISTAN SECURITY FORCES FUND	4,263,215	3,094,468	4,263,215		4,263,215
	IRAQ TRAIN AND EQUIP FUND					
	IRAQ TRAIN AND EQUIP FUND					
010	IRAQ TRAIN AND EQUIP FUND	919,500	969,500	1,549,500	-919,500	0
	Support to Kurdish and Sunni tribal security forces for operations in Mosul, Iraq ...		[50,000]			
	Transfer from Coalition Support Fund			[180,000]		
	Transfer from Counterterrorism Partnership Fund			[200,000]		
	Transfer from Syria Train and Equip Fund			[250,000]		
	Transfer to Counter-ISIL Fund				[-919,500]	
	SUBTOTAL IRAQ TRAIN AND EQUIP FUND	919,500	969,500	1,549,500	-919,500	0
	UNDISTRIBUTED					
020	UNDISTRIBUTED		-267,913			
	Prorated OCO allocation in support of base readiness requirements		[-267,913]			
	SUBTOTAL UNDISTRIBUTED		-267,913			
	TOTAL IRAQ TRAIN AND EQUIP FUND	919,500	701,587	1,549,500	-919,500	0
	SYRIA TRAIN AND EQUIP FUND					
	SYRIA TRAIN AND EQUIP FUND					
010	SYRIA TRAIN AND EQUIP FUND	250,000	250,000		-250,000	0

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)						
Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	Transfer to Counter-ISIL Fund			[-250,000]	[-250,000]	
	SUBTOTAL SYRIA TRAIN AND EQUIP FUND	250,000	250,000		-250,000	0
	UNDISTRIBUTED					
020	UNDISTRIBUTED		-98,497			
	Prorated OCO allocation in support of base readiness requirements		[-98,497]			
	SUBTOTAL UNDISTRIBUTED		-98,497			
	TOTAL SYRIA TRAIN AND EQUIP FUND	250,000	151,503		-250,000	0
	COUNTER-ISIL FUND					
	COUNTER-ISIL FUND					
010	COUNTER-ISIL FUND				1,169,500	1,169,500
	Transfer from Iraq Train and Equip				[919,500]	
	Transfer from Syria Train and Equip				[250,000]	
	SUBTOTAL COUNTER-ISIL FUND				1,169,500	1,169,500
	TOTAL COUNTER-ISIL FUND				1,169,500	1,169,500
	OPERATION & MAINTENANCE, NAVY					
	OPERATING FORCES					
010	MISSION AND OTHER FLIGHT OPERATIONS	427,452	427,452	427,452		427,452
040	AIR OPERATIONS AND SAFETY SUPPORT	4,603	4,603	4,603		4,603
050	AIR SYSTEMS SUPPORT	159,049	159,049	159,049		159,049
060	AIRCRAFT DEPOT MAINTENANCE	113,994	113,994	113,994		113,994
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	1,840	1,840	1,840		1,840
080	AVIATION LOGISTICS	35,529	35,529	35,529		35,529

090	MISSION AND OTHER SHIP OPERATIONS	1,073,080	1,073,080	1,073,080	1,073,080
100	SHIP OPERATIONS SUPPORT & TRAINING	17,306	17,306	17,306	17,306
110	SHIP DEPOT MAINTENANCE	2,128,431	2,128,431	2,128,431	2,128,431
130	COMBAT COMMUNICATIONS	21,257	21,257	21,257	21,257
160	WARFARE TACTICS	22,603	22,603	22,603	22,603
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	22,934	22,934	22,934	22,934
180	COMBAT SUPPORT FORCES	575,305	575,305	575,305	575,305
190	EQUIPMENT MAINTENANCE	11,358	11,358	11,358	11,358
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	61,000	61,000	61,000	61,000
260	WEAPONS MAINTENANCE	309,045	309,045	309,045	309,045
270	OTHER WEAPON SYSTEMS SUPPORT	8,000	8,000	8,000	8,000
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	7,819	7,819	7,819	7,819
300	BASE OPERATING SUPPORT	61,493	61,493	61,493	61,493
	SUBTOTAL OPERATING FORCES	5,062,098	5,062,098	5,062,098	5,062,098
MOBILIZATION					
330	AIRCRAFT ACTIVATIONS/INACTIVATIONS	1,530	1,530	1,530	1,530
350	EXPEDITIONARY HEALTH SERVICES SYSTEMS	6,713	6,713	6,713	6,713
370	COAST GUARD SUPPORT	162,692	162,692	162,692	162,692
	SUBTOTAL MOBILIZATION	170,935	170,935	170,935	170,935
TRAINING AND RECRUITING					
410	SPECIALIZED SKILL TRAINING	43,365	43,365	43,365	43,365
	SUBTOTAL TRAINING AND RECRUITING	43,365	43,365	43,365	43,365
ADMIN & SRVWD ACTIVITIES					
490	ADMINISTRATION	3,764	3,764	3,764	3,764
500	EXTERNAL RELATIONS	515	515	515	515
520	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	5,409	5,409	5,409	5,409
530	OTHER PERSONNEL SUPPORT	1,578	1,578	1,578	1,578
570	SERVICEWIDE TRANSPORTATION	126,700	126,700	126,700	126,700
600	ACQUISITION AND PROGRAM MANAGEMENT	9,261	9,261	9,261	9,261

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)						
Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
640	NAVAL INVESTIGATIVE SERVICE	1,501	1,501	1,501		1,501
730	CLASSIFIED PROGRAMS	16,280	16,280	16,280		16,280
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	165,008	165,008	165,008		165,008
	UNDISTRIBUTED					
740	UNDISTRIBUTED		-2,226,518			
	Excessive standard price for fuel		[-120,300]			
	Prorated OCO allocation in support of base readiness requirements		[-2,106,218]			
	SUBTOTAL UNDISTRIBUTED		-2,226,518			
	TOTAL OPERATION & MAINTENANCE, NAVY	5,441,406	3,214,888	5,441,406		5,441,406
	OPERATION & MAINTENANCE, MARINE CORPS					
	OPERATING FORCES					
010	OPERATIONAL FORCES	571,935	638,235	571,935		571,935
	Operational support for deployed end strength of 9,800 in Afghanistan		[66,300]			
020	FIELD LOGISTICS	266,094	266,094	266,094		266,094
030	DEPOT MAINTENANCE	147,000	147,000	147,000		147,000
060	BASE OPERATING SUPPORT	18,576	18,576	18,576		18,576
	SUBTOTAL OPERATING FORCES	1,003,605	1,069,905	1,003,605		1,003,605
	TRAINING AND RECRUITING					
110	TRAINING SUPPORT	31,750	31,750	31,750		31,750
	SUBTOTAL TRAINING AND RECRUITING	31,750	31,750	31,750		31,750
	ADMIN & SRVWD ACTIVITIES					
150	SERVICEWIDE TRANSPORTATION	73,800	89,800	73,800		73,800

	Operational support for deployed end strength of 9,800 in Afghanistan		[16,000]		
200	CLASSIFIED PROGRAMS	3,650	3,650	3,650	3,650
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	77,450	93,450	77,450	77,450
	UNDISTRIBUTED				
210	UNDISTRIBUTED		-413,593		
	Excessive standard price for fuel		[-9,100]		
	Prorated OCO allocation in support of base readiness requirements		[-404,493]		
	SUBTOTAL UNDISTRIBUTED		-413,593		
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	1,112,805	781,512	1,112,805	1,112,805
	OPERATION & MAINTENANCE, NAVY RES				
	OPERATING FORCES				
030	AIRCRAFT DEPOT MAINTENANCE	16,500	16,500	16,500	16,500
050	AVIATION LOGISTICS	2,522	2,522	2,522	2,522
100	COMBAT SUPPORT FORCES	7,243	7,243	7,243	7,243
	SUBTOTAL OPERATING FORCES	26,265	26,265	26,265	26,265
	UNDISTRIBUTED				
200	UNDISTRIBUTED		-10,448		
	Excessive standard price for fuel		[-100]		
	Prorated OCO allocation in support of base readiness requirements		[-10,348]		
	SUBTOTAL UNDISTRIBUTED		-10,448		
	TOTAL OPERATION & MAINTENANCE, NAVY RES	26,265	15,817	26,265	26,265
	OPERATION & MAINTENANCE, MC RESERVE				
	OPERATING FORCES				
010	OPERATING FORCES	2,500	2,500	2,500	2,500
040	BASE OPERATING SUPPORT	804	804	804	804
	SUBTOTAL OPERATING FORCES	3,304	3,304	3,304	3,304

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)						
Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
UNDISTRIBUTED						
090	UNDISTRIBUTED		-1,302			
	Prorated OCO allocation in support of base readiness requirements		[-1,302]			
	SUBTOTAL UNDISTRIBUTED		-1,302			
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	3,304	2,002	3,304		3,304
OPERATION & MAINTENANCE, AIR FORCE						
OPERATING FORCES						
010	PRIMARY COMBAT FORCES	1,852,159	1,883,059	1,880,159	38,000	1,890,159
	Enhancing readiness levels of DCA aircraft		[10,000]		[10,000]	
	ERI nuclear readiness			[28,000]	[28,000]	
	Operational support for deployed end strength of 9,800 in Afghanistan		[20,900]			
020	COMBAT ENHANCEMENT FORCES	1,127,319	1,148,219	1,127,319		1,127,319
	Operational support for deployed end strength of 9,800 in Afghanistan		[20,900]			
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	152,278	152,278	152,278		152,278
040	DEPOT MAINTENANCE	1,061,506	1,087,106	1,061,506	25,600	1,087,106
	Compass Call Program Restructure		[25,600]		[25,600]	
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	56,700	56,700	56,700		56,700
060	BASE SUPPORT	941,714	941,714	941,714		941,714
070	GLOBAL C3I AND EARLY WARNING	30,219	30,219	30,219		30,219
080	OTHER COMBAT OPS SPT PROGRAMS	213,696	223,696	213,696	5,000	218,696
	Promoting additional DCA burden sharing		[5,000]		[5,000]	
	Supporting DCA dispersal CONOP development		[5,000]			
100	LAUNCH FACILITIES	869	869	869		869
110	SPACE CONTROL SYSTEMS	5,008	5,008	5,008		5,008

120	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	100,081	100,081	100,081		100,081
135	CLASSIFIED PROGRAMS	79,893	79,893	79,893		79,893
	SUBTOTAL OPERATING FORCES	5,621,442	5,708,842	5,649,442	68,600	5,690,042
	MOBILIZATION					
140	AIRLIFT OPERATIONS	2,606,729	2,704,429	2,606,729		2,606,729
	Operational support for deployed end strength of 9,800 in Afghanistan		[97,700]			
150	MOBILIZATION PREPAREDNESS	108,163	108,163	108,163		108,163
160	DEPOT MAINTENANCE	891,102	891,102	891,102		891,102
180	BASE SUPPORT	3,686	3,686	3,686		3,686
	SUBTOTAL MOBILIZATION	3,609,680	3,707,380	3,609,680		3,609,680
	TRAINING AND RECRUITING					
230	BASE SUPPORT	52,740	52,740	52,740		52,740
240	SPECIALIZED SKILL TRAINING	4,500	4,500	4,500		4,500
	SUBTOTAL TRAINING AND RECRUITING	57,240	57,240	57,240		57,240
	ADMIN & SRVWD ACTIVITIES					
340	LOGISTICS OPERATIONS	86,716	86,716	86,716		86,716
380	BASE SUPPORT	59,133	59,133	59,133		59,133
400	SERVICEWIDE COMMUNICATIONS	165,348	165,348	165,348		165,348
410	OTHER SERVICEWIDE ACTIVITIES	141,883	141,883	116,783	-25,058	116,825
	Program reduction			[-25,100]	[-25,058]	
450	INTERNATIONAL SUPPORT	61	61	61		61
460	CLASSIFIED PROGRAMS	15,823	15,823	15,823		15,823
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	468,964	468,964	443,864	-25,058	443,906
	UNDISTRIBUTED					
470	UNDISTRIBUTED		-3,868,111			
	Excessive standard price for fuel		[-101,600]			
	Prorated OCO allocation in support of base readiness requirements		[-3,766,511]			
	SUBTOTAL UNDISTRIBUTED		-3,868,111			

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)						
Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	9,757,326	6,074,315	9,760,226	43,542	9,800,868
	OPERATION & MAINTENANCE, AF RESERVE					
	OPERATING FORCES					
030	DEPOT MAINTENANCE	51,086	51,086	51,086		51,086
050	BASE SUPPORT	6,500	6,500	6,500		6,500
	SUBTOTAL OPERATING FORCES	57,586	57,586	57,586		57,586
	UNDISTRIBUTED					
110	UNDISTRIBUTED		-22,788			
	Excessive standard price for fuel		[-100]			
	Prorated OCO allocation in support of base readiness requirements		[-22,688]			
	SUBTOTAL UNDISTRIBUTED		-22,788			
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	57,586	34,798	57,586		57,586
	OPERATION & MAINTENANCE, ANG					
	OPERATING FORCES					
020	MISSION SUPPORT OPERATIONS	3,400	3,400	3,400		3,400
050	BASE SUPPORT	16,600	16,600	16,600		16,600
	SUBTOTAL OPERATING FORCES	20,000	20,000	20,000		20,000
	UNDISTRIBUTED					
080	UNDISTRIBUTED		-7,880			
	Prorated OCO allocation in support of base readiness requirements		[-7,880]			
	SUBTOTAL UNDISTRIBUTED		-7,880			

	TOTAL OPERATION & MAINTENANCE, ANG	20,000	12,120	20,000		20,000
	OPERATION & MAINTENANCE, DEFENSE-WIDE					
	OPERATING FORCES					
010	JOINT CHIEFS OF STAFF		10,000		10,000	10,000
	Enhancing exercise of DCA aircraft		[10,000]		[10,000]	
030	SPECIAL OPERATIONS COMMAND/OPERATING FORCES	2,853,363	3,022,963	2,853,363		2,853,363
	Operational support for deployed end strength of 9,800 in Afghanistan		[169,600]			
	SUBTOTAL OPERATING FORCES	2,853,363	3,032,963	2,853,363	10,000	2,863,363
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES					
100	DEFENSE CONTRACT AUDIT AGENCY	13,436	13,436	13,436		13,436
110	DEFENSE CONTRACT MANAGEMENT AGENCY	13,564	13,564	13,564		13,564
130	DEFENSE INFORMATION SYSTEMS AGENCY	34,299	34,299	34,299		34,299
150	DEFENSE LEGAL SERVICES AGENCY	111,986	111,986	111,986		111,986
170	DEFENSE MEDIA ACTIVITY	13,317	13,317	13,317		13,317
190	DEFENSE SECURITY COOPERATION AGENCY	1,412,000	1,412,000	312,000	750,000	2,162,000
	Reduction to Coalition Support Funds			[−100,000]		
	Transfer from Counterterrorism Partnership Fund				[750,000]	
	Transfer to Counter-ISIL Fund			[−180,000]		
	Transfer to Security Cooperation Enhancement Fund			[−820,000]		
260	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	67,000	67,000	67,000		67,000
300	OFFICE OF THE SECRETARY OF DEFENSE	31,106	31,106	31,106		31,106
320	WASHINGTON HEADQUARTERS SERVICES	3,137	3,137	3,137		3,137
330	CLASSIFIED PROGRAMS	1,803,880	1,803,880	1,803,880		1,803,880
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	3,503,725	3,503,725	2,403,725	750,000	4,253,725
	UNDISTRIBUTED					
340	UNDISTRIBUTED		−2,418,878			
	Excessive standard price for fuel		[−6,800]			
	Operational support for deployed end strength of 9,800 in Afghanistan		[1,000]			

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)						
Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	Prorated OCO allocation in support of base readiness requirements		[-2,413,078]			
	SUBTOTAL UNDISTRIBUTED		-2,418,878			
	TOTAL OPERATION & MAINTENANCE, DEFENSE-WIDE	6,357,088	4,117,810	5,257,088	760,000	7,117,088
	TOTAL OPERATION & MAINTENANCE	44,957,903	29,726,912	44,240,803	558,542	45,516,445

SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS.

SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS (In Thousands of Dollars)						
Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
OPERATION & MAINTENANCE, ARMY						
OPERATING FORCES						
010	MANEUVER UNITS	317,093	367,093	317,093		317,093
	Army unfunded requirement—Improve training from BN+ to BCT-		[50,000]			
020	MODULAR SUPPORT BRIGADES	5,904	5,904	5,904		5,904
030	ECHELONS ABOVE BRIGADE	38,614	38,614	38,614		38,614
040	THEATER LEVEL ASSETS	8,361	8,361	8,361		8,361
050	LAND FORCES OPERATIONS SUPPORT	279,072	279,072	279,072		279,072
060	AVIATION ASSETS	106,424	206,924	106,424		106,424
	Army unfunded requirement—Meet air readiness targets		[68,000]			
	Increase to support ARI—Eleventh CAB		[32,500]			
070	FORCE READINESS OPERATIONS SUPPORT	253,533	253,533	253,533		253,533
090	LAND FORCES DEPOT MAINTENANCE	350,000	350,000	350,000		350,000
100	BASE OPERATIONS SUPPORT		22,100			0
	Increase to support ARI—Eleventh CAB		[22,100]			
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		922,000		113,800	113,800
	Increase Restoration & Modernization funding		[494,900]		[113,800]	
	Restore Sustainment shortfalls		[427,100]			
140	ADDITIONAL ACTIVITIES	11,200	11,200	11,200		11,200
	SUBTOTAL OPERATING FORCES	1,370,201	2,464,801	1,370,201	113,800	1,484,001
TRAINING AND RECRUITING						
250	SPECIALIZED SKILL TRAINING	3,565	3,565	3,565		3,565
260	FLIGHT TRAINING		42,934			0

SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS (In Thousands of Dollars)						
Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	Army unfunded requirement—Ensure AVN restructure initiative execution		[5,405]			
	Army unfunded requirement—Increase student workload for additional warrant officers		[31,125]			
	Army unfunded requirement—Train full ARPINT load of 990		[6,404]			
270	PROFESSIONAL DEVELOPMENT EDUCATION	9,021	40,621	9,021		9,021
	Military Training and PME		[31,600]			
280	TRAINING SUPPORT	2,434	2,434	2,434		2,434
290	RECRUITING AND ADVERTISING		356,500		284,800	284,800
	Recruiting and Advertising Add		[356,500]		[284,800]	
320	CIVILIAN EDUCATION AND TRAINING	1,254	1,254	1,254		1,254
	SUBTOTAL TRAINING AND RECRUITING	16,274	447,308	16,274	284,800	301,074
	ADMIN & SRVWIDE ACTIVITIES					
350	SERVICEWIDE TRANSPORTATION	200,000	265,000	200,000		200,000
	Army unfunded requirement—Restore critical shortfalls		[65,000]			
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	200,000	265,000	200,000		200,000
	UNDISTRIBUTED					
540	UNDISTRIBUTED		704,300		563,400	563,400
	Additional funding to support increase in Army end strength		[704,300]		[563,400]	
	SUBTOTAL UNDISTRIBUTED		704,300		563,400	563,400
	TOTAL OPERATION & MAINTENANCE, ARMY	1,586,475	3,881,409	1,586,475	962,000	2,548,475
	OPERATION & MAINTENANCE, ARMY RES OPERATING FORCES					

010	MODULAR SUPPORT BRIGADES	708	708	708	708
020	ECHELONS ABOVE BRIGADE	8,570	28,570	8,570	8,570
	Army unfunded requirement—Improve training from PLT to CO proficiency		[20,000]		
030	THEATER LEVEL ASSETS	375	375	375	375
040	LAND FORCES OPERATIONS SUPPORT	13	13	13	13
050	AVIATION ASSETS	608	608	608	608
060	FORCE READINESS OPERATIONS SUPPORT	4,285	4,285	4,285	4,285
100	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		97,500		13,100
	Increase Restoration & Modernization funding		[57,100]		[13,100]
	Restore Sustainment shortfalls		[40,400]		
	SUBTOTAL OPERATING FORCES	14,559	132,059	14,559	13,100
					27,659
	UNDISTRIBUTED				
180	UNDISTRIBUTED		103,400		82,700
	Additional funding to support increase in Army Reserve end strength		[103,400]		[82,700]
	SUBTOTAL UNDISTRIBUTED		103,400		82,700
	TOTAL OPERATION & MAINTENANCE, ARMY RES	14,559	235,459	14,559	95,800
					110,359
	OPERATION & MAINTENANCE, ARNG				
	OPERATING FORCES				
010	MANEUVER UNITS	5,585	5,585	5,585	5,585
030	ECHELONS ABOVE BRIGADE	28,956	28,956	28,956	28,956
040	THEATER LEVEL ASSETS	10,272	10,272	10,272	10,272
060	AVIATION ASSETS	5,621	51,621	5,621	5,621
	Increase to support ARI		[46,000]		
070	FORCE READINESS OPERATIONS SUPPORT	9,694	9,694	9,694	9,694
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		121,000		1,500
	Increase Restoration & Modernization funding		[16,800]		[1,500]
	Restore Sustainment shortfalls		[104,200]		

SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS (In Thousands of Dollars)						
Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	SUBTOTAL OPERATING FORCES	60,128	227,128	60,128	1,500	61,628
	UNDISTRIBUTED					
190	UNDISTRIBUTED		159,100		127,300	127,300
	Additional funding to support increase in Army National Guard end strength		[159,100]		[127,300]	
	SUBTOTAL UNDISTRIBUTED		159,100		127,300	127,300
	TOTAL OPERATION & MAINTENANCE, ARNG	60,128	386,228	60,128	128,800	188,928
	OPERATION & MAINTENANCE, NAVY					
	OPERATING FORCES					
010	MISSION AND OTHER FLIGHT OPERATIONS	500,000	556,520	500,000		500,000
	Carrier Air Wing Restoration		[56,520]			
020	FLEET AIR TRAINING		23,020			0
	Carrier Air Wing Restoration		[23,020]			
050	AIR SYSTEMS SUPPORT		6,500			0
	Marine Corps unfunded requirement—accelerate readiness - H-1		[5,300]			
	Marine Corps unfunded requirement—accelerate readiness - MV-22B		[1,200]			
060	AIRCRAFT DEPOT MAINTENANCE		36,000			0
	Carrier Air Wing Restoration		[6,000]			
	Navy unfunded requirement—Improve Afloat Readiness		[30,000]			
080	AVIATION LOGISTICS		33,500			0
	Marine Corps unfunded requirement—accelerate readiness - KC-130J		[6,800]			

	Marine Corps unfunded requirement—accelerate readiness - MV-22B		[10,700]			
	Navy unfunded requirement—Improve Afloat Readiness		[16,000]			
090	MISSION AND OTHER SHIP OPERATIONS		348,200			0
	Cruiser Modernization		[90,200]			
	Navy unfunded requirement—Improve Afloat Readiness		[158,000]			
	Navy unfunded requirement—Restore 3 CG Deployments		[41,000]			
	Navy unfunded requirement—Reverse PONCE (LPD-15) Inactivation		[59,000]			
100	SHIP OPERATIONS SUPPORT & TRAINING		19,700			0
	Navy unfunded requirement—Restore Fleet Training		[19,700]			
110	SHIP DEPOT MAINTENANCE	775,000	1,084,100	775,000		775,000
	Cruiser Modernization		[71,100]			
	Navy unfunded requirement—Ship Depot Wholeness		[238,000]			
120	SHIP DEPOT OPERATIONS SUPPORT		79,000			0
	Navy unfunded requirement—Increase Afloat Readiness		[79,000]			
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	19,270	408,470	19,270	26,100	45,370
	Increase Restoration & Modernization funding		[113,600]		[26,100]	
	Restore Sustainment shortfalls		[275,600]			
300	BASE OPERATING SUPPORT	158,032	158,032	158,032		158,032
	SUBTOTAL OPERATING FORCES	1,452,302	2,753,042	1,452,302	26,100	1,478,402
	MOBILIZATION					
350	EXPEDITIONARY HEALTH SERVICES SYSTEMS	3,597	3,597	3,597		3,597
	SUBTOTAL MOBILIZATION	3,597	3,597	3,597		3,597
	ADMIN & SRVWD ACTIVITIES					
540	SERVICEWIDE COMMUNICATIONS	25,617	25,617	25,617		25,617
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	25,617	25,617	25,617		25,617
	TOTAL OPERATION & MAINTENANCE, NAVY	1,481,516	2,782,256	1,481,516	26,100	1,507,616

SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS (In Thousands of Dollars)						
Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
OPERATION & MAINTENANCE, MARINE CORPS						
OPERATING FORCES						
010	OPERATIONAL FORCES	300,000	322,000	300,000		300,000
	Marine Corps unfunded requirement- enhanced combat helmets		[22,000]			
020	FIELD LOGISTICS		21,450			0
	Marine Corps unfunded requirement- rifle combat optic moderniza- tion		[13,200]			
	Marine Corps unfunded requirement- SPMAGTF—C4 UUNS		[8,250]			
050	SUSTAINMENT, RESTORATION & MODERNIZATION		145,600		7,200	7,200
	Increase Restoration & Modernization funding		[31,400]		[7,200]	
	Restore Sustainment shortfalls		[114,200]			
	SUBTOTAL OPERATING FORCES	300,000	489,050	300,000	7,200	307,200
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	300,000	489,050	300,000	7,200	307,200
OPERATION & MAINTENANCE, NAVY RES						
OPERATING FORCES						
030	AIRCRAFT DEPOT MAINTENANCE		4,000			0
	Navy unfunded requirement—Improve Afloat Readiness		[4,000]			
070	SHIP OPERATIONS SUPPORT & TRAINING		300			0
	Navy unfunded requirement—Restore Fleet Training		[300]			
130	SUSTAINMENT, RESTORATION AND MODERNIZATION		7,800		500	500
	Increase Restoration & Modernization funding		[2,100]		[500]	
	Restore Sustainment shortfalls		[5,700]			
	SUBTOTAL OPERATING FORCES		12,100		500	500
	TOTAL OPERATION & MAINTENANCE, NAVY RES		12,100		500	500

OPERATION & MAINTENANCE, MC RESERVE					
OPERATING FORCES					
030	SUSTAINMENT, RESTORATION AND MODERNIZATION		7,700	1,000	1,000
	Increase Restoration & Modernization funding		[4,300]	[1,000]	
	Restore Sustainment shortfalls		[3,400]		
	SUBTOTAL OPERATING FORCES		7,700	1,000	1,000
	TOTAL OPERATION & MAINTENANCE, MC RESERVE		7,700	1,000	1,000
OPERATION & MAINTENANCE, AIR FORCE					
OPERATING FORCES					
040	DEPOT MAINTENANCE	124,000	447,576	124,000	124,000
	Air Force unfunded requirement—Weapons System Sustainment		[323,576]		
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		407,900	32,900	32,900
	Increase Restoration & Modernization funding		[142,900]	[32,900]	
	Restore Sustainment shortfalls		[265,000]		
070	GLOBAL C3I AND EARLY WARNING		40,000		0
	Air Force unfunded requirement—Ground Based Radars		[40,000]		
	SUBTOTAL OPERATING FORCES	124,000	895,476	124,000	156,900
MOBILIZATION					
160	DEPOT MAINTENANCE		66,424		0
	Air Force unfunded requirement—Weapons System Sustainment		[66,424]		
170	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		63,600	5,100	5,100
	Increase Restoration & Modernization funding		[22,300]	[5,100]	
	Restore Sustainment shortfalls		[41,300]		
	SUBTOTAL MOBILIZATION		130,024	5,100	5,100
TRAINING AND RECRUITING					
220	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		58,200	4,700	4,700
	Increase Restoration & Modernization funding		[20,400]	[4,700]	

SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS (In Thousands of Dollars)						
Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	Restore Sustainment shortfalls		[37,800]			
	SUBTOTAL TRAINING AND RECRUITING		58,200		4,700	4,700
	ADMIN & SRVWD ACTIVITIES					
370	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		79,000		6,400	6,400
	Increase Restoration & Modernization funding		[27,700]		[6,400]	
	Restore Sustainment shortfalls		[51,300]			
	SUBTOTAL ADMIN & SRVWD ACTIVITIES		79,000		6,400	6,400
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	124,000	1,162,700	124,000	49,100	173,100
	OPERATION & MAINTENANCE, AF RESERVE					
	OPERATING FORCES					
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		20,500		1,600	1,600
	Increase Restoration & Modernization funding		[7,100]		[1,600]	
	Restore Sustainment shortfalls		[13,400]			
	SUBTOTAL OPERATING FORCES		20,500		1,600	1,600
	TOTAL OPERATION & MAINTENANCE, AF RESERVE		20,500		1,600	1,600
	OPERATION & MAINTENANCE, ANG					
	OPERATING FORCES					
030	DEPOT MAINTENANCE		40,000			0
	Air Force unfunded requirement—Weapons System Sustainment		[40,000]			
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		64,500		4,300	4,300
	Increase Restoration & Modernization funding		[18,900]		[4,300]	
	Restore Sustainment shortfalls		[45,600]			

	SUBTOTAL OPERATING FORCES		104,500		4,300	4,300
	ADMINISTRATION AND SERVICE-WIDE ACTIVITIES					
070	RECRUITING AND ADVERTISING		67,000			0
	Air Force unfunded requirement		[67,000]			
	SUBTOTAL ADMINISTRATION AND SERVICE-WIDE ACTIVITIES		67,000			0
	TOTAL OPERATION & MAINTENANCE, ANG		171,500		4,300	4,300
	OPERATION & MAINTENANCE, DEFENSE-WIDE					
	OPERATING FORCES					
030	SPECIAL OPERATIONS COMMAND/OPERATING FORCES	14,344	14,344	14,344		14,344
	SUBTOTAL OPERATING FORCES	14,344	14,344	14,344		14,344
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES					
130	DEFENSE INFORMATION SYSTEMS AGENCY	14,700	14,700	14,700		14,700
330	CLASSIFIED PROGRAMS	9,000	9,000	9,000		9,000
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	23,700	23,700	23,700		23,700
	TOTAL OPERATION & MAINTENANCE, DEFENSE-WIDE	38,044	38,044	38,044		38,044
	TOTAL OPERATION & MAINTENANCE	3,604,722	9,186,946	3,604,722	1,276,400	4,881,122

TITLE XLIV—MILITARY PERSONNEL

SEC. 4401. MILITARY PERSONNEL.

SEC. 4401. MILITARY PERSONNEL (In Thousands of Dollars)					
Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Military Personnel Appropriations	128,902,332	-419,418	-1,250,890	-699,768	128,202,564
Military Personnel Pay Raise				[330,000]	
Marine Corps—Bonus Pay/PCS Resotral/Foreign Language Bonus				[49,000]	
Foreign currency adjustments		[-200,400]	[-72,940]	[-200,400]	
Historical unobligated balances		[-248,700]	[-880,450]	[-880,050]	
National Guard State Partnership Program, Army, Special Training		[841]		[841]	
National Guard State Partnership Program, Air Force, Special Training		[841]		[841]	
Prohibition on Per Diem Allowance Reduction		[28,000]			
Defense Officer Personnel Management Act reforms			[100,000]		
Non-adoption of Air Force Pilot Bonus Increase			[-2,500]		
Non-adoption of DOD retirement reforms			[-400,000]		
Rural Guard Act			[5,000]		
Medicare-Eligible Retiree Health Fund Contributions	6,366,908	0	0	0	6,366,908
Total, Military Personnel	135,269,240	-419,418	-1,250,890	-699,768	134,569,472

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)						
Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized	
Military Personnel Appropriations	3,644,161	-1,299,721	0	0	3,644,161	
Maintain end strength of 9,800 in Afghanistan		[130,300]				
Prorated OCO allocation in support of base readiness requirements		[-1,430,021]				
Total, Military Personnel Appropriations	3,644,161	-1,299,721	0	0	3,644,161	

SEC. 4403. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS.

SEC. 4403. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Military Personnel Appropriations	62,965	2,509,750	0	1,287,500	1,350,465
Fund Active Army End Strength to 476k		[1,123,500]		[719,000]	
Fund Army National Guard End Strength to 343k		[303,700]		[129,600]	
Fund Army Reserves End Strength to 199k		[166,650]		[53,300]	
Fund Active Navy End Strength to 323.9k		[65,300]		[29,600]	
Fund Active Air Force End Strength to 321k		[145,000]		[116,000]	
Fund Active Marine Corps End Strength to 185k		[300,000]		[240,000]	
Military Personnel Pay Raise		[330,000]			
Marine Corps—Bonus Pay/PCS Resotral/Foreign Language Bonus		[75,600]			
Medicare-Eligible Retiree Health Fund Contributions	0	49,900	0	0	0
Increase associated with additional end strength		[49,900]			
Total, Military Personnel	62,965	2,559,650	0	1,287,500	1,350,465

TITLE XLV—OTHER AUTHORIZATIONS

SEC. 4501. OTHER AUTHORIZATIONS.

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)					
Program Title	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
WORKING CAPITAL FUND, ARMY					
SUPPLY MANAGEMENT—ARMY	56,469	56,469	56,469		56,469
TOTAL WORKING CAPITAL FUND, ARMY	56,469	56,469	56,469		56,469
WORKING CAPITAL FUND, AIR FORCE					
SUPPLIES AND MATERIALS	63,967	63,967	63,967		63,967
TOTAL WORKING CAPITAL FUND, AIR FORCE	63,967	63,967	63,967		63,967
WORKING CAPITAL FUND, DEFENSE-WIDE					
SUPPLY CHAIN MANAGEMENT—DEF	37,132	37,132	37,132		37,132
TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	37,132	37,132	37,132		37,132
WORKING CAPITAL FUND, DECA					
COMMISSARY	1,214,045	1,214,045	1,214,045		1,214,045
TOTAL WORKING CAPITAL FUND, DECA	1,214,045	1,214,045	1,214,045		1,214,045
NATIONAL DEFENSE SEALIFT FUND					
NATIONAL DEF SEALIFT VESSEL		85,000			
National Security Multi-Mission Vehicle		[85,000]			
TOTAL NATIONAL DEFENSE SEALIFT FUND		85,000			

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)					
Program Title	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
NATIONAL SEA-BASED DETERRENCE FUND					
DEVELOPMENT		773,138			
Realignment of funds to the National Sea-Based Deterrence Fund		[773,138]			
TOTAL NATIONAL SEA-BASED DETERRENCE FUND		773,138			
CHEM AGENTS & MUNITIONS DESTRUCTION					
OPERATION & MAINTENANCE	147,282	147,282	147,282		147,282
RDT&E	388,609	388,609	388,609		388,609
PROCUREMENT	15,132	15,132	15,132		15,132
TOTAL CHEM AGENTS & MUNITIONS DESTRUCTION	551,023	551,023	551,023		551,023
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF					
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	730,087	793,087	471,787	-125,000	605,087
Counter narcotics operations		[3,000]			
National Guard counter-drug programs		[30,000]			
SOUTHCOM Operational Support		[30,000]			
Transfer to Defense Security Cooperation Agency			[-258,300]	[-125,000]	
DRUG DEMAND REDUCTION PROGRAM	114,713	114,713	114,713		114,713
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	844,800	907,800	586,500	-125,000	719,800
OFFICE OF THE INSPECTOR GENERAL					
OPERATION AND MAINTENANCE	318,882	318,882	311,582		318,882
Audit FTE unjustified growth			[-7,300]		
RDT&E	3,153	3,153	3,153		3,153
TOTAL OFFICE OF THE INSPECTOR GENERAL	322,035	322,035	314,735		322,035
DEFENSE HEALTH PROGRAM					

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OPERATION & MAINTENANCE

IN-HOUSE CARE	9,240,160	9,240,160	9,240,160	9,240,160
PRIVATE SECTOR CARE	15,738,759	15,738,759	15,738,759	15,738,759
CONSOLIDATED HEALTH SUPPORT	2,367,759	2,367,759	2,367,759	2,367,759
INFORMATION MANAGEMENT	1,743,749	1,743,749	1,743,749	1,743,749
MANAGEMENT ACTIVITIES	311,380	311,380	311,380	311,380
EDUCATION AND TRAINING	743,231	743,231	743,231	743,231
BASE OPERATIONS/COMMUNICATIONS	2,086,352	2,086,352	2,086,352	2,086,352
SUBTOTAL OPERATION & MAINTENANCE	32,231,390	32,231,390	32,231,390	32,231,390

RDT&E

RESEARCH	9,097	9,097	9,097	9,097
EXPLORATORY DEVELOPMENT	58,517	58,517	58,517	58,517
ADVANCED DEVELOPMENT	221,226	221,226	221,226	221,226
DEMONSTRATION/VALIDATION	96,602	96,602	96,602	96,602
ENGINEERING DEVELOPMENT	364,057	364,057	364,057	364,057
MANAGEMENT AND SUPPORT	58,410	58,410	58,410	58,410
CAPABILITIES ENHANCEMENT	14,998	14,998	14,998	14,998
SUBTOTAL RDT&E	822,907	822,907	822,907	822,907

PROCUREMENT

INITIAL OUTFITTING	20,611	20,611	20,611	20,611
REPLACEMENT & MODERNIZATION	360,727	360,727	360,727	360,727
JOINT OPERATIONAL MEDICINE INFORMATION SYSTEM	2,413	2,413	2,413	2,413
DOD HEALTHCARE MANAGEMENT SYSTEM MODERNIZATION	29,468	29,468	29,468	29,468
SUBTOTAL PROCUREMENT	413,219	413,219	413,219	413,219

UNDISTRIBUTED

Foreign Currency adjustments		[-20,400]	[-6,470]	
Historical unobligated balances		[-399,100]		[-399,100]
Incorporation of value-based health care into TRICARE program			[24,500]	
Pilot program on health insurance for reserve component members			[20,000]	

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)					
Program Title	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Reduction for unauthorized fertility treatment benefits			[-38,000]		
Reduction for unjustified travel expenses			[-6,500]	[-6,500]	
Reimbursement rates for Comprehensive Autism Care Demonstration program			[40,000]	[32,000]	
TRICARE reform implementation			[400,000]		
SUBTOTAL UNDISTRIBUTED		-419,500	433,530	-373,600	-373,600
TOTAL DEFENSE HEALTH PROGRAM	33,467,516	33,048,016	33,901,046	-373,600	33,093,916
SECURITY COOPERATION ENHANCEMENT FUND (SCEF)					
Transfer from Drug Interdiction and Counter-Drug Activities			[258,300]		
Transfer of Combatting Terrorism Fellowship Program			[26,800]		
Transfer of Defense Institute of International Legal Studies			[2,600]		
Transfer of Defense Institution Reform Initiative			[25,600]		
Transfer of Global Train and Equip Program			[270,200]		
Transfer of Ministry of Defense Advisors			[9,200]		
Transfer of Regional Centers			[58,600]		
Transfer of Wales Initiative Fund/Partnership for Peace			[21,800]		
TOTAL SECURITY COOPERATION ENHANCEMENT FUND (SCEF)			673,100		
TOTAL OTHER AUTHORIZATIONS	36,556,987	37,058,625	37,398,017	-498,600	36,058,387

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)					
Program Title	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
WORKING CAPITAL FUND, ARMY					
INDUSTRIAL OPERATIONS					
SUPPLY MANAGEMENT—ARMY	46,833	46,833	46,833		46,833
UNDISTRIBUTED		-18,452			
Prorated OCO allocation in support of base readiness requirements		[-18,452]			
TOTAL WORKING CAPITAL FUND, ARMY	46,833	28,381	46,833		46,833
WORKING CAPITAL FUND, DEFENSE-WIDE					
DEFENSE LOGISTICS AGENCY (DLA)	93,800	93,800	93,800		93,800
UNDISTRIBUTED		-36,956			
Prorated OCO allocation in support of base readiness requirements		[-36,956]			
TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	93,800	56,844	93,800		93,800
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF					
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	191,533	191,533	191,533		191,533
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	191,533	191,533	191,533		191,533
OFFICE OF THE INSPECTOR GENERAL					
OPERATION AND MAINTENANCE	22,062	22,062	22,062		22,062
TOTAL OFFICE OF THE INSPECTOR GENERAL	22,062	22,062	22,062		22,062
DEFENSE HEALTH PROGRAM					
OPERATION AND MAINTENANCE					
IN-HOUSE CARE	95,366	95,366	95,366		95,366

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Program Title	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
PRIVATE SECTOR CARE	235,620	235,620	235,620		235,620
CONSOLIDATED HEALTH SUPPORT	3,325	3,325	3,325		3,325
SUBTOTAL OPERATION AND MAINTENANCE	334,311	334,311	334,311		334,311
UNDISTRIBUTED					
Prorated OCO allocation in support of base readiness requirements		[-130,711]			
SUBTOTAL UNDISTRIBUTED		-130,711			
TOTAL DEFENSE HEALTH PROGRAM	334,311	203,600	334,311		334,311
UKRAINE SECURITY ASSISTANCE					
UKRAINE SECURITY ASSISTANCE		150,000	350,000	350,000	350,000
Program increase		[150,000]	[350,000]	[350,000]	
TOTAL UKRAINE SECURITY ASSISTANCE		150,000	350,000	350,000	350,000
COUNTERTERRORISM PARTNERSHIPS FUND					
COUNTERTERRORISM PARTNERSHIPS FUND	1,000,000	750,000		-1,000,000	
Ahead of need			[-150,000]		
Program decrease		[-250,000]		[-250,000]	
Transfer to Counter-ISIL Fund			[-200,000]	[-750,000]	
Transfer to Security Cooperation Enhancement Fund			[-650,000]		
TOTAL COUNTERTERRORISM PARTNERSHIPS FUND	1,000,000	750,000		-1,000,000	
SECURITY COOPERATION ENHANCEMENT FUND (SCEF)					
SECURITY COOPERATION ENHANCEMENT FUND (SCEF)			1,470,000		
Transfer from Coalition Support Fund			[820,000]		
Transfer from Counterterrorism Partnership Fund			[650,000]		

TOTAL SECURITY COOPERATION ENHANCEMENT FUND (SCEF)			1,470,000		
TOTAL OTHER AUTHORIZATIONS	1,688,539	1,402,420	2,508,539	-650,000	1,038,539

SEC. 4503. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS.

SEC. 4503. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS (In Thousands of Dollars)					
Program Title	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF					
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEF	23,800	23,800	23,800		23,800
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	23,800	23,800	23,800		23,800
TOTAL OTHER AUTHORIZATIONS	23,800	23,800	23,800		23,800

TITLE XLVI—MILITARY CONSTRUCTION

SEC. 4601. MILITARY CONSTRUCTION.

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)								
Account	State/ Country	Installation	Project Title	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Army	ALASKA	Fort Wainwright	Unmanned Aerial Vehicle Hangar	47,000	47,000	47,000		47,000
Army	CALIFORNIA	Concord	Access Control Point	12,600	12,600	12,600		12,600
Army	COLORADO	Fort Carson	Automated Infantry Platoon Battle Course	8,100	8,100	8,100		8,100
Army	COLORADO	Fort Carson	Unmanned Aerial Vehicle Hangar	5,000	5,000	5,000		5,000
Army	CUBA	Guantanamo Bay	Guantanamo Bay Naval Station Migration Complex	33,000	33,000	0		33,000
Army	GEORGIA	Fort Gordon	Access Control Point	0	29,000	0		0
Army	GEORGIA	Fort Gordon	Company Operations Facility	0	10,600	10,600	10,600	10,600
Army	GEORGIA	Fort Gordon	Cyber Protection Team Ops Facility	90,000	90,000	90,000		90,000
Army	GEORGIA	Fort Stewart	Automated Qualification/Training Range	14,800	14,800	14,800		14,800
Army	GERMANY	East Camp Grafenwoehr	Training Support Center	22,000	22,000	22,000		22,000
Army	GERMANY	Garmisch	Dining Facility	9,600	9,600	9,600		9,600
Army	GERMANY	Wiesbaden Army Airfield	Controlled Humidity Warehouse	16,500	16,500	16,500		16,500
Army	GERMANY	Wiesbaden Army Airfield	Hazardous Material Storage Building	2,700	2,700	2,700		2,700
Army	HAWAII	Fort Shafter	Command and Control Facility, Incr 2	40,000	40,000	40,000		40,000
Army	MISSOURI	Fort Leonard Wood	Fire Station	0	6,900	0	6,900	6,900
Army	TEXAS	Fort Hood	Automated Infantry Platoon Battle Course	7,600	7,600	7,600		7,600
Army	UTAH	Camp Williams	Live Fire Exercise Shoothouse	7,400	7,400	7,400		7,400
Army	VIRGINIA	Fort Belvoir	Secure Admin/Operations Facility, Incr 2	64,000	64,000	64,000		64,000
Army	VIRGINIA	Fort Belvoir	Vehicle Maintenance Shop	0	23,000	0	23,000	23,000
Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Host Nation Support FY17	18,000	18,000	18,000		18,000
Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Minor Construction FY17	25,000	25,000	25,000	10,000	35,000

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)								
Account	State/ Country	Installation	Project Title	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Planning and Design FY17	80,159	80,159	80,159		80,159
Military Construction, Army Total				503,459	572,959	481,059	50,500	553,959
Navy	ARIZONA	Yuma	VMX-22 Maintenance Hangar	48,355	48,355	48,355		48,355
Navy	CALIFORNIA	Coronado	Coastal Campus Entry Control Point	13,044	13,044	13,044		13,044
Navy	CALIFORNIA	Coronado	Coastal Campus Utilities Infrastructure	81,104	81,104	81,104		81,104
Navy	CALIFORNIA	Coronado	Grace Hopper Data Center Power Upgrades	10,353	10,353	10,353		10,353
Navy	CALIFORNIA	Lemoore	F-35C Engine Repair Facility	26,723	26,723	26,723		26,723
Navy	CALIFORNIA	Miramar	Aircraft Maintenance Hangar, Incr 1	0	79,399	0	79,399	79,399
Navy	CALIFORNIA	Miramar	Communications Complex & Infrastructure Upgrade	0	34,700	34,700	34,700	34,700
Navy	CALIFORNIA	Miramar	F-35 Aircraft Parking Apron	0	40,000	40,000	40,000	40,000
Navy	CALIFORNIA	San Diego	Energy Security Hospital Microgrid	6,183	0	0	-6,183	0
Navy	CALIFORNIA	Seal Beach	Missile Magazines	21,007	21,007	21,007		21,007
Navy	FLORIDA	Eglin AFB	WMD Field Training Facilities	20,489	20,489	20,489		20,489
Navy	FLORIDA	Mayport NS	Advanced Wastewater Treatment Plant	0	66,000	0		0
Navy	FLORIDA	Pensacola	A-School Dormitory	0	53,000	0		0
Navy	GUAM	Joint Region Marianas	Hardening of Guam POL Infrastructure	26,975	26,975	26,975		26,975
Navy	GUAM	Joint Region Marianas	Power Upgrade—Harmon	62,210	62,210	62,210		62,210
Navy	HAWAII	Barking Sands	Upgrade Power Plant & Electrical Distrib Sys	43,384	43,384	43,384		43,384
Navy	HAWAII	Kaneohe Bay	Regimental Consolidated Comm/Elec Facility	72,565	72,565	72,565		72,565
Navy	JAPAN	Kadena AB	Aircraft Maintenance Complex	26,489	26,489	26,489		26,489
Navy	JAPAN	Sasebo	Shore Power (Juliet Pier)	16,420	16,420	16,420		16,420
Navy	MAINE	Kittery	Unaccompanied Housing	17,773	17,773	17,773		17,773
Navy	MAINE	Kittery	Utility Improvements for Nuclear Platforms	30,119	30,119	30,119		30,119
Navy	MARYLAND	Patuxent River	UCLASS RDT&E Hangar	40,576	40,576	40,576		40,576
Navy	NEVADA	Fallon	Air Wing Simulator Facility	13,523	13,523	13,523		13,523
Navy	NORTH CAROLINA	Camp Lejeune	Range Facilities Safety Improvements	18,482	18,482	18,482		18,482
Navy	NORTH CAROLINA	Cherry Point	Central Heating Plant Conversion	12,515	12,515	12,515		12,515
Navy	SOUTH CAROLINA	Beaufort	Aircraft Maintenance Hangar	83,490	83,490	83,490		83,490

Navy	SOUTH CAROLINA	Parris Island	Recruit Reconditioning Center & Barracks	29,882	29,882	29,882		29,882
Navy	SPAIN	Rota	Communication Station	23,607	23,607	23,607		23,607
Navy	VIRGINIA	Norfolk	Chambers Field Magazine Recap Ph I	0	27,000	27,000	27,000	27,000
Navy	WASHINGTON	Bangor	SEAWOLF Class Service Pier	0	73,000	0	73,000	73,000
Navy	WASHINGTON	Bangor	Service Pier Electrical Upgrades	18,939	18,939	18,939		18,939
Navy	WASHINGTON	Bangor	Submarine Refit Maint Support Facility	21,476	21,476	21,476		21,476
Navy	WASHINGTON	Bremerton	Nuclear Repair Facility	6,704	6,704	6,704		6,704
Navy	WASHINGTON	Whidbey Island	EA-18G Maintenance Hangar	45,501	45,501	45,501		45,501
Navy	WASHINGTON	Whidbey Island	Triton Mission Control Facility	30,475	30,475	30,475		30,475
Navy	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Planning and Design	88,230	88,230	88,230		88,230
Navy	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Unspecified Minor Construction	29,790	29,790	29,790		29,790
Navy	WORLDWIDE UN-SPECIFIED	Various Worldwide Locations	Triton Forward Operating Base Hangar	41,380	41,380	41,380		41,380
Military Construction, Navy Total				1,027,763	1,394,679	1,123,280	247,916	1,275,679
AF	ALABAMA	Maxwell AFB	JAG School Expansion	0	0	0	15,500	15,500
AF	ALASKA	Clear AFS	Fire Station	20,000	20,000	20,000		20,000
AF	ALASKA	Eielson AFB	F-35A ADAL Field Training Detachment Fac	22,100	22,100	22,100		22,100
AF	ALASKA	Eielson AFB	F-35A Aircraft Weather Shelter (Sqd 2)	82,300	0	82,300		82,300
AF	ALASKA	Eielson AFB	F-35A Aircraft Weather Shelters (Sqd 1)	79,500	79,500	79,500		79,500
AF	ALASKA	Eielson AFB	F-35A Earth Covered Magazines	11,300	11,300	11,300		11,300
AF	ALASKA	Eielson AFB	F-35A Hangar/Propulsion MX/Dispatch	44,900	44,900	44,900		44,900
AF	ALASKA	Eielson AFB	F-35A Hangar/Squad Ops/AMU Sq #2	42,700	42,700	42,700		42,700
AF	ALASKA	Eielson AFB	F-35A Missile Maintenance Facility	12,800	12,800	12,800		12,800
AF	ALASKA	Joint Base Elmendorf-Richardson	Add/Alter AWACS Alert Hangar	29,000	29,000	29,000		29,000
AF	ARIZONA	Luke AFB	F-35A Squad Ops/Aircraft Maint Unit #5	20,000	20,000	20,000		20,000
AF	AUSTRALIA	Darwin	APR—Aircraft MX Support Facility	1,800	1,800	1,800		1,800
AF	AUSTRALIA	Darwin	APR—Expand Parking Apron	28,600	28,600	28,600		28,600
AF	CALIFORNIA	Edwards AFB	Flightline Fire Station	24,000	24,000	24,000		24,000
AF	COLORADO	Buckley AFB	Small Arms Range Complex	13,500	13,500	13,500		13,500
AF	DELAWARE	Dover AFB	Aircraft Maintenance Hangar	39,000	39,000	39,000		39,000
AF	FLORIDA	Eglin AFB	Advanced Munitions Technology Complex	75,000	75,000	75,000		75,000
AF	FLORIDA	Eglin AFB	Dormitories (288 rooms)	0	0	0	35,000	35,000

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)								
Account	State/ Country	Installation	Project Title	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
AF	FLORIDA	Eglin AFB	Flightline Fire Station	13,600	13,600	13,600		13,600
AF	FLORIDA	Patrick AFB	Fire/Crash Rescue Station	13,500	13,500	13,500		13,500
AF	GEORGIA	Moody AFB	Personnel Recovery 4-Bay Hangar/Helo MX Unit	30,900	30,900	30,900		30,900
AF	GERMANY	Ramstein AB	37 AS Squadron Operations/Aircraft Maint Unit	13,437	13,437	13,437		13,437
AF	GERMANY	Spangdahlem AB	EIC—Site Development and Infrastructure	43,465	43,465	43,465		43,465
AF	GUAM	Joint Region Marianas	APR—Munitions Storage Igloos, Ph 2	35,300	35,300	35,300		35,300
AF	GUAM	Joint Region Marianas	APR—SATCOM C4I Facility	14,200	14,200	14,200		14,200
AF	GUAM	Joint Region Marianas	Block 40 Maintenance Hangar	31,158	31,158	31,158		31,158
AF	ILLINOIS	Scott AFB	Consolidated Corrosion Facility add/alter	0	0	0	41,000	41,000
AF	JAPAN	Kadena AB	APR—Replace Munitions Structures	19,815	19,815	19,815		19,815
AF	JAPAN	Yokota AB	C-130J Corrosion Control Hangar	23,777	23,777	23,777		23,777
AF	JAPAN	Yokota AB	Construct Combat Arms Training & Maint Fac	8,243	8,243	8,243		8,243
AF	KANSAS	McConnell AFB	Air Traffic Control Tower	11,200	11,200	11,200		11,200
AF	KANSAS	McConnell AFB	KC-46A ADAL Taxiway Delta	5,600	5,600	5,600		5,600
AF	KANSAS	McConnell AFB	KC-46A Alter Flight Simulator Bldgs	3,000	3,000	3,000		3,000
AF	LOUISIANA	Barksdale AFB	Consolidated Communication Facility	21,000	21,000	21,000		21,000
AF	MARIANA ISLANDS	Unspecified Location	APR—Land Acquisition	9,000	9,000	9,000		9,000
AF	MARYLAND	Joint Base Andrews	21 Points Enclosed Firing Range	13,000	13,000	13,000		13,000
AF	MARYLAND	Joint Base Andrews	Consolidated Communications Center	0	50,000	50,000	50,000	50,000
AF	MARYLAND	Joint Base Andrews	PAR Relocate JADOC Satellite Site	3,500	3,500	3,500		3,500
AF	MASSACHUSETTS	Hanscom AFB	Construct Vandenberg Gate Complex	0	10,965	0	10,965	10,965
AF	MASSACHUSETTS	Hanscom AFB	System Management Engineering Facility	20,000	20,000	20,000		20,000
AF	MONTANA	Malmstrom AFB	Missile Maintenance Facility	14,600	14,600	14,600		14,600
AF	NEVADA	Nellis AFB	F-35A POL Fill Stand Addition	10,600	10,600	10,600		10,600
AF	NEW MEXICO	Cannon AFB	North Fitness Center	21,000	21,000	21,000		21,000
AF	NEW MEXICO	Holloman AFB	Hazardous Cargo Pad and Taxiway	10,600	10,600	10,600		10,600
AF	NEW MEXICO	Kirtland AFB	Combat Rescue Helicopter Simulator	7,300	7,300	7,300		7,300
AF	OHIO	Wright-Patterson AFB	Relocated Entry Control Facility 26A	12,600	12,600	12,600		12,600
AF	OKLAHOMA	Altus AFB	KC-46A FTU/FTC Simulator Facility Ph 2	11,600	11,600	11,600		11,600
AF	OKLAHOMA	Tinker AFB	E-3G Mission and Flight Simulator Training Facility	0	26,000	26,000	26,000	26,000

AF	OKLAHOMA	Tinker AFB	KC-46A Depot System Integration Laboratory	17,000	17,000	17,000		17,000
AF	SOUTH CAROLINA	Joint Base Charleston	Fire & Rescue Station	0	17,000	0	17,000	17,000
AF	TEXAS	Joint Base San Antonio	BMT Recruit Dormitory 6	67,300	67,300	67,300		67,300
AF	TURKEY	Incirlik AB	Airfield Fire/Crash Rescue Station	13,449	13,449	13,449		13,449
AF	UNITED ARAB EMIRATES	Al Dhafra	Large Aircraft Maintenance Hangar	35,400	35,400	35,400		35,400
AF	UNITED KINGDOM	RAF Croughton	JIAC Consolidation—Ph 3	53,082	0	53,082		53,082
AF	UNITED KINGDOM	RAF Croughton	Main Gate Complex	16,500	16,500	16,500		16,500
AF	UTAH	Hill AFB	649 MUNS Munitions Storage Magazines	6,600	6,600	6,600		6,600
AF	UTAH	Hill AFB	649 MUNS Precision Guided Missile MX Facility	8,700	8,700	8,700		8,700
AF	UTAH	Hill AFB	649 MUNS STAMP/Maint & Inspection Facility	12,000	12,000	12,000		12,000
AF	UTAH	Hill AFB	Composite Aircraft Antenna Calibration Fac	7,100	7,100	7,100		7,100
AF	UTAH	Hill AFB	F-35A Munitions Maintenance Complex	10,100	10,100	10,100		10,100
AF	VIRGINIA	Joint Base Langley-Eustis	Air Force Targeting Center	45,000	45,000	45,000		45,000
AF	VIRGINIA	Joint Base Langley-Eustis	Fuel System Maintenance Dock	14,200	14,200	14,200		14,200
AF	WASHINGTON	Fairchild AFB	Pipeline Dorm, USAF SERE School (150 RM)	27,000	27,000	27,000		27,000
AF	WORLDWIDE UNSPECIFIED	Various Worldwide Locations	Planning & Design	143,582	163,582	143,582		143,582
AF	WORLDWIDE UNSPECIFIED	Various Worldwide Locations	Unspecified Minor Military Construction	30,000	63,082	30,000	10,000	40,000
AF	WYOMING	F. E. Warren AFB	Missile Transfer Facility Bldg 4331	5,550	5,550	5,550		5,550
Military Construction, Air Force Total				1,481,058	1,502,723	1,557,058	205,465	1,686,523
Def-Wide	ALASKA	Clear AFS	Long Range Discrim Radar Sys Complex Ph 1	155,000	100,000	155,000		155,000
Def-Wide	ALASKA	Fort Greely	Missile Defense Complex Switchgear Facility	9,560	9,560	9,560		9,560
Def-Wide	ALASKA	Joint Base Elmendorf-Richardson	Construct Truck Offload Facility	4,900	4,900	4,900		4,900
Def-Wide	ARIZONA	Fort Huachuca	JITC Building 52110 Renovation	4,493	4,493	4,493		4,493
Def-Wide	CALIFORNIA	Coronado	SOF Human Performance Training Center	15,578	15,578	15,578		15,578
Def-Wide	CALIFORNIA	Coronado	SOF Seal Team Ops Facility	47,290	47,290	47,290		47,290
Def-Wide	CALIFORNIA	Coronado	SOF Seal Team Ops Facility	47,290	47,290	47,290		47,290
Def-Wide	CALIFORNIA	Coronado	SOF Special RECON Team ONE Operations Fac	20,949	20,949	20,949		20,949
Def-Wide	CALIFORNIA	Coronado	SOF Training Detachment ONE Ops Facility	44,305	44,305	44,305		44,305
Def-Wide	CALIFORNIA	Travis AFB	Replace Hydrant Fuel System	26,500	26,500	26,500		26,500
Def-Wide	DELAWARE	Dover AFB	Welch ES/Dover MS Replacement	44,115	44,115	44,115		44,115
Def-Wide	DIEGO GARCIA	Diego Garcia	Improve Wharf Refueling Capability	30,000	30,000	30,000		30,000

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)								
Account	State/ Country	Installation	Project Title	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Def-Wide	FLORIDA	Patrick AFB	Replace Fuel Tanks	10,100	10,100	10,100		10,100
Def-Wide	GEORGIA	Fort Benning	SOF Tactical Unmanned Aerial Vehicle Hangar	4,820	4,820	4,820		4,820
Def-Wide	GEORGIA	Fort Gordon	Medical Clinic Replacement	25,000	25,000	25,000		25,000
Def-Wide	GERMANY	Kaiserlautern AB	Sembach Elementary/Middle School Replacement	45,221	45,221	45,221		45,221
Def-Wide	GERMANY	Rhine Ordnance Barracks	Medical Center Replacement Incr 6	58,063	58,063	58,063		58,063
Def-Wide	JAPAN	Iwakuni	Construct Truck Offload & Loading Facilities	6,664	6,664	6,664		6,664
Def-Wide	JAPAN	Kadena AB	Kadena Elementary School Replacement	84,918	84,918	84,918		84,918
Def-Wide	JAPAN	Kadena AB	Medical Materiel Warehouse	20,881	20,881	20,881		20,881
Def-Wide	JAPAN	Kadena AB	SOF Maintenance Hangar	42,823	42,823	42,823		42,823
Def-Wide	JAPAN	Kadena AB	SOF Simulator Facility (MC-130)	12,602	12,602	12,602		12,602
Def-Wide	JAPAN	Yokota AB	Airfield Apron	41,294	41,294	41,294		41,294
Def-Wide	JAPAN	Yokota AB	Hangar/AMU	39,466	39,466	39,466		39,466
Def-Wide	JAPAN	Yokota AB	Operations and Warehouse Facilities	26,710	26,710	26,710		26,710
Def-Wide	JAPAN	Yokota AB	Simulator Facility	6,261	6,261	6,261		6,261
Def-Wide	KWAJALEIN	Kwajalein Atoll	Replace Fuel Storage Tanks	85,500	85,500	85,500		85,500
Def-Wide	MAINE	Kittery	Medical/Dental Clinic Replacement	27,100	27,100	27,100		27,100
Def-Wide	MARYLAND	Bethesda Naval Hospital	MEDCEN Addition/Alteration Incr 1	50,000	50,000	50,000		50,000
Def-Wide	MARYLAND	Fort Meade	Access Control Facility	21,000	21,000	21,000		21,000
Def-Wide	MARYLAND	Fort Meade	NSAW Campus Feeders Phase 3	17,000	17,000	17,000		17,000
Def-Wide	MARYLAND	Fort Meade	NSAW Recapitalize Building #2 Incr 2	195,000	145,000	195,000		195,000
Def-Wide	MISSOURI	St. Louis	Land Acquisition—Next NGA West Campus	801	0	801		801
Def-Wide	NORTH CAROLINA	Camp Lejeune	Dental Clinic Replacement	31,000	31,000	31,000		31,000
Def-Wide	NORTH CAROLINA	Fort Bragg	SOF Combat Medic Training Facility	10,905	10,905	10,905		10,905
Def-Wide	NORTH CAROLINA	Fort Bragg	SOF Parachute Rigging Facility	21,420	21,420	21,420		21,420
Def-Wide	NORTH CAROLINA	Fort Bragg	SOF Special Tactics Facility (Ph 3)	30,670	30,670	30,670		30,670
Def-Wide	NORTH CAROLINA	Fort Bragg	SOF Tactical Equipment Maintenance Facility	23,598	23,598	23,598		23,598
Def-Wide	SOUTH CAROLINA	Joint Base Charleston	Construct Hydrant Fuel System	17,000	17,000	17,000		17,000
Def-Wide	TEXAS	Red River Army Depot	Construct Warehouse & Open Storage	44,700	44,700	44,700		44,700
Def-Wide	TEXAS	Sheppard AFB	Medical/Dental Clinic Replacement	91,910	91,910	91,910		91,910
Def-Wide	UNITED KINGDOM	RAF Croughton	Croughton Elem/Middle/High School Replacement	71,424	71,424	71,424		71,424

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Def-Wide	UNITED KINGDOM	RAF Lakenheath	Construct Hydrant Fuel System	13,500	13,500	13,500		13,500
Def-Wide	VIRGINIA	Pentagon	Pentagon Metro Entrance Facility	12,111	12,111	0		12,111
Def-Wide	VIRGINIA	Pentagon	Upgrade IT Facilities Infrastructure—RRMC	8,105	8,105	8,105		8,105
Def-Wide	WAKE ISLAND	Wake Island	Test Support Facility	11,670	11,670	11,670		11,670
Def-Wide	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	Battalion Complex	0	0	64,400		0
Def-Wide	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	Contingency Construction	10,000	10,000	10,000	-10,000	0
Def-Wide	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	Energy Conservation Investment Program Design	10,000	0	10,000	-10,000	0
Def-Wide	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	Energy Conservation Investment Program	150,000	150,000	150,000		150,000
Def-Wide	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	Exercise Related Minor Construction	8,631	8,631	8,631		8,631
Def-Wide	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	Planning and Design, Defense Wide	13,450	23,450	13,450	10,000	23,450
Def-Wide	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	Planning and Design, DODEA	23,585	23,585	23,585		23,585
Def-Wide	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	Planning and Design, NGA	71,647	36,000	71,647	-35,647	36,000
Def-Wide	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	Planning and Design, NSA	24,000	24,000	24,000		24,000
Def-Wide	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	Planning and Design, WHS	3,427	3,427	3,427		3,427
Def-Wide	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000	3,000		3,000
Def-Wide	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000	3,000		3,000
Def-Wide	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	Unspecified Minor Construction	5,994	5,994	5,994		5,994
Def-Wide	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	Unspecified Minor Construction	8,500	8,500	8,500		8,500
Def-Wide	WORLDWIDE UNSPECIFIED	Unspecified Worldwide Locations	Unspecified Minor Milcon	3,913	3,913	3,913		3,913

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)								
Account	State/ Country	Installation	Project Title	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Def-Wide	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Worldwide Unspecified Minor Construction	2,414	2,414	2,414		2,414
Def-Wide	WORLDWIDE UN-SPECIFIED	Various Worldwide Locations	Planning & Design, DLA	27,660	27,660	27,660		27,660
Def-Wide	WORLDWIDE UN-SPECIFIED	Various Worldwide Locations	Planning and Design, SOCOM	27,653	27,653	27,653		27,653
Def-Wide	WORLDWIDE UN-SPECIFIED LOCATIONS	Unspecified Worldwide Locations	Planning & Design, MDA	0	15,000	0	15,000	15,000
Military Construction, Defense-Wide Total				2,056,091	1,929,643	2,108,380	-30,647	2,025,444
NATO	WORLDWIDE UN-SPECIFIED	NATO Security Investment Program	NATO Security Investment Program	177,932	177,932	177,932		177,932
NATO Security Investment Program Total				177,932	177,932	177,932	0	177,932
Army NG	COLORADO	Fort Carson	National Guard Readiness Center	0	16,500	16,500	16,500	16,500
Army NG	HAWAII	Hilo	Combined Support Maintenance Shop	31,000	31,000	31,000		31,000
Army NG	IOWA	Davenport	National Guard Readiness Center	23,000	23,000	23,000		23,000
Army NG	KANSAS	Fort Leavenworth	National Guard Readiness Center	29,000	29,000	29,000		29,000
Army NG	NEW HAMPSHIRE	Hooksett	National Guard Vehicle Maintenance Shop	11,000	11,000	11,000		11,000
Army NG	NEW HAMPSHIRE	Rochester	National Guard Vehicle Maintenance Shop	8,900	8,900	8,900		8,900
Army NG	OKLAHOMA	Ardmore	National Guard Readiness Center	22,000	22,000	22,000		22,000
Army NG	PENNSYLVANIA	Fort Indiantown Gap	Access Control Buildings	0	20,000	0	20,000	20,000
Army NG	PENNSYLVANIA	York	National Guard Readiness Center	9,300	9,300	9,300		9,300
Army NG	RHODE ISLAND	East Greenwich	National Guard/Reserve Center Building (JFHQ)	20,000	20,000	20,000		20,000
Army NG	UTAH	Camp Williams	National Guard Readiness Center	37,000	37,000	37,000		37,000
Army NG	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Planning and Design	8,729	8,729	8,729		8,729
Army NG	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Unspecified Minor Construction	12,001	12,001	12,001		12,001

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Army NG	WYOMING	Camp Guernsey	General Instruction Building	0	31,000	0	31,000	31,000
Army NG	WYOMING	Laramie	National Guard Readiness Center	21,000	21,000	21,000		21,000
Military Construction, Army National Guard Total				232,930	300,430	249,430	67,500	300,430
Army Res	ARIZONA	Phoenix	Army Reserve Center	0	30,000	30,000	30,000	30,000
Army Res	CALIFORNIA	Barstow	Equipment Concentration Site	0	29,000	0		0
Army Res	CALIFORNIA	Camp Parks	Transient Training Barracks	19,000	19,000	19,000		19,000
Army Res	CALIFORNIA	Fort Hunter Liggett	Emergency Services Center	21,500	21,500	21,500		21,500
Army Res	VIRGINIA	Dublin	Organizational Maintenance Shop/AMSA	6,000	6,000	6,000		6,000
Army Res	WASHINGTON	Joint Base Lewis-McChord	Army Reserve Center	0	27,500	0		0
Army Res	WISCONSIN	Fort McCoy	AT/MOB Dining Facility	11,400	11,400	11,400		11,400
Army Res	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Planning and Design	7,500	7,500	7,500		7,500
Army Res	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Unspecified Minor Construction	2,830	2,830	2,830		2,830
Military Construction, Army Reserve Total				68,230	154,730	98,230	30,000	98,230
N/MC Res	LOUISIANA	New Orleans	Joint Reserve Intelligence Center	11,207	11,207	11,207		11,207
N/MC Res	NEW YORK	Brooklyn	Electric Feeder Ductbank	1,964	1,964	1,964		1,964
N/MC Res	NEW YORK	Syracuse	Marine Corps Reserve Center	13,229	13,229	13,229		13,229
N/MC Res	TEXAS	Galveston	Reserve Center Annex	8,414	8,414	8,414		8,414
N/MC Res	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	MCNR Planning & Design	3,783	3,783	3,783		3,783
Military Construction, Naval Reserve Total				38,597	38,597	38,597	0	38,597
Air NG	CONNECTICUT	Bradley IAP	Construct Small Air Terminal	6,300	6,300	6,300		6,300
Air NG	FLORIDA	Jacksonville IAP	Replace Fire Crash/Rescue Station	9,000	9,000	9,000		9,000
Air NG	HAWAII	Joint Base Pearl Harbor-Hickam	F-22 Composite Repair Facility	11,000	11,000	11,000		11,000
Air NG	IOWA	Sioux Gateway Airport	Construct Consolidated Support Functions	12,600	12,600	12,600		12,600
Air NG	MARYLAND	Joint Base Andrews	Munitions Load Crew Trng/Corrosion Cntrl Facility	0	5,000	0	5,000	5,000
Air NG	MINNESOTA	Duluth IAP	Load Crew Training/Weapon Shops	7,600	7,600	7,600		7,600
Air NG	NEW HAMPSHIRE	Pease International Trade Port	KC-46A Install Fuselage Trainer Bldg 251	1,500	1,500	1,500		1,500
Air NG	NORTH CAROLINA	Charlotte/Douglas IAP	C-17 Corrosion Control/Fuel Cell Hangar	29,600	29,600	29,600		29,600
Air NG	NORTH CAROLINA	Charlotte/Douglas IAP	C-17 Type III Hydrant Refueling System	21,000	21,000	21,000		21,000

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)								
Account	State/ Country	Installation	Project Title	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Air NG	OHIO	Toledo Express Airport	Indoor Small Arms Range	0	6,000	0	6,000	6,000
Air NG	SOUTH CAROLINA	McEntire ANG	Replace Operations and Training Facility	8,400	8,400	8,400		8,400
Air NG	TEXAS	Ellington Field	Consolidate Crew Readiness Facility	4,500	4,500	4,500		4,500
Air NG	VERMONT	Burlington IAP	F-35 Beddown 4-Bay Flight Simulator	4,500	4,500	4,500		4,500
Air NG	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Unspecified Minor Construction	17,495	29,495	17,495		17,495
Air NG	WORLDWIDE UN-SPECIFIED	Various Worldwide Locations	Planning and Design	10,462	10,462	10,462		10,462
Military Construction, Air National Guard Total				143,957	166,957	143,957	11,000	154,957
AF Res	GUAM	Andersen AFB	Reserve Medical Training Facility	0	5,200	0		0
AF Res	MASSACHUSETTS	Westover ARB	Indoor Small Arms Range	0	9,200	0		0
AF Res	NORTH CAROLINA	Seymour Johnson AFB	KC-46A ADAL Bldg for AGE/Fuselage Training	5,700	5,700	5,700		5,700
AF Res	NORTH CAROLINA	Seymour Johnson AFB	KC-46A ADAL Squadron Operations Facilities	2,250	2,250	2,250		2,250
AF Res	NORTH CAROLINA	Seymour Johnson AFB	KC-46A Two Bay Corrosion/Fuel Cell Hangar	90,000	90,000	90,000		90,000
AF Res	PENNSYLVANIA	Pittsburgh IAP	C-17 ADAL Fuel Hydrant System	22,800	22,800	22,800		22,800
AF Res	PENNSYLVANIA	Pittsburgh IAP	C-17 Const/OverlayTaxiway and Apron	8,200	8,200	8,200		8,200
AF Res	PENNSYLVANIA	Pittsburgh IAP	C-17 Construct Two Bay Corrosion/Fuel Hangar	54,000	54,000	54,000		54,000
AF Res	UTAH	Hill AFB	ADAL Life Support Facility	0	3,050	0		0
AF Res	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Planning & Design	4,500	4,500	4,500		4,500
AF Res	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Unspecified Minor Construction	1,500	1,500	1,500		1,500
Military Construction, Air Force Reserve Total				188,950	206,400	188,950	0	188,950
FH Con Army	KOREA	Camp Humphreys	Family Housing New Construction, Incr 1	143,563	100,000	143,563	-43,563	100,000
FH Con Army	KOREA	Camp Walker	Family Housing New Construction	54,554	54,554	54,554		54,554
FH Con Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Planning & Design	2,618	2,618	2,618		2,618
Family Housing Construction, Army Total				200,735	157,172	200,735	-43,563	157,172

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FH Ops Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Furnishings	10,178	10,178	10,178		10,178
FH Ops Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Housing Privatization Support	19,146	19,146	19,146		19,146
FH Ops Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Leasing	131,761	131,761	131,761		131,761
FH Ops Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Maintenance	60,745	60,745	60,745		60,745
FH Ops Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Management	40,344	40,344	40,344		40,344
FH Ops Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Miscellaneous	400	400	400		400
FH Ops Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Services	7,993	7,993	7,993		7,993
FH Ops Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Utilities	55,428	55,428	55,428		55,428
Family Housing Operation And Maintenance, Army Total				325,995	325,995	325,995	0	325,995
FH Con Navy	MARIANA ISLANDS	Guam	Replace Andersen Housing Ph I	78,815	78,815	78,815		78,815
FH Con Navy	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Construction Improvements	11,047	11,047	11,047		11,047
FH Con Navy	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Planning & Design	4,149	4,149	4,149		4,149
Family Housing Construction, Navy And Marine Corps Total				94,011	94,011	94,011	0	94,011
FH Ops Navy	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Furnishings	17,457	17,457	17,457		17,457
FH Ops Navy	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Housing Privatization Support	26,320	26,320	26,320		26,320
FH Ops Navy	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Leasing	54,689	54,689	54,689		54,689
FH Ops Navy	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Maintenance	81,254	81,254	81,254		81,254
FH Ops Navy	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Management	51,291	51,291	51,291		51,291

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)								
Account	State/ Country	Installation	Project Title	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
FH Ops Navy	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Miscellaneous	364	364	364		364
FH Ops Navy	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Services	12,855	12,855	12,855		12,855
FH Ops Navy	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Utilities	56,685	56,685	56,685		56,685
Family Housing Operation And Maintenance, Navy And Marine Corps Total				300,915	300,915	300,915	0	300,915
FH Con AF	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Construction Improvements	56,984	56,984	56,984		56,984
FH Con AF	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Planning & Design	4,368	4,368	4,368		4,368
Family Housing Construction, Air Force Total				61,352	61,352	61,352	0	61,352
FH Ops AF	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Furnishings	31,690	31,690	31,690		31,690
FH Ops AF	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Housing Privatization Support	41,809	41,809	41,809		41,809
FH Ops AF	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Leasing	20,530	20,530	20,530		20,530
FH Ops AF	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Maintenance	85,469	85,469	85,469		85,469
FH Ops AF	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Management	42,919	42,919	42,919		42,919
FH Ops AF	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Miscellaneous	1,745	1,745	1,745		1,745
FH Ops AF	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Services	13,026	13,026	13,026		13,026
FH Ops AF	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Utilities	37,241	37,241	37,241		37,241

Family Housing Operation And Maintenance, Air Force Total				274,429	274,429	274,429	0	274,429
FH Ops DW	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Furnishings	20	20	20		20
FH Ops DW	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Furnishings	500	500	500		500
FH Ops DW	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Furnishings	399	399	399		399
FH Ops DW	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Leasing	40,984	40,984	40,984		40,984
FH Ops DW	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Leasing	11,044	11,044	11,044		11,044
FH Ops DW	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Maintenance	349	349	349		349
FH Ops DW	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Maintenance	800	800	800		800
FH Ops DW	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Management	388	388	388		388
FH Ops DW	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Services	32	32	32		32
FH Ops DW	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Utilities	4,100	4,100	4,100		4,100
FH Ops DW	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Utilities	174	174	174		174
FH Ops DW	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Utilities	367	367	367		367
Family Housing Operation And Maintenance, Defense-Wide Total				59,157	59,157	59,157	0	59,157
FHIF	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Program Expenses	3,258	3,258	3,258		3,258
DoD Family Housing Improvement Fund Total				3,258	3,258	3,258	0	3,258
BRAC	WORLDWIDE UN-SPECIFIED	Base Realignment & Closure, Army	Base Realignment and Closure	14,499	24,499	14,499	10,000	24,499
Base Realignment and Closure—Army Total				14,499	24,499	14,499	10,000	24,499

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)								
Account	State/ Country	Installation	Project Title	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
BRAC	WORLDWIDE UN-SPECIFIED	Base Realignment & Closure, Navy	Base Realignment & Closure	110,606	125,606	110,606	25,000	135,606
BRAC	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	DON-100: Planning, Design and Management	4,604	4,604	4,604		4,604
BRAC	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	DON-101: Various Locations	10,461	10,461	10,461		10,461
BRAC	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	DON-138: NAS Brunswick, ME	557	557	557		557
BRAC	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	DON-157: MCSA Kansas City, MO	100	100	100		100
BRAC	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	DON-172: NWS Seal Beach, Concord, CA	4,648	4,648	4,648		4,648
BRAC	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	DON-84: JRB Willow Grove & Cambria Reg AP	3,397	3,397	3,397		3,397
Base Realignment and Closure—Navy Total				134,373	149,373	134,373	25,000	159,373
BRAC	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	DoD BRAC Activities—Air Force	56,365	56,365	56,365		56,365
Base Realignment and Closure—Air Force Total				56,365	56,365	56,365	0	56,365
PYS	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Planning and Design, Defense Wide	0	0	0	-30,000	-30,000
PYS	WORLDWIDE UN-SPECIFIED	Worldwide	Air Force	0	-29,300	-22,300	-51,460	-51,460
PYS	WORLDWIDE UN-SPECIFIED	Worldwide	Army	0	-25,000	-30,000	-29,602	-29,602
PYS	WORLDWIDE UN-SPECIFIED	Worldwide	Defense-Wide	0	-60,577	-132,200	-141,600	-141,600
PYS	WORLDWIDE UN-SPECIFIED	Worldwide	Navy	0	-87,699	0		0

PYS	WORLDWIDE UN-SPECIFIED LOCATIONS	Worldwide	HAP	0	-25,000	0	-25,000	-25,000
PYS	WORLDWIDE UN-SPECIFIED LOCATIONS	Worldwide	NSIP	0	-30,000	-30,000	-30,000	-30,000
Prior Year Savings Total				0	-257,576	-214,500	-307,662	-307,662
Total, Military Construction				7,444,056	7,694,000	7,477,462	265,509	7,709,565

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	ERI: Planning and Design	18,900	18,900	18,900		18,900
Military Construction, Army Total				18,900	18,900	18,900	0	18,900
Navy	ICELAND	Keflavik	ERI: P-8A Aircraft Rinse Rack	5,000	5,000	5,000		5,000
Navy	ICELAND	Keflavik	ERI: P-8A Hangar Upgrade	14,600	14,600	14,600		14,600
Navy	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	ERI: Planning and Design	1,800	1,800	1,800		1,800
Military Construction, Navy Total				21,400	21,400	21,400	0	21,400
AF	BULGARIA	Graf Ignatievo	ERI: Construct Sq Ops/Operational Alert Fac	3,800	3,800	3,800		3,800
AF	BULGARIA	Graf Ignatievo	ERI: Fighter Ramp Extension	7,000	7,000	7,000		7,000
AF	BULGARIA	Graf Ignatievo	ERI: Upgrade Munitions Storage Area	2,600	2,600	2,600		2,600
AF	DJIBOUTI	Chabelley Airfield	OCO: Construct Chabelley Access Road	3,600	3,600	3,600		3,600
AF	DJIBOUTI	Chabelley Airfield	OCO: Construct Parking Apron and Taxiway	6,900	6,900	6,900		6,900
AF	ESTONIA	Amari AB	ERI: Construct Bulk Fuel Storage	6,500	6,500	6,500		6,500
AF	GERMANY	Spangdahlem AB	ERI: Construct High Cap Trim Pad & Hush House	1,000	1,000	1,000		1,000
AF	GERMANY	Spangdahlem AB	ERI: F/A-22 Low Observable/Comp Repair Fac	12,000	12,000	12,000		12,000
AF	GERMANY	Spangdahlem AB	ERI: F/A-22 Upgrade Infrastructure/Comm/Util	1,600	1,600	1,600		1,600
AF	GERMANY	Spangdahlem AB	ERI: Upgrade Hardened Aircraft Shelters	2,700	2,700	2,700		2,700
AF	GERMANY	Spangdahlem AB	ERI: Upgrade Munitions Storage Doors	1,400	1,400	1,400		1,400
AF	LITHUANIA	Siauliai	ERI: Munitions Storage	3,000	3,000	3,000		3,000
AF	POLAND	Lask AB	ERI: Construct Squadron Operations Facility	4,100	4,100	4,100		4,100
AF	POLAND	Powidz AB	ERI: Construct Squadron Operations Facility	4,100	4,100	4,100		4,100
AF	ROMANIA	Campia Turzii	ERI: Construct Munitions Storage Area	3,000	3,000	3,000		3,000
AF	ROMANIA	Campia Turzii	ERI: Construct Squadron Operations Facility	3,400	3,400	3,400		3,400
AF	ROMANIA	Campia Turzii	ERI: Construct Two-Bay Hangar	6,100	6,100	6,100		6,100
AF	ROMANIA	Campia Turzii	ERI: Extend Parking Aprons	6,000	6,000	6,000		6,000

AF	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	CTP: Planning and Design	9,000	8,551	9,000	-449	8,551
AF	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	OCO: Planning and Design	940	940	940		940
Military Construction, Air Force Total				88,740	88,291	88,740	-449	88,291
Def-Wide	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	ERI: Unspecified Minor Construction	5,000	5,000	5,000		5,000
Military Construction, Defense-Wide Total				5,000	5,000	5,000	0	5,000
Total, Military Construction				134,040	133,591	134,040	-449	133,591

SEC. 4603. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS.

SEC. 4603. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Navy	DJIBOUTI	Camp Lemonier	OCO: Medical/Dental Facility	37,409	0	0	0	37,409
Navy	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Lo- cations	Planning and Design	1,000	0	0	0	1,000
Military Construction, Navy Total				38,409	0	0	0	38,409
Total, Military Construction				38,409	0	0	0	38,409

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)					
Program	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Discretionary Summary By Appropriation					
Energy And Water Development, And Related Agencies					
Appropriation Summary:					
Energy Programs					
Nuclear Energy	151,876	-15,260	0	-15,260	136,616
Atomic Energy Defense Activities					
National nuclear security administration:					
Weapons activities	9,243,147	316,000	-7,750	185,882	9,429,029
Defense nuclear nonproliferation	1,807,916	11,600	70,000	79,000	1,886,916
Naval reactors	1,420,120	0	0	-2,500	1,417,620
Federal salaries and expenses	412,817	-40,000	0	-17,300	395,517
Total, National nuclear security administration	12,884,000	287,600	62,250	245,082	13,129,082
Environmental and other defense activities:					
Defense environmental cleanup	5,382,050	-92,100	-135,100	-108,492	5,273,558
Other defense activities	791,552	9,000	0	-2,000	789,552
Total, Environmental & other defense activities	6,173,602	-83,100	-135,100	-110,492	6,063,110
Total, Atomic Energy Defense Activities	19,057,602	204,500	-72,850	134,590	19,192,192

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)					
Program	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Total, Discretionary Funding	19,209,478	189,240	-72,850	119,330	19,328,808
Nuclear Energy					
Idaho sitewide safeguards and security	129,303				129,303
Idaho operations and maintenance	7,313				7,313
Consent Based Siting	15,260	-15,260		-15,260	0
Denial of funds for defense-only repository		[-15,260]		[-15,260]	
Total, Nuclear Energy	151,876	-15,260	0	-15,260	136,616
Weapons Activities					
Directed stockpile work					
Life extension programs					
B61 Life extension program	616,079				616,079
W76 Life extension program	222,880				222,880
W88 Alt 370	281,129				281,129
W80-4 Life extension program	220,253	21,000			220,253
Mitigation of schedule risk		[21,000]			
Total, Life extension programs	1,340,341	21,000	0	0	1,340,341
Stockpile systems					
B61 Stockpile systems	57,313				57,313
W76 Stockpile systems	38,604				38,604
W78 Stockpile systems	56,413				56,413
W80 Stockpile systems	64,631				64,631
B83 Stockpile systems	41,659				41,659
W87 Stockpile systems	81,982				81,982
W88 Stockpile systems	103,074				103,074

Total, Stockpile systems	443,676	0	0	0	443,676
Weapons dismantlement and disposition					
Operations and maintenance	68,984	-14,000	-12,750	-12,984	56,000
Denial of dismantlement acceleration		[-14,000]		[-12,984]	
Program Reduction			[-12,750]		
Stockpile services					
Production support	457,043				457,043
Research and development support	34,187				34,187
R&D certification and safety	156,481	46,000			156,481
Stockpile Responsiveness Program and technology maturation efforts		[46,000]			
Management, technology, and production	251,978				251,978
Total, Stockpile services	899,689	46,000	0	0	899,689
Nuclear material commodities					
Uranium sustainment	20,988				20,988
Plutonium sustainment	184,970	6,000			184,970
Mitigation of schedule risk for meeting statutory pit production requirements		[6,000]			
Tritium sustainment	109,787				109,787
Domestic uranium enrichment	50,000				50,000
Strategic materials sustainment	212,092				212,092
Total, Nuclear material commodities	577,837	6,000	0	0	577,837
Total, Directed stockpile work	3,330,527	59,000	-12,750	-12,984	3,317,543
Research, development, test and evaluation (RDT&E)					
Science					
Advanced certification	58,000				58,000
Primary assessment technologies	99,000	12,000			99,000
Support to Prototype Nuclear Weapons for Intelligence Estimates program		[12,000]			
Dynamic materials properties	106,000				106,000
Advanced radiography	50,500				50,500

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)					
Program	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Secondary assessment technologies	76,000				76,000
Academic alliances and partnerships	52,484				52,484
Total, Science	441,984	12,000	0	0	441,984
Engineering					
Enhanced surety	37,196	16,000			37,196
Stockpile Responsiveness Program and technology maturation efforts		[16,000]			
Weapon systems engineering assessment technology	16,958				16,958
Nuclear survivability	43,105	4,000			43,105
Improve planning and coordination on strategic radiation-hardened microsystems		[4,000]			
Enhanced surveillance	42,228				42,228
Total, Engineering	139,487	20,000	0	0	139,487
Inertial confinement fusion ignition and high yield					
Ignition	75,432	-5,000			75,432
Program decrease		[-5,000]			
Support of other stockpile programs	23,363				23,363
Diagnostics, cryogenics and experimental support	68,696				68,696
Pulsed power inertial confinement fusion	5,616				5,616
Joint program in high energy density laboratory plasmas	9,492				9,492
Facility operations and target production	340,360	-4,000			340,360
Program decrease		[-4,000]			
Total, Inertial confinement fusion and high yield	522,959	-9,000	0	0	522,959
Advanced simulation and computing	663,184	-7,000		-7,000	656,184
Program decrease		[-7,000]		[-7,000]	

Stockpile Responsiveness Program	0		5,000	40,000	40,000
Program increase			[5,000]	[40,000]	
Advanced manufacturing					
Additive manufacturing	12,000				12,000
Component manufacturing development	46,583	31,000			46,583
Stockpile Responsiveness Program and technology maturation efforts		[31,000]			
Processing technology development	28,522				28,522
Total, Advanced manufacturing	87,105	31,000	0	0	87,105
Total, RDT&E	1,854,719	47,000	5,000	33,000	1,887,719
Infrastructure and operations (formerly RTBF)					
Operating					
Operations of facilities					
Kansas City Plant	101,000				101,000
Lawrence Livermore National Laboratory	70,500				70,500
Los Alamos National Laboratory	196,500				196,500
Nevada Test Site	92,500				92,500
Pantex	55,000				55,000
Sandia National Laboratory	118,000				118,000
Savannah River Site	83,500				83,500
Y-12 National security complex	107,000				107,000
Total, Operations of facilities	824,000	0	0	0	824,000
Safety and environmental operations	110,000				110,000
Maintenance and repair of facilities	294,000	30,000		30,000	324,000
Address high-priority preventative maintenance		[30,000]		[30,000]	
Recapitalization:					
Infrastructure and safety	554,643	120,000		75,866	630,509
Address high-priority deferred maintenance		[120,000]		[75,866]	

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)					
Program	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Capability based investment	112,639				112,639
Total, Recapitalization	667,282	120,000	0	75,866	743,148
Construction:					
17-D-640 U1a Complex Enhancements Project, NNSS	11,500				11,500
17-D-630 Electrical Infrastructure Upgrades, LLNL	25,000				25,000
16-D-515 Albuquerque complex upgrades project	15,047				15,047
15-D-613 Emergency Operations Center, Y-12	2,000				2,000
15-D-302 TA-55 Reinvestment project, Phase 3, LANL	21,455				21,455
07-D-220-04 Transuranic liquid waste facility, LANL	17,053				17,053
06-D-141 PED/Construction, UPF Y-12, Oak Ridge, TN	575,000				575,000
04-D-125-04 RLUOB equipment installation	159,615				159,615
Total, Construction	826,670	0	0	0	826,670
Total, Infrastructure and operations	2,721,952	150,000	0	105,866	2,827,818
Secure transportation asset					
Operations and equipment	179,132				179,132
Program direction	103,600				103,600
Total, Secure transportation asset	282,732	0	0	0	282,732
Defense nuclear security					
Operations and maintenance	657,133	60,000		36,000	693,133
Support to physical security infrastructure recapitalization and CSTART		[60,000]		[36,000]	
Construction:					
14-D-710 Device assembly facility argus installation project, NV	13,000				13,000
17-D-710 West end protected area reduction project, Y-12	0			24,000	24,000
Total, Defense nuclear security	670,133	60,000	0	60,000	730,133

Information technology and cybersecurity	176,592				176,592
Legacy contractor pensions	248,492				248,492
Rescission of prior year balances	-42,000				-42,000
Total, Weapons Activities	9,243,147	316,000	-7,750	185,882	9,429,029
Defense Nuclear Nonproliferation					
Defense Nuclear Nonproliferation Programs					
Defense Nuclear Nonproliferation R&D					
Global material security	337,108	-5,000			337,108
Program decrease		[-5,000]			
Material management and minimization	341,094	-82,400		-20,000	321,094
Program decrease		[-82,400]		[-20,000]	
Nonproliferation and arms control	124,703				124,703
Defense Nuclear Nonproliferation R&D	393,922	24,000		24,000	417,922
Acceleration of low-yield detection experiments		[4,000]		[4,000]	
Nuclear detection technology and new challenges such as 3D printing		[20,000]		[20,000]	
Low Enriched Uranium R&D for Naval Reactors	0	5,000		5,000	5,000
Low Enriched Uranium R&D for Naval Reactors		[5,000]		[5,000]	
Nonproliferation Construction:					
99-D-143 Mixed Oxide (MOX) Fuel Fabrication Facility, SRS	270,000	70,000	70,000	70,000	340,000
Increase to support construction		[70,000]	[70,000]	[70,000]	
Total, Nonproliferation construction	270,000	70,000	70,000	70,000	340,000
Total, Defense Nuclear Nonproliferation Programs	1,466,827	11,600	70,000	79,000	1,545,827
Legacy contractor pensions	83,208				83,208
Nuclear counterterrorism and incident response program	271,881				271,881
Rescission of prior year balances	-14,000				-14,000
Total, Defense Nuclear Nonproliferation	1,807,916	11,600	70,000	79,000	1,886,916

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)					
Program	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Naval Reactors					
Naval reactors operations and infrastructure	449,682			-2,500	447,182
Naval reactors development	437,338				437,338
Ohio replacement reactor systems development	213,700				213,700
S8G Prototype refueling	124,000				124,000
Program direction	47,100				47,100
Construction:					
17-D-911, BL Fire System Upgrade	1,400				1,400
15-D-904 NRF Overpack Storage Expansion 3	700				700
15-D-902 KS Engineroom team trainer facility	33,300				33,300
14-D-901 Spent fuel handling recapitalization project, NRF	100,000				100,000
10-D-903, Security upgrades, KAPL	12,900				12,900
Total, Construction	148,300	0	0	0	148,300
Total, Naval Reactors	1,420,120	0	0	-2,500	1,417,620
Federal Salaries And Expenses					
Program direction	412,817	-40,000		-17,300	395,517
Program decrease		[-40,000]		[-17,300]	
Total, Office Of The Administrator	412,817	-40,000	0	-17,300	395,517
Defense Environmental Cleanup					
Closure sites:					
Closure sites administration	9,389				9,389

Hanford site:					
River corridor and other cleanup operations	69,755	45,000		45,000	114,755
Acceleration of priority programs		[45,000]		[45,000]	
Central plateau remediation	620,869	8,000		23,500	644,369
Acceleration of priority programs		[8,000]		[23,500]	
Richland community and regulatory support	14,701				14,701
Construction:					
15-D-401 Containerized sludge removal annex, RL	11,486				11,486
Total, Hanford site	716,811	53,000	0	68,500	785,311
Idaho National Laboratory:					
Idaho cleanup and waste disposition	359,088				359,088
Idaho community and regulatory support	3,000				3,000
Total, Idaho National Laboratory	362,088	0	0	0	362,088
Los Alamos National Laboratory					
EMLA cleanup activities	185,606		10,000	10,000	195,606
Program Increase			[10,000]	[10,000]	
EMLA community and regulatory support	3,394				3,394
Total, Los Alamos National Laboratory	189,000	0	10,000	10,000	199,000
NNSA sites					
Lawrence Livermore National Laboratory	1,396				1,396
Separations Process Research Unit	3,685				3,685
Nevada	62,176				62,176
Sandia National Laboratories	4,130				4,130
Total, NNSA sites and Nevada off-sites	71,387	0	0	0	71,387
Oak Ridge Reservation:					
OR Nuclear facility D & D					
OR Nuclear facility D & D	93,851				93,851
Construction:					

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)					
Program	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
14-D-403 Outfall 200 Mercury Treatment Facility	5,100				5,100
Total, OR Nuclear facility D & D	98,951	0	0	0	98,951
U233 Disposition Program	37,311				37,311
OR cleanup and disposition	54,557				54,557
OR reservation community and regulatory support	4,400				4,400
Oak Ridge technology development	3,000				3,000
Total, Oak Ridge Reservation	198,219	0	0	0	198,219
Office of River Protection:					
Waste treatment and immobilization plant					
WTP operations	3,000				3,000
15-D-409 Low activity waste pretreatment system, ORP	73,000				73,000
01-D-416 A-D/ORP-0060 / Major construction	690,000				690,000
Total, Waste treatment and immobilization plant	766,000	0	0	0	766,000
Tank farm activities					
Rad liquid tank waste stabilization and disposition	721,456				721,456
Total, Tank farm activities	721,456	0	0	0	721,456
Total, Office of River protection	1,487,456	0	0	0	1,487,456
Savannah River sites:					
Nuclear Material Management	311,062				311,062
Environmental Cleanup	152,504				152,504
SR community and regulatory support	11,249				11,249
Radioactive liquid tank waste:					

Radioactive liquid tank waste stabilization and disposition	645,332				645,332
Construction:					
15-D-402—Saltstone Disposal Unit #6, SRS	7,577				7,577
17-D-401—Saltstone Disposal Unit #7	9,729				9,729
05-D-405 Salt waste processing facility, Savannah River Site	160,000				160,000
Total, Construction	177,306	0	0	0	177,306
Total, Radioactive liquid tank waste	822,638	0	0	0	822,638
Total, Savannah River site	1,297,453	0	0	0	1,297,453
Waste Isolation Pilot Plant					
Operations and maintenance	257,188		10,000	10,000	267,188
Program increase			[10,000]	[10,000]	
Construction:					
15-D-411 Safety significant confinement ventilation system, WIPP	2,532				2,532
15-D-412 Exhaust shaft, WIPP	2,533				2,533
Total, Construction	5,065	0	0	0	5,065
Total, Waste Isolation Pilot Plant	262,253	0	10,000	10,000	272,253
Program direction	290,050				290,050
Program support	14,979				14,979
Safeguards and Security	255,973				255,973
Technology development	30,000	10,000			30,000
NAS study on technology development, acceleration of priority efforts		[10,000]			
Infrastructure recapitalization	41,892			-41,892	0
Defense Uranium enrichment D&D	155,100	-155,100	-155,100	-155,100	0
Ahead of need		[-155,100]	[-155,100]	[-155,100]	
Subtotal, Defense environmental cleanup	5,382,050	-92,100	-135,100	-108,492	5,273,558
Total, Defense Environmental Cleanup	5,382,050	-92,100	-135,100	-108,492	5,273,558

Other Defense Activities

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)					
Program	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Environment, health, safety and security					
Environment, health, safety and security	130,693			-2,000	128,693
Program direction	66,519				66,519
Total, Environment, health, safety and security	197,212	0	0	-2,000	195,212
Independent enterprise assessments					
Independent enterprise assessments	24,580				24,580
Program direction	51,893				51,893
Total, Independent enterprise assessments	76,473	0	0	0	76,473
Specialized security activities	237,912	9,000			237,912
IT infrastructure and red teaming		[9,000]			
Office of Legacy Management					
Legacy management	140,306				140,306
Program direction	14,014				14,014
Total, Office of Legacy Management	154,320	0	0	0	154,320
Defense-related activities					
Defense related administrative support					
Chief financial officer	23,642				23,642
Chief information officer	93,074				93,074
Project management oversight and assessments	3,000				3,000
Total, Defense related administrative support	119,716	0	0	0	116,716
Office of hearings and appeals	5,919				5,919
Subtotal, Other defense activities	791,552	9,000	0	-2,000	789,552

Total, Other Defense Activities	791,552	9,000	0	-2,000	789,552
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DIVISION E—UNIFORM CODE OF MILITARY JUSTICE REFORM

Short title (sec. 5001)

The Senate bill contained a provision (sec. 5001) that would provide that the short title for this division may be cited as the "Military Justice Act of 2016".

The House amendment contained an identical provision (sec. 6000).

The conference agreement includes this provision.

TITLE LI—GENERAL PROVISIONS

Definitions (sec. 5101)

The Senate bill contained a provision (sec. 5101) that would amend section 801 of title 10, United States Code, (Article 1, Uniform Code of Military Justice (UCMJ)) to amend the definition of "judge advocate"; to reflect the change within the Department of the Air Force from the "Judge Advocate General's Department" to the "Judge Advocate General's Corps"; and to amend the definition of "military judge" to conform to the proposed changes in Article 30a of the Uniform Code of Military Justice (10 U.S.C. 830a) allowing military judges to address certain matters prior to referral of charges.

The House amendment contained a similar provision (sec. 6101).

The House recesses.

Clarification of persons subject to UCMJ while on inactive-duty training (sec. 5102)

The Senate bill contained a provision (sec. 5102) that would amend section 802 of title 10, United States Code, (Article 2, Uniform Code of Military Justice (UCMJ)) that would clarify jurisdiction for reserve component members during time periods incidental to Inactive-Duty Training (IDT).

The House amendment contained an identical provision (sec. 6002).

The conference agreement includes this provision.

Staff judge advocate disqualification due to prior involvement in case (sec. 5103)

The Senate bill contained a provision (sec. 5103) that would amend section 806 of title 10, United States Code, (Article 6, Uniform Code of Military Justice (UCMJ)) to include appellate judges and counsel, including special victims' counsel, who have acted in the same case or in any proceeding before a military judge, preliminary hearing officer, or appellate court, in those disqualified to serve as a staff judge advocate or legal officer to any reviewing or convening authority on the same case.

The House amendment contained an identical provision (sec. 6003).

The conference agreement includes this provision.

Conforming amendment relating to military magistrates (sec. 5104)

The Senate bill contained a provision (sec. 5104) that would amend section 806a of title 10, United States Code, (Article 6a, Uniform Code of Military Justice (UCMJ)) to conform Article 6a, UCMJ, with the provision to allow the detailing of military magistrates to proceedings under Article 30a and to add "military magistrates" to the list of officials whose fitness to perform duties shall be subject to investigation and disposition under regulations prescribed by the President.

The House amendment contained an identical provision (sec. 6004).

The conference agreement includes this provision.

Rights of victim (sec. 5105)

The Senate bill contained a provision (sec. 546) that would amend section 806b(c) of title 10, United States Code (Article 6b(c), Uniform Code of Military Justice (UCMJ)) to authorize military judges to decide on a case-by-case basis whether it is appropriate to appoint an individual to assume the victim's rights in all cases under the UCMJ in which the victim of an offense is under 18 years of age (unless the victim is a member of the Armed Forces) or is incompetent, incapacitated, or deceased.

The Senate bill also contained a provision (sec. 5105) that would amend section 806b of title 10, United States Code, (Article 6b, UCMJ), to clarify the relationship between the rights of victims and the disposition of offenses, as well as the procedures for judicial appointment of individuals to assume the rights of certain victims. The provision would also modify Article 6b, UCMJ, to incorporate procedures on defense counsel interviews of victims of sex-related offenses into Article 6b,

UCMJ, and would extend those procedures to victims of all offenses, consistent with related victims' rights provisions.

The House amendment contained a provision (sec. 6005) that is identical to the Senate provision (sec. 5105).

The conference agreement includes the identical provisions.

TITLE LII—APPREHENSION AND RESTRAINT

Restraint of persons charged (sec. 5121)

The Senate bill contained a provision (sec. 5121) that would amend section 810 of title 10, United States Code, (Article 10, Uniform Code of Military Justice (UCMJ)) to conform the language of the section to reflect current military justice practice regarding the arrest or confinement of an individual who is charged with an offense under the UCMJ. Additionally, it would amend Article 10 to require forwarding of charges and, when applicable, the preliminary hearing report, whenever a person is ordered into arrest or confinement before trial.

The House amendment contained an identical provision (sec. 6101).

The conference agreement includes this provision.

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

The Senate bill contained a provision (sec. 5122) that would amend section 812 of title 10, United States Code, (Article 12, Uniform Code of Military Justice (UCMJ)) to limit the prohibition on confining military members with foreign nationals to situations where the foreign nationals are not members of the U.S. Armed Forces and are detained under the law of war.

The House amendment contained an identical provision (sec. 6102).

The conference agreement includes this provision.

TITLE LIII—NON-JUDICIAL PUNISHMENT

Modification of confinement as non-judicial punishment (sec. 5141)

The Senate bill contained a provision (sec. 5141) that would amend section 815 of title 10, United States Code,

(Article 15, Uniform Code of Military Justice (UCMJ)) to remove punishment in the form of confinement on a diet limited to bread and water from the list of authorized punishments.

The House amendment contained an identical provision (sec. 6201).

The conference agreement includes this provision.

TITLE LIV—COURT-MARTIAL JURISDICTION

Courts-martial classified (sec. 5161)

The Senate bill contained a provision (sec. 5161) that would amend section 816 of title 10, United States Code, (Article 16, Uniform Code of Military Justice (UCMJ)) to establish standard panel sizes in all courts-martial: 8 members in a general court-martial (subject to the requirements of Article 25a in capital cases), and 4 members in a special court-martial. The provision would require a military judge to be detailed to all special courts-martial and would provide the military justice system with an option for a judge-alone trial by special court-martial, with confinement limited to 6 months or less, as reflected in the proposed changes to Article 19, UCMJ.

The House amendment contained an identical provision (sec. 6301).

The conference agreement includes this provision.

Jurisdiction of general courts-martial (sec. 5162)

The Senate bill contained a provision (sec. 5162) that would amend section 818 of title 10, United States Code, (Article 18, Uniform Code of Military Justice (UCMJ)) to conform Article 18 to the proposed changes to Article 16 concerning the types of general courts-martial and the proposed changes to Article 56 concerning sex-related offenses.

The House amendment contained a similar provision (sec. 6302).

The House recesses.

Jurisdiction of special courts-martial (sec. 5163)

The Senate bill contained a provision (sec. 5163) that would amend section 819 of title 10, United States Code, (Article 19, Uniform Code of Military Justice (UCMJ)) to conform to the proposal in Article 16, UCMJ, that would authorize

special courts-martial to be referred for trial by military judge-alone, and to authorize a military judge to designate a military magistrate to preside over trials, and to conform to current practice requiring a military judge, qualified defense counsel, and a recorder at every special court-martial.

The House amendment contained an identical provision (sec. 6303).

The conference agreement includes this provision.

Summary court-martial as non-criminal forum (sec. 5164)

The Senate bill contained a provision (sec. 5164) that would amend section 820 of title 10, United States Code, (Article 20, Uniform Code of Military Justice (UCMJ)) by adding a new subsection defining the summary court-martial as a non-criminal forum and clarifying that a finding of guilty at a summary court-martial does not constitute a criminal conviction.

The House amendment contained an identical provision (sec. 6304).

The conference agreement includes this provision.

TITLE LV—COMPOSITION OF COURTS-MARTIAL

Technical amendment relating to persons authorized to convene general courts-martial (sec. 5181)

The Senate bill contained a provision (sec. 5181) that would amend section 822 of title 10, United States Code, (Article 22, Uniform Code of Military Justice (UCMJ)) by removing the words "in chief" to reflect the current terminology for the commander of a naval fleet.

The House amendment contained an identical provision (sec. 6401).

The conference agreement includes this provision.

Who may serve on courts-martial and related matters (sec. 5182)

The Senate bill contained a provision (sec. 5182) that would amend section 825 of title 10, United States Code, (Article 25, Uniform Code of Military Justice (UCMJ)) to permit convening authorities to detail enlisted personnel to court-martial panels, subject to the accused's ability to specifically elect an all-officer panel, under the same rules and procedures with which an accused may elect one-third enlisted panel membership; to remove the statutory prohibition against detailing enlisted members to courts-martial who are from the

same unit as an enlisted accused; and to conform to the proposed amendments to Article 29, UCMJ, concerning impaneling of members.

The House amendment contained a similar provision (sec. 6402).

The House recedes with an amendment that would establish that sentencing in courts-martial in which members convict the accused for any offense would be by military judge alone unless, after the findings are announced and before any matter is presented in the sentencing phase, the accused requests sentencing by members. The amendment retains the requirement for sentencing by members in capital cases for which the court-martial may sentence the accused to death.

The Department of Defense Military Justice Review Group recommended that sentencing should be by military judge alone in all cases except in capital cases for which the court-martial may sentence the accused to death. There may be non-capital cases in which an accused prefers that his or her sentence should be determined by members. The conferees determined that it would be appropriate to allow an accused found guilty by a court-martial with a military judge and members the option to select members for sentencing. The conferees further direct that the Military Justice Review Panel established elsewhere in this Act shall gather and analyze data on the frequency and sentencing outcomes in non-capital cases in which an accused requests sentencing by members and to include this information in the report to the Committees on Armed Services of the Senate and the House of Representatives required under this Act.

Number of court-martial members in capital cases (sec. 5183)

The Senate bill contained a provision (sec. 5183) that would amend section 825a of title 10, United States Code, (Article 25a, Uniform Code of Military Justice (UCMJ)) to require a fixed-size panel of twelve members in capital cases.

The House amendment contained an identical provision (sec. 6403).

The conference agreement includes this provision.

Detailing, qualifications, and other matters relating to military judges (sec. 5184)

The Senate bill contained a provision (sec. 5184) that would amend section 826 of title 10, United States Code, (Article 26, Uniform Code of Military Justice (UCMJ)) to conform the section to the current practice of detailing a military

judge to every general and special court-martial; to provide for cross-service detailing of military judges; to require a chief trial judge in each armed force; and to provide appropriate criteria for service as a military judge. The provision would also authorize the President to establish uniform regulations concerning minimum tour lengths for military judges with provisions for early reassignment as necessary.

The House amendment contained a similar provision (sec. 6404).

The House recesses.

Military magistrates (sec. 5185)

The Senate bill contained a provision (sec. 5178) that would amend chapter 47 of title 10, United States Code, to add a new section 826a (Article 26a of the Uniform Code of Military Justice (UCMJ)) to establish the minimum qualifications for military magistrates, and to provide that military magistrates may be assigned under service regulations to perform duties other than those described under Articles 19 and 30a.

The House amendment contained a similar provision.

The House recesses (sec. 6407).

Qualifications of trial counsel and defense counsel (sec. 5186)

The Senate bill contained a provision (sec. 5185) that would amend section 827 of title 10, United States Code, (Article 27, Uniform Code of Military Justice (UCMJ)) to provide that an individual who has served as a preliminary hearing officer, court member, military judge, military magistrate, or appellate judge on a case may not later serve as trial counsel on that case. The provision would require that all defense counsel detailed to general or special courts-martial must be qualified under Article 27(b), and all trial counsel and assistant trial counsel detailed to special courts-martial, and all assistant trial counsel detailed to general courts-martial, must be determined to be competent to perform such duties under regulations prescribed by the President. The provision would also require, to the greatest extent practicable, at least one defense counsel detailed for a court-martial in a case in which the death penalty may be adjudged shall be learned in the law applicable to capital cases.

The House amendment contained a similar provision (sec. 6405).

The House recesses.

Assembly and impaneling of members and related matters (sec. 5187)

The Senate bill contained a provision (sec. 5186) that would amend section 829 of title 10, United States Code, (Article 29, Uniform Code of Military Justice (UCMJ)) to clarify the function of assembly and impanelment in general and special courts-martial with members, and the limited situations in which members may be absent from the court-martial after assembly; to provide for the impaneling of 12 members in a capital general court-martial, 8 members in a non-capital general court-martial, and 4 members in a special court-martial; to authorize (but not require) the convening authority to direct the use of alternate members; and to authorize non-capital general courts-martial to proceed with a minimum of 6 members if one or more members are excused for good cause after the members have been impaneled. It would further amend Article 29 to clarify that a newly-detailed court-martial member or military judge may consider the record of previously admitted evidence through the use of an electronic or other similar recording.

The House amendment contained a similar provision (sec. 6406).

The House recesses.

TITLE LVI—PRE-TRIAL PROCEDURE

Charges and specifications (sec. 5201)

The Senate bill contained a provision (sec. 5201) that would amend section 830 of title 10, United States Code, (Article 30, Uniform Code of Military Justice (UCMJ)) to reorganize the section into three subsections: (a) to provide the mode of preferring charges and specifications and the oath requirement; (b) to provide the required statement of the person who signs the charges; and (c) to prescribe the duty of a proper authority to notify the accused of the charges and to dispose of them in the interest of justice and discipline. The provision would amend Article 30 to clarify the sequence of the notification and disposition requirements and to require that both actions take place as soon as practicable.

The House amendment contained an identical provision (sec. 6501).

The conference agreement includes this provision.

Certain proceedings conducted before referral (sec. 5202)

The Senate bill contained a provision (sec. 5202) that would amend chapter 47 of title 10, United States Code, to add a new section 830a (Article 30a of the Uniform Code of Military Justice (UCMJ)) to provide statutory authority for military judges or magistrates to provide timely review, prior to referral of charges, of certain matters currently subject to judicial review only on a delayed basis at trial.

The House amendment contained no similar provision.

The House recedes with an amendment that would limit the matters which may be reviewed prior to referral of charges to pre-referral investigative subpoenas, pre-referral warrants or orders for electronic communications, and pre-referral matters referred by an appellate court.

Preliminary hearing required before referral to general court-martial (sec. 5203)

The Senate bill contained a provision (sec. 5203) that would amend section 832 of title 10, United States Code, (Article 32, Uniform Code of Military Justice (UCMJ)) to require the preliminary hearing officer to provide an analysis of information that will be useful in fulfilling the statutory responsibilities of the staff judge advocate, in providing legal determinations and a disposition recommendation to the convening authority under Article 34; and to assist the convening authority, in disposing of the charges and specifications in the interest of justice and discipline.

The House amendment contained a similar provision (sec. 6502).

The House recedes with an amendment that would include as a purpose of the preliminary hearing a recommendation as to the disposition that should be made of the case.

Disposition guidance (sec. 5204)

The Senate bill contained a provision (sec. 5204) that would amend section 833 of title 10, United States Code, (Article 33, Uniform Code of Military Justice (UCMJ)) to move the requirement for prompt forwarding of charges in cases involving pretrial arrest or confinement from Article 33 to Article 10. The provision would require the Secretary of Defense, in consultation with the Secretary of Homeland Security, to establish non-binding guidance regarding factors that commanders, convening authorities, staff judge advocates, and judge advocates may take into account when exercising their duties with respect to disposition of charges and specifications in the interest of justice and discipline.

The House amendment contained a similar provision (sec. 6503).

The Senate recesses.

Advice to convening authority before referral for trial (sec. 5205)

The Senate bill contained a provision (sec. 5205) that would amend section 834 of title 10, United States Code, (Article 34, Uniform Code of Military Justice (UCMJ)) to clarify the relationship between the staff judge advocate's advice under Article 34 and the general standard for disposition of charges and specifications under Article 30. The provision would require the convening authority to consult with a judge advocate before referral of charges to special courts-martial. The provision would clarify that formal corrections to the charges and specifications may be made before referral for trial in special courts-martial as well as in general courts-martial.

The House amendment contained a similar provision (sec. 6504).

The House recesses.

Service of charges and commencement of trial (sec. 5206)

The Senate bill contained a provision (sec. 5206) that would amend section 835 of title 10, United States Code, (Article 35, Uniform Code of Military Justice (UCMJ)) to conform procedures for service of charges and waiting period requirements to current practice and other UCMJ articles.

The House amendment contained an identical provision (sec. 6505).

The conference agreement includes this provision.

TITLE LVII—TRIAL PROCEDURE

Duties of assistant defense counsel (sec. 5221)

The Senate bill contained a provision (sec. 5221) that would amend section 838 of title 10, United States Code, (Article 38, Uniform Code of Military Justice (UCMJ)) to require all defense counsel, including assistant defense counsel, to be qualified under Article 27(b), UCMJ.

The House amendment contained an identical provision (sec. 6601).

The conference agreement includes this provision.

Sessions (sec. 5222)

The Senate bill contained a provision (sec. 5222) that would amend section 839 of title 10, United States Code, (Article 39, Uniform Code of Military Justice (UCMJ)) to establish uniform requirements for arraignment by a military judge and to eliminate references to courts-martial without a military judge, and to conform to the provision under Article 53 to authorize judicial sentencing in all non-capital general courts-martial and all special courts-martial.

The House amendment contained a similar provision (sec. 6602).

The Senate recedes with an amendment to conform to the provision under Article 25, UCMJ, as amended in a separate provision in this Act, that would provide an accused the option to request sentencing by members.

Technical amendment relating to continuances (sec. 5223)

The Senate bill contained a provision (sec. 5223) that would amend section 840 of title 10, United States Code, (Article 40, Uniform Code of Military Justice (UCMJ)) to eliminate references to courts-martial without a military judge, and to clarify that the authority to grant continuances extends to summary courts-martial.

The House amendment contained an identical provision (sec. 6603).

The conference agreement includes this provision.

Conforming amendments relating to challenges (sec. 5224)

The Senate bill contained a provision (sec. 5224) that would amend section 841 of title 10, United States Code, (Article 41, Uniform Code of Military Justice (UCMJ)) to conform the section with changes proposed to amend Article 16 concerning fixed panel sizes and to eliminate special courts-martial without a military judge.

The House amendment contained a similar provision (sec. 6604).

The Senate recedes with a technical amendment.

Statute of limitations (sec. 5225)

The Senate bill contained a provision (sec. 5225) that would amend section 843 of title 10, United States Code, (Article 43, Uniform Code of Military Justice (UCMJ)) to extend the statute of limitations applicable to child abuse offenses

from the current 5 years or the life of the child, whichever is longer, to 10 years or life of the child, whichever is longer. The provision would extend the statute of limitations for Article 83 fraudulent enlistment cases from 5 years to: (1) the length of the enlistment, in the case of enlisted members; (2) the length of the appointment, in the case of officers; or (3) 5 years, whichever is longer. The provision would extend the statute of limitations when DNA testing implicates an identified person in the commission of an offense by excluding periods prior to the DNA identification in computing the period of limitations.

The House amendment contained a similar provision (sec. 6605).

The House recesses with a technical amendment.

Former jeopardy (sec. 5226)

The Senate bill contained a provision (sec. 5226) that would amend section 844 of title 10, United States Code, (Article 44, Uniform Code of Military Justice (UCMJ)) to more closely align double jeopardy protections under the UCMJ with federal civilian practice.

The House amendment contained an identical provision (sec. 6606).

The conference agreement includes this provision.

Pleas of the accused (sec. 5227)

The Senate bill contained a provision (sec. 5227) that would amend section 845 of title 10, United States Code, (Article 45, Uniform Code of Military Justice (UCMJ)) to permit an accused to plead guilty in capital cases where a sentence of death is not mandatory. The provision would delete the reference to a court-martial without a military judge. The provision would eliminate the need for separate service regulations authorizing entry of findings upon acceptance of a guilty plea. The provision would add a new subsection to provide for harmless error review in guilty plea cases.

The House amendment contained a similar provision (sec. 6607).

The House recesses.

Subpoena and other process (sec. 5228)

The Senate bill contained a provision (sec. 5228) that would amend section 846 of title 10, United States Code, (Article 46, Uniform Code of Military Justice (UCMJ)) to clarify

the authority to issue and enforce subpoenas for witnesses and other evidence, to allow subpoenas duces tecum to be issued for investigations of offenses under the UCMJ when authorized by a general court-martial convening authority, and to authorize military judges to issue warrants and orders for the production of stored electronic communications under the Stored Communications Act (sections 2701-2712 of chapter 121, title 18, United States Code).

The House amendment contained no similar provision.

The House recesses with an amendment that would authorize a military judge to issue an investigative subpoena before referral of charges to a court-martial.

Refusal of person not subject to UCMJ to appear, testify, or produce evidence (sec. 5229)

The Senate bill contained a provision (sec. 5229) that would amend section 847 of title 10, United States Code, (Article 47, Uniform Code of Military Justice (UCMJ)) to provide that a person not subject to the UCMJ who fails to comply with military subpoenas issued under Article 46, UCMJ, is guilty of an offense against the United States.

The House amendment contained no similar provision.

The House recesses.

Contempt (sec. 5230)

The Senate bill contained a provision (sec. 5230) that would amend section 848 of title 10, United States Code, (Article 48, Uniform Code of Military Justice (UCMJ)) to authorize the contempt power for military judges and military magistrates detailed to pre-referral proceedings under the proposed Article 30a. The provision would also clarify that judges on the United States Court of Appeals for the Armed Forces and the service courts of criminal appeals do not have to be detailed to cases or proceedings in order to exercise the contempt power under this article. The provision would clarify that the president (as opposed to the judge) of a court of inquiry is vested with the contempt power, and would provide for appellate review of contempt punishments consistent with the review of other orders and judgments under the UCMJ.

The House amendment contained a similar provision (sec. 6608).

The House recesses with an amendment that would exclude commissioned officers detailed as a summary court-martial from the officials authorized to punish a person for contempt.

Depositions (sec. 5231)

The Senate bill contained a provision (sec. 5231) that would amend section 849 of title 10, United States Code, (Article 49, Uniform Code of Military Justice (UCMJ)) to conform the UCMJ with the language and function of Federal Rule of Criminal Procedure 15(a)(1), and to move the procedural aspects of Article 49 to Rules for Courts-Martial 702. The provision would clarify that a convening authority or a military judge may order depositions only if the requesting party demonstrates that, due to exceptional circumstances, it is in the interest of justice that the testimony of a prospective witness be preserved for use at a court-martial, military commission, court of inquiry, or other military court or board. The provision would clarify parties who may request a deposition, and require that, whenever practicable, depositions be taken before an impartial judge advocate. The provision would provide that: (1) representation of the parties with respect to a deposition shall be by counsel detailed in the same manner as trial counsel and defense counsel are detailed under Article 27; and (2) the accused shall have the right to be represented by civilian or military counsel in the same manner as such counsel are provided for in Article 38(b). The provision would clarify situations in which depositions may be used in military proceedings with a more direct reference to the military rules of evidence. The provision would amend the section to provide that testimony by deposition may be presented in capital cases only by the defense.

The House amendment contained an identical provision (sec. 6609).

The conference agreement includes this provision.

Admissibility of sworn testimony by audiotape or videotape from records of courts of inquiry (sec. 5232)

The Senate bill contained a provision (sec. 5232) that would amend section 850 of title 10, United States Code, (Article 50, Uniform Code of Military Justice (UCMJ)) to authorize sworn testimony from a court of inquiry to be played, in addition to read, into evidence in courts-martial and military commissions not established under section 948a, et seq., of title 10, United States Code, when it is otherwise admissible under the rules of evidence.

The House amendment contained a similar provision (sec. 6610).

The House recesses.

Conforming amendment relating to defense of lack of mental responsibility (sec. 5233)

The Senate bill contained a provision (sec. 5233) that would amend section 850a of title 10, United States Code, (Article 50a, Uniform Code of Military Justice (UCMJ)) to delete provisions pertaining to courts-martial without a military judge.

The House amendment contained an identical provision (sec. 6611).

The conference agreement includes this provision.

Voting and rulings (sec. 5234)

The Senate bill contained a provision (sec. 5234) that would amend section 851 of title 10, United States Code, (Article 51, Uniform Code of Military Justice (UCMJ)) to delete references pertaining to courts-martial without a military judge.

The House amendment contained an identical provision (sec. 6612).

The conference agreement includes this provision.

Votes required for conviction, sentencing, and other matters (sec. 5235)

The Senate bill contained a provision (sec. 5235) that would amend section 852 of title 10, United States Code, (Article 52, Uniform Code of Military Justice (UCMJ)) to require concurrence of at least three-fourths of the members present, and to require concurrence of at least three-fourths of the members present on offenses in a case referred for trial as a capital case where there was not a unanimous finding of guilty. The provision would eliminate the language concerning tie votes on challenges, motions, and other questions, which is applicable only to special courts-martial without a military judge, and which would no longer be necessary given the provision in Article 16, UCMJ, that would eliminate these members-only courts-martial.

The House amendment contained an identical provision (sec. 6613).

The conference agreement includes this provision.

Findings and sentencing (sec. 5236)

The Senate bill contained a provision (sec. 5236) that would amend section 853 of title 10, United States Code,

(Article 53, Uniform Code of Military Justice (UCMJ)) to require sentencing by a military judge in all non-capital general and special courts-martial. The provision would require that, in cases where the accused may be sentenced to death, the members shall participate in the sentence determination.

The House amendment contained no similar provision.

The House recedes with an amendment to conform to the provision under Article 25, UCMJ, as amended in a separate provision in this Act, that would provide an accused the option to request sentencing by members.

Plea agreements (sec. 5237)

The Senate bill contained a provision (sec. 5237) that would amend chapter 47 of title 10, United States Code to add a new section 853a (Article 53a, Uniform Code of Military Justice (UCMJ)) that would authorize: (1) construction and negotiation of charge and sentence agreements; (2) military judges to determine whether to accept a proposed plea agreement; and (3) the operation of sentence agreements with respect to the military judge's sentencing authority. The new Article 53a would provide that the military judge shall accept any lawful sentence agreement submitted by the parties, except that: (1) in the case of an offense with a sentencing parameter under Article 56, the military judge may reject the agreement only if it proposes a sentence that is both outside the sentencing parameter and plainly unreasonable; and (2) in the case of an offense without a sentencing parameter, the military judge may reject the agreement only if it proposes a sentence that is plainly unreasonable.

The House amendment contained a similar provision (sec. 6614) that did not include the authority for the military judge to reject a sentencing provision that the military judge determines is plainly unreasonable.

The Senate recedes.

Record of trial (sec. 5238)

The Senate bill contained a provision (sec. 5238) that would amend section 854 of title 10, United States Code, (Article 54, Uniform Code of Military Justice (UCMJ)) to require certification of the record by a court reporter. The provision would require a complete record in any general or special court-martial if the sentence includes death, dismissal, discharge, or confinement or forfeitures of pay for more than 6 months. The provision would provide all victims who testify at a court-martial with access to records of trial.

The House amendment contained a similar provision (sec. 6615).

The House recesses with a technical amendment.

TITLE LVIII—SENTENCES

Sentencing (sec. 5301)

The Senate bill contained a provision (sec. 5261) that would amend section 856 of title 10, United States Code, (Article 56, Uniform Code of Military Justice (UCMJ)) to replace the court-martial practice of "unitary" sentencing with "segmented" sentencing where, if confinement is adjudged for guilty findings, the amount of confinement for each guilty finding would be determined separately. The provision would also authorize segmented sentencing for fines. The provision would authorize sentencing parameters and criteria to provide guidance to military judges in determining an appropriate sentence and would authorize the United States to appeal a sentence to the Court of Criminal Appeals. The provision would incorporate Article 56a, authorizing a sentence of confinement for life without the eligibility of parole any time a life sentence is authorized, into Article 56, UCMJ, without substantive change.

The House amendment contained a similar provision (sec. 6701) that did not include sentencing parameters.

The Senate recesses with an amendment to conform to the provision under Article 25, UCMJ, as amended in a separate provision in this Act, that would provide an accused the option to request sentencing by members. In cases in which the accused has elected sentencing by members the court-martial will announce a single sentence for all the offenses for which an accused was found guilty.

Effective date of sentences (sec. 5302)

The Senate bill contained a provision (sec. 5262) that would amend section 857 of title 10, United States Code, (Article 57, Uniform Code of Military Justice (UCMJ)) to consolidate portions of Article 57 and 57a that govern deferment of sentences, and portions of Articles 57 and 71 that govern when sentences become effective into Article 57, as modified. The provision would make a conforming change to remove from Article 71 the authority for a convening authority to suspend a sentence under Article 71(d). The provision would strike Articles 57a and 71, because the authorities in those two Articles would be included in Article 57, as modified.

The House amendment contained a similar provision (sec. 6702).

The Senate recesses with a technical amendment.

Sentence of reduction in enlisted grade (sec. 5303)

The Senate bill contained a provision (sec. 5263) that would amend section 858a of title 10, United States Code, (Article 58a, Uniform Code of Military Justice (UCMJ)) to authorize reduction of enlisted members to the grade of E-1 whenever the approved sentence of a court-martial includes a punitive discharge, confinement, or hard labor without confinement.

The House amendment contained a similar provision (sec. 6703).

The Senate recesses.

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

*Post-trial processing in general and special courts-martial
(sec. 5321)*

The Senate bill contained a provision (sec. 5281) that would amend section 860 of title 10, United States Code, (Article 60, Uniform Code of Military Justice (UCMJ)) to provide for the distribution of the trial results and to authorize post-trial motions to be filed with the military judge in general and special courts-martial.

The House amendment contained an identical provision (sec. 6801).

The conference agreement includes this provision.

*Limited authority to act on sentence in specified post-trial
circumstances (sec. 5322)*

The Senate bill contained a provision (sec. 5282) that would amend chapter 47 of title 10, United States Code, to add a new section 860a (Article 60a, Uniform Code of Military Justice (UCMJ)) to consolidate current limitations on the convening authority's post-trial authority in most general and special courts-martial, subject to a narrowly limited suspension authority and a revised authority to adjust an adjudged sentence in cases where an accused provides substantial assistance in the investigation or prosecution of another person.

The provision would retain and clarify existing limitations on the convening authority's post-trial actions in general and special courts-martial in which: (1) the maximum sentence of confinement for any offense is more than 2 years; (2) adjudged confinement exceeds 6 months; (3) the sentence includes dismissal or discharge; or (4) the accused is found guilty of designated sex-related offenses. Under current law, the convening authority in such cases is prohibited from modifying the findings of the court-martial, or reducing, commuting, or suspending a punishment of death, confinement of more than 6 months, or a punitive discharge.

The provision would provide a limited suspension authority in specified circumstances. For the convening authority to exercise this authority, the military judge would be required to make a specific suspension recommendation in the Statement of Trial Results. The suspension authority would be limited to punishments of confinement in excess of 6 months and punitive discharges. The provision would retain, with clarifying amendments, the key features of current law with respect to the convening authority's power to reduce the sentence of an accused who assists in the prosecution or investigation of another person. As amended, the provision would authorize the President to prescribe rules providing for a convening authority to exercise this power after entry of judgment. This provision would allow for the reduction of a sentence of an accused who provides substantial assistance in the prosecution of another person, even well after his own trial is over and appellate review is complete.

The provision would allow the accused and a victim of the offense to submit matters to the convening authority for consideration.

The provision would require the decision of the convening authority to be forwarded to the military judge. If the convening authority modified the sentence of the court-martial, the convening authority would be required to explain the reasons for the modification. An explanation for the convening authority's decision would only be required when the convening authority modifies the sentence. No approval of the findings or sentence would be required. The decision of the convening authority would be forwarded to the military judge, who would incorporate any change in the sentence into the entry of judgment. In a case where the accused provides substantial assistance and a designated convening authority reduces the sentence of the accused after entry of judgment, the convening authority's action would be forwarded to the chief trial judge, who would be responsible for ensuring appropriate modification of the entry of judgment. Because a modification might happen

during or after the completion of appellate review, the modified entry of judgment would be forwarded to the Judge Advocate General for appropriate action.

The House amendment contained a similar provision (sec. 6802).

The Senate recesses with a technical amendment.

Post-trial actions in summary courts-martial and certain general and special courts-martial (sec. 5323)

The Senate bill contained a provision (sec. 5283) that would amend chapter 47 of title 10, United States Code, to add a new section 860b (Article 60b of the Uniform Code of Military Justice (UCMJ)) that would clarify the convening authority's post-trial authorities and responsibilities with respect to the findings and sentence of summary courts-martial and a limited number of general and special courts-martial which, because of the offenses charged and the sentence adjudged, would not be covered under Article 60a, UCMJ. Consistent with existing law, the convening authority in such cases would be authorized to act on the findings and the sentence, and could order rehearings, subject to certain limitations. The procedural requirements under Article 60b, including consideration of matters submitted by the accused and victim, would be the same as provided in Article 60a. In summary courts-martial, the convening authority would be required to act on the sentence, and would have discretion to act on the findings, as under current law.

The House amendment contained a similar provision (sec. 6803).

The House recesses.

Entry of judgment (sec. 5324)

The Senate bill contained a provision (sec. 5284) that would amend chapter 47 of title 10, United States Code, to create a new section 860c (Article 60c of the Uniform Code of Military Justice (UCMJ)) that would require the military judge to enter the judgment of the court-martial into the record in all general and special courts-martial, and would mark the conclusion of trial proceedings. The judgment would reflect the Statement of Trial Results, any action by the convening authority on the findings or sentence, and any post-trial rulings by the military judge. The judgment also would indicate the time when the accused's case becomes eligible for direct appeal to a service court of criminal appeals under Article 66, or for review by the Judge Advocate General under Article 65. This requirement for an entry of judgment is modeled after

Federal Rules of Criminal Procedure 32(k). The findings and sentence of a summary court-martial, as modified by any post-trial action by the convening authority under Article 60b, would constitute the judgment of the court-martial.

The House amendment contained a similar provision (sec. 6804).

The House recesses with a technical amendment.

Waiver of right to appeal and withdrawal of appeal (sec. 5325)

The Senate bill contained a provision (sec. 5285) that would amend section 861 of title 10, United States Code, (Article 61, Uniform Code of Military Justice (UCMJ)) to conform the section with proposed amendments to Articles 60, 65, and 69 concerning post-trial processing.

The House amendment contained a similar provision (sec. 6805).

The Senate recesses.

Appeal by the United States (sec. 5326)

The Senate bill contained a provision (sec. 5386) that would amend section 862 of title 10, United States Code, (Article 62, Uniform Code of Military Justice (UCMJ)) to authorize the government to appeal a decision when, upon defense motion, the military judge sets aside a panel's finding of guilty because of legally insufficient evidence, except in cases where such an appeal would violate Article 44's prohibitions on double jeopardy. The provision would align the rule of construction with the similar rule applicable to interlocutory appeals in federal civilian courts. The provision would amend Article 62 to conform to the proposed revisions to the review and appeal provisions under Articles 66 and 69.

The House amendment contained a similar provision (sec. 6806).

The Senate recesses with a technical amendment.

Rehearings (sec. 5327)

The Senate bill contained a provision (sec. 5287) that would amend section 863 of title 10, United States Code, (Article 63, Uniform Code of Military Justice (UCMJ)) to remove the sentence limitation at a rehearing in cases in which an accused changes a plea from guilty to not guilty, or otherwise fails to comply with the terms of a pretrial agreement, or after a sentence is set aside based on a government appeal.

The House amendment contained a similar provision (sec. 6807).

The Senate recesses.

Judge advocate review of finding of guilty in summary court-martial (sec. 5328)

The Senate bill contained a provision (sec. 5288) that would amend section 864 of title 10, United States Code, (Article 64, Uniform Code of Military Justice (UCMJ)) to apply only to the initial review of summary courts-martial. Article 65, UCMJ, as amended, would provide for review of general and special courts-martial that do not qualify for direct review by the service courts of criminal appeals.

The House amendment contained a similar provision (sec. 6808).

The House recesses with a technical amendment.

Transmittal and review of records (sec. 5329)

The Senate bill contained a provision (sec. 5289) that would amend section 865 of title 10, United States Code, (Article 65, Uniform Code of Military Justice (UCMJ)) to require that the record of trial be forwarded to appellate defense counsel for review whenever the case is eligible for an appeal under Article 66, and to require a review by the Judge Advocate General of all general and special court-martial cases not eligible for direct appeal under Article 66. The provision would require the Judge Advocate General to forward cases to the Court of Criminal Appeals for mandatory review if the judgment includes a sentence of death. The provision would require a review of all general and special courts-martial cases that are eligible for an appeal under Article 66, but where appeal has been waived, withdrawn, or not filed.

The House amendment contained a similar provision (sec. 6809) that did not include requirements regarding cases eligible for direct appeal.

The Senate recesses with an amendment that would provide for an automatic appeal in all cases in which the adjudged sentence includes death, dismissal, dishonorable discharge, or bad-conduct discharge, or confinement for 2 years or more.

Courts of Criminal Appeals (sec. 5330)

The Senate bill contained a provision (sec. 5290) that would amend section 866 of title 10, United States Code, (Article 66, Uniform Code of Military Justice (UCMJ)) to

establish an appeal as of right in non-capital cases under the UCMJ, similar to the federal civilian appellate courts, and expand the opportunity for direct review of courts-martial convictions by the service courts of criminal appeals. The provision would provide statutory standards for factual sufficiency review, sentence appropriateness review, and review of excessive post-trial delay. The provision would provide the courts of criminal appeals with express authority to order a hearing, rehearing or remand for further proceedings as may be necessary to address a substantial issue.

The House amendment contained a similar provision (sec. 6810).

The Senate recedes with a clarifying amendment. The provision would establish appeal as of right in non-capital cases in which the sentence adjudged includes a confinement for more than six months and the case is not subject to automatic review. The provision would also provide for automatic review in cases in which the sentence adjudged includes death, dismissal, a dishonorable or bad-conduct discharge, or confinement for two years or more. The provision would also provide for consideration of appeal of a sentence by the United States.

Review by Court of Appeals for the Armed Forces (sec. 5331)

The Senate bill contained a provision (sec. 5291) that would amend section 867 of title 10, United States Code, (Article 67, Uniform Code of Military Justice (UCMJ)) to conform the section with proposed creation of an "entry of judgment" in Article 60c, UCMJ, and related amendments to Articles 60 and 66, UCMJ. The provision would require the Judge Advocate General to notify the other Judge Advocates General prior to certifying a case for review by the Court of Appeals for the Armed Forces.

The House amendment contained a similar provision (sec. 6811).

The House recedes with a technical amendment.

Supreme Court review (sec. 5332)

The Senate bill contained a provision (sec. 5292) that would make a technical amendment to section 867a of title 10, United States Code, (Article 67a, Uniform Code of Military Justice (UCMJ)).

The House amendment contained an identical provision (sec. 6812).

The conference agreement includes this provision.

Review by Judge Advocate General (sec. 5333)

The Senate bill contained a provision (sec. 5293) that would amend section 869 of title 10, United States Code, (Article 69, Uniform Code of Military Justice (UCMJ)) to authorize an accused, after a decision is issued by the Office of the Judge Advocate General under Article 69, UCMJ, to apply for discretionary review by the Court of Criminal Appeals under Article 66, UCMJ. The Judge Advocates General would retain authority to certify cases for review by the appellate courts.

The House amendment contained a similar provision (sec. 6813).

The Senate recedes with a technical amendment.

Appellate defense counsel in death penalty cases (sec. 5334)

The Senate bill contained a provision (sec. 5294) that would amend section 870 of title 10, United States Code, (Article 70, Uniform Code of Military Justice (UCMJ)) to require, to the greatest extent practicable, that in appeals of courts-martial in which the death penalty has been adjudged, at least one appellate defense counsel representing an accused must be learned in the law applicable to capital cases.

The House amendment contained an identical provision (sec. 6814).

The conference agreement includes this provision.

Authority for hearing on vacation of suspension of sentence to be conducted by qualified judge advocate (sec. 5335)

The Senate bill contained a provision (sec. 5295) that would amend section 872 of title 10, United States Code, (Article 72, Uniform Code of Military Justice (UCMJ)) to authorize a special court-martial convening authority to detail a judge advocate to conduct a hearing on the vacation of a suspended sentence.

The House amendment contained an identical provision (sec. 6815).

The conference agreement includes this provision.

Extension of time for petition for new trial (sec. 5336)

The Senate bill contained a provision (sec. 5296) that would amend section 873 of title 10, United States Code, (Article 73, Uniform Code of Military Justice (UCMJ)) to extend the time to file a petition for a new trial from 2 years to 3 years.

The House amendment contained an identical provision (sec. 6816).

The conference agreement includes this provision.

Restoration (sec. 5337)

The Senate bill contained a provision (sec. 5297) that would amend section 875 of title 10, United States Code, (Article 75, Uniform Code of Military Justice (UCMJ)) to require the President to establish rules governing the eligibility for pay and allowances during the period after a court-martial sentence is set aside or disapproved.

The House amendment contained an identical provision (sec. 6817).

The conference agreement includes this provision.

Leave requirements pending review of certain court-martial convictions (sec. 5338)

The Senate bill contained a provision (sec. 5298) that would amend section 876a of title 10, United States Code, (Article 76a, Uniform Code of Military Justice (UCMJ)) to conform Article 76a with proposed changes in Article 60 and the proposed new Article 60c, with no substantive changes. Article 76a currently authorizes the services, at their discretion, to place an accused on involuntarily leave if the accused has been sentenced to an unsuspended punitive discharge or dismissal that has been approved by the convening authority.

The House amendment contained an identical provision (sec. 6818).

The conference agreement includes this provision.

TITLE LX—PUNITIVE ARTICLES

Reorganization of punitive articles (sec. 5401)

The Senate bill contained a provision (sec. 5301) that would transfer and redesignate certain articles of the Uniform Code of Military Justice within subchapter X of chapter 10 of title 10, United States Code.

The House amendment contained an identical provision (sec. 6901).

The conference agreement includes this provision.

Conviction of offense charged, lesser included offenses, and attempts (sec. 5402)

The Senate bill contained a provision (sec. 5302) that would amend section 879 of title 10, United States Code, (Article 79, Uniform Code of Military Justice (UCMJ)) to authorize the President to designate an authoritative, but non-exhaustive, list of lesser included offenses for each punitive article of the UCMJ in addition to judicially-determined lesser included offenses.

The House amendment contained a similar provision (sec. 6902).

The House recedes.

Soliciting commission of offenses (sec. 5403)

The Senate bill contained a provision (sec. 5303) that would amend section 882 of title 10, United States Code, (Article 82, Uniform Code of Military Justice (UCMJ)) to consolidate the general solicitation offense under Article 134, the general article, with specific solicitation offenses under Article 82.

The House amendment contained an identical provision (sec. 6903).

The conference agreement includes this provision.

Malingering (sec. 5404)

The Senate bill contained a provision (sec. 5304) that would add a new section 883 to chapter 47 of title 10, United States Code, (Article 83, Uniform Code of Military Justice (UCMJ)) to establish the offense of malingering.

The House amendment contained an identical provision (sec. 6904).

The conference agreement includes this provision.

Breach of medical quarantine (sec. 5405)

The Senate bill contained a provision (sec. 5305) that would add a new section 884 to chapter 47 of title 10, United States Code, (Article 84, Uniform Code of Military Justice (UCMJ)) to establish the offense of of breaking a medical quarantine.

The House amendment contained an identical provision (sec. 6905).

The conference agreement includes this provision.

Missing movement; jumping from vessel (sec. 5406)

The Senate bill contained a provision (sec. 5306) that would amend section 887 of title 10, United States Code, (Article 87, Uniform Code of Military Justice (UCMJ)) to include the offense of jumping from a vessel into the water.

The House amendment contained an identical provision (sec. 6906).

The conference agreement includes this provision.

Offenses against correctional custody and restriction (sec. 5407)

The Senate bill contained a provision (sec. 5307) that would add a new section 887b to chapter 47 of title 10, United States Code, (Article 87b, Uniform Code of Military Justice (UCMJ)) to establish the offense of violating various forms of custody and breaking restriction.

The House amendment contained a similar provision (sec. 6907).

The House recesses.

Disrespect toward superior commissioned officer; assault of superior commissioned officer (sec. 5408)

The Senate bill contained a provision (sec. 5308) that would amend section 889 of title 10, United States Code, (Article 89, Uniform Code of Military Justice (UCMJ)) to include the offense of assaulting a superior commissioned officer.

The House amendment contained an identical provision (sec. 6908).

The conference agreement includes this provision.

Willfully disobeying superior commissioned officer (sec. 5409)

The Senate bill contained a provision (sec. 5309) that would amend section 890 of title 10, United States Code, (Article 90, Uniform Code of Military Justice (UCMJ)) to remove the offense of assaulting a superior commissioned officer, which will be transferred to Article 89, UCMJ.

The House amendment contained an identical provision (sec. 6909).

The conference agreement includes this provision.

Prohibited activities with military recruit or trainee by person in position of special trust (sec. 5410)

The Senate bill contained a provision (sec. 5310) that would add a new section 893a to title 10, United States Code,

(Article 93a, Uniform Code of Military Justice (UCMJ)) that would provide specific accountability for sexual misconduct committed by recruiters and trainers during the various phases within the recruiting and basic military training environments. Because of the unique nature of military training and the initial training environments among the services, the statute would authorize the service secretaries to publish regulations designating the types of physical intimacy that would constitute "prohibited sexual activity" under the new article. Article 93a would apply to military recruiters and trainers who knowingly engage in prohibited sexual activity with prospective recruits or junior members of the Armed Forces in initial training environments. Consent would not be a defense to this offense. Article 93a would address specific conduct and would not supersede or preempt service regulations governing professional conduct by staff involved in recruiting, entry level training, or other follow-on training programs. The Secretary concerned may prescribe by regulation any additional initial career qualification training programs related to servicemembers that would be covered under this statute.

The House amendment contained a similar provision (sec. 6910).

The Senate recesses.

Offenses by sentinel or lookout (sec. 5411)

The Senate bill contained a provision (sec. 5311) that would amend section 895 of title 10, United States Code, (Article 95, Uniform Code of Military Justice (UCMJ)) to include the offense of loitering by sentinels or lookouts.

The House amendment contained a similar provision (sec. 6911).

The House recesses.

Disrespect toward sentinel or lookout (sec. 5412)

The Senate bill contained a provision (sec. 5312) that would add a new section 895a to chapter 47 of title 10, United States Code, (Article 95a, Uniform Code of Military Justice (UCMJ)) to establish the offense of disrespect toward sentinels or lookouts.

The House amendment contained a similar provision (sec. 6912).

The House recesses.

Release of prisoner without authority; drinking with prisoner (sec. 5413)

The Senate bill contained a provision (sec. 5313) that would amend section 896 of title 10, United States Code, (Article 96, Uniform Code of Military Justice (UCMJ)) to include the offense of drinking liquor with a prisoner.

The House amendment contained an identical provision (sec. 6913).

The conference agreement includes this provision.

Penalty for acting as a spy (sec. 5414)

The Senate bill contained a provision (sec. 5314) that would amend section 903 of title 10, United States Code, (Article 103, Uniform Code of Military Justice (UCMJ)) to redesignate Article 106, UCMJ, as Article 103, UCMJ, and replace the mandatory death penalty currently prescribed with a discretionary death penalty similar to that authorized under existing Article 106a, UCMJ, (Espionage) and for all other capital offenses under the Uniform Code of Military Justice.

The House amendment contained a similar provision (sec. 6914).

The House recesses.

Public records offenses (sec. 5415)

The Senate bill contained a provision (sec. 5315) that would add a new section 904 to chapter 47 of title 10, United States Code, (Article 104, Uniform Code of Military Justice (UCMJ)) to establish the offense of altering, concealing, removing, mutilating, obliterating, or destroying a public record.

The House amendment contained a similar provision (sec. 6915).

The House recesses.

False or unauthorized pass offenses (sec. 5416)

The Senate bill contained a provision (sec. 5316) that would add a new section 905a to chapter 47 of title 10, United States Code, (Article 105a, Uniform Code of Military Justice (UCMJ)) to establish false or unauthorized pass offenses.

The House amendment contained a similar provision (sec. 6916).

The House recesses.

Impersonation offenses (sec. 5417)

The Senate bill contained a provision (sec. 5317) that would add a new section 906 to chapter 47 of title 10, United States Code, (Article 106, Uniform Code of Military Justice (UCMJ)) to establish the offense of impersonating a commissioned, warrant, noncommissioned or petty officer, or an agent or official, and conform the article to the definition of "officer" in section 101(1) of title 10, United States Code.

The House amendment contained a similar provision (sec. 6917).

The House recesses.

Insignia offenses (sec. 5418)

The Senate bill contained a provision (sec. 5318) that would add a new section 906a to chapter 47 of title 10, United States Code, (Article 106a, Uniform Code of Military Justice (UCMJ)) to establish the offense of wearing unauthorized insignia, decoration, badge, ribbon, device, or lapel button.

The House amendment contained a similar provision (sec. 6918).

The House recesses.

False official statements; false swearing (sec. 5419)

The Senate bill contained a provision (sec. 5319) that would amend section 907 of title 10, United States Code, (Article 107, Uniform Code of Military Justice (UCMJ)) to include the offense of false swearing.

The House amendment contained an identical provision (sec. 6919).

The conference agreement includes this provision.

Parole violation (sec. 5420)

The Senate bill contained a provision (sec. 5320) that would add a new section 907a to chapter 47 of title 10, United States Code, (Article 107a, Uniform Code of Military Justice (UCMJ)) to establish the offense of violating parole.

The House amendment contained a similar provision (sec. 6920).

The House recesses.

Wrongful taking, opening, etc. of mail matter (sec. 5421)

The Senate bill contained a provision (sec. 5321) that would add a new section 909a to chapter 47 of title 10, United States Code, (Article 109a, Uniform Code of Military Justice

(UCMJ)) to establish the offense of wrongfully taking, opening, secreting, destroying, or stealing mail.

The House amendment contained an identical provision (sec. 6921).

The conference agreement includes this provision.

Improper hazarding of vessel or aircraft (sec. 5422)

The Senate bill contained a provision (sec. 5322) that would amend section 910, title 10, United States Code, (Article 110, Uniform Code of Military Justice (UCMJ)) to include the offense of improper hazarding of an aircraft.

The House amendment contained an identical provision (sec. 6922).

The conference agreement includes this provision.

Leaving scene of vehicle accident (sec. 5423)

The Senate bill contained a provision (sec. 5323) that would add a new section 911 to chapter 47 of title 10, United States Code, (Article 111, Uniform Code of Military Justice (UCMJ)) to establish the offense of fleeing the scene of an accident.

The House amendment contained a similar provision (sec. 6923).

The House recesses.

Drunkenness and other incapacitation offenses (sec. 5424)

The Senate bill contained a provision (sec. 5324) that would amend section 912 of title 10, United States Code, (Article 112, Uniform Code of Military Justice (UCMJ)) to include the offense of incapacitation for duty from drunkenness or drug use and drunk prisoner.

The House amendment contained an identical provision (sec. 6924).

The conference agreement includes this provision.

Lower blood alcohol content limits for conviction of drunken or reckless operation of vehicle, aircraft, or vessel (sec. 5425)

The Senate bill contained a provision (sec. 5325) that would amend section 913 of title 10, United States Code, (Article 113, Uniform Code of Military Justice (UCMJ)) to lower the blood alcohol standard for conviction of drunken or reckless operation of a vehicle, aircraft, or vessel from 0.10 grams to 0.08 grams of alcohol per 100 milliliters of blood, and to allow

service secretaries to prescribe lower levels of blood alcohol to convict if such lower limits are based on scientific developments, as reflected in federal law of general applicability.

The House amendment contained a similar provision (sec. 6925).

The House recesses.

Endangerment offenses (sec. 5426)

The Senate bill contained a provision (sec. 5326) that would amend section 914 of title 10, United States Code, (Article 114, Uniform Code of Military Justice (UCMJ)) to include the offense of reckless endangerment, discharge of firearm/endangering human life, and carrying of a concealed weapon.

The House amendment contained an identical provision (sec. 6926).

The conference agreement includes this provision.

Communicating threats (sec. 5427)

The Senate bill contained a provision (sec. 5327) that would amend section 915 of title 10, United States Code, (Article 115, Uniform Code of Military Justice (UCMJ)) to include the offense of communicating a threat.

The House amendment contained an identical provision (sec. 6927).

The conference agreement includes this provision.

Technical amendment relating to murder (sec. 5428)

The Senate bill contained a provision (sec. 5328) that would amend section 918 of title 10, United States Code, (Article 118, Uniform Code of Military Justice (UCMJ)) to strike the words "forcible sodomy" which has the effect of clarifying that forcible sodomy is included within the sexual offenses punishable under Article 120, UCMJ.

The House amendment contained an identical provision (sec. 6928).

The conference agreement includes this provision.

Child endangerment (sec. 5429)

The Senate bill contained a provision (sec. 5329) that would add a new section 919b to chapter 47 of title 10, United

States Code, (Article 119b, Uniform Code of Military Justice (UCMJ)) to establish the offense of child endangerment.

The House amendment contained an identical provision (sec. 6929).

The conference agreement includes this provision.

Rape and sexual assault offenses (sec. 5430)

The Senate bill contained a provision (sec. 5330) that would amend section 920 of title 10, United States Code, (Article 120, Uniform Code of Military Justice (UCMJ)) to amend the definition of "sexual act" in both Article 120 (rape and sexual assault generally) and Article 120b (rape and sexual assault of a child) to conform to the definition of that term in federal criminal law in the civilian sector, under section 2246(2)(A)-(C) of title 18, United States Code.

The House amendment contained no similar provision.

The House recedes with an amendment that would remove the element of committing a sexual act upon another person by wrongfully using position, rank, or authority to coerce the acquiescence of the other person in the sexual act. The conferees note that this conduct is prohibited in section 893a of title 10, United States Code, (Article 93a, UCMJ), added elsewhere in this Act.

Deposit of obscene matter in the mail (sec. 5431)

The Senate bill contained a provision (sec. 5331) that would add a new section 920a to chapter 47 of title 10, United States Code, (Article 120a, Uniform Code of Military Justice (UCMJ)) to establish the offense of depositing, or causing to be deposited, obscene materials in the mails.

The House amendment contained an identical provision (sec. 6930).

The conference agreement includes this provision.

Fraudulent use of credit cards, debit cards, and other access devices (sec. 5432)

The Senate bill contained a provision (sec. 5332) that would add a new section 921a to chapter 47 of title 10, United States Code, (Article 121a, Uniform Code of Military Justice (UCMJ)) to establish the offense of misuse of credit cards, debit cards, and other electronic payment technology, also known as "access devices."

The House amendment contained a similar provision (sec. 6931).

The House recesses.

False pretenses to obtain services (sec. 5433)

The Senate bill contained a provision (sec. 5333) that would add a new section 921b to chapter 47 of title 10, United States Code, (Article 121b, Uniform Code of Military Justice (UCMJ)) to establish the offense of obtaining services under false pretenses.

The House amendment contained a similar provision (sec. 6932).

The House recesses.

Robbery (sec. 5434)

The Senate bill contained a provision (sec. 5334) that would amend section 922 of title 10, United States Code, (Article 122, Uniform Code of Military Justice (UCMJ)) by removing the words "with the intent to steal" from the section, eliminating the requirement to prove that the accused intended to permanently deprive the victim of his property.

The House amendment contained an identical provision (sec. 6933).

The conference agreement includes this provision.

Receiving stolen property (sec. 5435)

The Senate bill contained a provision (sec. 5335) that would add a new section 922a to chapter 47 of title 10, United States Code, (Article 122a, Uniform Code of Military Justice (UCMJ)) to establish the offense of knowingly receiving, buying, or concealing stolen property.

The House amendment contained a similar provision (sec. 6934).

The House recesses.

Offenses concerning Government computers (sec. 5436)

The Senate bill contained a provision (sec. 5336) that would add a new section 923 to chapter 47 of title 10, United States Code, (Article 123, Uniform Code of Military Justice (UCMJ)) to prohibit certain actions directed at U.S. Government computers and U.S. Government protected information.

The House amendment contained a similar provision (sec. 6935).

The House recesses with a technical amendment.

Bribery (sec. 5437)

The Senate bill contained a provision (sec. 5337) that would add a new section 924a to chapter 47 of title 10, United States Code, (Article 124a, Uniform Code of Military Justice (UCMJ)) to establish the offense of bribery.

The House amendment contained a similar provision (sec. 6936).

The House recesses.

Graft (sec. 5438)

The Senate bill contained a provision (sec. 5338) that would add a new section 924b to chapter 47 of title 10, United States Code, (Article 124b, Uniform Code of Military Justice (UCMJ)) to establish the offense of graft.

The House amendment contained a similar provision (sec. 6937).

The House recesses.

Kidnapping (sec. 5439)

The Senate bill contained a provision (sec. 5339) that would add a new section 925 to chapter 47 of title 10, United States Code, (Article 125, Uniform Code of Military Justice (UCMJ)) to establish the offense of kidnapping.

The House amendment contained an identical provision (sec. 6938).

The conference agreement includes this provision.

Arson; burning property with intent to defraud (sec. 5440)

The Senate bill contained a provision (sec. 5340) that would amend section 926 of title 10, United States Code, (Article 126, Uniform Code of Military Justice (UCMJ)) to include the offense of burning with intent to defraud.

The House amendment contained an identical provision (sec. 6939).

The conference agreement includes this provision.

Assault (sec. 5441)

The Senate bill contained a provision (sec. 5341) that would amend section 928 of title 10, United States Code, (Article 128, Uniform Code of Military Justice (UCMJ)) to prescribe a standard that focuses on the malicious intent of the accused rather than the "likelihood" of the activity actually

resulting in harm. The provision would also amend this section to include the offense of assault with intent to commit murder, voluntary manslaughter, rape, robbery, sodomy, arson, burglary, or housebreaking.

The House amendment contained an identical provision (sec. 6940).

The conference agreement includes this provision.

Burglary and unlawful entry (sec. 5442)

The Senate bill contained a provision (sec. 5342) that would amend section 929 of title 10, United States Code, (Article 129, Uniform Code of Military Justice (UCMJ)) that would remove the "private dwelling" and "nighttime" elements of the offense, and to establish the offense of unlawful entry.

The House amendment contained a similar provision (sec. 6941).

The House recesses.

Stalking (sec. 5443)

The Senate bill contained a provision (sec. 5343) that would amend section 930 of title 10, United States Code, (Article 130, Uniform Code of Military Justice (UCMJ)) to establish the offenses of cyberstalking and threats to intimate partners. The provision would continue to address stalking activity involving a broad range of misconduct including, but not limited to, sex-related offenses. The redesignated stalking offense would not preempt service regulations that specify additional types of misconduct that may be punishable at court-martial, including under Article 92 (failure to obey order or regulation), nor would it preempt other forms of misconduct from being prosecuted under other appropriate Articles, such as under Article 134, the general article. These uniquely military offenses are available to address similar misconduct that causes, for example, substantial emotional distress or targets professional reputation.

The House amendment contained a similar provision (sec. 6942).

The House recesses with a technical amendment.

Subornation of perjury (sec. 5444)

The Senate bill contained a provision (sec. 5344) that would add a new section 931a to chapter 47 of title 10, United States Code, (Article 131a, Uniform Code of Military Justice (UCMJ)) to establish the offense of subornation of perjury.

The House amendment contained an identical provision (sec. 6943).

The conference agreement includes this provision.

Obstructing justice (sec. 5445)

The Senate bill contained a provision (sec. 5345) that would add a new section 931b to chapter 47 of title 10, United States Code, (Article 131b, Uniform Code of Military Justice (UCMJ)) to establish the offense of obstructing justice.

The House amendment contained a similar provision (sec. 6944).

The House recesses.

Misprision of serious offense (sec. 5446)

The Senate bill contained a provision (sec. 5346) that would add a new section 931c to chapter 47 of title 10, United States Code, (Article 131c, Uniform Code of Military Justice (UCMJ)) to establish the offense of misprision of serious offense.

The House amendment contained a similar provision (sec. 6945).

The House recesses.

Wrongful refusal to testify (sec. 5447)

The Senate bill contained a provision (sec. 5347) that would add a new section 931d to chapter 47 of title 10, United States Code, (Article 131d, Uniform Code of Military Justice (UCMJ)) to establish the offense of wrongful refusal to testify.

The House amendment contained a similar provision (sec. 6946).

The House recesses with a technical amendment.

Prevention of authorized seizure of property (sec. 5448)

The Senate bill contained a provision (sec. 5348) that would add a new section 931e to chapter 47 of title 10, United States Code, (Article 131e, Uniform Code of Military Justice (UCMJ)) to establish the offense of prevention of authorized seizure of property.

The House amendment contained a similar provision (sec. 6947).

The House recesses.

*Wrongful interference with adverse administrative proceeding
(sec. 5449)*

The Senate bill contained a provision (sec. 5349) that would add a new section 931g to chapter 47 of title 10, United States Code, (Article 131g, Uniform Code of Military Justice (UCMJ)) to establish the offense of wrongful interference with adverse administrative proceeding. The proceedings covered by this offense would include any administrative proceeding or action initiated against a servicemember that could lead to discharge, loss of special or incentive pay, administrative reduction in grade, loss of a security clearance, bar to reenlistment, or reclassification.

The House amendment contained a similar provision (sec. 6948).

The House recesses.

Retaliation (sec. 5450)

The Senate bill contained a provision (sec. 5350) that would add a new section 932 to chapter 47 of title 10, United States Code, (Article 132, Uniform Code of Military Justice (UCMJ)) that would prohibit retaliation against witnesses, victims, or persons who report or plan to report a criminal offense to law enforcement or military authority or a protected communication to appropriate authority. Article 132 would not preempt service regulations that specify additional types of retaliatory conduct that may be punishable at court-martial under Article 92 (failure to obey order or regulation), nor would it preempt other forms of retaliatory conduct from being prosecuted under other appropriate Articles, such as Article 109 (destruction of property), Article 93 (cruelty and maltreatment), Article 128 (Assault), Article 131b (obstructing justice), Article 130 (stalking), or Article 134, the General article.

The House amendment contained a similar provision (sec. 6949).

The House recesses.

Extraterritorial application of certain offenses (sec. 5451)

The Senate bill contained a provision (sec. 5351) that would amend section 934 of title 10, United States Code, (Article 134, Uniform Code of Military Justice (UCMJ)) to authorize prosecution under clause 3 of Article 134, UCMJ, of all non-capital federal crimes of general applicability, regardless of where the federal crime is committed. This change

would make military practice uniform throughout the world and would align it with the Military Extraterritorial Jurisdiction Act, section 3261 of title 18, United States Code.

The House amendment contained an identical provision (sec. 6950).

The conference agreement includes this provision.

Table of sections (sec. 5452)

The Senate bill contained a provision (sec. 5352) that would amend the table of sections at the beginning of subchapter X of chapter 47 of title 10, United States Code.

The House amendment contained a similar provision (sec. 6951).

The House recesses.

TITLE LXI—MISCELLANEOUS PROVISIONS

Technical amendments relating to courts of inquiry (sec. 5501)

The Senate bill contained a provision (sec. 5401) that would amend section 935 of title 10, United States Code, (Article 135, Uniform Code of Military Justice (UCMJ)) to provide individuals employed by the Department of Homeland Security, the department under which the Coast Guard operates, the right to be designated as parties in interest when they have a direct interest in the subject of a court of inquiry convened under Article 135. This change would align the rights of employees of the Department of Homeland Security with the rights of employees of the Department of Defense, ensuring consistent application of this statute for all military services.

The House amendment contained a similar provision (sec. 7001).

The Senate recesses.

Technical amendment to Article 136 (sec. 5502)

The Senate bill contained a provision (sec. 5402) that would amend section 936 of title 10, United States Code, (Article 136, Uniform Code of Military Justice (UCMJ)) to remove, from the section heading, the authority to act as a notary which is not provided for in the text of the section.

The House amendment contained a similar provision (sec. 7002).

The Senate recesses.

Articles of Uniform Code of Military Justice to be explained to officers upon commissioning (sec. 5503)

The Senate bill contained a provision (sec. 5403) that would amend section 937 of title 10, United States Code, (Article 137, Uniform Code of Military Justice (UCMJ)) to require that officers, in addition to enlisted personnel, receive training on the UCMJ upon entry to service, and periodically thereafter. The amendment would require specific military justice training for military commanders and convening authorities, and would require the Secretary of Defense to prescribe regulations for additional specialized training on the UCMJ for combatant commanders and commanders of combined commands. The provision would also require the Secretary of Defense to maintain an electronic version of the UCMJ and the Manual for Courts-Martial that would be updated periodically and made available on the Internet for review by servicemembers and the public.

The House amendment contained a similar provision (sec. 7003).

The House recesses.

Military justice case management; data collection and accessibility (sec. 5504)

The Senate bill contained a provision (sec. 5404) that would add a new section 940a to title 10, United States Code, (Article 140a, Uniform Code of Military Justice (UCMJ)) that would require the Secretary of Defense to prescribe uniform standards and criteria for case processing and management, military justice data collection, production and distribution of records of trial, and access to case information. The purpose of this section is to enhance the management of military justice cases, to standardize the collection of data necessary for evaluation and analysis, and to provide appropriate public access to military justice information at all stages of court-martial proceedings. At a minimum, the system developed for implementation should permit timely and appropriate access to filings, objections, instructions, and judicial rulings at the trial and appellate level, and to actions at trial and in subsequent proceedings concerning the findings and sentences of courts-martial.

The provision would require promulgation of standards by the Secretary of Defense not later than 2 years after enactment of this Act, with an effective date for such standards not later than 4 years after enactment.

The House amendment contained a similar provision (sec. 7004).

The Senate recesses with a technical amendment.

TITLE LXII—MILITARY JUSTICE REVIEW PANEL AND ANNUAL REPORTS

Military Justice Review Panel (sec. 5521)

The Senate bill contained a provision (sec. 5421) that would amend section 946 of title 10, United States Code, (Article 146, Uniform Code of Military Justice (UCMJ)) and retitle the section as "Military Justice Review Panel." The Military Justice Review Panel (Panel) would replace the Code Committee and would be an independent, blue ribbon panel of experts tasked to conduct a periodic review and assessment of the operation of the UCMJ on a regular basis, thereby enhancing the efficiency and effectiveness of the UCMJ and the Code's implementing regulations.

The House amendment contained a similar provision (sec. 7101).

The House recesses with an amendment that would require the Panel to gather and analyze sentencing data and submit a report to the Committees on Armed Services of the Senate and the House of Representatives not later than October 31, 2020, setting forth the Panel's findings and recommendations on the need for sentencing reform.

Annual reports (sec. 5522)

The Senate bill contained a provision (sec. 5422) that would add a new section 946a to title 10, United States Code, (Article 146a, Uniform Code of Military Justice (UCMJ)) that would retain the valuable informational aspects of the annual reports issued individually by the Court of Appeals for the Armed Forces, the Judge Advocates General, and the Staff Judge Advocate to the Commandant of the Marine Corps.

The House amendment contained a similar provision (sec. 7102).

The House recesses with a technical amendment.

TITLE LXIII—CONFORMING AMENDMENTS AND EFFECTIVE DATES

Amendments to UCMJ subchapter tables of sections (sec. 5541)

The Senate bill contained a provision (sec. 5441) that would make conforming amendments to the tables of sections for specified subchapters of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

The House amendment contained a similar provision (sec. 7201).

The House recesses with a technical amendment.

Effective dates (sec. 5542)

The Senate bill contained a provision (sec. 5442) that would require that the amendments made by this title shall take effect not later than the first day of the first calendar month that begins 2 years after the date of enactment of this Act.

The House amendment contained a similar provision (sec. 7202).

The House recesses.

LEGISLATIVE PROVISIONS NOT ADOPTED

Repeal of sentence reduction provision when interim guidance takes effect

The Senate bill contained a provision (sec. 5264) that would sunset section 856a of title 10, United States Code, (Article 56a, Uniform Code of Military Justice (UCMJ)) after sentencing parameters and criteria were established under Article 56.

The House amendment contained no similar provision.

The Senate recesses.

The conference agreement does not include a provision requiring interim guidance on sentencing parameters and criteria.

Minimum confinement period required for conviction of certain sex-related offenses committed by members of the Armed Forces

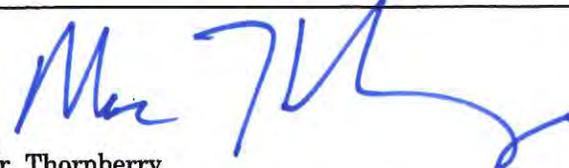
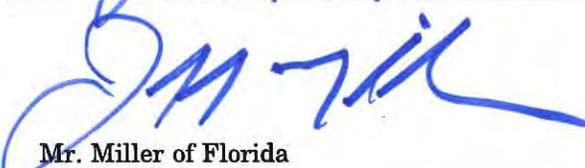
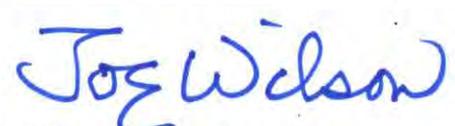
The House amendment contained a provision (sec. 6701A) that would amend section 856 of title 10, United States Code (Article 56, Uniform Code of Military Justice), to increase the minimum punishment for certain sex-related offenses from a dismissal or dishonorable discharge, to a dismissal or dishonorable discharge and confinement for two years.

The Senate bill contained no similar provision.

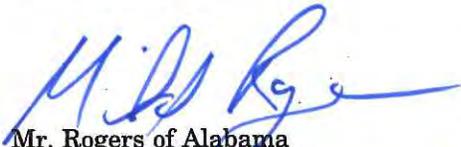
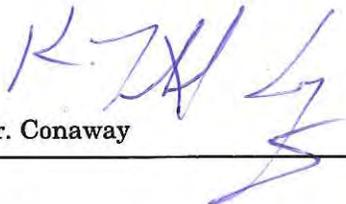
The House recesses.

The conferees note that the military justice reforms included in this Act will retain the existing minimum sentences under Article 56.

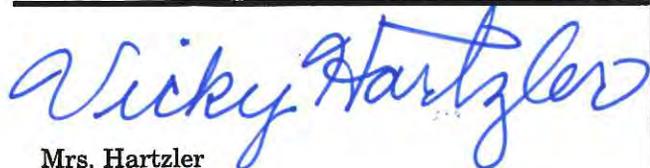
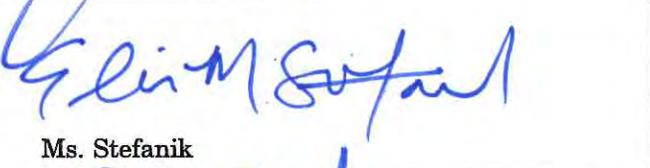
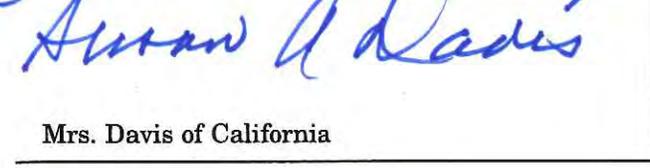
S. 2943

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Armed Services, for consideration of the Senate bill and the House amendment, and modifications committed to conference:	
 Mr. Thornberry	
 Mr. Forbes	
 Mr. Miller of Florida	
 Mr. Wilson of South Carolina	
 Mr. LoBiondo	
	
 Mr. Turner	

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<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
 Mr. Kline	
 Mr. Rogers of Alabama	
 Mr. Franks of Arizona	
Mr. Shuster	
 Mr. Conaway	
 Mr. Lamborn	
 Mr. Wittman	
 Mr. Gibson	

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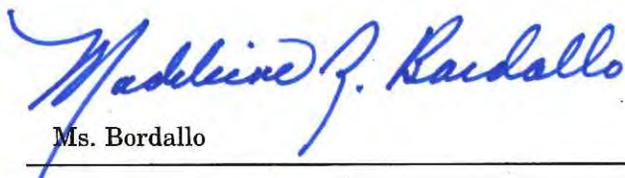
<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
 Mrs. Hartzler	
 Mr. Heck of Nevada	
 Ms. Stefanik	
 Mr. Smith of Washington	
 Ms. Loretta Sanchez of California	
 Mrs. Davis of California	
 Mr. Langevin	
 Mr. Larsen of Washington	

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*Managers on the part of the
HOUSE*

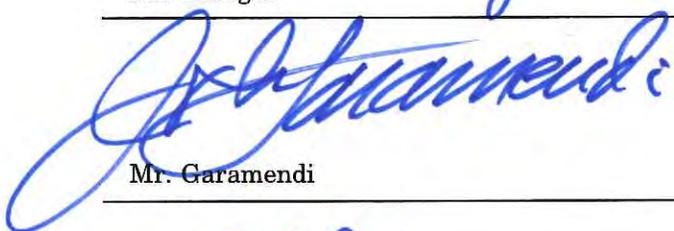
*Managers on the part of the
SENATE*


Mr. Cooper


Ms. Bordallo


Mr. Courtney


Ms. Tsongas

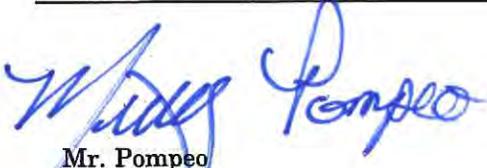

Mr. Garamendi


Mr. Johnson of Georgia

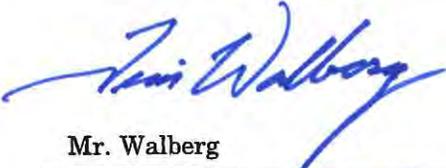

Ms. Speier


Mr. Peters

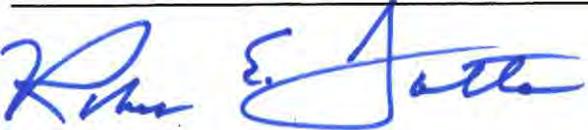
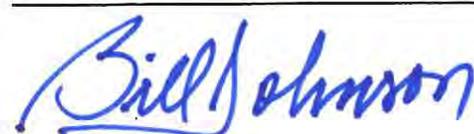
S. 2943—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X:	
 Mr. Nunes	
 Mr. Pompeo	
 Mr. Schiff	

S. 2943—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
<p>From the Committee on Education and the Workforce, for consideration of secs. 571-74 and 578 of the Senate bill, and secs. 571, 573, 1098E, and 3512 of the House amendment, and modifications committed to conference:</p>	
 Mr. Walberg	
 Mr. Guthrie	
 Mr. Scott of Virginia	

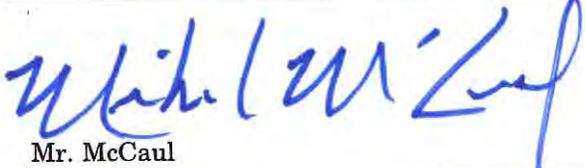
S. 2943—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Energy and Commerce, for consideration of secs. 3112 and 3123 of the Senate bill, and secs. 346, 601, 749, 1045, 1090, 1095, 1673, 3119A, and 3119C of the House amendment, and modifications committed to conference:	
 Mr. Latta	
 Mr. Johnson of Ohio	
Mr. Bell	

S. 2943—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
<p>From the Committee on Foreign Affairs, for consideration of secs. 828, 1006, 1007, 1050, 1056, 1089, 1204, 1211, 1221-23, 1231, 1232, 1242, 1243, 1247, 1252, 1253, 1255-58, 1260, 1263, 1264, 1271- 73, 1276, 1283, 1301, 1302, 1531-33, and 1662 of the Senate bill, and secs. 926, 1011, 1013, 1083, 1084, 1098K, 1099B, 1099C, 1201, 1203, 1214, 1221-23, 1227, 1229, 1233, 1235, 1236, 1245, 1246, 1250, 1259A-59E, 1259J, 1259L, 1259P, 1259Q, 1259U, 1261, 1262, 1301-03, 1510, 1531-33, 1645, 1653, and 2804 of the House amendment, and modifications committed to conference:</p>	
 Mr. Royce	
 Mr. Zeldin	
	

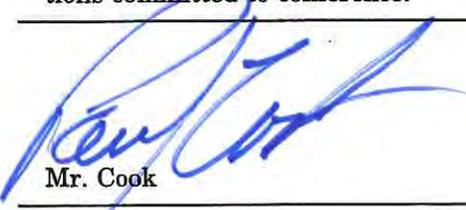
S. 2943—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Homeland Security, for consideration of secs. 564 and 1091 of the Senate bill, and secs. 1097, 1869, 1869A, and 3510 of the House amendment, and modifications committed to conference:	
 Mr. McCaul	
 Mr. Donovan	
 Mr. Thompson of Mississippi	

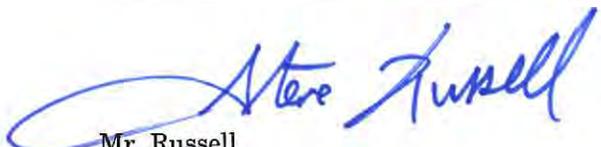
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<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on the Judiciary, for consideration of secs. 829J, 829K, 944, 963, 1006, 1023-25, 1053, 1093, 1283, 3303, and 3304 of the Senate bill, and secs. 598, 1090, 1098H, 1216, 1261, and 3608 of the House amendment, and modifications committed to conference:	
 Mr. Goodlatte	
 Mr. Issa	
Mr. Conyers	

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<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Natural Resources, for consideration of secs. 601, 2825, subtitle D of title XXVIII, and sec. 2852 of the Senate bill, and secs. 312, 601, 1090, 1098H, 2837, 2839, 2839A, subtitle E of title XXVIII; secs. 2852, 2854, 2855, 2864-66, title XXX, secs. 3508, 7005, and title LXXIII of the House amendment, and modifications committed to conference:	
 Mr. Cook	
 Mr. Hardy	
Mr. Critjaino	

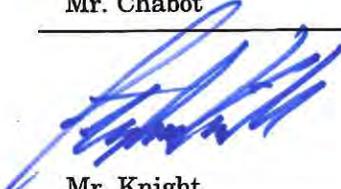
S. 2943—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Oversight and Government Reform, for consideration of secs. 339, 703, 819, 821, 829H, 829I, 861, 944, 1048, 1054, 1097, 1103-07, 1109-13, 1121, 1124, 1131-33, 1135, and 1136 of the Senate bill, and secs. 574, 603, 807, 821, 1048, 1088, 1095, 1098L, 1101, 1102, 1104-06, 1108-11, 1113, 1259C, and 1631 of the House amendment, and modifications committed to conference:	
Mr. Chaffetz 	
Mr. Russell 	
Mr. Cummings	

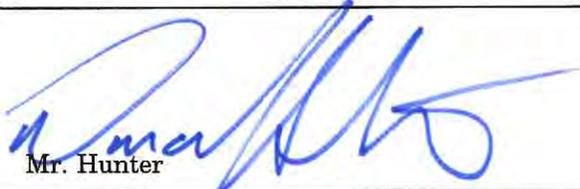
S. 2943—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Science, Space, and Technology, for consideration of sec. 874 of the Senate bill and secs. 1605, 1673, and title XXXIII of the House amendment, and modifications committed to conference:	
Mr. Smith of Texas	
Mr. Weber of Texas	
 Ms. Eddie Bernice Johnson of Texas	

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<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Small Business, for consideration of secs. 818, 838, 874, and 898 of the Senate bill, and title XVIII of the House amendment, and modifications committed to conference:	
 Mr. Chabot	
 Mr. Knight	
Mr. Velázquez	

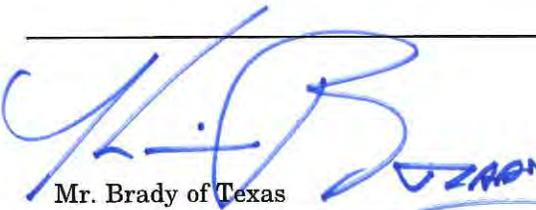
S. 2943—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Transportation and Infrastructure, for consideration of secs. 541, 562, 601, 961, 3302-07, 3501, and 3502 of the Senate bill, and secs. 343, 601, 731, 835, 1043, 1671, 3119C, 3501, 3504, 3509, 3512, and title XXXVI of the House amendment, and modifications committed to conference:	
 Mr. Hunter	
 Mr. Rouzer	
 Mr. Sean Patrick Maloney of New York	

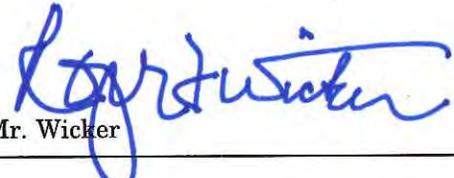
S. 2943—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Veterans' Affairs, for consideration of secs. 706, 755, and 1431 of the Senate bill, and secs. 741, 1421, and 1864 of the House amendment, and modifications committed to conference:	
 Mr. Roe of Tennessee	
 Mr. Bost	
	

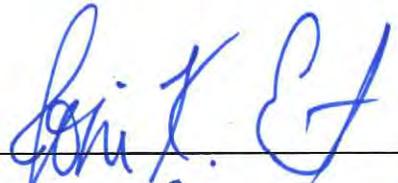
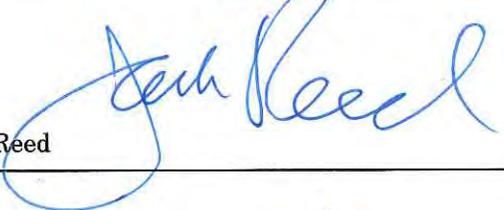
S. 2943—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on Ways and Means, for consideration of sec. 1271 of the Senate bill, and modifications committed to conference:	
 Mr. Brady of Texas	
 Mr. Reichert	
Mr. Lewis	

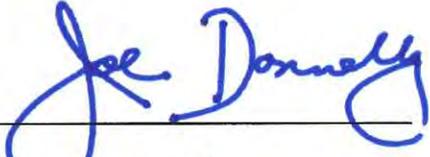
S. 2943—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
	 Mr. McCain
	 Mr. Inhofe
	 Mr. Sessions
	 Mr. Wicker
	 Ms. Ayotte
	 Mrs. Fischer
	 Mr. Cotton
	 Mr. Rounds

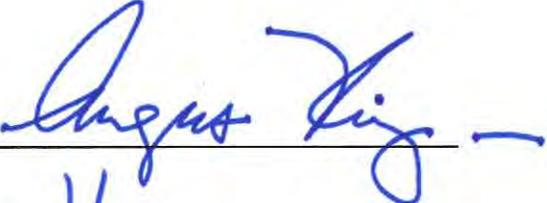
S. 2943—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
	Mrs. Ernst 
	Mr. Tillis 
	 Mr. Sullivan
	
	 Mr. Graham
	Mr. Cruz 
	Mr. Reed 
	Mr. Nelson 

S. 2943—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
	 Mrs. McCaskill
	 Mr. Manchin
	 Mrs. Shaheen
	Mrs. Gillibrand
	 Mr. Blumenthal
	 Mr. Donnelly
	 Ms. Hirono
	 Mr. Kaine

S. 2943—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
	Mr. King 
	 Mr. Heinrich