

114TH CONGRESS
2^D SESSION

H. R. 4909

AN ACT

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

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

3 **SECTION 1. SHORT TITLE.**

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

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

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

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 11 thorizations.

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

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

17 (4) Division D—Funding Tables.

18 (5) Division E—Military Justice.

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

Sec. 1. Short title.

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

Sec. 3. Congressional defense committees.

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- Sec. 3121. Clarification of annual report and certification on status of security of atomic energy defense facilities.
- Sec. 3122. Annual report on service support contracts of the National Nuclear Security Administration.
- Sec. 3123. Repeal of certain reporting requirements.
- Sec. 3124. Independent assessment of technology development under defense environmental cleanup program.
- Sec. 3125. Updated plan for verification and monitoring of proliferation of nuclear weapons and fissile material.
- Sec. 3126. Briefing on the information-interchange of low-enriched uranium.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.

TITLE XXXIII—NUCLEAR ENERGY INNOVATION CAPABILITIES

- Sec. 3301. Short title.
- Sec. 3302. Nuclear energy.
- Sec. 3303. Nuclear energy research programs.
- Sec. 3304. Advanced fuel cycle initiative.
- Sec. 3305. University nuclear science and engineering support.
- Sec. 3306. Department of Energy civilian nuclear infrastructure and facilities.
- Sec. 3307. Security of nuclear facilities.
- Sec. 3308. High-performance computation and supportive research.
- Sec. 3309. Enabling nuclear energy innovation.
- Sec. 3310. Budget plan.
- Sec. 3311. Conforming amendments.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

TITLE XXXV—MARITIME ADMINISTRATION

- Sec. 3501. Authorization of the Maritime Administration.
 Sec. 3502. Authority to make pro rata annual payments under operating agreements for vessels participating in Maritime Security Fleet.
 Sec. 3503. Authority to extend certain age restrictions relating to vessels in the Maritime Security Fleet.
 Sec. 3504. Corrections to provisions enacted by Coast Guard Authorization Acts.
 Sec. 3505. Status of National Defense Reserve Fleet vessels.
 Sec. 3506. NDRF national security multi-mission vessel.
 Sec. 3507. United States Merchant Marine Academy.
 Sec. 3508. Use of National Defense Reserve Fleet scrapping proceeds.
 Sec. 3509. Floating dry docks.
 Sec. 3510. Expedited processing of applications for transportation security cards for separating members of the Armed Forces and veterans.
 Sec. 3511. Training under Transition Assistance Program on employment opportunities associated with transportation security cards.
 Sec. 3512. Application of law.

TITLE XXXVI—BALLAST WATER

- Sec. 3601. Short title.
 Sec. 3602. Definitions.
 Sec. 3603. Regulation and enforcement.
 Sec. 3604. Uniform national standards and requirements for the regulation of discharges incidental to the normal operation of a vessel.
 Sec. 3605. Treatment technology certification.
 Sec. 3606. Exemptions.
 Sec. 3607. Alternative compliance program.
 Sec. 3608. Judicial review.
 Sec. 3609. Effect on State authority.
 Sec. 3610. Application with other statutes.

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.

DIVISION E—MILITARY JUSTICE

- Sec. 6000. Short title.

TITLE LX—GENERAL PROVISIONS

- Sec. 6001. Definitions.
- Sec. 6002. Clarification of persons subject to UCMJ while on inactive-duty training.
- Sec. 6003. Staff judge advocate disqualification due to prior involvement in case.
- Sec. 6004. Conforming amendment relating to military magistrates.
- Sec. 6005. Rights of victim.

TITLE LXI—APPREHENSION AND RESTRAINT

- Sec. 6101. Restraint of persons charged.
- Sec. 6102. Modification of prohibition of confinement of armed forces members with enemy prisoners and certain others.

TITLE LXII—NON-JUDICIAL PUNISHMENT

- Sec. 6201. Modification of confinement as non-judicial punishment.

TITLE LXIII—COURT-MARTIAL JURISDICTION

- Sec. 6301. Courts-martial classified.
- Sec. 6302. Jurisdiction of general courts-martial.

- Sec. 6303. Jurisdiction of special courts-martial.
- Sec. 6304. Summary court-martial as non-criminal forum.

TITLE LXIV—COMPOSITION OF COURTS-MARTIAL

- Sec. 6401. Technical amendment relating to persons authorized to convene general courts-martial.
- Sec. 6402. Who may serve on courts-martial; detail of members.
- Sec. 6403. Number of court-martial members in capital cases.
- Sec. 6404. Detailing, qualifications, etc. of military judges.
- Sec. 6405. Qualifications of trial counsel and defense counsel.
- Sec. 6406. Assembly and impaneling of members; detail of new members and military judges.
- Sec. 6407. Military magistrates.

TITLE LXV—PRE-TRIAL PROCEDURE

- Sec. 6501. Charges and specifications.
- Sec. 6502. Preliminary hearing required before referral to general court-martial.
- Sec. 6503. Disposition guidance.
- Sec. 6504. Advice to convening authority before referral for trial.
- Sec. 6505. Service of charges and commencement of trial.

TITLE LXVI—TRIAL PROCEDURE

- Sec. 6601. Duties of assistant defense counsel.
- Sec. 6602. Sessions.
- Sec. 6603. Technical amendment relating to continuances.
- Sec. 6604. Conforming amendments relating to challenges.
- Sec. 6605. Statute of limitations.
- Sec. 6606. Former jeopardy.
- Sec. 6607. Pleas of the accused.
- Sec. 6608. Contempt.
- Sec. 6609. Depositions.
- Sec. 6610. Admissibility of sworn testimony by audiotape or videotape from records of courts of inquiry.
- Sec. 6611. Conforming amendment relating to defense of lack of mental responsibility.
- Sec. 6612. Voting and rulings.
- Sec. 6613. Votes required for conviction, sentencing, and other matters.
- Sec. 6614. Plea agreements.
- Sec. 6615. Record of trial.

TITLE LXVII—SENTENCES

- Sec. 6701. Sentencing.
- Sec. 6701A. Minimum confinement period required for conviction of certain sex-related offenses committed by members of the Armed Forces.
- Sec. 6702. Effective date of sentences.
- Sec. 6703. Sentence of reduction in enlisted grade.

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

- Sec. 6801. Post-trial processing in general and special courts-martial.

- Sec. 6802. Limited authority to act on sentence in specified post-trial circumstances.
- Sec. 6803. Post-trial actions in summary courts-martial and certain general and special courts-martial.
- Sec. 6804. Entry of judgment.
- Sec. 6805. Waiver of right to appeal and withdrawal of appeal.
- Sec. 6806. Appeal by the United States.
- Sec. 6807. Rehearings.
- Sec. 6808. Judge advocate review of finding of guilty in summary court-martial.
- Sec. 6809. Transmittal and review of records.
- Sec. 6810. Courts of criminal appeals.
- Sec. 6811. Review by court of appeals for the armed forces.
- Sec. 6812. Supreme Court review.
- Sec. 6813. Review by Judge Advocate General.
- Sec. 6814. Appellate defense counsel in death penalty cases.
- Sec. 6815. Authority for hearing on vacation of suspension of sentence to be conducted by qualified judge advocate.
- Sec. 6816. Extension of time for petition for new trial.
- Sec. 6817. Restoration.
- Sec. 6818. Leave requirements pending review of certain court-martial convictions.

TITLE LXIX—PUNITIVE ARTICLES

- Sec. 6901. Reorganization of punitive articles.
- Sec. 6902. Conviction of offense charged, lesser included offenses, and attempts.
- Sec. 6903. Soliciting commission of offenses.
- Sec. 6904. Malingering.
- Sec. 6905. Breach of medical quarantine.
- Sec. 6906. Missing movement; jumping from vessel.
- Sec. 6907. Offenses against correctional custody and restriction.
- Sec. 6908. Disrespect toward superior commissioned officer; assault of superior commissioned officer.
- Sec. 6909. Willfully disobeying superior commissioned officer.
- Sec. 6910. Prohibited activities with military recruit or trainee by person in position of special trust.
- Sec. 6911. Offenses by sentinel or lookout.
- Sec. 6912. Disrespect toward sentinel or lookout.
- Sec. 6913. Release of prisoner without authority; drinking with prisoner.
- Sec. 6914. Penalty for acting as a spy.
- Sec. 6915. Public records offenses.
- Sec. 6916. False or unauthorized pass offenses.
- Sec. 6917. Impersonation offenses.
- Sec. 6918. Insignia offenses.
- Sec. 6919. False official statements; false swearing.
- Sec. 6920. Parole violation.
- Sec. 6921. Wrongful taking, opening, etc. of mail matter.
- Sec. 6922. Improper hazarding of vessel or aircraft.
- Sec. 6923. Leaving scene of vehicle accident.
- Sec. 6924. Drunkenness and other incapacitation offenses.
- Sec. 6925. Lower blood alcohol content limits for conviction of drunken or reckless operation of vehicle, aircraft, or vessel.
- Sec. 6926. Endangerment offenses.

- Sec. 6927. Communicating threats.
- Sec. 6928. Technical amendment relating to murder.
- Sec. 6929. Child endangerment.
- Sec. 6930. Deposit of obscene matter in the mail.
- Sec. 6931. Fraudulent use of credit cards, debit cards, and other access devices.
- Sec. 6932. False pretenses to obtain services.
- Sec. 6933. Robbery.
- Sec. 6934. Receiving stolen property.
- Sec. 6935. Offenses concerning government computers.
- Sec. 6936. Bribery.
- Sec. 6937. Graft.
- Sec. 6938. Kidnapping.
- Sec. 6939. Arson; burning property with intent to defraud.
- Sec. 6940. Assault.
- Sec. 6941. Burglary and unlawful entry.
- Sec. 6942. Stalking.
- Sec. 6943. Subornation of perjury.
- Sec. 6944. Obstructing justice.
- Sec. 6945. Misprision of serious offense.
- Sec. 6946. Wrongful refusal to testify.
- Sec. 6947. Prevention of authorized seizure of property.
- Sec. 6948. Wrongful interference with adverse administrative proceeding.
- Sec. 6949. Retaliation.
- Sec. 6950. Extraterritorial application of certain offenses.
- Sec. 6951. Table of sections.

TITLE LXX—MISCELLANEOUS PROVISIONS

- Sec. 7001. Technical amendment relating to courts of inquiry.
- Sec. 7002. Technical amendment to article 136.
- Sec. 7003. Articles of Uniform Code of Military Justice to be explained to officers upon commissioning.
- Sec. 7004. Military justice case management; data collection and accessibility.
- Sec. 7005. Return of Certain Lands At Fort Wingate to The Original Inhabitants Act.

TITLE LXXI—MILITARY JUSTICE REVIEW PANEL AND ANNUAL REPORTS

- Sec. 7101. Military justice review panel.
- Sec. 7102. Annual reports.

TITLE LXXII—CONFORMING AMENDMENTS AND EFFECTIVE DATES

- Sec. 7201. Amendments to UCMJ subchapter tables of sections.
- Sec. 7202. Effective dates.

TITLE LXXIII—GUAM WORLD WAR II LOYALTY RECOGNITION ACT

- Sec. 7301. Short title.
- Sec. 7302. Recognition of the suffering and loyalty of the residents of Guam.
- Sec. 7303. Guam World War II Claims Fund.
- Sec. 7304. Payments for Guam World War II claims.
- Sec. 7305. Adjudication.

Sec. 7306. Grants program to memorialize the occupation of Guam during World War II.

Sec. 7307. Authorization of appropriations.

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 **DIVISION A—DEPARTMENT OF**
6 **DEFENSE AUTHORIZATIONS**
7 **TITLE I—PROCUREMENT**
8 **Subtitle A—Authorization of**
9 **Appropriations**

10 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

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

15 **Subtitle B—Army Programs**

16 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR AH-**
17 **64E APACHE HELICOPTERS.**

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

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

7 **SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR UH-**
8 **60M AND HH-60M BLACK HAWK HELI-**
9 **COPTERS.**

10 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—
11 Subject to section 2306b of title 10, United States Code,
12 the Secretary of the Army may enter into one or more
13 multiyear contracts, beginning with the fiscal year 2017
14 program year, for the procurement of UH–60M and HH–
15 60M Black Hawk helicopters.

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

22 **SEC. 113. ASSESSMENT OF CERTAIN CAPABILITIES OF THE**
23 **DEPARTMENT OF THE ARMY.**

24 (a) ASSESSMENT.—The Secretary of Defense, in con-
25 sultation with the Secretary of the Army and the Chief

1 of Staff of the Army, shall conduct an assessment of the
2 following capabilities with respect to the Department of
3 the Army:

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

6 (2) Air defense artillery capacity and respon-
7 siveness, including—

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

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

15 (3) Chemical, biological, radiological, and nu-
16 clear capabilities and modernization needs.

17 (4) Field artillery capabilities, including—

18 (A) modernization needs;

19 (B) munitions inventory shortfalls; and

20 (C) changes in doctrine and war plans con-
21 sistent with the Memorandum of the Secretary
22 of Defense dated June 19, 2008, regarding the
23 Department of Defense policy on cluster muni-
24 tions and unintended harm to civilians.

1 (5) Fuel distribution and water purification ca-
2 pacity and responsiveness.

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

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

8 (8) Military police capacity.

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

12 (b) REPORT.—Not later than April 1, 2017, the Sec-
13 retary of Defense shall submit to the congressional defense
14 committees a report containing—

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

17 (2) recommendations for reducing or elimi-
18 nating shortfalls in responsiveness and capacity with
19 respect to each of the capabilities described in such
20 subsection; and

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

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

1 **SEC. 114. FUNDING FOR SURFACE-TO-AIR MISSILE SYSTEM.**

2 (a) INCREASE.—Notwithstanding the amounts set
3 forth in the funding tables in division D, the amount au-
4 thorized to be appropriated for procurement, as specified
5 in the corresponding funding table in section 4101, for
6 missile procurement, Army, surface-to-air missile system,
7 MSE missile (Line 002) is hereby increased by
8 \$82,400,000.

9 (b) OFFSET.—Notwithstanding the amounts set forth
10 in the funding tables in division D, the amount authorized
11 to be appropriated for Department of Energy national se-
12 curity programs, as specified in the corresponding funding
13 table in section 4701, for Defense Nuclear Nonprolifera-
14 tion, Defense Nuclear Nonproliferation Programs, De-
15 fense Nuclear Nonproliferation R&D, Material manage-
16 ment and minimization is hereby reduced by \$82,400,000.

17 **Subtitle C—Navy Programs**

18 **SEC. 121. PROCUREMENT AUTHORITY FOR AIRCRAFT CAR-**
19 **RIER PROGRAMS.**

20 (a) PROCUREMENT AUTHORITY IN SUPPORT OF CON-
21 STRUCTION OF FORD CLASS AIRCRAFT CARRIERS.—

22 (1) AUTHORITY FOR ECONOMIC ORDER QUAN-
23 TITY.—The Secretary of the Navy may procure ma-
24 teriel and equipment in support of the construction
25 of the Ford class aircraft carriers designated CVN—

1 80 and CVN-81 in economic order quantities when
2 cost savings are achievable.

3 (2) LIABILITY.—Any contract entered into
4 under paragraph (1) shall provide that any obliga-
5 tion of the United States to make a payment under
6 the contract is subject to the availability of appro-
7 priations for that purpose, and that total liability to
8 the Government for termination of any contract en-
9 tered into shall be limited to the total amount of
10 funding obligated at time of termination.

11 (b) REFUELING AND COMPLEX OVERHAUL OF NIM-
12 ITZ CLASS AIRCRAFT CARRIERS.—

13 (1) IN GENERAL.—The Secretary of the Navy
14 may carry out the nuclear refueling and complex
15 overhaul of each of the following Nimitz class air-
16 craft carriers:

17 (A) U.S.S. George Washington (CVN-73).

18 (B) U.S.S. John C. Stennis (CVN-74).

19 (C) U.S.S. Harry S. Truman (CVN-75).

20 (D) U.S.S. Ronald Reagan (CVN-76).

21 (E) U.S.S. George H.W. Bush (CVN-77).

22 (2) USE OF INCREMENTAL FUNDING.—With re-
23 spect to any contract entered into under paragraph
24 (1) for the nuclear refueling and complex overhaul
25 of a Nimitz class aircraft carrier, the Secretary may

1 use incremental funding for a period not to exceed
2 six years after advance procurement funds for such
3 nuclear refueling and complex overhaul effort are
4 first obligated.

5 (3) **CONDITION FOR OUT-YEAR CONTRACT PAY-**
6 **MENTS.**—Any contract entered into under paragraph
7 (1) shall provide that any obligation of the United
8 States to make a payment under the contract for a
9 fiscal year after fiscal year 2017 is subject to the
10 availability of appropriations for that purpose for
11 that later fiscal year.

12 **SEC. 122. SENSE OF CONGRESS ON AIRCRAFT CARRIER**
13 **PROCUREMENT SCHEDULES.**

14 (a) **FINDINGS.**—Congress finds the following:

15 (1) In a report submitted to Congress on March
16 17, 2015, the Secretary of the Navy indicated the
17 Department of the Navy has a requirement of 11
18 aircraft carriers.

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

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

9 (2) to accommodate the required aircraft car-
10 rier force structure, the Department of the Navy
11 should—

12 (A) begin to program construction for the
13 Ford class aircraft carrier designated CVN-81
14 in fiscal year 2022; and

15 (B) program the required advance procure-
16 ment activities to accommodate the construction
17 of such carrier.

18 **SEC. 123. DESIGN AND CONSTRUCTION OF LHA REPLACE-**
19 **MENT SHIP DESIGNATED LHA 8.**

20 (a) IN GENERAL.—The Secretary of the Navy may
21 enter into a contract, beginning with the fiscal year 2017
22 program year, for the design and construction of the LHA
23 Replacement ship designated LHA 8 using amounts au-
24 thorized to be appropriated for the Department of Defense
25 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 **SEC. 124. DESIGN AND CONSTRUCTION OF REPLACEMENT**
12 **DOCK LANDING SHIP DESIGNATED LX(R) OR**
13 **AMPHIBIOUS TRANSPORT DOCK DESIGNATED**
14 **LPD-29.**

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

22 (b) USE OF INCREMENTAL FUNDING.—With respect
23 to the contract entered into under subsection (a), the Sec-
24 retary may use incremental funding to make payments
25 under the contract.

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

7 **SEC. 125. SHIP TO SHORE CONNECTOR PROGRAM.**

8 (a) **CONTRACT AUTHORITY.**—Notwithstanding sec-
9 tion 2306b of title 10, United States Code, the Secretary
10 of the Navy may enter into a contract to procure up to
11 45 Ship to Shore Connector craft.

12 (b) **LIABILITY.**—Any contract entered into under
13 subsection (a) shall provide that any obligation of the
14 United States to make a payment under the contract is
15 subject to the availability of appropriations for that pur-
16 pose, and that the total liability to the Government for
17 termination of any contract entered into shall be limited
18 to the total amount of funding obligated at time of termi-
19 nation.

20 **SEC. 126. LIMITATION ON AVAILABILITY OF FUNDS FOR**
21 **LITTORAL COMBAT SHIP OR SUCCESSOR**
22 **FRIGATE.**

23 None of the funds authorized to be appropriated by
24 this Act or otherwise made available for fiscal year 2017
25 for the Navy shall be used to select only a single con-

1 tractor for the construction of the Littoral Combat Ship
2 or any successor frigate class ship program until the Sec-
3 retary of the Navy certifies to the congressional defense
4 committees that such selection of a single contractor will
5 be conducted—

6 (1) using competitive procedures; and

7 (2) for the limited purpose of awarding a con-
8 tract for—

9 (A) an engineering change proposal for a
10 frigate class ship; or

11 (B) the construction of a frigate class ship.

12 **SEC. 127. REPORT ON P-8 POSEIDON AIRCRAFT.**

13 (a) REPORT REQUIRED.—Not later than October 1,
14 2017, the Secretary of the Navy shall submit to the con-
15 gressional defense committees a report regarding future
16 capabilities for the P-8 Poseidon aircraft.

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

20 (1) A review of possible upgrades by the Navy
21 to the sensors onboard the aircraft, including intel-
22 ligence, surveillance, and reconnaissance sensors cur-
23 rently being fielded on Air Force platforms.

1 (2) An assessment of the ability of the Navy to
2 use long-range multispectral imaging systems on-
3 board the aircraft.

4 **Subtitle D—Air Force Programs**

5 **SEC. 131. ELIMINATION OF ANNUAL REPORT ON AIRCRAFT** 6 **INVENTORY.**

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

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

10 (2) by redesignating subsection (f) as sub-
11 section (e).

12 **SEC. 132. REPEAL OF REQUIREMENT TO PRESERVE CER-** 13 **TAIN RETIRED C-5 AIRCRAFT.**

14 Section 141 of the National Defense Authorization
15 Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat.
16 1659) is amended by striking subsection (d).

17 **SEC. 133. REPEAL OF REQUIREMENT TO PRESERVE CER-** 18 **TAIN RETIRED F-117 AIRCRAFT.**

19 Section 136 of the National Defense Authorization
20 Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat.
21 2114) is amended by striking subsection (b).

22 **SEC. 134. PROHIBITION ON AVAILABILITY OF FUNDS FOR** 23 **RETIREMENT OF A-10 AIRCRAFT.**

24 (a) PROHIBITION ON AVAILABILITY OF FUNDS FOR
25 RETIREMENT.—None of the funds authorized to be appro-

1 priated by this Act or otherwise made available for fiscal
2 year 2017 for the Air Force may be obligated or expended
3 to retire, prepare to retire, or place in storage or on
4 backup aircraft inventory status any A-10 aircraft.

5 (b) ADDITIONAL LIMITATION ON RETIREMENT.—In
6 addition to the prohibition in subsection (a), the Secretary
7 of the Air Force may not retire, prepare to retire, or place
8 in storage or on backup aircraft inventory status any A-
9 10 aircraft until a period of 90 days has elapsed following
10 the date on which the Secretary submits to the congres-
11 sional defense committees the report under subsection
12 (e)(2).

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

19 (d) MINIMUM INVENTORY REQUIREMENT.—The Sec-
20 retary of the Air Force shall ensure the Air Force main-
21 tains a minimum of 171 A-10 aircraft designated as pri-
22 mary mission aircraft inventory until a period of 90 days
23 has elapsed following the date on which the Secretary sub-
24 mits to the congressional defense committees the report
25 under subsection (e)(2).

1 (e) REPORTS REQUIRED.—

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

5 (A) the results and findings of the initial
6 operational test and evaluation of the F-35 air-
7 craft program; and

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

13 (2) Not later than 180 days after the date of
14 the submission of the report under paragraph (1),
15 the Secretary of the Air Force shall submit to the
16 congressional defense committees a report that in-
17 cludes—

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

1 (B) a plan for addressing any deficiencies
2 and carrying out any corrective actions identi-
3 fied in such report; and

4 (C) short-term and long-term strategies for
5 preserving the capability of the Air Force to
6 conduct close air support, combat search and
7 rescue, and forward air controller airborne mis-
8 sions.

9 (f) SPECIAL RULE.—

10 (1) Subject to paragraph (2), the Secretary of
11 the Air Force may carry out the transition of the A-
12 10 unit at Fort Wayne Air National Guard Base,
13 Indiana, to an F-16 unit as described by the Sec-
14 retary in the Force Structure Actions map sub-
15 mitted in support of the budget of the President for
16 fiscal year 2017 (as submitted to Congress under
17 section 1105(a) of title 31, United States Code).

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

21 **SEC. 135. PROHIBITION ON AVAILABILITY OF FUNDS FOR**
22 **RETIREMENT OF JOINT SURVEILLANCE TAR-**
23 **GET ATTACK RADAR SYSTEM AIRCRAFT.**

24 (a) PROHIBITION.—Except as provided by subsection

25 (b) and in addition to the prohibition under section 144

1 of the National Defense Authorization Act for Fiscal Year
2 2016 (Public Law 114–92; 129 Stat. 758) none of the
3 funds authorized to be appropriated or otherwise made
4 available for fiscal year 2018 for the Air Force may be
5 obligated or expended to retire, or prepare to retire, any
6 Joint Surveillance Target Attack Radar System aircraft.

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

13 **SEC. 136. REPORT ON COST OF B-21 AIRCRAFT.**

14 Not later than 180 days after the date of the enact-
15 ment of this Act, the Secretary of Defense shall submit
16 to the congressional defense committees a report on the
17 cost of the B-21 aircraft. The report shall include an esti-
18 mate of the total cost of research, production, and mainte-
19 nance for the aircraft expressed in constant base-year dol-
20 lars and in current dollars.

21 **SEC. 137. PROHIBITION ON AVAILABILITY OF FUNDS FOR**
22 **RETIREMENT OF U-2 AIRCRAFT.**

23 None of the funds authorized to be appropriated by
24 this Act or otherwise made available for the Air Force may
25 be obligated or expended to retire, prepare to retire, or

1 place in storage or on backup aircraft inventory status any
2 U-2 aircraft.

3 **Subtitle E—Defense-wide, Joint,**
4 **and Multiservice Matters**

5 **SEC. 141. TERMINATION OF QUARTERLY REPORTING ON**
6 **USE OF COMBAT MISSION REQUIREMENTS**
7 **FUNDS.**

8 Section 123(a)(1) of the Ike Skelton National De-
9 fense Authorization Act for Fiscal Year 2011 (Public Law
10 111–383; 124 Stat. 4158; 10 U.S.C. 167 note.) is amend-
11 ed by inserting “ending on or before September 30, 2018”
12 after “each fiscal quarter”.

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

15 (a) GUIDANCE REQUIRED.—

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

19 (2) The Secretary of the Navy shall issue guid-
20 ance regarding fire suppressant and fuel contain-
21 ment standards for covered vehicles of the Marine
22 Corps.

23 (b) ELEMENTS.—The guidance regarding fire sup-
24 pressant and fuel containment standards issued pursuant
25 to subsection (a) shall—

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

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

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

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

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

15 (2) any other information the Secretaries deter-
16 mine to be appropriate.

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

1 **SEC. 143. REPORT ON DEPARTMENT OF DEFENSE MUNI-**
2 **TIONS STRATEGY FOR THE COMBATANT COM-**
3 **MANDS.**

4 (a) REPORT REQUIRED.—Not later than April 1,
5 2017, the Secretary of Defense shall submit to the con-
6 gressional defense committees a report on the munitions
7 strategy for the combatant commands, including an identi-
8 fication of munitions requirements, an assessment of mu-
9 nitions gaps and shortfalls, and necessary munitions in-
10 vestments. Such strategy shall cover the 10-year period
11 beginning with 2016.

12 (b) ELEMENTS.—The report on munitions strategy
13 required by subsection (a) shall include the following:

14 (1) An identification of current and projected
15 munitions requirements, by class or type.

16 (2) An assessment of munitions gaps and short-
17 falls, including a census of current munitions capa-
18 bilities and programs, not including ammunition.

19 (3) A description of current and planned muni-
20 tions programs, including with respect to procure-
21 ment; research, development, test, and evaluation;
22 and deployment activities.

23 (4) Schedules, estimated costs, and budget
24 plans for current and planned munitions programs.

25 (5) Identification of opportunities and limita-
26 tions within the associated industrial base.

1 (6) Identification and evaluation of technology
2 needs and applicable emerging technologies.

3 (7) An assessment of how current and planned
4 munitions programs, and promising technologies,
5 may affect existing operational concepts and capa-
6 bilities of the military departments or lead to new
7 operational concepts and capabilities.

8 (8) An assessment of programs and capabilities
9 by other countries to counter the munitions pro-
10 grams and capabilities of the Armed Forces, not in-
11 cluding with respect to ammunition, and how such
12 assessment affects the munitions strategy of each
13 military department.

14 (9) An assessment of how munitions capability
15 and capacity may be affected by changes consistent
16 with the Memorandum of the Secretary of Defense
17 dated June 19, 2008, regarding the Department of
18 Defense policy on cluster munitions and unintended
19 harm to civilians.

20 (10) Any other matters the Secretary deter-
21 mines appropriate.

22 (c) FORM.—The report under subsection (a) may be
23 submitted in classified or unclassified form.

1 **SEC. 144. 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. 145. 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 present to the congressional defense committees a
3 briefing on the acquisition strategy for the Ground Mobil-
4 ity Vehicle for use with the Global Response Force.

5 (b) ELEMENTS.—The briefing under subsection (a)
6 shall include an assessment of—

7 (1) whether the Ground Mobility Vehicle is a
8 suitable candidate for solutions that would utilize
9 militarized commercial off-the-shelf platforms
10 leveraging existing global automotive supply chains
11 to satisfy requirements and reduce the life-cycle cost
12 of the program;

13 (2) whether the acquisition strategy meets the
14 focus areas specified in the Better Buying Power ini-
15 tiative of the Secretary of Defense; and

16 (3) whether including an active safety system
17 like electronic stability control in the Ground Mobil-
18 ity Vehicle, as such system is used on the Joint
19 Light Tactical Vehicle, is expected to reduce the risk
20 of vehicle rollover.

21 **SEC. 146. STANDARDIZATION OF 5.56MM RIFLE AMMUNI-**
22 **TION.**

23 (a) REPORT.—If, on the date that is 180 days after
24 the date of the enactment of this Act, the Army and the
25 Marine Corps are each using different variants of 5.56mm

1 rifle ammunition, the Secretary of Defense shall, on such
2 date, submit to the congressional defense committees a re-
3 port explaining the reasons that the Army and the Marine
4 Corps are using different variants of such ammunition.

5 (b) STANDARDIZATION REQUIREMENT.—Not later
6 than one year after the date of the enactment of this Act,
7 the Secretary of Defense shall ensure that the Army and
8 the Marine Corps are using the same variant of 5.56mm
9 rifle ammunition.

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

12 (1) determines that a state of emergency re-
13 quires the Army and the Marine Corps to use dif-
14 ferent variants of 5.56mm rifle ammunition; and

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

17 **TITLE II—RESEARCH, DEVELOP-**
18 **MENT, TEST, AND EVALUA-**
19 **TION**

20 **Subtitle A—Authorization of**
21 **Appropriations**

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

23 Funds are hereby authorized to be appropriated for
24 fiscal year 2017 for the use of the Department of Defense

1 for research, development, test, and evaluation, as speci-
2 fied in the funding table in section 4201.

3 **Subtitle B—Program Requirements, Restrictions, and Limita-**
4 **ments, Restrictions, and Limita-**
5 **tions**

6 **SEC. 211. LABORATORY QUALITY ENHANCEMENT PRO-**
7 **GRAM.**

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

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

16 (A) existing policies and practices affecting
17 the science and technology reinvention labora-
18 tories to improve the research output of such
19 laboratories; and

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

22 (2) to support implementation of current and
23 future initiatives affecting the science and tech-
24 nology reinvention laboratories; and

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

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

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

8 (2) A panel on facilities and infrastructure.

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

11 (4) A panel on oversight, administrative, and
12 regulatory processes.

13 (c) COMPOSITION OF PANELS.—

14 (1) Each panel described in subsection (b) shall
15 be composed of not less than 4 members.

16 (2) Each panel described in paragraphs (1)
17 through (3) of subsection (b) shall be composed of
18 subject matter and technical management experts
19 from—

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

22 (B) appropriate Defense Agencies;

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

1 (D) such other entities of the Department
2 of Defense as the Secretary determines to be
3 appropriate.

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

6 (A) the Director of the Army Research
7 Laboratory;

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

10 (C) the Director of the Naval Research
11 Laboratory; and

12 (D) such other members as the Secretary
13 determines to be appropriate.

14 (d) GOVERNANCE OF PANELS.—

15 (1) The chairperson of each panel shall be se-
16 lected by its members.

17 (2) The panel described in subsection (b)(4)
18 shall—

19 (A) oversee the activities of the panels de-
20 scribed in paragraphs (1) through (3) of sub-
21 section (b);

22 (B) determine the subject matter to be
23 considered by the panels; and

24 (C) provide the recommendations of the
25 panels to the Secretary.

1 (e) PERSONNEL DEMONSTRATION PROJECT AU-
2 THORITY.—Section 342(b) of the National Defense Au-
3 thorization Act for Fiscal Year 1995 (Public Law 103-
4 337; 108 Stat. 2721) (as amended by section
5 1114(a)(2)(C) of the National Defense Authorization Act
6 for Fiscal Year 2001 (Public Law 106-398; 114 Stat.
7 1654A-315)) is amended by adding at the end the fol-
8 lowing new paragraph:

9 “(4) In carrying out this subsection, the Sec-
10 retary shall act through the Assistant Secretary of
11 Defense for Research and Engineering.”

12 (f) SCIENCE AND TECHNOLOGY REINVENTION LAB-
13 ORATORY DEFINED.—In this section, the term “science
14 and technology reinvention laboratory” means a science
15 and technology reinvention laboratory designated under
16 section 1105 of the National Defense Authorization Act
17 for Fiscal Year 2010 (Public Law 111-84; 10 U.S.C.
18 2358 note).

19 **SEC. 212. MECHANISMS TO PROVIDE FUNDS FOR DEFENSE**
20 **LABORATORIES FOR RESEARCH AND DEVEL-**
21 **OPMENT OF TECHNOLOGIES FOR MILITARY**
22 **MISSIONS.**

23 Section 219 of the Duncan Hunter National Defense
24 Authorization Act for Fiscal Year 2009 (Public Law 110-
25 417; 10 U.S.C. 2358 note), as most recently amended by

1 section 262 of the National Defense Authorization Act for
2 Fiscal Year 2014 (Public Law 113–66), is amended—

3 (1) in subsection (a)(1), by striking “not more
4 than”; and

5 (2) by amending subsection (d) to read as fol-
6 lows:

7 “(d) SPECIAL RULE.—For purposes of this section,
8 a federally funded research and development center shall
9 be considered a defense laboratory if the center is spon-
10 sored by the Department of Defense.”.

11 **SEC. 213. NOTIFICATION REQUIREMENT FOR CERTAIN**
12 **RAPID PROTOTYPING, EXPERIMENTATION,**
13 **AND DEMONSTRATION ACTIVITIES.**

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

20 (b) ELEMENTS OF NOTICE.—The notice described in
21 this subsection is a written notice of the intention of the
22 Secretary to initiate a covered activity. Each such notice
23 shall include the following:

24 (1) A description of the activity.

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

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

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

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

15 (d) SUNSET.—The requirements of this section shall
 16 terminate 5 years after the date of the enactment of this
 17 Act.

18 **SEC. 214. IMPROVED BIOSAFETY FOR HANDLING OF SE-**
 19 **LECT AGENTS AND TOXINS.**

20 (a) QUALITY CONTROL AND QUALITY ASSURANCE
 21 PROGRAM.—The Secretary of Defense, acting through the
 22 executive agent for the biological select agent and toxin
 23 biosafety program of the Department of Defense, shall
 24 carry out a program to implement certain quality control
 25 and quality assurance measures at each covered facility.

1 (b) QUALITY CONTROL AND QUALITY ASSURANCE
2 MEASURES.—Subject to subsection (c), the quality control
3 and quality assurance measures implemented at each cov-
4 ered facility under subsection (a) shall include the fol-
5 lowing:

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

8 (2) Environmental sampling and inspection.

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

13 (4) Production procedures that prohibit work
14 on multiple organisms or multiple strains of one or-
15 ganism within the same biosafety cabinet.

16 (5) A video surveillance program that uses
17 video monitoring as a tool to improve laboratory
18 practices in accordance with regulatory require-
19 ments.

20 (6) Formal, recurring data reviews of produc-
21 tion in an effort to identify data trends and non-
22 conformance issues before such issues affect end
23 products.

1 (7) Validated protocols for production processes
2 to ensure that process deviations are adequately vet-
3 ted prior to implementation.

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

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

10 (d) STUDY AND REPORT REQUIRED.—

11 (1) The Secretary of Defense shall carry out a
12 study to evaluate—

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

16 (B) opportunities to partner with industry
17 for the production of biological select agents
18 and toxins and related services in lieu of main-
19 taining such capabilities within the Department
20 of the Army; and

21 (C) whether operations under the biological
22 select agent and toxin production program
23 should be transferred to another government or
24 commercial laboratory that may be better suited

1 to execute production for non-Department of
2 Defense customers.

3 (2) Not later than February 1, 2017, the Sec-
4 retary shall submit to the congressional defense com-
5 mittees a report on the results of the study under
6 paragraph (1).

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

11 (1) A review of—

12 (A) the actions taken by the Department
13 of Defense to address the findings and rec-
14 ommendations of the report of the Department
15 of the Army titled “Individual and Institutional
16 Accountability for the Shipment of Viable Bacil-
17 lus Anthracis from Dugway Proving Grounds”,
18 dated December 15, 2015, including any ac-
19 tions taken to address the culture of compla-
20 cency in the biological select agent and toxin
21 production program identified in such report;
22 and

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

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

3 (f) DEFINITIONS.—In this section:

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

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

9 (A) section 331.3 of title 7, Code of Fed-
10 eral Regulations;

11 (B) section 121.3 or section 121.4 of title
12 9, Code of Federal Regulations; or

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

15 **SEC. 215. MODERNIZATION OF SECURITY CLEARANCE IN-**
16 **FORMATION TECHNOLOGY ARCHITECTURE.**

17 (a) IN GENERAL.—The Secretary of Defense, in con-
18 sultation with the Director of National Intelligence and
19 the Director of the Office of Personnel Management, shall
20 develop and implement an information technology system
21 (in this section referred to as the “System”) to—

22 (1) modernize and sustain the security clear-
23 ance information architecture of the National Back-
24 ground Investigations Bureau and the Department
25 of Defense;

1 (2) support decision-making processes for the
2 evaluation and granting of personnel security clear-
3 ances;

4 (3) improve cyber security capabilities with re-
5 spect to sensitive security clearance data and proc-
6 esses;

7 (4) reduce the complexity and cost of the secu-
8 rity clearance process;

9 (5) provide information to managers on the fi-
10 nancial and administrative costs of the security
11 clearance process;

12 (6) strengthen the ties between counterintel-
13 ligence and personnel security communities; and

14 (7) improve system standardization in the secu-
15 rity clearance process.

16 (b) GUIDANCE REQUIRED.—Not later than 180 days
17 after the date of the enactment of this Act, the Secretary
18 of Defense, in consultation with the Director of National
19 Intelligence and the Director of the Office of Personnel
20 Management, shall issue guidance establishing the respec-
21 tive roles, responsibilities, and obligations of the Secretary
22 and Directors with respect to the development and imple-
23 mentation of the System.

24 (c) ELEMENTS OF SYSTEM.—In developing the Sys-
25 tem under subsection (a), the Secretary shall—

1 (1) conduct a review of security clearance busi-
2 ness processes and, to the extent practicable, modify
3 such processes to maximize compatibility with the
4 security clearance information technology architec-
5 ture to minimize the need for customization of the
6 System;

7 (2) conduct business process mapping (as such
8 term is defined in section 2222(i) of title 10, United
9 States Code) of the business processes described in
10 paragraph (1);

11 (3) use spiral development and incremental ac-
12 quisition practices to rapidly deploy the System, in-
13 cluding through the use of prototyping and open ar-
14 chitecture principles;

15 (4) establish a process to identify and limit
16 interfaces with legacy systems and to limit
17 customization of any commercial information tech-
18 nology tools used;

19 (5) establish automated processes for meas-
20 uring the performance goals of the System; and

21 (6) incorporate capabilities for the continuous
22 monitoring of network security and the mitigation of
23 insider threats to the System.

1 (d) COMPLETION DATE.—The Secretary shall com-
2 plete the development and implementation of the System
3 by not later than September 30, 2019.

4 (e) BRIEFING.—Beginning on December 1, 2016,
5 and on a quarterly basis thereafter until the completion
6 date of the System under subsection (d), the Secretary of
7 Defense shall provide a briefing to the Committees on
8 Armed Services of the Senate and House of Representa-
9 tives (and other appropriate congressional committees on
10 request) on the progress of the Secretary in developing
11 and implementing the System.

12 (f) REVIEW OF APPLICABLE LAWS.—The Secretary
13 shall review laws, regulations, and executive orders relat-
14 ing to the maintenance of personnel security clearance in-
15 formation by the Federal Government. Not later than 90
16 days after the date of the enactment of this Act, the Sec-
17 retary shall provide to the Committees on Armed Services
18 of the Senate and House of Representatives (and other
19 appropriate congressional committees on request) a brief-
20 ing that includes—

21 (1) the results of the review; and

22 (2) recommendations, if any, for consolidating
23 and clarifying laws, regulations, and executive orders
24 relating to the maintenance of personnel security
25 clearance information by the Federal Government.

1 (g) APPROPRIATE CONGRESSIONAL COMMITTEES
2 DEFINED.—In this section, the term “appropriate con-
3 gressional committees” means—

4 (1) the Select Committee on Intelligence, the
5 Committee on Homeland Security and Governmental
6 Affairs, and the Committee on Appropriations of the
7 Senate; and

8 (2) the Permanent Select Committee on Intel-
9 ligence, the Committee on Oversight and Govern-
10 ment Reform, and the Committee on Appropriations
11 of the House of Representatives.

12 **SEC. 216. PROHIBITION ON AVAILABILITY OF FUNDS FOR**
13 **COUNTERING WEAPONS OF MASS DESTRUC-**
14 **TION SYSTEM CONSTELLATION.**

15 (a) PROHIBITIONS.—None of the funds authorized to
16 be appropriated by this Act or otherwise made available
17 for fiscal year 2017 for the countering weapons of mass
18 destruction situational awareness information system com-
19 monly known as “Constellation” may be obligated or ex-
20 pended for research, development, or prototyping for such
21 system.

22 (b) REVIEW.—The Chief Information Officer of the
23 Department of Defense, in consultation with the Director
24 of the Defense Information Systems Agency, shall review

1 the requirements and program plan for research, develop-
2 ment, and prototyping for the Constellation system.

3 (c) REPORT REQUIRED.—Not later than February 1,
4 2017, the Chief Information Officer of the Department of
5 Defense, in consultation with the Director of the Defense
6 Information Systems Agency, shall submit to the congres-
7 sional defense committees a report on the review under
8 subsection (b). Such report shall include the following,
9 with respect to the Constellation system:

10 (1) A review of the major software components
11 of the system and an explanation of the require-
12 ments of the Department of Defense with respect to
13 each such component.

14 (2) Identification of elements and applications
15 of the system that cannot be implemented using the
16 existing technical infrastructure and tools of the De-
17 partment of Defense or the infrastructure and tools
18 in development.

19 (3) A description of major developmental mile-
20 stones and decision points for additional prototypes
21 needed to establish the full capabilities of the sys-
22 tem, including a timeline and detailed metrics and
23 criteria for each such milestone and decision point.

24 (4) An overview of a security plan to achieve an
25 accredited cross-domain solution system, including

1 security milestones and proposed security architec-
2 ture to mitigate both insider and outsider threats.

3 (5) Identification of the planned categories of
4 end-users of the system, linked to organizations,
5 mission requirements, and concept of operations, the
6 expected total number of end-users, and the associ-
7 ated permissions granted to such users.

8 (6) A cost estimate for the full life-cycle cost to
9 complete the Constellation system.

10 **SEC. 217. LIMITATION ON AVAILABILITY OF FUNDS FOR DE-**
11 **FENSE INNOVATION UNIT EXPERIMENTAL.**

12 (a) **LIMITATION.**—Of the funds specified in sub-
13 section (c), not more than 80 percent may be obligated
14 or expended until the date on which the Secretary of De-
15 fense submits to the congressional defense committees the
16 report under subsection (b).

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

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

23 (2) A description of—

24 (A) the governance structure of the Unit;

1 (B) the metrics used to measure the effec-
2 tiveness of the Unit;

3 (C) the process for coordinating and
4 deconflicting the activities of the Unit with
5 similar activities of the military departments,
6 Defense Agencies, and other departments and
7 agencies of the Federal Government, including
8 activities carried out by In-Q-Tel, the Defense
9 Advanced Research Projects Agency, and De-
10 partment of Defense laboratories;

11 (D) the direct staffing requirements of the
12 Unit, including a description of the desired
13 skills and expertise of such staff;

14 (E) the number of civilian and military
15 personnel provided by the military departments
16 and Defense Agencies to support the Unit;

17 (F) any planned expansion to new sites,
18 the metrics used to identify such sites, and an
19 explanation of how such expansion will provide
20 access to innovations of nontraditional defense
21 contractors (as such term is defined in section
22 2302 of title 10, United States Code) that are
23 not otherwise accessible;

24 (G) how compliance with Department of
25 Defense requirements could affect the ability of

1 such nontraditional defense contractors to mar-
2 ket products and obtain funding; and

3 (H) how to treat intellectual property that
4 has been developed with little or no government
5 funding.

6 (3) Any other information the Secretary deter-
7 mines to be appropriate.

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

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

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

19 **SEC. 218. LIMITATION ON AVAILABILITY OF FUNDS FOR**
20 **TACTICAL COMBAT TRAINING SYSTEM IN-**
21 **CREMENT II.**

22 Of the funds authorized to be appropriated by this
23 Act or otherwise made available for fiscal year 2017 for
24 the Tactical Combat Training System Increment II of the
25 Navy, not more than 80 percent may be obligated or ex-

1 pended until the Secretary of the Navy and the Secretary
2 of the Air Force submit to the congressional defense com-
3 mittees the report required by section 235 of the National
4 Defense Authorization Act for Fiscal Year 2016 (Public
5 Law 114-92; 129 Stat. 780).

6 **SEC. 219. RESTRUCTURING OF THE DISTRIBUTED COMMON**
7 **GROUND SYSTEM OF THE ARMY.**

8 (a) IN GENERAL.—Not later than April 1, 2017, the
9 Secretary of the Army shall restructure versions of the dis-
10 tributed common ground system of the Army after Incre-
11 ment 1—

12 (1) by discontinuing development of any compo-
13 nent of the system for which there is commercial
14 software that is capable of fulfilling at least 80 per-
15 cent of the system requirements applicable to such
16 component; and

17 (2) by conducting a review of the acquisition
18 strategy of the program to ensure that procurement
19 of commercial software is the preferred method of
20 meeting program requirements.

21 (b) LIMITATION.—The Secretary of the Army shall
22 not award any contract for the development of any capa-
23 bility for the distributed common ground system of the
24 Army if such a capability is available for purchase on the
25 commercial market, except for minor capabilities that are

1 incidental to and necessary for the proper functioning of
2 a major component of the system.

3 **SEC. 220. DESIGNATION OF DEPARTMENT OF DEFENSE**
4 **SENIOR OFFICIAL WITH PRINCIPAL RESPON-**
5 **SIBILITY FOR DIRECTED ENERGY WEAPONS.**

6 Not later than 180 days after the date of the enact-
7 ment of this Act, the Secretary of Defense shall—

8 (1) designate a senior official already serving
9 within the Department of Defense as the official
10 with principal responsibility for the development and
11 demonstration of directed energy weapons for the
12 Department; and

13 (2) set forth the responsibilities of that senior
14 official with respect to such programs.

15 **Subtitle C—Reports and Other**
16 **Matters**

17 **SEC. 231. STRATEGY FOR ASSURED ACCESS TO TRUSTED**
18 **MICROELECTRONICS.**

19 (a) STRATEGY.—The Secretary of Defense shall de-
20 velop a strategy to ensure that the Department of Defense
21 has assured access to trusted microelectronics by not later
22 than September 30, 2020.

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

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

3 (2) Means of classifying systems of the Depart-
4 ment of Defense based on the level of trust such sys-
5 tems are required to maintain with respect to micro-
6 electronics.

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

9 (4) Means to increase the supplier base for as-
10 sured microelectronics to ensure multiple supply
11 pathways.

12 (5) An assessment of the microelectronics needs
13 of the Department of Defense in future years, in-
14 cluding the need for trusted, radiation-hardened
15 microelectronics.

16 (6) An assessment of the microelectronic needs
17 of the Department of Defense that may not be ful-
18 filled by entities outside the Department of Defense.

19 (7) The resources required to assure access to
20 trusted microelectronics, including infrastructure
21 and investments in science and technology.

22 (c) SUBMISSION.—Not later than one year after the
23 date of the enactment of this Act, the Secretary shall sub-
24 mit to the congressional defense committees the strategy
25 developed under subsection (a). The strategy shall be sub-

1 mitted in unclassified form, but may include a classified
2 annex.

3 (d) DIRECTIVE REQUIRED.—Not later than Sep-
4 tember 30, 2020, the Secretary of Defense shall issue a
5 directive for the Department of Defense describing how
6 Department of Defense entities may access assured and
7 trusted microelectronics supply chains for Department of
8 Defense systems.

9 (e) CERTIFICATION.—Not later than September 30,
10 2020, the Secretary of the Defense shall certify to the con-
11 gressional defense committees that—

12 (1) the strategy developed under subsection (a)
13 has been implemented; and

14 (2) the Department of Defense has an assured
15 means for accessing a sufficient supply of trusted
16 microelectronics, as required by the strategy devel-
17 oped under subsection (a).

18 (f) DEFINITION.—In this section, the terms “trust”
19 and “trusted” refer, with respect to microelectronics, to
20 the ability of the Department of Defense to have con-
21 fidence that the microelectronics function as intended and
22 are free of exploitable vulnerabilities, either intentionally
23 or unintentionally designed or inserted as part of the sys-
24 tem at any time during its life cycle.

1 **SEC. 232. PILOT PROGRAM ON EVALUATION OF COMMER-**
2 **CIAL INFORMATION TECHNOLOGY.**

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

9 (b) ACTIVITIES.—Activities under the pilot program
10 may include the following:

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

16 (2) Engagement with the commercial informa-
17 tion technology industry to—

18 (A) forecast military requirements and
19 technology needs; and

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

23 (3) Assessment of novel or innovative commer-
24 cial technology for use by the Department of De-
25 fense.

1 (4) Assessment of novel or innovative con-
2 tracting mechanisms to speed delivery of capabilities
3 to the Armed Forces.

4 (5) Solicitation of operational user input to
5 shape future information technology requirements of
6 the Department of Defense.

7 (c) LIMITATION ON AVAILABILITY OF FUNDS.—Of
8 the amounts authorized to be appropriated for research,
9 development, test, and evaluation, Defense-wide, for each
10 of fiscal years 2017 through 2022, not more than
11 \$15,000,000 may be expended on the pilot program in any
12 such fiscal year.

13 **SEC. 233. PILOT PROGRAM FOR THE ENHANCEMENT OF**
14 **THE LABORATORIES AND TEST AND EVALUA-**
15 **TION CENTERS OF THE DEPARTMENT OF DE-**
16 **FENSE.**

17 (a) IN GENERAL.—The Assistant Secretaries shall
18 jointly carry out a pilot program to demonstrate methods
19 for the more effective development of research, develop-
20 ment, test, and evaluation functions.

21 (b) SELECTION AND PRIORITY.—The Assistant Sec-
22 retaries shall jointly select not more than one laboratory
23 and one test and evaluation center from each of the mili-
24 tary services to participate in the pilot program under sub-
25 section (a).

1 (c) PARTICIPATION IN PROGRAM.—

2 (1) IN GENERAL.—Subject to paragraph (2),
3 the director of a laboratory or test and evaluation
4 center selected under subsection (b) shall propose
5 and implement alternative and innovative methods of
6 rapid project delivery, support, experimentation,
7 prototyping, and partnership with universities and
8 private sector entities to—

9 (A) generate greater value and efficiencies
10 in research and development activities per dol-
11 lar of cost; and

12 (B) enable more rapid deployment of
13 warfighter capabilities.

14 (2) IMPLEMENTATION.—The director shall im-
15 plement each method proposed under paragraph (1)
16 unless such method is disapproved by the Assistant
17 Secretary concerned.

18 (d) WAIVER AUTHORITY FOR DEMONSTRATION AND
19 IMPLEMENTATION.—Until the termination of the pilot
20 program under subsection (f), the director of a laboratory
21 or test and evaluation center selected under subsection (b)
22 may waive any restriction or departmental instruction that
23 would affect the implementation of a method proposed
24 under subsection (c), unless such implementation would
25 be prohibited by Federal law.

1 (e) MINIMUM PARTICIPATION REQUIREMENT.—Each
2 laboratory or test and evaluation center selected under
3 subsection (b) shall participate in the pilot program under
4 subsection (a) for a period of not fewer than six years be-
5 ginning not later than 180 days after the date of the en-
6 actment of this Act.

7 (f) TERMINATION.—The pilot program under sub-
8 section (a) shall terminate on the date determined appro-
9 priate by the Secretary of Defense that is on or after the
10 end of the six-year period described in subsection (e).

11 (g) ASSISTANT SECRETARY DEFINED.—In this sec-
12 tion, the term “Assistant Secretary” means—

13 (1) the Assistant Secretary of the Air Force for
14 Acquisition, with respect to a working capital fund
15 institution of the Air Force;

16 (2) the Assistant Secretary of the Army for Ac-
17 quisition, Technology, and Logistics, with respect to
18 a working capital fund institution of the Army; and

19 (3) the Assistant Secretary of the Navy for Re-
20 search, Development, and Acquisition, with respect
21 to a working capital fund institution of the Navy.

22 **SEC. 234. PILOT PROGRAM ON MODERNIZATION OF ELEC-**
23 **TROMAGNETIC SPECTRUM WARFARE SYS-**
24 **TEMS AND ELECTRONIC WARFARE SYSTEMS.**

25 (a) PILOT PROGRAM.—

1 (1) IN GENERAL.—The Secretary of Defense
2 may carry out a pilot program on the modernization
3 of electromagnetic spectrum warfare systems and
4 electronic warfare systems.

5 (2) SELECTION.—If the Secretary carries out
6 the pilot program under paragraph (1), the Elec-
7 tronic Warfare Executive Committee shall select
8 from the list described in section 237(b)(4) a total
9 of five electromagnetic spectrum warfare systems
10 and electronic warfare systems across at least two
11 military departments that are currently in
12 sustainment for modernization under the pilot pro-
13 gram.

14 (b) DEFINITIONS.—In this section:

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

19 (2) The term “electronic warfare” means mili-
20 tary action involving the use of electromagnetic and
21 directed energy to control the electromagnetic spec-
22 trum or to attack the enemy.

1 **SEC. 235. INDEPENDENT REVIEW OF F/A-18 PHYSIO-**
2 **LOGICAL EPISODES AND CORRECTIVE AC-**
3 **TIONS.**

4 (a) INDEPENDENT REVIEW REQUIRED.—The Sec-
5 retary of the Navy shall conduct an independent review
6 of the plans, programs, and research of the Department
7 of the Navy with respect to—

8 (1) physiological events affecting aircrew of the
9 F/A-18 Hornet and the F/A-18 Super Hornet air-
10 craft during the covered period; and

11 (2) the efforts of the Navy and Marine Corps
12 to prevent and mitigate the affects of such physio-
13 logical events.

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

16 (1) designate an appropriate senior official in
17 the Office of the Secretary of the Navy to oversee
18 the review; and

19 (2) consult experts from outside the Depart-
20 ment of Defense in appropriate technical and med-
21 ical fields.

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

24 (1) any data of the Department of the Navy re-
25 lating to the increased frequency of physiological
26 events affecting aircrew of the F/A-18 Hornet and

1 the F/A–18 Super Hornet aircraft during the cov-
2 ered period;

3 (2) aircraft mishaps potentially related to such
4 physiological events;

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

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

12 (5) the performance of—

13 (A) the onboard oxygen generation system
14 in the F/A–18 Super Hornet;

15 (B) the overall environmental control sys-
16 tem in the F/A–18 Hornet and F/A–18 Super
17 Hornet; and

18 (C) other relevant subsystems of the F/A–
19 18 Hornet and F/A–18 Super Hornet, as deter-
20 mined by the Secretary.

21 (d) REPORT REQUIRED.—Not later than December
22 1, 2017, the Secretary of Navy shall submit to the con-
23 gressional defense committees a report that includes the
24 results of the review under subsection (a).

1 (e) COVERED PERIOD.—In this section, the term
2 “covered period” means the period beginning on January
3 1, 2009, and ending on the date of the submission of the
4 report under subsection (d).

5 **SEC. 236. STUDY ON HELICOPTER CRASH PREVENTION AND**
6 **MITIGATION TECHNOLOGY.**

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

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

14 (1) Identification of technologies with the po-
15 tential—

16 (A) to prevent helicopter crashes (such as
17 collision avoidance technologies and battle space
18 and terrain situational awareness technologies);
19 and

20 (B) to improve survivability among individ-
21 uals involved in such crashes (such as adaptive
22 flight control technologies and improved energy
23 absorbing technologies).

24 (2) A cost-benefit analysis of each technology
25 identified under paragraph (1) that takes into ac-

1 count the cost of developing and deploying the tech-
2 nology compared to the potential of the technology
3 to prevent casualties or injuries.

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

6 (A) the results of the cost-benefit analysis
7 under paragraph (2); and

8 (B) the readiness level of each technology.

9 (4) An analysis of helicopter crashes that—

10 (A) compares the casualty rates of cockpit
11 occupants to the casualty rates of occupants of
12 cargo compartments and troop seats; and

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

15 (c) BRIEFING.—Not later than one year after the
16 date of the enactment of this Act, the Secretary shall pro-
17 vide to the Committees on Armed Services of the Senate
18 and House of Representatives (and other congressional de-
19 fense committees on request) a briefing that includes—

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

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

1 **SEC. 237. REPORT ON ELECTRONIC WARFARE CAPABILI-**
2 **TIES.**

3 (a) REPORT REQUIRED.—Not later than April 1,
4 2017, the Under Secretary of Defense for Acquisition,
5 Technology, and Logistics, acting through the Electronic
6 Warfare Executive Committee, shall submit to the con-
7 gressional defense committees a report on the electronic
8 warfare capabilities of the Department of Defense.

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

11 (1) A strategy for advancing and accelerating
12 research, development, test, and evaluation, and
13 fielding, of electronic warfare capabilities to meet
14 current and projected requirements, including rec-
15 ommendations for streamlining acquisition processes
16 with respect to such capabilities.

17 (2) A methodology for synchronizing and over-
18 seeing electronic warfare strategies, operational con-
19 cepts, and programs across the Department of De-
20 fense, including electronic warfare programs that
21 support or enable cyber operations.

22 (3) The training and operational support re-
23 quired for fielding and sustaining current and
24 planned investments in electronic warfare capabili-
25 ties.

1 (4) A comprehensive list of investments of the
2 Department of Defense in electronic warfare capa-
3 bilities, including the capabilities to be developed,
4 procured, or sustained in—

5 (A) the budget of the President for fiscal
6 year 2018 submitted to Congress under section
7 1105(a) of title 31, United States Code; and

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

11 (5) Progress on increasing innovative electro-
12 magnetic spectrum warfighting methods and oper-
13 ational concepts that provide advantages within the
14 electromagnetic spectrum operational domain.

15 (6) Specific attributes needed in future elec-
16 tronic warfare capabilities, such as networking,
17 adaptability, agility, multifunctionality, and minia-
18 turization, and progress toward incorporating such
19 attributes in new electronic warfare systems.

20 (7) Capability gaps with respect to asymmetric
21 and near-peer adversaries identified pursuant to a
22 capability gap assessment.

23 (8) A joint strategy on achieving near real-time
24 system adaption to rapidly advancing modern digital
25 electronics.

1 (9) Any other information the Secretary deter-
2 mines to be appropriate.

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

6 **TITLE III—OPERATION AND**
7 **MAINTENANCE**
8 **Subtitle A—Authorization of**
9 **Appropriations**

10 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

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 operation and
15 maintenance, as specified in the funding table in section
16 4301.

17 **SEC. 302. INCREASE IN FUNDING FOR CIVIL MILITARY PRO-**
18 **GRAMS.**

19 (a) INCREASE.—Notwithstanding the amounts set
20 forth in the funding tables in division D, the amount au-
21 thorized to be appropriated for operation and mainte-
22 nance, Defense-wide, as specified in the corresponding
23 funding table in section 4301, for Civil Military Programs
24 is hereby increased by \$15,000,000 (to be used in support
25 of the National Guard Youth Challenge Program).

1 (b) OFFSET.—Notwithstanding the amounts set forth
2 in the funding tables in division D, the amount authorized
3 to be appropriated for operation and maintenance, De-
4 fense-wide, as specified in the corresponding funding table
5 in section 4301, for Operation and Maintenance, Defense-
6 wide is hereby reduced by \$15,000,000.

7 **Subtitle B—Energy and** 8 **Environment**

9 **SEC. 311. RULE OF CONSTRUCTION REGARDING ALTER-** 10 **NATIVE FUEL PROCUREMENT REQUIRE-** 11 **MENT.**

12 Section 526 of the Energy Independence and Security
13 Act of 2007 (Public Law 110–140; 42 U.S.C. 17142) is
14 amended by adding at the end the following: “This provi-
15 sion shall not be construed as a constraint on any conven-
16 tional or unconventional fuel procurement necessary for
17 military operations, including for test and certification
18 purposes.”.

19 **SEC. 312. PRODUCTION AND USE OF NATURAL GAS AT** 20 **FORT KNOX.**

21 (a) PRODUCTION AND USE OF NATURAL GAS AT
22 FORT KNOX.—Chapter 449 of title 10, United States
23 Code, is amended by adding at the end the following new
24 section:

1 **“§ 4781. Natural gas: production, treatment, manage-**
2 **ment, and use at Fort Knox, Kentucky**

3 “(a) **AUTHORITY.**—(1) The Secretary of the Army
4 may provide for the production, treatment, management,
5 and use of natural gas located under Fort Knox, Ken-
6 tucky, without regard to section 3 of the Mineral Leasing
7 Act for Acquired Lands (30 U.S.C. 352).

8 “(2) The Secretary is authorized to enter into a con-
9 tract with an appropriate entity to carry out paragraph
10 (1).

11 “(b) **LIMITATION ON USES.**—Any natural gas pro-
12 duced under subsection (a) may be used only to support
13 activities and operations at Fort Knox and may not be
14 sold for use elsewhere.

15 “(c) **OWNERSHIP OF FACILITIES.**—The Secretary of
16 the Army may take ownership of any gas production and
17 treatment equipment and facilities and associated infra-
18 structure from an entity with which the Secretary has en-
19 tered into a contract under subsection (a) in accordance
20 with the terms of the contract.

21 “(d) **APPLICABILITY.**—The authority of the Sec-
22 retary of the Army under this section is effective as of
23 August 2, 2007.”.

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

“4781. Natural gas: production, treatment, management, and use at Fort Knox, Kentucky.”.

1 **SEC. 313. ALTERNATIVE TECHNOLOGIES FOR MUNITIONS**
2 **DISPOSAL.**

3 In carrying out the disposal of munitions in the stock-
4 pile of conventional ammunition awaiting demilitarization
5 and disposal (commonly referred to as munitions in the
6 “B5A account”) the Secretary of the Army shall consider
7 using cost-competitive technologies that minimize waste
8 generation and air emissions as alternatives to disposal by
9 open burning, open detonation, direct contact combustion,
10 and incineration.

11 **SEC. 314. SENSE OF CONGRESS.**

12 It is the Sense of Congress that the Department of
13 Defense should work with State and local health officials
14 to prevent human exposure to perfluorinated chemicals.

15 **SEC. 315. PROHIBITION ON CARRYING OUT CERTAIN AU-**
16 **THORITIES RELATING TO CLIMATE CHANGE.**

17 (a) IN GENERAL.—None of the funds authorized to
18 be appropriated by this Act or otherwise made available
19 for fiscal year 2017 for the Department of Defense may
20 be obligated or expended to carry out the provisions de-
21 scribed in subsection (b).

22 (b) PROVISIONS.—The provisions described in this
23 subsection are the following:

1 (1) Sections 2, 3, 4, 5, 6(b)(iii), and 6(c) of Ex-
2 ecutive Order 13653 (78 Fed. Reg. 66817, relating
3 to preparing the United States for the impacts of
4 climate change).

5 (2) Sections 2, 3, 7, 8, 9, 10, 11, 12, 13, 14,
6 and 15(b) of Executive Order 13693 (80 Fed. Reg.
7 15869, relating to planning for Federal sustain-
8 ability in the next decade).

9 **Subtitle C—Logistics and** 10 **Sustainment**

11 **SEC. 321. PILOT PROGRAM FOR INCLUSION OF CERTAIN IN-** 12 **DUSTRIAL PLANTS IN THE ARMAMENT RE-** 13 **TOOLING AND MANUFACTURING SUPPORT** 14 **INITIATIVE.**

15 During the five-year period beginning on the date of
16 the enactment of this Act, the Secretary of Defense shall
17 treat a Government-owned, contractor-operated industrial
18 plant of the Department of the Army as an eligible facility
19 under section 4551(2) of title 10, United States Code.

20 **SEC. 322. PRIVATE SECTOR PORT LOADING ASSESSMENT.**

21 (a) **ASSESSMENTS REQUIRED.**—During the period
22 beginning on the date of the enactment of this Act and
23 ending on the date of the final briefing under subsection
24 (d), the Secretary of the Navy shall conduct quarterly as-
25 sessments of Naval ship maintenance and loading activi-

1 ties carried out by private sector entities at each covered
2 port.

3 (b) ELEMENTS OF ASSESSMENTS.—Each assessment
4 under subsection (a) shall include, with respect to each
5 covered port, the following:

6 (1) Resources per day, including daily ship
7 availabilities and the workforce available to carry out
8 maintenance and loading activities, for the fiscal
9 year preceding the quarter covered by the assess-
10 ment through the end of such quarter.

11 (2) Projected resources per day, including daily
12 ship availabilities and the workforce available to
13 carry out maintenance and loading activities,
14 through the end of the second fiscal year beginning
15 after the quarter covered by the assessment.

16 (3) A description of the methods by which the
17 Secretary communicates projected workloads to pri-
18 vate sector entities engaged in ship maintenance ac-
19 tivities and ship loading activities.

20 (4) A description of any processes that have
21 been implemented to allow for timely feedback from
22 private sector entities engaged in ship maintenance
23 activities and ship loading activities.

24 (c) SENSE OF CONGRESS.—It is the Sense of Con-
25 gress that the Secretary should implement measures to

1 minimize workload fluctuations at covered ports to sta-
2 bilize the private sector workforce and reduce the cost of
3 maintenance availabilities.

4 (d) BRIEFINGS REQUIRED.—Not later than October
5 1, 2016, and on a quarterly basis thereafter until Sep-
6 tember 30, 2021, the Secretary shall provide to the Com-
7 mittees on Armed Services of the Senate and House of
8 Representatives (and other congressional defense commit-
9 tees on request)—

10 (1) a briefing on the results of the assessments
11 conducted under subsection (a); and

12 (2) a chart depicting the information described
13 in paragraphs (1) and (2) of subsection (b) with re-
14 spect to each covered port.

15 (e) COVERED PORTS.—In this section, the term “cov-
16 ered ports” means port facilities used by the Department
17 of Defense in each of the following locations:

18 (1) Mayport, Florida.

19 (2) Norfolk, Virginia.

20 (3) Pearl Harbor, Hawaii.

21 (4) Puget Sound, Washington.

22 (5) San Diego, California.

1 **SEC. 323. LIMITATION ON AVAILABILITY OF FUNDS FOR DE-**
2 **FENSE CONTRACT MANAGEMENT AGENCY.**

3 (a) LIMITATION.—Of the funds authorized to be ap-
4 propriated by this Act or otherwise made available for fis-
5 cal year 2017 for the operation of the Defense Contract
6 Management Agency, not more than 90 percent may be
7 obligated or expended in fiscal year 2017 until the Direc-
8 tor of the agency provides to the congressional defense
9 committees the briefing under subsection (b).

10 (b) BRIEFING.—The Director of the Defense Con-
11 tract Management Agency shall provide to the Committees
12 on Armed Services of the Senate and House of Represent-
13 atives (and other congressional defense committees on re-
14 quest) a briefing that includes the following:

15 (1) A plan describing how the agency will foster
16 the adoption, implementation, and verification of
17 item-unique identification standards for tangible per-
18 sonal property across the Department of Defense
19 and the defense industrial base (as prescribed under
20 Department of Defense Instruction 8320.04).

21 (2) A description of the policies, procedures,
22 staff training, and equipment needed to—

23 (A) ensure contract compliance with item-
24 unique identification standards for all items
25 that require unique item-level traceability at
26 any time in their life cycle;

1 (B) support counterfeit material risk re-
2 duction; and

3 (C) provide for the systematic assessment
4 and accuracy of item-unique identification
5 marks.

6 **Subtitle D—Reports**

7 **SEC. 331. MODIFICATION OF ANNUAL DEPARTMENT OF DE-** 8 **FENSE ENERGY MANAGEMENT REPORTS.**

9 (a) MODIFICATION OF ANNUAL REPORT RELATED
10 TO INSTALLATIONS ENERGY MANAGEMENT.—Subsection
11 (a) of section 2925 of title 10, United States Code, is
12 amended to read as follows:

13 “(a) ANNUAL REPORT RELATED TO INSTALLATIONS
14 ENERGY MANAGEMENT.—Not later than 120 days after
15 the end of each fiscal year ending before January 31,
16 2021, the Secretary of Defense shall submit to the con-
17 gressional defense committees an installation energy re-
18 port detailing the fulfillment during that fiscal year of the
19 energy performance goals for the Department of Defense
20 under section 2911 of this title. Each report shall contain
21 the following:

22 “(1) The energy performance goals for the De-
23 partment of Defense with respect to transportation
24 systems, support systems, utilities, and infrastruc-
25 ture and facilities for the fiscal year covered by the

1 report and the next 5, 10, and 20 fiscal years, in-
2 cluding any changes to such energy performance
3 goals since the submission of the previous report
4 under this section.

5 “(2) A master plan for the achievement of the
6 energy performance goals of the Department of De-
7 fense, as such goals are set forth in any laws, regu-
8 lations, executive orders, or Department of Defense
9 policies, including—

10 “(A) a separate plan for each military de-
11 partment and Defense Agency;

12 “(B) a standard for the measurement of
13 energy consumed by transportation systems,
14 support systems, utilities, and facilities and in-
15 frastructure, applied consistently across the
16 military departments;

17 “(C) a methodology for measuring reduc-
18 tions in energy consumption that accounts for
19 changes—

20 “(i) in the sizes of fleets; and

21 “(ii) in the number and overall square
22 footage of facility plants;

23 “(D) standards to track annual progress in
24 meeting energy performance goals;

1 “(E) a description of any requirements and
2 proposed investments relating to energy per-
3 formance goals included in the materials sub-
4 mitted in support of the budget of the Presi-
5 dent (as submitted to Congress under section
6 1105(a) of title 31) for the fiscal year covered
7 by the report; and

8 “(F) a description of any energy savings
9 resulting from the implementation of the mas-
10 ter plan or any other energy performance meas-
11 ures.

12 “(3) A table listing all energy projects financed
13 through third party financing mechanisms (including
14 energy savings performance contracts, enhanced use
15 leases, utility energy service contracts, utility privat-
16 ization agreements, and other contractual mecha-
17 nisms), including—

18 “(A) the duration of each such mechanism,
19 an estimate of the financial obligation incurred
20 through the duration of each such mechanism,
21 whether the project incorporates energy security
22 into its design, and the estimated payback pe-
23 riod for each such mechanism; and

24 “(B) any renewable energy certificates re-
25 lating to the project, including the purchasing

1 authority for the certificates, the price of the
2 certificates, and whether the certificates were
3 bundled or unbundled.

4 “(4) A description of the types and quantities
5 of energy consumed by the Department of Defense
6 and by members of the armed forces and civilian
7 personnel residing or working on military installa-
8 tions during the fiscal year covered by the report, in-
9 cluding a breakdown of energy consumption by—

10 “(A) user group;

11 “(B) the type of energy consumed, includ-
12 ing the quantities of any renewable energy con-
13 sumed that was produced or procured by the
14 Department of Defense; and

15 “(C) the cost of the energy consumed.

16 “(5) A description of the types and amount of
17 financial incentives received under section 2913 of
18 this title during the preceding fiscal year and the ap-
19 propriation account or accounts to which the incen-
20 tives were credited.

21 “(6) A description and estimate of the progress
22 made by the military departments in meeting the
23 certification requirements for sustainable green-
24 building standards in construction and major ren-
25 ovations as required by section 433 of the Energy

1 Independence and Security Act of 2007 (Public Law
2 110–140; 121 Stat. 1612).

3 “(7) Details of utility outages at military instal-
4 lations, including the total number and locations of
5 outages, the financial impact of the outages, and
6 measures taken to mitigate outages in the future at
7 the affected locations and across the Department of
8 Defense.

9 “(8) A description of any other issues and
10 strategies the Secretary determines relevant to a
11 comprehensive and renewable energy policy.”

12 (b) MODIFICATION OF ANNUAL REPORT RELATED
13 TO OPERATIONAL ENERGY.—Subsection (b) of section
14 2925 of title 10, United States Code, is amended—

15 (1) in paragraph (1), by striking “138c of this
16 title” and inserting “2926(b) of this title”; and

17 (2) in paragraph (2), by adding at the end the
18 following new subparagraph:

19 “(H) The comments and recommendations of
20 the Assistant Secretary under section 2926(e) of this
21 title, including the certification required under para-
22 graph (3) of such section.”

23 (c) EFFECTIVE DATE.—The amendments made by
24 this section shall take effect on the date of the enactment
25 of this Act and shall apply with respect to reports required

1 to be submitted under section 2925 of title 10, United
2 States Code, after such date.

3 **SEC. 332. REPORT ON EQUIPMENT PURCHASED FROM FOR-**
4 **EIGN ENTITIES AND AUTHORITY TO ADJUST**
5 **ARMY ARSENAL LABOR RATES.**

6 (a) REPORT REQUIRED.—Not later than 30 days
7 after the date on which the budget of the President for
8 fiscal year 2018 is submitted to Congress pursuant to sec-
9 tion 1105 of title 31, United States Code, the Secretary
10 of Defense shall submit to the congressional defense com-
11 mittees a report on the equipment, weapons, weapons sys-
12 tems, components, subcomponents, and end-items pur-
13 chased from foreign entities that identifies those items
14 which could be manufactured in the military arsenals of
15 the United States or the military depots of the United
16 States to meet the goals of this section or section 2464
17 of title 10, United States Code, as well as a plan for mov-
18 ing that workload into such arsenals or depots.

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

21 (1) A list of items identified in the report re-
22 quired under section 333 of the National Defense
23 Authorization Act for Fiscal Year 2016 (Public Law
24 114–92; 129 Stat. 792) and a list of any items pur-

1 chased from foreign manufacturers after the date of
2 the submission of such report that are—

3 (A) described in section 8302(a)(1) of title
4 41, United States Code, and purchased from a
5 foreign manufacturer by reason of an exception
6 under section 8302(a)(2)(A) or section
7 8302(a)(2)(B) of such title;

8 (B) described in section 2533b(a)(1) of
9 title 10, United States Code, and purchased
10 from a foreign manufacturer by reason of an
11 exception under section 2533b(b); and

12 (C) described in section 2534(a) of such
13 title and purchased from a foreign manufac-
14 turer by reason of a waiver exercised under
15 paragraph (1), (2), (4), or (5) of section
16 2534(d) of such title.

17 (2) An assessment of the skills required to
18 manufacture the items described in paragraph (1)
19 and a comparison of those skills with skills required
20 to meet the critical capabilities identified in the re-
21 port of the Army to Congress on Critical Manufac-
22 turing Capabilities and Capacities, dated August
23 2013, and the core logistics capabilities identified by
24 each military service pursuant to section 2464 of

1 title 10, United States Code, as of the date of the
2 enactment of this Act.

3 (3) An identification of the tooling, equipment,
4 and facilities upgrades necessary for a military arse-
5 nal or depot to manufacture items described in para-
6 graph (1).

7 (4) An identification of items described in para-
8 graph (1) most appropriate for transfer to military
9 arsenals or depots to meet the goals of this section
10 or the requirements of section 2464 of title 10,
11 United States Code.

12 (5) An explanation of the rationale for con-
13 tinuing to sole-source the manufacturing of items
14 described in paragraph (1) from a foreign source
15 rather than a military arsenal, depot, or other or-
16 ganic facility.

17 (6) Such other information the Secretary deter-
18 mines to be appropriate.

19 (c) AUTHORITY TO ADJUST LABOR RATES TO RE-
20 FLECT WORK PRODUCTION.—

21 (1) IN GENERAL.—Not later than March 1,
22 2017, the Secretary of Defense shall establish a two-
23 year pilot program for the purpose of permitting the
24 Army arsenals to adjust periodically, throughout the

1 year, their labor rates charged to customers based
2 upon changes in workload and other factors.

3 (2) BRIEFING.—Not later than May 1, 2019,
4 the Secretary of Defense shall provide to the Com-
5 mittees on Armed Services of the Senate and the
6 House of Representatives a briefing that assesses—

7 (A) each Army arsenal’s changes in labor
8 rates throughout the previous year;

9 (B) the ability of each arsenal to meet the
10 costs of their working-capital funds; and

11 (C) the effect on arsenal workloads of
12 labor rate changes.

13 **SEC. 333. REPORT ON AVERAGE TRAVEL COSTS OF MEM-**
14 **BERS OF THE RESERVE COMPONENTS.**

15 Not later than 180 days after the date of the enact-
16 ment of this Act, the Secretary of Defense shall submit
17 to Congress a report on the travel expenses of members
18 of reserve components associated with performing active
19 duty service, active service, full-time National Guard duty,
20 active Guard and Reserve duty, and inactive-duty training,
21 as such terms are defined in section 101(d) of title 10,
22 United States Code. Such report shall include the average
23 annual cost for all travel expenses for a member of a re-
24 serve component.

1 **Subtitle E—Other Matters**

2 **SEC. 341. EXPLOSIVE ORDNANCE DISPOSAL CORPS.**

3 Section 3063 of title 10, United States Code, is
4 amended—

5 (1) in paragraph (12), by striking “and” at the
6 end;

7 (2) by redesignating paragraph (13) as para-
8 graph (14); and

9 (3) by inserting after paragraph (12) the fol-
10 lowing new paragraph (13):

11 “(13) Explosive Ordnance Disposal Corps;
12 and”.

13 **SEC. 342. EXPLOSIVE ORDNANCE DISPOSAL PROGRAM.**

14 (a) IN GENERAL.—Chapter 136 of title 10, United
15 States Code, is amended by adding at the end the fol-
16 lowing new section:

17 **“§ 2283. Explosive ordnance disposal program**

18 “(a) IN GENERAL.—The Secretary of Defense shall
19 carry out a program to be known as the ‘Explosive Ord-
20 nance Disposal Program’ (in this section referred to as
21 the ‘Program’) under which the Secretary shall ensure
22 close and continuous coordination between the military de-
23 partments on matters relating to explosive ordnance dis-
24 posal.

1 “(b) ROLES, RESPONSIBILITIES, AND AUTHORI-
2 TIES.—In carrying out the Program under subsection
3 (a)—

4 “(1) the Secretary of Defense shall—

5 “(A) assign responsibility for the coordina-
6 tion and integration of explosive ordnance dis-
7 posal to a single office or entity in the Office
8 of the Secretary of Defense;

9 “(B) designate the Secretary of the Navy,
10 or a designee of the Secretary’s choice, as the
11 executive agent for the Department of Defense
12 to coordinate and integrate research, develop-
13 ment, test, and evaluation activities and pro-
14 curement activities of the military departments
15 with respect to explosive ordnance disposal; and

16 “(C) exercise oversight over explosive ord-
17 nance disposal through the Defense Acquisition
18 Board process; and

19 “(2) the Secretary of each military department
20 shall assess the needs of the military department
21 concerned with respect to explosive ordnance dis-
22 posal and may carry out research, development, test,
23 and evaluation activities and procurement activities
24 to address such needs.

1 “(c) ANNUAL BUDGET JUSTIFICATION DOCU-
2 MENTS.— (1) The Secretary of Defense shall submit to
3 Congress, as a part of the defense budget materials for
4 each fiscal year after fiscal year 2017, a consolidated
5 budget justification display, in classified and unclassified
6 form, that covers all activities of Department of Defense
7 relating to the Program.

8 “(2) The budget display under paragraph (1) for a
9 fiscal year shall include a single program element for each
10 of the following:

11 “(A) Research, development, test, and evalua-
12 tion.

13 “(B) Procurement.

14 “(C) Military construction.

15 “(d) MANAGEMENT REVIEW.—(1) The Secretary of
16 Defense, acting through the Office of the Secretary of De-
17 fense assigned responsibility for the coordination and inte-
18 gration of explosive ordnance disposal under subsection
19 (b)(1)(A), shall conduct a review of the management
20 structure of the Program, including—

21 “(A) research, development, test, and evalua-
22 tion;

23 “(B) procurement;

24 “(C) doctrine development;

25 “(D) policy;

1 “(E) training;

2 “(F) development of requirements;

3 “(G) readiness; and

4 “(H) risk assessment.

5 “(2) Not later than May 1, 2018, the Secretary shall
6 provide to the Committees on Armed Services of the Sen-
7 ate and the House of Representatives a briefing that in-
8 cludes—

9 “(A) the results of the review described in para-
10 graph (1); and

11 “(B) a description of any measures undertaken
12 to improve joint coordination and oversight of the
13 Program and ensure a coherent and effective ap-
14 proach to its management.

15 “(e) DEFINITIONS.—In this section:

16 “(1) The term ‘explosive ordnance’ means any
17 munition containing explosives, nuclear fission or fu-
18 sion materials, or biological or chemical agents, in-
19 cluding—

20 “(A) bombs and warheads;

21 “(B) guided and ballistic missiles;

22 “(C) artillery, mortar, rocket, and
23 small arms munitions;

24 “(D) mines, torpedoes, and depth
25 charges;

1 “(E) demolition charges;
2 “(F) pyrotechnics;
3 “(G) clusters and dispensers;
4 “(H) cartridge and propellant actu-
5 ated devices;
6 “(I) electro-explosive devices; and
7 “(J) clandestine and improvised explo-
8 sive devices.

9 “(2) The term ‘disposal’ means, with respect to
10 explosive ordnance, the detection, identification, field
11 evaluation, defeat, disablement, or rendering safe,
12 recovery and exploitation, and final disposition of
13 the ordnance.”.

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

“2283. Explosive ordnance disposal program.”.

17 **SEC. 343. EXPANSION OF DEFINITION OF STRUCTURES**
18 **INTERFERING WITH AIR COMMERCE AND NA-**
19 **TIONAL DEFENSE.**

20 (a) NOTICE.—Section 44718(a) of title 49, United
21 States Code, is amended—

22 (1) in paragraph (1), by striking “and” at the
23 end;

24 (2) in paragraph (2), by striking the period at
25 the end and inserting “; or”; and

1 (3) by adding at the end the following:

2 “(3) the interests of national security, as deter-
3 mined by the Secretary of Defense.”.

4 (b) STUDIES.—Section 44718(b) of title 49, United
5 States Code, is amended to read as follows:

6 “(b) STUDIES.—

7 “(1) IN GENERAL.—Under regulations pre-
8 scribed by the Secretary, if the Secretary decides
9 that constructing or altering a structure may result
10 in an obstruction of the navigable airspace, an inter-
11 ference with air navigation facilities and equipment
12 or the navigable airspace, or, after consultation with
13 the Secretary of Defense, an unacceptable risk to
14 the national security of the United States, the Sec-
15 retary shall conduct an aeronautical study to decide
16 the extent of such impacts on the safe and efficient
17 use of the airspace, facilities, or equipment. In con-
18 ducting the study, the Secretary shall—

19 “(A) consider factors relevant to the effi-
20 cient and effective use of the navigable airspace,
21 including—

22 “(i) the impact on arrival, departure,
23 and en route procedures for aircraft oper-
24 ating under visual flight rules;

1 “(ii) the impact on arrival, departure,
2 and en route procedures for aircraft oper-
3 ating under instrument flight rules;

4 “(iii) the impact on existing public-use
5 airports and aeronautical facilities;

6 “(iv) the impact on planned public-use
7 airports and aeronautical facilities;

8 “(v) the cumulative impact resulting
9 from the proposed construction or alter-
10 ation of a structure when combined with
11 the impact of other existing or proposed
12 structures; and

13 “(vi) other factors relevant to the effi-
14 cient and effective use of navigable air-
15 space; and

16 “(B) include the finding made by the Sec-
17 retary of Defense under subsection (f).

18 “(2) REPORT.—On completing the study, the
19 Secretary shall issue a report disclosing the extent of
20 the—

21 “(A) adverse impact on the safe and effi-
22 cient use of the navigable airspace that the Sec-
23 retary finds will result from constructing or al-
24 tering the structure; and

1 “(B) unacceptable risk to the national se-
2 curity of the United States, as determined by
3 the Secretary of Defense under subsection (f).”.

4 (c) NATIONAL SECURITY FINDING; DEFINITION.—
5 Section 44718 of title 49, United States Code, is amended
6 by adding at the end the following:

7 “(f) NATIONAL SECURITY FINDING.—As part of an
8 aeronautical study conducted under subsection (b), the
9 Secretary of Defense shall—

10 “(1) make a finding on whether the construc-
11 tion, alteration, establishment, or expansion of a
12 structure or sanitary landfill included in the study
13 would result in an unacceptable risk to the national
14 security of the United States; and

15 “(2) transmit the finding to the Secretary of
16 Transportation for inclusion in the report required
17 under subsection (b)(2).

18 “(g) UNACCEPTABLE RISK TO NATIONAL SECURITY
19 OF UNITED STATES DEFINED.—In this section, the term
20 ‘unacceptable risk to the national security of the United
21 States’ has the meaning given the term in section 211.3
22 of title 32, Code of Federal Regulations, as in effect on
23 January 6, 2014.”.

24 (d) CONFORMING AMENDMENTS.—

1 (1) SECTION HEADING.—Section 44718 of title
2 49, United States Code, is amended in the section
3 heading by inserting “**or national security**”
4 after “**air commerce**”.

5 (2) CLERICAL AMENDMENT.—The table of sec-
6 tions at the beginning of chapter 447 of title 49,
7 United States Code, is amended by striking the item
8 relating to section 44718 and inserting the fol-
9 lowing:

“44718. Structures interfering with air commerce or national security.”.

10 **SEC. 344. DEVELOPMENT OF PERSONAL PROTECTIVE**
11 **EQUIPMENT FOR FEMALE MARINES AND SOL-**
12 **DIERS.**

13 The Secretary of the Navy and the Commandant of
14 the Marine Corps shall work in coordination with the Sec-
15 retary of the Army to develop, not later than April 1,
16 2017, a joint acquisition strategy to provide more effective
17 personal protective equipment and organizational clothing
18 and equipment to meet the specific and unique require-
19 ments for female Marines and soldiers.

20 **SEC. 345. STUDY ON SPACE-AVAILABLE TRAVEL SYSTEM OF**
21 **THE DEPARTMENT OF DEFENSE.**

22 (a) STUDY REQUIRED.—Not later than 90 days after
23 the date of the enactment of this Act, the Secretary of
24 Defense shall seek to enter into a contract with a federally
25 funded research and development center to conduct an

1 independent study on the space-available travel system of
2 the Department of Defense.

3 (b) REPORT REQUIRED.—Not later than 180 days
4 after entering into a contract with a federally funded re-
5 search and development center under subsection (a), the
6 Secretary shall submit to the congressional defense com-
7 mittees a report summarizing the results of the study con-
8 ducted under such subsection.

9 (c) ELEMENTS.—The report under subsection (b)
10 shall include, with respect to the space-available travel sys-
11 tem, the following:

12 (1) A determination of—

13 (A) the capacity of the system as of the
14 date of the enactment of this Act;

15 (B) the projected capacity of the system
16 for the 10-year period following such date of
17 enactment; and

18 (C) the projected number of reserve retir-
19 ees, active duty retirees, and dependents of
20 such retirees that will exist by the end of such
21 10-year period.

22 (2) Estimates of system capacity based the pro-
23 jections described in paragraph (1).

24 (3) A discussion of the efficiency of the system
25 and data regarding the use of available space with

1 respect to each category of passengers eligible for
2 space-available travel under existing regulations.

3 (4) A description of the effect on system capac-
4 ity if eligibility for space-available travel is extended
5 to—

6 (A) drilling reserve component personnel
7 and dependents of such personnel on inter-
8 national flights;

9 (B) dependents of reserve component retir-
10 ees who are less than 60 years of age;

11 (C) retirees who are less than 60 years of
12 age on international flights; and

13 (D) drilling reserve component personnel
14 traveling to drilling locations.

15 (5) A discussion of logistical and management
16 problems, including congestion at terminals, waiting
17 times, lodging availability, and personal hardships
18 experienced by travelers.

19 (6) An evaluation of the cost of the system and
20 whether space-available travel is and can remain
21 cost-neutral.

22 (7) An evaluation of the feasibility of expanding
23 the categories of passengers eligible for space-avail-
24 able travel to include—

1 (A) in the case of overseas travel, retired
2 members of an active or reserve component, in-
3 cluding retired members of reserve components,
4 who, but for being under the eligibility age ap-
5 plicable to the member under section 12731 of
6 title 10, United States Code, would be eligible
7 for retired pay under chapter 1223 of such
8 title; and

9 (B) unremarried widows and widowers of
10 active or reserve component members of the
11 Armed Forces.

12 (8) Such other factors relating to the efficiency
13 and cost of the system as the Secretary determines
14 to be appropriate.

15 (d) ADDITIONAL RESPONSIBILITIES.—In addition to
16 carrying out subsections (a) through (c), the Secretary of
17 Defense shall—

18 (1) analyze the methods used to prioritize
19 among the categories of individuals eligible for
20 space-available travel and make recommendations
21 for—

22 (A) re-ordering the priority of such cat-
23 egories; and

24 (B) adding additional categories of eligible
25 individuals; and

1 (2) collect data on travelers who request but do
2 not obtain available travel spaces under the space-
3 available travel system.

4 **SEC. 346. SUPPLY OF SPECIALTY MOTORS FROM CERTAIN**
5 **MANUFACTURERS.**

6 To ensure that an adequate, competitive supply of
7 custom designed motors is available to the Department of
8 Defense, particularly to meet its replacement motor re-
9 quirements for older equipment, and to protect small busi-
10 nesses that supply such motors to the Department of De-
11 fense, the requirements of section 431.25 of title 10, Code
12 of Federal Regulations, shall not be enforced against man-
13 ufacturers of specialty motors, whether characterized by
14 the Department as special purpose or definite purpose mo-
15 tors, provided that such manufacturers qualify as small
16 businesses and provided further that such manufacturers
17 do not also manufacture general purpose motors and pro-
18 vided further that such manufacturers were in the busi-
19 ness of manufacturing such motors on June 1, 2016.

1 **SEC. 347. LIMITATION ON USE OF CERTAIN FUNDS UNTIL**
2 **ESTABLISHMENT AND IMPLEMENTATION OF**
3 **REQUIRED PROCESS BY WHICH MEMBERS OF**
4 **THE ARMED FORCES MAY CARRY APPRO-**
5 **PRIATE FIREARMS ON MILITARY INSTALLA-**
6 **TIONS.**

7 Of the amounts authorized to be appropriated for Op-
8 eration and Maintenance, Defense-Wide, for the Office of
9 the Under Secretary of Defense for Policy, for fiscal year
10 2017, not more than 85 percent of such amounts may be
11 obligated or expended until the Secretary of Defense es-
12 tablishes and implements the process by which members
13 of the Armed Forces may carry an appropriate firearm
14 on a military installation, as required by section 526 of
15 the National Defense Authorization Act for Fiscal Year
16 2016 (Public Law 114–92; 129 Stat. 813; 10 U.S.C. 2672
17 note).

18 **SEC. 348. MOTOR CARRIER SAFETY PERFORMANCE AND**
19 **SAFETY TECHNOLOGY.**

20 (a) SENSE OF CONGRESS.—It is the sense of Con-
21 gress that the Secretary of Defense, acting through the
22 commander of the United States Transportation Com-
23 mand, should reassess the guidelines for the evaluation of
24 motor carrier safety performance under the Transpor-
25 tation Protective Services program taking into consider-
26 ation the Government Accountability Office report num-

bered GAO-16-82 and titled “Defense Transportation;
DoD Needs to Improve the Evaluation of Safety and Per-
formance Information for Carriers Transporting Security-
Sensitive Materials”.

(b) EVALUATION OF SAFETY TECHNOLOGY.—To
avoid catastrophic accidents and exposure of material, the
Secretary shall evaluate the need for proven safety tech-
nology in vehicles transporting Transportation Protective
Services shipments, such as electronic logging devices, roll
stability control, forward collision avoidance, lane depar-
ture warning systems, and speed limiters.

**SEC. 349. BRIEFING ON WELL-DRILLING CAPABILITIES OF
ACTIVE DUTY AND RESERVE COMPONENTS.**

(a) BRIEFING REQUIRED.—Not later than 180 days
after the date of the enactment of this Act, the Secretary
of Defense shall provide to the Committees on Armed
Services of the Senate and the House of Representatives
(and other congressional defense committees on request)
a briefing on the well-drilling capabilities of the active and
reserve components.

(b) ELEMENTS.—The briefing under subsection (a)
shall include a description of—

(1) the training requirements of active and re-
serve units with well-drilling capabilities;

1 (2) the locations at which such units conduct
2 training relating to well-drilling; and

3 (3) the cost and feasibility of rotating the train-
4 ing locations of such units to areas in the United
5 States that are affected by drought conditions.

6 **SEC. 350. ACCESS TO WIRELESS HIGH-SPEED INTERNET**
7 **AND NETWORK CONNECTIONS FOR CERTAIN**
8 **MEMBERS OF THE ARMED FORCES DE-**
9 **PLOYED OVERSEAS.**

10 Consistent with section 2492a of title 10, United
11 States Code, the Secretary of Defense is encouraged to
12 enter into contracts with third-party vendors in order to
13 provide members of the Armed Forces who are deployed
14 overseas at any United States military facility, at which
15 wireless high-speed Internet and network connections are
16 otherwise available, with access to such Internet and net-
17 work connections without charge.

18 **SEC. 351. SYSTEM FOR COMMUNICATING AVAILABILITY OF**
19 **SURPLUS AMMUNITION.**

20 Not later than 180 days after the date of the enact-
21 ment of this Act, the Secretary of Defense shall implement
22 a formal process to provide Government agencies outside
23 the Department of Defense with information on the avail-
24 ability of surplus, serviceable ammunition for the purpose

1 of reducing the overall storage and disposal costs related
2 to such ammunition.

3 **SEC. 352. INCREASE IN FUNDING FOR NATIONAL GUARD**
4 **COUNTER-DRUG PROGRAMS.**

5 (a) INCREASE.—Notwithstanding the amounts set
6 forth in the funding tables in division D, the amount au-
7 thorized to be appropriated in section 1404 for drug inter-
8 diction and counter-drug activities, as specified in the cor-
9 responding funding table in section 4501, for drug inter-
10 diction and counter-drug activities, Defense-wide is hereby
11 increased by \$30,000,000 (to be used in support of the
12 National Guard counter-drug programs).

13 (b) OFFSET.—Notwithstanding the amounts set forth
14 in the funding tables in division D—

15 (1) the amount authorized to be appropriated
16 for in section 101 for procurement, as specified in
17 the corresponding funding table in section 4101, for
18 Aircraft Procurement, Navy, for Common Ground
19 Equipment (Line 064), is hereby reduced by
20 \$20,000,000; and

21 (2) the amount authorized to be appropriated in
22 section 201 for research, development, test, and
23 evaluation, as specified in the corresponding funding
24 table in section 4201, for advanced component devel-
25 opment and prototypes, Advanced Innovative Tech-

1 nologies (Line 095) is hereby reduced by
2 \$10,000,000.

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

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

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

- 9 (1) The Army, 480,000.
10 (2) The Navy, 324,615.
11 (3) The Marine Corps, 185,000.
12 (4) The Air Force, 321,000.

13 **SEC. 402. REVISIONS IN PERMANENT ACTIVE DUTY END**
14 **STRENGTH MINIMUM LEVELS.**

15 Section 691(b) of title 10, United States Code, is
16 amended by striking paragraphs (1) through (4) and in-
17 serting the following new paragraphs:

- 18 “(1) For the Army, 480,000.
19 “(2) For the Navy, 324,615.
20 “(3) For the Marine Corps, 185,000.
21 “(4) For the Air Force, 321,000.”

1 **Subtitle B—Reserve Forces**

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

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

6 (1) The Army National Guard of the United
7 States, 350,000.

8 (2) The Army Reserve, 205,000.

9 (3) The Navy Reserve, 58,000.

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

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

13 (6) The Air Force Reserve, 69,000.

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

15 (b) END STRENGTH REDUCTIONS.—The end
16 strengths prescribed by subsection (a) for the Selected Re-
17 serve of any reserve component shall be proportionately
18 reduced by—

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

23 (2) the total number of individual members not
24 in units organized to serve as units of the Selected
25 Reserve of such component who are on active duty

1 (other than for training or for unsatisfactory partici-
2 pation in training) without their consent at the end
3 of the fiscal year.

4 (c) **END STRENGTH INCREASES.**—Whenever units or
5 individual members of the Selected Reserve for any reserve
6 component are released from active duty during any fiscal
7 year, the end strength prescribed for such fiscal year for
8 the Selected Reserve of such reserve component shall be
9 increased proportionately by the total authorized strengths
10 of such units and by the total number of such individual
11 members.

12 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
13 **DUTY IN SUPPORT OF THE RESERVES.**

14 Within the end strengths prescribed in section
15 411(a), the reserve components of the Armed Forces are
16 authorized, as of September 30, 2017, the following num-
17 ber of Reserves to be serving on full-time active duty or
18 full-time duty, in the case of members of the National
19 Guard, for the purpose of organizing, administering, re-
20 cruiting, instructing, or training the reserve components:

- 21 (1) The Army National Guard of the United
22 States, 30,155.
- 23 (2) The Army Reserve, 16,261.
- 24 (3) The Navy Reserve, 9,955.
- 25 (4) The Marine Corps Reserve, 2,261.

1 (5) The Air National Guard of the United
2 States, 14,764.

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

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

6 The minimum number of military technicians (dual
7 status) as of the last day of fiscal year 2017 for the re-
8 serve components of the Army and the Air Force (notwith-
9 standing section 129 of title 10, United States Code) shall
10 be the following:

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

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

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

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

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

19 (a) LIMITATIONS.—

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

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

3 (B) For the Air National Guard of the
4 United States, 350.

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

8 (3) AIR FORCE RESERVE.—The number of non-
9 dual status technicians employed by the Air Force
10 Reserve as of September 30, 2017, may not exceed
11 90.

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

16 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
17 **THORIZED TO BE ON ACTIVE DUTY FOR**
18 **OPERATIONAL SUPPORT.**

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

24 (1) The Army National Guard of the United
25 States, 17,000.

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

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

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

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

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

7 **SEC. 416. SENSE OF CONGRESS ON FULL-TIME SUPPORT**

8 **FOR THE ARMY NATIONAL GUARD.**

9 It is the sense of Congress that—

10 (1) an adequately supported, full-time support
11 force consisting of active and reserve personnel and
12 military technicians for the Army National Guard is
13 essential to maintaining the readiness of the Army
14 National Guard;

15 (2) the full-time support force for the Army
16 National Guard is the primary mechanism through
17 which the programs of the Army and the Depart-
18 ment of Defense are delivered to all 350,000 soldiers
19 of the Army National Guard;

20 (3) reductions in active and reserve personnel
21 and military technicians since 2014, totaling 2401,
22 have adversely impacted the readiness of the Army
23 National Guard;

24 (4) the growth in the full-time support force for
25 the Army National Guard since 2014 is due solely

1 to validated requirements originating before Sep-
2 tember 11, 2001, and not war-time growth;

3 (5) funding for the full-time support force for
4 the Army National Guard has never exceeded 72
5 percent of the validated requirement of the head-
6 quarters of the Department of the Army;

7 (6) the current size of the full-time support
8 force for the Army National Guard is the minimum
9 required to maintain foundational readiness require-
10 ments; and

11 (7) further reducing the size of the full-time
12 support force for the Army National Guard will have
13 adverse and long-lasting impacts on readiness.

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

16 **SEC. 421. MILITARY PERSONNEL.**

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

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

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

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

7 **SEC. 501. NUMBER OF MARINE CORPS GENERAL OFFICERS.**

8 (a) DISTRIBUTION OF COMMISSIONED OFFICERS ON
9 ACTIVE DUTY IN GENERAL OFFICER AND FLAG OFFICER
10 GRADES.—Section 525(a)(4) of title 10, United States
11 Code, is amended—

12 (1) in subparagraph (B), by striking “15” and
13 inserting “17”; and

14 (2) in subparagraph (C), by striking “23” and
15 inserting “22”.

16 (b) GENERAL AND FLAG OFFICERS ON ACTIVE
17 DUTY.—Section 526(a)(4) of such title is amended by
18 striking “61” and inserting “62”.

19 (c) DEPUTY COMMANDANTS.—Section 5045 of such
20 title is amended by striking “six” and inserting “seven”.

21 **SEC. 502. EQUAL CONSIDERATION OF OFFICERS FOR**
22 **EARLY RETIREMENT OR DISCHARGE.**

23 Section 638a of title 10, United States Code, is
24 amended—

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

3 “(4) Convening selection boards under section
4 611(b) of this title to consider for early retirement
5 or discharge regular officers on the active-duty list
6 in a grade below lieutenant colonel or commander—

7 “(A) who have served at least one year of
8 active duty in the grade currently held; and

9 “(B) whose names are not on a list of offi-
10 cers recommended for promotion.”;

11 (2) by redesignating subsection (e) as sub-
12 section (f); and

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

15 “(e)(1) In the case of action under subsection (b)(4),
16 the Secretary of the military department concerned shall
17 specify the total number of officers described in that sub-
18 section that a selection board convened under section
19 611(b) of this title pursuant to the authority of that sub-
20 section may recommend for early retirement or discharge.
21 Officers who are eligible, or are within two years of becom-
22 ing eligible, to be retired under any provision of law (other
23 than by reason of eligibility pursuant to section 4403 of
24 the National Defense Authorization Act for Fiscal Year
25 1993 (Public Law 102–484)), if selected by the board,

1 shall be retired or retained until becoming eligible to retire
2 under sections 3911, 6323, or 8911 of this title, and those
3 officers who are otherwise ineligible to retire under any
4 provision of law shall, if selected by the board, be dis-
5 charged.

6 “(2) In the case of action under subsection (b)(4),
7 the Secretary of the military department concerned may
8 submit to a selection board convened pursuant to that sub-
9 section—

10 “(A) the names of all eligible officers described
11 in that subsection, whether or not they are eligible
12 to be retired under any provision of law, in a par-
13 ticular grade and competitive category; or

14 “(B) the names of all eligible officers described
15 in that subsection in a particular grade and competi-
16 tive category, whether or not they are eligible to be
17 retired under any provision of law, who are also in
18 particular year groups, specialties, or retirement cat-
19 egories, or any combination thereof, with that com-
20 petitive category.

21 “(3) The number of officers specified under para-
22 graph (1) may not be more than 30 percent of the number
23 of officers considered.

24 “(4) An officer who is recommended for discharge by
25 a selection board convened pursuant to the authority of

1 subsection (b)(4) and whose discharge is approved by the
2 Secretary concerned shall be discharged on a date speci-
3 fied by the Secretary concerned.

4 “(5) Selection of officers for discharge under this
5 subsection shall be based on the needs of the service.”.

6 **SEC. 503. MODIFICATION OF AUTHORITY TO DROP FROM**
7 **ROLLS A COMMISSIONED OFFICER.**

8 Section 1161(b) of title 10, United States Code, is
9 amended by inserting “or the Secretary of Defense, or in
10 the case of a commissioned officer of the Coast Guard,
11 the Secretary of the department in which the Coast Guard
12 is operating when it is not operating in the Navy,” after
13 “President”.

14 **Subtitle B—Reserve Component**
15 **Management**

16 **SEC. 511. EXTENSION OF REMOVAL OF RESTRICTIONS ON**
17 **THE TRANSFER OF OFFICERS BETWEEN THE**
18 **ACTIVE AND INACTIVE NATIONAL GUARD.**

19 Section 512 of the National Defense Authorization
20 Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat.
21 752; 32 U.S.C. prec. 301 note) is amended—

22 (1) in subsection (a) in the matter preceding
23 paragraph (1), by striking “December 31, 2016”
24 and inserting “December 31, 2019”; and

1 (2) in subsection (b) in the matter preceding
2 paragraph (1), by striking “December 31, 2016”
3 and inserting “December 31, 2019”.

4 **SEC. 512. EXTENSION OF TEMPORARY AUTHORITY TO USE**
5 **AIR FORCE RESERVE COMPONENT PER-**
6 **SONNEL TO PROVIDE TRAINING AND IN-**
7 **STRUCTION REGARDING PILOT TRAINING.**

8 Section 514(a)(1) of the National Defense Authoriza-
9 tion Act for Fiscal Year 2016 (Public Law 114–92; 129
10 Stat. 810) is amended by inserting “and fiscal year 2017”
11 after “During fiscal year 2016”.

12 **SEC. 513. LIMITATIONS ON ORDERING SELECTED RESERVE**
13 **TO ACTIVE DUTY FOR PREPLANNED MIS-**
14 **SIONS IN SUPPORT OF THE COMBATANT**
15 **COMMANDS.**

16 Section 12304b(b) of title 10, United States Code,
17 is amended—

18 (1) in paragraph (1), by striking “only” in the
19 matter preceding subparagraph (A);

20 (2) by redesignating paragraph (2) as para-
21 graph (3); and

22 (3) by inserting after paragraph (1) the fol-
23 lowing new paragraph:

24 “(2) In lieu of paragraph (1), units may be ordered
25 to active duty under this section if—

1 “(A) the manpower and associated costs of such
2 active duty has been identified by the Secretary con-
3 cerned as an emerging requirement in the year of
4 execution; and

5 “(B) the Secretary concerned provides 30-day
6 advance notification to the congressional defense
7 committees that identifies the funds required to sup-
8 port the order, a description of the mission for which
9 the units will be ordered to active duty, and the an-
10 ticipated length of time of the order of such units
11 to active duty on an involuntary basis.”.

12 **SEC. 514. EXEMPTION OF MILITARY TECHNICIANS (DUAL**
13 **STATUS) FROM CIVILIAN EMPLOYEE FUR-**
14 **LOUGHS.**

15 Section 10216(b)(3) of title 10, United States Code,
16 is amended by inserting after “reductions” the following:
17 “(including temporary reductions by furlough or other-
18 wise)”.

19 **SEC. 515. ELECTRONIC TRACKING OF OPERATIONAL AC-**
20 **TIVE-DUTY SERVICE PERFORMED BY MEM-**
21 **BERS OF THE READY RESERVE OF THE**
22 **ARMED FORCES.**

23 The Secretary of Defense shall establish an electronic
24 means by which members of the Ready Reserve of the
25 Armed Forces can track their operational active-duty serv-

1 ice performed after January 28, 2008, under section
2 12301(a), 12301(d), 12301(g), 12302, or 12304 of title
3 10, United States Code. The tour calculator shall specify
4 early retirement credit authorized for each qualifying tour
5 of active duty, as well as cumulative early reserve retire-
6 ment credit authorized to date under section 12731(f) of
7 such title.

8 **Subtitle C—General Service** 9 **Authorities**

10 **SEC. 521. TECHNICAL CORRECTION TO ANNUAL AUTHOR-** 11 **IZATION FOR PERSONNEL STRENGTHS.**

12 Section 115 of title 10, United States Code, is
13 amended—

14 (1) in subsection (b)(1)—

15 (A) in subparagraph (B), by striking
16 “502(f)(2)” and inserting “502(f)(1)(B)”; and

17 (B) in subparagraph (C), by striking
18 “502(f)(2)” and inserting “502(f)(1)(B)”; and

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

21 **SEC. 522. ENTITLEMENT TO LEAVE FOR ADOPTION OF** 22 **CHILD BY DUAL MILITARY COUPLES.**

23 Section 701(i) of title 10, United States Code, is
24 amended by striking paragraph (3) and inserting the fol-
25 lowing new paragraph:

1

2 “(3) In the event that two members of the armed
3 forces who are married to each other adopt a child in a
4 qualifying child adoption, the two members shall be al-
5 lowed a total of at least 36 days of leave under this sub-
6 section, to be shared between the two members. The Sec-
7 retary concerned shall permit the transfer of such leave
8 between the two members to accommodate individual fam-
9 ily circumstances.”.

10 **SEC. 523. REVISION OF DEPLOYABILITY RATING SYSTEM**
11 **AND PLANNING REFORM.**

12 (a) DEPLOYMENT PRIORITIZATION AND READI-
13 NESS.—

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

17 **“§ 10102a. Deployment prioritization and readiness of**
18 **army components**

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

23 “(b) DEPLOYABILITY READINESS RATING.—The
24 Secretary of the Army shall maintain a readiness rating
25 system for units of all components of the Army that pro-

1 vides an accurate assessment of the deployability of a unit
2 and those shortfalls of a unit that require the provision
3 of additional resources. The system shall ensure—

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

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

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

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

17 “(A) documents all equipment required for
18 deployment;

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

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

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

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

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

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

10 **SEC. 524. EXPANSION OF AUTHORITY TO EXECUTE CER-**
11 **TAIN MILITARY INSTRUMENTS.**

12 (a) EXPANSION OF AUTHORITY TO EXECUTE MILI-
13 TARY TESTAMENTARY INSTRUMENTS.—

14 (1) IN GENERAL.—Paragraph (2) of section
15 1044d(c) of title 10, United States Code, is amended
16 to read as follows:

17 “(2) the execution of the instrument is nota-
18 rized by—

19 “(A) a military legal assistance counsel;

20 “(B) a person who is authorized to act as
21 a notary under section 1044a of this title
22 who—

23 “(i) is not an attorney; and

24 “(ii) is supervised by a military legal
25 assistance counsel; or

1 “(C) a State-licensed notary employed by a
2 military department or the Coast Guard who is
3 supervised by a military legal assistance coun-
4 sel;”.

5 (2) CLARIFICATION.—Paragraph (3) of such
6 section is amended by striking “presiding attorney”
7 and inserting “person notarizing the instrument in
8 accordance with paragraph (2)”.

9 (b) EXPANSION OF AUTHORITY TO NOTARIZE DOCU-
10 MENTS TO CIVILIANS SERVING IN MILITARY LEGAL AS-
11 SISTANCE OFFICES.—

12 (1) IN GENERAL.—Subsection (b) of section
13 1044a of title 10, United States Code, is amended
14 by adding at the end the following new paragraph:

15 “(6) All civilian paralegals serving at military
16 legal assistance offices, supervised by a military legal
17 assistance counsel (as defined in section 1044d(g) of
18 this title).”.

19 **SEC. 525. TECHNICAL CORRECTION TO VOLUNTARY SEPA-**
20 **RATION PAY AND BENEFITS.**

21 Section 1175a(j) of title 10, United States Code, is
22 amended—

23 (1) in paragraph (2)—

24 (A) by striking “or 12304” and inserting
25 “12304, 12304a, or 12304b”; and

1 (B) by striking “502(f)(1)” and inserting
2 “502(f)(1)(A)”; and
3 (2) in paragraph (3), by striking “502(f)(2)”
4 and inserting “502(f)(1)(B)”.

5 **SEC. 526. ANNUAL NOTICE TO MEMBERS OF THE ARMED**
6 **FORCES REGARDING CHILD CUSTODY PRO-**
7 **TECTIONS GUARANTEED BY THE**
8 **SERVICEMEMBERS CIVIL RELIEF ACT.**

9 The Secretaries of each of the military departments
10 shall ensure that each member of the Armed Forces with
11 dependents receives annually, and prior to each deploy-
12 ment, notice of the child custody protections afforded to
13 members of the Armed Forces under the Servicemembers
14 Civil Relief Act (50 U.S.C. 3901 et seq.).

15 **SEC. 527. PILOT PROGRAM ON CONSOLIDATED ARMY RE-**
16 **CRUITING.**

17 (a) PILOT PROGRAM.—

18 (1) IN GENERAL.—Not later than 180 days
19 after the date of the enactment of this Act, the Sec-
20 retary of the Army shall carry out a pilot program
21 to consolidate the recruiting efforts of the Regular
22 Army, Army Reserve, and Army National Guard
23 under which a recruiter in one of the components
24 participating in the pilot program may recruit indi-
25 viduals to enlist in any of the components regardless

1 of the funding source of the recruiting activity.
2 Under the pilot program, the recruiter shall receive
3 credit toward periodic enlistment goals for each en-
4 listment regardless of the component in which the
5 individual enlists.

6 (2) DURATION.—The Secretary shall carry out
7 the pilot program for a period of not less than three
8 years.

9 (b) REPORTS.—

10 (1) INTERIM REPORT.—

11 (A) IN GENERAL.—Not later than one year
12 after the date on which the pilot program under
13 subsection (a) commences, the Secretary shall
14 submit to the Committee on Armed Services of
15 the House of Representatives a report on the
16 pilot program.

17 (B) ELEMENTS.—The report under sub-
18 paragraph (A) shall include each of the fol-
19 lowing:

20 (i) An analysis of the effects that con-
21 solidated recruiting efforts has on the over-
22 all ability of recruiters to attract and place
23 qualified candidates.

1 (ii) A determination of the extent to
2 which consolidating recruiting efforts af-
3 fects efficiency and recruiting costs.

4 (iii) An analysis of any challenges as-
5 sociated with a recruiter working to recruit
6 individuals to enlist in a component in
7 which the recruiter has not served.

8 (iv) An analysis of the satisfaction of
9 recruiters and the component recruiting
10 commands with the pilot program.

11 (2) FINAL REPORT.—Not later than 180 days
12 after the date on which the pilot program under sub-
13 section (a) is completed, the Secretary shall submit
14 to the committees specified in paragraph (1)(A) a
15 final report on the pilot program. Such final report
16 shall include any recommendations of the Secretary
17 with respect to extending or making permanent the
18 pilot program and a description of any related legis-
19 lative actions that the Secretary considers appro-
20 priate.

21 **SEC. 528. REPORT ON PURPOSE AND UTILITY OF REG-**
22 **ISTRATION SYSTEM UNDER MILITARY SELEC-**
23 **TIVE SERVICE ACT.**

24 (a) REPORT REQUIRED.—Not later than July 1,
25 2017, the Secretary of Defense shall—

1 (1) submit to the Committees on Armed Serv-
2 ices of the Senate and the House of Representatives
3 a report on the current and future need for a cen-
4 tralized registration system under the Military Selec-
5 tive Service Act (50 U.S.C. 3801 et seq.); and

6 (2) provide a briefing on the results of the re-
7 port.

8 (b) ELEMENTS OF REPORT.—The report required by
9 subsection (a) shall include the following:

10 (1) A detailed analysis of the current benefits
11 derived, both directly and indirectly, from the Mili-
12 tary Selective Service System, including—

13 (A) the extent to which mandatory reg-
14 istration benefits military recruiting;

15 (B) the extent to which a national registra-
16 tion capability serves as a deterrent to potential
17 enemies of the United States; and

18 (C) the extent to which expanding registra-
19 tion to include women would impact these bene-
20 fits.

21 (2) An analysis of the functions currently per-
22 formed by the Selective Service System that would
23 be assumed by the Department of Defense in the ab-
24 sence of a national registration capability.

1 (3) An analysis of the systems, manpower, and
2 facilities that would be needed by the Department to
3 physically mobilize inductees in the absence of the
4 Selective Service System.

5 (4) An analysis of the feasibility and utility of
6 eliminating the current focus on mass mobilization
7 of primarily combat troops in favor of a system that
8 focuses on mobilization of all military occupational
9 specialties, and the extent to which such a change
10 would impact the need for both male and female in-
11 ductees.

12 (5) A detailed analysis of the Department's per-
13 sonnel needs in the event of an emergency requiring
14 mass mobilization, including—

15 (A) a detailed timeline, along with the fac-
16 tors considered in arriving at this timeline, of
17 when the Department would require—

18 (i) the first inductees to report for
19 service;

20 (ii) the first 100,000 inductees to re-
21 port for service; and

22 (iii) the first medical personnel to re-
23 port for service; and

24 (B) an analysis of any additional critical
25 skills that would be needed in the event of a na-

1 tional emergency, and a timeline for when the
2 Department would require the first inductees to
3 report for service.

4 (6) A list of the assumptions used by the De-
5 partment when conducting its analysis in preparing
6 the report.

7 (c) COMPTROLLER GENERAL REVIEW.—Not later
8 than December 1, 2017, the Comptroller General of the
9 United States shall submit to the Committees on Armed
10 Services of the Senate and the House of Representatives
11 a review of the procedures used by the Department of De-
12 fense in evaluating selective service requirements.

13 **SEC. 529. PARENTAL LEAVE FOR MEMBERS OF THE ARMED**
14 **FORCES.**

15 (a) ADDITIONAL PARENTAL LEAVE AUTHORITY.—

16 (1) AVAILABILITY OF PARENTAL LEAVE.—

17 Chapter 40 of title 10, United States Code, is
18 amended by inserting after section 701 the following
19 new section:

20 **“§ 701a. Parental leave**

21 “(a) LEAVE AUTHORIZED.—A member of the armed
22 forces who is performing active service may be allowed
23 leave under this section for each instance in which the
24 member becomes a parent as a result of the member’s
25 spouse giving birth.

1 “(b) AMOUNT OF LEAVE.—Leave under this section
2 shall be at least 14 days, under regulations prescribed
3 under this section by the Secretary concerned.

4 “(c) DURATION OF AVAILABILITY OF LEAVE.—Leave
5 under this section is lost as follows:

6 “(1) If not used within one year of the date of
7 the birth giving rise to the leave.

8 “(2) If the member having the leave becomes
9 entitled to leave under this section with respect to a
10 different child.

11 “(3) If not used before separation from active
12 service.

13 “(d) COORDINATION WITH OTHER LEAVE AUTHORI-
14 TIES.—Leave under this section is in addition to any other
15 leave and may not be deducted or charged against other
16 leave authorized by this chapter.

17 “(e) REGULATIONS.—This section shall be carried
18 out under regulations prescribed by the Secretary con-
19 cerned. Regulations prescribed under this section by the
20 Secretaries of the military departments shall be as uni-
21 form as practicable and shall be subject to approval by
22 the Secretary of Defense.”.

23 (2) CLERICAL AMENDMENT.—The table of sec-
24 tions at the beginning of chapter 40 of title 10,
25 United States Code, is amended by inserting after

1 the item relating to section 701 the following new
2 item:

“701a. Parental leave.”.

3 (3) CONFORMING AMENDMENT.—Subsection (j)
4 of section 701 of title 10, United States Code, is re-
5 pealed.

6 (b) COVERAGE OF COMMISSIONED OFFICERS OF THE
7 PUBLIC HEALTH SERVICE.—Section 221(a) of the Public
8 Health Service Act (42 U.S.C. 213a(a)) is amended by
9 adding at the end the following new paragraph:

10 “(19) Section 701(i) and 701a, Adoption Leave
11 and Parental Leave.”.

12 **Subtitle D—Military Justice, In-**
13 **cluding Sexual Assault and Do-**
14 **mestic Violence Prevention and**
15 **Response**

16 **SEC. 541. EXPEDITED REPORTING OF CHILD ABUSE AND**
17 **NEGLECT TO STATE CHILD PROTECTIVE**
18 **SERVICES.**

19 (a) REPORTING BY MILITARY AND CIVILIAN PER-
20 SONNEL OF THE DEPARTMENT OF DEFENSE.—Section
21 1787 of title 10, United States Code, is amended—

22 (1) by redesignating subsections (a) and (b) as
23 subsections (c) and (d), respectively; and

24 (2) by inserting before subsection (c), as so re-
25 designated, the following new subsections:

1 “(a) REPORTING BY MILITARY AND CIVILIAN PER-
2 SONNEL.—A member of the armed forces, civilian em-
3 ployee of the Department of Defense, or contractor em-
4 ployee working on a military installation who is mandated
5 by Federal regulation or State law to report known or sus-
6 pected instances of child abuse and neglect shall provide
7 the report directly to State Child Protective Services or
8 another appropriate State agency in addition to the mem-
9 ber’s or employee’s chain of command or any designated
10 Department point of contact.

11 “(b) TRAINING FOR MANDATED REPORTERS.—The
12 Secretary of Defense shall ensure that individuals referred
13 to in subsection (a) who are mandated by State law to
14 report known or suspected instances of child abuse and
15 neglect receive appropriate training, in accordance with
16 State guidelines, intended to improve their—

17 “(1) ability to recognize evidence of child abuse
18 and neglect; and

19 “(2) understanding of the mandatory reporting
20 requirements imposed by law.”.

21 (b) CONFORMING AND CLERICAL AMENDMENTS.—
22 Section 1787 of title 10, United States Code, is further
23 amended—

1 (1) in subsection (c), as redesignated by sub-
2 section (a)(1), by striking “IN GENERAL.—” and in-
3 serting “REPORTING BY STATES.—”; and

4 (2) in subsection (d), as redesignated by sub-
5 section (a)(1)—

6 (A) by striking “(d) DEFINITION.—In this
7 section, the term” and inserting the following:

8 “(d) DEFINITIONS.—In this section:

9 “(1) The term”; and

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

12 “(2) The term ‘State’ includes the District of
13 Columbia, the Commonwealth of Puerto Rico, the
14 Commonwealth of the Northern Mariana Islands,
15 Guam, the Virgin Islands, American Samoa, the
16 Federated States of Micronesia, the Republic of the
17 Marshall Islands, and the Republic of Palau.”.

18 **SEC. 542. EXTENSION OF THE REQUIREMENT FOR ANNUAL**
19 **REPORT REGARDING SEXUAL ASSAULTS AND**
20 **COORDINATION WITH RELEASE OF FAMILY**
21 **ADVOCACY REPORT.**

22 Section 1631 of the Ike Skelton National Defense
23 Authorization Act for Fiscal Year 2011 (Public Law 111–
24 383; 124 Stat. 4433; 10 U.S.C. 1561 note) is amended—

1 (1) in subsection (a) by striking “March 1,
2 2017” and inserting “January 31, 2021”; and

3 (2) by adding at the end the following new sub-
4 section:

5 “(g) COORDINATION OF RELEASE DATE BETWEEN
6 ANNUAL REPORT REGARDING SEXUAL ASSAULTS AND
7 FAMILY ADVOCACY REPORT.—The Secretary of Defense
8 shall ensure that the report required under subsection (a)
9 for a year is delivered to the Committees on Armed Serv-
10 ices of the Senate and House of Representatives simulta-
11 neously with the Department of Defense Family Advocacy
12 Report for that year required by section 543 of the Na-
13 tional Defense Authorization Act for Fiscal Year 2017.”.

14 **SEC. 543. REQUIREMENT FOR ANNUAL FAMILY ADVOCACY**
15 **PROGRAM REPORT REGARDING CHILD**
16 **ABUSE AND DOMESTIC VIOLENCE.**

17 (a) ANNUAL REPORT ON CHILD ABUSE AND DOMES-
18 TIC VIOLENCE.—Not later than January 31, 2017, and
19 annually thereafter through January 31, 2021, the Sec-
20 retary of Defense shall submit to the Committees on
21 Armed Services of the House of Representatives and the
22 Senate a report on the child abuse and domestic abuse
23 incident data from the Department of Defense Family Ad-
24 vocacy Program central registry of child abuse and domes-
25 tic abuse incidents for the preceding calendar year.

1 (b) CONTENTS.—The report shall contain each of the
2 following:

3 (1) The number of incidents reported during
4 the year covered by the report involving—

5 (A) spouse physical or sexual abuse;

6 (B) intimate partner physical or sexual
7 abuse;

8 (C) child physical or sexual abuse; and

9 (D) child or domestic abuse resulting in a
10 fatality.

11 (2) An analysis of the number of such incidents
12 that met the criteria for substantiation.

13 (3) An analysis of—

14 (A) the types of abuse reported;

15 (B) for cases involving children as the re-
16 ported victims of the abuse, the ages of the
17 abused children; and

18 (C) other relevant characteristics of the re-
19 ported victims.

20 (4) An analysis of the military status, sex, and
21 pay grade of the alleged perpetrator of the child or
22 domestic abuse.

23 (5) An analysis of the effectiveness of the Fam-
24 ily Advocacy Program.

1 (c) COORDINATION OF RELEASE DATE BETWEEN
2 ANNUAL REPORT REGARDING SEXUAL ASSAULTS AND
3 FAMILY ADVOCACY PROGRAM REPORT.—The Secretary of
4 Defense shall ensure that the sexual assault report re-
5 quired under section 1631 of the Ike Skelton National De-
6 fense Authorization Act for Fiscal Year 2011 (Public Law
7 111–383; 10 U.S.C. 1561 note) is delivered to the Com-
8 mittees on Armed Services of the House of Representa-
9 tives and the Senate simultaneously with the report re-
10 quired under this section.

11 **SEC. 544. IMPROVED DEPARTMENT OF DEFENSE PREVEN-**
12 **TION OF AND RESPONSE TO HAZING IN THE**
13 **ARMED FORCES.**

14 (a) ANTI-HAZING DATABASE.—The Secretary of De-
15 fense shall provide for the establishment and use of a com-
16 prehensive and consistent data-collection system for the
17 collection of reports, including anonymous reports, of inci-
18 dents of hazing involving a member of the Armed Forces.
19 The Secretary shall issue department-wide guidance re-
20 garding the availability and use of the database, including
21 information on protected classes, such as race and reli-
22 gion, who are often the victims of hazing.

23 (b) IMPROVED TRAINING.—The Secretary of each
24 military department, in consultation with the Chief of
25 Staff of each Armed Force under the jurisdiction of such

1 Secretary, shall seek to improve training to assist mem-
2 bers of the Armed Forces better recognize, prevent, and
3 respond to hazing at all command levels.

4 (c) ANNUAL SURVEY.—The Secretary of each mili-
5 tary department, in consultation with the Chief of Staff
6 of each Armed Force under the jurisdiction of such Sec-
7 retary, shall conduct an annual survey among members
8 of each Armed Force under the jurisdiction of such Sec-
9 retary to determine the following:

10 (1) The prevalence of hazing in the Armed
11 Force.

12 (2) The effectiveness of training provided mem-
13 bers of the Armed Force to recognize and prevent
14 hazing.

15 (3) The extent to which members of the Armed
16 Force report, including anonymously report, inci-
17 dents of hazing.

18 (d) ANNUAL REPORTS ON HAZING.—

19 (1) REPORT REQUIRED.—Not later than Janu-
20 ary 31 of each year through January 31, 2021, the
21 Secretary of each military department, in consulta-
22 tion with the Chief of Staff of each Armed Force
23 under the jurisdiction of such Secretary, shall sub-
24 mit to the Committees on Armed Services of the
25 Senate and the House of Representatives a report

1 containing a description of efforts during the pre-
2 vious year—

3 (A) to prevent and to respond to incidents
4 of hazing involving members of the Armed
5 Forces;

6 (B) to track and encourage reporting, in-
7 cluding reporting anonymously, incidents of
8 hazing in the Armed Force; and

9 (C) to ensure the consistent implementa-
10 tion of anti-hazing policies.

11 (2) **ADDITIONAL ELEMENTS.**—Each report re-
12 quired by this subsection also shall address the same
13 elements originally addressed in the anti-hazing re-
14 ports required by section 534 of the National De-
15 fense Authorization Act for Fiscal Year 2013 (Pub-
16 lic Law 112–239; 126 Stat. 1726).

17 **SEC. 545. BURDENS OF PROOF APPLICABLE TO INVESTIGA-**
18 **TIONS AND REVIEWS RELATED TO PRO-**
19 **TECTED COMMUNICATIONS OF MEMBERS OF**
20 **THE ARMED FORCES AND PROHIBITED RE-**
21 **TALIATORY ACTIONS.**

22 (a) **BURDENS OF PROOF.**—Section 1034 of title 10,
23 United States Code, is amended—

24 (1) by redesignating subsections (i) and (j) as
25 subsections (j) and (k), respectively; and

1 (2) by inserting after subsection (h) the fol-
2 lowing new subsection (i):

3 “(i) **BURDENS OF PROOF.**—The burdens of proof
4 specified in section 1221(e) of title 5 shall apply in any
5 investigation conducted by an Inspector General under
6 subsection (c) or (d), any review performed by a board
7 for the correction of military records under subsection (g),
8 and any review conducted by the Secretary of Defense
9 under subsection (h).”.

10 (b) **EFFECTIVE DATE.**—The amendments made by
11 subsection (a) shall take effect on the date that is 30 days
12 after the date of the enactment of this Act, and shall apply
13 with respect to allegations pending or submitted under
14 section 1034 of title 10, United States Code, on or after
15 that date.

16 **SEC. 546. IMPROVED INVESTIGATION OF ALLEGATIONS OF**
17 **PROFESSIONAL RETALIATION.**

18 Section 1034(c)(4) of title 10, United States Code,
19 is amended by adding at the end the following new sub-
20 paragraph:

21 “(F) The Secretary concerned shall ensure that any
22 individual investigating an allegation as described in para-
23 graph (1) must have training in the definition and charac-
24 teristics of retaliation. In addition, if the investigation in-
25 volves alleged retaliation in response to a communication

1 regarding a violation of a law or regulation prohibiting
2 rape, sexual assault, or other sexual misconduct in viola-
3 tion of sections 920 through 920e of this title (articles
4 120 through 120e of the Uniform Code of Military Jus-
5 tice), the training shall include specific instruction regard-
6 ing such violations.”.

7 **SEC. 547. CAREER MILITARY JUSTICE LITIGATION TRACK**
8 **FOR JUDGE ADVOCATES.**

9 (a) CAREER LITIGATION TRACK REQUIRED.—

10 (1) IN GENERAL.—The Secretary of each mili-
11 tary department shall establish a career military jus-
12 tice litigation track for judge advocates in the
13 Armed Forces under the jurisdiction of the Sec-
14 retary.

15 (2) CONSULTATION.—The Secretary of the
16 Army and the Secretary of the Air Force shall estab-
17 lish the litigation track required by this section in
18 consultation with the Judge Advocate General of the
19 Army and the Judge Advocate General of the Air
20 Force, respectively. The Secretary of the Navy shall
21 establish the litigation track in consultation with the
22 Judge Advocate General of the Navy and the Staff
23 Judge Advocate to the Commandant of the Marine
24 Corps.

1 (b) ELEMENTS.—Each career litigation track under
2 this section shall provide for the following:

3 (1) Assignment and advancement of qualified
4 judge advocates in and through assignments and bil-
5 lets relating to the practice of military justice under
6 chapter 47 of title 10, United States Code (the Uni-
7 form Code of Military Justice).

8 (2) Establishing for each Armed Force the as-
9 signments and billets covered by paragraph (1),
10 which shall include trial counsel, defense counsel,
11 military trial judge, military appellate judge, aca-
12 demic instructor, all positions within criminal law of-
13 fices or divisions of such Armed Force, Special Vic-
14 tims Prosecutor, Victims' Legal Counsel, Special
15 Victims' Counsel, and such other positions as the
16 Secretary of the military department concerned shall
17 specify.

18 (3) For judge advocates participating in such
19 litigation track, mechanisms as follows:

20 (A) To prohibit a judge advocate from
21 more than a total of four years of duty or as-
22 signments outside such litigation track.

23 (B) To prohibit any adverse assessment of
24 a judge advocate so participating by reason of
25 such participation in the promotion of officers

1 through grade O–6 (or such higher grade as the
2 Secretary of the military department concerned
3 shall specify for purposes of such litigation
4 track).

5 (4) Such additional requirements and qualifica-
6 tions for the litigation track as the Secretary of the
7 military department concerned considers appro-
8 priate, including requirements and qualifications
9 that take into account the unique personnel needs
10 and requirement of an Armed Force.

11 (c) IMPLEMENTATION DEADLINE.—Each Secretary
12 of a military department shall implement the career litiga-
13 tion track required by this section for the Armed Forces
14 under the jurisdiction of such Secretary by not later than
15 18 months after the date of the enactment of this Act.

16 (d) REPORT.—Not later than one year after the date
17 of the enactment of this Act, each Secretary of a military
18 department shall submit to the Committees on Armed
19 Services of the Senate and the House of Representatives
20 a report on the progress of such Secretary in imple-
21 menting the career litigation track required under this sec-
22 tion for the Armed Forces under the jurisdiction of such
23 Secretary.

1 **Subtitle E—Member Education,**
2 **Training, and Transition**

3 **SEC. 561. REVISION TO QUALITY ASSURANCE OF CERTIFI-**
4 **CATION PROGRAMS AND STANDARDS.**

5 Section 2015(c) of title 10, United States Code, is
6 amended—

7 (1) in paragraph (1), by striking “is accredited
8 by an accreditation body that” and all that follows
9 and inserting “meets one of the requirements speci-
10 fied in paragraph (2).”; and

11 (2) by striking paragraph (2) and inserting the
12 following new paragraph:

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

16 “(A) is accredited by a nationally-recog-
17 nized third-party personnel certification pro-
18 gram accreditor;

19 “(B)(i) is sought or accepted by employers
20 within the industry or sector involved as a rec-
21 ognized, preferred, or required credential for re-
22 cruitment, screening, hiring, retention, or ad-
23 vancement purposes; and

24 “(ii) where appropriate, is endorsed by a
25 nationally-recognized trade association or orga-

1 nization representing a significant part of the
2 industry or sector;

3 “(C) grants licenses that are recognized by
4 the Federal Government or a State government;
5 or

6 “(D) meets credential standards of a Fed-
7 eral agency.”.

8 **SEC. 562. ESTABLISHMENT OF ROTC CYBER INSTITUTES AT**
9 **SENIOR MILITARY COLLEGES.**

10 (a) IN GENERAL.—Chapter 103 of title 10, United
11 States Code, is amended by adding at the end the fol-
12 lowing new section:

13 **“§ 2111c. Senior military colleges: ROTC cyber insti-
14 tutes**

15 “(a) PROGRAM AUTHORIZED.—The Secretary of De-
16 fense may establish cyber institutes at each of the senior
17 military colleges and each of the Reserve Officer Training
18 Corps institutions selected for partnership by the cyber in-
19 stitutes at the individual service academies for the purpose
20 of accelerating the development of foundational expertise
21 in critical cyber operational skills for future military and
22 civilian leaders of the armed forces and the Department
23 of Defense, including such leaders of the reserve compo-
24 nents.

1 “(b) ELEMENTS.—Each cyber institute established
2 under this section shall include each of the following:

3 “(1) Training for members of the program who
4 possess cyber operational expertise from beginning
5 through advanced skill levels, including instruction
6 and practical experiences that lead to cyber certifi-
7 cations recognized in the field.

8 “(2) Training in targeted strategic foreign lan-
9 guage proficiency designed to significantly enhance
10 critical cyber operational capabilities and tailored to
11 current and anticipated readiness requirements.

12 “(3) Training related to mathematical founda-
13 tions of cryptography and cryptographic theory and
14 practice designed to complement and reinforce cyber
15 education along with the strategic language pro-
16 grams critical to cyber operations.

17 “(4) Training designed to expand the pool of
18 qualified cyber instructors necessary to support
19 cyber education in regional school systems.

20 “(c) PARTNERSHIPS WITH DEPARTMENT OF DE-
21 FENSE AND THE ARMED FORCES.—Any cyber institute
22 established under this section may enter into a partnership
23 with any active or reserve component of the armed forces
24 or any agency of the Department of Defense to facilitate
25 the development of critical cyber skills.

1 “(d) PARTNERSHIPS WITH OTHER SCHOOLS.—Any
2 cyber institute established under this section may enter
3 into a partnership with one or more local educational
4 agencies to facilitate the development of critical cyber
5 skills under the program among students attending the
6 elementary and secondary schools of such agencies who
7 may pursue a military career. The cyber institute may
8 place a special emphasis on entering into a partnership
9 under this subsection with a local educational agency lo-
10 cated in a rural, underserved, or underrepresented com-
11 munity.

12 “(e) SENIOR MILITARY COLLEGES.—The senior mili-
13 tary colleges are the senior military colleges in section
14 2111a(f) of this title.”.

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

“2111c. Senior military colleges: ROTC cyber institutes.”.

18 **SEC. 563. MILITARY-TO-MARINER TRANSITION.**

19 (a) REPORT.— Not later than 180 days after the
20 date of the enactment of this Act, the Secretary of Defense
21 and the Secretary of the department in which the Coast
22 Guard is operating shall jointly report to the Committee
23 on Armed Services and the Committee on Transportation
24 and Infrastructure of the House of Representatives and
25 the Committee on Armed Services and the Committee on

1 Commerce, Science, and Transportation of the Senate on
2 steps the Departments of Defense and Homeland Security
3 have taken or intend to take to—

4 (1) maximize the extent to which United States
5 armed forces service, training, and qualifications are
6 creditable toward meeting the laws and regulations
7 governing United States merchant mariner license,
8 certification, and document laws and the Inter-
9 national Convention on Standards of Training, Cer-
10 tification and Watchkeeping for Seafarers, 1978, in-
11 cluding steps to enhance interdepartmental coordina-
12 tion; and

13 (2) to promote better awareness among armed
14 forces personnel who serve in vessel operating posi-
15 tions of the requirements for post-service use of
16 armed forces training, education, and practical expe-
17 rience in satisfaction of requirements for merchant
18 mariner credentials under section 11.213 of title 46,
19 Code of Federal Regulation, and the need to docu-
20 ment such service in a manner suitable for post-serv-
21 ice use.

22 (b) LIST OF TRAINING PROGRAMS.—The report
23 under subsection (a) shall include a list of Army, Navy,
24 and Coast Guard training programs open to Army, Navy,

1 and Coast Guard vessel operators, respectively, that
2 shows—

3 (1) which programs have been approved for
4 credit toward merchant mariner credentials;

5 (2) which programs are under review for such
6 approval;

7 (3) which programs are not relevant to the
8 training needed for merchant mariner credentials;
9 and

10 (4) which programs could become eligible for
11 credit toward merchant mariner credentials with
12 minor changes.

13 **SEC. 564. EMPLOYMENT AUTHORITY FOR CIVILIAN FAC-**
14 **ULTY AT CERTAIN MILITARY DEPARTMENT**
15 **SCHOOLS.**

16 (a) **ADDITION OF ARMY UNIVERSITY AND ADDI-**
17 **TIONAL FACULTY.—**

18 (1) **IN GENERAL.—**Section 4021 of title 10,
19 United States Code, is amended—

20 (A) by striking subsection (a) and insert-
21 ing the following new subsection:

22 “(a) **AUTHORITY OF SECRETARY.—**The Secretary of
23 the Army may employ as many civilians as professors, in-
24 structors, lecturers, researchers, and administrative fac-
25 ulty at the Army War College, the United States Army

1 Command and General Staff College, and the Army Uni-
2 versity as the Secretary considers necessary.”; and

3 (B) by striking subsection (c).

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

6 “§ 4021. **Army War College, United States Army Com-
7 mand and General Staff College, and
8 Army University: civilian faculty mem-
9 bers**”.

10 (b) NAVAL WAR COLLEGE AND MARINE CORPS UNI-
11 VERSITY.—Section 7478 of title 10, United States Code,
12 is amended—

13 (1) by striking subsection (a) and inserting the
14 following new subsection:

15 “(a) AUTHORITY OF SECRETARY.—The Secretary of
16 the Navy may employ as many civilians as professors, in-
17 structors, lecturers, researchers, and administrative fac-
18 ulty at a school of the Naval War College or of the Marine
19 Corps University as the Secretary considers necessary.”;
20 and

21 (2) by striking subsection (c).

22 (c) AIR UNIVERSITY.—Section 9021 of title 10,
23 United States Code, is amended—

24 (1) by striking subsection (a) and inserting the
25 following new subsection:

1 “(a) **AUTHORITY OF SECRETARY.**—The Secretary of
 2 the Air Force may employ as many civilians as professors,
 3 instructors, lecturers, researchers, and administrative fac-
 4 ulty at a school of the Air University as the Secretary con-
 5 siders necessary.”; and

6 (2) by striking subsection (c).

7 **SEC. 565. REVISION OF NAME ON MILITARY SERVICE**
 8 **RECORD TO REFLECT CHANGE IN NAME OF A**
 9 **MEMBER OF THE ARMY, NAVY, AIR FORCE,**
 10 **OR MARINE CORPS, AFTER SEPARATION**
 11 **FROM THE ARMED FORCES.**

12 (a) **REVISION REQUIRED.**—Section 1551 of title 10,
 13 United States Code, is amended—

14 (1) by inserting “(a) **SERVICE UNDER AS-**
 15 **SUMED NAME.**—” before “The Secretary”; and

16 (2) by adding at the end the following new sub-
 17 section:

18 “(b) **EFFECT OF CHANGE IN NAME.**—The Secretary
 19 of the military department concerned shall reissue a cer-
 20 tificate of discharge or an order of acceptance of resigna-
 21 tion in the new name of any person who, after separation
 22 from an armed force under the jurisdiction of that Sec-
 23 retary, legally changes the person’s name to reflect the
 24 person’s gender identity.”.

25 (b) **CLERICAL AMENDMENTS.**—

1 (1) SECTION HEADING.—The heading of section
2 1551 of title 10, United States Code, is amended to
3 read as follows:

4 “**§ 1551. Correction of name after separation from**
5 **service”.**

6 (2) TABLE OF SECTIONS.—The table of sections
7 at the beginning of chapter 79 of title 10, United
8 States Code, is amended by striking the item relat-
9 ing to section 1551 and inserting the following new
10 item:

 “1551. Correction of name after separation from service.”.

11 **SEC. 566. DIRECT EMPLOYMENT PILOT PROGRAM FOR**
12 **MEMBERS OF THE NATIONAL GUARD AND RE-**
13 **SERVE.**

14 (a) PROGRAM AUTHORITY.—The Secretary of De-
15 fense may carry out a pilot program to enhance the efforts
16 of the Department of Defense to provide job placement
17 assistance and related employment services directly to
18 members in the National Guard and Reserves.

19 (b) ADMINISTRATION.—The pilot program shall be
20 offered to, and administered by, the adjutants general ap-
21 pointed under section 314 of title 32, United States Code.

22 (c) COST-SHARING REQUIREMENT.—As a condition
23 on the provision of funds under this section to a State
24 to support the operation of the pilot program in the State,
25 the State must agree to contribute an amount, derived

1 from non-Federal sources, equal to at least 30 percent of
2 the funds provided by the Secretary of Defense under this
3 section.

4 (d) DIRECT EMPLOYMENT PROGRAM MODEL.—The
5 pilot program should follow a job placement program
6 model that focuses on working one-on-one with a member
7 of a reserve component to cost-effectively provide job
8 placement services, including services such as identifying
9 unemployed and under employed members, job matching
10 services, resume editing, interview preparation, and post-
11 employment follow up. Development of the pilot program
12 should be informed by State direct employment programs
13 for members of the reserve components, such as the pro-
14 grams conducted in California and South Carolina.

15 (e) EVALUATION.—The Secretary of Defense shall
16 develop outcome measurements to evaluate the success of
17 the pilot program.

18 (f) REPORTING REQUIREMENTS.—

19 (1) REPORT REQUIRED.—Not later than Janu-
20 ary 31, 2021, the Secretary of Defense shall submit
21 to the Committees on Armed Services of the Senate
22 and the House of Representatives a report describ-
23 ing the results of the pilot program. The Secretary
24 shall prepare the report in coordination with the
25 Chief of the National Guard Bureau.

1 (2) ELEMENTS OF REPORT.—A report under
2 paragraph (1) shall include the following:

3 (A) A description and assessment of the ef-
4 fectiveness and achievements of the pilot pro-
5 gram, including the number of members of the
6 reserve components hired and the cost-per-
7 placement of participating members.

8 (B) An assessment of the impact of the
9 pilot program and increased reserve component
10 employment levels on the readiness of members
11 of the reserve components.

12 (C) A comparison of the pilot program to
13 other programs conducted by the Department
14 of Defense and Department of Veterans Affairs
15 to provide unemployment and underemployment
16 support to members of the reserve components
17 and veterans.

18 (D) Any other matters considered appro-
19 priate by the Secretary.

20 (g) DURATION OF AUTHORITY.—

21 (1) IN GENERAL.—The authority to carry out
22 the pilot program expires September 30, 2019.

23 (2) EXTENSION.—Upon the expiration of the
24 authority under paragraph (1), the Secretary of De-

1 fense may extend the pilot program for not more
2 than two additional fiscal years.

3 **SEC. 567. PROHIBITION ON ESTABLISHMENT, MAINTENANCE, OR SUPPORT OF SENIOR RESERVE**
4 **OFFICERS' TRAINING CORPS UNITS AT EDUCATIONAL INSTITUTIONS THAT DISPLAY**
5 **CONFEDERATE BATTLE FLAG.**

6
7
8 (a) PROHIBITION.—Section 2102 of title 10, United
9 States Code, is amended by adding at the end the fol-
10 lowing new subsection:

11 “(e) PROHIBITION RELATED TO DISPLAY OF CON-
12 FEDERATE BATTLE FLAG.—(1) The Secretary of a mili-
13 tary department may not establish, maintain, or support
14 a unit of the program at any educational institution, in-
15 cluding any senior military college specified in section
16 2111a of this title, that displays, in a location other than
17 in a museum exhibit, the Confederate battle flag.

18 “(2)(A) Upon making a determination under para-
19 graph (1) that an educational institution displays, in a lo-
20 cation other than in a museum exhibit, the Confederate
21 battle flag, the Secretary of the military department con-
22 cerned shall terminate, in accordance with subparagraph
23 (B), any unit of the program at that educational institu-
24 tion in existence as of the date of the determination.

1 “(B) The termination of a unit of the program at
2 an educational institution pursuant to this paragraph shall
3 take effect on the date on which—

4 “(i) each member of the program who, as of the
5 date of the determination, is enrolled in the edu-
6 cational institution is no longer so enrolled; and

7 “(ii) each student who, as of the date of the de-
8 termination, is enrolled in the educational institution
9 but not yet a member of the program, is no longer
10 so enrolled.

11 “(3) Not later than January 31, 2017, and each Jan-
12 uary 31 thereafter through January 31, 2021, the Sec-
13 retary of Defense shall submit to the congressional defense
14 committees a report—

15 “(A) identifying each unit of the program lo-
16 cated at an educational institution that displays, in
17 a location other than in a museum exhibit, the Con-
18 federate battle flag; and

19 “(B) describing the implementation of this sub-
20 section with respect to that educational institution.

21 “(4) In this subsection, the term ‘Confederate battle
22 flag’ means the battle flag of the Army of Northern Vir-
23 ginia, the battle flag of the Army of Tennessee, the battle
24 flag of Forrest’s Cavalry Corps, the Second Confederate

1 Navy Jack, the Second Confederate Navy Ensign, or other
2 flag with a like design.”.

3 (b) CONFORMING AMENDMENTS.—(1) Section
4 2102(d) of title 10, United States Code, is amended by
5 striking “The President” and inserting “Subject to sub-
6 section (e), the President”.

7 (2) Section 2111a of title 10, United States Code,
8 is amended—

9 (A) in subsection (d), by striking “The Sec-
10 retary” and inserting “Except as provided in section
11 2102(e) of this title, the Secretary”; and

12 (B) in subsection (e)(1), by striking “The Sec-
13 retary” and inserting “Except in the case of a senior
14 military college at which a unit of the program is ter-
15 minated pursuant to section 2102(e) of this title, the
16 Secretary”.

17 (c) EXCEPTION.—Section 2102 of title 10, United
18 States Code, is further amended by adding at the end the
19 following:

20 “(f) EXCEPTION.—The prohibition under subsection
21 (e) shall not apply to an educational institution if the
22 board of visitors of such institution has voted to take down
23 the flag described in such subsection.”.

1 **SEC. 568. REPORT ON COMPOSITION OF SERVICE ACAD-**
2 **EMIES.**

3 (a) REPORT.—Not later than one year after the date
4 of the enactment of this Act, the Comptroller General of
5 the United States shall submit to the Committee on
6 Armed Services of the House of Representatives and the
7 Committee on Armed Services of the Senate a report on
8 the demographic composition of service academies that in-
9 cludes—

10 (1) an analysis of—

11 (A) the demographic composition of each
12 service academy's—

13 (i) recruits;

14 (ii) nominees;

15 (iii) applicants;

16 (iv) qualified applicants;

17 (v) admits;

18 (vi) enrollees;

19 (vii) graduates; and

20 (viii) graduate occupation placement;

21 (B) how such composition compares to the
22 demographic composition of—

23 (i) the United States;

24 (ii) enlisted members of the Armed
25 Forces;

26 (iii) officers of the Armed Forces; and

1 (iv) other institutions of higher edu-
2 cation (as defined in section 101(a) of the
3 Higher Education Act of 1965 (20 U.S.C.
4 1001(a)); and

5 (C) the demographic composition of each
6 quintile of academic ranking for each service
7 academy’s graduating class;

8 (2) a description of the considerations given to
9 demographic composition in each service acad-
10 emy’s—

11 (A) recruitment efforts (including funding
12 decisions made to further such efforts);

13 (B) qualification decisions; and

14 (C) admissions decisions; and

15 (3) recommendations for best—

16 (A) recruitment practices;

17 (B) nominating practices;

18 (C) qualification decision practices; and

19 (D) admissions practices.

20 (b) DEFINITION.—In this section the term “service
21 academy” means each of 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 (4) The United States Coast Guard Academy.

1 (5) The United States Merchant Marine Acad-
2 emy.

3 (c) SCOPE OF REPORT.—The report required by this
4 section shall examine each service academy class admitted
5 following the date of enactment of section 543 of the Na-
6 tional Defense Authorization Act for Fiscal Year 1994
7 (Public Law 103–160).

8 **SEC. 569. INCLUSION OF ALCOHOL, PRESCRIPTION DRUG,**
9 **OPIOID, AND OTHER SUBSTANCE ABUSE**
10 **COUNSELING AS PART OF REQUIRED**
11 **PRESEPARATION COUNSELING.**

12 Section 1142(b)(11) of title 10, United States Code,
13 is amended by inserting before the period the following:
14 “and information concerning the availability of treatment
15 options and resources to address substance abuse, includ-
16 ing alcohol, prescription drug, and opioid abuse”.

17 **SEC. 569A. INCLUSION OF INFORMATION IN TRANSITION**
18 **ASSISTANCE PROGRAM.**

19 Section 1144(b) of title 10, United States Code, is
20 amended by adding at the end the following new para-
21 graph:

22 “(10) Provide information regarding the deduc-
23 tion of disability compensation paid by the Secretary
24 of Veterans Affairs pursuant to section 1175a(h) of

1 this title by reason of voluntary separation pay re-
2 ceived by the member.”.

3 **SEC. 569B. REPORT AND GUIDANCE REGARDING JOB**
4 **TRAINING, EMPLOYMENT SKILLS TRAINING,**
5 **APPRENTICESHIPS, AND INTERNSHIPS AND**
6 **SKILLBRIDGE INITIATIVES FOR MEMBERS OF**
7 **THE ARMED FORCES WHO ARE BEING SEPA-**
8 **RATED.**

9 (a) REPORT REQUIRED.—Not later than 90 days
10 after the date of the enactment of this Act, the Under
11 Secretary of Defense for Personnel and Readiness shall
12 submit to the Committees on Armed Services of the Sen-
13 ate and the House of Representatives, and make available
14 to the public, a report evaluating the success of the Job
15 Training, Employment Skills Training, Apprenticeships,
16 and Internships (known as JTEST–AI) and SkillBridge
17 initiatives, under which civilian businesses and companies
18 make available to members of the Armed Forces who are
19 being separated from the Armed Forces training or intern-
20 ship opportunities that offer a high probability of employ-
21 ment for the members after their separation.

22 (b) ELEMENTS OF REPORT.—In preparing the report
23 required by subsection (a), the Under Secretary of De-
24 fense for Personnel and Readiness shall use the effective-
25 ness metrics described in Enclosure 5 of Department of

1 Defense Instruction No. 1322.29. The report shall in-
2 clude, at a minimum, the following:

3 (1) An assessment of the successes of the
4 JTEST–AI and SkillBridge initiatives.

5 (2) Recommendations by the Under Secretary
6 regarding ways in which the administration of the
7 JTEST–AI and SkillBridge initiatives could be im-
8 proved.

9 (3) Recommendations by civilian companies
10 participating in the initiatives regarding ways in
11 which the administration of the JTEST–AI and
12 SkillBridge initiatives could be improved.

13 (4) Testimony from a sample of members of the
14 Armed Forces who are participating in a JTEST–
15 AI or SkillBridge initiative regarding the effective-
16 ness of the initiatives and the members’ support for
17 the initiatives.

18 (5) Testimony from a sample of recently sepa-
19 rated members of the Armed Forces who partici-
20 pated in a JTEST–AI or SkillBridge initiative re-
21 garding the effectiveness of the initiatives and the
22 members’ support for the initiatives.

23 (c) ISSUANCE OF GUIDANCE.—Not later than 180
24 days after the submission of the report required by sub-
25 section (a), the Under Secretary of Defense for Personnel

1 and Readiness shall issue guidance to commanders of
2 units of the Armed Forces for the purpose of encouraging
3 commanders, consistent with unit readiness, to allow
4 members of the Armed Forces under their command who
5 are being separated from the Armed Forces to participate
6 in a JTEST–AI or SkillBridge initiative.

7 **SEC. 569C. CONGRESSIONAL NOTIFICATION IN ADVANCE**
8 **OF APPOINTMENTS TO SERVICE ACADEMIES.**

9 (a) UNITED STATES MILITARY ACADEMY.—Section
10 4342(a) of title 10, United States Code, is amended in
11 the matter after paragraph (10) by adding at the end the
12 following new sentence: “When a nominee of a Senator,
13 Representative, or Delegate is selected for appointment as
14 a cadet, the Senator, Representative, or Delegate shall be
15 notified at least 48 hours before the official notification
16 or announcement of the appointment is made.”.

17 (b) UNITED STATES NAVAL ACADEMY.—Section
18 6954(a) of title 10, United States Code, is amended in
19 the matter after paragraph (10) by adding at the end the
20 following new sentence: “When a nominee of a Senator,
21 Representative, or Delegate is selected for appointment as
22 a midshipman, the Senator, Representative, or Delegate
23 shall be notified at least 48 hours before the official notifi-
24 cation or announcement of the appointment is made.”.

1 (c) UNITED STATES AIR FORCE ACADEMY.—Section
2 9342(a) of title 10, United States Code, is amended in
3 the matter after paragraph (10) by adding at the end the
4 following new sentence: “When a nominee of a Senator,
5 Representative, or Delegate is selected for appointment as
6 a cadet, the Senator, Representative, or Delegate shall be
7 notified at least 48 hours before the official notification
8 or announcement of the appointment is made.”.

9 (d) UNITED STATES MERCHANT MARINE ACAD-
10 EMY.—Section 51302 of title 46, United States Code, is
11 amended by adding at the end the following:

12 “(e) CONGRESSIONAL NOTIFICATION IN ADVANCE OF
13 APPOINTMENTS.—When a nominee of a Senator, Rep-
14 resentative, or Delegate is selected for appointment as a
15 cadet, the Senator, Representative, or Delegate shall be
16 notified at least 48 hours before the official notification
17 or announcement of the appointment is made”.

18 (e) APPLICATION OF AMENDMENTS.—The amend-
19 ments made by this section shall apply with respect to the
20 appointment of cadets and midshipmen to the United
21 States Military Academy, the United States Naval Acad-
22 emy, the United States Air Force Academy, and United
23 States Merchant Marine Academy for classes entering
24 these service academies after January 1, 2018.

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

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

9 (a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT
10 NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the
11 amount authorized to be appropriated for fiscal year 2017
12 by section 301 and available for operation and mainte-
13 nance for Defense-wide activities as specified in the fund-
14 ing table in division D, \$30,000,000 shall be available only
15 for the purpose of providing assistance to local educational
16 agencies under subsection (a) of section 572 of the Na-
17 tional Defense Authorization Act for Fiscal Year 2006
18 (Public Law 109–163; 20 U.S.C. 7703b).

19 (b) LOCAL EDUCATIONAL AGENCY DEFINED.—In
20 this section, the term “local educational agency” has the
21 meaning given that term in section 8013(9) of the Ele-
22 mentary and Secondary Education Act of 1965 (20 U.S.C.
23 7713(9)).

1 **SEC. 572. SUPPORT FOR PROGRAMS PROVIDING CAMP EX-**
2 **PERIENCE FOR CHILDREN OF MILITARY FAM-**
3 **ILIES.**

4 (a) IN GENERAL.—The Secretary of Defense may
5 provide financial or non-monetary support to qualified
6 nonprofit organizations in order to assist such organiza-
7 tions in carrying out programs to support the attendance
8 at a camp or camp-like setting of children of military fami-
9 lies who have experienced the death of a family member
10 or other loved one or who have another family member
11 living with a substance use disorder or post-traumatic
12 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 an application therefor containing
17 such information as the Secretary shall specify for
18 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 setting, 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 (c) PREFERENCE IN APPROVAL OF APPLICATIONS.—
15 The Secretary shall accord a preference in the approval
16 of applications submitted pursuant to subsection (b) to ap-
17 plications submitted by organizations that—

18 (1) provide a traditional camp or camp-like en-
19 vironment setting that is hosted by an accredited
20 service provider or facility;

21 (2) offer activities in that setting that—

22 (A) includes a continued care model;

23 (B) is tailored to the needs of children and
24 uses recognized best practices;

1 (C) exhibits an adequate understanding
2 and recognition of appropriate military culture
3 and traditions; and

4 (D) places a focus on peer-to-peer support
5 and activities;

6 (3) offers post-camp and continuing bereave-
7 ment or addiction-prevention support, as applicable;

8 (4) offer support services for children and fami-
9 lies; and

10 (5) provides for evaluations of the camp experi-
11 ence by children and their families after camp.

12 (d) USE OF SUPPORT.—Support provided by the Sec-
13 retary to an organization pursuant to subsection (a) shall
14 be used by the organization to support attendance at a
15 camp or camp-like setting of children of military families
16 described in subsection (a).

17 **SEC. 573. IMPACT AID.**

18 Notwithstanding section 5(d) of the Every Student
19 Succeeds Act (Public Law 114–95; 129 Stat. 1806), the
20 amendment made by section 7004(1) of such Act (Public
21 Law 114–95; 129 Stat. 2077)—

22 (1) for fiscal year 2016, shall—

23 (A) be applied as if amending section
24 8003(a)(5)(A) of the Elementary and Sec-
25 ondary Education Act of 1965, as in effect on

1 the day before the date of enactment of the
2 Every Student Succeeds Act (Public Law 114–
3 95; 129 Stat. 1802); and

4 (B) be in effect with respect to appropria-
5 tions for use under title VIII of the Elementary
6 and Secondary Education Act of 1965, as in ef-
7 fect on the day before the date of enactment of
8 the Every Student Succeeds Act; and

9 (2) for fiscal year 2017 and each succeeding fis-
10 cal year, shall be in effect with respect to appropria-
11 tions for use under title VII of the Elementary and
12 Secondary Education Act of 1965, as amended by
13 the Every Student Succeeds Act (Public Law 114–
14 95; 129 Stat. 1802).

15 **SEC. 574. ELIMINATION OF TWO-YEAR ELIGIBILITY LIMITA-**
16 **TION FOR NONCOMPETITIVE APPOINTMENT**
17 **OF SPOUSES OF MEMBERS OF THE ARMED**
18 **FORCES.**

19 Section 3330d(c) of title 5, United States Code, is
20 amended by adding at the end the following new para-
21 graph:

22 “(3) NO TIME LIMITATION ON APPOINTMENT.—
23 A relocating spouse of a member of the Armed
24 Forces remains eligible for noncompetitive appoint-
25 ment under this section for the duration of the

1 spouse's relocation to the permanent duty station of
2 the member.".

3 **Subtitle G—Decorations and** 4 **Awards**

5 **SEC. 581. REVIEW REGARDING AWARD OF MEDAL OF** 6 **HONOR TO CERTAIN ASIAN AMERICAN AND** 7 **NATIVE AMERICAN PACIFIC ISLANDER WAR** 8 **VETERANS.**

9 (a) REVIEW REQUIRED.—The Secretary of each mili-
10 tary department shall review the service records of each
11 Asian American and Native American Pacific Islander war
12 veteran described in subsection (b) to determine whether
13 that veteran should be awarded the Medal of Honor.

14 (b) COVERED VETERANS.— The Asian American and
15 Native American Pacific Islander war veterans whose serv-
16 ice records are to be reviewed under subsection (a) are
17 the following:

18 (1) Any Asian American or Native American
19 Pacific Islander war veteran who was awarded the
20 Distinguished-Service Cross, the Navy Cross, or the
21 Air Force Cross during the Korean War or the Viet-
22 nam War.

23 (2) Any other Asian American or Native Amer-
24 ican Pacific Islander war veteran whose name is sub-
25 mitted to the Secretary concerned for such purpose

1 before the end of the one-year period beginning on
2 the date of the enactment of this Act.

3 (c) CONSULTATIONS.—In carrying out the review
4 under subsection (a), the Secretary of each military de-
5 partment shall consult with such veterans service organi-
6 zations as the Secretary considers appropriate.

7 (d) RECOMMENDATIONS BASED ON REVIEW.—If the
8 Secretary concerned determines, based upon the review
9 under subsection (a) of the service records of any Asian
10 American or Native American Pacific Islander war vet-
11 eran, that the award of the Medal of Honor to that veteran
12 is warranted, the Secretary shall submit to the President
13 a recommendation that the President award the Medal of
14 Honor to that veteran.

15 (e) AUTHORITY TO AWARD MEDAL OF HONOR.—A
16 Medal of Honor may be awarded to an Asian American
17 or Native American Pacific Islander war veteran in ac-
18 cordance with a recommendation of the Secretary con-
19 cerned under subsection (d).

20 (f) CONGRESSIONAL NOTIFICATION.—No Medal of
21 Honor may be awarded pursuant to subsection (e) until
22 the Secretary of Defense submits to the Committee on
23 Armed Services of the Senate and House of Representa-
24 tives notice of the recommendations under subsection (d),
25 including the name of each Asian American or Native

1 American Pacific Islander war veteran recommended to be
2 awarded a Medal of Honor and the rationale for such rec-
3 ommendation.

4 (g) WAIVER OF TIME LIMITATIONS.—An award of
5 the Medal of Honor may be made under subsection (e)
6 without regard to—

7 (1) section 3744, 6248, or 8744 of title 10,
8 United States Code, as applicable; and

9 (2) any regulation or other administrative re-
10 striction on—

11 (A) the time for awarding the Medal of
12 Honor; or

13 (B) the awarding of the Medal of Honor
14 for service for which a Distinguished-Service
15 Cross, Navy Cross, or Air Force Cross has been
16 awarded.

17 (h) DEFINITION.—In this section the term “Native
18 American Pacific Islander” means a Native Hawaiian or
19 Native American Pacific Islander, as those terms are de-
20 fined in section 815 of the Native American Programs Act
21 of 1974 (42 U.S.C. 2992c).

22 **SEC. 582. AUTHORIZATION FOR AWARD OF MEDALS FOR**
23 **ACTS OF VALOR.**

24 (a) AUTHORIZATION.—Notwithstanding the time lim-
25 itations specified in sections 3744, 6248, 8744 of title 10,

1 United States Code, or any other time limitation with re-
2 spect to the awarding of certain medals to persons who
3 served in the United States Armed Forces, the President
4 may award a medal referred to in subsection (c) to a mem-
5 ber or former member of the United States Armed Forces
6 identified as warranting award of that medal pursuant to
7 the review of valor award nominations for Operation En-
8 during Freedom, Operation Iraqi Freedom, Operation
9 New Dawn, Operation Freedom's Sentinel, and Operation
10 Inherent Resolve that was directed by the Secretary of De-
11 fense on January 7, 2016.

12 (b) AWARD OF MEDAL OF HONOR.—If, pursuant to
13 the review referred to in subsection (a), the President de-
14 cides to award to a member or former member of the
15 Armed Forces the Medal of Honor, the medal may only
16 be awarded after the Secretary of Defense submits to the
17 Committee on Armed Services of the Senate and the Com-
18 mittee on Armed Services of the House of Representatives
19 a letter identifying the intended recipient of the Medal of
20 Honor and the rationale for awarding the medal of honor
21 to such intended recipient.

22 (c) MEDALS.—The medals referred to in this sub-
23 section are any of the following:

24 (1) The Medal of Honor under section 3741,
25 6241, or 8741 of title 10, United States Code;

1 (2) The Distinguished-Service Cross under sec-
2 tion 3742 of title 10, United States Code.

3 (3) The Navy Cross under section 6242 of title
4 10, United States Code.

5 (4) The Air Force Cross under section 8742 of
6 title 10, United States Code.

7 (5) The Silver Star under section 3746, 6244,
8 or 8746 of title 10, United States Code.

9 (d) **TERMINATION.**—No medal may be awarded
10 under this section after December 31, 2019.

11 **SEC. 583. AUTHORIZATION FOR AWARD OF THE MEDAL OF**
12 **HONOR TO GARY M. ROSE FOR ACTS OF**
13 **VALOR DURING THE VIETNAM WAR.**

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

21 (b) **ACTS OF VALOR DESCRIBED.**—The acts of valor
22 referred to in subsection (a) are the actions of Gary M.
23 Rose in Laos from September 11 through 14, 1970, dur-
24 ing the Vietnam War while a member of the United States

1 Army, Military Assistance Command Vietnam-Studies and
2 Observation Group (MACVSOG).

3 **SEC. 584. AUTHORIZATION FOR AWARD OF THE MEDAL OF**
4 **HONOR TO CHARLES S. KETTLES FOR ACTS**
5 **OF VALOR DURING THE VIETNAM WAR.**

6 (a) WAIVER OF TIME LIMITATIONS.—Notwith-
7 standing the time limitations specified in section 3744 of
8 title 10, United States Code, or any other time limitation
9 with respect to the awarding of certain medals to persons
10 who served in the Armed Forces, the President may award
11 the Medal of Honor under section 3741 of such title to
12 Charles S. Kettles for the acts of valor during the Vietnam
13 War described in subsection (b).

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

1 **SEC. 585. AUTHORIZATION FOR AWARD OF DISTINGUISHED-**
2 **SERVICE CROSS TO FIRST LIEUTENANT MEL-**
3 **VIN M. SPRUIELL FOR ACTS OF VALOR DUR-**
4 **ING WORLD WAR II.**

5 (a) **WAIVER OF TIME LIMITATIONS.**—Notwith-
6 standing the time limitations specified in section 3744 of
7 title 10, United States Code, or any other time limitation
8 with respect to the awarding of certain medals to persons
9 who served in the Armed Forces, the Secretary of the
10 Army may award the Distinguished-Service Cross under
11 section 3742 of such title to First Lieutenant Melvin M.
12 Spruiell of the Army for the acts of valor during World
13 War II described in subsection (b).

14 (b) **ACTS OF VALOR DESCRIBED.**—The acts of valor
15 referred to in subsection (a) are the actions of First Lieu-
16 tenant Melvin M. Spruiell on June 10 and 11, 1944, as
17 a member of the Army serving in France with the 377th
18 Parachute Field Artillery, 101st Airborne Division.

1 **Subtitle H—Miscellaneous Reports**
2 **and Other Matters**

3 **SEC. 591. BURIAL OF CREMATED REMAINS IN ARLINGTON**
4 **NATIONAL CEMETERY OF CERTAIN PERSONS**
5 **WHOSE SERVICE IS DEEMED TO BE ACTIVE**
6 **SERVICE.**

7 (a) **IN GENERAL.**—Section 2410 of title 38, United
8 States Code, is amended by adding at the end the fol-
9 lowing new subsection:

10 “(c)(1) The Secretary of the Army shall ensure that
11 under such regulations as the Secretary may prescribe, the
12 cremated remains of any person described in paragraph
13 (2) are eligible for inurnment in Arlington National Ceme-
14 tery with military honors in accordance with section 1491
15 of title 10.

16 “(2) A person described in this paragraph is a person
17 whose service has been determined to be active duty serv-
18 ice pursuant to section 401 of the GI Bill Improvement
19 Act of 1977 (Public Law 95–202; 38 U.S.C. 106 note)
20 as of the date of the enactment of this paragraph.”.

21 (b) **APPLICABILITY.**—

22 (1) **IN GENERAL.**—The amendment made by
23 subsection (a) shall apply with respect to—

1 (A) the remains of a person that are not
2 formally interred or inurned as of the date of
3 the enactment of this Act; and

4 (B) a person who dies on or after the date
5 of the enactment of this Act.

6 (2) FORMALLY INTERRED OR INURNED DE-
7 FINED.—In this subsection, the term “formally in-
8 terred or inurned” means interred or inurned in a
9 cemetery, crypt, mausoleum, columbarium, niche, or
10 other similar formal location.

11 (c) REPORT ON CAPACITY OF ARLINGTON NATIONAL
12 CEMETERY.—Not later than 180 days after the date of
13 the enactment of this Act, the Secretary of the Army shall
14 submit to the Committees on Veterans’ Affairs and the
15 Committees on Armed Services of the House of Represent-
16 atives and the Senate a report on the interment and
17 inurnment capacity of Arlington National Cemetery, in-
18 cluding—

19 (1) the estimated date that the Secretary deter-
20 mines the cemetery will reach maximum interment
21 and inurnment capacity; and

22 (2) in light of the unique and iconic meaning of
23 the cemetery to the United States, recommendations
24 for legislative actions and nonlegislative options that
25 the Secretary determines necessary to ensure that

1 the maximum interment and inurnment capacity of
 2 the cemetery is not reached until well into the fu-
 3 ture, including such actions and options with respect
 4 to—

5 (A) redefining eligibility criteria for inter-
 6 ment and inurnment in the cemetery; and

7 (B) considerations for additional expansion
 8 opportunities beyond the current boundaries of
 9 the cemetery.

10 **SEC. 592. REPRESENTATION FROM MEMBERS OF THE**
 11 **ARMED FORCES ON BOARDS, COUNCILS, AND**
 12 **COMMITTEES MAKING RECOMMENDATIONS**
 13 **RELATING TO MILITARY PERSONNEL ISSUES.**

14 (a) IN GENERAL.—Chapter 7 of title 10, United
 15 States Code, is amended by adding at the end the fol-
 16 lowing new section:

17 **“§ 190. Representation on boards, councils, and com-**
 18 **mittees making recommendations relat-**
 19 **ing to military personnel issues**

20 “(a) REPRESENTATION REQUIRED.—Notwith-
 21 standing any other provision of law, any board, council,
 22 or committee established under this chapter that is re-
 23 sponsible for making any recommendation relating to any
 24 military personnel issue affecting enlisted members of the
 25 armed forces shall include representation on the board,

1 council, or committee from enlisted members of the armed
2 forces or retired enlisted members of the armed forces.

3 “(b) **MILITARY PERSONNEL ISSUES.**—For purposes
4 of this section, military personnel issues include issues re-
5 lating to health care, retirement benefits, pay, direct and
6 indirect compensation, and entitlements for members of
7 the armed forces.”.

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

“190. Representation on boards, councils, and committees making recommenda-
tions relating to military personnel issues.”.

11 **SEC. 593. BODY MASS INDEX TEST.**

12 (a) **REVIEW.**—The Secretary of Defense shall re-
13 view—

14 (1) the current body mass index test procedure
15 used by the Armed Forces; and

16 (2) other methods to measure body fat with a
17 more holistic health and wellness approach.

18 (b) **ELEMENTS.**—The review under subsection (a)
19 shall—

20 (1) address nutrition counseling;

21 (2) determine the best methods to be used by
22 the Armed Forces to assess body fat percentages;
23 and

1 (3) improve the accuracy of body fat measure-
2 ments.

3 **SEC. 594. PRESEPARATION COUNSELING REGARDING OP-**
4 **TIONS FOR DONATING BRAIN TISSUE AT**
5 **TIME OF DEATH FOR RESEARCH.**

6 Section 1142(b)(11) of title 10, United States Code,
7 is amended by inserting before the period at the end the
8 following: “, and information concerning options available
9 to the member for registering at or following separation
10 to donate brain tissue at time of the member’s death for
11 research regarding traumatic brain injury and chronic
12 traumatic encephalopathy”.

13 **SEC. 595. RECOGNITION OF THE EXPANDED SERVICE OP-**
14 **PORTUNITIES AVAILABLE TO FEMALE MEM-**
15 **BERS OF THE ARMED FORCES AND THE LONG**
16 **SERVICE OF WOMEN IN THE ARMED FORCES.**

17 Congress—

18 (1) honors women who have served, and who
19 are currently serving, as members of the Armed
20 Forces;

21 (2) commends female members of the Armed
22 Forces who have sacrificed their lives in defense of
23 the United States;

1 (3) recognizes that female members of the
2 Armed Forces are an integral and invaluable part of
3 the Armed Forces;

4 (4) urges the Secretary of Defense to ensure
5 that female members of the Armed Forces receive
6 adequate, well-fitted equipment in order to ensure
7 optimal safety and protection;

8 (5) urges the Secretary of Defense to ensure
9 that female members of the Armed Forces have ac-
10 cess to adequate health services that fully address
11 their specific medical needs;

12 (6) encourages the Secretary of Defense to de-
13 velop new initiatives focused on recruiting and re-
14 taining more women in the officer corps; and

15 (7) recognizes that the United States must con-
16 tinue to encourage and support female members of
17 the Armed Forces as they fight for and defend the
18 United States.

19 **SEC. 596. SENSE OF CONGRESS REGARDING PLIGHT OF**
20 **MALE VICTIMS OF MILITARY SEXUAL TRAU-**
21 **MA.**

22 (a) **FINDING.**—Congress finds that the plight of male
23 victims of military sexual trauma remains in the shadows
24 due a lack of social awareness on the issue of male victim-
25 ization.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that the Secretary of Defense should—

3 (1) enhance victims’ access to intensive medical
4 and mental health treatment for military sexual
5 trauma treatment;

6 (2) look for opportunities to utilize male sur-
7 vivors of sexual assault as presenters during annual
8 Sexual Assault Preventions and Response training;
9 and

10 (3) ensure Department of Defense medical and
11 mental health providers are adequately trained to
12 meet the needs of male survivors of military sexual
13 trauma.

14 **SEC. 597. SENSE OF CONGRESS REGARDING SECTION 504**
15 **OF TITLE 10, UNITED STATES CODE, ON EX-**
16 **ISTING AUTHORITY OF THE DEPARTMENT OF**
17 **DEFENSE TO ENLIST INDIVIDUALS, NOT OTH-**
18 **ERWISE ELIGIBLE FOR ENLISTMENT, WHOSE**
19 **ENLISTMENT IS VITAL TO THE NATIONAL IN-**
20 **TEREST.**

21 It is the sense of Congress that a statute currently
22 exists, specifically paragraph (2) of section 504(b) of title
23 10, United States Code, which states that “the Secretary
24 concerned may authorize the enlistment of a person not
25 described in paragraph (1) [of that section] if the Sec-

1 retary determines that such enlistment is vital to the na-
2 tional interest”.

3 **SEC. 598. PROTECTION OF SECOND AMENDMENT RIGHTS**
4 **OF MILITARY FAMILIES.**

5 (a) SHORT TITLE.—This section may be cited as the
6 “Protect Our Military Families’ 2nd Amendment Rights
7 Act”.

8 (b) RESIDENCY OF SPOUSES OF MEMBERS OF THE
9 ARMED FORCES TO BE DETERMINED ON THE SAME
10 BASIS AS THE RESIDENCY OF SUCH MEMBERS FOR PUR-
11 POSSES OF FEDERAL FIREARMS LAWS.—Section 921(b) of
12 title 18, United States Code, is amended to read as fol-
13 lows:

14 “(b) For purposes of this chapter:

15 “(1) A member of the Armed Forces on active
16 duty and the spouse of such a member are residents
17 of the State in which the permanent duty station of
18 the member is located.

19 “(2) The spouse of such a member may satisfy
20 the identification document requirements of this
21 chapter by presenting—

22 “(A) the military identification card issued
23 to the spouse; and

24 “(B) the official Permanent Change of
25 Station Orders annotating the spouse as being

1 authorized for collocation, or an official letter
2 from the commanding officer of the member
3 verifying that the member and the spouse are
4 collocated at the permanent duty station of the
5 member.”.

6 (c) EFFECTIVE DATE.—The amendment made by
7 subsection (b) shall apply to conduct engaged in after the
8 6-month period that begins with the date of the enactment
9 of this Act.

10 **SEC. 599. PILOT PROGRAM ON ADVANCED TECHNOLOGY**
11 **FOR ALCOHOL ABUSE PREVENTION.**

12 (a) IN GENERAL.—Not later than 90 days after the
13 date of the enactment of this Act, the Secretary of De-
14 fense, in consultation with the Secretaries of the military
15 departments, shall establish a pilot program to dem-
16 onstrate the feasibility of using portable, disposable alco-
17 hol breathalyzers and a cloud based server platform to col-
18 lect data and monitor the progress of alcohol abuse pre-
19 vention programs through the use of digital applications.

20 (b) ELEMENTS.—In carrying out the pilot program
21 under subsection (a), the Secretary shall—

22 (1) select at least three locations at which to
23 carry out the program, including at least one mili-
24 tary service initial training location;

1 (2) at each location selected under paragraph
2 (1), include at least one active duty unit with no less
3 than 300 personnel and one reserve unit with no less
4 than 300 personnel; and

5 (3) offer participation in the pilot program on
6 a voluntary basis.

7 (c) DURATION.—The pilot program under subsection
8 (a) shall be operational for a minimum of 6 months and
9 shall terminate not later than September 30, 2018.

10 (d) REPORTS REQUIRED.—The Secretary of Defense
11 shall submit to the Committees on Armed Services of the
12 Senate and the House of Representatives—

13 (1) not later than 120 days after the date of
14 the implementation of the pilot program under sub-
15 section (a), a report on the implementation of the
16 program; and

17 (2) not later than one year after the date of the
18 implementation of the program, a report on the pro-
19 gram, including findings and recommendations of
20 the Secretary with respect to the benefits of using
21 advanced technology as part of alcohol abuse preven-
22 tion efforts within the military services.

23 (e) FUNDING.—The Secretary of Defense may carry
24 out the pilot program under subsection (a) using amounts
25 authorized to be appropriated for Alcohol Abuse Preven-

1 tion Programs as specified in the funding tables in division
2 D.

3 **SEC. 599A. REPORT ON AVAILABILITY OF COLLEGE CREDIT**
4 **FOR SKILLS ACQUIRED DURING MILITARY**
5 **SERVICE.**

6 (a) IN GENERAL.—Not later than 60 days after the
7 date of the enactment of this Act, the Secretary of De-
8 fense, in consultation with the Secretaries of Veterans Af-
9 fairs, Education, and Labor, shall submit to Congress a
10 report on the transfer of skills into equivalent college cred-
11 its or technical certifications for members of the Armed
12 Forces leaving the military. Such report shall describe
13 each the following:

14 (1) Each skill that may be acquired during mili-
15 tary service that is eligible for transfer into an
16 equivalent college credit or technical certification.

17 (2) The academic level of the equivalent college
18 credit or technical certification for which each such
19 skill is eligible.

20 (3) Each academic institution that awards an
21 equivalent college credit or technical certification for
22 such skills, including—

23 (A) whether each such academic institution
24 is public or private and whether such institution
25 is for profit; and

1 (B) the number of veterans that applied to
2 such academic institutions who were able to re-
3 ceive equivalent college credits or technical cer-
4 tifications in the last fiscal year, and the aca-
5 demic level of the credits or certifications.

6 (4) The number of members of the Armed
7 Forces who left the military in the last fiscal year
8 and the number of those individuals who met with
9 an academic or technical training advisor as part of
10 their participation in the Transition Assistance Pro-
11 gram.

12 **SEC. 599B. ATOMIC VETERANS SERVICE MEDAL.**

13 (a) SERVICE MEDAL REQUIRED.—The Secretary of
14 Defense shall design and produce a military service medal,
15 to be known as the “Atomic Veterans Service Medal”, to
16 honor retired and former members of the Armed Forces
17 who are radiation-exposed veterans (as such term is de-
18 fined in section 1112(c)(3) of title 38, United States
19 Code).

20 (b) DISTRIBUTION OF MEDAL.—

21 (1) ISSUANCE TO RETIRED AND FORMER MEM-
22 BERS.—At the request of a radiation-exposed vet-
23 eran, the Secretary of Defense shall issue the Atom-
24 ic Veterans Service Medal to the veteran.

1 (2) ISSUANCE TO NEXT-OF-KIN.—In the case of
2 a radiation-exposed veteran who is deceased, the
3 Secretary may provide for issuance of the Atomic
4 Veterans Service Medal to the next-of-kin of the per-
5 son.

6 (3) APPLICATION.—The Secretary shall prepare
7 and disseminate as appropriate an application by
8 which radiation-exposed veterans and their next-of-
9 kin may apply to receive the Atomic Veterans Serv-
10 ice Medal.

11 **SEC. 599C. REPORT ON EXTENDING PROTECTIONS FOR**
12 **STUDENT LOANS FOR ACTIVE DUTY BOR-**
13 **ROWERS.**

14 (a) IN GENERAL.—Not later than 180 days after the
15 date of the enactment of this Act, the Secretary of De-
16 fense, in consultation with the Secretary of Education,
17 shall submit to the appropriate congressional committees
18 a report detailing the information, assistance, and efforts
19 to support and inform active duty members of the Armed
20 Forces with respect to the rights and resources available
21 under the Servicemembers Civil Relief Act (50 U.S.C.
22 3901 et seq.) regarding student loans. The report shall
23 include, at a minimum, the following:

24 (1) A description of the coordination and infor-
25 mation sharing between the Secretary of Defense

1 and the Secretary of Education regarding the eligi-
2 bility of members, and requests by members, to
3 apply the interest rate limitation under the
4 Servicemembers Civil Relief Act with respect to ex-
5 isting Federal and private student loans.

6 (2) The number of such members with student
7 loans who elect to have the maximum interest rates
8 set in accordance with such Act.

9 (3) The number of such members whose stu-
10 dent loans have an interest rate that exceeds such
11 maximum rate.

12 (4) Methods by which the Secretary of Defense
13 and the Secretary of Education can automate the
14 process by which members with student loans elect
15 to have the maximum interest rates set in accord-
16 ance with such Act.

17 (5) A discussion of the effectiveness of such Act
18 in providing protection to members of the Armed
19 Forces with respect to student loans.

20 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
21 DEFINED.—In this section, the term “appropriate con-
22 gressional committees” means the following:

23 (1) The congressional defense committees.

24 (2) The Committee on Education and the
25 Workforce of the House of Representatives and the

1 Committee on Health, Education, Labor, and Pen-
2 sions of the Senate.

3 **SEC. 599D. EXCLUSION OF CERTAIN REIMBURSEMENTS OF**
4 **MEDICAL EXPENSES AND OTHER PAYMENTS**
5 **FROM DETERMINATION OF ANNUAL INCOME**
6 **WITH RESPECT TO PENSIONS FOR VETERANS**
7 **AND SURVIVING SPOUSES AND CHILDREN OF**
8 **VETERANS.**

9 (a) IN GENERAL.—Section 1503(a) of title 38,
10 United States Code, is amended—

11 (1) by redesignating paragraphs (6) through
12 (12) as paragraphs (7) through (13), respectively;
13 and

14 (2) by inserting after paragraph (5) the fol-
15 lowing new paragraph (6):

16 “(6) payments regarding reimbursements of
17 any kind (including insurance settlement payments)
18 for medical expenses resulting from any accident,
19 theft, loss, or casualty loss (as defined by the Sec-
20 retary), but the amount excluded under this clause
21 shall not exceed the costs of medical care provided
22 to the victim of the accident, theft, loss, or casualty
23 loss.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall take effect on the date that is 180
3 days after the date of the enactment of this Act.

4 **SEC. 599E. SENSE OF CONGRESS ON DESIRABILITY OF**
5 **SERVICE-WIDE ADOPTION OF GOLD STAR IN-**
6 **STALLATION ACCESS CARD.**

7 It is the sense of Congress that the Secretary of each
8 military department and the Secretary of the Department
9 in which the Coast Guard is operating should—

10 (1) provide for the issuance of a Gold Star In-
11 stallation Access Card to Gold Star family members
12 who are the survivors of deceased members of the
13 Armed Forces in order to expedite the ability of a
14 Gold Star family member to gain unescorted access
15 to military installations for the purpose of obtaining
16 the on-base services and benefits for which the Gold
17 Star family member is entitled or eligible;

18 (2) work jointly to ensure that a Gold Star In-
19 stallation Access Card issued to a Gold Star family
20 member by one Armed Force is accepted for access
21 to military installations of another Armed Force;
22 and

23 (3) in developing, issuing, and accepting the
24 Gold Star Installation Access Card—

1 (A) prevent fraud in the procurement or
2 use of the Gold Star Installation Access Card;

3 (B) limit installation access to those areas
4 that provide the services and benefits for which
5 the Gold Star family member is entitled or eli-
6 gible; and

7 (C) ensure that the availability and use of
8 the Gold Star Installation Access Card does not
9 adversely affect military installation security.

10 **SEC. 599F. SERVICEMEMBERS' GROUP LIFE INSURANCE.**

11 Section 1967(f)(4) of title 38, United States Code,
12 is amended by striking the second sentence.

13 **SEC. 599G. EXTENSION OF SUICIDE PREVENTION AND RE-**
14 **SILIENCE PROGRAM.**

15 Section 10219(g) of title 10, United States Code, is
16 amended by striking “October 1, 2017” and inserting
17 “October 1, 2018”.

18 **TITLE VI—COMPENSATION AND**
19 **OTHER PERSONNEL BENEFITS**
20 **Subtitle A—Pay and Allowances**

21 **SEC. 601. ANNUAL ADJUSTMENT OF MONTHLY BASIC PAY.**

22 The adjustment in the rates of monthly basic pay re-
23 quired by subsection (a) of section 1009 of title 37, United
24 States Code, to be made on January 1, 2017, shall take
25 effect, notwithstanding any determination made by the

1 President under subsection (e) of such section with respect
2 to an alternative pay adjustment to be made on such date.

3 **SEC. 602. EXTENSION OF AUTHORITY TO PROVIDE TEM-**
4 **PORARY INCREASE IN RATES OF BASIC AL-**
5 **LOWANCE FOR HOUSING UNDER CERTAIN**
6 **CIRCUMSTANCES.**

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

10 **SEC. 603. PROHIBITION ON PER DIEM ALLOWANCE REDUC-**
11 **TIONS BASED ON THE DURATION OF TEM-**
12 **PORARY DUTY ASSIGNMENT OR CIVILIAN**
13 **TRAVEL.**

14 (a) MEMBERS.—Section 474(d)(3) of title 37, United
15 States Code, is amended by adding at the end the fol-
16 lowing new sentence: “The Secretary of a military depart-
17 ment shall not alter the amount of the per diem allowance,
18 or the maximum amount of reimbursement, for a locality
19 based on the duration of the temporary duty assignment
20 in the locality of a member of the armed forces under the
21 jurisdiction of the Secretary.”.

22 (b) CIVILIAN EMPLOYEES.—Section 5702(a)(2) of
23 title 5, United States Code, is amended by adding at the
24 end the following new sentence: “The Secretary of Defense
25 shall not alter the amount of the per diem allowance, or

1 the maximum amount of reimbursement, for a locality
2 based on the duration of the travel in the locality of an
3 employee of the Department.”.

4 (c) REPEAL OF POLICY AND REGULATIONS.—The
5 policy, and any regulations issued pursuant to such policy,
6 implemented by the Secretary of Defense on November 1,
7 2014, with respect to reductions in per diem allowances
8 based on duration of temporary duty assignment or civil-
9 ian travel shall have no force or effect.

10 **Subtitle B—Bonuses and Special** 11 **and Incentive Pays**

12 **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND** 13 **SPECIAL PAY AUTHORITIES FOR RESERVE** 14 **FORCES.**

15 The following sections of title 37, United States
16 Code, are amended by striking “December 31, 2016” and
17 inserting “December 31, 2017”:

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

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

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

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

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

7 (6) Section 308i(f), relating to Selected Reserve
8 enlistment and reenlistment bonus for persons with
9 prior service.

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

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

17 **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
18 **SPECIAL PAY AUTHORITIES FOR HEALTH**
19 **CARE PROFESSIONALS.**

20 (a) TITLE 10 AUTHORITIES.—The following sections
21 of title 10, United States Code, are amended by striking
22 “December 31, 2016” and inserting “December 31,
23 2017”:

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

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

4 (b) TITLE 37 AUTHORITIES.—The following sections
5 of title 37, United States Code, are amended by striking
6 “December 31, 2016” and inserting “December 31,
7 2017”:

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

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

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

14 (4) Section 302g(e), relating to special pay for
15 Selected Reserve health professionals in critically
16 short wartime specialties.

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

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

21 (7) Section 302k(f), relating to accession bonus
22 for medical officers in critically short wartime spe-
23 cialties.

1 (8) Section 3021(g), relating to accession bonus
2 for dental specialist officers in critically short war-
3 time specialties.

4 **SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND**
5 **BONUS AUTHORITIES FOR NUCLEAR OFFI-**
6 **CERS.**

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

10 (1) Section 312(f), relating to special pay for
11 nuclear-qualified officers extending period of active
12 service.

13 (2) Section 312b(c), relating to nuclear career
14 accession bonus.

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

17 **SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
18 **ING TO TITLE 37 CONSOLIDATED SPECIAL**
19 **PAY, INCENTIVE PAY, AND BONUS AUTHORI-**
20 **TIES.**

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

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

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

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

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

7 (5) Section 335(k), relating to special bonus
8 and incentive pay authorities for officers in health
9 professions.

10 (6) Section 336(g), relating to contracting
11 bonus for cadets and midshipmen enrolled in the
12 Senior Reserve Officers' Training Corps.

13 (7) Section 351(h), relating to hazardous duty
14 pay.

15 (8) Section 352(g), relating to assignment pay
16 or special duty pay.

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

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

1 **SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
2 **ING TO PAYMENT OF OTHER TITLE 37 BO-**
3 **NUSES AND SPECIAL PAYS.**

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

7 (1) Section 301b(a), relating to aviation officer
8 retention bonus.

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

11 (3) Section 308(g), relating to reenlistment
12 bonus for active members.

13 (4) Section 309(e), relating to enlistment
14 bonus.

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

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

20 (7) Section 326(g), relating to incentive bonus
21 for conversion to military occupational specialty to
22 ease personnel shortage.

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

25 (9) Section 330(f), relating to accession bonus
26 for officer candidates.

1 **SEC. 616. INCREASE IN MAXIMUM AMOUNT OF AVIATION**
2 **SPECIAL PAYS FOR FLYING DUTY.**

3 Section 334(c)(1) of title 37, United States Code, is
4 amended by striking subparagraphs (A) and (B) and in-
5 serting the following new subparagraphs:

6 “(A) aviation incentive pay under sub-
7 section (a) shall be paid at a monthly rate not
8 to exceed \$1,000 per month; and

9 “(B) an aviation bonus under subsection
10 (b) may not exceed \$60,000 for each 12-month
11 period of obligated service agreed to under sub-
12 section (d).”.

13 **SEC. 617. CONFORMING AMENDMENT TO CONSOLIDATION**
14 **OF SPECIAL PAY, INCENTIVE PAY, AND**
15 **BONUS AUTHORITIES.**

16 Section 332(c)(1)(B) of title 37, United States Code,
17 is amended by striking “\$12,000” and inserting
18 “\$20,000”.

19 **SEC. 618. TECHNICAL AND CLERICAL AMENDMENTS RELAT-**
20 **ING TO 2008 CONSOLIDATION OF CERTAIN**
21 **SPECIAL PAY AUTHORITIES.**

22 (a) FAMILY CARE PLANS.—Section 586 of the Na-
23 tional Defense Authorization Act for Fiscal Year 2008
24 (Public Law 110–181; 10 U.S.C. 991 note) is amended
25 by inserting “or 351” after “section 310”.

1 (b) DEPENDENTS' MEDICAL CARE.—Section
2 1079(g)(1) of title 10, United States Code, is amended
3 by inserting “or 351” after “section 310”.

4 (c) RETENTION ON ACTIVE DUTY DURING DIS-
5 ABILITY EVALUATION PROCESS.—Section 1218(d)(1) of
6 title 10, United States Code, is amended by inserting “or
7 351” after “section 310”.

8 (d) STORAGE SPACE.—Section 362(1) of the John
9 Warner National Defense Authorization Act for Fiscal
10 Year 2007 (Public Law 109–364; 10 U.S.C. 2825 note)
11 is amended by inserting “, or paragraph (1) or (3) of sec-
12 tion 351(a),” after “section 310”.

13 (e) STUDENT ASSISTANCE PROGRAMS.—Sections
14 455(o)(3)(B) and 465(a)(2)(D) of the Higher Education
15 Act of 1965 (20 U.S.C. 1087e(o)(3)(B), 1087ee(a)(2)(D))
16 are amended by inserting “or paragraph (1) or (3) of sec-
17 tion 351(a).” after “section 310”.

18 (f) ARMED FORCES RETIREMENT HOME.—Section
19 1512(a)(3)(A) of the Armed Forces Retirement Home Act
20 of 1991 (24 U.S.C. 412(a)(3)(A)) is amended by inserting
21 “or 351” after “section 310”.

22 (g) VETERANS OF FOREIGN WARS MEMBERSHIP.—
23 Section 230103(3) of title 36, United States Code, is
24 amended by inserting “or 351” after “section 310”.

1 (h) MILITARY PAY AND ALLOWANCES.—Title 37,
2 United States Code, is amended—

3 (1) in section 212(a), by inserting “, or para-
4 graph (1) or (3) of section 351(a),” after “section
5 310”;

6 (2) in section 402a(b)(3)(B), by inserting “or
7 351” after “section 310”;

8 (3) in section 481a(a), by inserting “or 351”
9 after “section 310”;

10 (4) in section 907(d)(1)(H), by inserting “or
11 351” after “section 310”; and

12 (5) in section 910(b)(2)(B), by inserting “, or
13 paragraph (1) or (3) of section 351(a),” after “sec-
14 tion 310”.

15 (i) EXCLUSIONS FROM INCOME FOR PURPOSE OF
16 SUPPLEMENTAL SECURITY INCOME.—Section
17 1612(b)(20) of the Social Security Act (42 U.S.C.
18 1382a(b)(20)) is amended by inserting “, or paragraph
19 (1) or (3) of section 351(a),” after “section 310”.

20 (j) EXCLUSIONS FROM INCOME FOR PURPOSE OF
21 HEAD START PROGRAM.—Section 645(a)(3)(B)(i) of the
22 Head Start Act (42 U.S.C. 9840(a)(3)(B)(i)) is amended
23 by inserting “or 351” after “section 310”.

24 (k) EXCLUSIONS FROM GROSS INCOME FOR FED-
25 ERAL INCOME TAX PURPOSES.—Section 112(c)(5)(B) of

1 the Internal Revenue Code of 1986 is amended by insert-
2 ing “, or paragraph (1) or (3) of section 351(a),” after
3 “section 310”.

4 **SEC. 619. COMBAT-RELATED SPECIAL COMPENSATION CO-**
5 **ORDINATING AMENDMENT.**

6 Subparagraph (B) of section 1413a(b)(3) of title 10,
7 United States Code, is amended by striking “the amount
8 equal to” and all that follows through “creditable service
9 multiplied” and inserting the following: “the amount equal
10 to the retired pay multiplier determined for the member
11 under section 1409 of this title multiplied”.

12 **Subtitle C—Disability, Retired Pay,**
13 **and Survivor Benefits**

14 **SEC. 621. SEPARATION DETERMINATIONS FOR MEMBERS**
15 **PARTICIPATING IN THRIFT SAVINGS PLAN.**

16 The amendment to be made by section 632(c)(2) of
17 the National Defense Authorization Act for Fiscal Year
18 2016 (Public Law 114–92; 129 Stat. 847) shall not take
19 effect.

20 **SEC. 622. CONTINUATION PAY FOR FULL THRIFT SAVINGS**
21 **PLAN MEMBERS WHO HAVE COMPLETED 8 TO**
22 **12 YEARS OF SERVICE.**

23 (a) CONTINUATION PAY.—Section 356 of title 37,
24 United States Code, which shall take effect on January
25 1, 2018, pursuant to section 635 of the National Defense

1 Authorization Act for Fiscal Year 2016 (Public Law 114–
2 92; 129 Stat. 851), is amended—

3 (1) in the heading, by striking “**12 years**”
4 and inserting “**8 to 12 years**”;

5 (2) in subsection (a)—

6 (A) by striking paragraph (1) and insert-
7 ing the following:

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

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

14 (3) by amending subsection (b) to read as fol-
15 lows:

16 “(b) PAYMENT AMOUNT.—The Secretary concerned
17 shall determine the payment amount under this section
18 as a multiple of a full TSP member’s monthly basic pay
19 but shall not be less than 2.5 times the member’s monthly
20 basic pay. The maximum amount the Secretary concerned
21 may pay the member under this section is—

22 “(1) in the case of a member of a regular com-
23 ponent or in a reserve component if the member is
24 performing active Guard and Reserve duty (as de-
25 fined in section 101(d)(6) of title 10), 13 times the

1 amount of the monthly basic pay payable to the
2 member for the month during which the agreement
3 under subsection (a)(2) is entered into; and

4 “(2) in the case of any member not covered by
5 paragraph (1), 6 times the amount of monthly basic
6 pay to which the member would be entitled for the
7 month during which the agreement under subsection
8 (a)(2) is entered into if the member were serving on
9 active duty at the time the agreement is entered
10 into.”; and

11 (4) by amending subsection (d) to read as fol-
12 lows:

13 “(d) TIMING OF PAYMENT.—The Secretary con-
14 cerned shall pay continuation pay under subsection (a) to
15 a full TSP member when the member has completed not
16 less than 8 and not more than 12 years of service in a
17 uniformed service.”.

18 (b) CLERICAL AMENDMENT.—The item relating to
19 section 356 in the table of sections at the beginning of
20 chapter 5 of title 37, United States Code, which shall take
21 effect on January 1, 2018, pursuant to section 635 of the
22 National Defense Authorization Act for Fiscal Year 2016
23 (Public Law 114–92; 129 Stat. 851), is amended by strik-
24 ing “12 years” and inserting “8 to 12 years”.

1 **SEC. 623. SPECIAL SURVIVOR INDEMNITY ALLOWANCE.**

2 (a) PAYMENT AMOUNT PER FISCAL YEAR.—Para-
3 graph (2)(I) of section 1450(m) of title 10, United States
4 Code, is amended by striking “fiscal year 2017” and in-
5 serting “each of fiscal years 2017 and 2018”.

6 (b) DURATION.—Paragraph (6) of such section is
7 amended—

8 (1) by striking “September 30, 2017” and in-
9 serting “September 30, 2018”; and

10 (2) by striking “October 1, 2017” both places
11 it appears and inserting “October 1, 2018”.

12 (c) REPORT.—Not later than 90 days after the date
13 of the enactment of this Act, the Secretary of Defense
14 shall submit to the congressional defense committees a re-
15 port on the dependency and indemnity compensation offset
16 under sections 1450(c) of title 10, United States Code.
17 The report shall include the following:

18 (1) The total number of individuals affected by
19 such offset.

20 (2) Of the number of individuals covered under
21 paragraph (1), the number who are covered by sec-
22 tion 1448(d) of title 10, United States Code, listed
23 by the rank of the deceased member and the current
24 age of the individual.

25 (3) Of the number of individuals under para-
26 graph (1), the number who are not covered by sec-

1 tion 1448(d) of title 10, United States Code, listed
2 by the rank of the deceased member and the current
3 age of the individual.

4 (4) The average amount of money that is af-
5 fected by such offset, including the average amounts
6 with respect to—

7 (A) individuals described in paragraph (2);

8 and

9 (B) individuals described in paragraph (3).

10 (5) The number of recipients for the special
11 survivor indemnity allowance under section 1450(m)
12 of title 10, United States Code.

13 **SEC. 624. EQUAL BENEFITS UNDER SURVIVOR BENEFIT**
14 **PLAN FOR SURVIVORS OF RESERVE COMPO-**
15 **NENT MEMBERS WHO DIE IN THE LINE OF**
16 **DUTY DURING INACTIVE-DUTY TRAINING.**

17 (a) TREATMENT OF INACTIVE-DUTY TRAINING IN
18 SAME MANNER AS ACTIVE DUTY.—Section 1451(c)(1)(A)
19 of title 10, United States Code, is amended—

20 (1) in clause (i)—

21 (A) by inserting “or 1448(f)” after “sec-
22 tion 1448(d)”; and

23 (B) by inserting “or (iii)” after “clause
24 (ii)”; and

25 (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, as added by
10 subsection (b)(1), instead of an annuity for the sur-
11 viving spouse. Any such determination and resulting
12 change in beneficiary shall be effective as of the first
13 day of the first month following the date of the de-
14 termination.

15 **SEC. 625. USE OF MEMBER'S CURRENT PAY GRADE AND**
16 **YEARS OF SERVICE, RATHER THAN FINAL RE-**
17 **TIREMENT PAY GRADE AND YEARS OF SERV-**
18 **ICE, IN A DIVISION OF PROPERTY INVOLVING**
19 **DISPOSABLE RETIRED PAY.**

20 (a) USE OF CURRENT PAY GRADE REQUIRED.—Sec-
21 tion 1408(a)(4) of title 10, United States Code, is amend-
22 ed in the matter preceding subparagraph (A) by inserting
23 after “member is entitled” the following: “(to be deter-
24 mined using the member’s pay grade and years of service
25 at the time of the court order, rather than the member’s

1 pay grade and years of service at the time of retirement,
2 unless the same)”.
3

4 (b) APPLICATION OF AMENDMENT.—The amendment
5 made by subsection (a) shall apply with respect to any
6 division of property as part of a final decree of divorce,
7 dissolution, annulment, or legal separation involving a
8 member of the Armed Forces to which section 1408 of
9 title 10, United States Code, applies that becomes final
10 after the date of the enactment of this Act.

10 **Subtitle D—Commissary and Non-** 11 **appropriated Fund Instrumen-** 12 **tality Benefits and Operations**

13 **SEC. 631. PROTECTION AND ENHANCEMENT OF ACCESS TO** 14 **AND SAVINGS AT COMMISSARIES AND EX-** 15 **CHANGES.**

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

19 “(3)(A) The Secretary of Defense shall develop and
20 implement a comprehensive strategy to optimize manage-
21 ment practices across the defense commissary system and
22 the exchange system that reduce reliance of those systems
23 on appropriated funding without reducing benefits to the
24 patrons of those systems or the revenue generated by non-
25 appropriated fund entities or instrumentalities of the De-

1 partment of Defense for the morale, welfare, and recre-
2 ation of members of the armed forces.

3 “(B) The Secretary shall ensure that savings gen-
4 erated due to such optimization practices are shared by
5 the defense commissary system and the exchange system
6 through contracts or agreements that appropriately reflect
7 the participation of the systems in the development and
8 implementation of such practices.

9 “(C) If the Secretary determines that the reduced re-
10 liance on appropriated funding pursuant to subparagraph
11 (A) is insufficient to maintain the benefits to the patrons
12 of the defense commissary system, and if the Secretary
13 converts the defense commissary system to a non-
14 appropriated fund entity or instrumentality pursuant to
15 paragraph (1) of section 2484(j) of this title, the Secretary
16 shall transfer appropriated funds pursuant to paragraph
17 (2) of such section to ensure the maintenance of such ben-
18 efits.

19 “(4) On not less than a quarterly basis, the Secretary
20 shall provide to the congressional defense committees a
21 briefing on the defense commissary system, including—

22 “(A) an assessment of the savings the system
23 provides patrons;

24 “(B) the status of implementing section 2484(i)
25 of this title;

1 “(C) the status of implementing section
2 2484(j), including whether the system requires any
3 appropriated funds pursuant to paragraph (2) of
4 such section;

5 “(D) the status of carrying out a program for
6 such system to sell private label merchandise; and

7 “(E) any other matters the Secretary considers
8 appropriate.”.

9 (b) AUTHORIZATION TO SUPPLEMENT APPROPRIA-
10 TIONS THROUGH BUSINESS OPTIMIZATION.—Section
11 2483(c) of such title is amended by adding at the end the
12 following new sentence: “Such appropriated amounts may
13 also be supplemented with additional funds derived from
14 improved management practices implemented pursuant to
15 sections 2481(c)(3) and 2487(c) of this title and the vari-
16 able pricing program implemented pursuant to section
17 2484(i) of this title.”.

18 (c) VARIABLE PRICING PILOT PROGRAM.—Section
19 2484 of such title is amended by adding at the end the
20 following new subsections:

21 “(i) VARIABLE PRICING PROGRAM.—(1) Notwith-
22 standing subsection (e), and subject to subsection (k), the
23 Secretary may establish a variable pricing program pursu-
24 ant to which prices may be established in response to mar-
25 ket conditions and customer demand, in accordance with

1 the requirements of this subsection. Notwithstanding the
2 amount of the uniform surcharge assessed in subsection
3 (d), the Secretary may provide for an alternative sur-
4 charge of not more than five percent of sales proceeds
5 under such variable pricing program to be made available
6 for the purposes specified in subsection (h).

7 “(2) Subject to subsection (k), before establishing a
8 variable pricing program under this subsection, the Sec-
9 retary shall establish the following:

10 “(A) Specific, measurable benchmarks for suc-
11 cess in the provision of high quality grocery mer-
12 chandise, discount savings to patrons, and levels of
13 customer satisfaction while achieving savings for the
14 Department of Defense.

15 “(B) A baseline of overall savings to patrons
16 achieved by commissary stores prior to the initiation
17 of the variable pricing program, based on a compari-
18 son of prices charged by those stores on a regional
19 basis with prices charged by relevant local competi-
20 tors for a representative market basket of goods.

21 “(3) The Secretary shall ensure that the defense com-
22 missary system implements the variable pricing program
23 by conducting price comparisons using the methodology
24 established for paragraph (2)(B) and adjusting pricing as
25 necessary to ensure that pricing in the variable pricing

1 program achieves overall savings to patrons that are con-
2 sistent with the baseline savings established for the rel-
3 evant region pursuant to such paragraph.

4 “(j) CONVERSION TO NONAPPROPRIATED FUND EN-
5 TITY OR INSTRUMENTALITY.—(1) Subject to subsection
6 (k), if the Secretary determines that the variable pricing
7 program has met the benchmarks for success established
8 pursuant to paragraph (2)(A) of subsection (i) and the
9 savings requirements established pursuant to paragraph
10 (3) of such subsection over a period of at least six months,
11 the Secretary may convert the defense commissary system
12 to a nonappropriated fund entity or instrumentality, with
13 operating expenses financed in whole or in part by receipts
14 from the sale of products and the sale of services. Upon
15 such conversion, appropriated funds shall be transferred
16 to the defense commissary system only in accordance with
17 paragraph (2) or section 2491 of this title. The require-
18 ments of section 2483 shall not apply to the defense com-
19 missary system operating as a nonappropriated fund enti-
20 ty or instrumentality.

21 “(2) If the Secretary determines that the defense
22 commissary system operating as a nonappropriated fund
23 entity or instrumentality is likely to incur a loss in any
24 fiscal year as a result of compliance with the savings re-
25 quirement established in subsection (i), the Secretary shall

1 authorize a transfer of appropriated funds available for
2 such purpose to the commissary system in an amount suf-
3 ficient to offset the anticipated loss. Any funds so trans-
4 ferred shall be considered to be nonappropriated funds for
5 such purpose.

6 “(3)(A) The Secretary of Defense may identify posi-
7 tions of employees in the defense commissary system who
8 are paid with appropriated funds whose status may be
9 converted to the status of an employee of a non-
10 appropriated fund entity or instrumentality.

11 “(B) The status and conversion of employees in a po-
12 sition identified by the Secretary under subparagraph (A)
13 shall be addressed as provided in section 2491(c) for em-
14 ployees in morale, welfare, and recreation programs, in-
15 cluding with respect to requiring the consent of such em-
16 ployee to be so converted.

17 “(C) No individual who is an employee of the defense
18 commissary system as of the date of the enactment of this
19 subsection shall suffer any loss of or decrease in pay as
20 a result of a conversion made under this paragraph.

21 “(k) OVERSIGHT REQUIRED TO ENSURE CONTINUED
22 BENEFIT TO PATRONS.—(1) With respect to each action
23 described in paragraph (2), the Secretary may not carry
24 out such action until—

1 “(A) the Secretary provides to the congressional
2 defense committees a briefing on such action, includ-
3 ing a justification for such action; and

4 “(B) a period of 30 days has elapsed following
5 such briefing.

6 “(2) The actions described in this paragraph are the
7 following:

8 “(A) Establishing the representative market
9 basket of goods pursuant to subsection (i)(2)(B).

10 “(B) Establishing the variable pricing program
11 under subsection (i)(1).

12 “(C) Converting the defense commissary system
13 to a nonappropriated fund entity or instrumentality
14 under subsection (j)(1).”.

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

17 (1) by redesignating subsection (c) as sub-
18 section (d); and

19 (2) by inserting after subsection (b) the fol-
20 lowing new subsection (c):

21 “(c) COMMON BUSINESS PRACTICES.—(1) Notwith-
22 standing subsections (a) and (b), the Secretary of Defense
23 may establish common business processes, practices, and
24 systems—

1 “(A) to exploit synergies between the defense
2 commissary system and the exchange system; and

3 “(B) to optimize the operations of the defense
4 retail systems as a whole and the benefits provided
5 by the commissaries and exchanges.

6 “(2) The Secretary may authorize the defense com-
7 missary system and the exchange system to enter into con-
8 tracts or other agreements—

9 “(A) for products and services that are shared
10 by the defense commissary system and the exchange
11 system; and

12 “(B) for the acquisition of supplies, resale
13 goods, and services on behalf of both the defense
14 commissary system and the exchange system.

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

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

24 “(B) authorize the defense commissary system
25 to accept reimbursement from a nonappropriated

1 fund entity or instrumentality for the portion of the
2 cost of a contract or agreement entered by the de-
3 fense commissary system that is attributable to the
4 nonappropriated fund entity or instrumentality.”.

5 (e) AUTHORITY FOR EXPERT COMMERCIAL AD-
6 VICE.—Section 2485 of such title is amended by adding
7 at the end the following new subsection:

8 “(h) EXPERT COMMERCIAL ADVICE.—The Secretary
9 of Defense may enter into a contract with an entity to
10 obtain expert commercial advice, commercial assistance, or
11 other similar services not otherwise carried out by the De-
12 fense Commissary Agency, to implement section 2481(c),
13 subsections (i) and (j) of section 2484, and section
14 2487(c) of this title.”.

15 (f) CLARIFICATION OF REFERENCES TO “THE EX-
16 CHANGE SYSTEM”.—Section 2481(a) of title 10, United
17 States Code, is amended by adding at the end the fol-
18 lowing new sentence: “Any reference in this chapter to ‘the
19 exchange system’ shall be treated as referring to each sep-
20 arate administrative entity within the Department of De-
21 fense through which the Secretary of Defense has imple-
22 mented the requirement under this subsection for a world-
23 wide system of exchange stores.”.

24 (g) OPERATION OF DEFENSE COMMISSARY SYSTEM
25 AS A NONAPPROPRIATED FUND ENTITY.—In the event

1 that the defense commissary system is converted to a non-
2 appropriated fund entity or instrumentality as authorized
3 by section 2484(j)(1) of title 10, United States Code, as
4 added by subsection (c) of this section, the Secretary
5 may—

6 (1) provide for the transfer of commissary as-
7 sets, including inventory and available funds, to the
8 nonappropriated fund entity or instrumentality; and

9 (2) ensure that revenues accruing to the de-
10 fense commissary system are appropriately credited
11 to the nonappropriated fund entity or instrumen-
12 tality.

13 (h) CONFORMING CHANGE.—Section 2643(b) of such
14 title is amended by adding at the end the following new
15 sentence: “Such appropriated funds may be supplemented
16 with additional funds derived from improved management
17 practices implemented pursuant to sections 2481(c)(3)
18 and 2487(c) of this title.”.

19 **SEC. 632. ACCEPTANCE OF MILITARY STAR CARD AT COM-**
20 **MISSARIES.**

21 (a) IN GENERAL.—The Secretary of Defense shall
22 ensure that—

23 (1) commissary stores accept as payment the
24 Military Star Card; and

1 (2) any financial liability of the United States
2 relating to such acceptance as payment be assumed
3 by the Army and Air Force Exchange Service.

4 (b) **MILITARY STAR CARD DEFINED.**—In this sec-
5 tion, the term “Military Star Card” means a credit card
6 administered under the Exchange Credit Program by the
7 Army and Air Force Exchange Service.

8 **Subtitle E—Travel and Transpor-**
9 **tation Allowances and Other**
10 **Matters**

11 **SEC. 641. MAXIMUM REIMBURSEMENT AMOUNT FOR TRAV-**
12 **EL EXPENSES OF MEMBERS OF THE RE-**
13 **SERVES ATTENDING INACTIVE DUTY TRAIN-**
14 **ING OUTSIDE OF NORMAL COMMUTING DIS-**
15 **TANCES.**

16 Section 478a(e) of title 37, United States Code, is
17 amended—

18 (1) by striking “The amount” and inserting the
19 following: “(1) Except as provided by paragraph (2),
20 the amount”; and

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

23 “(2) The Secretary concerned may authorize, on a
24 case-by-case basis, a higher reimbursement amount for a
25 member under subsection (a) when the member—

1 “(A) resides—

2 “(i) in the same State as the training loca-
3 tion; and

4 “(ii) outside of an urbanized area with a
5 population of 50,000 or more, as determined by
6 the Bureau of the Census; and

7 “(B) is required to commute to a training loca-
8 tion—

9 “(i) using an aircraft or boat on account of
10 limited or nonexistent vehicular routes to the
11 training location or other geographical chal-
12 lenges; or

13 “(ii) from a permanent residence located
14 more than 75 miles from the training loca-
15 tion.”.

16 **SEC. 642. STATUTE OF LIMITATIONS ON DEPARTMENT OF**
17 **DEFENSE RECOVERY OF AMOUNTS OWED TO**
18 **THE UNITED STATES BY MEMBERS OF THE**
19 **UNIFORMED SERVICES, INCLUDING RETIRED**
20 **AND FORMER MEMBERS.**

21 Section 1007(c)(3) of title 37, United States Code,
22 is amended by adding at the end the following new sub-
23 paragraphs:

24 “(C)(i) In accordance with clause (ii), if the indebted-
25 ness of a member of the uniformed services to the United

1 States occurs, through no fault of the member, as a result
2 of the overpayment of pay or allowances to the member
3 or upon the settlement of the member's accounts, the Sec-
4 retary concerned may not recover the indebtedness from
5 the member, including a retired or former member, using
6 deductions from the pay of the member, deductions from
7 retired or separation pay, or any other collection method
8 unless recovery of the indebtedness commences before the
9 end of the 10-year period beginning on the date on which
10 the indebtedness was incurred.

11 “(ii) Clause (i) applies with respect to cases of indebt-
12 edness that incur on or after October 1, 2027.

13 “(D)(i) Not later than January 1 of each of years
14 2017 through 2027, the Director of the Defense Finance
15 and Accounting Service shall review all cases occurring
16 during the 10-year period prior to the date of the review
17 of indebtedness of a member of the uniformed services,
18 including a retired or former member, to the United
19 States in which—

20 “(I) the recovery of the indebtedness com-
21 menced after the end of the 10-year period begin-
22 ning on the date on which the indebtedness was in-
23 curred; or

1 “(II) the Director did not otherwise notify the
2 member of such indebtedness during such 10-year
3 period.

4 “(ii) The Director shall submit to the congressional
5 defense committees and the Committees on Veterans’ Af-
6 fairs of the House of Representatives and the Senate each
7 review conducted under clause (i), including the amounts
8 owed to the United States by the members included in
9 such review.”.

10 **TITLE VII—HEALTH CARE**
11 **PROVISIONS**
12 **Subtitle A—Reform of TRICARE**
13 **and Military Health System**

14 **SEC. 701. TRICARE PREFERRED AND OTHER TRICARE RE-**
15 **FORM.**

16 (a) ESTABLISHMENT.—

17 (1) TRICARE PREFERRED.—Chapter 55 of
18 title 10, United States Code, is amended by insert-
19 ing after section 1074n the following new section:

20 **“§ 1075. TRICARE Preferred**

21 “(a) ESTABLISHMENT.—(1) Not later than January
22 1, 2018, the Secretary of Defense shall establish a self-
23 managed, preferred-provider network option under the
24 TRICARE program. Such option shall be known as
25 ‘TRICARE Preferred’.

1 “(2) The Secretary shall establish TRICARE Pre-
2 ferred in all areas. Under TRICARE Preferred, eligible
3 beneficiaries will not have restrictions on the freedom of
4 choice of the beneficiary with respect to health care pro-
5 viders.

6 “(b) ENROLLMENT ELIGIBILITY.—(1) The bene-
7 ficiary categories for purposes of eligibility to enroll in
8 TRICARE Preferred and cost sharing requirements appli-
9 cable to such category are as follows:

10 “(A) An ‘active-duty family member’ category
11 that consists of beneficiaries who are covered by sec-
12 tion 1079 of this title (as dependents of active duty
13 members).

14 “(B) A ‘retired’ category that consists of bene-
15 ficiaries covered by subsection (c) of section 1086 of
16 this title, other than Medicare-eligible beneficiaries
17 described in subsection (d)(2) of such section.

18 “(C) A ‘reserve and young adult’ category that
19 consists of beneficiaries who are covered by—

20 “(i) section 1076d of this title;

21 “(ii) section 1076e; or

22 “(iii) section 1110b.

23 “(2) A covered beneficiary who elects to participate
24 in TRICARE Preferred shall enroll in such option under
25 section 1099 of this title.

1 “(c) COST-SHARING REQUIREMENTS.—The cost
2 sharing requirements under TRICARE Preferred are as
3 follows:

4 “(1) With respect to beneficiaries in the active-
5 duty family member category or the retired category
6 by reason of being a member or former member of
7 the uniformed services who originally enlists or is
8 appointed in the uniformed services on or after Jan-
9 uary 1, 2018, or by reason of being a dependent of
10 such a member, the cost sharing requirements shall
11 be calculated pursuant to subsection (d)(1).

12 “(2)(A) Except as provided by subsection (e),
13 with respect to beneficiaries described in subpara-
14 graph (B) in the active-duty family member category
15 or the retired category, the cost sharing require-
16 ments shall be calculated as if the beneficiary were
17 enrolled in TRICARE Extra or TRICARE Standard
18 as if TRICARE Extra or TRICARE Standard, as
19 the case may be, were still being carried out by the
20 Secretary.

21 “(B) Beneficiaries described in this subpara-
22 graph are beneficiaries who are eligible to enroll in
23 the TRICARE program by reason of being a mem-
24 ber or former member of the uniformed services who
25 originally enlists or is appointed in the uniformed

1 services before January 1, 2018, or by reason of
2 being a dependent of such a member.

3 “(3) With respect to beneficiaries in the reserve
4 and young adult category, the cost sharing require-
5 ments shall be calculated pursuant to subsection
6 (d)(1) as if the beneficiary were in the active-duty
7 family member category or the retired category, as
8 applicable, except that the premiums calculated pur-
9 suant to sections 1076d, 1076e, or 1110b of this
10 title, as the case may be, shall apply instead of any
11 enrollment fee required under this section.

12 “(d) COST-SHARING AMOUNTS FOR CERTAIN BENE-
13 FICIARIES.—(1) Beneficiaries described in subsection
14 (c)(1) enrolled in TRICARE Preferred shall be subject to
15 cost-sharing requirements in accordance with the amounts
16 and percentages under the following table during calendar
17 year 2018 and as such amounts are adjusted under para-
18 graph (2) for subsequent years:

“TRICARE Pre-ferred	Active-Duty Family Member (Individual/Family)	Retired (Individual/Family)
Annual Enrollment	\$300 / \$600	\$425 / \$850
Annual deductible	\$0	\$0
Annual catastrophic cap	\$1,000	\$3,000
Outpatient visit civilian network	\$15 primary care \$25 specialty care	\$25 primary care \$40 specialty care

“TRICARE Preferred	Active-Duty Family Member (Individual/Family)	Retired (Individual/Family)
	Out of network: 20%	25% of out of network
ER visit civilian network	\$40 network 20% out of network	\$60 network
Urgent care civilian network	\$20 network 20% out of network	\$40 network 25% out of network
Ambulatory surgery civilian network	\$40 network 20% out of network	\$80 network 25% out of network
Ambulance civilian network	\$15	\$25
Durable medical equipment civilian network	10%	20%
Inpatient visit civilian network	\$60 per network admission 20% out of network	\$125 per admission network 25% out of net work
Inpatient skilled nursing/rehab civilian	\$20 per day network \$50 per day out of network	\$50 per day network \$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 determined under subsection (e), shall be annu-
4 ally indexed to the amount by which retired pay is in-
5 creased under section 1401a of this title, rounded to the
6 next lower multiple of \$1. The remaining amount above
7 such multiple of \$1 shall be carried over to, and accumu-
8 lated with, the amount of the increase for the subsequent
9 year or years and made when the aggregate amount of

1 increases carried over under this clause for a year is \$1
2 or more.

3 “(3) Enrollment fees, deductible amounts, and cata-
4 strophic caps under this section are on a calendar-year
5 basis.

6 “(e) EXCEPTIONS TO CERTAIN COST-SHARING
7 AMOUNTS FOR CERTAIN BENEFICIARIES ELIGIBLE PRIOR
8 TO 2018.—(1) Subject to paragraph (3), and in accord-
9 ance with subsection (d)(2), the Secretary shall establish
10 an annual enrollment fee for beneficiaries described in
11 subsection (c)(2)(B) in the retired category who enroll in
12 TRICARE Preferred (other than such beneficiaries cov-
13 ered by paragraph (2)). Such enrollment fee shall be \$100
14 for an individual and \$200 for a family.

15 “(2) The enrollment fee established pursuant to para-
16 graph (1) for beneficiaries described in subsection
17 (c)(2)(B) in the retired category shall not apply with re-
18 spect to the following beneficiaries:

19 “(A) Retired members and the family members
20 of such members covered by paragraph (1) of section
21 1086(c) of this title by reason of being retired under
22 chapter 61 of this title or being a dependent of such
23 a member.

24 “(B) Survivors covered by paragraph (2) of
25 such section 1086(c).

1 “(3) The Secretary may not establish an annual en-
2 rollment fee under paragraph (1) until 90 days has
3 elapsed following the date on which the Comptroller Gen-
4 eral of the United States is required to submit the review
5 under paragraph (4).

6 “(4) Not later than February 1, 2020, the Comp-
7 troller General of the United States shall submit to the
8 Committees on Armed Services of the House of Represent-
9 atives and the Senate a review of the following:

10 “(A) Whether health care coverage for covered
11 beneficiaries has changed since the enactment of this
12 section.

13 “(B) Whether covered beneficiaries are able to
14 obtain appointments for health care according to the
15 access standards established by the Secretary of De-
16 fense.

17 “(C) The percent of network providers that ac-
18 cept new patients under the TRICARE program.

19 “(D) The satisfaction of beneficiaries under
20 TRICARE Preferred.

21 “(f) PUBLICATION OF MEASURES.—As part of the
22 administration of TRICARE Prime and TRICARE Pre-
23 ferred, the Secretary shall publish on a publically available
24 Internet website of the Department of Defense data on
25 all measures required by section 711 of the National De-

1 fense Authorization Act for Fiscal Year 2017. The pub-
2 lished measures shall be updated not less frequently than
3 quarterly.

4 “(g) CONSTRUCTION.—Nothing in this section may
5 be construed as affecting the availability of TRICARE
6 Prime and TRICARE for Life.

7 “(h) DEFINITIONS.—In this section, terms ‘active-
8 duty family member category’, ‘retired category’, and ‘re-
9 serve and young adult category’ mean the respective cat-
10 egories of TRICARE Preferred enrollment described in
11 subsection (b).”.

12 (2) CLERICAL AMENDMENT.—The table of sec-
13 tions at the beginning of chapter 55 of title 10,
14 United States Code, is amended by inserting after
15 the item relating to section 1074n, the following new
16 item:

“1075. TRICARE Preferred.”.

17 (b) TRICARE PRIME COST SHARING.—

18 (1) IN GENERAL.—Chapter 55 of title 10,
19 United States Code, is amended by inserting after
20 section 1075, as added by subsection (a), the fol-
21 lowing new section:

22 **“§ 1075a. TRICARE Prime: cost sharing**

23 “(a) COST-SHARING REQUIREMENTS.—The cost
24 sharing requirements under TRICARE Prime are as fol-
25 lows:

1 “(1) There are no cost-sharing requirements for
2 beneficiaries who are covered by section 1074(a) of
3 this title.

4 “(2) With respect to beneficiaries in the active-
5 duty family member category or the retired category
6 (as described in section 1075(b)(1) of this title) by
7 reason of being a member or former member of the
8 uniformed services who originally enlists or is ap-
9 pointed in the uniformed services on or after Janu-
10 ary 1, 2018, or by reason of being a dependent of
11 such a member, the cost-sharing requirements shall
12 be calculated pursuant to subsection (b)(1).

13 “(3)(A) With respect to beneficiaries described
14 in subparagraph (B) in the active-duty family mem-
15 ber category or the retired category (as described in
16 section 1075(b)(1) of this title), the cost-sharing re-
17 quirements shall be calculated in accordance with
18 the other provisions of this chapter without regard
19 to subsection (b).

20 “(B) Beneficiaries described in this subpara-
21 graph are beneficiaries who are eligible to enroll in
22 the TRICARE program by reason of being a mem-
23 ber or former member of the uniformed services who
24 originally enlists or is appointed in the uniformed

1 services before January 1, 2018, or by reason of
2 being a dependent of such a member.

3 “(b) COST-SHARING AMOUNTS.—(1) Beneficiaries
4 described in subsection (a)(2) enrolled in TRICARE
5 Prime shall be subject to cost-sharing requirements in ac-
6 cordance with the amounts and percentages under the fol-
7 lowing table during calendar year 2018 and as such
8 amounts are adjusted under paragraph (2) for subsequent
9 years:

“TRICARE Prime	Active-Duty Family Member (Individual/Family)	Retired (Individual/Family)
Annual Enrollment	\$180 / \$360	\$325 / \$650
Annual deductible	No ¹	No ¹
Annual catastrophic cap	\$1,000	\$3,000 per family
Outpatient visit civilian network	\$0 with authorization	\$20 primary care
		\$30 specialty care
ER visit civilian network	\$0	\$50 network
Urgent care civilian network	\$0	\$30 network
Ambulatory surgery civilian network	\$0 with authorization	\$60 network with authorization
Ambulance civilian network	\$0	\$20
Durable medical equipment civilian network	\$0 with authorization	20%
Inpatient visit civilian network	\$0 with authorization	\$100 network per admission with authorization

“TRICARE Prime	Active-Duty Family Member (Individual/Family)	Retired (Individual/Family)
Inpatient skilled nursing/rehab civilian	\$0 with authorization	\$30 per day network with authorization

1: Deductibles and cost-sharing does apply to TRICARE Prime beneficiaries that seek care in the civilian network care through the point-of-service option (without a referral). Annual deductible is \$300 individual and \$600 family. Cost-sharing for covered inpatient and outpatient services are 50% of the TRICARE allowable charges.

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 (2) CLERICAL AMENDMENT.—The table of sec-
15 tions at the beginning of chapter 55 of title 10,
16 United States Code, is amended by inserting after
17 the item relating to section 1075, as added by sub-
18 section (a), the following new item:

“1075a. TRICARE Prime: cost sharing.”.

1 (c) PORTABILITY.—Section 1073 of title 10, United
2 States Code, is amended by adding at the end the fol-
3 lowing new subsection:

4 “(c) PORTABILITY IN PROGRAM.—The Secretary of
5 Defense shall ensure that the enrollment status of covered
6 beneficiaries is portable between or among TRICARE pro-
7 gram regions of the United States and that effective pro-
8 cedures are in place for automatic electronic transfer of
9 information between or among contractors responsible for
10 administration in such regions and prompt communication
11 with such beneficiaries. Each covered beneficiary enrolled
12 in TRICARE Prime who has relocated the beneficiary’s
13 primary residence to a new area in which enrollment in
14 TRICARE Prime is available shall be able to obtain a new
15 primary health care manager or provider within 10 days
16 of the relocation and associated request for such manager
17 or provider.”.

18 (d) TERMINATION OF TRICARE STANDARD AND
19 TRICARE EXTRA.—Beginning on January 1, 2018, the
20 Secretary of Defense may not carry out TRICARE Stand-
21 ard and TRICARE Extra under the TRICARE program.
22 The Secretary shall ensure that any individual who is cov-
23 ered under TRICARE Standard or TRICARE Extra as
24 of December 31, 2017, enrolls in TRICARE Prime,
25 TRICARE Preferred, or TRICARE for Life, as the case

1 may be, as of January 1, 2018, for the individual to con-
2 tinue coverage under the TRICARE program.

3 (e) IMPLEMENTATION PLAN.—

4 (1) IN GENERAL.—Not later than June 1,
5 2017, the Secretary of Defense shall submit to the
6 Committees on Armed Services of the House of Rep-
7 resentatives and the Senate an implementation plan
8 to improve access to health care for TRICARE bene-
9 ficiaries pursuant to the amendments made by this
10 section.

11 (2) ELEMENTS.—The plan under paragraph (1)
12 shall—

13 (A) ensure that at least 85 percent of the
14 beneficiary population under TRICARE Pre-
15 ferred is covered by the network by January 1,
16 2018;

17 (B) establish access standards for appoint-
18 ments for health care;

19 (C) establish mechanisms for monitoring
20 compliance with access standards;

21 (D) establish health care provider-to-bene-
22 ficiary ratios;

23 (E) monitor on a monthly basis complaints
24 by beneficiaries with respect to network ade-

1 quacy and the availability of health care pro-
2 viders;

3 (F) establish requirements for mechanisms
4 to monitor the responses to complaints by bene-
5 ficiaries;

6 (G) mechanisms to evaluate the quality
7 metrics of the network providers established
8 under section 711;

9 (H) any recommendations for legislative
10 action the Secretary determines necessary to
11 carry out the plan; and

12 (I) any other elements the Secretary deter-
13 mines appropriate.

14 (f) GAO REVIEWS.—

15 (1) IMPLEMENTATION PLAN.—Not later than
16 December 1, 2017, the Comptroller General of the
17 United States shall submit to the Committees on
18 Armed Services of the House of Representatives and
19 the Senate a review of the implementation plan of
20 the Secretary under paragraph (1) of subsection (e),
21 including an assessment of the adequacy of the plan
22 in meeting the elements specified in paragraph (2)
23 of such subsection.

24 (2) NETWORK.—Not later than September 1,
25 2017, the Comptroller General shall submit to the

1 Committees on Armed Services of the House of Rep-
2 resentatives and the Senate a review of the network
3 established under TRICARE Extra, including the
4 following:

5 (A) An identification of the percent of
6 beneficiaries who are covered by the network.

7 (B) An assessment of the extent to which
8 beneficiaries are able to obtain appointments
9 under TRICARE extra.

10 (C) The percent of network providers
11 under TRICARE Extra that accept new pa-
12 tients under the TRICARE program.

13 (D) An assessment of the satisfaction of
14 beneficiaries under TRICARE Extra.

15 (g) DEFINITIONS.—In this section:

16 (1) The terms “uniformed services”, “covered
17 beneficiary”, “TRICARE Extra”, “TRICARE for
18 Life”, “TRICARE Prime”, and “TRICARE Stand-
19 ard” have the meaning given those terms in section
20 1072 of title 10, United States Code, as amended by
21 subsection (h).

22 (2) The term “TRICARE Preferred” means the
23 self-managed, preferred-provider network option
24 under the TRICARE program established by section
25 1075 of such title, as added by subsection (a).

1 (h) CONFORMING AMENDMENTS.—

2 (1) IN GENERAL.—Title 10, United States
3 Code, is amended as follows:

4 (A) Section 1072 is amended—

5 (i) by striking paragraph (7) and in-
6 serting the following:

7 “(7) The term ‘TRICARE program’ means the
8 various programs carried out by the Secretary of
9 Defense under this chapter and any other provision
10 of law providing for the furnishing of medical and
11 dental care and health benefits to members and
12 former members of the uniformed services and their
13 dependents, including the following health plan op-
14 tions:

15 “(A) TRICARE Prime.

16 “(B) TRICARE Preferred.

17 “(C) TRICARE for Life.”; and

18 (ii) by adding at the end the following
19 new paragraphs:

20 “(11) The term ‘TRICARE Extra’ means the
21 preferred provider option of the TRICARE program
22 made available prior to January 1, 2018, under
23 which TRICARE Standard beneficiaries may obtain
24 discounts on cost-sharing as a result of using
25 TRICARE network providers.

1 “(12) The term ‘TRICARE Preferred’ the self-
2 managed, preferred-provider network option under
3 the TRICARE program established by section 1075
4 of this title.

5 “(13) The term ‘TRICARE for Life’ means the
6 Medicare wraparound coverage option of the
7 TRICARE program made available to the bene-
8 ficiary by reason of section 1086(d) of this title.

9 “(14) The term ‘TRICARE Prime’ means the
10 managed care option of the TRICARE program.

11 “(15) The term ‘TRICARE Standard’ means
12 the TRICARE program made available prior to Jan-
13 uary 1, 2018, covering—

14 “(A) medical care to which a dependent
15 described in section 1076(a)(2) of this title is
16 entitled; and

17 “(B) health benefits contracted for under
18 the authority of section 1079(a) of this title and
19 subject to the same rates and conditions as
20 apply to persons covered under that section.”.

21 (B) Section 1076d is amended—

22 (i) in subsection (d)(1), by inserting
23 after “coverage.” the following: “Such pre-
24 mium shall apply instead of any enrollment

1 fees required under section 1075 of this
2 section.”; and

3 (ii) in subsection (f), by striking para-
4 graph (2) and inserting the following new
5 paragraph:

6 “(2) The term ‘TRICARE Reserve Select’
7 means the TRICARE Preferred self-managed, pre-
8 ferred-provider network option under section 1075
9 made available to beneficiaries by reason of this sec-
10 tion and in accordance with subsection (d)(1).”; and

11 (iii) by striking “TRICARE Stand-
12 ard” each place it appears (including in
13 the heading of such section) and inserting
14 “TRICARE Reserve Select”.

15 (C) Section 1076e is amended—

16 (i) in subsection (d)(1), by inserting
17 after “coverage.” the following: “Such pre-
18 mium shall apply instead of any enrollment
19 fees required under section 1075 of this
20 section.”; and

21 (ii) in subsection (f), by striking para-
22 graph (2) and inserting the following new
23 paragraph:

24 “(2) The term ‘TRICARE Retired Reserve’
25 means the TRICARE Preferred self-managed, pre-

1 ferred-provider network option under section 1075
2 made available to beneficiaries by reason of this sec-
3 tion and in accordance with subsection (d)(1).”;

4 (iii) in subsection (b), by striking
5 “TRICARE Standard coverage at” and in-
6 serting “TRICARE coverage at”; and

7 (iv) by striking “TRICARE Stand-
8 ard” each place it appears (including in
9 the heading of such section) and inserting
10 “TRICARE Retired Reserve”.

11 (D) Section 1079a is amended—

12 (i) in the section heading, by striking
13 “**CHAMPUS**” and inserting
14 “**TRICARE program**”; and

15 (ii) by striking “the Civilian Health
16 and Medical Program of the Uniformed
17 Services” and inserting “the TRICARE
18 program”.

19 (E) Section 1099(c) is amended by strik-
20 ing paragraph (2) and inserting the following
21 new paragraph:

22 “(2) A plan under the TRICARE program.”.

23 (F) Section 1110b(c)(1) is amended by in-
24 serting after “(b).” the following: “Such pre-

1 mium shall apply instead of any enrollment fees
2 required under section 1075 of this section.”.

3 (2) CLERICAL AMENDMENTS.—The table of sec-
4 tions at the beginning of chapter 55 of title 10,
5 United States Code, is further amended—

6 (A) in the item relating to section 1076d,
7 by striking “TRICARE Standard” and insert-
8 ing “TRICARE Reserve Select”;

9 (B) in the item relating to section 1076e,
10 by striking “TRICARE Standard” and insert-
11 ing “TRICARE Retired Reserve”; and

12 (C) in the item relating to section 1079a,
13 by striking “CHAMPUS” and inserting
14 “TRICARE program”.

15 (3) CONFORMING STYLE.—Any new language
16 inserted or added to title 10, United States Code, by
17 an amendment made by this subsection shall con-
18 form to the typeface and typestyle of the matter in
19 which the language is so inserted or added.

20 (i) APPLICATION.—The amendments made by this
21 section shall apply with respect to the provision of health
22 care under the TRICARE program beginning on January
23 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; and

20 “(E) any other matters the Secretary of De-
21 fense determines appropriate.

22 “(2) The commander of each military medical treat-
23 ment facility shall be responsible for—

24 “(A) ensuring the readiness of the members of
25 the armed forces and civilian employees at such fa-
26 cility; and

1 “(B) furnishing the health care and medical
2 treatment provided at such facility.

3 “(3) The Secretary of Defense shall establish within
4 the Defense Health Agency a professional staff serving in
5 senior executive service positions to carry out this sub-
6 section. The Secretary may carry out this paragraph by
7 appointing the positions specified in subsections (b) and
8 (c).

9 “(b) DHA ASSISTANT DIRECTOR.—(1) The Sec-
10 retary of Defense may establish in the Defense Health
11 Agency an Assistant Director for Health Care Administra-
12 tion. If so established, the Assistant Director shall—

13 “(A) be a career appointee within the senior ex-
14 ecutive service of the Department; and

15 “(B) report directly to the Director of the De-
16 fense Health Agency.

17 “(2) If established under paragraph (1), the Assist-
18 ant Director shall be appointed from among individuals
19 who have equivalent education and experience as a chief
20 executive officer leading a large, civilian health care sys-
21 tem.

22 “(3) If established under paragraph (1), the Assist-
23 ant Director shall be responsible for the following:

24 “(A) Establishing priorities for health care ad-
25 ministration and management.

1 “(B) Establishing policies and procedures for
2 the provision of direct care at military medical treat-
3 ment facilities.

4 “(C) Establishing priorities for budgeting mat-
5 ters with respect to the provision of direct care at
6 military medical treatment facilities.

7 “(D) Establishing policies and procedures for
8 clinic management and operations at military med-
9 ical treatment facilities.

10 “(E) Establishing priorities for information
11 technology at and between the military medical
12 treatment facilities.

13 “(c) DHA DEPUTY ASSISTANT DIRECTORS.—(1)(A)
14 The Secretary of Defense may establish in the Defense
15 Health Agency a Deputy Assistant Director for Informa-
16 tion Operations.

17 “(B) If established under subparagraph (A), the Dep-
18 uty Assistant Director for Information Operations shall be
19 responsible for management and execution of information
20 technology operations at and between the military medical
21 treatment facilities.

22 “(2)(A) The Secretary of Defense may establish in
23 the Defense Health Agency a Deputy Assistant Director
24 for Financial Operations.

1 “(B) If established under subparagraph (A), the Dep-
2 uty Assistant Director for Financial Operations shall be
3 responsible for the management and execution of budg-
4 eting matters and financial management with respect to
5 the provision of direct care at military medical treatment
6 facilities.

7 “(3)(A) The Secretary of Defense may establish in
8 the Defense Health Agency a Deputy Assistant Director
9 for Health Care Operations.

10 “(B) If established under subparagraph (A), the Dep-
11 uty Assistant Director for Health Care Operations shall
12 be responsible for the execution of health care administra-
13 tion and management in the military medical treatment
14 facilities.

15 “(4)(A) The Secretary of Defense may establish in
16 the Defense Health Agency a Deputy Assistant Director
17 for Medical Affairs.

18 “(B) If established under subparagraph (A), the Dep-
19 uty Assistant Director for Medical Affairs shall be respon-
20 sible for the management and leadership of clinical quality
21 and process improvement, patient safety, infection control,
22 graduate medical education, clinical integration, utiliza-
23 tion review, risk management, patient experience, and ci-
24 vilian physician recruiting.

1 “(5) Each Deputy Assistant Director appointed
2 under paragraphs (1) through (4) shall—

3 “(A) be a career appointee within the senior ex-
4 ecutive service of the Department; and

5 “(B) report directly to the Assistant Director
6 for Health Care Administration.

7 “(d) DHA DEPUTY DIRECTOR.—(1) In addition to
8 the other duties of the Joint Staff Surgeon, the Joint Staff
9 Surgeon shall serve as the Deputy Director for Combat
10 Support of the Defense Health Agency.

11 “(2) The responsibilities of the Deputy Director shall
12 include the following:

13 “(A) Ensuring that the Defense Health Agency
14 meets the operational needs of the commanders of
15 the combatant commands.

16 “(B) Coordinating with the military depart-
17 ments to ensure that the staffing at the military
18 medical treatment facilities support readiness re-
19 quirements for members of the armed forces and
20 health care personnel.

21 “(C) Serving as the link between the com-
22 manders of the combatant commands and the De-
23 fense Health Agency.

24 “(e) APPOINTMENTS.—In carrying out subsection
25 (a)(3), including with respect to establishing positions

1 under subsections (b) and (c), the Secretary shall make
2 appointments under such subsections—

3 “(1) by not later than October 1, 2018; and

4 “(2) by not increasing the number of full-time
5 equivalent employees of the Defense Health Agency.

6 “(f) DEFINITIONS.—In this section:

7 “(1) The term ‘career appointee’ has the mean-
8 ing given that term in section 3132(a)(4) of title 5.

9 “(2) The term ‘Defense Health Agency’ means
10 the Defense Agency established pursuant to Depart-
11 ment of Defense Directive 5136.13, or such suc-
12 cessor Defense Agency.

13 “(3) The term ‘senior executive service’ has the
14 meaning given that term in section 2101a of title
15 5.”.

16 (2) CLERICAL AMENDMENT.—The table of sec-
17 tions at the beginning of such chapter is amended
18 by inserting after the item relating to section 1073b
19 the following new item:

“1073c. Administration of Defense Health Agency and military medical treat-
ment facilities.”.

20 (b) IMPLEMENTATION PLAN.—

21 (1) IN GENERAL.—The Secretary of Defense
22 shall develop a plan to implement section 1073c of
23 title 10, United States Code, as added by subsection

24 (a).

1 (2) ELEMENTS.—The plan developed under
2 paragraph (1) shall include the following:

3 (A) How the Secretary will carry out sub-
4 section (a) of such section 1073c.

5 (B) Efforts to minimize potentially dupli-
6 cative activities carried out by the elements of
7 the Defense Health Agency.

8 (C) Efforts to maximize efficiencies in the
9 activities carried out by the Defense Health
10 Agency.

11 (D) How the Secretary will implement
12 such section 1073 in a manner that does not in-
13 crease the number of full-time equivalent em-
14 ployees of the headquarters activities of the
15 military health system as of the date of the en-
16 actment of this Act.

17 (c) REPORTS.—

18 (1) INTERIM REPORT.—Not later than March
19 1, 2017, the Secretary shall submit to the congres-
20 sional defense committees a report containing—

21 (A) a preliminary draft of the plan devel-
22 oped under subsection (b)(1); and

23 (B) any recommendations for legislative
24 actions the Secretary determines necessary to
25 carry out the plan.

1 (2) FINAL REPORT.—Not later than March 1,
2 2018, the Secretary shall submit to the congress-
3 sional defense committees a report containing the
4 final version of the plan developed under subsection
5 (b)(1).

6 (3) COMPTROLLER GENERAL REVIEWS.—

7 (A) The Comptroller General of the United
8 States shall submit to the congressional defense
9 committees—

10 (i) a review of the preliminary draft of
11 the plan submitted under paragraph (1) by
12 not later than September 1, 2017; and

13 (ii) a review of the final version of the
14 plan submitted under paragraph (2) by not
15 later than September 1, 2018.

16 (B) Each review of the plan conducted
17 under paragraph (A) shall determine whether
18 the Secretary has addressed the required ele-
19 ments for the plan under subsection (b)(2).

20 **SEC. 703. MILITARY MEDICAL TREATMENT FACILITIES.**

21 (a) ADMINISTRATION.—

22 (1) IN GENERAL.—Chapter 55 of title 10,
23 United States Code, as amended by section 702, is
24 further amended by inserting after section 1073c the
25 following new section:

1 **“§ 1073d. Military medical treatment facilities**

2 “(a) IN GENERAL.—To support the medical readi-
3 ness of the armed forces and the readiness of medical per-
4 sonnel, the Secretary of Defense, in consultation with the
5 Secretaries of the military departments, shall maintain the
6 military medical treatment facilities described in sub-
7 sections (b), (c), and (d).

8 “(b) MEDICAL CENTERS.—(1) The Secretary of De-
9 fense shall maintain medical centers in areas with a large
10 population of members of the armed forces and covered
11 beneficiaries.

12 “(2) Medical centers shall serve as referral facilities
13 for members and covered beneficiaries who require com-
14 prehensive health care services that support medical readi-
15 ness.

16 “(3) Medical centers shall consist of the following:

17 “(A) Inpatient and outpatient tertiary care fa-
18 cilities that incorporate specialty and subspecialty
19 care.

20 “(B) Graduate medical education programs.

21 “(C) Residency training programs.

22 “(D) Level one or level two trauma care capa-
23 bilities.

24 “(c) HOSPITALS.—(1) The Secretary of Defense shall
25 maintain hospitals in areas where civilian health care fa-

1 cilities are unable to support the health care needs of
2 members of the armed forces and covered beneficiaries.

3 “(2) Hospitals shall provide—

4 “(A) inpatient and outpatient health services to
5 maintain medical readiness; and

6 “(B) such other programs and functions as the
7 Secretary determines appropriate.

8 “(3) Hospitals shall consist of inpatient and out-
9 patient care facilities with limited specialty care that the
10 Secretary determines—

11 “(A) is cost effective; or

12 “(B) is not available at civilian health care fa-
13 cilities in the area of the hospital.

14 “(d) AMBULATORY CARE CENTERS.—(1) The Sec-
15 retary of Defense shall maintain ambulatory care centers
16 in areas where civilian health care facilities are able to
17 support the health care needs of members of the armed
18 forces and covered beneficiaries.

19 “(2) Ambulatory care centers shall provide the out-
20 patient health services required to maintain medical readi-
21 ness, including with respect to partnerships established
22 pursuant to section 707 of the National Defense Author-
23 ization Act for Fiscal Year 2017.

1 “(3) Ambulatory care centers shall consist of out-
2 patient care facilities with limited specialty care that the
3 Secretary determines—

4 “(A) is cost effective; or

5 “(B) is not available at civilian health care fa-
6 cilities in the area of the ambulatory care center.”.

7 (2) CLERICAL AMENDMENT.—The table of sec-
8 tions at the beginning of such chapter, as amended
9 by section 702, is further amended by inserting after
10 the item relating to section 1073c the following new
11 item:

“1073d. Military medical treatment facilities.”.

12 (b) UPDATE OF STUDY.—

13 (1) IN GENERAL.—The Secretary of Defense, in
14 collaboration with the Secretaries of the military de-
15 partments, shall update the report described in para-
16 graph (2) to address the restructuring or realign-
17 ment of military medical treatment facilities pursu-
18 ant to section 1073d of title 10, United States Code,
19 as added by subsection (a), including with respect to
20 any expansions or consolidations of such facilities.

21 (2) REPORT DESCRIBED.—The report described
22 in this paragraph is the Military Health System
23 Modernization Study dated May 29th, 2015, re-
24 quired by section 713(a)(2) of the Carl Levin and
25 Howard P. “Buck” McKeon National Defense Au-

1 thorization Act for Fiscal Year 2015 (Public Law
2 113–291; 128 Stat. 3414).

3 (3) SUBMISSION.—Not later than 270 days
4 after the date of the enactment of this Act, the Sec-
5 retary of Defense shall submit to the congressional
6 defense committees the updated report under para-
7 graph (1).

8 (c) IMPLEMENTATION PLAN.—

9 (1) IN GENERAL.—Not later than two years
10 after the date of the enactment of this Act, the Sec-
11 retary of Defense shall submit to the congressional
12 defense committees an implementation plan to re-
13 structure or realign the military medical treatment
14 facilities pursuant to section 1073d of title 10,
15 United States Code, as added by subsection (a).

16 (2) ELEMENTS.—The implementation plan
17 under paragraph (1) shall include the following:

18 (A) With respect to each military medical
19 treatment facility—

20 (i) whether the facility will be re-
21 aligned or restructured under the plan;

22 (ii) whether the functions of such fa-
23 cility will be expanded or consolidated;

24 (iii) the costs of such realignment or
25 restructuring;

1 (iv) a description of any changes to
2 the military and civilian personnel assigned
3 to such facility as of the date of the plan;

4 (v) a timeline for such realignment or
5 restructuring; and

6 (vi) the justifications for such realign-
7 ment or restructuring, including an assess-
8 ment of the capacity of the civilian health
9 care facilities located near such facility.

10 (B) A description of the relocation of the
11 graduate medical education programs and the
12 residency programs.

13 **SEC. 704. ACCESS TO URGENT CARE UNDER TRICARE PRO-**
14 **GRAM.**

15 (a) IN GENERAL.—Chapter 55 of title 10, United
16 States Code, is amended by inserting after section 1077
17 the following new section:

18 **“§ 1077a. Access to military medical treatment facili-**
19 **ties and other facilities**

20 “(a) URGENT CARE.—(1) Beginning not later than
21 one year after the date of the enactment of this section,
22 the Secretary of Defense shall ensure that military medical
23 treatment facilities, at locations the Secretary determines
24 appropriate, provide urgent care services for members of

1 the armed forces and covered beneficiaries until 11:00 p.m.
2 each day.

3 “(2) With respect to areas in which a military med-
4 ical treatment facility covered by paragraph (1) is not lo-
5 cated, the Secretary shall ensure that members of the
6 armed forces and covered beneficiaries may access urgent
7 care clinics that are open during the hours specified in
8 such paragraph through the health care provider network
9 under the TRICARE program.

10 “(3) A covered beneficiary may access urgent care
11 services without the need for preauthorization for such
12 services.

13 “(4) The Secretary shall—

14 “(A) publish information about changes in ac-
15 cess to urgent care under the TRICARE program—

16 “(i) on the primary publicly available
17 Internet website of the Department; and

18 “(ii) on the primary publicly available
19 website of each military treatment facility; and

20 “(B) ensure that such information is made
21 available on the publically available Internet website
22 of each current managed care contractor that has
23 established a health care provider network under the
24 TRICARE program.

1 “(b) NURSE ADVICE LINE.—The Secretary shall en-
2 sure that the nurse advice line of the Department directs
3 covered beneficiaries seeking access to care to the source
4 of the most appropriate level of health care required to
5 treat the medical conditions of the beneficiaries, including
6 urgent care services described in subsection (a).”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of such chapter is amended by inserting
9 after the item relating to section 1077 the following new
10 item:

 “1077a. Access to military medical treatment facilities and other facilities”.

11 **SEC. 705. ACCESS TO PRIMARY CARE CLINICS AT MILITARY**
12 **MEDICAL TREATMENT FACILITIES.**

13 (a) IN GENERAL.—Section 1077a of title 10, United
14 States Code, as added by section 704, is amended by add-
15 ing at the end the following new subsection:

16 “(c) PRIMARY CARE CLINICS.—(1) The Secretary
17 shall ensure that primary care clinics at military medical
18 treatment facilities are available for members of the armed
19 forces and covered beneficiaries between the hours deter-
20 mined appropriate under paragraph (2), including with re-
21 spect to expanded hours described in subparagraph (B)
22 of such paragraph.

23 “(2)(A) The Secretary shall determine the hours that
24 each primary care clinic at a military medical treatment

1 facility is available for members of the armed forces and
2 covered beneficiaries based on—

3 “(i) the needs of the military treatment facility
4 to meet the access standards under the TRICARE
5 Prime program; and

6 “(ii) the primary care usage patterns of mem-
7 bers and covered beneficiaries at such military med-
8 ical treatment facility.

9 “(B) The primary care clinic hours at a military med-
10 ical treatment facility determined under subparagraph (A)
11 shall include expanded hours beyond regular business
12 hours during weekdays and the weekend if the Secretary
13 determines under such subparagraph that sufficient de-
14 mand exists at the military medical treatment facility for
15 such expanded primary care clinic hours.”.

16 (b) IMPLEMENTATION.—The Secretary of Defense
17 shall implement subsection (c) of section 1077a of title
18 10, United States Code, as added by subsection (a), by
19 not later than 180 days after the date of the enactment
20 of this Act.

21 **SEC. 706. INCENTIVES FOR VALUE-BASED HEALTH UNDER**
22 **TRICARE PROGRAM.**

23 (a) IN GENERAL.—Chapter 55 of title 10, United
24 States Code, is amended by inserting after section 1095g
25 the following new section:

1 **“§ 1095h. TRICARE program: value-based health care**

2 “(a) IN GENERAL.—The Secretary of Defense may
3 develop and implement value-based incentive programs as
4 part of any contract awarded under this chapter for the
5 provision of health care services to covered beneficiaries
6 to encourage health care providers under the TRICARE
7 program (including physicians, hospitals, and other per-
8 sons and facilities involved in providing such health care
9 services) to improve the following:

10 “(1) The quality of health care provided to cov-
11 ered beneficiaries under the TRICARE program.

12 “(2) The experience of covered beneficiaries in
13 receiving health care under the TRICARE program.

14 “(3) The health of covered beneficiaries.

15 “(b) VALUE-BASED INCENTIVE PROGRAMS.—(1) In
16 developing value-based incentive programs under sub-
17 section (a), the Secretary shall—

18 “(A) link payments to health care providers
19 under the TRICARE program to improved perform-
20 ance with respect to quality, cost, and reducing the
21 provision of inappropriate care;

22 “(B) consider the characteristics of the popu-
23 lation of covered beneficiaries affected by the value-
24 based incentive program;

25 “(C) consider how the value-based incentive
26 program would affect the receipt of health care

1 under the TRICARE program by such covered bene-
2 ficiaries;

3 “(D) establish or maintain an assurance that
4 such covered beneficiaries will have timely access to
5 health care during the operation of the value-based
6 incentive program;

7 “(E) ensure that such covered beneficiaries do
8 not incur any additional costs by reason of the
9 value-based incentive program; and

10 “(F) consider such other factors as the Sec-
11 retary considers appropriate.

12 “(2) With respect to a value-based incentive program
13 developed and implemented under subsection (a), the Sec-
14 retary shall ensure that—

15 “(A) the size, scope, and duration of the value-
16 based incentive program is reasonable in relation to
17 the purpose of the value-based incentive program;
18 and

19 “(B) the value-based incentive program relies
20 on the core quality performance metrics pursuant to
21 section 711 of the National Defense Authorization
22 Act for Fiscal Year 2017.

23 “(c) USE OF EXISTING MODELS.—In developing a
24 value-based incentive program under subsection (a), the
25 Secretary may adapt a value-based incentive program con-

1 ducted by a TRICARE managed care support contractor,
2 the Centers for Medicare & Medicaid Services, or any
3 other governmental or commercial health care program.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 at the beginning of such chapter is amended by inserting
6 after the item relating to section 1095g the following new
7 item:

“1095h. TRICARE program: value-based health care.”.

8 (c) BRIEFINGS.—

9 (1) PRIOR TO CERTAIN CONTRACT MODIFICA-
10 TIONS.—Not later than 60 days before the date on
11 which the Secretary of Defense modifies a contract
12 awarded under chapter 55 of title 10, United States
13 Code, to implement a value-based incentive program
14 under section 1095h of such title, as added by sub-
15 section (a), the Secretary shall provide to the Com-
16 mittees on Armed Services of the House of Rep-
17 resentatives and the Senate (and any other appro-
18 priate congressional committee upon request) a
19 briefing on any implementation plan of the Secretary
20 with respect to such a value-based incentive pro-
21 gram.

22 (2) ANNUAL BRIEFING.—Not later than one
23 year after the date of the enactment of this Act, and
24 annually thereafter through 2022, the Secretary
25 shall provide to the Committees on Armed Services

1 of the House of Representatives and the Senate (and
2 any other appropriate congressional committee upon
3 request) a briefing on the quality performance
4 metrics and expenditures relating to a value-based
5 incentive program developed and implemented under
6 section 1095h of title 10, United States Code, as
7 added by subsection (a).

8 (3) APPROPRIATE CONGRESSIONAL COMMIT-
9 TEES.—In this subsection, the term “appropriate
10 congressional committees” means—

11 (A) the congressional defense committees;

12 and

13 (B) the Committee on Transportation and
14 Infrastructure of the House of Representatives
15 and the Committee on Commerce, Science, and
16 Transportation of the Senate.

17 **SEC. 707. IMPROVEMENTS TO MILITARY-CIVILIAN PART-**
18 **NERSHIPS TO INCREASE ACCESS TO HEALTH**
19 **CARE AND READINESS.**

20 (a) PARTNERSHIP AGREEMENTS.—Subsection (a) of
21 section 1096 of title 10, United States Code, is amended
22 to read as follows:

23 “(a) PARTNERSHIP AGREEMENTS.—The Secretary of
24 Defense may enter into a partnership agreement between
25 facilities of the uniformed services and local or regional

1 health care systems if the Secretary determines that such
2 an agreement would—

3 “(1) result in the delivery of health care to
4 which covered beneficiaries are entitled under this
5 chapter—

6 “(A) in a more effective, efficient, or eco-
7 nomical manner; and

8 “(B) at a level of quality at least com-
9 parable to the quality of services beneficiaries
10 would receive from a military medical treatment
11 facility; or

12 “(2) provide members of the armed forces with
13 additional training opportunities to maintain readi-
14 ness requirements.”.

15 (b) IN GENERAL.—Such section 1096 is further
16 amended—

17 (1) by redesignating subsections (c) and (d) as
18 subsections (f) and (g), respectively; and

19 (2) by inserting after subsection (b) the fol-
20 lowing new subsections:

21 “(c) CRITERIA.—In entering into an agreement
22 under subsection (a) between a facility of the uniformed
23 services and a local or regional health care system, the
24 Secretary shall—

25 “(1) identify and analyze—

1 “(A) the health care delivery options pro-
2 vided by the local or regional health care sys-
3 tem; and

4 “(B) the health care services provided by
5 the facility;

6 “(2) assess—

7 “(A) how such agreement affects the deliv-
8 ery of health care at the facility and the readi-
9 ness of the members of the uniformed services;

10 “(B) the viability of the agreement with re-
11 spect to succeeding on a long-term basis in the
12 local community of the facility; and

13 “(C) the cost efficiency and effectiveness of
14 the agreement; and

15 “(3) consult with—

16 “(A) the Secretary concerned;

17 “(B) representatives from such facility, in-
18 cluding the leadership of the installation at
19 which the facility is located, the leadership of
20 the facility, and covered beneficiaries at such
21 installation;

22 “(C) the TRICARE managed care support
23 contractor with responsibility for such facility;

24 “(D) officials of the Federal, State, and
25 local governments, as appropriate; and

1 “(E) representatives from the local or re-
2 gional health care system.

3 “(d) LOCAL CONSORTIUM.—The Secretary shall en-
4 sure that an agreement entered into under subsection (a)
5 between a facility of the uniformed services and a local
6 or regional health care system is developed by a consor-
7 tium representing the community of the facility and such
8 health care system.

9 “(e) BIENNIAL EVALUATION.—The Secretary of De-
10 fense shall evaluate each agreement entered into under
11 subsection (a) on a biennial basis to—

12 “(1) assess whether the agreement provides in-
13 creased access to health care for covered bene-
14 ficiaries;

15 “(2) assess the training opportunities to main-
16 tain readiness requirements provided pursuant to
17 such agreement; and

18 “(3) determine whether such agreement should
19 continue.”.

20 (c) REMOVAL OF REIMBURSEMENT LIMIT FOR LI-
21 CENSING FEES.—Subsection (g) of such section 1096, as
22 redesignated by subsection (a), is amended by striking “up
23 to \$500 of”.

24 **SEC. 708. JOINT TRAUMA SYSTEM.**

25 (a) PLAN.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this Act, the Sec-
3 retary of Defense shall submit to the Committees on
4 Armed Services of the House of Representatives and
5 the Senate an implementation plan to establish a
6 Joint Trauma System within the Defense Health
7 Agency that promotes improved trauma care to
8 members of the Armed Forces and other individuals
9 who are eligible to be treated for trauma at a mili-
10 tary medical treatment facility.

11 (2) IMPLEMENTATION.—The Secretary shall
12 implement the plan under paragraph (1) after a 90-
13 day period has elapsed following the date on which
14 the Comptroller General of the United States is re-
15 quired to submit to the Committees on Armed Serv-
16 ices of the House of Representatives and the Senate
17 the review under subsection (c). In implementing
18 such plan, the Secretary shall take into account any
19 recommendation made by the Comptroller General
20 under such review.

21 (b) ELEMENTS.—The Joint Trauma System de-
22 scribed in subsection (a)(1) shall include the following ele-
23 ments:

24 (1) Serve as the reference body for all trauma
25 care provided across the military health system.

1 (2) Establish standards of care for trauma
2 services provided at military medical treatment fa-
3 cilities.

4 (3) Coordinate the translation of research from
5 the centers of excellence of the Department of De-
6 fense into standards of clinical trauma care.

7 (4) Coordinate the incorporation of lessons
8 learned from the trauma education and training
9 partnerships pursuant to section 709 into clinical
10 practice.

11 (c) REVIEW.—Not later than 120 days after the date
12 on which the Secretary submits to the Committees on
13 Armed Services of the House of Representatives and the
14 Senate the implementation plan under subsection (a)(1),
15 the Comptroller General of the United States shall submit
16 to such committees a review of such plan to determine if
17 each element under subsection (b) is included in such plan.

18 (d) REVIEW OF MILITARY TRAUMA SYSTEM.—In es-
19 tablishing a Joint Trauma System, the Secretary of De-
20 fense may seek to enter into an agreement with a non-
21 governmental entity with subject matter experts to—

22 (1) conduct a system-wide review of the military
23 trauma system; and

1 (2) make publicly available a report containing
2 such review and recommendations to establish a
3 comprehensive trauma system for the Armed Forces.

4 **SEC. 709. JOINT TRAUMA EDUCATION AND TRAINING DI-**
5 **RECTORATE.**

6 (a) **ESTABLISHMENT.**—The Secretary of Defense
7 shall establish a Joint Trauma Education and Training
8 Directorate (in this section referred to as the “Direc-
9 torate”) to ensure that the traumatologists of the Armed
10 Forces maintain readiness and are able to be rapidly de-
11 ployed for future armed conflicts. The Secretary shall
12 carry out this section in collaboration with the Secretaries
13 of the military departments.

14 (b) **DUTIES.**—The duties of the Directorate are as
15 follows:

16 (1) To enter into and coordinate the partner-
17 ships under subsection (c).

18 (2) To establish the goals of such partnerships
19 necessary for trauma combat casualty care teams led
20 by traumatologists to maintain professional com-
21 petency in trauma care.

22 (3) To establish metrics for measuring the per-
23 formance of such partnerships in achieving such
24 goals.

1 (4) To develop methods of data collection and
2 analysis for carrying out paragraph (3).

3 (5) To communicate and coordinate lessons
4 learned from such partnerships with the Joint Trau-
5 ma System established under section 708.

6 (c) PARTNERSHIPS.—

7 (1) IN GENERAL.—The Secretary shall enter
8 into partnerships with civilian academic medical cen-
9 ters and large metropolitan teaching hospitals that
10 have level I civilian trauma centers.

11 (2) TRAUMA COMBAT CASUALTY CARE
12 TEAMS.—Under the partnerships entered into with
13 civilian academic medical centers and large metro-
14 politan teaching hospitals under paragraph (1),
15 trauma combat casualty care teams of the Armed
16 Forces led by traumatologists of the Armed Forces
17 shall embed within the trauma centers of the med-
18 ical centers and hospitals on an enduring basis.

19 (3) SELECTION.—The Secretary shall select ci-
20 vilian academic medical centers and large metropoli-
21 tan teaching hospitals to enter into partnerships
22 under paragraph (1) based on patient volume, acu-
23 ity, and other factors the Secretary determines nec-
24 essary to ensure that the traumatologists of the
25 Armed Forces and the associated clinical support

1 teams have adequate and continuous exposure to
2 critically injured patients.

3 (4) CONSIDERATION.—In entering into partner-
4 ships under paragraph (1), the Secretary may con-
5 sider the experiences and lessons learned by the mili-
6 tary departments that have entered into memoranda
7 of understanding with civilian medical centers for
8 trauma care.

9 (d) ANALYSIS.—The Secretary of Defense shall con-
10 duct an analysis to determine the number of
11 traumatologists of the Armed Forces, by specialty, that
12 must be maintained within the Department of Defense to
13 meet the requirements of the combatant commands.

14 (e) IMPLEMENTATION PLAN.—Not later than July 1,
15 2017, the Secretary shall submit to the Committees on
16 Armed Services of the House of Representatives and the
17 Senate an implementation plan for establishing the Joint
18 Trauma Education and Training Directorate under sub-
19 section (a) and entering into partnerships under sub-
20 section (c).

21 (f) LEVEL I CIVILIAN TRAUMA CENTER DEFINED.—
22 In this section, the term “level I civilian trauma center”
23 means a comprehensive regional resource that is a tertiary
24 care facility central to the trauma system and is capable

1 of providing total care for every aspect of injury from pre-
2 vention through rehabilitation.

3 **SEC. 710. IMPROVEMENTS TO ACCESS TO HEALTH CARE IN**
4 **MILITARY MEDICAL TREATMENT FACILITIES.**

5 (a) **FIRST CALL RESOLUTION.**—

6 (1) **IN GENERAL.**—The Secretary of Defense
7 shall implement standard processes to ensure that,
8 in the case of a beneficiary contacting a military
9 medical treatment facility over the telephone for, at
10 a minimum, scheduling an appointment, requesting
11 a prescription drug refill, and other matters deter-
12 mined appropriate by the Secretary, the needs of the
13 beneficiary are met during the first such telephone
14 call.

15 (2) **METRICS.**—The Secretary shall—

16 (A) develop metrics, collect data, and
17 evaluate the performance of the processes im-
18 plemented under paragraph (1); and

19 (B) carry out satisfaction surveys to mon-
20 itor the satisfaction of beneficiaries with such
21 processes, including with respect to the satisfac-
22 tion regarding access to appointments and pa-
23 tient care.

24 (b) **APPOINTMENT SCHEDULING.**—

1 (1) IN GENERAL.—The Secretary shall imple-
2 ment standard processes to schedule beneficiaries for
3 appointments at military medical treatment facili-
4 ties.

5 (2) ELEMENTS.—The standard processes imple-
6 mented under paragraph (1) shall include the fol-
7 lowing:

8 (A) Requiring clinics at military medical
9 treatment facilities to allow a beneficiary to
10 schedule an appointment for wellness visits or
11 follow-up appointments during the six-month or
12 longer period beginning on the date of the re-
13 quest for the appointment.

14 (B) A process to remind a beneficiary of
15 future appointments in a manner that the bene-
16 ficiary prefers, which may include sending post-
17 cards to the beneficiary prior to appointments
18 and making reminder telephone calls, emails, or
19 cellular text messages to the beneficiary at
20 specified intervals prior to appointments.

21 (c) APPOINTMENT SUPPLY AND DEMAND.—

22 (1) PRODUCTIVITY.—The Secretary shall imple-
23 ment standards for the productivity of health care
24 providers at military medical treatment facilities. In
25 developing such standards, the Secretary shall con-

1 sider civilian benchmarks for measuring the produc-
2 tivity of health care providers, the optimal number
3 of appointments (patient contact hours) required to
4 maintain access according to the standards devel-
5 oped by the Secretary, and readiness requirements.

6 (2) MANAGING USE OF FACE-TO-FACE APPOINT-
7 MENTS.—The Secretary shall implement strategies
8 for managing the use of face-to-face appointments at
9 military medical treatment facilities. Such strategies
10 may include—

11 (A) maximizing the use of telehealth and
12 virtual appointments for beneficiaries at the
13 discretion of the health care provider and the
14 beneficiary;

15 (B) the implementation of remote patient
16 monitoring of chronic conditions to improve
17 outcomes and reduce the number of follow-up
18 appointments for beneficiaries; and

19 (C) maximizing the use of secure mes-
20 saging between health care providers and bene-
21 ficiaries to improve the access of beneficiaries
22 to health care and reduce the number of visits
23 for health care needs.

1 (d) IMPLEMENTATION.—The Secretary shall imple-
2 ment subsections (a), (b), and (c) by not later than Feb-
3 ruary 1, 2017.

4 (e) BRIEFING.—Not later than March 1, 2017, the
5 Secretary shall provide the Committees on Armed Services
6 of the House of Representatives and the Senate a briefing
7 on the implementation of subsections (a), (b), and (c).

8 (f) BENEFICIARIES DEFINED.—In this section, the
9 term “beneficiaries” means members of the Armed Forces
10 and covered beneficiaries (as defined in section 1072(5)
11 of title 10, United States Code).

12 **SEC. 711. ADOPTION OF CORE QUALITY PERFORMANCE**
13 **METRICS.**

14 (a) ADOPTION.—

15 (1) IN GENERAL.—Not later than 180 days
16 after the date of the enactment of this Act, the Sec-
17 retary of Defense shall adopt the core quality per-
18 formance metrics agreed upon by the Core Quality
19 Measures Collaborative for use by the military
20 health system and in contracts awarded to carry out
21 the TRICARE program.

22 (2) CORE MEASURES.—The core quality per-
23 formance metrics described in paragraph (1) shall
24 include the following sets:

1 (A) Accountable care organizations, patient
2 centered medical homes and primary care.

3 (B) Cardiology.

4 (C) Gastroenterology.

5 (D) HIV and hepatitis C.

6 (E) Medical oncology.

7 (F) Obstetrics and gynecology.

8 (G) Orthopedics.

9 (b) DEFINITIONS.—In this section:

10 (1) The term “Core Quality Measures Collabo-
11 rative” means the collaboration between the Centers
12 for Medicare & Medicaid Services, major health in-
13 surance companies, national physician organizations,
14 and other entities to reach consensus on core per-
15 formance measures reported by health care pro-
16 viders.

17 (2) The term “TRICARE program” has the
18 meaning given that term in section 1072 of title 10,
19 United States Code.

20 **SEC. 712. STUDY ON IMPROVING CONTINUITY OF HEALTH**
21 **CARE COVERAGE FOR RESERVE COMPO-**
22 **NENTS.**

23 (a) STUDY.—The Secretary of Defense shall conduct
24 a study of options for providing health care coverage that
25 improves the continuity of health care provided to current

1 and former members of the Selected Reserve of the Ready
2 Reserve who are not—

3 (1) serving on active duty;

4 (2) eligible for the Transitional Assistance Man-
5 agement Program under section 1145 of title 10,
6 United States Code; or

7 (3) eligible for the Federal Employees Health
8 Benefit Program under chapter 89 of title 5.

9 (b) ELEMENTS.—The study under subsection (a)
10 shall address the following:

11 (1) Whether to allow current and former mem-
12 bers of the Selected Reserve to participate in the
13 Federal Employees Health Benefit Program under
14 chapter 89 of title 5.

15 (2) Whether to pay a stipend to current and
16 former members to continue coverage in a health
17 plan obtained by the member.

18 (3) Whether to allow current and former mem-
19 bers to participate in the TRICARE program under
20 section 1076d of title 10, United States Code.

21 (4) Whether to allow members of the National
22 Guard assigned to Homeland Response Force Units
23 mobilized for a State emergency pursuant to chapter
24 9 of title 32, United States Code, to remain eligible
25 for the TRICARE program.

1 (5) Any other options for providing health care
2 coverage to current and former members of the Se-
3 lected Reserve the Secretary considers appropriate.

4 (c) CONSULTATION.—In carrying out the study under
5 subsection (a), the Secretary shall consult with, and obtain
6 the opinions of, current and former members of the Se-
7 lected Reserve, including the leadership of the Selected
8 Reserve.

9 (d) SUBMISSION.—

10 (1) REPORT.—Not later than 180 days after
11 the date of the enactment of this Act, the Secretary
12 shall submit to the congressional defense committees
13 a report on the study under subsection (a).

14 (2) MATTERS INCLUDED.—The report under
15 paragraph (1) shall include the following:

16 (A) A description of the health care cov-
17 erage options addressed by the Secretary under
18 subsection (b).

19 (B) Identification of such health care cov-
20 erage option that the Secretary recommends as
21 the best option.

22 (C) The justifications for such rec-
23 ommended best option.

24 (D) The number and proportion of the cur-
25 rent and former members of the Selected Re-

1 serve projected to participate in such rec-
2 ommended best option.

3 (E) A determination of the appropriate
4 cost sharing for such recommended best option
5 with respect to the percentage contribution as a
6 monthly premium for current members of the
7 Selected Reserve.

8 (F) An estimate of the cost of imple-
9 menting such recommended best option.

10 (G) Any legislative language required to
11 implement such recommended best option.

12 **Subtitle B—Other Health Care**
13 **Benefits**

14 **SEC. 721. PROVISION OF HEARING AIDS TO DEPENDENTS**
15 **OF RETIRED MEMBERS.**

16 Section 1077 of title 10, United States Code, is
17 amended—

18 (1) in subsection (a)(16), by striking “A hear-
19 ing aid” and inserting “Except as provided by sub-
20 section (g), a hearing aid”; and

21 (2) by adding at the end the following new sub-
22 section:

23 “(g) In addition to the authority to provide a hearing
24 aid under subsection (a)(16), hearing aids may be sold

1 under this section to dependents of former members of
2 the uniformed services at cost to the United States.”.

3 **SEC. 722. 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 shall 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 may 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) The term ‘State’ means each of the several
2 States, the District of Columbia, the Commonwealth
3 of Puerto Rico, and any territory or possession of
4 the United States.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of such chapter is amended by inserting
7 after the item relating to section 1076e the following new
8 item:

“1076f. TRICARE program: extension of coverage for certain members of the
National Guard and dependents during certain disaster re-
sponse duty.”.

9 **Subtitle C—Health Care**
10 **Administration**

11 **SEC. 731. PROSPECTIVE PAYMENT OF FUNDS NECESSARY**
12 **TO PROVIDE MEDICAL CARE FOR THE COAST**
13 **GUARD.**

14 (a) IN GENERAL.—Chapter 13 of title 14, United
15 States Code, is amended by adding at the end the fol-
16 lowing:

17 **“§ 519. Prospective payment of funds necessary to**
18 **provide medical care**

19 “(a) PROSPECTIVE PAYMENT REQUIRED.—In lieu of
20 the reimbursement required under section 1085 of title 10,
21 the Secretary of Homeland Security shall make a prospec-
22 tive payment to the Secretary of Defense of an amount
23 that represents the actuarial valuation of treatment or
24 care—

1 “(1) that the Department of Defense shall pro-
2 vide to members of the Coast Guard, former mem-
3 bers of the Coast Guard, and dependents of such
4 members and former members (other than former
5 members and dependents of former members who
6 are a Medicare-eligible beneficiary or for whom the
7 payment for treatment or care is made from the
8 Medicare-Eligible Retiree Health Care Fund) at fa-
9 cilities under the jurisdiction of the Department of
10 Defense or a military department; and

11 “(2) for which a reimbursement would other-
12 wise be made under section 1085.

13 “(b) AMOUNT.—The amount of the prospective pay-
14 ment under subsection (a) shall be—

15 “(1) in the case of treatment or care to be pro-
16 vided to members of the Coast Guard and their de-
17 pendents, derived from amounts appropriated for the
18 operating expenses of the Coast Guard;

19 “(2) in the case of treatment or care to be pro-
20 vided former members of the Coast Guard and their
21 dependents, derived from amounts appropriated for
22 retired pay;

23 “(3) determined under procedures established
24 by the Secretary of Defense;

1 “(4) paid during the fiscal year in which treat-
2 ment or care is provided; and

3 “(5) subject to adjustment or reconciliation as
4 the Secretaries determine appropriate during or
5 promptly after such fiscal year in cases in which the
6 prospective payment is determined excessive or in-
7 sufficient based on the services actually provided.

8 “(c) NO PROSPECTIVE PAYMENT WHEN SERVICE IN
9 NAVY.—No prospective payment shall be made under this
10 section for any period during which the Coast Guard oper-
11 ates as a service in the Navy.

12 “(d) RELATIONSHIP TO TRICARE.—This section
13 shall not be construed to require a payment for, or the
14 prospective payment of an amount that represents the
15 value of, treatment or care provided under any TRICARE
16 program.”.

17 (b) CLERICAL AMENDMENT.—The analysis for chap-
18 ter 13 of title 14, United States Code, is amended by add-
19 ing at the end the following:

 “519. Prospective payment of funds necessary to provide medical care.”.

20 (c) REPEAL.—Section 217 of the Coast Guard Au-
21 thorization Act of 2016 (Public Law 114–120), as amend-
22 ed by section 3504, and the item relating to that section
23 in the table of contents in section 2 of such Act, are re-
24 pealed.

1 **SEC. 732. 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. 733. USE OF MEFLOQUINE FOR MALARIA.**

2 (a) MEFLOQUINE.—In providing health care to mem-
3 bers of the Armed Forces, the Secretary of Defense shall
4 require—

5 (1) that the use of mefloquine for the prophylaxis of malaria be limited to members with intolerance or contraindications to other chemoprophylaxis;

6 (2) that mefloquine be prescribed by a licensed
7 medical provider on an individual basis, and

8 (3) that members prescribed mefloquine for malaria prophylaxis be counseled by the medical provider about the potential side effects of the drug and be provided the Food and Drug Administration-required patient information handouts.

9 (b) PROCESS AND REVIEW.—

10 (1) PROCESS.—Not later than 180 days after
11 the date of the enactment of this Act, in providing
12 health care to members of the Armed Forces, the
13 Secretary shall develop a standardized process to
14 document the screening for contraindications and
15 patient education, including a prior authorization
16 form, to be used by all medical providers prescribing
17 mefloquine for malaria prophylaxis.

18 (2) ANNUAL REVIEW.—The Secretary shall conduct an annual review of each mefloquine prescription at all military medical treatment facilities to

1 evaluate the documentation of the assessment for
2 contraindications, justification for not using other
3 chemoprophylaxis, and patient education for the safe
4 use of mefloquine and its side effects.

5 (c) ADVERSE HEALTH EFFECTS OF MEFLOQUINE.—

6 The Secretary of Defense shall expand the missions of the
7 Hearing Center of Excellence, the Vision Center of Excel-
8 lence, the Defense Centers of Excellence for Psychological
9 Health and Traumatic Brain Injury (including the De-
10 ployment Health Clinical Center), and the Center for De-
11 ployment Health Research to include, as appropriate, im-
12 proving the clinical evaluation, diagnosis, management,
13 and epidemiological study of adverse health effects among
14 members of the Armed Forces following exposure to
15 mefloquine.

16 **SEC. 734. APPLIED BEHAVIOR ANALYSIS.**

17 (a) RATES OF REIMBURSEMENT.—

18 (1) IN GENERAL.—In furnishing applied behav-
19 ior analysis under the TRICARE program to indi-
20 viduals described in paragraph (2) during the period
21 beginning on the date of the enactment of this Act,
22 and ending on December 31, 2018, the Secretary of
23 Defense shall ensure that the reimbursement rates
24 for providers of applied behavior analysis are not

1 less than the rates that were in effect on March 31,
2 2016.

3 (2) INDIVIDUALS DESCRIBED.—Individuals de-
4 scribed in this paragraph are individuals who are
5 covered beneficiaries (as defined in section 1072 of
6 title 10, United States Code) by reason of being a
7 member or former member of the Army, Navy, Air
8 Force, or Marine Corps, including the reserve com-
9 ponents thereof, or a dependent of such a member
10 or former member.

11 (b) ANALYSIS.—

12 (1) IN GENERAL.—Upon the completion of the
13 Department of Defense Comprehensive Autism Care
14 Demonstration, the Assistant Secretary of Defense
15 for Health Affairs shall conduct an analysis to—

16 (A) use data gathered during the dem-
17 onstration to set future reimbursement rates for
18 providers of applied behavior analysis under the
19 TRICARE program; and

20 (B) review comparative commercial insur-
21 ance claims for purposes of setting such future
22 rates, including by—

23 (i) conducting an analysis of the com-
24 parative total of commercial insurance

1 claims billed for applied behavior analysis;
2 and

3 (ii) reviewing any covered beneficiary
4 limitations on access to applied behavior
5 analysis services at various military instal-
6 lations throughout the United States.

7 (2) SUBMISSION.—The Assistant Secretary
8 shall submit to the congressional defense committees
9 the analysis conducted under paragraph (1).

10 (c) FUNDING.—

11 (1) INCREASE.—Notwithstanding the amounts
12 set forth in the funding tables in division D, the
13 amount authorized to be appropriated in section
14 1405 for the Defense Health Program, as specified
15 in the corresponding funding table in section 4501,
16 for Private Sector Care is hereby increased by
17 \$32,000,000.

18 (2) OFFSET.—Notwithstanding the amounts set
19 forth in the funding tables in division D, the amount
20 authorized to be appropriated in section 4301 for
21 operation and maintenance, as specified in the cor-
22 responding funding table in section 4301, for the Of-
23 fice of the Secretary of Defense (Line 300) is hereby
24 reduced by \$32,000,000.

1 (d) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that amounts should be appropriated for behavioral
3 health treatment of TRICARE beneficiaries, including
4 pursuant to this section, in a manner to ensure the appro-
5 priate and equitable access to such treatment by all such
6 beneficiaries.

7 **Subtitle D—Reports and Other** 8 **Matters**

9 **SEC. 741. MENTAL HEALTH RESOURCES FOR MEMBERS OF** 10 **THE MILITARY SERVICES AT HIGH RISK OF** 11 **SUICIDE.**

12 (a) IN GENERAL.—The Secretary of Defense shall
13 develop a methodology that identifies which members and
14 units of the military services are at high risk of suicide.

15 (b) MENTAL HEALTH RESOURCES.—

16 (1) HIGH RISK MEMBERS OF THE MILITARY
17 SERVICES.—The Secretary of Defense shall use the
18 results under subsection (c) to—

19 (A) identify which units have a dispropor-
20 tionately high rate of suicide and suicide at-
21 tempts; and

22 (B) provide additional preventative and
23 treatment resources for mental health for mem-
24 bers of the military services who were deployed

1 with the units identified under subparagraph
2 (A).

3 (2) PREVENTATIVE MENTAL HEALTH CARE.—

4 The Secretary of Defense shall use the results under
5 subsection (c) to—

6 (A) identify the circumstances of deploy-
7 ments associated with increased vulnerability to
8 suicide, including the length of deployment, the
9 region and area of deployment, and the nature
10 and extent to which there was contact with
11 enemy forces; and

12 (B) provide additional preventative mental
13 health care to units who currently are, or will
14 be, deployed under circumstances similar to
15 those of subparagraph (A).

16 (3) HIGH RISK VETERANS.—The Secretary of
17 Veterans Affairs shall use the results under sub-
18 section (c) to provide outreach regarding the avail-
19 able preventative and treatment resources for mental
20 health for enrolled veterans who were deployed with
21 the units identified under this subsection.

22 (c) METHODOLOGY.—Not later than 180 days after
23 the date of the enactment of this Act, the Secretary of
24 Defense shall develop a methodology to assess the rate of
25 suicide and suicide attempts of members of the military

1 services of units that have been deployed in support of
2 a contingency operation after September 11, 2001.

3 (d) REPORTS.—Not later than September 30, 2017,
4 the Secretary of Defense and the Secretary of Veterans
5 Affairs shall submit to the Committee on Armed Services
6 and the Committee on Veterans' Affairs of the House of
7 Representatives and the Committee on Armed Services
8 and the Committee on Veterans' Affairs of the Senate a
9 report on the activities carried out under this section and
10 the effectiveness of such activities.

11 (e) RESTRICTION ON USE OF INFORMATION.—Infor-
12 mation disclosed or obtained pursuant to the provisions
13 of this section may be used by officers, employees, and
14 contractors of the Department of Defense only for the
15 purposes of, and to the extent necessary in, carrying out
16 this section.

17 (f) DEFINITIONS.—In this section:

18 (1) MILITARY SERVICES.—The term “military
19 services” means the Army, Navy, Air Force, and the
20 Marine Corps, including the reserve components
21 thereof.

22 (2) ENROLLED VETERAN.—The term “enrolled
23 veteran” means a veteran enrolled in the health care
24 system of the Department of Veterans Affairs.

1 **SEC. 742. RESEARCH OF CHRONIC TRAUMATIC**
2 **ENCEPHALOPATHY.**

3 Of the funds authorized to be appropriated by this
4 Act or otherwise made available for fiscal year 2017 for
5 advanced development for research, development, test, and
6 evaluation for the Defense Health Program, not more than
7 \$25,000,000 may be used to award grants to medical re-
8 searchers and universities to support research into early
9 detection of chronic traumatic encephalopathy.

10 **SEC. 743. ACTIVE OSCILLATING NEGATIVE PRESSURE**
11 **TREATMENT.**

12 In furnishing health care and medical treatment to
13 members of the Armed Forces who have incurred injuries
14 from improvised explosive devices and other blast-related
15 events, the Secretary of Defense shall consider using non-
16 invasive technologies that increase blood flow to areas of
17 reduced circulation, including through the use of active os-
18 cillating negative pressure treatment.

19 **SEC. 744. LONG-TERM STUDY ON HEALTH OF HELICOPTER**
20 **AND TILTROTOR PILOTS.**

21 (a) **STUDY REQUIRED.**—The Secretary of Defense
22 shall carry out a long-term study of career helicopter and
23 tiltrotor pilots to assess potential links between the oper-
24 ation of helicopter and tiltrotor aircraft and acute and
25 chronic medical conditions experienced by such pilots.

1 (b) ELEMENTS.—The study under subsection (a)
2 shall include the following:

3 (1) A study of career helicopter and tiltrotor pi-
4 lots compared to a control population that—

5 (A) takes into account the amount of time
6 such pilots operated aircraft;

7 (B) examines the severity and rates of
8 acute and chronic injuries experienced by such
9 pilots; and

10 (C) determines whether such pilots experi-
11 ence a higher degree of acute and chronic med-
12 ical conditions than the control population.

13 (2) If a higher degree of acute and chronic
14 medical conditions is observed among such pilots, an
15 explanation of—

16 (A) the specific causes of the conditions
17 (such as whole body vibration, seat and cockpit
18 ergonomics, landing loads, hard impacts, and
19 pilot-worn gear); and

20 (B) any costs associated with treating the
21 conditions if the causes are not mitigated.

22 (3) A review of relevant scientific literature and
23 prior research.

24 (4) Such other information as the Secretary de-
25 termines to be appropriate.

1 (c) DURATION.—The duration of the study under
2 subsection (a) shall be not more than 2 years.

3 (d) BRIEFING.—Not later than June 6, 2017, the
4 Secretary shall provide to the Committees on Armed Serv-
5 ices of the Senate and House of Representatives (and
6 other congressional defense committees on request) a
7 briefing on the progress of the Secretary in carrying out
8 the study under subsection (a).

9 **SEC. 745. PILOT PROGRAM FOR PRESCRIPTION DRUG AC-**
10 **QUISITION COST PARITY IN THE TRICARE**
11 **PHARMACY BENEFITS PROGRAM.**

12 (a) AUTHORITY TO ESTABLISH PILOT PROGRAM.—
13 The Secretary of Defense may conduct a pilot program
14 to evaluate whether, in carrying out the TRICARE phar-
15 macy benefits program under section 1074g of title 10,
16 United States Code, extending additional discounts for
17 prescription drugs filled at retail pharmacies will maintain
18 or reduce prescription drug costs for the Department of
19 Defense.

20 (b) ELEMENTS OF PILOT PROGRAM.—In carrying
21 out the pilot program under subsection (a), the Secretary
22 shall require that for prescription medications, including
23 but not limited to non-generic maintenance medications,
24 that are dispensed to retired TRICARE beneficiaries that
25 are not Medicare eligible, through any TRICARE partici-

1 pating retail pharmacy, including small business phar-
2 macies, manufacturers shall pay rebates such that those
3 medications are available to the Department at the lowest
4 rate available. In addition to utilizing the authority under
5 section 1074g(f) of title 10, United States Code, the Sec-
6 retary shall have the authority to enter into a purchase
7 blanket agreement with prescription drug manufactures
8 for supplemental discounts for prescription drugs dis-
9 pensed in the pilot to be paid in the form of manufactures
10 rebates.

11 (c) CONSULTATION.—The Secretary shall develop the
12 pilot program in consultation with—

13 (1) the Secretaries of the military departments,
14 including Army, Navy and Air Force;

15 (2) the Chief, Pharmacy Operations Division, of
16 the Defense Health Agency; and

17 (3) stakeholders, including TRICARE bene-
18 ficiaries and retail pharmacies.

19 (d) DURATION OF PILOT PROGRAM.—If the Sec-
20 retary carries out the pilot program under subsection (a),
21 the Secretary shall commence such pilot program no later
22 than October 1, 2017, and may terminate such program
23 no later than September 30, 2018.

24 (e) REPORTS.—If the Secretary carries out the pilot
25 program under subsection (a), the Secretary of Defense

1 shall submit to the congressional defense committees, in-
2 cluding the House and Senate Committees on Armed
3 Services, reports on the pilot program as follows:

4 (1) Not later than 90 days after the date of the
5 enactment of this Act, a report containing an imple-
6 mentation plan for the pilot program.

7 (2) Not later than 180 days after the date on
8 which the pilot program commences, an interim re-
9 port on the pilot program.

10 (3) Not later than 90 days after the date on
11 which the pilot program terminates, a final report
12 describing the results of the pilot program, including
13 any recommendations of the Secretary to expand
14 such program. The final report will include—

15 (A) an analysis of the changes in prescrip-
16 tion drug costs for the Department related to
17 the pilot program;

18 (B) an analysis of the impact on bene-
19 ficiary access to prescription drugs;

20 (C) a survey of beneficiary satisfaction
21 with the pilot program;

22 (D) a summary of any fraud and abuse ac-
23 tivities related to the pilot and actions taken in
24 response by the Department; and

1 (E) a comparison of immunization rates
2 for beneficiaries participating in the pilot and
3 those outside of the pilot.

4 **SEC. 746. STUDY ON DISPLAY OF WAIT TIMES AT URGENT**
5 **CARE CLINICS, PHARMACIES, AND EMER-**
6 **GENCY ROOMS OF MILITARY MEDICAL**
7 **TREATMENT FACILITIES.**

8 (a) STUDY.—

9 (1) IN GENERAL.—The Secretary of Defense
10 shall conduct a study on the feasibility of placing in
11 a conspicuous location at each urgent care clinic of
12 a military medical treatment facility, pharmacy of
13 such a facility, and emergency room of such a facil-
14 ity an electronic sign that displays the current aver-
15 age wait time for a patient to be seen by a qualified
16 medical professional or to receive a filled prescrip-
17 tion, as the case may be.

18 (2) DETERMINATION OF CERTAIN WAIT
19 TIMES.—For purposes of conducting the study under
20 paragraph (1) with respect to urgent care clinics and
21 emergency rooms, the average wait time that would
22 be displayed shall be—

23 (A) determined by calculating, for the
24 four-hour period preceding the calculation, the
25 average length of time beginning at the time of

1 the arrival of a patient and ending at the time
2 at which the patient is first seen by a doctor of
3 medicine, a doctor of osteopathy, a physician
4 assistant, or an advanced registered nurse prac-
5 titioner; and

6 (B) updated every 30 minutes.

7 (b) REPORT.—Not later than March 1, 2017, the
8 Secretary shall submit to the Committees on Armed Serv-
9 ices of the House of Representatives and the Senate a re-
10 port on the study conducted under subsection (a)(1), in-
11 cluding the estimated costs for displaying the wait times
12 as described in such subsection.

13 **SEC. 747. REPORT ON FEASIBILITY OF INCLUDING ACU-**
14 **PUNCTURE AND CHIROPRACTIC SERVICES**
15 **FOR RETIREES UNDER TRICARE PROGRAM.**

16 Not later than November 1, 2016, the Secretary of
17 Defense shall submit to the congressional defense commit-
18 tees a report on the feasibility of furnishing acupuncture
19 services and chiropractic services under the TRICARE
20 program to beneficiaries who are retired members of the
21 uniformed services (not including any dependent of such
22 a retired member).

1 **SEC. 748. CLARIFICATION OF SUBMISSION OF REPORTS ON**
2 **LONGITUDINAL STUDY ON TRAUMATIC**
3 **BRAIN INJURY.**

4 Section 1080 of the National Defense Authorization
5 Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat.
6 1000; 10 U.S.C. 111 note) shall not apply to reports sub-
7 mitted by the Secretary of Defense to Congress under sec-
8 tion 721 of the John Warner National Defense Authoriza-
9 tion Act for Fiscal Year 2007 (Public Law 109–364; 120
10 Stat. 2294).

11 **SEC. 749. INCREASED COLLABORATION WITH NIH TO COM-**
12 **BAT TRIPLE NEGATIVE BREAST CANCER.**

13 The Office of Health of the Department of Defense
14 shall work in collaboration with the National Institutes of
15 Health to—

16 (1) identify specific genetic and molecular tar-
17 gets and biomarkers for triple negative breast can-
18 cer; and

19 (2) provide information useful in biomarker se-
20 lection, drug discovery, and clinical trials design that
21 will enable both—

22 (A) triple negative breast cancer patients
23 to be identified earlier in the progression of
24 their disease; and

25 (B) the development of multiple targeted
26 therapies for the disease.

1 **SEC. 750. DEPARTMENT OF DEFENSE STUDIES ON PRE-**
2 **VENTING THE DIVERSION OF OPIOID MEDI-**
3 **CATIONS.**

4 (a) **STUDIES.**—With respect to programs of the De-
5 partment of Defense that dispense drugs to patients, the
6 Secretary of Defense (referred to in this section as the
7 “Secretary”) shall study the feasibility, the effectiveness
8 in preventing the diversion of opioid medications, and the
9 cost-effectiveness of—

10 (1) requiring that such programs, in appro-
11 priate cases, dispense opioid medications in vials
12 using affordable technologies designed to prevent ac-
13 cess to the medications by anyone other than the in-
14 tended patient, such as a vial with a locking-cap clo-
15 sure mechanism; and

16 (2) the Secretary providing education on the
17 risks of opioid medications to individuals for whom
18 such medications are prescribed, and to their fami-
19 lies, with special consideration given to raising
20 awareness among adolescents on such risks.

21 (b) **FEEDBACK.**—In conducting the studies under
22 subsection (a), the Secretary shall seek feedback (on a
23 confidential basis when appropriate) from the individuals
24 and entities involved in the studies.

25 (c) **REPORT TO CONGRESS.**—Not later than one year
26 after the date of the enactment of this Act, the Secretary

1 shall submit to the Congress a report on the results of
2 the studies conducted under subsection (a).

3 **TITLE VIII—ACQUISITION POL-**
4 **ICY, ACQUISITION MANAGE-**
5 **MENT, AND RELATED MAT-**
6 **TERS**

7 **Subtitle A—Amendments to Gen-**
8 **eral Contracting Authorities,**
9 **Procedures, and Limitations**

10 **SEC. 801. REVISION TO AUTHORITIES RELATING TO DE-**
11 **PARTMENT OF DEFENSE TEST RESOURCE**
12 **MANAGEMENT CENTER.**

13 Section 196 of title 10, United States Code, is
14 amended—

15 (1) in subsection (c)(1)(B), by striking “of the
16 Major Range and Test Facility Base, including with
17 respect to the expansion, divestment, consolidation,
18 or curtailment of activities,” and inserting the fol-
19 lowing: “that comprise the Major Range and Test
20 Facility Base and other facilities and resources used
21 to support the acquisition programs of the Depart-
22 ment of Defense”;

23 (2) in subsection (d)(2)(E)—

24 (A) by striking “plans and business case
25 analyses supporting any significant modification

1 of” and inserting “implementation plans and
2 analyses supporting any significant change to”;
3 and

4 (B) by striking “including with respect to
5 the expansion, divestment, consolidation, or cur-
6 tailment of activities”;

7 (3) in subsection (f)—

8 (A) in the subsection heading, by striking
9 “MODIFICATIONS” and inserting “CHANGES”;

10 (B) in paragraph (1)—

11 (i) in the matter preceding subpara-
12 graph (A), by striking “modification of the
13 test” and all that follows through “activi-
14 ties,” and inserting “change of the test
15 and evaluation facilities and resources that
16 comprise the Major Range and Test Facil-
17 ity Base and other facilities and resources
18 used to support the acquisition programs
19 of the Department of Defense”;

20 (ii) in subparagraph (A), by striking
21 “a business case analysis for such modi-
22 fication” and inserting “an implementation
23 plan and analysis, including an analysis of
24 cost considerations, that supports such a
25 change”; and

1 (iii) in subparagraph (B), by striking
2 “analysis and approves such modification”
3 and inserts “plan and analysis and ap-
4 proves such change”; and

5 (C) in paragraph (2), by striking “business
6 case” and inserting “implementation plan and”;
7 and

8 (4) in subsection (i)—

9 (A) by striking “In this section, the term”
10 and inserting “In this section:

11 “(1) The term”; and

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

14 “(2) The term ‘significant change’ means—

15 “(A) any action that will limit or preclude
16 a test and evaluation capability from fully per-
17 forming its intended purpose;

18 “(B) any action that affects the ability of
19 the Department of Defense to conduct test and
20 evaluation in a timely or cost-effective manner;
21 or

22 “(C) any expansion or addition that devel-
23 ops a new significant test capability.”.

1 **SEC. 802. AMENDMENTS TO RESTRICTIONS ON**
2 **UNDEFINITIZED CONTRACTUAL ACTIONS.**

3 (a) **ALLOWABLE PROFIT.**—Section 2326(e) of title
4 10, United States Code, is amended—

5 (1) by redesignating paragraphs (1) and (2) as
6 subparagraphs (A) and (B);

7 (2) by inserting “(1)” before “The head”; and

8 (3) by adding at the end the following new
9 paragraph:

10 “(2) If a contractor submits a qualifying proposal to
11 definitize an undefinitized contractual action and the con-
12 tracting officer for such action definitized the contract
13 after the end of the 180-day period beginning on the date
14 on which the contractor submitted the qualifying proposal,
15 the head of the agency concerned shall ensure that the
16 profit allowed on the contract accurately reflects the cost
17 risk of the contractor as it existed on the date the con-
18 tractor submitted the qualifying proposal.”.

19 (b) **FOREIGN MILITARY SALES.**—Section 2326 of
20 such title is further amended—

21 (1) by redesignating subsections (f) and (g) as
22 subsections (g) and (h), respectively;

23 (2) by inserting after subsection (e) the fol-
24 lowing new subsection (f):

25 “(f) **FOREIGN MILITARY SALES.**—A contracting offi-
26 cer of the Department of Defense may not enter into an

1 undefinitized contractual action for a foreign military sale
2 unless the contractual action provides for agreement upon
3 contractual terms, specifications, and price by the end of
4 the 180-day period beginning on the date on which the
5 contractor submits a qualifying proposal to definitize such
6 terms, specifications, and price. This subsection may be
7 waived in the same manner as subsection (b) may be
8 waived under subsection (b)(4).”.

9 (c) DEFINITIONS.—Subsection (h) of such section, as
10 redesignated by subsection (b), is amended—

11 (1) in paragraph (1)—

12 (A) by striking subparagraph (A); and

13 (B) by redesignating subparagraphs (B),
14 (C), and (D) as subparagraphs (A), (B), and
15 (C), respectively; and

16 (2) in paragraph (2), by striking “complete and
17 meaningful audits” and all that follows through the
18 period and inserting “a meaningful audit of the in-
19 formation contained in the proposal.”.

20 **SEC. 803. REVISION TO REQUIREMENTS RELATING TO IN-**
21 **VENTORY METHOD FOR DEPARTMENT OF DE-**
22 **FENSE CONTRACTS FOR SERVICES.**

23 (a) REVISION TO CURRENT REQUIREMENTS.—Sec-
24 tion 2330a of title 10, United States Code, is amended—

25 (1) by striking subsections (c), (d), (f), and (g);

1 (2) by redesignating subsections (e), (h), (i),
2 and (j) as subsections (d), (e), (f), and (g), respec-
3 tively; and

4 (3) by inserting after subsection (b) the fol-
5 lowing new subsection (c):

6 “(c) INVENTORY.—(1) The Secretary of Defense
7 shall implement a method for inventory of Department of
8 Defense contracts for services. The method implemented
9 under this subsection shall provide the capability to—

10 “(A) make appropriate comparisons of con-
11 tractor and Government civilian full-time equivalent
12 employees for the purpose of informing sourcing de-
13 cisions and workforce planning in compliance with
14 section 129a of this title;

15 “(B) distinguish between different types of
16 services contracts, including contracts for labor or
17 staff augmentation and other types of services con-
18 tracts;

19 “(C) provide qualitative information such as the
20 nature of the work performed, the place where the
21 work is actually performed (on-site or off-site), and
22 the entity for which the work is performed; and

23 “(D) identify the number of contractor employ-
24 ees, expressed as full-time equivalents for direct

1 labor, using direct labor hours and associated cost
2 data collected from contractors.

3 “(2) The Secretary shall ensure that the method im-
4 plemented under this subsection is auditable at minimal
5 cost.”.

6 (b) IMPLEMENTATION OF INVENTORY METHOD.—
7 Not later than 90 days after the date of the enactment
8 of this Act, the Secretary of Defense shall implement a
9 method for inventory of Department of Defense contracts
10 for services, as required by subsection (c) of section
11 2330a, as amended by subsection (a). In implementing the
12 method, the Secretary shall use methods and systems, in-
13 cluding time-and-attendance systems, or combinations of
14 methods and systems, in existence as of the date of the
15 enactment of this Act, as determined appropriate by the
16 Secretary.

17 (c) SUBMISSION TO CONGRESS.—Not later than the
18 end of the third quarter of each fiscal year, through fiscal
19 year 2021, the Secretary of Defense shall submit to Con-
20 gress a summary of the inventory reporting activities per-
21 formed by each military department, each combatant com-
22 mand, and each Defense Agency, during the preceding fis-
23 cal year pursuant to contracts for services (and pursuant
24 to contracts for goods to the extent services are a signifi-
25 cant component of performance as identified in a separate

1 line item of a contract) for or on behalf of the Department
2 of Defense.

3 (d) CONFORMING AMENDMENTS.—

4 (1) Section 2330a of title 10, United States
5 Code, is further amended—

6 (A) in subsection (d), as redesignated by
7 subsection (a)(2) of this section, by striking
8 “Within 90 days after the date on which an in-
9 ventory is submitted under subsection (c),” and
10 inserting “Not later than the end of each fiscal
11 year,”; and

12 (B) in subsection (e), as so redesignated—

13 (i) by striking “2014 and ending with
14 2016” and inserting “2017 and ending
15 with 2018”; and

16 (ii) by striking “subsections (e) and
17 (f)” and inserting “subsection (e)”.

18 (2) Section 235(b) of such title is amended—

19 (A) by striking “and separately” and all
20 the follows through “amount requested” and in-
21 serting “and separately identify the amount re-
22 quested and the number of full-time contractor
23 employees (or the equivalent of full-time in the
24 case of part-time contractor employees)”;

1 (B) by striking “; and” and inserting a pe-
2 riod; and

3 (C) by striking paragraph (2).

4 **SEC. 804. PROCUREMENT OF PERSONAL PROTECTIVE**
5 **EQUIPMENT.**

6 Section 884 of the National Defense Authorization
7 Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat.
8 948; 10 U.S.C. 2302 note) is amended—

9 (1) by inserting “(a) REQUIREMENT.—” before
10 “The Secretary of Defense”;

11 (2) by striking “that is predominately” and all
12 that follows through “price” and inserting “de-
13 scribed in subsection (b)”;

14 (3) by adding at the end the following new sub-
15 section:

16 “(b) SOURCE SELECTION CRITERIA DESCRIBED.—
17 For purposes of subsection (a), the source selection cri-
18 teria described in this subsection are criteria—

19 “(1) that are predominately based on technical
20 qualifications of the item and not predominately
21 based on price;

22 “(2) that do not use reverse auction or lowest
23 price technically acceptable contracting methods; and

24 “(3) that reflect a preference for best value
25 source selection methods.”.

1 **SEC. 805. REVISION TO EFFECTIVE DATE OF SENIOR EXEC-**
2 **UTIVE BENCHMARK COMPENSATION FOR AL-**
3 **LOWABLE COST LIMITATIONS.**

4 (a) REPEAL OF RETROACTIVE APPLICABILITY.—Sec-
5 tion 803(c) of the National Defense Authorization Act for
6 Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1485;
7 10 U.S.C. 2324 note) is amended by striking “amend-
8 ments made by” and all that follows and inserting
9 “amendments made by this section shall apply with re-
10 spect to costs of compensation incurred after January 1,
11 2012, under contracts entered into on or after December
12 31, 2011.”.

13 (b) APPLICABILITY.—The amendment made by sub-
14 section (a) shall take effect as of December 31, 2011, and
15 shall apply as if included in the National Defense Author-
16 ization Act for Fiscal Year 2012 as enacted.

17 **SEC. 806. AMENDMENTS RELATED TO DETECTION AND**
18 **AVOIDANCE OF COUNTERFEIT ELECTRONIC**
19 **PARTS.**

20 Section 818 of the National Defense Authorization
21 Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C.
22 2302 note) is amended—

23 (1) in paragraph (3) of subsection (c)—

24 (A) by striking the heading and inserting
25 “SUPPLIERS MEETING ANTICOUNTERFEITING
26 REQUIREMENTS.—”;

1 (B) in subparagraph (A)(i), by striking
2 “trusted suppliers in accordance with regula-
3 tions issued pursuant to subparagraph (C) or
4 (D) who” and inserting “suppliers that meet
5 anticounterfeiting requirements in accordance
6 with regulations issued pursuant to subpara-
7 graph (C) or (D) and that”;

8 (C) in subparagraphs (A)(ii) and (A)(iii),
9 by striking “trusted suppliers” each place it ap-
10 pears and inserting “suppliers that meet
11 anticounterfeiting requirements”;

12 (D) in subparagraph (C), by striking “as
13 trusted suppliers those” and inserting “sup-
14 pliers”;

15 (E) in subparagraph (D) in the matter
16 preceding clause (i), by striking “trusted sup-
17 pliers” and inserting “suppliers that meet
18 anticounterfeiting requirements”; and

19 (F) in subparagraphs (D)(i) and (D)(iii),
20 by striking “trusted” each place it appears; and

21 (2) in subsection (e)(2)(A)(v), by striking “use
22 of trusted suppliers” and inserting “the use of sup-
23 pliers that meet applicable anticounterfeiting re-
24 quirements”.

1 **SEC. 807. AMENDMENTS TO SPECIAL EMERGENCY PRO-**
2 **CUREMENT AUTHORITY.**

3 Section 1903(a) of title 41, United States Code, is
4 amended—

5 (1) by striking “or” at the end of paragraph
6 (1);

7 (2) by striking the period at the end of para-
8 graph (2) and inserting a semicolon; and

9 (3) by adding after paragraph (2) the following
10 new paragraphs:

11 “(3) in support of a request from the Secretary
12 of State or the Administrator of the United States
13 Agency for International Development to facilitate
14 the provision of international disaster assistance
15 pursuant to chapter 9 of part I of the Foreign As-
16 sistance Act of 1961 (22 U.S.C. 2292 et seq.); or

17 “(4) in support of an emergency or major dis-
18 aster (as those terms are defined in section 102 of
19 the Robert T. Stafford Disaster Relief and Emer-
20 gency Assistance Act (42 U.S.C. 5122)).”.

1 **SEC. 808. 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 comply with
17 the requirements of section 2533a of title 10, without re-
18 gard to the applicability of any simplified acquisition
19 threshold under chapter 137 of title 10 (or any other pro-
20 vision of law).

21 “(3) This subsection does not prohibit the provision
22 of a cash allowance to a member described in paragraph
23 (1) for the purchase of athletic footwear if such foot-
24 wear—

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

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

3 **SEC. 809. REQUIREMENT FOR POLICIES AND STANDARD**
4 **CHECKLIST IN PROCUREMENT OF SERVICES.**

5 (a) **REQUIREMENT.**—Section 2330a of title 10,
6 United States Code, as amended by section 803, is further
7 amended by adding by adding at the end the following new
8 subsection:

9 “(h) **REQUEST FOR SERVICES CONTRACT AP-**
10 **PROVAL.**—(1) The Under Secretary of Defense for Per-
11 sonnel and Readiness shall—

12 “(A) ensure that Department of Defense In-
13 struction 1100.22, Guidance for Manpower Mix, is
14 modified to incorporate policies establishing a stand-
15 ard checklist to be completed ensuring the appro-
16 priate alignment of workload to the private sector
17 prior to the issuance of a solicitation for any new
18 contract for services or exercising an option under
19 an existing contract for services, including services
20 provided under a contract for goods; and

21 “(B) in coordination with the Under Secretary
22 of Defense for Acquisition, Technology, and Logis-
23 tics, ensure that such policies and checklist are in-
24 corporated by reference or otherwise into the Service
25 Requirements Review Board processes established

1 under Department of Defense Instruction 5000.74
2 and into the pre-solicitation requirements of the De-
3 fense Federal Acquisition Regulation Supplement.

4 “(2) Such checklist shall, at minimum, consolidate
5 and address workforce management and sourcing consid-
6 erations established under sections 129, 129a, 2461, and
7 2463 of this title as well as Office of Federal Procurement
8 Policy Letter 11–01.”.

9 (b) ARMY MODEL.—In implementing section
10 2330a(g) of title 10, United States Code, as added by sub-
11 section (a), the Under Secretary of Defense for Personnel
12 and Readiness shall model, to the maximum extent prac-
13 ticable, its policies and checklist on the policies and check-
14 list relating to services contract approval established and
15 in use by the Department of the Army (as set forth in
16 the request for services contract approval form updated
17 as of August 2012, or any successor form).

18 (c) DEADLINE.—The policies required under such
19 section 2230a(g) of such title, as so added, shall be issued
20 within one year after the date of the enactment of this
21 Act.

1 **SEC. 809A. EXTENSION OF LIMITATION ON AGGREGATE AN-**
2 **NUAL AMOUNT AVAILABLE FOR CONTRACT**
3 **SERVICES.**

4 Section 808 of the National Defense Authorization
5 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
6 1489), as most recently amended by section 813 of the
7 National Defense Authorization Act for Fiscal Year 2015
8 (Public Law 113–291; 128 Stat. 3429) is further amend-
9 ed—

10 (1) in subsections (a) and (b), by striking “or
11 2015” and inserting “2015, 2016, or 2017”;

12 (2) in subsection (c)(3), by striking “and 2015”
13 and inserting “2015, 2016, and 2017”;

14 (3) in subsection (d)(4), by striking “or 2015”
15 and inserting “2015, 2016, or 2017”; and

16 (4) in subsection (e), by striking “2015” and
17 inserting “2017”.

18 **SEC. 809B. EXTENSION OF AUTHORITY FOR ENHANCED**
19 **TRANSFER OF TECHNOLOGY DEVELOPED AT**
20 **DEPARTMENT OF DEFENSE LABORATORIES.**

21 Section 801(e) of the National Defense Authorization
22 Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat.
23 804; 10 U.S.C. 2514 note) is amended by striking “2017”
24 and inserting “2021”.

1 **Subtitle B—Provisions Relating to**
2 **Major Defense Acquisition Pro-**
3 **grams**

4 **SEC. 811. CHANGE IN DATE OF SUBMISSION TO CONGRESS**
5 **OF SELECTED ACQUISITION REPORTS.**

6 Section 2432(f) of title 10, United States Code, is
7 amended by striking “45” the first place it occurs and
8 inserting “10”.

9 **SEC. 812. AMENDMENTS RELATING TO INDEPENDENT COST**
10 **ESTIMATION AND COST ANALYSIS.**

11 (a) AMENDMENTS.—Section 2334 of title 10, United
12 States Code, is amended—

13 (1) in subsection (a)(3), by striking “selection
14 of confidence levels” both places it appears and in-
15 serting “discussion of risk”;

16 (2) in subsection (a)(6)—

17 (A) by inserting “or approve” after “con-
18 duct”;

19 (B) by striking “major defense acquisition
20 programs” and all that follows through “Au-
21 thority—” and inserting “all major defense ac-
22 quisition programs, major automated informa-
23 tion system programs, and major subpro-
24 grams—”; and

1 (C) in subparagraph (B), by striking “or
2 upon the request” and all that follows through
3 the semicolon at the end and inserting “, upon
4 the request of the Under Secretary of Defense
5 for Acquisition, Technology, and Logistics, or
6 upon the request of the milestone decision au-
7 thority;”

8 (3) by redesignating subsections (b), (c), (d),
9 (e), and (f) as subsections (c), (d), (e), (f), and (h),
10 respectively;

11 (4) by inserting after subsection (a) the fol-
12 lowing new subsection (b):

13 “(b) INDEPENDENT COST ESTIMATE REQUIRED BE-
14 FORE APPROVAL.—(1) A milestone decision authority may
15 not approve the system development and demonstration,
16 or production and deployment, of a major defense acquisi-
17 tion program, major automated information system pro-
18 gram, or major subprogram unless an independent cost
19 estimate of the full life-cycle cost of the program or sub-
20 program has been conducted or approved by the Director
21 of Cost Assessment and Program Evaluation and consid-
22 ered by the milestone decision authority.

23 “(2) The regulations governing the content and sub-
24 mission of independent cost estimates required by sub-
25 section (a) shall require that the independent cost estimate

1 of the full life-cycle cost of a program or subprogram in-
2 clude—

3 “(A) all costs of development, procurement,
4 military construction, operations and support, and
5 trained manpower to operate, maintain, and support
6 the program or subprogram upon full operational de-
7 ployment, without regard to funding source or man-
8 agement control; and

9 “(B) an analysis to support decision making
10 that identifies and evaluates alternative courses of
11 action that may reduce cost, reduce risk, and result
12 in more affordable programs.”;

13 (5) in subsection (d), as so redesignated, in
14 paragraph (3), by striking “confidence level” and in-
15 sserting “discussion of risk”;

16 (6) in subsection (e), as so redesignated—

17 (A) by amending the subsection heading to
18 read as follows: “DISCUSSION OF RISK IN COST
19 ESTIMATES.—”;

20 (B) by amending paragraph (1) to read as
21 follows:

22 “(1) issue guidance requiring a discussion of
23 risk, the potential impacts of risk on program costs,
24 and approaches to mitigate risk in cost estimates for
25 major defense acquisition programs, major auto-

1 mated information system programs, and major sub-
2 programs;”;

3 (C) in paragraph (2)—

4 (i) by striking “such confidence level
5 provides” and inserting “cost estimates
6 provide”; and

7 (ii) by inserting “or subprogram”
8 after “the program”; and

9 (D) in paragraph (3), by striking “dislo-
10 sure required by paragraph (1)” and inserting
11 “information required in the guidance under
12 paragraph (1)”; and

13 (7) by inserting after subsection (f), as so re-
14 designated, the following new subsection:

15 “(g) GUIDELINES AND COLLECTION OF COST
16 DATA.—(1) The Director of Cost Assessment and Pro-
17 gram Evaluation shall, in consultation with the Under
18 Secretary of Defense for Acquisition, Technology, and Lo-
19 gistics, develop policies, procedures, guidance, and a col-
20 lection method to ensure that acquisition cost data are col-
21 lected in a standardized format that facilitates cost esti-
22 mation and comparison across acquisition programs.

23 “(2) The program manager and contracting officer
24 for each major defense acquisition program, major auto-
25 mated information system program, and major subpro-

1 gram, in consultation with the cost estimating component
2 of the relevant military department or Defense Agency,
3 shall ensure that cost data are collected in accordance with
4 the requirements of paragraph (1) for any acquisition pro-
5 gram in an amount greater than \$100,000,000.

6 “(3) The requirement under paragraph (1) may be
7 waived only by the Director of Cost Assessment and Pro-
8 gram Evaluation.”.

9 (b) CONFORMING AMENDMENTS TO ADD SUBPRO-
10 GRAMS.—Section 2334 of such title is further amended—

11 (1) in subsection (a)(2), by inserting “or major
12 subprogram” before “under chapter 144”;

13 (2) in paragraphs (3), (4), and (5) of sub-
14 section (a) and in subsection (c)(1) (as redesignated
15 by subsection (a) of this section), by striking “major
16 defense acquisition programs and major automated
17 information system programs” and inserting “major
18 defense acquisition programs, major automated in-
19 formation system programs, and major subpro-
20 grams” each place it appears;

21 (3) in paragraphs (1) and (2) of subsection (d)
22 (as so redesignated), and in subsection (f)(4) (as so
23 redesignated), by striking “major defense acquisition
24 program or major automated information system
25 program” and inserting “major defense acquisition

1 program, major automated information system pro-
2 gram, or major subprogram” each place it appears;

3 (4) in subsection (d)(4) (as so redesignated), by
4 inserting before the period “or major subprogram”;

5 (5) in subsection (e)(3)(B) (as so redesignated),
6 by inserting “or major subprogram” after “major
7 defense acquisition program”; and

8 (6) in subsection (f)(3) (as so redesignated), by
9 striking “major defense acquisition program and
10 major automated information system program” and
11 inserting “major defense acquisition program, major
12 automated information system program, and major
13 subprogram”.

14 (c) REPEAL.—Chapter 144 of such title is amend-
15 ed—

16 (1) by striking section 2434; and

17 (2) in the table of sections at the beginning of
18 such chapter, by striking the item relating to such
19 section.

20 **SEC. 813. REVISIONS TO MILESTONE B DETERMINATIONS.**

21 Section 2366b(a)(3) of title 10, United States Code,
22 is amended—

23 (1) in subparagraph (B), by striking “acqui-
24 sition cost in” and all that follows through the semi-
25 colon, and inserting “life-cycle cost;”; and

1 (2) in subparagraph (D), by striking “funding
2 is” and all that follows through “made,” and insert-
3 ing “funding is expected to be available to execute
4 the product development and production plan for the
5 program,”.

6 **SEC. 814. REVIEW AND REPORT ON SUSTAINMENT PLAN-**
7 **NING IN THE ACQUISITION PROCESS.**

8 (a) **REQUIREMENT FOR REVIEW.**—The Secretary of
9 Defense shall conduct a review of the extent to which
10 sustainment matters are considered in decisions related to
11 the requirements, acquisition, cost estimating, and pro-
12 gramming and budgeting processes for major defense ac-
13 quisition programs. The review shall include the following:

14 (1) A determination of whether information re-
15 lated to the operation and sustainment of major de-
16 fense acquisition programs, including cost data, is
17 available to inform decisions made during those
18 processes.

19 (2) If such information exists, an evaluation of
20 the completeness, timeliness, quality, and suitability
21 of the information for aiding in decisions made dur-
22 ing those processes.

23 (3) A determination of whether information re-
24 lated to the operation and sustainment of existing
25 major weapon systems is used to forecast the oper-

1 ation and sustainment needs of major weapon sys-
2 tems proposed for or under development.

3 (4) A description of the potential benefits from
4 improved completeness, timeliness, quality, and suit-
5 ability of data on operation and support costs and
6 increased consideration of such data.

7 (5) Recommendations for improving access to
8 and consideration of operation and support cost
9 data.

10 (6) An assessment of product support strategies
11 for major weapon systems required by section 2337
12 of title 10, United States Code, or other similar life-
13 cycle sustainment strategies, including an evaluation
14 of—

15 (A) the stage at which such strategies are
16 developed during the life of a major weapon
17 system;

18 (B) the content and completeness of such
19 strategies;

20 (C) the extent to which such strategies in-
21 fluence the planning for major defense acquisi-
22 tion programs; and

23 (D) the extent to which such strategies in-
24 fluence decisions related to the life-cycle man-

1 agement and product support of major weapon
2 systems.

3 (7) An assessment of how effectively the mili-
4 tary departments consider sustainment matters at
5 key decision points for acquisition and life-cycle
6 management in accordance with the requirements of
7 sections 2431a, 2366a, 2366b, and 2337 of title 10,
8 United States Code and section 832 of the National
9 Defense Authorization Act for Fiscal Year 2012
10 (Public Law 112–81; 10 U.S.C. 2430 note).

11 (8) Recommendations for improving the consid-
12 eration of sustainment during the requirements, ac-
13 quisition, cost estimating, programming and budg-
14 eting processes.

15 (b) CONTRACT WITH INDEPENDENT ENTITY.—Not
16 later than 30 days after the date of the enactment of this
17 Act, the Secretary shall enter into a contract with an inde-
18 pendent entity with appropriate expertise to conduct the
19 review required by subsection (a). The contract also shall
20 require the entity to provide to the Secretary a report on
21 the findings of the entity.

22 (c) BRIEFING.—Not later than March 1, 2017, the
23 Secretary shall provide a briefing to the Committees on
24 Armed Services of the Senate and House of Representa-
25 tives on the preliminary findings of the independent entity.

1 (d) SUBMISSION TO CONGRESS.—Not later than Au-
2 gust 1, 2017, the Secretary shall submit to the congres-
3 sional defense committees a copy of the report of the inde-
4 pendent entity, along with comments on the report, pro-
5 posed revisions or clarifications to laws related to life-cycle
6 management or sustainment planning for major weapon
7 systems, and a description of any actions the Secretary
8 may take to revise or clarify regulations related to life-
9 cycle management or sustainment planning for major
10 weapon systems.

11 **SEC. 815. REVISION TO DISTRIBUTION OF ANNUAL REPORT**
12 **ON OPERATIONAL TEST AND EVALUATION.**

13 Section 139(h) of title 10, United States Code, is
14 amended—

15 (1) in paragraph (2)—

16 (A) by inserting “the Secretaries of the
17 military departments,” after “Logistics,”; and

18 (B) by striking “10 days” and all that fol-
19 lows through “title 31” and inserting “January
20 31 of each year, through January 31, 2021”;
21 and

22 (2) in paragraph (5), by inserting after “Sec-
23 retary” the following: “of Defense and the Secre-
24 taries of the military departments”.

1 **Subtitle C—Provisions Relating to**
2 **Commercial Items**

3 **SEC. 821. REVISION TO DEFINITION OF COMMERCIAL ITEM.**

4 (a) IN GENERAL.—Section 103(8) of title 41, United
5 States Code, is amended by striking “to multiple State
6 and local governments” and inserting “to State, local, or
7 foreign governments”.

8 (b) EFFECT ON SECTION 2464.—Nothing in this sec-
9 tion or the amendment made by this section shall affect
10 the meaning of the term “commercial item” under section
11 (a)(5) of section 2464 of title 10, United States Code, or
12 any requirement under subsection (a)(3) or subsection (c)
13 of such section.

14 **SEC. 822. MARKET RESEARCH FOR DETERMINATION OF**
15 **PRICE REASONABLENESS IN ACQUISITION OF**
16 **COMMERCIAL ITEMS.**

17 Section 2377 of title 10, United States Code, is
18 amended—

19 (1) by redesignating subsection (d) as sub-
20 section (e), and in that subsection by striking “sub-
21 section (c)” and inserting “subsections (c) and (d)”;
22 and

23 (2) by inserting after subsection (c) the fol-
24 lowing new subsection (d):

1 “(d) MARKET RESEARCH FOR PRICE ANALYSIS.—
2 The Secretary of Defense shall ensure that procurement
3 officials in the Department of Defense conduct or obtain
4 market research to support the determination of the rea-
5 sonableness of price for commercial items contained in any
6 bid or offer submitted in response to an agency solicita-
7 tion. To the extent necessary to support such market re-
8 search, the procurement official for the solicitation—

9 “(1) in the case of items acquired under section
10 2379 of this title, shall use information submitted
11 under subsection (d) of that section; and

12 “(2) in the case of other items, may require the
13 offeror to submit relevant information.”.

14 **SEC. 823. VALUE ANALYSIS FOR THE DETERMINATION OF**
15 **PRICE REASONABLENESS.**

16 Subsection 2379(d) of title 10, United States Code,
17 is amended—

18 (1) by redesignating paragraph (2) as para-
19 graph (3); and

20 (2) by inserting after paragraph (1) the fol-
21 lowing new paragraph (2):

22 “(2) An offeror may submit information or analysis
23 relating to the value of a commercial item to aid in the
24 determination of the reasonableness of the price of such
25 item. A contracting officer may consider such information

1 or analysis in addition to the information submitted pur-
2 suant to paragraphs (1)(A) and (1)(B).”.

3 **SEC. 824. CLARIFICATION OF REQUIREMENTS RELATING**
4 **TO COMMERCIAL ITEM DETERMINATIONS.**

5 Paragraphs (1) and (2) of section 2380 of title 10,
6 United States Code, are amended to read as follows:

7 “(1) establish and maintain a centralized capa-
8 bility with necessary expertise and resources to pro-
9 vide assistance to the military departments and De-
10 fense Agencies in making commercial item deter-
11 minations, conducting market research, and per-
12 forming analysis of price reasonableness for the pur-
13 poses of procurements by the Department of De-
14 fense; and

15 “(2) provide to officials of the Department of
16 Defense access to previous Department of Defense
17 commercial item determinations, market research,
18 and analysis used to determine the reasonableness of
19 price for the purposes of procurements by the De-
20 partment of Defense.”.

1 **SEC. 825. PILOT PROGRAM FOR AUTHORITY TO ACQUIRE**
2 **INNOVATIVE COMMERCIAL ITEMS USING**
3 **GENERAL SOLICITATION COMPETITIVE PRO-**
4 **CEDURES.**

5 (a) **AUTHORITY.**—The Secretary of Defense may
6 carry out a pilot program, to be known as a “commercial
7 solutions opening pilot program”, under which innovative
8 commercial items may be acquired through a competitive
9 selection of proposals resulting from a general solicitation
10 and the peer review of such proposals.

11 (b) **TREATMENT AS COMPETITIVE PROCEDURES.**—
12 Use of general solicitation competitive procedures for the
13 pilot program under subsection (a) shall be considered to
14 be use of competitive procedures for purposes of chapter
15 137 of title 10, United States Code.

16 (c) **LIMITATIONS ON FUNDING.**—

17 (1) **LIMITATION ON INDIVIDUAL CONTRACT**
18 **AMOUNT.**—The Secretary may not enter into a con-
19 tract under the pilot program for an amount in ex-
20 cess of \$10,000,000.

21 (2) **ANNUAL LIMITATION.**—The total amount
22 that may be obligated or expended under the pilot
23 program for a fiscal year may not exceed
24 \$75,000,000.

25 (d) **LIMITATION RELATING TO MAJOR DEFENSE AC-**
26 **QUISITION PROGRAM SYSTEMS.**—The Secretary may not

1 acquire innovative commercial items under the pilot pro-
2 gram to replace a system under a major defense acquisi-
3 tion program in its entirety.

4 (e) GUIDANCE.—The Secretary shall issue guidance
5 for the implementation of the pilot program under this
6 section within the Department of Defense. Such guidance
7 shall be issued in consultation with the Office of Manage-
8 ment and Budget and shall be posted for access by the
9 public.

10 (f) REPORTS REQUIRED.—

11 (1) IN GENERAL.—Not later than six months
12 after the initiation of the pilot program, and every
13 six months thereafter, the Secretary shall submit to
14 the Committees on Armed Services of the Senate
15 and House of Representatives a report on the activi-
16 ties the Department of Defense carried out under
17 the pilot program.

18 (2) ELEMENTS OF REPORT.—The report under
19 this subsection shall include the following:

20 (A) An assessment of the impact of the
21 pilot program on competition.

22 (B) An assessment of the ability under the
23 pilot program to attract proposals from non-
24 traditional defense contractors (as defined in

1 section 2302(9) of title 10, United States
2 Code).

3 (C) A comparison of acquisition timelines
4 for—

5 (i) procurements made using the pilot
6 program; and

7 (ii) procurements made using other
8 competitive procedures that do not use
9 general solicitations.

10 (D) A recommendation on whether the au-
11 thority for the pilot program should be made
12 permanent.

13 (3) TERMINATION OF REPORT REQUIRE-
14 MENT.—The requirement to submit a report under
15 this subsection shall terminate on the date occurring
16 five years after the date of the enactment of this
17 Act.

18 (g) DEFINITION.—In this section, the term “innova-
19 tive” means—

20 (1) any new technology, process, or method,
21 able to be used to improve or replace existing infor-
22 mation system applications, programs, or networks,
23 or used to improve research and development of in-
24 formation technology advancements; or

1 (2) any new application of an existing tech-
2 nology, process, or method.

3 (h) **TERMINATION.**—The authority to enter into a
4 contract under a pilot program under this section termi-
5 nates on the date occurring five years after the date of
6 the enactment of this Act.

7 **Subtitle D—Other Matters**

8 **SEC. 831. REVIEW AND REPORT ON THE BID PROTEST** 9 **PROCESS.**

10 (a) **REVIEW.**—The Secretary of Defense shall con-
11 duct a review of the bid protest processes related to major
12 defense acquisition programs. The review shall examine
13 the extent to which—

14 (1) the incidence and duration of bid protests
15 have increased or decreased during the previous dec-
16 ade;

17 (2) bid protests have delayed procurement of
18 items or services;

19 (3) there are differences in the incidence and
20 outcomes of bid protests filed by incumbent and
21 non-incumbent contractors;

22 (4) protests filed by incumbent contractors re-
23 sult in extension of the period of performance of a
24 contract, and whether there are benefits (monetary

1 or non-monetary) to incumbent contractors under
2 such circumstances; and

3 (5) there are alternative actions or authorities
4 that could give the Government more flexibility in
5 managing contracts if a bid protest is filed.

6 (b) CONTRACT WITH INDEPENDENT ENTITY.—Not
7 later than 30 days after the date of the enactment of this
8 Act, the Secretary of Defense shall enter into a contract
9 with an independent entity with appropriate expertise to
10 conduct the review required in subsection (a).

11 (c) BRIEFING.—Not later than March 1, 2017, the
12 Secretary, or his designee, shall brief the Committees on
13 Armed Services of the Senate and House of Representa-
14 tives on interim findings of the independent entity.

15 (d) REPORT.—Not later than July 1, 2017, the Sec-
16 retary shall submit to the congressional defense commit-
17 tees a report on the findings of the independent entity,
18 along with a description of any actions that the Secretary
19 proposes to address the findings of the independent entity.

20 **SEC. 832. REVIEW AND REPORT ON INDEFINITE DELIVERY**
21 **CONTRACTS.**

22 (a) REPORT.—The Comptroller General of the
23 United States shall deliver, not later than March 31,
24 2018, a report to Congress on the use by the Department

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 using indefinite delivery contracts, including re-
7 quirements for competition.

8 (2) The number and value of all indefinite de-
9 livery contracts entered into by the Department of
10 Defense.

11 (3) An assessment of the number and value of
12 indefinite delivery contracts entered into by the De-
13 partment of Defense that included competition be-
14 tween multiple vendors.

15 (4) Selected case studies of indefinite delivery
16 contracts, including an assessment of whether any
17 such contracts may have limited future opportunities
18 for competition for the services or items required.

19 (5) Recommendations for potential changes to
20 current law or Department of Defense acquisition
21 regulations to promote competition with respect to
22 indefinite delivery contracts.

1 **SEC. 833. REVIEW AND REPORT ON CONTRACTUAL FLOW-**
2 **DOWN PROVISIONS.**

3 (a) REVIEW REQUIRED.—The Secretary of Defense
4 shall conduct a review of contractual flow-down provisions
5 related to major defense acquisition programs. The review
6 shall—

7 (1) identify the flow-down provisions that exist
8 in the Federal Acquisition Regulation and the De-
9 fense Federal Acquisition Regulation Supplement;

10 (2) identify the flow-down provisions that are
11 critical for national security;

12 (3) examine the extent to which clauses in con-
13 tracts with the Department of Defense are being ap-
14 plied inappropriately in subcontracts under the con-
15 tracts;

16 (4) assess the applicability of flow-down provi-
17 sions for the purchase of commodity items that are
18 acquired in bulk for multiple acquisition programs;

19 (5) determine the unnecessary costs or burdens,
20 if any, of flow-down provisions on the supply chain;
21 and

22 (6) determine the effect, if any, of flow-down
23 provisions on the participation rate of small busi-
24 nesses and non-traditional defense contractors in de-
25 fense procurements.

1 (b) CONTRACT.—Not later than 30 days after the
2 date of the enactment of this Act, the Secretary of Defense
3 shall enter into a contract with an independent entity with
4 appropriate expertise to conduct the review required by
5 subsection (a).

6 (c) BRIEFING.—Not later than March 1, 2017, the
7 Secretary, or his designee, shall brief the Committees on
8 Armed Services of the Senate and the House of Represent-
9 atives on interim findings of the independent entity as well
10 as initial recommendations of the entity on how to modify
11 or eliminate contractual flow-down requirements that the
12 entity considers burdensome or unnecessary.

13 (d) REPORT.—Not later than August 1, 2017, the
14 Secretary shall submit to the congressional defense com-
15 mittees a report on the findings of the independent entity,
16 along with a description of any actions that the Secretary
17 proposes to address the findings of the independent entity.

18 **SEC. 834. REVIEW OF ANTI-COMPETITIVE SPECIFICATIONS**
19 **IN INFORMATION TECHNOLOGY ACQUISSI-**
20 **TIONS.**

21 (a) REVIEW REQUIRED.—Not later than 180 days
22 after the date of the enactment of this Act, the Under
23 Secretary of Defense for Acquisition, Technology, and Lo-
24 gistics shall conduct a review of the policy, guidance, regu-
25 lations, and training related to specifications included in

1 information technology acquisitions to ensure current poli-
2 cies eliminate the unjustified use of potentially anti-com-
3 petitive specifications. In conducting the review, the Under
4 Secretary shall examine the use of brand names or propri-
5 etary specifications or standards in solicitations for pro-
6 curements of goods and services, as well as the current
7 acquisition training curriculum related to those areas.

8 (b) BRIEFING REQUIRED.—Not later than 270 days
9 after the date of the enactment of this Act, the Under
10 Secretary shall provide a briefing to the Committees on
11 Armed Services of the Senate and House of Representa-
12 tives on the results of the review required by subsection
13 (a).

14 (c) ADDITIONAL GUIDANCE.—Not later than one
15 year after the date of the enactment of this Act, the Under
16 Secretary shall revise policies, guidance, and training to
17 incorporate such recommendations as the Under Secretary
18 considers appropriate from the review required by sub-
19 section (a).

20 **SEC. 835. COAST GUARD MAJOR ACQUISITION PROGRAMS.**

21 (a) FUNCTIONS OF CHIEF ACQUISITION OFFICER.—
22 Section 56(c) of title 14, United States Code, is amended
23 by striking “and” after the semicolon at the end of para-
24 graph (8), striking the period at the end of paragraph (9)
25 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) through
10 (g) as subsections (b) through (f), respectively;

11 (C) in section 563, by striking “Not later
12 than 180 days after the date of enactment of
13 the Coast Guard Authorization Act of 2010, the
14 Commandant shall commence implementation
15 of” and inserting “The Commandant shall
16 maintain”;

17 (D) by adding at the end of section 564
18 the following:

19 “(c) ACQUISITION OF UNMANNED AERIAL SYS-
20 TEMS.—

21 “(1) IN GENERAL.—The Commandant—

22 “(A) may not award a contract for design
23 of an unmanned aerial system for use by the
24 Coast Guard; and

1 “(B) may acquire an unmanned aerial sys-
2 tem only—

3 “(i) if such a system has been ac-
4 quired or has been used by the Depart-
5 ment of Defense or the Department of
6 Homeland Security, or a component there-
7 of, before the date on which the Com-
8 mandant acquires the system; and

9 “(ii) through an agreement with such
10 department or component, unless the un-
11 manned aerial system can be obtained at
12 less cost through independent contract ac-
13 tion.

14 “(2) LIMITATION ON APPLICATION.—The limi-
15 tations of paragraph (1)(B) shall not apply to any
16 small unmanned aerial system that consists of—

17 “(A) an unmanned aircraft weighing less
18 than 55 pounds on takeoff, including all compo-
19 nents and equipment on board or otherwise at-
20 tached to the aircraft; and

21 “(B) associated elements (including com-
22 munication links and the components that con-
23 trol such aircraft) that are required for the safe
24 and efficient operation of such aircraft.”;

1 (E) in subchapter II, by adding at the end
2 the following:

3 **“§ 578. Role of Vice Commandant in major acquisi-**
4 **tion programs**

5 “The Vice Commandant—

6 “(1) shall represent the customer of a major ac-
7 quisition program with regard to trade-offs made
8 among cost, schedule, technical feasibility, and per-
9 formance with respect to such program; and

10 “(2) shall advise the Commandant in decisions
11 regarding the balancing of resources against prior-
12 ities, and associated trade-offs referred to in para-
13 graph (1), on behalf of the customer of a major ac-
14 quisition program.

15 **“§ 579. Extension of major acquisition program con-**
16 **tracts**

17 “(a) IN GENERAL.—Notwithstanding section
18 564(a)(2) of this title and section 2304 of title 10, and
19 subject to subsections (b) and (c) of this section, the Sec-
20 retary may acquire additional units procured under a
21 Coast Guard major acquisition program contract, by ex-
22 tension of such contract without competition, if the Comp-
23 troller General of the United States determines that the
24 costs that would be saved through award of a new contract

1 in accordance with such sections would not exceed the
2 costs of such an award.

3 “(b) LIMITATION ON NUMBER OF ADDITIONAL
4 UNITS.—The number of additional units acquired under
5 a contract extension under this section may not exceed the
6 number of additional units for which such determination
7 is made.

8 “(c) DETERMINATION OF COSTS UPON REQUEST.—
9 The Comptroller General shall, at the request of the Sec-
10 retary, determine for purposes of this section—

11 “(1) the costs that would be saved through
12 award of a new major acquisition program contract
13 in accordance with section 564(a)(2) for the acquisi-
14 tion of a number of additional units specified by the
15 Secretary; and

16 “(2) the costs of such award, including the
17 costs that would be incurred due to acquisition
18 schedule delays and asset design changes associated
19 with such award.

20 “(d) NUMBER OF EXTENSIONS.—A contract may be
21 extended under this section more than once.”; and

22 (F) in section 581—

23 (i) by redesignating paragraphs (7)
24 through (10) as paragraphs (9) through
25 (12), respectively, and by redesignating

1 paragraphs (3) through (6) as paragraphs
2 (4) through (7), respectively;

3 (ii) by inserting after paragraph (2)
4 the following:

5 “(3) CUSTOMER OF A MAJOR ACQUISITION PRO-
6 GRAM.—The term ‘customer of a major acquisition
7 program’ means the operating field unit of the Coast
8 Guard that will field the system or systems acquired
9 under a major acquisition program.”; and

10 (iii) by inserting after paragraph (7),
11 as so redesignated, the following:

12 “(8) MAJOR ACQUISITION PROGRAM.—The term
13 ‘major acquisition program’ means an ongoing ac-
14 quisition undertaken by the Coast Guard with a life-
15 cycle cost estimate greater than or equal to
16 \$300,000,000.”.

17 (2) CONFORMING AMENDMENT.—Section 569a
18 of such title is amended by striking subsection (e).

19 (3) CLERICAL AMENDMENT.—The analysis at
20 the beginning of such chapter is amended by adding
21 at the end of the items relating to subchapter II the
22 following:

“578. Role of Vice Commandant in major acquisition programs.

“579. Extension of major acquisition program contracts.”.

23 (c) REVIEW REQUIRED.—

1 (1) REQUIREMENT.—The Commandant of the
2 Coast Guard shall conduct a review of—

3 (A) the authorities provided to the Com-
4 mandant in chapter 15 of title 14, United
5 States Code, and other relevant statutes and
6 regulations related to Coast Guard acquisitions,
7 including developing recommendations to ensure
8 that the Commandant plays an appropriate role
9 in the development of requirements, acquisition
10 processes, and the associated budget practices;

11 (B) implementation of the strategy pre-
12 pared in accordance with section 562(b)(2) of
13 title 14, United States Code, as in effect before
14 the enactment of the National Defense Author-
15 ization Act for Fiscal Year 2017; and

16 (C) acquisition policies, directives, and reg-
17 ulations of the Coast Guard to ensure such poli-
18 cies, directives, and regulations establish a cus-
19 tomer-oriented acquisition system.

20 (2) REPORT.—Not later than March 1, 2017,
21 the Commandant shall submit to the Committee on
22 Transportation and Infrastructure of the House of
23 Representatives and the Committee on Commerce,
24 Science, and Transportation of the Senate a report
25 containing, at a minimum, the following:

1 (A) The recommendations developed by the
2 Commandant under paragraph (1) and other
3 results of the review conducted under such
4 paragraph.

5 (B) The actions the Commandant is tak-
6 ing, if any, within the Commandant's existing
7 authority to implement such recommendations.

8 (3) MODIFICATION OF POLICIES, DIRECTIVES,
9 AND REGULATIONS.—Not later than one year after
10 the date of the enactment of this Act, the Com-
11 mandant of the Coast Guard shall modify the acqui-
12 sition policies, directives, and regulations of the
13 Coast Guard as necessary to ensure the development
14 and implementation of a customer-oriented acquisi-
15 tion system, pursuant to the review under paragraph
16 (1)(C).

17 (d) ANALYSIS OF USING MULTIYEAR CON-
18 TRACTING.—

19 (1) IN GENERAL.—No later than one year after
20 the date of the enactment of this Act, the Secretary
21 of the department in which the Coast Guard is oper-
22 ating shall submit to the Committee on Transpor-
23 tation and Infrastructure of the House of Represent-
24 atives and the Committee on Commerce, Science,
25 and Transportation of the Senate an analysis of the

1 use of multiyear contracting, including procurement
2 authority provided under section 2306b of title 10,
3 United States Code, and authority similar to that
4 granted to the Navy under section 121(b) of the Na-
5 tional Defense Authorization Act for Fiscal Year
6 1998 (Public Law 105–85; 111 Stat. 1648) and sec-
7 tion 150 of the Continuing Appropriations Act, 2011
8 (Public Law 111–242; 124 Stat. 3519), to acquire
9 any combination of at least five—

10 (A) Fast Response Cutters, beginning with
11 hull 43; and

12 (B) Offshore Patrol Cutters, beginning
13 with hull 5.

14 (2) CONTENTS.—The analysis under paragraph
15 (1) shall include the costs and benefits of using
16 multiyear contracting, the impact of multiyear con-
17 tracting on delivery timelines, and whether the ac-
18 quisitions examined would meet the tests for the use
19 of multiyear procurement authorities.

20 **SEC. 836. WAIVER OF CONGRESSIONAL NOTIFICATION FOR**
21 **ACQUISITION OF TACTICAL MISSILES AND**
22 **MUNITIONS GREATER THAN QUANTITY SPEC-**
23 **IFIED IN LAW.**

24 Section 2308(c) of title 10, United States Code, is
25 amended—

1 (1) by inserting “(1)” before “The head”;

2 (2) by inserting “, except as provided in para-
3 graph (2),” after “but”; and

4 (3) by adding at the end the following new
5 paragraph:

6 “(2) A notification is not required under paragraph
7 (1) if the end item being acquired in a higher quantity
8 is an end item under a tactical missile program or a muni-
9 tion program.”.

10 **SEC. 837. CLOSEOUT OF OLD DEPARTMENT OF THE NAVY**

11 **CONTRACTS.**

12 (a) **AUTHORITY.**—Notwithstanding any other provi-
13 sion of law, the Secretary of the Navy may close out the
14 contracts described in subsection (b) through the issuance
15 of one or more modifications to such contracts without
16 completing further reconciliation audits or corrective ac-
17 tions other than those described in this section. To accom-
18 plish closeout of such contracts—

19 (1) remaining contract balances may be offset
20 with balances in other contract line items within a
21 contract regardless of the year or type of appropria-
22 tion obligated to fund each contract line item and
23 regardless of whether the appropriations for such
24 contract line items have closed; and

1 (2) remaining contract balances may be offset
2 with balances on other contracts regardless of the
3 year or type of appropriation obligated to fund each
4 contract and regardless of whether the appropria-
5 tions for such contract line item have closed.

6 (b) CONTRACTS COVERED.—The contracts covered
7 by this section are a group of contracts that are with one
8 contractor and identified by the Secretary, each one of
9 which is a contract—

10 (1) to design, construct, repair, or support the
11 construction or repair of Navy submarines that—

12 (A) was entered into between fiscal years
13 1974 and 1998; and

14 (B) has no further supply or services
15 deliverables due under the terms and conditions
16 of the contract;

17 (2) with respect to which the Secretary of the
18 Navy has established the total final contract value;
19 and

20 (3) with respect to which the Secretary of the
21 Navy has determined that the final allowable cost
22 may have a negative or positive unliquidated obliga-
23 tion balance for which it would be difficult to deter-
24 mine the year or type of appropriation because—

1 (A) the records for the contract have been
2 destroyed or lost; or

3 (B) the records for the contract are avail-
4 able but the contracting officer, in collaboration
5 with the certifying official, has determined that
6 a discrepancy is of such a minimal value that
7 the time and effort required to determine the
8 cause of an out-of-balance condition is dis-
9 proportionate to the amount of the discrepancy.

10 (c) CLOSEOUT.—The contracts described in sub-
11 section (b) may be closed out—

12 (1) upon receipt of \$581,803 from the con-
13 tractor, to be deposited into the Treasury as mis-
14 cellaneous receipts; and

15 (2) without seeking further amounts from the
16 contractor, and without payment to the contractor of
17 any amounts that may be due under such contracts.

18 (d) ADJUSTMENT AND CLOSURE OF RECORDS.—
19 After closeout of any contract described in subsection (b)
20 using the authority of this section, the payment or ac-
21 counting offices concerned may adjust and close any open
22 finance and accounting records relating to the contract.

1 **SEC. 838. REQUIREMENT THAT CERTAIN SHIP COMPO-**
2 **NENTS BE MANUFACTURED IN THE NA-**
3 **TIONAL TECHNOLOGY AND INDUSTRIAL**
4 **BASE.**

5 (a) **ADDITIONAL PROCUREMENT LIMITATION.**—Sec-
6 tion 2534(a) of title 10, United States Code, is amended
7 by adding at the end the following new paragraph:

8 “(6) **COMPONENTS FOR AUXILIARY SHIPS.**—
9 Subject to subsection (k), the following components:

10 “(A) Auxiliary equipment, including
11 pumps, for all shipboard services.

12 “(B) Propulsion system components, in-
13 cluding engines, reduction gears, and propellers.

14 “(C) Shipboard cranes.

15 “(D) Spreaders for shipboard cranes.”.

16 (b) **IMPLEMENTATION.**—Such section is further
17 amended by adding at the end the following new sub-
18 section:

19 “(k) **IMPLEMENTATION OF AUXILIARY SHIP COMPO-**
20 **NENT LIMITATION.**—Subsection (a)(6) applies only with
21 respect to contracts awarded by the Secretary of a military
22 department for new construction of an auxiliary ship after
23 the date of the enactment of the National Defense Author-
24 ization Act for Fiscal Year 2017 using funds available for
25 National Defense Sealift Fund programs or Shipbuilding
26 and Conversion, Navy.”.

1 **SEC. 839. DEPARTMENT OF DEFENSE ACQUISITION WORK-**
2 **FORCE DEVELOPMENT FUND DETERMINA-**
3 **TION ADJUSTMENT.**

4 Subsection (d)(2)(D) of section 1705 of title 10,
5 United States Code, is amended by inserting after
6 “\$400,000,000” the following: “except that, in the case
7 of fiscal year 2017, the Secretary may reduce the amount
8 to \$0”.

9 **SEC. 840. AMENDMENT TO PROHIBITION ON PERFORM-**
10 **ANCE OF NON-DEFENSE AUDITS BY DEFENSE**
11 **CONTRACT AUDIT AGENCY TO EXEMPT AU-**
12 **DITS FOR NATIONAL NUCLEAR SECURITY AD-**
13 **MINISTRATION.**

14 Section 893(a) of the National Defense Authorization
15 Act for Fiscal Year 2016 (Public Law 114–92; Stat. 952)
16 is amended—

17 (1) in paragraph (1), by striking “Effective”
18 and inserting “Except as provided in paragraph (3),
19 effective”; and

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

22 “(3) EXCEPTION.—In this subsection, the term
23 ‘non-Defense Agencies’ does not include the National
24 Nuclear Security Administration.”.

1 **SEC. 841. SELECTION OF SERVICE PROVIDERS FOR AUDIT-**
2 **ING SERVICES AND AUDIT READINESS SERV-**
3 **ICES.**

4 The Department of Defense shall select service pro-
5 viders for auditing services and audit readiness services
6 based on the best value to the Department, as determined
7 by the resource sponsor for an auditing contract, rather
8 than based on the lowest price technically acceptable serv-
9 ice provider.

10 **SEC. 842. MODIFICATIONS TO THE JUSTIFICATION AND AP-**
11 **PROVAL PROCESS FOR CERTAIN SOLE-**
12 **SOURCE CONTRACTS FOR SMALL BUSINESS**
13 **CONCERNS.**

14 (a) REPEAL OF SIMPLIFIED JUSTIFICATION AND AP-
15 PROVAL PROCESS.—Section 811 of the National Defense
16 Authorization Act for Fiscal Year 2010 (Public Law 111–
17 84; 123 Stat. 2405; 41 U.S.C. 3304 note) is repealed.

18 (b) REQUIREMENTS FOR JUSTIFICATION AND AP-
19 PROVAL PROCESS.—

20 (1) DEFENSE PROCUREMENTS.—Section
21 2304(f)(2)(D)(ii) of title 10, United States Code, is
22 amended by inserting “only if such procurement is
23 for property or services in an amount less than
24 \$20,000,000” before the semicolon at the end.

1 (2) CIVILIAN PROCUREMENTS.—Section
2 3304(e)(4) of title 41, United States Code, is
3 amended—

4 (A) in subparagraph (C), by striking “or”
5 at the end;

6 (B) in subparagraph (D), by striking “or
7 section 8(a) of the Small Business Act (15
8 U.S.C. 637(a)).” and inserting “; or”; and

9 (C) by adding at the end the following new
10 subparagraph:

11 “(E) the procurement is for property or
12 services in an amount less than \$20,000,000
13 and is conducted under section 8(a) of the
14 Small Business Act (15 U.S.C. 637(a)).”.

15 **SEC. 843. BRIEFING ON DESIGN-BUILD CONSTRUCTION**
16 **PROCESS FOR DEFENSE CONTRACTS.**

17 Not later than February 1, 2017, the Secretary of
18 Defense shall provide to the Committee on Armed Services
19 of the House of Representatives a briefing on the use and
20 implementation of the two-phase design-build selection
21 procedures. The briefing shall address the following:

22 (1) How the Department of Defense continues
23 to implement the updates to the Federal Acquisition
24 Regulation that implemented the 2015 amendments
25 to section 2305a, title 10, United States Code.

1 (2) A list of instances in which the Department
2 awarded a design-build contract pursuant to section
3 2305a of title 10, United States Code, that had
4 more than five finalists for phase-two requests for
5 proposals during fiscal year 2016, and the list of de-
6 sign-build requests for proposals that used a one-
7 step process.

8 (3) Any feedback the Department has received
9 from industry.

10 (4) Any challenges to the implementation of the
11 statute.

12 (5) Any additional criteria identified by the
13 Secretary.

14 **SEC. 844. ASSESSMENT OF OUTREACH FOR SMALL BUSI-**
15 **NESS CONCERNS OWNED AND CONTROLLED**
16 **BY WOMEN AND MINORITIES REQUIRED BE-**
17 **FORE CONVERSION OF CERTAIN FUNCTIONS**
18 **TO CONTRACTOR PERFORMANCE.**

19 No Department of Defense function that is per-
20 formed by Department of Defense civilian employees and
21 is tied to a certain military base may be converted to per-
22 formance by a contractor until the Secretary of Defense
23 conducts an assessment to determine if the Department
24 of Defense has carried out sufficient outreach programs
25 to assist small business concerns owned and controlled by

1 **SEC. 847. PROMOTION OF VALUE-BASED DEFENSE PRO-**
2 **CUREMENT.**

3 (a) STATEMENT OF POLICY.—It shall be the policy
4 of the Department of Defense to avoid using lowest price
5 technically acceptable source selection criteria in inappro-
6 priate circumstances that potentially deny the Department
7 the benefits of cost and technical tradeoffs in the source
8 selection process.

9 (b) REQUIREMENT FOR SOLICITATIONS.—For new
10 solicitations issued on or after the date that is 120 days
11 after the date of the enactment of this Act, lowest price
12 technically acceptable source selection criteria shall be
13 used only in situations in which—

14 (1) the Department of Defense is able to com-
15 prehensively and clearly describe the minimum re-
16 quirements expressed in term of performance objec-
17 tives, measures, and standards that will be used to
18 determine acceptability of offers;

19 (2) the Department would realize no, or mini-
20 mal, value from a contract proposal exceeding the
21 minimum technical or performance requirements set
22 forth in the request for proposal;

23 (3) the proposed technical approaches will re-
24 quire no, or minimal, subjective judgment by the
25 source selection authority as to the desirability of
26 one offeror's proposal versus a competing proposal;

1 (4) a review of technical proposals of offerors
2 other than the lowest bidder would result in no, or
3 minimal, benefit to the Department; and

4 (5) the contracting officer has included a jus-
5 tification for the use of a lowest price technically ac-
6 ceptable evaluation methodology in the contract file,
7 if the contract to be awarded is predominately for
8 the acquisition of information technology services,
9 systems engineering and technical assistance serv-
10 ices, or other knowledge-based professional services.

11 (c) AVOIDANCE OF USE OF LOWEST PRICE TECH-
12 NICALLY ACCEPTABLE SOURCE SELECTION CRITERIA IN
13 PROCUREMENTS OF INFORMATION TECHNOLOGY AND
14 AUDITING.—To the maximum extent practicable, the use
15 of lowest price technically acceptable source selection cri-
16 teria shall be avoided when the procurement is predomi-
17 nately for the acquisition of information technology serv-
18 ices, systems engineering and technical assistance services,
19 audit or audit readiness services, or other knowledge-based
20 professional services.

21 (d) REPORTING.—Not later than 180 days after the
22 date of the enactment of this Act, and annually thereafter
23 for 3 years, the Secretary of Defense shall submit to the
24 congressional defense committees a report on the number
25 of instances in which lowest-price technically acceptable

1 source selection criteria is used, including an explanation
2 of how the criteria was considered when making a deter-
3 mination to use lowest price technically acceptable source
4 selection criteria.

5 **SEC. 848. STUDY AND REPORT ON CONTRACTS AWARDED**
6 **TO MINORITY-OWNED AND WOMEN-OWNED**
7 **BUSINESSES.**

8 (a) STUDY.—The Comptroller General of the United
9 States shall carry out a study on the number and types
10 of contracts for the procurement of goods or services for
11 the Department of Defense awarded to minority-owned
12 and women-owned businesses during fiscal years 2010
13 through 2015. In conducting the study, the Comptroller
14 General shall identify minority-owned businesses accord-
15 ing to the categories identified in the Federal procurement
16 data system (described in section 1122(a)(4)(A) of title
17 41, United States Code).

18 (b) REPORT.—Not later than 1 year after the date
19 of the enactment of this Act, the Comptroller General shall
20 submit to the congressional defense committees a report
21 on the results of the study under subsection (a).

1 **TITLE IX—DEPARTMENT OF DE-**
2 **FENSE ORGANIZATION AND**
3 **MANAGEMENT**

4 **Subtitle A—Goldwater-Nichols**
5 **Reform**

6 **SEC. 901. SENSE OF CONGRESS ON GOLDWATER-NICHOLS**
7 **REFORM.**

8 It is the sense of Congress that the following prin-
9 ciples should be adhered to in any reform of the Gold-
10 water-Nichols Department of Defense Reorganization Act
11 of 1986:

12 (1) Civilian control of the military and the civil-
13 ian chain of command must be preserved.

14 (2) The role of the Chairman of the Joint
15 Chiefs of Staff in providing independent military ad-
16 vice, as the principal military advisor to the Presi-
17 dent and the Secretary of Defense, must be pre-
18 served.

19 (3) Any changes to the Goldwater-Nichols Act
20 of 1986 should be rooted in a clear identification
21 and understanding of the issues and the objectives
22 and ramifications of any changes.

23 (4) Any changes to the Goldwater-Nichols Act
24 of 1986 should enhance the capabilities of the
25 United States Armed Forces.

1 (5) Each Geographical Unified Command has
2 its own distinct area of emphasis and expertise, as
3 well as requirements and responsibilities. Combining
4 Northern Command and Southern Command, or
5 combining European Command and Africa Com-
6 mand, would severely degrade mission effectiveness,
7 but would provide only marginal increased efficiency.
8 Additionally, consolidating Geographic Unified Com-
9 mands would cause unacceptable risk to both global
10 strategic influence as well as regional capability, and
11 would exacerbate already significant capacity chal-
12 lenges.

13 (6) The emphasis on strategy and planning in
14 the Goldwater-Nichols Act must be sustained.

15 (7) Complex security challenges will become in-
16 creasingly transregional, multi-domain, and multi-
17 functional.

18 (8) Therefore, the Department of Defense, in-
19 cluding streamlined headquarters staffs, must be
20 more agile and adaptive.

21 **SEC. 902. REPEAL OF DEFENSE STRATEGY REVIEW.**

22 (a) REPEAL.—Section 118 of title 10, United States
23 Code, is repealed.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 2 of such title is amended by
3 striking the item relating to section 118.

4 **SEC. 903. COMMISSION ON THE NATIONAL DEFENSE STRAT-**
5 **EGY FOR THE UNITED STATES.**

6 (a) ESTABLISHMENT.—There is hereby established a
7 commission to be known as the “Commission on the Na-
8 tional Defense Strategy for the United States”. The pur-
9 pose of the commission is to examine and make rec-
10 ommendations with respect to national defense strategy
11 for the United States.

12 (b) COMPOSITION.—

13 (1) MEMBERSHIP.—The commission shall be
14 composed of 12 members appointed as follows:

15 (A) Three members appointed by the chair
16 of the Committee on Armed Services of the
17 House of Representatives.

18 (B) Three members appointed by the rank-
19 ing minority member of the Committee on
20 Armed Services of the House of Representa-
21 tives.

22 (C) Three members appointed by the chair
23 of the Committee on Armed Services of the
24 Senate.

1 (D) Three members appointed by the rank-
2 ing minority member of the Committee on
3 Armed Services of the Senate.

4 (2) CHAIR; VICE CHAIR.—

5 (A) CHAIR.—The chair of the Committee
6 on Armed Services of the House of Representa-
7 tive and the chair of the Committee on Armed
8 Services of the Senate shall jointly designate
9 one member of the commission to serve as chair
10 of the commission.

11 (B) VICE CHAIR.—The ranking minority
12 member of the Committee on Armed Services of
13 the House of Representative and the ranking
14 minority member of the Committee on Armed
15 Services of the Senate shall jointly designate
16 one member of the commission to serve as vice
17 chair of the commission.

18 (3) PERIOD OF APPOINTMENT; VACANCIES.—
19 Members shall be appointed for the life of the com-
20 mission. Any vacancy in the commission shall be
21 filled in the same manner as the original appoint-
22 ment.

23 (c) DUTIES.—

24 (1) REVIEW.—The commission shall review the
25 current national defense strategy of the United

1 States, including the assumptions, missions, force
2 posture and capabilities, and strategic and military
3 risks associated with the strategy.

4 (2) ASSESSMENT AND RECOMMENDATIONS.—

5 The commission shall conduct a comprehensive as-
6 sessment of the strategic environment, the size and
7 shape of the force, the readiness of the force, the
8 posture and capabilities of the force, the allocation
9 of resources, and strategic and military risks to pro-
10 vide recommendations on national defense strategy
11 for the United States.

12 (d) COOPERATION FROM GOVERNMENT.—

13 (1) COOPERATION.—In carrying out its duties,
14 the commission shall receive the full and timely co-
15 operation of the Secretary of Defense in providing
16 the commission with analysis, briefings, and other
17 information necessary for the fulfillment of its re-
18 sponsibilities.

19 (2) LIAISON.—The Secretary of Defense shall
20 designate at least one officer or employee of the De-
21 partment of Defense to serve as a liaison officer be-
22 tween the Department and the commission.

23 (e) REPORT.—

24 (1) FINAL REPORT.—Not later than December
25 1, 2017, the commission shall submit to the Presi-

1 dent, the Secretary of Defense, the Committee on
2 Armed Services of the House of Representatives,
3 and the Committee on Armed Services of the Senate
4 a report on the commission's findings, conclusions,
5 and recommendations. The report shall address, but
6 not be limited to, each of the following:

7 (A) The strategic environment, including
8 security challenges, and the national security
9 interests of the United States.

10 (B) The military missions for which the
11 Department of Defense should prepare and the
12 force planning construct.

13 (C) The roles and missions of the Armed
14 Forces to carry out those missions and the roles
15 and capabilities provided by other United States
16 Government agencies and by allies and inter-
17 national partners.

18 (D) The force size and shape, posture and
19 capabilities, readiness, infrastructure, organiza-
20 tion, personnel, and other elements of the de-
21 fense program necessary to support the strat-
22 egy.

23 (E) The resources necessary to support the
24 strategy, including budget recommendations.

1 “(1) DEFENSE STRATEGIC GUIDANCE.—The
2 Secretary of Defense, with the advice and assistance
3 of the Chairman of the Joint Chiefs of Staff, shall
4 provide every four years to the heads of the military
5 departments, the unified and specified combatant
6 commands, all other Defense Agencies and Depart-
7 ment of Defense Field Activities, and any other ele-
8 ments of the Department of Defense named in para-
9 graphs (1) to (10) of section 111(b) of this title,
10 written strategic guidance expressing the national
11 defense strategy of the United States. The strategic
12 guidance shall—

13 “(A) support the most recent national se-
14 curity strategy report of the President under
15 section 108 of the National Security Act of
16 1947 (50 U.S.C. 3043);

17 “(B) be a mechanism for—

18 “(i) setting priorities for sizing and
19 shaping the force, guiding the development
20 and sustainment of capabilities, allocating
21 resources, and adjusting the organization
22 of the Department of Defense to respond
23 to changes in the strategic environment;

24 “(ii) monitoring, assessing, and hold-
25 ing accountable agencies within the De-

1 partment of Defense for the development
2 of policies and programs that support the
3 national defense strategy;

4 “(iii) integrating and supporting other
5 national and related interagency security
6 policies and strategies with other Depart-
7 ment of Defense guidance, plans, and ac-
8 tivities; and

9 “(iv) communicating such national de-
10 fense strategy to the American public,
11 Congress, relevant United States Govern-
12 ment agencies, and allies and international
13 partners;

14 “(C) provide a comprehensive discussion
15 of—

16 “(i) the assumed strategic environ-
17 ment, including security challenges, and
18 the assumed or defined prioritized national
19 security interests and objectives of the
20 United States;

21 “(ii) the prioritized military missions
22 for which the Department of Defense must
23 prepare and the assumed force planning
24 scenarios and constructs;

1 “(iii) the roles and missions of the
2 armed forces to carry out those missions,
3 and the assumed roles and capabilities pro-
4 vided by other United States Government
5 agencies and by allies and international
6 partners;

7 “(iv) the force size and shape, pos-
8 ture, capabilities, readiness, infrastructure,
9 organization, personnel, and other ele-
10 ments of the defense program necessary to
11 support the strategy;

12 “(v) the resources necessary to sup-
13 port the strategy, including an estimated
14 budget plan; and

15 “(vi) the strategic and military risks
16 associated with the strategy, including the
17 relationships and tradeoffs between mis-
18 sions, risks, and resources; and

19 “(D) include any additional or alternative
20 views of the Chairman of the Joint Chiefs of
21 Staff, including any military assessment of
22 risks associated with the defense strategy.

23 “(2) POLICY GUIDANCE ON DEVELOPMENT OF
24 FORCES.—In implementing the guidance in para-
25 graph (1), the Secretary of Defense, with the advice

1 and assistance of the Chairman of the Joint Chiefs
2 of Staff, shall provide annually to the heads of the
3 military departments, the unified and specified com-
4 batant commands, all other Defense Agencies and
5 Department of Defense Field Activities, and any
6 other elements of the Department of Defense named
7 in paragraphs (1) to (10) of section 111(b) of this
8 title, written policy guidance for the preparation and
9 review of the program recommendations and budget
10 proposals of their respective components to guide the
11 development of forces. Such guidance shall include—

12 “(A) the prioritized national security inter-
13 ests and objectives;

14 “(B) the prioritized military missions of
15 the Department of Defense, including the as-
16 sumed force planning scenarios and constructs;

17 “(C) the force size and shape, posture, ca-
18 pabilities, readiness, infrastructure, organiza-
19 tion, personnel, and other elements of the de-
20 fense program necessary to support the strat-
21 egy;

22 “(D) the resource levels projected to be
23 available for the period of time for which such
24 recommendations and proposals are to be effec-
25 tive; and

1 “(E) a discussion of any changes in the de-
2 fense strategy and assumptions underpinning
3 the strategy, as required by paragraph (1).

4 “(3) POLICY GUIDANCE ON CONTINGENCY
5 PLANNING.—In implementing the guidance in para-
6 graph (1), the Secretary of Defense, with the ap-
7 proval of the President and after consultation with
8 the Chairman of the Joint Chiefs of Staff, shall pro-
9 vide, every two years or more frequently as needed,
10 to the Chairman written policy guidance for the
11 preparation and review of contingency plans, includ-
12 ing plans for providing support to civil authorities in
13 an incident of national significance or a catastrophic
14 incident, for homeland defense, and for military sup-
15 port to civil authorities. Such guidance shall include
16 guidance on the employment of forces, including spe-
17 cific force levels and specific supporting resource lev-
18 els projected to be available for the period of time
19 for which such plans are to be effective.

20 “(4) SUBMISSION TO CONGRESS.—(A) Not later
21 than February 15th in any calendar year in which
22 any of the written guidance in paragraphs (1), (2),
23 and (3) is required, the Secretary of Defense shall
24 submit to the congressional defense committees a

1 copy of such guidance developed under such para-
2 graphs.

3 “(B) In addition, not later than February 15th
4 in any calendar year in which the written guidance
5 in paragraph (1) is required, the Secretary of De-
6 fense shall submit to the congressional defense com-
7 mittees a detailed summary of any classified aspects
8 of the strategic guidance, including assumptions re-
9 garding the strategic environment; military missions;
10 force planning scenarios and constructs; force size,
11 shape, posture, capabilities, and readiness; and any
12 additional or alternative views of the Chairman of
13 the Joint Chiefs of Staff.”.

14 **SEC. 905. REFORM OF THE NATIONAL MILITARY STRATEGY.**

15 Paragraph (1) of section 153(b) of title 10, United
16 States Code, is amended to read as follows:

17 “(1) NATIONAL MILITARY STRATEGY.—(A) The
18 Chairman shall determine each even-numbered year
19 whether to prepare a new National Military Strategy
20 in accordance with this subparagraph or to update
21 a strategy previously prepared in accordance with
22 this subsection. The Chairman shall provide such
23 National Military Strategy or update to the Sec-
24 retary of Defense in time for transmittal to Con-
25 gress pursuant to paragraph (3), including in time

1 for inclusion of the report of the Secretary of De-
2 fense, if any, under paragraph (4).

3 “(B) Each National Military Strategy (or up-
4 date) under this paragraph shall be based on a com-
5 prehensive review conducted by the Chairman in
6 conjunction with the other members of the Joint
7 Chiefs of Staff and the commanders of the unified
8 and specified combatant commands. Each update
9 shall address only those parts of the most recent Na-
10 tional Military Strategy for which the Chairman de-
11 termines, on the basis of this review, that a modi-
12 fication is needed.

13 “(C) Each National Military Strategy (or up-
14 date) submitted under this paragraph shall describe
15 how the military will support the objectives of the
16 United States as articulated in—

17 “(i) the most recent National Security
18 Strategy prescribed by the President pursuant
19 to section 108 of the National Security Act of
20 1947 (50 U.S.C. 3043);

21 “(ii) the most recent annual report of the
22 Secretary of Defense submitted to the President
23 and Congress pursuant to section 113 of this
24 title;

1 “(iii) the most recent defense strategic
2 guidance provided by the Secretary of Defense
3 pursuant to section 113 of this title; and

4 “(iv) any other national security or defense
5 strategic guidance issued by the President or
6 the Secretary of Defense.

7 “(D) At a minimum, each National Military
8 Strategy (or update) submitted under this para-
9 graph shall be a mechanism for—

10 “(i) developing military ends, ways, and
11 means to support the objectives referred to in
12 subparagraph (C);

13 “(ii) assessing strategic and military risks,
14 and developing risk mitigation options;

15 “(iii) establishing a strategic framework
16 for the development of operational and contin-
17 gency plans;

18 “(iv) prioritizing joint force capabilities,
19 capacities, and resources; and

20 “(v) establishing military guidance for the
21 development of the joint force.”.

1 **SEC. 906. MODIFICATION TO INDEPENDENT STUDY OF NA-**
2 **TIONAL SECURITY STRATEGY FORMULATION**
3 **PROCESS.**

4 Section 1064(b)(2) of the National Defense Author-
5 ization Act for Fiscal Year 2016 (Public Law 114–92; 129
6 Stat. 989) is amended—

7 (1) in subparagraph (D), by inserting “, includ-
8 ing Congress,” after “Federal Government”; and

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

11 “(E) The capabilities and limitations of
12 the Department of Defense workforce respon-
13 sible for conducting strategic planning, includ-
14 ing recommendations for improving the work-
15 force through training, education, and career
16 management.”.

17 **SEC. 907. TERM OF OFFICE FOR THE CHAIRMAN OF THE**
18 **JOINT CHIEFS OF STAFF.**

19 (a) AMENDMENTS.—Section 152(a) of title 10,
20 United States Code, is amended—

21 (1) in paragraph (1), by striking “a term of two
22 years” and all that follows through the end and in-
23 sserting the following: “a term of four years, begin-
24 ning on October 1 of a year that is three years fol-
25 lowing a year evenly divisible by four. The limitation

1 of this paragraph on the length of term does not
2 apply in time of war.”; and

3 (2) in paragraph (3), by striking “exceeds six
4 years” and all that follows through the end and in-
5 serting the following: “exceeds eight years. The limi-
6 tation of this paragraph does not apply in time of
7 war.”.

8 (b) DELAYED EFFECTIVE DATE.—The amendments
9 made by this section shall take effect on October 1, 2019.

10 **SEC. 908. RESPONSIBILITIES OF THE CHAIRMAN OF THE**

11 **JOINT CHIEFS OF STAFF RELATING TO OPER-**
12 **ATIONS.**

13 Section 153(a) of title 10, United States Code, is
14 amended—

15 (1) by redesignating paragraphs (4), (5), and
16 (6) as paragraphs (5), (6), and (7), respectively;

17 (2) by inserting after paragraph (3) the fol-
18 lowing new paragraph (4):

19 “(4) ADVICE ON OPERATIONS.—Advising—

20 “(A) the President and the Secretary of
21 Defense on ongoing military operations; and

22 “(B) the Secretary on the allocation and
23 transfer of forces among geographic and func-
24 tional combatant commands, as necessary, to

1 address transregional, multi-domain, and multi-
2 functional threats.”.

3 **SEC. 909. ASSIGNED FORCES WITHIN THE CONTINENTAL**
4 **UNITED STATES.**

5 Section 162(a) of title 10, United States Code, is
6 amended—

7 (1) in paragraph (2), by inserting after “of this
8 title” the following: “, other forces within the conti-
9 nental United States that are directed by the Sec-
10 retary of Defense to be assigned to a military de-
11 partment,”; and

12 (2) in paragraph (4), by inserting after “unified
13 combatant command” the following: “, other than
14 forces within the continental United States that are
15 directed by the Secretary to be assigned to a mili-
16 tary department,”.

17 **SEC. 910. REDUCTION IN GENERAL OFFICER AND FLAG OF-**
18 **FICER GRADES AND POSITIONS.**

19 (a) **GRADE OF SERVICE OR FUNCTIONAL COMPO-**
20 **NENT COMMANDER.**—Section 164(e) of title 10, United
21 States Code, is amended by adding after paragraph (4)
22 the following new paragraph:

23 “(5) The grade of an officer serving as a com-
24 mander of a service or functional component com-
25 mand under a commander of a combatant command

1 shall be no higher than lieutenant general or vice ad-
2 miral.”.

3 (b) DEFINITIONS.—Section 164 of such title is fur-
4 ther amended by adding at the end the following new sub-
5 section:

6 “(h) DEFINITIONS.—For purposes of this section—

7 “(1) a service component command is subordi-
8 nate to the commander of a unified command and
9 consists of the service component commander and
10 the service forces (such as individuals, units, detach-
11 ments, and organizations, including the support
12 forces), as assigned by the Secretary of Defense,
13 that have been assigned to that combatant com-
14 mander; and

15 “(2) a functional component command is a
16 command normally, but not necessarily, composed of
17 forces of two or more military departments which
18 may be established across the range of military oper-
19 ations to perform particular operational missions
20 that may be of short duration or may extend over
21 a period of time.”.

22 (c) REDUCTION IN POSITIONS.—

23 (1) REDUCTION.—The Secretary of Defense
24 shall reduce the total number of officers in the grade

1 of general or admiral on active duty by five posi-
2 tions.

3 (2) REPORT.—The Secretary of Defense shall
4 submit to the congressional defense committees a re-
5 port on how the Department of Defense plans to im-
6 plement the reductions required by paragraph (1),
7 including how to balance and reduce the total num-
8 ber of general officers and flag officers in accordance
9 with sections 525 and 526 of title 10, United States
10 Code.

11 (d) TREATMENT OF CURRENT COMMANDERS.—An
12 officer serving on the date of the enactment of this Act
13 as a commander of a service or functional component com-
14 mand under a commander of a combatant command shall
15 serve in that position until the appointment of another of-
16 ficer in accordance with the amendment made by sub-
17 section (a).

18 **SEC. 911. ESTABLISHMENT OF UNIFIED COMBATANT COM-**
19 **MAND FOR CYBER OPERATIONS.**

20 (a) ESTABLISHMENT OF CYBER COMMAND.—Chap-
21 ter 6 of title 10, United States Code, is amended by add-
22 ing at the end the following new section:

1 **“§ 169. Unified combatant command for cyber oper-**
2 **ations**

3 “(a) ESTABLISHMENT.—With the advice and assist-
4 ance of the Chairman of the Joint Chiefs of Staff, the
5 President, through the Secretary of Defense, shall estab-
6 lish under section 161 of this title a unified combatant
7 command for cyber operations forces (hereinafter in this
8 section referred to as the ‘cyber command’). The principal
9 function of the command is to prepare cyber operations
10 forces to carry out assigned missions.

11 “(b) ASSIGNMENT OF FORCES.—Unless otherwise di-
12 rected by the Secretary of Defense, all active and reserve
13 cyber operations forces of the armed forces stationed in
14 the United States shall be assigned to the cyber command.

15 “(c) GRADE OF COMMANDER.—The commander of
16 the cyber operations command shall hold the grade of gen-
17 eral or, in the case of an officer of the Navy, admiral while
18 serving in that position, without vacating his permanent
19 grade. The commander of such command shall be ap-
20 pointed to that grade by the President, by and with the
21 advice and consent of the Senate, for service in that posi-
22 tion.

23 “(d) COMMAND OF ACTIVITY OR MISSION.—(1) Un-
24 less otherwise directed by the President or the Secretary
25 of Defense, a cyber operations activity or mission shall be
26 conducted in coordination with the command of the com-

1 mander of the unified combatant command in whose geo-
2 graphic area the activity or mission is to be conducted.

3 “(2) The commander of the cyber command shall ex-
4 ercise command of a selected cyber operations mission if
5 directed to do so by the President or the Secretary of De-
6 fense.

7 “(e) AUTHORITY OF COMBATANT COMMANDER.—(1)
8 In addition to the authority prescribed in section 164(c)
9 of this title, the commander of the cyber command shall
10 be responsible for, and shall have the authority to conduct,
11 all affairs of such command relating to cyber operations
12 activities.

13 “(2) The commander of such command shall be re-
14 sponsible for, and shall have the authority to conduct, the
15 following functions relating to cyber operations activities
16 (whether or not relating to the cyber command):

17 “(A) Developing strategy, doctrine, and tactics.

18 “(B) 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 “(C) 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 to
2 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 “(D) Training assigned forces.

11 “(E) Conducting specialized courses of instruc-
12 tion for commissioned and noncommissioned officers.

13 “(F) Validating requirements.

14 “(G) Establishing priorities for requirements.

15 “(H) Ensuring the interoperability of equip-
16 ment and forces.

17 “(I) Formulating and submitting requirements
18 for intelligence support.

19 “(J) Monitoring the promotions, assignments,
20 retention, training, and professional military edu-
21 cation of cyber operations forces officers.

22 “(3) The commander of the cyber command shall be
23 responsible for—

24 “(A) ensuring the combat readiness of forces
25 assigned to the cyber command; and

1 “(B) monitoring the preparedness to carry out
2 assigned missions of cyber forces assigned to unified
3 combatant commands other than the cyber com-
4 mand.

5 “(C) The staff of the commander shall include
6 an inspector general who shall conduct internal au-
7 dits and inspections of purchasing and contracting
8 actions through the cyber operations command and
9 such other inspector general functions as may be as-
10 signed.

11 “(f) INTELLIGENCE AND SPECIAL ACTIVITIES.—This
12 section does not constitute authority to conduct any activ-
13 ity which, if carried out as an intelligence activity by the
14 Department of Defense, would require a notice to the Se-
15 lect Committee on Intelligence of the Senate and the Per-
16 manent Select Committee on Intelligence of the House of
17 Representatives under title V of the National Security Act
18 of 1947 (50 U.S.C. 3091 et seq.).”.

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

“169. Unified combatant command for cyber operations.”.

22 **SEC. 912. REVISION OF REQUIREMENTS RELATING TO**
23 **LENGTH OF JOINT DUTY ASSIGNMENTS.**

24 (a) MINIMUM LENGTH OF ASSIGNMENT.—Section
25 664(a) of title 10, United States Code, is amended by

1 striking “assignment—” and paragraphs (1) and (2) and
2 inserting “ assignment shall not be less than two years.”.

3 (b) REPEAL OF REQUIREMENTS RELATING TO INI-
4 TIAL ASSIGNMENT OF CERTAIN OFFICERS AND AVERAGE
5 TOUR LENGTHS.—Section 664 of title 10, United States
6 Code, is amended by striking subsections (c) and (e).

7 (c) EXCLUSIONS FROM TOUR LENGTH.—Section
8 664(d) of title 10, United States Code, is amended—

9 (1) in paragraph (1), by striking in subpara-
10 graph (D) and inserting the following new subpara-
11 graph:

12 “(D) a qualifying reassignment from a
13 joint duty assignment as prescribed by the Sec-
14 retary of Defense by regulation.”;

15 (2) by striking paragraph (2); and

16 (3) by redesignating paragraph (3) as para-
17 graph (2).

18 (d) FULL TOUR OF DUTY.—Section 664(f) of title
19 10, United States Code, is amended—

20 (1) in paragraph (1), by striking “prescribed
21 in” and inserting “prescribed under”;

22 (2) by striking paragraphs (2) and (4);

23 (3) by redesignating paragraphs (3) and (5) as
24 paragraphs (2) and (3), respectively; and

1 (4) by redesignating paragraph (6) as para-
2 graph (4), and in that paragraph, by striking “, but
3 not less than two years”.

4 (e) CONSTRUCTIVE CREDIT.—Section 664(h) of title
5 10, United States Code, is amended—

6 (1) by striking “(1) The Secretary of Defense
7 may accord” and inserting “The Secretary of De-
8 fense may award”; and

9 (2) by striking paragraph (2).

10 (f) CLERICAL AND CONFORMING AMENDMENTS.—
11 Section 664 of title 10, United States Code, is further
12 amended—

13 (1) by redesignating subsections (d), (f), (g),
14 and (h) as subsections (c), (d), (e), and (f), respec-
15 tively;

16 (2) in subsection (c), as redesignated, by strik-
17 ing “subsection (f)(3)” and inserting “subsection
18 (d)(2)”;

19 (3) in subsection (d), as redesignated, by strik-
20 ing “subsection (g)” and inserting “subsection (e)”;

21 (4) in subsection (e), as redesignated, by strik-
22 ing “ subsection (f)(3)” and inserting “ subsection
23 (d)(2)”;

1 (5) in subsection (f), as redesignated, by strik-
2 ing “paragraphs (1), (2), and (4) of subsection (f)”
3 and inserting “subsection (d)(1)”.

4 **SEC. 913. REVISION OF DEFINITIONS USED FOR JOINT OF-**
5 **FICER MANAGEMENT.**

6 (a) DEFINITION OF JOINT MATTERS.—Paragraph
7 (1) of section 668(a) of title 10, United States Code, is
8 amended to read as follows:

9 “(1) In this chapter, the term ‘joint matters’ means
10 matters related to any of the following:

11 “(A) The development or achievement of stra-
12 tegic objectives through the synchronization, coordi-
13 nation, and organization of integrated forces in oper-
14 ations conducted across domains, such as land, sea,
15 or air, in space, or in the information environment,
16 including matters relating to any of the following:

17 “(i) National military strategy.

18 “(ii) Strategic planning and contingency
19 planning.

20 “(iii) Command and control, intelligence,
21 fires, movement and maneuver, protection or
22 sustainment of operations under unified com-
23 mand.

24 “(iv) National security planning with other
25 departments and agencies of the United States.

1 “(v) Combined operations with military
2 forces of allied nations.

3 “(B) Acquisition matters conducted by mem-
4 bers of the armed forces and covered under chapter
5 87 of this title involved in developing, testing, con-
6 tracting, producing, or fielding of multi-service pro-
7 grams or systems.

8 “(C) Other matters designated in regulation by
9 the Secretary of Defense in consultation with the
10 Chairman of the Joint Chiefs of Staff.”.

11 (b) DEFINITION OF INTEGRATED FORCES.—Section
12 668(a)(2) of title 10, United States Code, is amended in
13 the matter preceding subparagraph (A)—

14 (1) by striking “integrated military forces” and
15 inserting “integrated forces”; and

16 (2) by striking “the planning or execution (or
17 both) of operations involving” and inserting “achiev-
18 ing unified action with”.

19 (c) DEFINITION OF JOINT DUTY ASSIGNMENT.—Sec-
20 tion 668(b)(1) of title 10, United States Code, is amended
21 by striking subparagraph (A) and inserting the following
22 new subparagraph:

23 “(A) shall be limited to assignments in which—

24 “(i) the preponderance of the duties of the
25 officer involve joint matters and

1 “(ii) the officer gains significant experience
2 in joint matters; and”.

3 (d) REPEAL OF DEFINITION OF CRITICAL OCCUPA-
4 TIONAL SPECIALITY.—Section 668 of title 10, United
5 States Code, is amended by striking subsection (d).

6 **SEC. 914. INDEPENDENT ASSESSMENT OF COMBATANT**
7 **COMMAND STRUCTURE.**

8 (a) ASSESSMENT REQUIRED.—Not later than 30
9 days after the date of the enactment of this Act, the Sec-
10 retary of Defense shall enter into a contract with an inde-
11 pendent entity with appropriate expertise to conduct an
12 assessment on combatant command structure, and to pro-
13 vide recommendations for improving the overall effective-
14 ness of combatant command structures.

15 (b) ELEMENTS.—The assessment shall include an ex-
16 amination of the following:

17 (1) The evolution of combatant command re-
18 quirements and resources over the last 15 years of
19 conflict.

20 (2) The organization, composition, and size of
21 combatant commands.

22 (3) The resources of combatant commands, in-
23 cluding the degree to which combatant commands
24 are adequately resourced and the degree to which

1 combatant command requirements for forces are
2 met.

3 (4) The benefits, drawbacks, and resource im-
4 plications of eliminating, consolidating, or altering
5 the structure of combatant commands.

6 (5) A comparison of combatant command struc-
7 tures with alternative structures, including Joint
8 Task Force or task-organized forces below the com-
9 batant command level.

10 (c) REPORT.—Not later than March 1, 2017, the
11 Secretary of Defense shall submit to the congressional de-
12 fense committees a report on the findings and rec-
13 ommendations of the independent entity.

14 **Subtitle B—Other Matters**

15 **SEC. 921. 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 submitted on or before January 31,
22 2021”;

23 (2) by amending subparagraph (B) to read as
24 follows:

1 “(B) The estimated composite return on invest-
2 ment achieved by implementing the strategy, and
3 documented in the assessments by the Department
4 of Defense of completed corrosion projects and ac-
5 tivities.”;

6 (3) by amending subparagraph (D) to read as
7 follows:

8 “(D) If the full amount of funding require-
9 ments is not requested in the budget, the reasons for
10 not including the full amount and a description of
11 the impact on readiness, logistics, and safety of not
12 fully funding required corrosion prevention and miti-
13 gation activities”; and

14 (4) in subparagraph (F), by striking “pilot”.

15 (b) REPORT TO DIRECTOR OF CORROSION POLICY
16 AND OVERSIGHT.—Section 2228(e)(2) of such title is
17 amended—

18 (1) by inserting “(A)” before “Each report”;

19 (2) by striking “a copy of” and all that follows
20 through the period and inserting “a summary of the
21 most recent report required by subparagraph (B)”;
22 and

23 (3) by adding at the end the following new sub-
24 paragraph:

1 “(B) Not later than December 31 of each year,
2 through December 31, 2020, the corrosion control and
3 prevention executive of a military department shall submit
4 to the Director of Corrosion Policy and Oversight a report
5 containing recommendations pertaining to the corrosion
6 control and prevention program of the military depart-
7 ment. Such report shall include recommendations for the
8 funding levels necessary for the executive to carry out the
9 duties of the executive under this section. The report re-
10 quired under this subparagraph shall—

11 “(i) provide a summary of key accomplish-
12 ments, goals, and objectives of the corrosion control
13 and prevention program of the military department;
14 and

15 “(ii) include the performance measures used to
16 ensure that the corrosion control and prevention pro-
17 gram achieved the goals and objectives described in
18 clause (i).”.

19 (c) CONFORMING REPEAL.—Section 903(b) of Public
20 Law 110–417 (10 U.S.C. 2228 note) is amended by strik-
21 ing paragraph (5).

1 **SEC. 922. AUTHORITY TO EMPLOY CIVILIAN FACULTY MEM-**
2 **BERS AT JOINT SPECIAL OPERATIONS UNI-**
3 **VERSITY.**

4 Section 1595(c) of title 10, United States Code, is
5 amended by adding at the end the following new para-
6 graph:

7 “(5) The Joint Special Operations University.”.

8 **SEC. 923. GUIDELINES FOR CONVERSION OF FUNCTIONS**
9 **PERFORMED BY CIVILIAN OR CONTRACTOR**
10 **PERSONNEL TO PERFORMANCE BY MILITARY**
11 **PERSONNEL.**

12 Section 129a of title 10, United States Code, is
13 amended by adding at the end the following new sub-
14 section:

15 “(g) GUIDELINES FOR PERFORMANCE OF CERTAIN
16 FUNCTIONS BY MILITARY PERSONNEL.—(1) Except as
17 provided in paragraph (2), no functions performed by ci-
18 vilian personnel or contractors may be converted to per-
19 formance by military personnel unless—

20 “(A) there is a direct link between the functions
21 to be performed and a military occupational spe-
22 cialty; and

23 “(B) the conversion to performance by military
24 personnel is cost effective, based on Department of
25 Defense instruction 7041.04 (or any successor ad-
26 ministrative regulation, directive, or policy).

1 “(2) Paragraph (1) shall not apply to the following
2 functions:

3 “(A) Functions required by law or regulation to
4 be performed by military personnel.

5 “(B) Functions related to—

6 “(i) missions involving operation risks and
7 combatant status under the Law of War;

8 “(ii) specialized collective and individual
9 training requiring military-unique knowledge
10 and skills based on recent operational experi-
11 ence;

12 “(iii) independent advice to senior civilian
13 leadership in the Department of Defense requir-
14 ing military-unique knowledge and skills based
15 on recent operational experience; and

16 “(iv) command and control arrangements
17 under chapter 47 of this title (the Uniform
18 Code of Military Justice).”.

19 **SEC. 924. PUBLIC RELEASE BY INSPECTORS GENERAL OF**
20 **REPORTS OF MISCONDUCT.**

21 (a) RELEASE OF INSPECTOR GENERAL OF THE DE-
22 PARTMENT OF DEFENSE ADMINISTRATIVE MISCONDUCT
23 REPORTS.—Section 141 of title 10, United States Code,
24 is amended by adding at the end the following new sub-
25 section:

1 “(c) Within 60 days after issuing a final report, the
2 Inspector General of the Department of Defense shall pub-
3 licly release any reports of administrative investigations
4 that confirm misconduct, including violations of Federal
5 law and violations of policies of the Department of De-
6 fense, of members of the Senior Executive Service, individ-
7 uals who are employed in positions of a confidential or
8 policy-determining character under schedule C of subpart
9 C of part 213 of title 5 of the Code of Federal Regula-
10 tions, or commissioned officers in the Armed Forces in
11 pay grades O–6 promotable and above. In releasing the
12 reports, the Inspector General shall ensure that informa-
13 tion that would be protected under section 552 of title 5
14 (commonly known as the ‘Freedom of Information Act’),
15 section 552a of title 5 (commonly known as the ‘Privacy
16 Act of 1974’), or section 6103 of the Internal Revenue
17 Code of 1986 is not disclosed.”.

18 (b) RELEASE OF INSPECTOR GENERAL OF THE ARMY
19 ADMINISTRATIVE MISCONDUCT REPORTS.—Section 3020
20 of such title is amended by adding at the end the following
21 new subsection:

22 “(f) Within 60 days after issuing a final report, the
23 Inspector General of the Army shall publicly release any
24 reports of administrative investigations that confirm mis-
25 conduct, including violations of Federal law and violations

1 of policies of the Department of Defense, of members of
2 the Senior Executive Service, individuals who are em-
3 ployed in positions of a confidential or policy-determining
4 character under schedule C of subpart C of part 213 of
5 title 5 of the Code of Federal Regulations, or commis-
6 sioned officers in the Armed Forces in pay grades O–6
7 promotable and above. In releasing the reports, the In-
8 spector General shall ensure that information that would
9 be protected under section 552 of title 5 (commonly known
10 as the ‘Freedom of Information Act’), section 552a of title
11 5 (commonly known as the ‘Privacy Act of 1974’), or sec-
12 tion 6103 of the Internal Revenue Code of 1986 is not
13 disclosed.”.

14 (c) RELEASE OF NAVAL INSPECTOR GENERAL AD-
15 MINISTRATIVE MISCONDUCT REPORTS.—Section 5020 of
16 such title is amended by adding at the end the following
17 new subsection:

18 “(e) Within 60 days after issuing a final report, the
19 Naval Inspector General shall publicly release any reports
20 of administrative investigations that confirm misconduct,
21 including violations of Federal law and violations of poli-
22 cies of the Department of Defense, of members of the Sen-
23 ior Executive Service, individuals who are employed in po-
24 sitions of a confidential or policy-determining character
25 under schedule C of subpart C of part 213 of title 5 of

1 the Code of Federal Regulations, or commissioned officers
2 in the Armed Forces in pay grades O–6 promotable and
3 above. In releasing the reports, the Naval Inspector Gen-
4 eral shall ensure that information that would be protected
5 under section 552 of title 5 (commonly known as the
6 ‘Freedom of Information Act’), section 552a of title 5
7 (commonly known as the ‘Privacy Act of 1974’), or section
8 6103 of the Internal Revenue Code of 1986 is not dis-
9 closed.”.

10 (d) RELEASE OF INSPECTOR GENERAL OF THE AIR
11 FORCE ADMINISTRATIVE MISCONDUCT REPORTS.—Sec-
12 tion 8020 of such title is amended by adding at the end
13 the following new subsection:

14 “(f) Within 60 days after issuing a final report, the
15 Inspector General of the Air Force shall publicly release
16 any reports of administrative investigations that confirm
17 misconduct, including violations of Federal law and viola-
18 tions of policies of the Department of Defense, of members
19 of the Senior Executive Service, individuals who are em-
20 ployed in positions of a confidential or policy-determining
21 character under schedule C of subpart C of part 213 of
22 title 5 of the Code of Federal Regulations, or commis-
23 sioned officers in the Armed Forces in pay grades O–6
24 promotable and above. In releasing the reports, the In-
25 spector General shall ensure that information that would

1 be protected under section 552 of title 5 (commonly known
2 as the ‘Freedom of Information Act’), section 552a of title
3 5 (commonly known as the ‘Privacy Act of 1974’), or sec-
4 tion 6103 of the Internal Revenue Code of 1986 is not
5 disclosed.”.

6 **SEC. 925. MODIFICATIONS TO REQUIREMENTS FOR AC-**
7 **COUNTING FOR MEMBERS OF THE ARMED**
8 **FORCES AND DEPARTMENT OF DEFENSE CI-**
9 **VILIAN EMPLOYEES LISTED AS MISSING.**

10 (a) LIMITATION OF DEFENSE POW/MIA ACCOUNT-
11 ING AGENCY TO MISSING PERSONS FROM PAST CON-
12 Flicts.—Section 1501(a) of title 10, United States Code,
13 is amended—

14 (1) in paragraph (1)(A), by inserting “from
15 past conflicts” after “matters relating to missing
16 persons”;

17 (2) in paragraph (2)—

18 (A) by striking subparagraph (A);

19 (B) by redesignating subparagraphs (B),
20 (C), (D), (E), and (F) as subparagraphs (A),
21 (B), (C), (D), and (E), respectively; and

22 (C) by inserting “from past conflicts” after
23 “missing persons” each place it appears;

24 (3) in paragraph (4)—

1 (A) by striking “for personal recovery (in-
2 cluding search, rescue, escape, and evasion)
3 and”; and

4 (B) by inserting “from past conflicts”
5 after “missing persons”; and

6 (4) by striking paragraph (5).

7 (b) ACTION UPON DISCOVERY OR RECEIPT OF IN-
8 FORMATION.—Section 1505(c) of such title is amended by
9 striking “designated Agency Director” in paragraphs (1),
10 (2), and (3) and inserting “Secretary of Defense”.

11 (c) DEFINITION OF “ACCOUNTED FOR”.—Section
12 1513(3)(B) of such title is amended by inserting “to the
13 extent practicable” after “are recovered”.

14 **SEC. 926. REFORM OF NATIONAL SECURITY COUNCIL.**

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

16 (1) The National Security Council has increas-
17 ingly micromanaged military operations and central-
18 ized decisionmaking within the staff of the National
19 Security Council. The size of the staff has contrib-
20 uted this problem.

21 (2) As stated by former Secretary of Defense
22 Robert M. Gates, “It was the operational micro-
23 management that drove me nuts of White House
24 and [National Security Council] staffers calling sen-
25 ior commanders out in the field and asking them

1 questions, second guessing commanders”, and by an-
2 other former Secretary of Defense Leon Panetta,
3 “[B]ecause of that centralization of that authority at
4 the White House, there are too few voices being
5 heard in terms of the ability to make decisions and
6 that includes members of the cabinet.”.

7 (3) Gates stated, “You have 25 people working
8 on a single military problem... They are going to be
9 doing things they shouldn’t be doing,” and Panetta
10 noted, “The National Security Council has grown
11 enormously, which means you have a lot more staff
12 people running around at the White House on these
13 foreign policy issues.”.

14 (4) Press reports indicate that National Secu-
15 rity Council micromanagement has included select-
16 ing targets in ongoing military operations, specifying
17 detailed parameters and limitations on military oper-
18 ations, and managing military planning and the exe-
19 cution of plans.

20 (5) As stated in section 101(a) of the National
21 Security Act of 1947 (50 U.S.C. 3021(a)), the
22 “function of the Council shall be to advise the Presi-
23 dent with respect to the integration of domestic, for-
24 eign, and military policies relating to the national se-
25 curity so as to enable the military services and the

1 other departments and agencies of the Government
2 to cooperate more effectively in matters involving the
3 national security”.

4 (6) As stated in the November 1961 staff re-
5 ports and recommendations on “Organizing for Na-
6 tional Security” submitted to the Committee on Gov-
7 ernment Operations of the Senate by the Sub-
8 committee on National Policy Machinery, “The
9 Council is an interagency committee: It can inform,
10 debate, review, adjust, and validate... The Council is
11 not a decisionmaking body; it does not itself make
12 policy. It serves only in an advisory capacity to the
13 President, helping him arrive at decisions which he
14 alone can make.”.

15 (7) As noted in the 1987 Report of the Presi-
16 dent’s Special Review Board (commonly known as
17 the “Tower Commission Report”), “As a general
18 matter, the [National Security Council] staff should
19 not engage in the implementation of policy or the
20 conduct of operations. This compromises their over-
21 sight role and usurps the responsibilities of the de-
22 partments and agencies.”.

23 (8) As noted in the “Addendum on Structure
24 and Process Analyses: Volume II – Executive Office
25 of the President,” accompanying the February 2001

1 U.S. Commission on National Security/21st Century
2 (commonly known as the “Hart-Rudman Commis-
3 sion”), “[T]he degree to which the [National Secu-
4 rity Council] gets involved in operational issues
5 raises a question of congressional oversight. Today
6 there is limited congressional oversight of the [Na-
7 tional Security Council]... Assigning the [National
8 Security Council] greater operational responsibility
9 would likely result in calls for more congressional
10 oversight and legislative control...”.

11 (9) According to analysis from the Brookings
12 Institution’s National Security Council Project, the
13 size of the National Security Council staff from the
14 early 1960s to the mid-1990s remained consistently
15 under 60 personnel. Since then, it has grown signifi-
16 cantly in size.

17 (10) As former National Security Advisor,
18 Zbigniew Brzezinski, wrote in “The NSC’s Midlife
19 Crisis” in *Foreign Policy*, Winter 1987–1988,
20 “There is no magic number, but it would appear
21 that for successful strategic planning and policy co-
22 ordination 30-40 senior staff members are probably
23 adequate. However, to ensure effective supervision
24 over policy implementation as well, the size of the
25 staff should be somewhat larger. An optimal figure

1 for the senior staff probably would be about 50 sen-
2 ior staff members.”.

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

5 (1) the function of the National Security Coun-
6 cil, consistent with the National Security Act of
7 1947 (50 U.S.C. 3001 et seq.), is to advise the
8 President as an independent honest broker on na-
9 tional security matters, to coordinate national secu-
10 rity activities across departments and agencies, and
11 to make recommendations to the President regard-
12 ing national security objectives and policy, and the
13 size of the staff of the National Security Council
14 should be appropriately aligned to this function;

15 (2) the President is entitled to privacy in the
16 Office of the President and to a confidential rela-
17 tionship with the National Security Advisor and the
18 National Security Council; and

19 (3) however, a National Security Council, en-
20 abled by a large staff, that assumes a central policy-
21 making or operational role is no longer advisory and
22 should be publicly accountable to the American peo-
23 ple through Senate confirmation of its leadership
24 and the activities of the Council subject to direct
25 oversight by Congress.

1 (c) AMENDMENTS TO NATIONAL SECURITY ACT OF
2 1947.—Section 101 of the National Security Act of 1947
3 (50 U.S.C. 3021), is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (5), by striking “and”;

6 (B) in paragraph (6), by striking the pe-
7 riod at the end and inserting “; and”; and

8 (C) by adding after paragraph (6) the fol-
9 lowing new paragraph:

10 “(7) the Assistant to the President for National
11 Security Affairs.”;

12 (2) in subsection (c), by striking “shall receive
13 compensation at the rate of \$10,000 a year.” and
14 inserting “shall report to, and be under the general
15 supervision of, the Assistant to the President for
16 National Security Affairs.”;

17 (3) by redesignating subsections (d) through (l)
18 as subsections (e) through (m), respectively; and

19 (4) by inserting after subsection (c) the fol-
20 lowing new subsection:

21 “(d)(1)(A) Except as provided by subparagraph (B),
22 the Assistant to the President for National Security Af-
23 fairs shall be appointed by the President.

24 “(B) If the staff of the Council exceeds 100 covered
25 employees at any point during a term of the President,

1 and for the duration of such term (without regard to any
2 changes to the number of such covered employees), the
3 Assistant to the President for National Security Affairs
4 shall be appointed by the President, by and with the advice
5 and consent of the Senate.

6 “(2)(A) Beginning on the date on which the staff of
7 the Council exceeds 100 covered employees, the person ap-
8 pointed as the Assistant under paragraph (1)(A), the per-
9 son nominated by the President to be appointed the As-
10 sistant under paragraph (1)(B), or any other person des-
11 igned by the President to serve as the Assistant in an
12 acting capacity, may serve in an acting capacity for no
13 longer than 210 days.

14 “(B) If the person nominated by the President to be
15 appointed the Assistant under paragraph (1)(B) is re-
16 jected by the Senate, withdrawn, or returned to the Presi-
17 dent by the Senate, the President shall nominate another
18 person and the person serving as the acting Assistant may
19 continue to serve—

20 “(i) until the second nomination is confirmed;

21 or

22 “(ii) for no more than 210 days after the sec-
23 ond nomination is rejected, withdrawn, or returned.

1 “(3) The President shall notify Congress in writing
2 not more than seven days after the date on which the staff
3 of the Council exceeds 100 covered employees.

4 “(4) In this subsection, the term ‘covered employees’
5 means each of the following officers and employees (count-
6 ed without regard to full-time equivalent basis):

7 “(A) Officers and employees occupying a posi-
8 tion funded by the Executive Office of the President
9 performing a function of the Council.

10 “(B) Officers, employees, and members of the
11 Armed Forces from any department, agency, or
12 independent establishment of the executive branch of
13 the Government that are on detail to the Council
14 performing a function of the Council.”.

15 (d) CONFORMING AMENDMENT.—Section 3(12) of
16 the International Religious Freedom Act of 1998 (22
17 U.S.C. 6402(12)) is amended by striking “section 101(i)”
18 and inserting “section 101(l)”.

19 **Subtitle C—Department of the**
20 **Navy and Marine Corps**

21 **SEC. 931. REDESIGNATION OF THE DEPARTMENT OF THE**
22 **NAVY AS THE DEPARTMENT OF THE NAVY**
23 **AND MARINE CORPS.**

24 (a) REDESIGNATION OF MILITARY DEPARTMENT.—
25 The military department designated as the Department of

1 the Navy is redesignated as the Department of the Navy
2 and Marine Corps.

3 (b) REDESIGNATION OF SECRETARY AND OTHER
4 STATUTORY OFFICES.—

5 (1) SECRETARY.—The position of the Secretary
6 of the Navy is redesignated as the Secretary of the
7 Navy and Marine Corps.

8 (2) OTHER STATUTORY OFFICES.—The posi-
9 tions of the Under Secretary of the Navy, the four
10 Assistant Secretaries of the Navy, and the General
11 Counsel of the Department of the Navy are redesign-
12 ated as the Under Secretary of the Navy and Ma-
13 rine Corps, the Assistant Secretaries of the Navy
14 and Marine Corps, and the General Counsel of the
15 Department of the Navy and Marine Corps, respec-
16 tively.

17 **SEC. 932. CONFORMING AMENDMENTS TO TITLE 10, UNITED**
18 **STATES CODE.**

19 (a) DEFINITION OF “MILITARY DEPARTMENT”.—
20 Paragraph (8) of section 101(a) of title 10, United States
21 Code, is amended to read as follows:

22 “(8) The term ‘military department’ means the
23 Department of the Army, the Department of the
24 Navy and Marine Corps, and the Department of the
25 Air Force.”.

1 (b) ORGANIZATION OF DEPARTMENT.—The text of
2 section 5011 of such title is amended to read as follows:
3 “The Department of the Navy and Marine Corps is sepa-
4 rately organized under the Secretary of the Navy and Ma-
5 rine Corps.”.

6 (c) POSITION OF SECRETARY.—Section 5013(a)(1) of
7 such title is amended by striking “There is a Secretary
8 of the Navy” and inserting “There is a Secretary of the
9 Navy and Marine Corps”.

10 (d) CHAPTER HEADINGS.—

11 (1) The heading of chapter 503 of such title is
12 amended to read as follows:

13 **“CHAPTER 503—DEPARTMENT OF THE**
14 **NAVY AND MARINE CORPS”.**

15 (2) The heading of chapter 507 of such title is
16 amended to read as follows:

17 **“CHAPTER 507—COMPOSITION OF THE DE-**
18 **PARTMENT OF THE NAVY AND MARINE**
19 **CORPS”.**

20 (e) OTHER AMENDMENTS.—

21 (1) Title 10, United States Code, is amended by
22 striking “Department of the Navy” and “Secretary
23 of the Navy” each place they appear other than as
24 specified in subsections (a), (b), (c), and (d) (includ-
25 ing in section headings, subsection captions, tables

1 of chapters, and tables of sections) and inserting
2 “Department of the Navy and Marine Corps” and
3 “Secretary of the Navy and Marine Corps”, respec-
4 tively, in each case with the matter inserted to be in
5 the same typeface and typestyle as the matter strick-
6 en.

7 (2)(A) Sections 5013(f), 5014(b)(2), 5016(a),
8 5017(2), 5032(a), and 5042(a) of such title are
9 amended by striking “Assistant Secretaries of the
10 Navy” and inserting “Assistant Secretaries of the
11 Navy and Marine Corps”.

12 (B) The heading of section 5016 of such title,
13 and the item relating to such section in the table of
14 sections at the beginning of chapter 503 of such
15 title, are each amended by inserting “and Marine
16 Corps” after “of the Navy”, with the matter in-
17 serted in each case to be in the same typeface and
18 typestyle as the matter amended.

19 **SEC. 933. OTHER PROVISIONS OF LAW AND OTHER REF-**
20 **ERENCES.**

21 (a) TITLE 37, UNITED STATES CODE.—Title 37,
22 United States Code, is amended by striking “Department
23 of the Navy” and “Secretary of the Navy” each place they
24 appear and inserting “Department of the Navy and Ma-

1 rine Corps” and “Secretary of the Navy and Marine
2 Corps”, respectively.

3 (b) OTHER REFERENCES.—Any reference in any law
4 other than in title 10 or title 37, United States Code, or
5 in any regulation, document, record, or other paper of the
6 United States, to the Department of the Navy shall be
7 considered to be a reference to the Department of the
8 Navy and Marine Corps. Any such reference to an office
9 specified in section 2(b) shall be considered to be a ref-
10 erence to that officer as redesignated by that section.

11 **SEC. 934. EFFECTIVE DATE.**

12 This subtitle and the amendments made by this sub-
13 title shall take effect on the first day of the first month
14 beginning more than 60 days after the date of the enact-
15 ment of this Act.

16 **TITLE X—GENERAL PROVISIONS**
17 **Subtitle A—Financial Matters**

18 **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

19 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

20 (1) AUTHORITY.—Upon determination by the
21 Secretary of Defense that such action is necessary in
22 the national interest, the Secretary may transfer
23 amounts of authorizations made available to the De-
24 partment of Defense in this division for fiscal year
25 2017 between any such authorizations for that fiscal

1 year (or any subdivisions thereof). Amounts of au-
2 thORIZATIONS so transferred shall be merged with and
3 be available for the same purposes as the authoriza-
4 tion to which transferred.

5 (2) LIMITATION.—Except as provided in para-
6 graph (3), the total amount of authorizations that
7 the Secretary may transfer under the authority of
8 this section may not exceed \$5,000,000,000.

9 (3) EXCEPTION FOR TRANSFERS BETWEEN
10 MILITARY PERSONNEL AUTHORIZATIONS.—A trans-
11 fer of funds between military personnel authoriza-
12 tions under title IV shall not be counted toward the
13 dollar limitation in paragraph (2).

14 (b) LIMITATIONS.—The authority provided by sub-
15 section (a) to transfer authorizations—

16 (1) may only be used to provide authority for
17 items that have a higher priority than the items
18 from which authority is transferred; and

19 (2) may not be used to provide authority for an
20 item that has been denied authorization by Con-
21 gress.

22 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
23 transfer made from one account to another under the au-
24 thority of this section shall be deemed to increase the
25 amount authorized for the account to which the amount

1 is transferred by an amount equal to the amount trans-
2 ferred.

3 (d) NOTICE TO CONGRESS.—The Secretary shall
4 promptly notify Congress of each transfer made under
5 subsection (a).

6 **SEC. 1002. REQUIREMENT TO TRANSFER FUNDS FROM DE-**
7 **PARTMENT OF DEFENSE ACQUISITION WORK-**
8 **FORCE DEVELOPMENT FUND TO THE TREAS-**
9 **URY.**

10 (a) TRANSFER REQUIRED.—During fiscal year 2017,
11 the Secretary of Defense shall transfer, from amounts
12 available in the Department of Defense Acquisition Work-
13 force Development Fund from amounts credited to the
14 Fund pursuant to section 1705(d)(2) of title 10, United
15 States Code, \$475,000,000 to the Secretary of the Treas-
16 ury for deposit in the general fund of the Treasury.

17 (b) ADDITIONAL AUTHORITY.—The transfer author-
18 ity provided by this section is in addition to any other
19 transfer authority contained in this Act.

20 **SEC. 1003. REPORT ON AUDITABLE FINANCIAL STATE-**
21 **MENTS.**

22 Not later than 30 days after the date of the enact-
23 ment of this Act, the Secretary of Defense shall submit
24 to the congressional defense committees a report ranking
25 all military departments and Defense Agencies in order

1 of how advanced they are in achieving auditable financial
2 statements as required by law. The report should not in-
3 clude information otherwise available in other reports to
4 Congress.

5 **Subtitle B—Counter-Drug** 6 **Activities**

7 **SEC. 1011. EXTENSION OF AUTHORITY TO PROVIDE ADDI-** 8 **TIONAL SUPPORT FOR COUNTER-DRUG AC-** 9 **TIVITIES OF FOREIGN GOVERNMENTS.**

10 Section 1033(a)(2) of the National Defense Author-
11 ization Act for Fiscal Year 1998 (Public Law 105–85; 111
12 Stat. 1881), as most recently amended by section 1012
13 of the National Defense Authorization Act for Fiscal Year
14 2016 (Public Law 114–92; 129 Stat. 963), is further
15 amended by striking “September 30, 2017” and inserting
16 “September 30, 2019”.

17 **SEC. 1012. SECRETARY OF DEFENSE REVIEW OF CUR-** 18 **RICULA AND PROGRAM STRUCTURES OF NA-** 19 **TIONAL GUARD COUNTERDRUG SCHOOLS.**

20 (a) IN GENERAL.—Section 901 of the Office of Na-
21 tional Drug Control Policy Reauthorization Act of 2006
22 (Public Law 109–469; 32 U.S.C. 112 note) is amended—

23 (1) by redesignating subsections (e) through (g)
24 as subsections (f) through (h), respectively; and

1 (2) by inserting after subsection (d) the fol-
2 lowing new subsection (e):

3 “(e) CURRICULUM REVIEW.—The Secretary of De-
4 fense may review and approve the curriculum and program
5 structure of each school established under this section.”.

6 (b) TECHNICAL AMENDMENT.—Subsection (d)(1) of
7 such section is amended by striking “section 112(b) of
8 that title 32” and inserting “section 112(b) of title 32”.

9 **SEC. 1013. EXTENSION OF AUTHORITY TO SUPPORT UNI-**
10 **FIED COUNTERDRUG AND COUNTERTER-**
11 **RORISM CAMPAIGN IN COLOMBIA.**

12 Section 1021 of the Ronald W. Reagan National De-
13 fense Authorization Act for Fiscal Year 2005 (Public Law
14 108–375; 118 Stat. 2042), as most recently amended by
15 section 1011(a) of the National Defense Authorization Act
16 for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 962),
17 is further amended—

18 (1) in subsection (a), by striking “2017” and
19 inserting “2018”; and

20 (2) in subsection (e), by striking “2017” and
21 inserting “2018”.

22 **SEC. 1014. UNMANNED AERIAL SYSTEMS TRAINING MIS-**
23 **SIONS.**

24 The Secretary of Defense shall coordinate unmanned
25 aerial systems training missions along the southern border

1 of the United States in order to support the Department
2 of Homeland Security's counter-narcotic trafficking ef-
3 forts.

4 **SEC. 1015. FUNDING FOR COUNTER NARCOTICS OPER-**
5 **ATIONS.**

6 (a) INCREASE.—Notwithstanding the amounts set
7 forth in the funding tables in division D, the amount au-
8 thorized to be appropriated for drug interdiction and
9 counterdrug activities, Defense-wide, as specified in the
10 corresponding funding table in section 4501 is hereby in-
11 creased by \$3,000,000.

12 (b) OFFSET.—Notwithstanding the amounts set forth
13 in the funding tables in division D, the amount authorized
14 to be appropriated for operation and maintenance, as
15 specified in the corresponding funding table in section
16 4301, for administration and servicewide activities, De-
17 fense Logistics Agency (Line 160) is hereby reduced by
18 \$3,000,000.

19 **SEC. 1016. REPORT ON EFFORTS OF UNITED STATES**
20 **SOUTHERN COMMAND OPERATION TO DE-**
21 **TECT AND MONITOR DRUG TRAFFICKING.**

22 The Secretary of Defense shall submit to Congress
23 a report on the effectiveness of the United States South-
24 ern Command Operation to limit threats to the national

1 security of the United States by detecting and monitoring
2 drug trafficking, specifically heroin and fentanyl.

3 **Subtitle C—Naval Vessels and**
4 **Shipyards**

5 **SEC. 1021. DEFINITION OF SHORT-TERM WORK WITH RE-**
6 **SPECT TO OVERHAUL, REPAIR, OR MAINTE-**
7 **NANCE OF NAVAL VESSELS.**

8 Section 7299a(e)(4) of title 10, United States Code,
9 is amended by striking “six months” and inserting “10
10 months”.

11 **SEC. 1022. WARRANTY REQUIREMENTS FOR SHIPBUILDING**
12 **CONTRACTS.**

13 (a) IN GENERAL.—Chapter 633 of title 10, United
14 States Code, is amended by adding at the end the fol-
15 lowing new section:

16 **“§ 7318. Warranty requirements for shipbuilding con-**
17 **tracts**

18 “(a) REQUIREMENT.—A contracting officer for a
19 contract for which funds are expended from the Ship-
20 building and Conversion, Navy account shall require, as
21 a condition of the contract, that the work performed under
22 the contract is covered by a warranty for a period of at
23 least one year.

24 “(b) WAIVER.—If the contracting officer for a con-
25 tract covered by the requirement under subsection (a) de-

1 terminates that a limited liability of warranted work is in
2 the best interest of the Government, the contracting offi-
3 cer may agree to limit the liability of the work performed
4 under the contract to a level that the contracting officer
5 determines is sufficient to protect the interests of the Gov-
6 ernment and in keeping with historical levels of warranted
7 work on similar vessels.”.

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

“7318. Warranty requirements for shipbuilding contracts.”.

11 **SEC. 1023. NATIONAL SEA-BASED DETERRENCE FUND.**

12 (a) TRANSFER AUTHORITY.—Section 1022(b)(1) of
13 the National Defense Authorization Act for Fiscal Year
14 2015 (Public Law 113–291; 128 Stat. 3487), as amended
15 by section 1022(b) of the National Defense Authorization
16 Act for Fiscal Year 2016 (Public Law 114–92), is further
17 amended by striking “or 2017” and inserting “2017, or
18 2018”.

19 (b) AUTHORITY FOR MULTIYEAR PROCUREMENT OF
20 CRITICAL COMPONENTS TO SUPPORT CONTINUOUS PRO-
21 Duction.—Section 2218a of title 10, United States Code,
22 is amended—

23 (1) by redesignating subsections (i) and (j) as
24 subsections (j) and (k), respectively; and

1 (2) by inserting after subsection (h) the fol-
2 lowing new subsection (i):

3 “(i) AUTHORITY FOR MULTIYEAR PROCUREMENT OF
4 CRITICAL COMPONENTS TO SUPPORT CONTINUOUS PRO-
5 DDUCTION.—(1) To implement the continuous production
6 of critical components, the Secretary of the Navy may use
7 funds deposited in the Fund, in conjunction with funds
8 appropriated for the procurement of other nuclear-pow-
9 ered vessels, to enter into one or more multiyear contracts
10 (including economic ordering quantity contracts), for the
11 procurement of critical contractor-furnished and Govern-
12 ment-furnished components for national sea-based deter-
13 rence vessels. The authority under this subsection extends
14 to the procurement of equivalent critical parts, compo-
15 nents, systems, and subsystems common with and re-
16 quired for other nuclear-powered vessels.

17 “(2) Any contract entered into pursuant to para-
18 graph (1) shall provide that any obligation of the United
19 States to make a payment under the contract is subject
20 to the availability of appropriations for that purpose and
21 that the total liability to the Government for the termi-
22 nation of the contract shall be limited to the total amount
23 of funding obligated for the contract as of the date of the
24 termination.”.

1 (c) DEFINITION OF NATIONAL SEA-BASED DETER-
2 RENCE VESSEL.—Subsection (k)(2) of such section, as re-
3 designated by subsection (b), is amended—

4 (1) by striking “any vessel” and inserting “any
5 submersible vessel constructed or purchased after
6 fiscal year 2016 that is”; and

7 (2) by inserting “and” before “that carries”.

8 **SEC. 1024. AVAILABILITY OF FUNDS FOR RETIREMENT OR**
9 **INACTIVATION OF TICONDEROGA-CLASS**
10 **CRUISERS OR DOCK LANDING SHIPS.**

11 (a) LIMITATION ON RETIREMENT OR INACTIVA-
12 TION.—None of the funds authorized to be appropriated
13 by this Act or otherwise made available for the Depart-
14 ment of Defense for fiscal year 2017 may be obligated or
15 expended—

16 (1) to retire, prepare to retire, or inactivate a
17 cruiser or dock landing ship; or

18 (2) to place in a modernization status more
19 than six cruisers and one dock landing ship identi-
20 fied in section 1026(a)(2) of the Carl Levin and
21 Howard P. “Buck” McKeon National Defense Au-
22 thorization Act for Fiscal Year 2015 (Public Law
23 113–291; 128 Stat. 3490).

24 (b) HULL, MECHANICAL, AND ELECTRICAL MOD-
25 ERNIZATION.—Not more than 75 percent of the funds

1 made available for the Office of the Secretary of Defense
2 for fiscal year 2017 may be obligated until the Secretary
3 of the Navy—

4 (1) enters into a contract for the modernization
5 industrial period associated with four cruisers and
6 one dock landing ship referred to in section
7 1026(a)(2) of the Carl Levin and Howard P.
8 “Buck” McKeon National Defense Authorization
9 Act for Fiscal Year 2015 (Public Law 113–291; 128
10 Stat. 3490); and

11 (2) enters into a contract for the procurement
12 of combat systems upgrades associated with six such
13 cruisers and one such dock landing ship.

14 **SEC. 1025. RESTRICTIONS ON THE OVERHAUL AND REPAIR**
15 **OF VESSELS IN FOREIGN SHIPYARDS.**

16 (a) IN GENERAL.—Section 7310(b)(1) of title 10,
17 United States Code, is amended—

18 (1) by striking “In the case” and inserting “(A)
19 Except as provided in subparagraph (B), in the
20 case”;

21 (2) by striking “during the 15-month” and all
22 that follows through “United States”;

23 (3) by inserting before the period at the end the
24 following: “, other than in the case of voyage re-
25 pairs”; and

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

3 “(B) The Secretary of the Navy may waive the appli-
4 cation of subparagraph (A) to a contract award if the Sec-
5 retary determines that the waiver is essential to the na-
6 tional security interests of the United States.”.

7 (b) EFFECTIVE DATE.—The amendments made by
8 subsection (a) shall take effect on the later of the following
9 dates:

10 (1) The date of the enactment of the National
11 Defense Authorization Act for Fiscal Year 2018.

12 (2) October 1, 2017.

13 **Subtitle D—Counterterrorism**

14 **SEC. 1031. FREQUENCY OF COUNTERTERRORISM OPER-** 15 **ATIONS BRIEFINGS.**

16 (a) IN GENERAL.—Subsection (a) of section 485 of
17 title 10, United States Code is amended by striking “quar-
18 terly” and inserting “monthly”.

19 (b) SECTION HEADING.—The section heading for
20 such section is amended by striking “**Quarterly**” and
21 inserting “**Monthly**”.

22 (c) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of chapter 23 of such title is amended
24 by striking the item relating to section 485 and inserting
25 the following new item:

“485. Monthly counterterrorism operations briefings.”.

1 **SEC. 1032. PROHIBITION ON USE OF FUNDS FOR TRANSFER**
2 **OR RELEASE OF INDIVIDUALS DETAINED AT**
3 **UNITED STATES NAVAL STATION, GUANTA-**
4 **NAMO BAY, CUBA TO THE UNITED STATES.**

5 No amounts authorized to be appropriated or other-
6 wise made available for the Department of Defense may
7 be used during the period beginning on the date of the
8 enactment of this Act and ending on December 31, 2017,
9 to transfer, release, or assist in the transfer or release to
10 or within the United States, its territories, or possessions
11 of Khalid Sheikh Mohammed or any other detainee who—

12 (1) is not a United States citizen or a member
13 of the Armed Forces of the United States; and

14 (2) is or was held on or after January 20,
15 2009, at United States Naval Station, Guantanamo
16 Bay, Cuba, by the Department of Defense.

17 **SEC. 1033. PROHIBITION ON USE OF FUNDS TO CONSTRUCT**
18 **OR MODIFY FACILITIES IN THE UNITED**
19 **STATES TO HOUSE DETAINEES TRANS-**
20 **FERRED FROM UNITED STATES NAVAL STA-**
21 **TION, GUANTANAMO BAY, CUBA.**

22 (a) IN GENERAL.—No amounts authorized to be ap-
23 propriated or otherwise made available to the Department
24 of Defense may be used during the period beginning on
25 the date of the enactment of this Act and ending on De-
26 cember 31, 2017, to construct or modify any facility in

1 the United States, its territories, or possessions to house
2 any individual detained at Guantanamo for the purposes
3 of detention or imprisonment in the custody or under the
4 control of the Department of Defense unless authorized
5 by Congress.

6 (b) EXCEPTION.—The prohibition in subsection (a)
7 shall not apply to any modification of facilities at United
8 States Naval Station, Guantanamo Bay, Cuba.

9 (c) INDIVIDUAL DETAINED AT GUANTANAMO DE-
10 FINED.—In this section, the term “individual detained at
11 Guantanamo” has the meaning given that term in section
12 1034(f)(2) of the National Defense Authorization Act for
13 Fiscal Year 2016 (Public Law 114–92; 129 Stat. 971; 10
14 U.S. C. 801 note).

15 **SEC. 1034. PROHIBITION ON USE OF FUNDS FOR TRANSFER**
16 **OR RELEASE TO CERTAIN COUNTRIES OF IN-**
17 **DIVIDUALS DETAINED AT UNITED STATES**
18 **NAVAL STATION, GUANTANAMO BAY, CUBA.**

19 No amounts authorized to be appropriated or other-
20 wise made available for the Department of Defense may
21 be used during the period beginning on the date of the
22 enactment of this Act and ending on December 31, 2017,
23 to transfer, release, or assist in the transfer or release of
24 any individual detained in the custody or under the control
25 of the Department of Defense at United States Naval Sta-

1 tion, Guantanamo Bay, Cuba, to the custody or control
2 of any country, or any entity within such country, as fol-
3 lows:

- 4 (1) Libya.
- 5 (2) Somalia.
- 6 (3) Syria.
- 7 (4) Yemen.

8 **SEC. 1035. PROHIBITION ON USE OF FUNDS FOR REALIGN-**
9 **MENT OF FORCES AT OR CLOSURE OF**
10 **UNITED STATES NAVAL STATION, GUANTA-**
11 **NAMO BAY, CUBA.**

12 No amounts authorized to be appropriated or other-
13 wise made available for the Department of Defense for
14 fiscal year 2017 may be used—

- 15 (1) to close or abandon United States Naval
16 Station, Guantanamo Bay, Cuba;
- 17 (2) to relinquish control of Guantanamo Bay to
18 the Republic of Cuba; or
- 19 (3) to implement a material modification to the
20 Treaty Between the United States of America and
21 Cuba signed at Washington, D.C. on May 29, 1934,
22 that constructively closes United States Naval Sta-
23 tion, Guantanamo Bay.

1 **SEC. 1036. MODIFICATION OF CONGRESSIONAL NOTIFICA-**
2 **TION OF SENSITIVE MILITARY OPERATIONS.**

3 Section 130f of title 10, United States Code, is
4 amended—

5 (1) in subsection (a)—

6 (A) in the first sentence, by inserting “no
7 later than 48 hours” after “under this title”;
8 and

9 (B) in the second sentence, by inserting
10 “and the National Defense Authorization Act
11 for Fiscal Year 2017” before the period at the
12 end; and

13 (2) by striking subsection (d) and inserting the
14 following:

15 “(d) SENSITIVE MILITARY OPERATION DEFINED.—
16 In this section, the term ‘sensitive military operation’
17 means an operation—

18 “(1) conducted by the United States armed
19 forces outside the United States, whether conducted
20 by the United States acting alone or cooperatively;

21 “(2) conducted pursuant to—

22 “(A) the Authorization for the Use of Mili-
23 tary Force (Public Law 107–40; 50 U.S.C.
24 1541); or

25 “(B) any other authority except—

26 “(i) a declaration of war; or

1 “(ii) a specific statutory authorization
2 for the use of force other than the author-
3 ization referred to in subparagraph (A);
4 “(3) conducted outside a theater of major hos-
5 tilities; and
6 “(4) that is either—
7 “(A) a lethal operation;
8 “(B) a capture operation; or
9 “(C) an activity of self-defense, collective
10 self defense, or in defense of a foreign partner
11 during a cooperative operation.”.

12 **SEC. 1037. COMPREHENSIVE STRATEGY FOR DETENTION**
13 **OF CERTAIN INDIVIDUALS.**

14 (a) **IN GENERAL.**—Not later than July 19, 2017, the
15 Secretary of Defense shall, in consultation with the Attor-
16 ney General and the Director of National Intelligence,
17 submit to the appropriate congressional committees a re-
18 port setting forth the details of a comprehensive strategy
19 for the detention of current and future individuals cap-
20 tured and held pursuant to the Authorization for Use of
21 Military Force (Public Law 107–40) pending the end of
22 hostilities.

23 (b) **COMPREHENSIVE STRATEGY.**—The comprehen-
24 sive detention strategy required by subsection (a) shall
25 contain the following:

1 (1) A policy and plan applicable to individuals
2 lawfully detained under the effective control of the
3 United States.

4 (2) A description of how intelligence informa-
5 tion is currently gathered from individuals captured
6 in theaters of combat operation.

7 (3) A plan for the disposition of individuals
8 captured in the future.

9 (4) A description of how the United States will
10 acquire intelligence information in the future.

11 (5) A plan for the disposition of individuals
12 held pursuant to the Authorization for Use of Mili-
13 tary Force who are currently detained at the United
14 States Naval Base, Guantanamo Bay, Cuba.

15 (c) FORM.—The comprehensive detention strategy re-
16 quired under subsection (b) shall be submitted in unclassi-
17 fied form, but may include a classified annex.

18 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—
19 In this section, the term “appropriate congressional com-
20 mittees” means—

21 (1) the congressional defense committees;

22 (2) the Permanent Select Committee on Intel-
23 ligence of the House of Representatives and the Se-
24 lect Committee on Intelligence of the Senate; and

1 (3) the Committee on Foreign Affairs of the
2 House of Representatives and the Committee on
3 Foreign Relations of the Senate.

4 **SEC. 1038. DECLASSIFICATION OF INFORMATION ON PAST**
5 **TERRORIST ACTIVITIES OF DETAINEES**
6 **TRANSFERRED FROM UNITED STATES NAVAL**
7 **STATION, GUANTANAMO BAY, CUBA.**

8 (a) IN GENERAL.—Not later than 120 days after the
9 date of the enactment of this Act, the Director of National
10 Intelligence shall—

11 (1) complete a declassification review of intel-
12 ligence reports prepared by the National Counterter-
13 rorism Center prior to Periodic Review Board ses-
14 sions or detainee transfers on the past terrorist ac-
15 tivities of individuals detained at United States
16 Naval Station, Guantanamo Bay, Cuba, who were
17 transferred or released from United States Naval
18 Station, Guantanamo Bay;

19 (2) make available to the public any informa-
20 tion declassified as a result of the declassification re-
21 view; and

22 (3) submit to the appropriate congressional
23 committees, consistent with the protection of sources
24 and methods, a report setting forth—

1 (A) the results of the declassification re-
2 view; and

3 (B) if any information covered by the de-
4 classification review was not declassified pursu-
5 ant to the review, a justification for the deter-
6 mination not to declassify such information.

7 (b) PAST TERRORIST ACTIVITIES.—For purposes of
8 this section, the past terrorist activities of an individual
9 shall include the terrorist activities conducted by the indi-
10 vidual before the transfer of the individual to the detention
11 facility at United States Naval Station, Guantanamo Bay,
12 including, at a minimum, the following:

13 (1) The terrorist organization, if any, with
14 which affiliated.

15 (2) The terrorist training, if any, received.

16 (3) The role in past terrorist attacks against
17 the interests or allies of the United States.

18 (4) The direct responsibility, if any, for the
19 death of citizens of the United States or members of
20 the Armed Forces.

21 (5) Any admission of any matter specified in
22 paragraphs (1) through (4).

23 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
24 FINED.—In this section, the term “appropriate congres-
25 sional committees” means—

- 1 (1) the congressional defense committees;
- 2 (2) the Committee on Foreign Affairs of the
3 House of Representatives;
- 4 (3) the Committee on Foreign Relations of the
5 Senate;
- 6 (4) the Permanent Committee on Intelligence of
7 the House of Representatives; and
- 8 (5) the Select Committee on Intelligence of the
9 Senate.

10 **SEC. 1039. PROHIBITION ON ENFORCEMENT OF MILITARY**
11 **COMMISSION RULINGS PREVENTING MEM-**
12 **BERS OF THE ARMED FORCES FROM CAR-**
13 **RYING OUT OTHERWISE LAWFUL DUTIES**
14 **BASED ON MEMBER GENDER.**

15 (a) PROHIBITION.—No order, ruling, finding, or
16 other determination of a military commission may be con-
17 strued or implemented to prohibit or restrict a member
18 of the Armed Forces from carrying out duties otherwise
19 lawfully assigned to such member to the extent that the
20 basis for such prohibition or restriction is the gender of
21 such member.

22 (b) APPLICABILITY TO PRIOR ORDERS, ETC.—In the
23 case of an order, ruling, finding, or other determination
24 described in subsection (a) that was issued before the date
25 of the enactment of this Act in a military commission and

1 is still effective as of the date of the enactment of this
2 Act, such order, ruling, finding, or determination shall be
3 deemed to be vacated and null and void only to the extent
4 of any prohibition or restriction on the duties of members
5 of the Armed Forces that is based on the gender of mem-
6 bers.

7 (c) **MILITARY COMMISSION DEFINED.**—In this sec-
8 tion, the term “military commission” means a military
9 commission established under chapter 47A of title 10,
10 United States Code, and any military commission other-
11 wise established or convened by law.

12 **Subtitle E—Miscellaneous**

13 **Authorities and Limitations**

14 **SEC. 1041. EXPANDED AUTHORITY FOR TRANSPORTATION**
15 **BY THE DEPARTMENT OF DEFENSE OF NON-**
16 **DEPARTMENT OF DEFENSE PERSONNEL AND**
17 **CARGO.**

18 (a) **TRANSPORTATION OF ALLIED AND CIVILIAN**
19 **PERSONNEL AND CARGO.**—Subsection (c) of section 2649
20 of title 10, United States Code, is amended—

21 (1) in the subsection heading, by striking
22 “PERSONNEL” and inserting “AND CIVILIAN PER-
23 SONNEL AND CARGO”;

24 (2) by striking “Until January 6, 2016, when”
25 and inserting “When”; and

1 (3) by striking “allied forces or civilians”, and
2 inserting “allied and civilian personnel and cargo”.

3 (b) COMMERCIAL INSURANCE.—Such section is fur-
4 ther amended by adding at the end the following new sub-
5 section:

6 “(d) COMMERCIAL INSURANCE.—The Secretary may
7 enter into a contract or other arrangement with one or
8 more commercial providers to make insurance products
9 available to non-Department of Defense shippers using the
10 Defense Transportation System to insure against the loss
11 or damage of the shipper’s cargo. Any such contract or
12 arrangement shall provide that—

13 “(1) any insurance premium is collected by the
14 commercial provider;

15 “(2) any claim for loss or damage is processed
16 and paid by the commercial provider;

17 “(3) the commercial provider agrees to hold the
18 United States harmless and waive any recourse
19 against the United States for amounts paid to an in-
20 sured as a result of a claim; and

21 “(4) the contract between the commercial pro-
22 vider and the insured shall contain a provision
23 whereby the insured waives any claim against the
24 United States for loss or damage that is within the

1 scope of enumerated risks covered by the insurance
2 product.”.

3 (c) CONFORMING CROSS-REFERENCE AMEND-
4 MENTS.—Subsection (b) of such section is amended by
5 striking “this section” both places it appears and inserting
6 “subsection (a)”.

7 **SEC. 1042. LIMITATION ON RETIREMENT, DEACTIVATION,**
8 **OR DECOMMISSIONING OF MINE COUNTER-**
9 **MEASURES SHIPS.**

10 Section 1090 of the National Defense Authorization
11 Act for Fiscal Year 2016 (Public Law 111–92; 129 Stat.
12 1016) is amended by striking subsection (b) and inserting
13 the following:

14 “(b) LIMITATION ON RETIREMENT OF MCM
15 SHIPS.—

16 “(1) IN GENERAL.—None of the funds author-
17 ized to be appropriated by this Act or otherwise
18 made available for the Department of the Navy for
19 fiscal year 2017 may be obligated or expended to re-
20 tire, deactivate, decommission, to prepare to retire,
21 deactivate, decommission, or to place in storage
22 backup inventory or reduced operating status any
23 MCM-1 class ship.

24 “(2) WAIVER AUTHORITY.—

1 “(A) IN GENERAL.—The Secretary of the
2 Navy may waive the limitation under paragraph
3 (1) with respect to any MCM-1 class ship if the
4 Secretary provides to the congressional defense
5 committees certification that the operational
6 test and evaluation for replacement capabilities
7 for the ship is complete and such capabilities
8 are available in sufficient quantities to ensure
9 sufficient mine countermeasures capacity is
10 available to meet requirements as set forth in
11 the Joint Strategic Capabilities Plan, the cam-
12 paign plans of the combatant commanders, and
13 the Navy’s Force Structure Assessment.

14 “(B) REPORT.—The first time the Sec-
15 retary of the Navy exercises the waiver author-
16 ity under subparagraph (A), the Secretary shall
17 submit to the congressional defense committees
18 a report that includes—

19 “(i) the recommendations of the Sec-
20 retary regarding MCM force structure;

21 “(ii) the recommendations of the Sec-
22 retary regarding how to ensure the oper-
23 ational effectiveness of the surface MCM
24 force through 2025 based on current capa-
25 bilities and capacity, replacement sched-

1 ules, and service life extensions or retire-
2 ment schedules;

3 “(iii) an assessment of the MCM ves-
4 sels, including the decommissioned MCM-1
5 and MCM-2 ships and the potential of
6 such ships for reserve operating status;
7 and

8 “(iv) an assessment of the Littoral
9 Combat Ship MCM mission package incre-
10 ment one performance against the initial
11 operational test and evaluation criteria.”.

12 **SEC. 1043. EXTENSION OF AUTHORITY OF SECRETARY OF**
13 **TRANSPORTATION TO ISSUE NON-PREMIUM**
14 **AVIATION INSURANCE.**

15 Section 44310(b) of title 49, United States Code, is
16 amended by striking “December 31, 2018” and inserting
17 “December 31, 2019”.

18 **SEC. 1044. EVALUATION OF NAVY ALTERNATE COMBINA-**
19 **TION COVER AND UNISEX COMBINATION**
20 **COVER.**

21 (a) MANDATORY POSSESSION OR WEAR DATE.—The
22 Secretary of the Navy shall change the mandatory posses-
23 sion or wear date of the alternate combination cover or
24 the unisex combination cover from October 31, 2016, to
25 October 31, 2020.

1 (b) EVALUATION AND REPORT.—The Secretary of
2 the Navy may not implement or enforce any change to
3 Navy female service dress uniforms until the Secretary
4 submits to the Committees on Armed Services of the Sen-
5 ate and House of Representatives a report on the evalua-
6 tion of the Navy female service dress uniforms. Such eval-
7 uation shall include each of the following:

8 (1) An identification of the operational need ad-
9 dressed by the alternate combination cover or the
10 unisex combination cover.

11 (2) An assessment of the individual cost of
12 service dress uniform items to members of the
13 Armed Forces as a percentage of their monthly pay.

14 (3) The composition of each uniform item's
15 wear test group.

16 (4) An identification of the costs to the Navy
17 and to individual members of the Armed Forces for
18 uniform changes identified in the Navy administra-
19 tive message 236/15 dated October 9, 2015.

20 (5) The opinions of female members of the
21 Navy active and reserve components.

1 **SEC. 1045. PROTECTION OF CERTAIN FEDERAL SPECTRUM**
2 **OPERATIONS.**

3 Section 1004 of the Bipartisan Budget Act of 2015
4 (Public Law 114–74; 47 U.S.C. 921 note) is amended by
5 adding at the end the following:

6 “(d) **PROTECTION OF CERTAIN FEDERAL SPECTRUM**
7 **OPERATIONS.**—If the report required by subsection (a) de-
8 termines that reallocation and auction of the spectrum de-
9 scribed in the report would harm national security by im-
10 pacting existing terrestrial Federal spectrum operations at
11 the Nevada Test and Training Range, the Commission,
12 in coordination with the Secretary shall, prior to the auc-
13 tion described in subsection (c)(1)(B), establish rules for
14 licensees in such spectrum sufficient to mitigate harmful
15 interference to such operations.

16 “(e) **RULE OF CONSTRUCTION.**—Nothing in this sec-
17 tion shall be construed to affect any requirement under
18 section 1062(b) of the National Defense Authorization Act
19 for Fiscal Year 2000 (47 U.S.C. 921 note; Public Law
20 106–65).”.

21 **SEC. 1046. TRANSPORTATION ON MILITARY AIRCRAFT ON A**
22 **SPACE-AVAILABLE BASIS FOR MEMBERS AND**
23 **FORMER MEMBERS OF THE ARMED FORCES**
24 **WITH DISABILITIES RATED AS TOTAL.**

25 (a) **AVAILABILITY OF TRANSPORTATION.**—Section
26 2641b of title 10, United States Code, is amended—

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

3 (2) by inserting after subsection (e) the fol-
4 lowing new subsection (f):

5 “(f) SPECIAL PRIORITY FOR CERTAIN DISABLED
6 VETERANS.—(1) The Secretary of Defense shall provide
7 transportation on scheduled and unscheduled military
8 flights within the continental United States and on sched-
9 uled overseas flights operated by the Air Mobility Com-
10 mand on a space-available basis for any member or former
11 member of the armed forces with a disability rated as total
12 on the same basis as such transportation is provided to
13 members of the armed forces entitled to retired or retainer
14 pay.

15 “(2) The transportation priority required by para-
16 graph (1) for veterans described in such paragraph applies
17 whether or not the Secretary establishes the travel pro-
18 gram authorized by this section.

19 “(3) In this subsection, the term ‘disability rated as
20 total’ has the meanings given that term in section
21 1414(e)(3) of this title.”.

22 (b) EFFECTIVE DATE.—Subsection (f) of section
23 2641b of title 10, United States Code, as added by sub-
24 section (a), shall take effect at the end of the 90-day pe-
25 riod beginning on the date of the enactment of this Act.

1 **SEC. 1047. NATIONAL GUARD FLYOVERS OF PUBLIC**
2 **EVENTS.**

3 (a) STATEMENT OF POLICY.—It shall be the policy
4 of the Department of Defense that flyovers of public
5 events in support of community relations activities may
6 only be flown as part of an approved training mission at
7 no additional expense to the Federal Government.

8 (b) NATIONAL GUARD FLYOVER APPROVAL PROC-
9 ESS.—The Adjutant General of a State in which an Army
10 National Guard or Air National Guard unit is based will
11 be the approval authority for all Air National Guard and
12 Army National Guard flyovers in that State, including any
13 request for a flyover in any civilian domain at a nonavia-
14 tion related event.

15 (c) FLYOVER RECORD MAINTENANCE; REPORT.—

16 (1) RECORD MAINTENANCE.—The Secretary of
17 Defense shall keep and maintain records of flyover
18 requests, approvals, and the total costs of all flyover
19 missions, including the costs of fuel, maintenance,
20 and manpower, in a publicly accessible database that
21 is updated annually.

22 (2) GAO REPORT.—Not later than one year
23 after the date of the enactment of this Act, the
24 Comptroller General of the United States shall sub-
25 mit to the Committee on Armed Services of the
26 House of Representatives and the Committee on

1 Armed Services of the Senate a report on flyovers
2 and the process whereby flyover requests are made
3 and evaluated, including—

4 (A) whether there is any cost to taxpayers
5 associated with flyovers;

6 (B) whether there is any appreciable public
7 relations or recruitment value that comes from
8 flyovers; and

9 (C) the impact flyovers have to aviator
10 training and readiness.

11 (d) FLYOVER DEFINED.—In this section, the term
12 “flyover” means aviation support—

13 (1) in which a straight and level flight limited
14 to one pass by a single military aircraft, or by a sin-
15 gular formation of four or fewer military aircraft of
16 the same type, from the same military department
17 over a predetermined point on the ground at a spe-
18 cific time;

19 (2) that does not involve aerobatics or dem-
20 onstrations; and

21 (3) uses bank angles of up to 90 degrees if re-
22 quired to improve the spectator visibility of the air-
23 craft.

24 (e) STATE DEFINED.—In this section, the term
25 “State” includes the District of Columbia, the Common-

1 **SEC. 1049. REQUIREMENT RELATING TO TRANSFER OF EX-**
2 **CESS DEPARTMENT OF DEFENSE EQUIPMENT**
3 **TO FEDERAL AND STATE AGENCIES.**

4 Section 2576a of title 10, United States Code, is
5 amended by adding at the end the following new sub-
6 section:

7 “(g) PREFERENCE FOR BORDER SECURITY PUR-
8 POSES.—(1) In transferring the personal property de-
9 scribed in paragraph (2) under this section, the Secretary
10 of Defense may give first preference to the Department
11 of Homeland Security and then to Federal and State
12 agencies that agree to use the property primarily for the
13 purpose of strengthening border security along the south-
14 ern border of the United States.

15 “(2) The personal property described in this section
16 is—

17 “(A) unmanned aerial vehicles;

18 “(B) the Aerostat radar system;

19 “(C) night-vision goggles; and

20 “(D) high mobility multi-purpose wheel vehicles
21 (commonly known as ‘humvees’).”.

1 **Subtitle F—Studies and Reports**

2 **SEC. 1061. TEMPORARY CONTINUATION OF CERTAIN DE-** 3 **PARTMENT OF DEFENSE REPORTING RE-** 4 **QUIREMENTS.**

5 (a) EXCEPTIONS TO REPORTS TERMINATION PROVI-
6 SION.—Section 1080 of the National Defense Authoriza-
7 tion Act for Fiscal Year 2016 (Public Law 114–92; 129
8 Stat. 1000; 10 U.S.C. 111 note) does not apply to any
9 report required to be submitted to Congress by the De-
10 partment of Defense, or by any officer, official, compo-
11 nent, or element of the Department, pursuant to a provi-
12 sion of law specified in this section, notwithstanding the
13 enactment of the reporting requirement by an annual na-
14 tional defense authorization Act or the inclusion of the re-
15 port in the list of reports prepared by the Secretary of
16 Defense pursuant to subsection (c) of such section 1080.

17 (b) FINAL TERMINATION DATE FOR SUBMITTAL OF
18 EXEMPTED REPORTS.—

19 (1) IN GENERAL.—Except as provided in para-
20 graph (2), each report required pursuant to a provi-
21 sion of law specified in this section that is still re-
22 quired to be submitted to Congress as of January
23 31, 2021, shall no longer be required to be sub-
24 mitted to Congress after that date.

1 (2) REPORTS EXEMPTED FROM TERMI-
2 NATION.—The termination dates specified in para-
3 graph (1) and section 1080 of the National Defense
4 Authorization Act for Fiscal Year 2016 do not apply
5 to the following:

6 (A) The submission of the reports on the
7 National Military Strategy and Risk Assess-
8 ment under section 153(b)(3) of title 10,
9 United States Code.

10 (B) The submission of the future-years de-
11 fense program (including associated annexes)
12 under section 221 of title 10, United States
13 Code.

14 (C) The submission of the future-years
15 mission budget for the military programs of the
16 Department of Defense under section 221 of
17 such title.

18 (D) The submission of audits of con-
19 tracting compliance by the Inspector General of
20 the Department of Defense under section
21 1601(b) of the National Defense Authorization
22 Act for Fiscal Year 2014 (Public Law 113–66;
23 10 U.S.C. 2533a note).

24 (c) REPORTS REQUIRED BY TITLE 10, UNITED
25 STATES CODE.—Subject to subsection (b), subsection (a)

1 applies to reporting requirements contained in the fol-
2 lowing sections of title 10, United States Code:

3 (1) Section 127b(f), relating to a report on the
4 administration of Department of Defense rewards
5 program against international terrorism.

6 (2) Section 127d(d), relating to a report on
7 provision of logistic support, supplies, and services
8 to allied forces participating in combined operations.

9 (3) Section 139(h), relating to a report on oper-
10 ational test and evaluation activities of the Depart-
11 ment of Defense, including the report component re-
12 quired by section 2399(g) on operational test and
13 evaluation of defense acquisition programs.

14 (4) Section 139b(d), relating to a report on ac-
15 tivities of the Deputy Assistant Secretary of Defense
16 for Developmental Test and Evaluation.

17 (5) Sections 153(c), relating to a report on the
18 requirements of the combatant commands.

19 (6) Section 179(f), relating to reports and as-
20 sessments regarding nuclear stockpile and stockpile
21 stewardship program.

22 (7) Section 196(d), relating to a report on the
23 strategic plan reflecting the needs of the Depart-
24 ment of Defense with respect to test and evaluation
25 facilities and resources.

1 (8) Section 229, relating to submission of budg-
2 et information regarding Department of Defense
3 programs for combating terrorism.

4 (9) Section 231, relating to submission of naval
5 vessel construction plan and related certification.

6 (10) Section 238, relating to submission of a
7 budget justification display regarding cyber mission
8 forces.

9 (11) Section 401(d), relating to a report on the
10 provision of humanitarian and civic assistance in
11 conjunction with military operations.

12 (12) Section 494(b), relating to a report on the
13 nuclear weapons stockpile of the United States.

14 (13) Section 526(j), relating to a report on gen-
15 eral officer and flag officer numbers.

16 (14) Section 981(c), relating to a report on en-
17 listed aide numbers.

18 (15) Section 1557(e), relating to a report on
19 any failure to achieve timeliness standard for dis-
20 position of applications before Corrections Boards.

21 (16) Section 2011(e), relating to a report on
22 training of special operations forces with friendly
23 foreign forces.

1 (17) Section 2166(i), relating to a report on the
2 activities of the Western Hemisphere Institute for
3 Security Cooperation.

4 (18) Section 2218(h), relating to submission of
5 budget requests for the National Defense Sealift
6 Fund.

7 (19) Section 2228(e), relating to a report on
8 the long-term strategy and related matters regarding
9 reducing corrosion and its effects on military equip-
10 ment and infrastructure.

11 (20) Section 2229a, relating to a report on the
12 status of materiel in the prepositioned stocks.

13 (21) Section 2249c(e), relating to a report on
14 the administration of the Regional Defense Com-
15 bating Terrorism Fellowship Program.

16 (22) Section 2275, relating to reports on major
17 satellite acquisition programs, including report up-
18 dates under subsection (f) of such section.

19 (23) Section 2276(e), relating to a report on
20 the funds, services, and equipment accepted and
21 used in connection with commercial space launch co-
22 operation.

23 (24) Section 2445b, relating to submission of
24 budget justification documents regarding major

1 automated information system programs and other
2 major information technology investment programs.

3 (25) Section 2464(d), relating to a report on
4 core depot-level maintenance and repair capabilities.

5 (26) Section 2466(d), relating to a report on
6 expenditures for performance of depot-level maintenance and repair workloads.

7
8 (27) Section 2561(c), relating to a report on
9 the use of humanitarian assistance for providing
10 transportation of humanitarian relief and for other
11 humanitarian purposes.

12 (28) Section 2684a(g), relating to a report on
13 projects undertaken under agreements to limit encroachments and other constraints on military training, testing, and operations.

14
15
16 (29) Section 2687a, relating to reports on the
17 status of overseas closures and realignments and
18 master plans, expenditures from the Department of
19 Defense Overseas Facility Investment Recovery Account, and agreement of settlement with host countries regarding the release of facility improvements
20 made by the United States.

21
22
23 (30) Section 2711, relating to a report on defense environmental programs.
24

1 (31) Sections 2831(e) and 2884(b)(4), relating
2 to reports on quarters for general or flag officers.

3 (32) Sections 2884(b) and (c), relating to re-
4 ports on the Department of Defense Housing Funds,
5 provision of a basic allowance for housing to mem-
6 bers of the Armed Forces living in military
7 privatized housing, plans for housing privatization
8 activities, and the status of oversight and account-
9 ability measures for military housing privatization
10 projects.

11 (33) Section 2912(d), relating to a statement of
12 the energy cost savings available for obligation.

13 (34) Section 2925, relating to reports on De-
14 partment of Defense energy management and oper-
15 ational energy.

16 (35) Section 4721(e), relating to submission of
17 a budget request and related materials regarding
18 Army National Military Cemeteries.

19 (36) Section 7310(c), relating to a report on re-
20 pairs and maintenance performed on certain naval
21 vessels in a foreign shipyard.

22 (37) Section 10541, relating to a report on
23 equipment of the National Guard and other reserve
24 components.

1 (38) Section 10543, relating to a component of
2 the future-years defense program regarding National
3 Guard and other reserve components equipment pro-
4 curement and military construction funding and as-
5 sociated annexes and report.

6 (d) REPORTS REQUIRED BY NATIONAL DEFENSE
7 AUTHORIZATION ACT FOR FISCAL YEAR 2015.—Subject
8 to subsection (b), subsection (a) applies to reporting re-
9 quirements contained in the following sections of the Carl
10 Levin and Howard P. “Buck” McKeon National Defense
11 Authorization Act for Fiscal Year 2015 (Public Law 113–
12 291):

13 (1) Section 232(e) (10 U.S.C. 2358 note), re-
14 lating to a report on the pilot program on assign-
15 ment to the Defense Advanced Research Projects
16 Agency of certain private sector personnel.

17 (2) Section 546(d) (10 U.S.C. 1561 note), re-
18 lating to a report on activities of the Defense Advi-
19 sory Committee on Investigation, Prosecution, and
20 Defense of Sexual Assault in the Armed Forces.

21 (3) Section 1003 (10 U.S.C. 221 note), relating
22 to reporting of balances carried forward by the De-
23 partment of Defense at the end of each fiscal year.

1 (4) Section 1026(d) (128 Stat. 3490), relating
2 to a report on the status of the modernization of Ti-
3 conderoga-class cruisers and dock landing ships.

4 (5) Section 1055 (128 Stat. 3498), relating to
5 a report on the Air Force response to the rec-
6 ommendations of the National Commission on the
7 Structure of the Air Force.

8 (6) Section 1204(b) (10 U.S.C. 2249e note), re-
9 lating to a report on administration of section 2249e
10 of title 10, United States Code.

11 (7) Section 1205(e) (128 Stat. 3537), relating
12 to a report on the assessment of programs carried
13 out under section 2282(f) of title 10, United States
14 Code.

15 (8) Section 1206(e) (10 U.S.C. 2282 note), re-
16 lating to a report on the training of security forces
17 and associated security ministries of foreign coun-
18 tries to promote respect for the rule of law and
19 human rights.

20 (9) Section 1207(d) (10 U.S.C. 2342 note), re-
21 lating to a report on loan of personnel protection
22 and personnel survivability equipment to military
23 forces of foreign nations.

24 (10) Section 1211 (128 Stat. 3544), relating to
25 a report on programs carried out by the Department

1 of Defense to provide training, equipment, or other
2 assistance or reimbursement to foreign security
3 forces.

4 (11) Section 1225 (128 Stat. 3550), relating to
5 a report on enhancing security and stability in Af-
6 ghanistan.

7 (12) Section 1245 (128 Stat. 3566), relating to
8 a report on military and security developments in-
9 volving the Russian Federation.

10 (13) Section 2821(a)(3) (10 U.S.C. 2687 note),
11 relating to notice of any adjustment to the funding
12 limitation on implementation of the Record of Deci-
13 sion for the relocation of Marine Corps forces to
14 Guam.

15 (e) REPORTS REQUIRED BY NATIONAL DEFENSE
16 AUTHORIZATION ACT FOR FISCAL YEAR 2014.—Subject
17 to subsection (b), subsection (a) applies to reporting re-
18 quirements contained in the following sections of the Na-
19 tional Defense Authorization Act for Fiscal Year 2014
20 (Public Law 113–66):

21 (1) Section 704(e) (10 U.S.C. 1074 note), re-
22 lating to a report on the pilot program on investiga-
23 tional treatment of members of the Armed Forces
24 for traumatic brain injury and post-traumatic stress
25 disorder.

1 (2) Sections 713(f), (g), and (h) (10 U.S.C.
2 1071 note), relating to providing a financial sum-
3 mary of efforts to develop interoperable electronic
4 health records, updates on the progress of data shar-
5 ing, and information on executive committee activi-
6 ties.

7 (f) REPORTS REQUIRED BY NATIONAL DEFENSE AU-
8 THORIZATION ACT FOR FISCAL YEAR 2013.—Subject to
9 subsection (b), subsection (a) applies to reporting require-
10 ments contained in the following sections of the National
11 Defense Authorization Act for Fiscal Year 2013 (Public
12 Law 112–239):

13 (1) Section 1009 (126 Stat. 1906), relating to
14 a report on the use of funds in the Drug Interdic-
15 tion and Counter-Drug Activities, Defense-wide ac-
16 count.

17 (2) Section 1023 (126 Stat. 1911), relating to
18 a report on recidivism of individuals who have been
19 detained at United States Naval Station, Guanta-
20 namo Bay, Cuba.

21 (g) REPORTS REQUIRED BY NATIONAL DEFENSE
22 AUTHORIZATION ACT FOR FISCAL YEAR 2011.—Subject
23 to subsection (b), subsection (a) applies to reporting re-
24 quirements contained in the following sections of the Ike

1 Skelton National Defense Authorization Act for Fiscal
2 Year 2011 (Public Law 111–383):

3 (1) Section 123 (10 U.S.C. 167 note), relating
4 to a report on use of combat mission requirements
5 funds.

6 (2) Section 1631(d) (10 U.S.C. 1561 note), re-
7 lating to a report on sexual assaults involving mem-
8 bers of the Armed Forces and improvement to sex-
9 ual assault prevention and response program.

10 (h) REPORTS REQUIRED BY NATIONAL DEFENSE
11 AUTHORIZATION ACT FOR FISCAL YEAR 2010.—Subject
12 to subsection (b), subsection (a) applies to reporting re-
13 quirements contained in the following sections of the Na-
14 tional Defense Authorization Act for Fiscal Year 2010
15 (Public Law 111–84):

16 (1) Section 711(d) (10 U.S.C. 1071 note), re-
17 lating to a report on the comprehensive policy on
18 pain management by the Military Health Care Sys-
19 tem.

20 (2) Section 1003(b) (10 U.S.C. 2222 note), re-
21 lating to a report on implementation by the Depart-
22 ment of Defense of the Financial Improvement and
23 Audit Readiness Plan.

24 (3) Section 1245 (123 Stat. 2542), relating to
25 a report on military power of Iran.

1 (i) REPORTS REQUIRED BY OTHER LAWS.—Subject
2 to subsection (b), subsection (a) applies to reporting re-
3 quirements contained in the following provisions of law:

4 (1) Section 717(c) of the National Defense Au-
5 thorization Act for Fiscal Year 1996 (Public Law
6 104–106; 10 U.S.C. 1073 note), relating to a report
7 on TRICARE Program effectiveness.

8 (2) Section 1202 of the National Defense Au-
9 thorization Act for Fiscal Year 2000 (Public Law
10 106–65; 10 U.S.C. 113 note), relating to a report on
11 military and security developments involving the
12 People’s Republic of China.

13 (3) Section 1208(f) of the Ronald W. Reagan
14 National Defense Authorization Act for Fiscal Year
15 2005 (Public Law 108–375; 118 Stat. 2086), relat-
16 ing to a report on the provision of support for spe-
17 cial operations to combat terrorism.

18 (4) Section 1405(d) of the National Defense
19 Authorization Act for Fiscal Year 2006 (Public Law
20 109–163; 10 U.S.C. 801 note), relating to a report
21 on any modification made to the procedures for sta-
22 tus review of detainees outside the United States.

23 (5) Section 1017(e) of the John Warner Na-
24 tional Defense Authorization Act for Fiscal Year
25 2007 (Public Law 109–364; 10 U.S.C. 2631 note),

1 relating to a report regarding overhaul, repair, and
2 maintenance performed on certain vessels in the
3 United States.

4 (6) Section 1034(d) of the National Defense
5 Authorization Act for Fiscal Year 2008 (Public Law
6 110–181; 122 Stat. 309), relating to a report on the
7 provision of support for non-Federal development
8 and testing of material for chemical agent defense.

9 (7) Section 1236 of the National Defense Au-
10 thorization Act for Fiscal Year 2012 (Public Law
11 112–81; 125 Stat. 1641), relating to a report on
12 military and security developments involving the
13 Democratic People’s Republic of Korea.

14 (8) Section 103A(b)(3) of the Sikes Act (16
15 U.S.C. 670c–1(b)(3)), relating to a report on the
16 disposition of certain appropriated funds provided
17 under cooperative and interagency agreements for
18 land management on installations.

19 (9) Section 1511(h) of the Armed Forces Re-
20 tirement Home Act of 1991 (24 U.S.C. 411(h)), re-
21 lating to a report on the financial and other affairs
22 of the Armed Forces Retirement Home.

23 (10) Section 901(f) of the Office of National
24 Drug Control Policy Reauthorization Act of 2006
25 (Public Law 109–469; 32 U.S.C. 112 note), as

1 added by section 1008 of the National Defense Au-
2 thorization Act for Fiscal Year 2013 (Public Law
3 112–239), relating to a report on the activities of
4 the National Guard counterdrug schools.

5 (11) Section 14 of the Strategic and Critical
6 Materials Stock Piling Act (50 U.S.C. 98h–5), relat-
7 ing to a report on the requirements of the National
8 Defense Stockpile.

9 (12) Sections 1412(i) and (j) of the National
10 Defense Authorization Act, 1986 (50 U.S.C. 1521),
11 as amended by section 1421 of the Ike Skelton Na-
12 tional Defense Authorization Act for Fiscal Year
13 2011 (Public Law 111–383), relating to reports on
14 destruction of existing stockpile of lethal chemical
15 agents and munitions, including implementation by
16 the United States of its chemical weapons destruc-
17 tion obligations under the Chemical Weapons Con-
18 vention.

19 (13) Section 1703 of the National Defense Au-
20 thorization Act for Fiscal Year 1994 (50 U.S.C.
21 1523), relating to a report on chemical and biologi-
22 cal warfare defense.

23 (14) Section 234 of the National Defense Au-
24 thorization Act for Fiscal Year 1998 (50 U.S.C.
25 2367), relating to a report on acquisition of tech-

1 nology relating to weapons of mass destruction and
2 their threat.

3 (15) Section 105A(b) of the Uniformed and
4 Overseas Citizens Absentee Voting Act (52 U.S.C.
5 20308(b)), as added by section 586 of the National
6 Defense Authorization Act for Fiscal Year 2010
7 (Public Law 111–84), relating to a report on effec-
8 tiveness of activities and utilization of certain proce-
9 dures under Federal Voting Assistance Program.

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 **SEC. 1062. MATTERS FOR INCLUSION IN REPORT ON DES-**
19 **IGNATION OF COUNTRIES FOR WHICH RE-**
20 **WARDS MAY BE PAID UNDER DEPARTMENT**
21 **OF DEFENSE REWARDS PROGRAM.**

22 Section 127b(h) of title 10, United States Code, is
23 amended—

24 (1) in paragraph (2), by inserting “and jus-
25 tification” after “reason”; and

1 (2) by amending paragraph (3) to read as fol-
2 lows:

3 “(3) An estimate of the amount or value of the
4 rewards to be paid as monetary payment or pay-
5 ment-in-kind under this section.”.

6 **SEC. 1063. CONGRESSIONAL NOTIFICATION OF BIOLOGICAL**
7 **SELECT AGENT AND TOXIN THEFT, LOSS, OR**
8 **RELEASE INVOLVING THE DEPARTMENT OF**
9 **DEFENSE.**

10 (a) NOTIFICATION REQUIREMENT.—Not later than
11 15 days after notice of any theft, loss, or release of a bio-
12 logical select agent or toxin involving the Department of
13 Defense is provided to the Centers for Disease Control and
14 Prevention or the Animal and Plant Health Inspection
15 Service, as specified by section 331.19 of part 7 of the
16 Code of Federal Regulations, the Secretary of Defense
17 shall provide to the congressional defense committees no-
18 tice of such theft, loss, or release.

19 (b) ELEMENTS.—Notice of a theft, loss, or release
20 of a biological select agent or toxin under subsection (a)
21 shall include each of the following:

22 (1) The name of the agent or toxin and any
23 identifying information, including the strain or other
24 relevant characterization information.

1 (2) An estimate of the quantity of the agent or
2 toxin stolen, lost, or released.

3 (3) The location or facility from which the
4 theft, loss, or release occurred.

5 (4) In the case of a release, any hazards posed
6 by the release and the number of individuals poten-
7 tially exposed to the agent or toxin.

8 (5) Actions taken to respond to the theft, loss,
9 or release.

10 **SEC. 1064. REPORT ON SERVICE-PROVIDED SUPPORT TO**
11 **UNITED STATES SPECIAL OPERATIONS**
12 **FORCES.**

13 (a) **REPORT REQUIRED.**—Not later than 180 days
14 after the date of the enactment of this Act, the Secretary
15 of Defense shall submit to the congressional defense com-
16 mittees a written report on common service support con-
17 tributed from each of the military services toward special
18 operations forces. Such report shall include—

19 (1) detailed information about the resources al-
20 located by each military service for combat support,
21 combat service support, and base operating support
22 for special operations forces; and

23 (2) an assessment of the specific effects that fu-
24 ture manpower and force structure changes are like-
25 ly to have on the capability of each of the military

1 services to provide common service support to special
2 operations forces.

3 (b) ANNUAL UPDATES.—For each of fiscal years
4 2018 through 2020, the Secretary of Defense shall submit
5 to the congressional defense committees an update to the
6 report required under subsection (a).

7 (c) FORM OF REPORT.—The report required under
8 subsection (a) and each update provided under subsection
9 (b) shall be submitted in unclassified form, but may con-
10 tain a classified annex.

11 **SEC. 1065. REPORT ON CITIZEN SECURITY RESPONSIBIL-**
12 **ITIES IN THE NORTHERN TRIANGLE OF CEN-**
13 **TRAL AMERICA.**

14 (a) IN GENERAL.—Not later than 180 days after the
15 date of the enactment of this Act, the Secretary of Defense
16 and the Secretary of State shall jointly prepare and sub-
17 mit to the appropriate congressional committees a report
18 on military units that have been assigned to policing or
19 citizen security responsibilities in Guatemala, Honduras,
20 and El Salvador.

21 (b) MATTERS TO BE INCLUDED.—The report re-
22 quired by subsection (a) shall include each of the fol-
23 lowing:

24 (1) The following information, as of the date of
25 the enactment of this Act, with respect to military

1 units assigned to policing or citizen security respon-
2 sibilities in each of Guatemala, Honduras, and El
3 Salvador:

4 (A) The proportion of individuals in each
5 such country's military who participate in polic-
6 ing or citizen security activities relative to the
7 total number of individuals in that country's
8 military.

9 (B) Of the military units assigned to polic-
10 ing or citizen security responsibilities, the types
11 of units conducting police activities.

12 (C) The role of the Department of Defense
13 and the Department of State in training indi-
14 viduals for purposes of participation in such
15 military units.

16 (D) The number of individuals who partici-
17 pated in such military units who received train-
18 ing by the Department of Defense, and the
19 types of training they received.

20 (2) Any other information that the Secretary of
21 Defense or the Secretary of State determines to be
22 necessary to help better understand the relationships
23 of the militaries of Guatemala, Honduras, and El
24 Salvador to public security in such countries.

1 (3) A description of the plan of the United
2 States to assist the militaries of Guatemala, Hon-
3 duras, and El Salvador to carry out their respon-
4 sibilities in a manner that adheres to democratic
5 principles.

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

9 (d) PUBLIC AVAILABILITY.—The unclassified matter
10 of the report required by subsection (a) shall be posted
11 on a publicly available Internet website of the Department
12 of Defense and a publicly available Internet website of the
13 Department of State.

14 (e) APPROPRIATE CONGRESSIONAL COMMITTEES.—
15 In this section, the term “appropriate congressional com-
16 mittees” means the Committee on Armed Services and the
17 Committee on Foreign Affairs of the House of Representa-
18 tives and the Committee on Armed Services and the Com-
19 mittee on Foreign Relations of the Senate.

20 **SEC. 1066. REPORT ON COUNTERPROLIFERATION ACTIVI-**
21 **TIES AND PROGRAMS.**

22 (a) IN GENERAL.—The Secretary of Defense shall
23 submit to the congressional defense committees a biennial
24 report on the counterproliferation activities and programs

1 of the Department of Defense. The Secretary shall submit
2 the first such report by not later than May 1, 2017.

3 (b) MATTERS INCLUDED.—Each 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.—Each report under sub-
15 section (a) shall be submitted in unclassified form, but
16 may contain a classified annex.

17 (d) TERMINATION OF REQUIREMENT.—No report
18 shall be required to be submitted under this section after
19 January 31, 2021.

20 **SEC. 1067. INCLUSION OF BALLISTIC MISSILE DEFENSE IN-**
21 **FORMATION IN ANNUAL REPORT ON RE-**
22 **QUIREMENTS OF COMBATANT COMMANDS.**

23 (a) IN GENERAL.—Paragraph (2)(A) of section
24 153(e) of title 10, United States Code, is amended by in-
25 serting before the period the following: “, including the

1 integrated priorities list requirements for ballistic missile
2 defense by the geographic combatant commands and the
3 prioritized capabilities list for ballistic missile defense de-
4 veloped by the Commander of the United States Strategic
5 Command”.

6 (b) REPORT DURATION.—Paragraph (1) of such sec-
7 tion is amended by striking “At or about” and inserting
8 “During the period preceding January 31, 2021, at or
9 about”.

10 **SEC. 1068. REVIEWS BY DEPARTMENT OF DEFENSE CON-**
11 **CERNING NATIONAL SECURITY USE OF SPEC-**
12 **TRUM.**

13 (a) REVIEW AND REPORT TO THE CONGRESSIONAL
14 DEFENSE COMMITTEES.—Not later than one year after
15 the date of the enactment of this Act, and every two years
16 thereafter until January 31, 2021, the Secretary of De-
17 fense and the Chairman of the Joint Chiefs of Staff shall
18 submit to the congressional defense committees a report
19 containing the results of a comprehensive review con-
20 ducted by the Secretary and the Chairman of all uses by
21 the Department of Defense of spectrum. Such review shall
22 include the use of spectrum in military plans, training,
23 test, and in military capabilities that are in development
24 or have been fielded for any known or potential impacts
25 of sharing or repurposing of spectrum used or allocated

1 to be used by the Department of Defense that may be
2 reallocated or shared pursuant to a spectrum auction,
3 sharing arrangement, or other arrangement, or that is
4 otherwise identified as part of the 10-year plan developed
5 by the National Telecommunications and Information Ad-
6 ministration, and whether there are known or possible
7 mitigations in the event of reallocation or sharing that
8 they recommend, including exclusion zones, equipment
9 modifications, development or procurement of new tech-
10 nology, or any other mitigation they believe will protect
11 Department of Defense use of such spectrum, including
12 projected or estimated potential costs of the same, and
13 whether such costs will be borne out of Defense of Defense
14 total obligation authority.

15 (b) CERTIFICATION.—At the time of the submission
16 of the report required under subsection (a), the Secretary
17 and the Chairman shall both certify that they understand
18 any potential impacts to Department of Defense use of
19 spectrum that could result from a spectrum auction, re-
20 allocation, or sharing arrangement as of that date, and
21 submit such certification to the congressional defense com-
22 mittees.

23 (c) REPORT OF NON-CONCURRENCE OR VETO.—The
24 Secretary of Defense shall notify the congressional defense
25 committees as to whether the Secretary has not concurred

1 with or otherwise objected to the most recent version of
2 the 10-year plan developed by the National Telecommuni-
3 cations and Information Administration not later than 30
4 days after the date of such non-concurrence or other objec-
5 tion.

6 (d) FUNDING WITHHELD.—The Secretary of Defense
7 and the Chairman of the Joint Chiefs of Staff may not
8 obligate more than 95 percent of the funding authorized
9 to be appropriated to the Department of Defense for fiscal
10 year 2017 for operation and maintenance for headquarters
11 operations before the date that is 30 days after the date
12 on which the report required by subsection (a) and the
13 certification required under subsection (b) are submitted
14 to the congressional defense committees.

15 **SEC. 1069. ANNUAL REPORT ON PERSONNEL, TRAINING,**
16 **AND EQUIPMENT REQUIREMENTS FOR THE**
17 **NON-FEDERALIZED NATIONAL GUARD TO**
18 **SUPPORT CIVILIAN AUTHORITIES IN PRE-**
19 **VENTION AND RESPONSE TO DOMESTIC DIS-**
20 **ASTERS.**

21 (a) ANNUAL REPORT REQUIRED.—Section 10504 of
22 title 10, United States Code, is amended—

23 (1) in subsection (a), by striking “REPORT.—”
24 and inserting “REPORT ON STATE OF THE NA-
25 TIONAL GUARD.—(1)”;

1 (2) by striking “(b) SUBMISSION OF REPORT
2 TO CONGRESS.—” and inserting “(2)”;

3 (3) by striking “annual report of the Chief of
4 the National Guard Bureau” and inserting “annual
5 report required by paragraph (1)”;

6 (4) by adding at the end the following new sub-
7 section (b):

8 “(b) ANNUAL REPORT ON NON-FEDERALIZED SERV-
9 ICE NATIONAL GUARD PERSONNEL, TRAINING, AND
10 EQUIPMENT REQUIREMENTS.—(1) Not later than Janu-
11 ary 31 of each of calendar years 2017 through 2021, the
12 Chief of the National Guard Bureau shall submit to the
13 congressional defense committees and the officials speci-
14 fied in paragraph (5) a report setting forth the personnel,
15 training, and equipment required by the National Guard
16 during the next fiscal year to carry out its mission, while
17 not Federalized, to provide prevention, protection mitiga-
18 tion, response, and recovery activities in support of civilian
19 authorities in connection with natural and man-made dis-
20 asters.

21 “(2) To determine the annual personnel, training,
22 and equipment requirements of the National Guard re-
23 ferred to in paragraph (1), the Chief of the National
24 Guard Bureau shall take into account, at a minimum, the
25 following:

1 “(A) Core civilian capabilities gaps for the pre-
2 vention, protection, mitigation, response, and recov-
3 ery activities in connection with natural and man-
4 made disasters, as collected by the Department of
5 Homeland Security from the States.

6 “(B) Threat and hazard identifications and risk
7 assessments of the Department of Defense, the De-
8 partment of Homeland Security, and the States.

9 “(3) Personnel, training, and equipment require-
10 ments shall be collected from the States, validated by the
11 Chief of the National Guard Bureau, and be categorized
12 in the report required by paragraph (1) by each of the
13 following:

14 “(A) Emergency support functions of the Na-
15 tional Response Framework.

16 “(B) Federal Emergency Management Agency
17 regions.

18 “(4) The annual report required by paragraph (1)
19 shall be prepared in consultation with the chief executive
20 of each State, other appropriate civilian authorities, and
21 the Council of Governors.

22 “(5) In addition to the congressional defense commit-
23 tees, the annual report required by paragraph (1) shall
24 be submitted to the following officials:

25 “(A) The Secretary of Defense.

1 “(B) The Secretary of Homeland Security.

2 “(C) The Council of Governors.

3 “(D) The Secretary of the Army.

4 “(E) The Secretary of the Air Force.

5 “(F) The Commander of the United States
6 Northern Command.

7 “(G) The Commander of the United States
8 Cyber Command.”.

9 (b) CLERICAL AMENDMENTS.—

10 (1) SECTION HEADING.—The heading of such
11 section is amended to read as follows:

12 **“§ 10504. Chief of the National Guard Bureau: annual**
13 **reports”.**

14 (2) TABLE OF CONTENTS.—The table of sec-
15 tions at the beginning of chapter 1011 of title 10,
16 United States Code, is amended by striking the item
17 relating to section 10504 and inserting the following
18 new section:

“10504. Chief of the National Guard Bureau: annual reports.”.

19 **SEC. 1070. BRIEFING ON CRITERIA FOR DETERMINING LO-**
20 **CATIONS OF AIR FORCE INSTALLATION AND**
21 **MISSION SUPPORT CENTER HEADQUARTERS.**

22 (a) BRIEFING.—Not later than 180 days after the
23 date of the enactment of this Act, the Secretary of the
24 Air Force shall provide a briefing to the Committee on
25 Armed Services of the House of Representatives on the

1 Department of the Air Force’s process and reasoning for
2 using proximity to primary medium commercial hub air-
3 ports as part of the mission criteria for the Air Force In-
4 stallation and Mission Support Center headquarters stra-
5 tegic basing process.

6 (b) CONTENTS OF BRIEFING.—The briefing under
7 subsection (a) will specifically address the rationale behind
8 the distance categories used to allocate points under this
9 mission criteria referred to in subsection (a), and shall
10 provide references to any existing government guidance
11 that supports use of these distance categories. In addition,
12 the briefing shall include an analysis regarding the reasons
13 why the Department did not consider commuting times
14 as a more equitable way of determining proximity to com-
15 mercial hub airports that would account for the impact
16 of different traffic conditions across the candidate loca-
17 tions.

18 **SEC. 1071. REPORT ON TESTING AND INTEGRATION OF**
19 **MINEHUNTING SONAR SYSTEMS TO IMPROVE**
20 **LITTORAL COMBAT SHIP MINEHUNTING CA-**
21 **PABILITIES.**

22 (a) REPORT TO CONGRESS.—Not later than April 1,
23 2018, the Secretary of the Navy shall submit to the con-
24 gressional defense committees a report that contains the
25 findings of an assessment of all operational minehunting

1 Synthetic Aperture Sonar (hereinafter referred to as
2 “SAS”) technologies suitable to meet the requirements for
3 use on the Littoral Combat Ship Mine Countermeasures
4 Mission Package.

5 (b) ELEMENTS.—The report required by subsection
6 (a) shall include—

7 (1) an explanation of the future acquisition
8 strategy for the minehunting mission package;

9 (2) specific details regarding the capabilities of
10 all in-production SAS systems available for integra-
11 tion into the Littoral Combat Ship Mine Counter-
12 measure Mission Package;

13 (3) an assessment of key performance param-
14 eters for the Littoral Combat Ship Mine Counter-
15 measures Mission Package with each of the assessed
16 SAS technologies; and

17 (4) a review of the Department of the Navy’s
18 efforts to evaluate SAS technologies in operation
19 with allied Navies for future use on the Littoral
20 Combat Ship Mine Countermeasures Mission Pack-
21 age.

22 (c) SYSTEM TESTING.—The Secretary of the Navy
23 is encouraged to perform at-sea testing and experimen-
24 tation of sonar systems in order to provide data in support
25 of the assessment required by subsection (a).

1 **SEC. 1072. REPORT ON CARRIER AIR WING FORCE STRUC-**
2 **TURE.**

3 Not later than 180 days after the date of the enact-
4 ment of this Act, the Secretary of Defense shall submit
5 to Congress a report on the impact of changes to existing
6 carrier air wing force structure and the impact a potential
7 reduction to 9 carrier air wings would have on overall fleet
8 readiness if aircraft and personnel were to be distributed
9 throughout the remaining 9 air wings.

10 **SEC. 1073. QUARTERLY REPORTS ON PARACHUTE JUMPS**
11 **CONDUCTED AT FORT BRAGG AND POPE**
12 **ARMY AIRFIELD AND AIR FORCE SUPPORT**
13 **FOR SUCH JUMPS.**

14 (a) REPORT REQUIRED.—Until January 31, 2020,
15 the Secretary of the Air Force and the Secretary of the
16 Army shall submit to the Committees on Armed Services
17 of the House of Representatives and the Senate quarterly
18 reports—

19 (1) specifying the number of parachute jumps
20 conducted at Fort Bragg and Pope Army Airfield,
21 North Carolina, during the three-month period cov-
22 ered by the report; and

23 (2) describing and evaluating the level of air
24 support provided by the Air Force for those jumps.

25 (b) JOINT AIRBORNE AIR TRANSPORTABILITY
26 TRAINING CONTRACTS.—As part of each report submitted

1 under subsection (a), the Secretaries shall specifically pro-
2 vide the following:

3 (1) The number of Joint Airborne Air Trans-
4 portability Training contracts requested during the
5 three-month period covered by the report by all units
6 located at Fort Bragg and Pope Army Airfield.

7 (2) The number of Joint Airborne Air Trans-
8 portability Training contracts validated during the
9 three-month period covered by the report for units
10 located at Fort Bragg and Pope Army Airfield.

11 (3) The number of Joint Airborne Air Trans-
12 portability Training contracts not validated during
13 the three-month period covered by the report for
14 units located at Fort Bragg and Pope Army Airfield.

15 (4) In the case of each Joint Airborne Air
16 Transportability Training contract identified pursu-
17 ant to paragraph (3), the reason the contract was
18 not validated.

19 **SEC. 1074. BRIEFING ON REAL PROPERTY INVENTORY.**

20 (a) BRIEFING REQUIRED.—Not later than 180 days
21 after the date of the enactment of this Act, the Secretary
22 of Defense shall brief the Committee on Armed Services
23 of the House of Representatives on the status of the In-
24 stallation Geospatial Information and Services of the De-
25 partment of Defense as it relates to the real property in-

1 ventry of the Department, and the extent to which the
2 Department has made use of the cadastral geographic in-
3 formation systems-based real property inventory.

4 (b) MATTERS COVERED.—The briefing required by
5 subsection (a) shall, at a minimum, cover the following:

6 (1) The status of current policies of the Depart-
7 ment governing real property inventories and the use
8 of geospatial information systems, the status of real
9 property inventory in relation to the financial im-
10 provement and audit readiness efforts of the Depart-
11 ment, and the status of implementation of Depart-
12 ment of Defense Instruction 8130.01, Installation
13 Geospatial Information and Services (IGI&S).

14 (2) The extent to which the Department is co-
15 ordinating with the Federal Geographic Data Com-
16 mittee, other Federal agencies, and State and local
17 governments, and how existing Department stand-
18 ards and common protocols ensure that the inter-
19 operability of geospatial information complies with
20 section 216 of the E-Government Act of 2002 (Pub-
21 lic Law 107–347; 44 U.S.C. 3501 note) and Execu-
22 tive Orders 12906 and 13327.

23 (3) The existing real property inventories sys-
24 tems or any components of any cadastre currently
25 authorized by law or conducted by the Department

1 of Defense, the statutory authorization for such in-
2 ventories or components, and the amount expended
3 by the Federal Government for each such activity in
4 fiscal year 2015.

5 (4) A discussion of the Department's ability to
6 make this information publicly available on the
7 Internet in a graphically geo-enabled and searchable
8 format, and how the Department plans to prevent
9 the disclosure of any parcel or parcels of land, any
10 buildings or facilities on any such parcel, or any in-
11 formation related to any such parcel, building, or fa-
12 cility, if such disclosure would impair or jeopardize
13 the national security or homeland defense of the
14 United States.

15 (5) Any additional topics identified by the Sec-
16 retary.

17 **SEC. 1075. REPORT ON ADJUSTMENT AND DIVERSIFICA-**
18 **TION ASSISTANCE.**

19 Not later than 90 days after the date of the enact-
20 ment of this Act, the Secretary of Defense shall provide
21 to the Committee on Armed Services of the House of Rep-
22 resentatives a briefing on the adjustment and diversifica-
23 tion assistance authorized by subsections (b) and (c) of
24 section 2391 of title 10, United States Code. Such briefing
25 shall include each of the following:

1 (1) A description of the activities and programs
2 currently being conducted under subsections (b)(1)
3 and (c) of such section, including a list of the recipi-
4 ents of grants, and amount received by each recipi-
5 ent, of such activities and programs in each of the
6 five most recent fiscal years.

7 (2) For each of the five fiscal years preceding
8 the fiscal year during which the briefing is con-
9 ducted, separate estimates of the funding the De-
10 partment of Defense has directed to activities under
11 each of clauses (A) through (E) of paragraph (1) of
12 subsection (b) and under subsection (c) of such sec-
13 tion and the recipients of such funding.

14 **SEC. 1076. BRIEFING ON THE PROTECTION OF PERSON-**
15 **ALLY IDENTIFYING INFORMATION OF MEM-**
16 **BERS OF THE ARMED FORCES.**

17 Not later than 90 days after the date of the enact-
18 ment of this Act, the Secretary of Defense shall provide
19 to the congressional defense committees a briefing on the
20 efforts of the Department of Defense to protect the per-
21 sonally identifiable information of members of the Armed
22 Forces and their families, and of employees of the Depart-
23 ment of Defense, which shall include—

24 (1) current and planned initiatives to protect
25 the personally identifying information of members of

1 the Armed Forces and their families, and employees
2 of the Department of Defense;

3 (2) the challenges encountered in carrying out
4 the activities described in paragraph (1); and

5 (3) any trends related to fraudulent activity
6 that targets the personally identifying information of
7 members of the Armed Forces or their families, or
8 employees of the Department of Defense.

9 **Subtitle G—Other Matters**

10 **SEC. 1081. TECHNICAL AND CLERICAL AMENDMENTS.**

11 (a) TITLE 10, UNITED STATES CODE.—Title 10,
12 United States Code, is amended as follows:

13 (1) Section 130h is amended by striking “sub-
14 section (a) and (b)” both places it appears and in-
15 serting “subsections (a) and (b)”.

16 (2) Section 187(a)(2)(C) is amended by striking
17 “Acquisition, Logistics, and Technology” and insert-
18 ing “Acquisition, Technology, and Logistics”.

19 (3) Section 196(c)(1)(A)(ii) is amended by
20 striking “section 139(i)” and inserting “section
21 139(j)”.

22 (4) Subsection (b)(1)(B) of section 1415, to be
23 added by section 633(a)(1) of the National Defense
24 Authorization Act for Fiscal Year 2016 (Public Law

1 114–92; 129 Stat. 848), is amended by adding a pe-
2 riod at the end of clause (ii).

3 (5) Section 1705(g)(1) is amended by striking
4 “of of” and inserting “of”.

5 (6) Section 2222 is amended—

6 (A) in subsection (d)(1)(B), by inserting
7 “to” before “eliminate”;

8 (B) in subsection (g)(1)(E) by inserting
9 “the system” before “is in compliance”; and

10 (C) in subsection (i)(5), by striking “PRO-
11 GRAM” in the heading.

12 (b) AMENDMENTS RELATED TO ELIMINATION OF
13 TITLE 50 APPENDIX.—

14 (1) MILITARY SELECTIVE SERVICE ACT CITA-
15 TION CHANGES.—

16 (A) TITLE 10, UNITED STATES CODE.—
17 Title 10, United States Code, is amended as
18 follows:

19 (i) Section 101(d)(6)(B)(v) is amend-
20 ed by striking “(50 U.S.C. App.
21 460(b)(2))” and inserting “(50 U.S.C.
22 3809(b)(2))”.

23 (ii) Section 513(c) is amended—

1 (I) by striking “(50 U.S.C. App.
2 451 et seq.)” and inserting “(50
3 U.S.C. 3801 et seq.)”; and

4 (II) by inserting “(50 U.S.C.
5 3806(e)(2)(A))” after “of that Act”.

6 (iii) Section 523(b)(7) is amended by
7 striking “(50 U.S.C. App. 460(b)(2))” and
8 inserting “(50 U.S.C. 3809(b)(2))”.

9 (iv) Section 651(a) is amended by
10 striking “(50 U.S.C. App. 456(d)(1))” and
11 inserting “(50 U.S.C. 3806(d)(1))”.

12 (v) Section 671(e)(1) is amended by
13 striking “(50 U.S.C. App. 454(a))” and in-
14 serting “(50 U.S.C. 3803(a))”.

15 (vi) Section 1475(a)(5)(B) is amended
16 by striking “(50 U.S.C. App. 451 et seq.)”
17 and inserting “(50 U.S.C. 3801 et seq.)”.

18 (vii) Section 12103 is amended—

19 (I) in subsections (b) and (d), by
20 striking “(50 U.S.C. App. 451 et
21 seq.)” both places it appears and in-
22 serting “(50 U.S.C. 3801 et seq.)”;
23 and

24 (II) in subsection (d), by striking
25 “section 6(c)(2)(A)(ii) and (iii) of

1 such Act” and inserting “clauses (ii)
2 and (iii) of section 6(c)(2)(A) of such
3 Act (50 U.S.C. 3806(c)(2)(A))”.

4 (viii) Section 12104(a) is amended by
5 striking “(50 U.S.C. App. 451 et seq.)”
6 both places it appears and inserting “(50
7 U.S.C. 3801 et seq.)”.

8 (ix) Section 12208(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 (B) TITLE 37, UNITED STATES CODE.—
13 Section 209(a)(1) of title 37, United States
14 Code is amended by striking “(50 U.S.C. App.
15 456(d)(1))” and inserting “(50 U.S.C.
16 3806(d)(1))”.

17 (2) SERVICEMEMBERS CIVIL RELIEF ACT CITA-
18 TION CHANGES.—Title 10, United States Code, is
19 amended as follows:

20 (A) Section 987 is amended—

21 (i) in subsection (e)(2), by inserting
22 “(50 U.S.C. 3901 et seq.)” before the
23 semicolon; and

1 (ii) in subsection (g), by striking “(50
2 U.S.C. App. 527)” and inserting “(50
3 U.S.C. 3937)”.

4 (B) Section 1408(b)(1)(D) is amended by
5 striking “(50 U.S.C. App. 501 et seq.)” and in-
6 serting “(50 U.S.C. 3901 et seq.)”.

7 (3) EXPORT ADMINISTRATION ACT OF 1979 CI-
8 TATION CHANGES.—Title 10, United States Code, is
9 amended as follows:

10 (A) Section 130(a) is amended by striking
11 “(50 U.S.C. App. 2401–2420)” and inserting
12 “(50 U.S.C. 4601 et seq.)”.

13 (B) Section 2249a(a)(1) is amended by
14 striking “(50 U.S.C. App. 2405(j)(1)(A))” and
15 inserting “(50 U.S.C. 4605(j)(1)(A))”.

16 (C) Section 2327 is amended—

17 (i) in subsection (a), by striking “(50
18 U.S.C. App. 2405(j)(1)(A))” and inserting
19 “(50 U.S.C. 4605(j)(1)(A))”; and

20 (ii) in subsection (b)(2), by striking
21 “(50 U.S.C. App. 2405(j)(1)(A))” and in-
22 serting “(50 U.S.C. 4605(j)(1)(A))”.

23 (D) Section 2410i(a) is amended by strik-
24 ing “(50 U.S.C. App. 2402(5)(A))” and insert-
25 ing “(50 U.S.C. 4602(5)(A))”.

1 (E) Section 7430(e) is amended by strik-
2 ing “(50 U.S.C. App. 2401 et seq.)” and insert-
3 ing “(50 U.S.C. 4601 et seq.)”.

4 (4) DEFENSE PRODUCTION ACT OF 1950 CITA-
5 TION CHANGES.—Title 10, United States Code, is
6 amended as follows:

7 (A) Section 139c of title 10, United States
8 Code, is amended—

9 (i) in subsection (b)—

10 (I) in paragraph (11), by striking
11 “(50 U.S.C. App. 2171)” and insert-
12 ing “(50 U.S.C. 4567)”; and

13 (II) in paragraph (12)—

14 (aa) by striking “(50 U.S.C.
15 App. 2062(b))” and inserting
16 “(50 U.S.C. 4502(b))”; and

17 (bb) by striking “(50 U.S.C.
18 App. 2061 et seq.)” and inserting
19 “(50 U.S.C. 4501 et seq.)”; and

20 (ii) in subsection (c), by striking “(50
21 U.S.C. App. 2170(k))” and inserting “(50
22 U.S.C. 4565(k))”.

23 (B) Section 2537(e) is amended by strik-
24 ing “(50 U.S.C. App. 2170(a))” and inserting
25 “(50 U.S.C. 4565(a))”.

1 (C) Section 9511(6) is amended by strik-
2 ing “(50 U.S.C. App. 2071)” and inserting
3 “(50 U.S.C. 4511)”.

4 (D) Section 9513(e) is amended by strik-
5 ing “(50 U.S.C. App. 2071)” and inserting
6 “(50 U.S.C. 4511)”.

7 (5) MERCHANT SHIP SALES ACT OF 1946 CITA-
8 TION CHANGES.—Section 2218 of title 10, United
9 States Code, is amended—

10 (A) in subsection (c)(1)(E), by striking
11 “(50 U.S.C. App. 1744)” and inserting “(50
12 U.S.C. 4405)”; and

13 (B) in subsection (k)(3)(B), by striking
14 “(50 U.S.C. App. 1744)” and inserting “(50
15 U.S.C. 4405)”.

16 (c) NATIONAL DEFENSE AUTHORIZATION ACT FOR
17 FISCAL YEAR 2016.—Effective as of November 25, 2015,
18 and as if included therein as enacted, the National De-
19 fense Authorization Act for Fiscal Year 2016 (Public Law
20 114–92) is amended as follows:

21 (1) Section 563(a) is amended by striking “Sec-
22 tion 5(c)(5)” and inserting “Section 5(c)(2)”.

23 (2) Section 883(a)(2) (129 Stat. 947) is
24 amended by striking “such chapter” and inserting
25 “chapter 131 of such title”.

1 (3) Section 883 (129 Stat. 942) is amended by
2 adding at the end the following new subsection:

3 “(f) CONFORMING AMENDMENTS.—

4 “(1) Effective on the effective date specified in
5 subsection (a)(1) of section 901 of the Carl Levin
6 and Howard P. ‘Buck’ McKeon National Defense
7 Authorization Act for Fiscal Year 2015 (Public Law
8 113–291; 128 Stat. 3462; 10 U.S.C. 132a note),
9 section 2222 of title 10, United States Code, is
10 amended—

11 “(A) by striking ‘Deputy Chief Manage-
12 ment Officer of the Department of Defense’
13 each place it appears in subsections (c)(2),
14 (e)(1), (g)(2)(A), (g)(2)(B)(ii), and (i)(5)(B)
15 and inserting ‘Under Secretary of Defense for
16 Business Management and Information’; and

17 “(B) by striking ‘Deputy Chief Manage-
18 ment Officer’ in subsection (f)(1) and inserting
19 ‘Under Secretary of Defense for Business Man-
20 agement and Information’.

21 “(2) The second paragraph (3) of section
22 901(k) of such Act (Public Law 113–291; 128 Stat.
23 3468; 10 U.S.C. 2222 note) is repealed.”.

24 (4) Section 1079(a) is amended to read as fol-
25 lows:

1 “(a) ANNUAL REPORT ON PRIZES FOR ADVANCED
2 TECHNOLOGY ACHIEVEMENTS.—Section 2374a of title
3 10, United States Code, is amended—

4 “(1) by striking subsection (f); and

5 “(2) by redesignating subsection (g) as sub-
6 section (f).”.

7 (5) Section 1086(f)(11)(A) is amended by strik-
8 ing “Not later than one year” and inserting “Not
9 later than one year”.

10 (d) COORDINATION WITH OTHER AMENDMENTS
11 MADE BY THIS ACT.—For purposes of applying amend-
12 ments made by provisions of this Act other than this sec-
13 tion, the amendments made by this section shall be treated
14 as having been enacted immediately before any such
15 amendments by other provisions of this Act.

16 **SEC. 1082. MODIFICATION TO SUPPORT FOR NON-FEDERAL**
17 **DEVELOPMENT AND TESTING OF MATERIAL**
18 **FOR CHEMICAL AGENT DEFENSE.**

19 Section 1034 of the National Defense Authorization
20 Act for Fiscal Year 2008 (Public Law 110–181) is amend-
21 ed—

22 (1) in subsection (d)—

23 (A) by striking “report on the use of the
24 authority under subsection (a)” and all that fol-
25 lows and inserting “report that includes—”

1 “(A) a description of—

2 “(i) each use of the authority under
3 subsection (a); and

4 “(ii) for each such use, the specific
5 material made available and to whom it
6 was made available; and

7 “(B) a description of—

8 “(i) any instance in which the Depart-
9 ment of Defense made available to a State,
10 a unit of local government, or a private en-
11 tity any biological select agent or toxin for
12 the development or testing of any bio-
13 defense technology; and

14 “(ii) for each such instance, the spe-
15 cific material made available and to whom
16 it was made available.”; and

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

19 “(3) The requirement to submit a report under
20 paragraph (1) shall terminate on January 31,
21 2021.”; and

22 (2) in subsection (e), by striking “this section”
23 and all that follows and inserting “this section:”

24 “(1) The terms ‘precursor’, ‘protective pur-
25 poses’, and ‘toxic chemical’ have the meanings given

1 those terms in the convention referred to in sub-
2 section (c), in paragraph 2, paragraph 9(b), and
3 paragraph 1, respectively, of article II of that con-
4 vention.

5 “(2) The term ‘biological select agent or toxin’
6 means any agent or toxin identified under any of the
7 following:

8 “(A) Section 331.3 of title 7, Code of Fed-
9 eral Regulations.

10 “(B) Section 121.3 or section 121.4 of title
11 9, Code of Federal Regulations.

12 “(C) Section 73.3 or section 73.4 of title
13 42, Code of Federal Regulations.”.

14 **SEC. 1083. INCREASE IN MAXIMUM AMOUNT AVAILABLE**
15 **FOR EQUIPMENT, SERVICES, AND SUPPLIES**
16 **PROVIDED FOR HUMANITARIAN DEMINING**
17 **ASSISTANCE.**

18 Section 407(c)(3) of title 10, United States Code, is
19 amended by striking “\$10,000,000” and inserting
20 “\$15,000,000”.

1 **SEC. 1084. LIQUIDATION OF UNPAID CREDITS ACCRUED AS**
2 **A RESULT OF TRANSACTIONS UNDER A**
3 **CROSS-SERVICING AGREEMENT.**

4 (a) LIQUIDATION OF UNPAID CREDITS.—Section
5 2345 of title 10, United States Code, is amended by add-
6 ing at the end the following new subsection:

7 “(c)(1) Any credits of the United States accrued as
8 a result of the provision of logistic support, supplies, and
9 services under the authority of this subchapter that re-
10 main unliquidated more than 18 months after the date
11 of delivery of the logistic support, supplies, or services
12 may, at the option of the Secretary of Defense, with the
13 concurrence of the Secretary of State, be liquidated by off-
14 setting the credits against any amount owed by the De-
15 partment of Defense, pursuant to a transaction or trans-
16 actions concluded under the authority of this subchapter,
17 to the government or international organization to which
18 the logistic support, supplies, or services were provided by
19 the United States.

20 “(2) The amount of any credits offset pursuant to
21 paragraph (1) shall be credited as specified in section
22 2346 of this title as if it were a receipt of the United
23 States.”.

24 (b) EFFECTIVE DATE.—Subsection (c) of section
25 2345 of title 10, United States Code, as added by sub-

1 section (a), shall apply with respect to credits accrued by
2 the United States that—

3 (1) were accrued prior to, and remain unpaid as
4 of, the date of the enactment of this Act; or

5 (2) are accrued after the date of the enactment
6 of this Act.

7 **SEC. 1085. CLARIFICATION OF CONTRACTS COVERED BY**
8 **AIRLIFT SERVICE PROVISION.**

9 Section 9516 of title 10, United States Code, is
10 amended by adding at the end the following new sub-
11 section:

12 “(f) CONTRACT FOR AIRLIFT SERVICE DEFINED.—
13 In this section, the term ‘contract for airlift service’
14 means—

15 “(1) a contract with the Department of Defense
16 for airlift service;

17 “(2) any contract with the Department of De-
18 fense other than a contract described in paragraph
19 (1), if transportation services are used in the per-
20 formance of the contract; or

21 “(3) any subcontract (at any tier) under a con-
22 tract described in paragraph (1) or (2) if the sub-
23 contract is for airlift service or if transportation
24 services are used in the performance of the sub-
25 contract.”.

1 **SEC. 1086. NATIONAL BIODEFENSE STRATEGY.**

2 (a) STRATEGY AND IMPLEMENTATION PLAN RE-
3 QUIRED.—The Secretary of Defense, the Secretary of
4 Health and Human Services, the Secretary of Homeland
5 Security, and the Secretary of Agriculture shall jointly de-
6 velop a national biodefense strategy and associated imple-
7 mentation plan, which shall include a review and assess-
8 ment of biodefense policies, practices, programs and initia-
9 tives. Such Secretaries shall review and, as appropriate,
10 revise the strategy biennially.

11 (b) ELEMENTS.—The strategy and associated imple-
12 mentation plan required under subsection (a) shall include
13 each of the following:

14 (1) An inventory and assessment of all existing
15 strategies, plans, policies, laws, and interagency
16 agreements related to biodefense, including preven-
17 tion, deterrence, preparedness, detection, response,
18 attribution, recovery, and mitigation.

19 (2) A description of the biological threats, in-
20 cluding biological warfare, bioterrorism, naturally oc-
21 ccurring infectious diseases, and accidental exposures.

22 (3) A description of the current programs, ef-
23 forts, or activities of the United States Government
24 with respect to preventing the acquisition, prolifera-
25 tion, and use of a biological weapon, preventing an

1 accidental or naturally occurring biological outbreak,
2 and mitigating the effects of a biological epidemic.

3 (4) A description of the roles and responsibil-
4 ities of the Executive Agencies, including internal
5 and external coordination procedures, in identifying
6 and sharing information related to, warning of, and
7 protection against, acts of terrorism using biological
8 agents and weapons and accidental or naturally oc-
9 ccurring biological outbreaks.

10 (5) An articulation of related or required inter-
11 agency capabilities and whole-of-Government activi-
12 ties required to support the national biodefense
13 strategy.

14 (6) Recommendations for strengthening and im-
15 proving the current biodefense capabilities, authori-
16 ties, and command structures of the United States
17 Government.

18 (7) Recommendations for improving and for-
19 malizing interagency coordination and support mech-
20 anisms with respect to providing a robust national
21 biodefense.

22 (8) Any other matters the Secretary of Defense,
23 the Secretary of Health and Human Services, the
24 Secretary of Homeland Security, and the Secretary
25 of Agriculture determine necessary.

1 (c) SUBMITTAL TO CONGRESS.—Not later than 275
2 days after the date of the enactment of this Act, the Sec-
3 retary of Defense, the Secretary of Health and Human
4 Services, the Secretary of Homeland Security, and the
5 Secretary of Agriculture shall submit to the appropriate
6 congressional committees the strategy and associated im-
7 plementation plan required by subsection (a). The strategy
8 and implementation plan shall be submitted in unclassified
9 form, but may include a classified annex.

10 (d) BRIEFINGS.—Not later than March 1, 2017, and
11 annually thereafter until March 1, 2019, the Secretary of
12 Defense, the Secretary of Health and Human Services, the
13 Secretary of Homeland Security, and the Secretary of Ag-
14 riculture shall provide to the Committee on Armed Serv-
15 ices of the House of Representatives, the Committee on
16 Energy and Commerce of the House of Representatives,
17 the Committee on Homeland Security of the House of
18 Representatives, and the Committee on Agriculture of the
19 House of Representatives a joint briefing on the strategy
20 developed under subsection (a) and the status of the im-
21 plementation of such strategy.

22 (e) GAO REVIEW.—Not later than 180 days after the
23 date of the submittal of the strategy and implementation
24 plan under subsection (c), the Comptroller General of the
25 United States shall conduct a review of the strategy and

1 implementation plan to analyze gaps and resources
2 mapped against the requirements of the National Bio-
3 defense Strategy and existing United States biodefense
4 policy documents.

5 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
6 FINED.—In this section, the term “appropriate congres-
7 sional committees” means the following:

8 (1) The congressional defense committees.

9 (2) The Committee on Energy and Commerce
10 of the House of Representatives and the Committee
11 on Health, Education, Labor, and Pensions of the
12 Senate.

13 (3) The Committee on Homeland Security of
14 the House of Representatives and the Committee on
15 Homeland Security and Governmental Affairs of the
16 Senate.

17 (4) The Committee on Agriculture of the House
18 of Representatives and the Committee on Agri-
19 culture, Nutrition, and Forestry of the Senate.

20 **SEC. 1087. GLOBAL CULTURAL KNOWLEDGE NETWORK.**

21 (a) PROGRAM AUTHORIZED.—The Secretary of the
22 Army shall carry out a program to support the socio-cul-
23 tural understanding needs of the Department of the Army,
24 to be known as the Global Cultural Knowledge Network.

1 (b) GOALS.—The Global Cultural Knowledge Net-
2 work shall support the following goals:

3 (1) Provide socio-cultural analysis support to
4 any unit deployed, or preparing to deploy, to an ex-
5 ercise or operation in the assigned region of respon-
6 sibility of the unit being supported.

7 (2) Make recommendations or support policy
8 development to increase the social science expertise
9 of military and civilian personnel of the Department
10 of the Army.

11 (3) Provide reimbursable support to other mili-
12 tary departments or Federal agencies if requested
13 through an operational needs request process.

14 (c) ELEMENTS OF THE PROGRAM.—The Global Cul-
15 tural Knowledge Network shall include the following ele-
16 ments:

17 (1) A center in the continental United States
18 (referred to in this section as a “reach-back center”)
19 to support requests for information and analysis.

20 (2) Outreach to academic institutions and other
21 Federal agencies involved in social science research
22 to increase the network of resources for the reach-
23 back center.

1 (3) Training with operational units during an-
2 nual training exercises or during pre-deployment
3 training.

4 (4) The training, contracting, and human re-
5 sources capacity to rapidly respond to contingencies
6 in which social science expertise is requested by
7 operational commanders through an operational
8 needs request process.

9 (d) DIRECTIVE REQUIRED.—The Secretary of the
10 Army shall issue a directive within one year after the date
11 of the enactment of this Act for the governance of the
12 Global Cultural Knowledge Network, including oversight
13 and process controls for auditing the activities of per-
14 sonnel of the Network, the employment of the Global Cul-
15 tural Knowledge Network by operation forces, and proc-
16 esses for requesting support by operational Army units
17 and other Department of Defense and Federal entities.

18 (e) PROHIBITION ON DEPLOYMENTS UNDER GLOBAL
19 CULTURAL KNOWLEDGE NETWORK.—

20 (1) PROHIBITION.—The Secretary of the Army
21 may not deploy social scientists in a conflict zone.

22 (2) WAIVER.—The Secretary of the Army may
23 waive the prohibition in paragraph (1) if the Sec-
24 retary submits, at least 10 days before the deploy-

1 ment, to the Committees on Armed Services of the
2 House of Representatives and the Senate—

3 (A) notice of the waiver; and

4 (B) a certification that there is a compel-
5 ling national security interest for the deploy-
6 ment or there will be a benefit to the safety and
7 welfare of members of the Armed Forces from
8 the deployment.

9 (3) ELEMENTS OF WAIVER NOTICE.—A waiver
10 notice under this subsection also shall include the
11 following:

12 (A) The operational unit, or units, request-
13 ing support, including the location or locations
14 where the social scientists are to be deployed.

15 (B) The number of Global Cultural Knowl-
16 edge Network personnel to be deployed and the
17 anticipated duration of such deployments.

18 (C) The anticipated resource needs for
19 such deployment.

20 **SEC. 1088. MODIFICATION OF REQUIREMENTS RELATING**
21 **TO MANAGEMENT OF MILITARY TECHNI-**
22 **CIANS.**

23 (a) CONVERSION OF CERTAIN MILITARY TECHNI-
24 CIAN (DUAL STATUS) POSITIONS.—Subsection (a) of sec-
25 tion 1053 of the National Defense Authorization Act for

1 Fiscal Year 2016 (Public Law 114–92; 129 Stat. 981; 10
2 U.S.C. 10216 note) is amended—

3 (1) by striking paragraph (1) and inserting the
4 following new paragraph (1):

5 “(1) IN GENERAL.—By not later than October
6 1, 2017, the Secretary of Defense shall convert not
7 fewer than 20 percent of all military technician posi-
8 tions to positions filled by individuals who are em-
9 ployed under section 3101 of title 5, United States
10 Code, or section 1601 of title 10, United States
11 Code, or serving under section 328 of title 32,
12 United States Code, and are not military techni-
13 cians. The positions to be converted are described in
14 paragraph (2).”;

15 (2) in paragraph (2), by striking “in the re-
16 port” and all that follows and inserting “by the
17 Army Reserve, the Air Force Reserve, the National
18 Guard Bureau, and the State adjutants general in
19 the course of reviewing all military technician posi-
20 tions for purposes of implementing this section.”;
21 and

22 (3) in paragraph (3), by striking “may fill” and
23 inserting “shall fill”.

24 (b) CONVERSION OF ARMY RESERVE, AIR FORCE
25 RESERVE, AND NATIONAL GUARD NON-DUAL STATUS PO-

1 SITIONS.—Subsection (e) of section 10217 of title 10,
2 United States Code, is amended is amended to read as
3 follows:

4 “(e) CONVERSION OF POSITIONS.—(1) No individual
5 may be newly hired or employed, or rehired or reemployed,
6 as a non-dual status technician for purposes of this section
7 after September 30, 2017.

8 “(2) On October 1, 2017, the Secretary of Defense
9 shall convert all non-dual status technicians to positions
10 filled by individuals who are employed under section 3101
11 of title 5 or section 1601 of this title and are not military
12 technicians.

13 “(3) In the case of a position converted under para-
14 graph (2) for which there is an incumbent employee on
15 October 1, 2017, the Secretary shall fill that position, as
16 converted, with the incumbent employee without regard to
17 any requirement concerning competition or competitive
18 hiring procedures.

19 “(4) Any individual newly hired or employed, or re-
20 hired or employed, to a position required to be filled by
21 reason of paragraph (1) shall an individual employed in
22 such position under section 3101 of title 5 or section 1601
23 of this title.”.

1 (c) REPORT ON CONVERSION OF MILITARY TECHNI-
2 CIAN POSITIONS TO PERSONNEL PERFORMING ACTIVE
3 GUARD AND RESERVE DUTY.—

4 (1) IN GENERAL.—Not later than March 1,
5 2017, the Secretary of Defense, shall in consultation
6 with the Chief of the National Guard Bureau, sub-
7 mit to the Committees on Armed Services of the
8 Senate and the House of Representatives a report on
9 the feasibility and advisability of converting any re-
10 maining military technicians (dual status) to per-
11 sonnel performing active Guard and Reserve duty
12 under section 328 of title 32, United States Code,
13 or other applicable provisions of law. The report
14 shall include the following:

15 (A) An analysis of the fully-burdened costs
16 of the conversion taking into account the new
17 modernized military retirement system.

18 (B) An assessment of the ratio of members
19 of the Armed Forces performing active Guard
20 and Reserve duty and civilian employees of the
21 Department of Defense under title 5, United
22 States Code, required to best contribute to the
23 readiness of the National Guard and the Re-
24 serves.

1 (2) ACTIVE GUARD AND RESERVE DUTY DE-
2 FINED.—In this subsection, the term “active Guard
3 and Reserve duty” has the meaning given that term
4 in section 101(d)(6) of title 10, United States Code.

5 **SEC. 1089. SENSE OF CONGRESS REGARDING CONNECTI-**
6 **CUT’S SUBMARINE CENTURY.**

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

9 (1) On March 2, 1867, Congress enacted a
10 naval appropriations Act that authorized the Sec-
11 retary of the Navy to “receive and accept a deed of
12 gift, when offered by the State of Connecticut, of a
13 tract of land with not less than one mile of shore
14 front on the Thames River near New London, Con-
15 necticut, to be held by the United States for naval
16 purposes”.

17 (2) The people of Connecticut and the towns
18 and cities in the southeastern region of Connecticut
19 subsequently gifted land to establish a military in-
20 stallation to fulfil the Nation’s need for a naval facil-
21 ity on the Atlantic coast.

22 (3) On April 11, 1868, the Navy accepted the
23 deed of gift of land from Connecticut to establish a
24 naval yard and storage depot along the eastern
25 shore of the Thames River in Groton, Connecticut.

1 (4) Between 1868 and 1912, the New London
2 Navy Yard supported a diverse range of missions,
3 including berthing inactive Civil War era ironclad
4 warships and serving as a coaling station for refuel-
5 ing naval ships traveling in New England waters.

6 (5) Congress rejected the Navy’s proposal to
7 close New London Navy Yard in 1912, following an
8 impassioned effort by Congressman Edwin W. Hig-
9 gins, who stated that “this action proposed is not
10 only unjust but unreasonable and unsound as a mili-
11 tary proposition”.

12 (6) The outbreak of World War I and the
13 enemy use of submarines to sink allied military and
14 civilian ships in the Atlantic sparked a new focus on
15 developing submarine capabilities in the United
16 States.

17 (7) October 18, 1915, marked the arrival at the
18 New London Navy Yard of the submarines G-1, G-
19 2, and G-4 under the care of the tender U.S.S.
20 OZARK, soon followed by the arrival of submarines
21 E-1, D-1, and D-3 under the care of the tender
22 U.S.S. TONOPAH, and on November 1, 1915, the
23 arrival of the first ship built as a submarine tender,
24 the U.S.S. FULTON (AS-1).

1 (8) On June 21, 1916, Commander Yeates Stir-
2 ling assumed the command of the newly designated
3 Naval Submarine Base New London, the New Lon-
4 don Submarine Flotilla, and the Submarine School.

5 (9) In the 100 years since the arrival of the
6 first submarines to the base, Naval Submarine Base
7 New London has grown to occupy more than 680
8 acres along the east side of the Thames River, with
9 more than 160 major facilities, 15 nuclear sub-
10 marines, and more than 70 tenant commands and
11 activities, including the Submarine Learning Center,
12 Naval Submarine School, the Naval Submarine Med-
13 ical Research Laboratory, the Naval Undersea Med-
14 ical Institute, and the newly established Undersea
15 Warfighting Development Center.

16 (10) In addition to being the site of the first
17 submarine base in the United States, Connecticut
18 was home to the foremost submarine manufacturers
19 of the time, the Lake Torpedo Boat Company in
20 Bridgeport and the Electric Boat Company in Grot-
21 ton, which later became General Dynamics Electric
22 Boat.

23 (11) General Dynamics Electric Boat, its tal-
24 ented workforce, and its Connecticut-based and na-
25 tionwide network of suppliers have delivered more

1 than 200 submarines from its current location in
2 Groton, Connecticut, including the first nuclear-pow-
3 ered submarine, the U.S.S. NAUTILUS (SSN 571),
4 and nearly half of the nuclear submarines ever built
5 by the United States.

6 (12) The Submarine Force Library and Mu-
7 seum, located adjacent to Naval Submarine Base
8 New London in Groton, Connecticut, is the only sub-
9 marine museum operated by the United States Navy
10 and today serves as the primary repository for arti-
11 facts, documents, and photographs relating to the
12 bold and courageous history of the Submarine Force
13 and highlights as its core exhibit the Historic Ship
14 NAUTILUS (SSN 571) following her retirement
15 from service.

16 (13) Reflecting the close ties between Con-
17 necticut and the Navy that began with the gift of
18 land that established the base, the State of Con-
19 necticut has set aside \$40,000,000 in funding for
20 critical infrastructure investments to support the
21 mission of the base, including construction of a new
22 dive locker building, expansion of the Submarine
23 Learning Center, and modernization of energy infra-
24 structure.

1 (14) On September 29, 2015, Connecticut Gov-
2 ernor Dannel Malloy designated October 2015
3 through October 2016 as Connecticut’s Submarine
4 Century, a year-long observance that celebrates 100
5 years of submarine activity in Connecticut, including
6 the Town of Groton’s distinction as the Submarine
7 Capital of the World, to coincide with the centennial
8 anniversary of the establishment of Naval Sub-
9 marine Base New London and the Naval Submarine
10 School.

11 (15) Whereas Naval Submarine Base New Lon-
12 don still proudly proclaims its motto of “The First
13 and Finest”.

14 (16) Congressman Higgins’ statement before
15 Congress in 1912 that “Connecticut stands ready, as
16 she always has, to bear her part of the burdens of
17 the national defense” remains true today.

18 (b) SENSE OF CONGRESS.—Congress—

19 (1) commends the longstanding dedication and
20 contribution to the Navy and submarine force by the
21 people of Connecticut, both through the initial deed
22 of gift that established what would become Naval
23 Submarine Base New London and through their on-
24 going commitment to support the mission of the
25 base and the Navy personnel assigned to it;

1 (2) honors the submariners who have trained
2 and served at Naval Submarine Base New London
3 throughout its history in support of the Nation's se-
4 curity and undersea superiority;

5 (3) recognizes the contribution of the industry
6 and workforce of Connecticut in designing, building,
7 and sustaining the Navy's submarine fleet; and

8 (4) encourages the recognition of Connecticut's
9 Submarine Century by Congress, the Navy, and the
10 American people by honoring the contribution of the
11 people of Connecticut to the defense of the United
12 States and the important role of the submarine force
13 in safeguarding the security of the United States for
14 more than a century.

15 **SEC. 1090. LNG PERMITTING CERTAINTY AND TRANS-**
16 **PARENCY.**

17 (a) ACTION ON APPLICATIONS.—

18 (1) DECISION DEADLINE.—For proposals that
19 must also obtain authorization from the Federal En-
20 ergy Regulatory Commission or the United States
21 Maritime Administration to site, construct, expand,
22 or operate LNG export facilities, the Department of
23 Energy shall issue a final decision on any applica-
24 tion for the authorization to export natural gas

1 under section 3 of the Natural Gas Act (15 U.S.C.
2 717b) not later than 30 days after the later of—

3 (A) the conclusion of the review to site,
4 construct, expand, or operate the LNG facilities
5 required by the National Environmental Policy
6 Act of 1969 (42 U.S.C. 4321 et seq.); or

7 (B) the date of enactment of this Act.

8 (2) CONCLUSION OF REVIEW.—For purposes of
9 paragraph (1), review required by the National En-
10 vironmental Policy Act of 1969 shall be considered
11 concluded—

12 (A) for a project requiring an Environ-
13 mental Impact Statement, 30 days after publi-
14 cation of a Final Environmental Impact State-
15 ment;

16 (B) for a project for which an Environ-
17 mental Assessment has been prepared, 30 days
18 after publication by the Department of Energy
19 of a Finding of No Significant Impact; and

20 (C) upon a determination by the lead agen-
21 cy that an application is eligible for a categor-
22 ical exclusion pursuant National Environmental
23 Policy Act of 1969 implementing regulations.

24 (3) JUDICIAL ACTION.—(A) The United States
25 Court of Appeals for the circuit in which the export

1 facility will be located pursuant to an application de-
2 scribed in paragraph (1) shall have original jurisdic-
3 tion over any civil action for the review of—

4 (i) an order issued by the Department of
5 Energy with respect to such application; or

6 (ii) the Department of Energy’s failure to
7 issue a final decision on such application.

8 (B) If the Court in a civil action described in
9 subparagraph (A) finds that the Department of En-
10 ergy has failed to issue a final decision on the appli-
11 cation as required under paragraph (1), the Court
12 shall order the Department of Energy to issue such
13 final decision not later than 30 days after the
14 Court’s order.

15 (C) The Court shall set any civil action brought
16 under this paragraph for expedited consideration
17 and shall set the matter on the docket as soon as
18 practical after the filing date of the initial pleading.

19 (b) PUBLIC DISCLOSURE OF EXPORT DESTINA-
20 TIONS.—Section 3 of the Natural Gas Act (15 U.S.C.
21 717b) is amended by adding at the end the following:

22 “(g) PUBLIC DISCLOSURE OF LNG EXPORT DES-
23 TINATIONS.—As a condition for approval of any authoriza-
24 tion to export LNG, the Secretary of Energy shall require

1 the applicant to publicly disclose the specific destination
2 or destinations of any such authorized LNG exports.”.

3 **SEC. 1091. SENSE OF CONGRESS REGARDING THE REPORT-**
4 **ING OF THE MV-22 MISHAP IN MARANA, ARI-**
5 **ZONA, ON APRIL 8, 2000.**

6 It is the sense of Congress that—

7 (1) in the report accompanying H.R. 1735 of
8 the 114th Congress (House Report 114–102), the
9 Committee on Armed Services of the House of Rep-
10 resentatives encouraged the Secretary of Defense to
11 “publicly clarify the causes of the MV-22 mishap at
12 Marana Northwest Regional Airport, Arizona, in a
13 way consistent with the results of all investigations
14 as soon as possible”;

15 (2) the Deputy Secretary of Defense Robert O.
16 Work did an excellent job reviewing the investiga-
17 tions of such mishap and concluded that there was
18 a misrepresentation of facts by the media which in-
19 correctly identified pilot error as the cause of the
20 mishap which the Deputy Secretary publicly made
21 known in March 2016; and

22 (3) Congress is grateful for the successful con-
23 clusion to this tragic situation.

1 **SEC. 1092. TRANSFER OF SURPLUS FIREARMS TO COR-**
2 **PORATION FOR THE PROMOTION OF RIFLE**
3 **PRACTICE AND FIREARMS SAFETY.**

4 (a) IN GENERAL.—Section 40728(h) of title 36,
5 United States Code, is amended—

6 (1) by striking “(1) Subject to paragraph (2),
7 the Secretary may transfer” and inserting “The Sec-
8 retary shall transfer”;

9 (2) by striking “The Secretary shall determine
10 a reasonable schedule for the transfer of such sur-
11 plus pistols.”; and

12 (3) by striking paragraph (2).

13 (b) PILOT PROGRAM.—Section 1087 of National De-
14 fense Authorization Act for Fiscal Year 2016 (Public Law
15 114–92; 129 Stat. 1012) is amended—

16 (1) in subsection (b)(1)—

17 (A) by striking “may” each place it ap-
18 pears and inserting “shall”; and

19 (B) by striking “not more than 10,000”;
20 and

21 (2) by striking subsection (c).

1 **SEC. 1093. SENSE OF CONGRESS REGARDING THE IMPOR-**
2 **TANCE OF PANAMA CITY, FLORIDA, TO THE**
3 **HISTORY AND FUTURE OF THE ARMED**
4 **FORCES.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) On December 6, 1941—one day before the
8 attack on Pearl Harbor—the War Department es-
9 tablished Tyndall Field as an Army Air Force gun-
10 nery school in Panama City, Florida.

11 (2) Tyndall Field was named in honor of native
12 Floridian Lieutenant Francis B. Tyndall, who re-
13 ceived the U.S. Air Force flying ace designation for
14 his service in the First World War.

15 (3) Tyndall Field became an important center
16 for aerial gunnery training during the Second World
17 War, hosting training missions using aircraft includ-
18 ing A-33, O-47, AT-6, Martin B-26 Marauders, and
19 B-17 bombers.

20 (4) On January 13, 1948, Tyndall Field be-
21 came Tyndall Air Force Base and was an active site
22 for air training and defense throughout the Cold
23 War.

24 (5) Tyndall AFB is now home to the First Air
25 Force as well as the 325th Fighter Wing Head-
26 quarters and their F-22 Raptors.

1 (6) The 325th Fighter Wing has been instru-
2 mental to national security at such crucial junctures
3 as the Cuban Missile Crisis, throughout the Cold
4 War, and more recently in intercepting unidentified
5 aircraft and supporting anti-smuggling efforts.

6 (7) On July 20, 1945, the Navy Mine Counter-
7 measure Station was established in Panama City.

8 (8) The Navy Mine Countermeasure Station de-
9 veloped into the Naval Support Activity Panama
10 City (NSAPC), which has faithfully carried out its
11 mission since its inception and continues to support
12 the crucial efforts and important research of tenant
13 command organizations such as the Naval Surface
14 Warfare Center: Panama City Division (NSWC
15 PCD) and the Navy Experimental Diving Unit
16 (NEDU).

17 (9) Research performed at NSWC PCD has
18 been integral to equipping the Navy with the per-
19 sonnel and technology necessary to maintaining its
20 status as the world's greatest and most techno-
21 logically advanced.

22 (10) NSWC PCD's newest facility, the Littoral
23 Warfare Research Facility, is one of the Navy's
24 major research, development, test, and evaluation
25 laboratories and where standards for weapons inte-

1 gration on Littoral Combat Ships are often devel-
2 oped.

3 (11) NEDU is a global hub of research, devel-
4 opment, and testing for undersea operations.

5 (12) During the Second World War, the Wain-
6 wright Shipyard in Panama City built over 100 ves-
7 sels for the war effort and employed over 15,000
8 people.

9 (13) Panama City's shipbuilding legacy con-
10 tinues as home to one of today's most prolific do-
11 mestic shipbuilders, Eastern Shipbuilding.

12 (14) The Department of Defense is the largest
13 employer in Panama City, where many of the resi-
14 dents and their relatives have proudly served in the
15 Armed Forces for generations.

16 (b) SENSE OF CONGRESS.—Congress—

17 (1) commends the longstanding dedication and
18 contribution to the Armed Forces by the people of
19 Panama City, both through the legacy of naval ship-
20 building and through their ongoing commitment to
21 support the mission of Panama City's military in-
22 stallations and the personnel assigned to them;

23 (2) honors the members of the Armed Forces
24 who have trained and served at the several military
25 installations in and around Panama City;

1 (3) recognizes the contribution of the industry
2 and workforce of Panama City to naval shipbuilding;
3 and

4 (4) encourages the recognition of the impor-
5 tance of Panama City to the history of the Armed
6 Forces by Congress, the Air Force, the Navy, and
7 the American people by honoring the contribution of
8 the people of Panama City to the defense of the
9 United States.

10 **SEC. 1094. PROTECTIONS RELATING TO CIVIL RIGHTS AND**
11 **DISABILITIES.**

12 Any branch or agency of the Federal Government
13 shall, with respect to any religious corporation, religious
14 association, religious educational institution, or religious
15 society that is a recipient of or offeror for a Federal Gov-
16 ernment contract, subcontract, grant, purchase order, or
17 cooperative agreement, provide protections and exemp-
18 tions consistent with sections 702(a) and 703(e)(2) of the
19 Civil Rights Act of 1964 (42 U.S.C. 2000e-1(a) and 42
20 U.S.C. 2000e-2(e)(2)) and section 103(d) of the Ameri-
21 cans with Disabilities Act of 1990 (42 U.S.C. 12113(d)).

1 **SEC. 1095. NONAPPLICABILITY OF CERTAIN EXECUTIVE**
2 **ORDER TO DEPARTMENT OF DEFENSE AND**
3 **NATIONAL NUCLEAR SECURITY ADMINISTRA-**
4 **TION.**

5 The provisions of Executive Order 13673 and any im-
6 plementing rules or regulations shall not apply to the ac-
7 quisition, contracting, contract administration, source se-
8 lection, or any other activities of the Department of De-
9 fense or the National Nuclear Security Administration.
10 The Secretary of Defense and the Administrator for Nu-
11 clear Security may not issue, or be required to comply
12 with, any policy, guidance, or rules to carry out such exec-
13 utive order or otherwise implement any provision of such
14 executive order or any related implementation rules or reg-
15 ulations.

16 **SEC. 1096. DETERMINATION AND DISCLOSURE OF TRANS-**
17 **PORTATION COSTS INCURRED BY SEC-**
18 **RETARY OF DEFENSE FOR CONGRESSIONAL**
19 **TRIPS OUTSIDE THE UNITED STATES.**

20 (a) DETERMINATION AND DISCLOSURE OF COSTS BY
21 SECRETARY.—In the case of a trip taken by a Member,
22 officer, or employee of the House of Representatives or
23 Senate in carrying out official duties outside the United
24 States for which the Department of Defense provides
25 transportation, the Secretary of Defense shall—

1 (1) determine the cost of the transportation
2 provided with respect to the Member, officer, or em-
3 ployee; and

4 (2) provide the Member, officer, or employee
5 with a written statement of the cost not later than
6 10 days after completion of the trip involved.

7 (b) INCLUSION OF INFORMATION IN TRAVEL RE-
8 PORTS.—Any Member, officer, or employee of the House
9 of Representatives or Senate who takes a trip to which
10 subsection (a) applies shall include the information con-
11 tained in the written statement provided to the Member,
12 officer, or employee under subsection (a)(2) with respect
13 to the trip in any report that the Member, officer, or em-
14 ployee is required to file with respect to the trip under
15 any provision of law and under any provision of the Rules
16 of the House of Representatives or the Standing Rules of
17 the Senate (as the case may be).

18 (c) EXCEPTIONS.—This section does not apply with
19 respect to any trip the sole purpose of which is to visit
20 one or more United States military installations or to visit
21 United States military personnel in a war zone (or both).

22 (d) DEFINITIONS.—In this section:

23 (1) MEMBER.—The term “Member”, with re-
24 spect to the House of Representatives, includes a
25 Delegate or Resident Commissioner to the Congress.

1 (2) UNITED STATES.—The term “United
2 States” means the several States, the District of Co-
3 lumbia, the Commonwealth of Puerto Rico, the Com-
4 monwealth of the Northern Mariana Islands, the
5 Virgin Islands, Guam, American Samoa, and any
6 other territory or possession of the United States.

7 (e) EFFECTIVE DATE.—This section shall apply with
8 respect to trips taken on or after the date of the enact-
9 ment of this Act, except that this section does not apply
10 with respect to any trip which began prior to such date.

11 **SEC. 1097. WAIVER OF CERTAIN POLYGRAPH EXAMINATION**
12 **REQUIREMENTS.**

13 The Secretary of Homeland Security, acting through
14 the Commissioner of U.S. Customs and Border Protection,
15 may waive the polygraph examination requirement under
16 section 3 of the Anti-Border Corruption Act of 2010 (Pub-
17 lic Law 111–376) for any applicant who—

18 (1) the Commissioner determines is suitable for
19 employment;

20 (2) holds a current, active Top Secret clearance
21 and is able to access sensitive compartmented infor-
22 mation;

23 (3) has a current single scope background in-
24 vestigation;

1 (4) was not granted any waivers to obtain the
2 clearance; and

3 (5) is a veteran (as such term is defined in sec-
4 tion 2108 or 2109a of title 5, United States Code).

5 **SEC. 1098. USE OF TRANSPORTATION WORKER IDENTIFICA-**
6 **TION CREDENTIAL TO GAIN ACCESS AT DE-**
7 **PARTMENT OF DEFENSE INSTALLATIONS.**

8 (a) ACCESS TO INSTALLATIONS FOR CREDENTIALALED
9 TRANSPORTATION WORKERS.—During the period that the
10 Secretary is developing and fielding physical access stand-
11 ards, capabilities, processes, and electronic access control
12 systems, the Secretary shall, to the maximum extent prac-
13 ticable, ensure that the Transportation Worker Identifica-
14 tion Credential (TWIC) shall be accepted as a valid cre-
15 dential for unescorted access to Department of Defense
16 installations by transportation workers.

17 (b) CREDENTIALALED TRANSPORTATION WORKERS
18 WITH SECRET CLEARANCE.—TWIC-carrying transpor-
19 tation workers who also have a current Secret Level Clear-
20 ance issued by the Department of Defense shall be consid-
21 ered exempt from further vetting when seeking unescorted
22 access at Department of Defense facilities. Access security
23 personnel shall verify such person's security clearance in
24 a timely manner and provide them with unescorted access
25 to complete their freight service.

1 (c) REPORT ON CREDENTIALLED PERSONS DENIED
2 ACCESS TO DEPARTMENT OF DEFENSE INSTALLA-
3 TIONS.—Not later than 90 days after the date of enact-
4 ment of this Act, the Secretary of Defense shall begin doc-
5 umenting each instance when a credentialed transpor-
6 tation worker is denied unescorted access to a military fa-
7 cility in the Continental United States, Hawaii, Alaska,
8 Guam, or Native American lands. The report shall include,
9 but not be limited to, the reasons for such denial, and the
10 amount of time the credentialed party denied entrance
11 waited to obtain access. The report shall be submitted to
12 the Armed Services Committees of the House and Senate
13 no later than the first day of February of each year until
14 complete fielding of Identity Management Enterprise
15 Services Architecture and electronic access control systems
16 are achieved.

17 **SEC. 1098A. LIMITATION ON AVAILABILITY OF FUNDS FOR**
18 **DESTRUCTION OF CERTAIN LANDMINES AND**
19 **REPORT ON DEVELOPMENT OF REPLACE-**
20 **MENT ANTI-PERSONNEL LANDMINE MUNI-**
21 **TIONS.**

22 (a) LIMITATION.—Except as provided in subsection
23 (b), none of the funds authorized to be appropriated by
24 this Act or otherwise made available for fiscal year 2017
25 for the Department of Defense may be obligated or ex-

1 pended for the destruction of anti-personnel landmine mu-
2 nitions before the date on which the Secretary of Defense
3 submits the report required by subsection (c).

4 (b) EXCEPTION FOR SAFETY.—Subsection (a) shall
5 not apply to any anti-personnel landmine munitions that
6 the Secretary determines are unsafe or could pose a safety
7 risk if not demilitarized or destroyed.

8 (c) REPORT REQUIRED.—

9 (1) IN GENERAL.—Not later than 180 days
10 after the date of the enactment of this Act, the Sec-
11 retary of Defense shall submit to the Congress a re-
12 port that includes the following:

13 (A) An assessment of the current state of
14 research into operational alternatives to anti-
15 personnel landmines.

16 (B) Any other matter that the Secretary
17 determines should be included in the report.

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

21 (d) ANTI-PERSONNEL LANDMINE MUNITIONS DE-
22 FINED.—In this section, the term “anti-personnel land-
23 mine munitions” includes anti-personnel landmines and
24 sub-munitions as defined by the Convention on the Prohi-
25 bition of the Use, Stockpiling, Production and Transfer

1 of Anti-Personnel Mines and on their Destruction, as de-
2 termined by the Secretary.

3 **SEC. 1098B. REQUIREMENT FOR MEMORANDUM OF UNDER-**
4 **STANDING REGARDING TRANSFER OF DE-**
5 **TAINÉES.**

6 Section 1034(b) of the National Defense Authoriza-
7 tion Act for Fiscal Year 2016 (Public Law 114–92; 129
8 Stat. 969; 10 U.S.C. 801 note) is amended—

9 (1) by striking “and” at the end of paragraph
10 (3);

11 (2) by striking the period and inserting “; and”
12 at the end of paragraph (4); and

13 (3) by adding at the end the following new
14 paragraph:

15 “(5) the United States Government and the
16 government of the foreign country have entered into
17 a written memorandum of understanding regarding
18 the transfer of the individual and such memorandum
19 of understanding has previously been transmitted to
20 the appropriate committees of Congress.”.

21 **SEC. 1098C. SENSE OF CONGRESS REGARDING AMERICAN**
22 **VETERANS DISABLED FOR LIFE.**

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

24 (1) There are at least 3,600,000 veterans cur-
25 rently living with service-connected disabilities.

1 (2) As a result of their service, many veterans
2 are permanently disabled throughout their lives and
3 in many cases must rely on the support of their fam-
4 ilies and friends when these visible and invisible bur-
5 dens become too much to bear alone.

6 (3) October 5, which is the anniversary of the
7 dedication of the American Veterans Disabled for
8 Life Memorial, has been recognized as an appro-
9 priate day on which to honor American veterans dis-
10 abled for life each year.

11 (b) SENSE OF CONGRESS.—Congress—

12 (1) expresses its appreciation to the men and
13 women left permanently wounded, ill, or injured as
14 a result of their service in the Armed Forces;

15 (2) supports the annual recognition of Amer-
16 ican veterans disabled for life each year; and

17 (3) encourages the American people to honor
18 American veterans disabled for life each year with
19 appropriate programs and activities.

20 **SEC. 1098D. STUDY ON MILITARY HELICOPTER NOISE.**

21 (a) IN GENERAL.—The Secretary of Defense, in co-
22 ordination with the Administrator of the Federal Aviation
23 Administration, shall—

1 (1) conduct a study on the effects of military
2 helicopter noise on National Capital Region commu-
3 nities and individuals; and

4 (2) develop recommendations for the reduction
5 of the effects of military helicopter noise on individ-
6 uals, structures, and property values in the National
7 Capital Region.

8 (b) FOCUS.—In conducting the study under sub-
9 section (a), the Secretary and the Administrator shall
10 focus on air traffic control, airspace design, airspace man-
11 agement, and types of aircraft, to address helicopter noise
12 problems and shall take into account the needs of law en-
13 forcement, emergency, and military operations.

14 (c) CONSIDERATION OF VIEWS.—In conducting the
15 study under subsection (a), the Secretary shall consider
16 the views of representatives of—

17 (1) members of the Armed Forces;

18 (2) law enforcement agencies;

19 (3) community stakeholders, including residents
20 and local government officials; and

21 (4) organizations with an interest in reducing
22 military helicopter noise.

23 (d) REPORT.—

24 (1) IN GENERAL.—Not later than 90 days after
25 the date of the enactment of this Act, the Secretary

1 shall submit to Congress a report on the results of
2 the study conducted under subsection (a).

3 (2) AVAILABILITY TO THE PUBLIC.—The Sec-
4 retary shall make the report required under para-
5 graph (1) publicly available.

6 **SEC. 1098E. MARITIME OCCUPATIONAL SAFETY AND**
7 **HEALTH ADVISORY COMMITTEE.**

8 (a) SHORT TITLE.—This section may be cited as the
9 “Maritime Occupational Safety and Health Advisory Com-
10 mittee Act”.

11 (b) MARITIME OCCUPATIONAL SAFETY AND HEALTH
12 ADVISORY COMMITTEE.—Section 7 of the Occupational
13 Safety and Health Act of 1970 (29 U.S.C. 656) is amend-
14 ed by adding at the end the following:

15 “(d) There is established a Maritime Occupational
16 Safety and Health Advisory Committee, which shall be a
17 continuing body and shall provide advice to the Secretary
18 in formulating maritime industry standards and regarding
19 matters pertaining to the administration of this Act re-
20 lated to the maritime industry. The composition of this
21 advisory committee shall be consistent with the advisory
22 committees established under subsection (b), provided that
23 a member of this committee who is otherwise qualified
24 may continue to serve until a successor is appointed. The

1 Secretary may promulgate or amend regulations as nec-
2 essary to implement this subsection.”.

3 **SEC. 1098F. SENSE OF CONGRESS REGARDING UNITED**
4 **STATES NORTHERN COMMAND PREPARED-**
5 **NESS.**

6 It is the sense of the Congress that—

7 (1) the United States Northern Command plays
8 a crucial role in providing additional response capa-
9 bility to State and local governments in domestic
10 disaster relief and consequence management oper-
11 ations;

12 (2) the United States Northern Command must
13 continue to build upon its current efforts to develop
14 command strategies, leadership training, and re-
15 sponse plans to effectively work with civil authorities
16 when acting as the lead agency or a supporting
17 agency; and

18 (3) the United States Northern Command
19 should leverage whenever possible training and man-
20 agement expertise that resides within the Depart-
21 ment of Defense, other Federal agencies, State and
22 local governments, and private sector businesses and
23 academic institutions to enhance—

24 (A) its defense support to civil authorities
25 and incidence management missions;

1 (B) relationships with other entities in-
2 volved in disaster response; and

3 (C) its ability to respond to unforeseen
4 events.

5 **SEC. 1098G. COST OF WARS.**

6 The Secretary of Defense, in consultation with the
7 Commissioner of the Internal Revenue Service and the Di-
8 rector of the Bureau of Economic Analysis, shall post on
9 the public Web site of the Department of Defense the
10 costs, including the relevant legacy costs, to each Amer-
11 ican taxpayer of each of the wars in Afghanistan, Iraq,
12 and Syria.

13 **SEC. 1098H. WORKFORCE ISSUES FOR RELOCATION OF MA-**
14 **RINES TO GUAM.**

15 (a) IN GENERAL.—Section 6(b) of the Joint Resolu-
16 tion entitled “A Joint Resolution to approve the ‘Covenant
17 To Establish a Commonwealth of the Northern Mariana
18 Islands in Political Union With the United States of
19 America’, and for other purposes”, approved March 24,
20 1976 (48 U.S.C. 1806(b)) is amended to read as follows:

21 “(b) NUMERICAL LIMITATIONS FOR NONIMMIGRANT
22 WORKERS.—An alien, if otherwise qualified, may seek ad-
23 mission to Guam or to the Commonwealth during the
24 transition program as a nonimmigrant worker under sec-
25 tion 101(a)(15)(H) of the Immigration and Nationality

1 Act (8 U.S.C. 1101(a)(15)(H)) without counting against
2 the numerical limitations set forth in section 214(g) of
3 such Act (8 U.S.C. 1184(g)). An alien, if otherwise quali-
4 fied, may, before October 1, 2028, be admitted under sec-
5 tion 101(a)(15)(H)(ii)(b) of such Act for a period of up
6 to 3 years (which may be extended by the Secretary of
7 Homeland Security before October 1, 2028, for an addi-
8 tional period or periods not to exceed 3 years each) to per-
9 form services or labor on Guam pursuant to any agree-
10 ment entered into by a prime contractor or subcontractor
11 calling for services or labor required for performance of
12 the contract or subcontract in direct support of all mili-
13 tary-funded construction, repairs, renovation, and facili-
14 ties services, or to perform services or labor on Guam as
15 a health-care worker, notwithstanding the requirement of
16 such section that the service or labor be temporary. This
17 subsection does not apply to any employment to be per-
18 formed outside of Guam or the Commonwealth.”.

19 (b) EFFECTIVE DATE.—The amendment made by
20 subsection (a) shall take effect on the date that is 120
21 days after the date of the enactment of this Act.

22 **SEC. 1098I. REVIEW OF DEPARTMENT OF DEFENSE DEBT**
23 **COLLECTION REGULATIONS.**

24 Not later than 180 days after the date of the enact-
25 ment of this Act, the Secretary of Defense shall review

1 and update Department of Defense regulations to ensure
2 such regulations comply with Federal consumer protection
3 law with respect to the collection of debt.

4 **SEC. 1098J. IMPORTANCE OF ROLE PLAYED BY WOMEN IN**
5 **WORLD WAR II.**

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

7 (1) National Rosie the Riveter Day is a collec-
8 tive national effort to raise awareness of the 16 mil-
9 lion women working during World War II.

10 (2) Americans have chosen to honor female
11 workers who contributed on the home front during
12 World War II.

13 (3) These women left their homes to work or
14 volunteer full-time in factories, farms, shipyards, air-
15 plane factories, banks, and other institutions in sup-
16 port of the military overseas.

17 (4) These women worked with the USO and
18 Red Cross, drove trucks, riveted airplane parts, col-
19 lected critical materials, rolled bandages, and served
20 on rationing boards.

21 (5) It is fitting and proper to recognize and
22 preserve the history and legacy of working women,
23 including volunteer women, during World War II to
24 promote cooperation and fellowship among such
25 women and their descendants.

1 “(B) lawfully acquired by such person.

2 “(2) The Secretary of the Army may not acquire any-
3 thing under paragraph (1) except for transfer to a person
4 in the United States under subsection (c).

5 “(3) The Secretary of the Army may accept rifles,
6 ammunition, repair parts, or other supplies under para-
7 graph (1) notwithstanding section 1342 of title 31.

8 “(b) COST OF RECOVERY.—The Secretary of the
9 Army may not acquire anything under subsection (a) if
10 the United States would incur any cost for such acquisi-
11 tion.

12 “(c) AVAILABILITY FOR TRANSFER.—Any rifles, am-
13 munition, repair parts, or supplies acquired under sub-
14 section (a) shall be available for transfer in the United
15 States to the person from whom acquired if such person—

16 “(1) is licensed as a manufacturer, importer, or
17 dealer pursuant to section 923(a) of title 18; and

18 “(2) uses an ammunition depot of the Army
19 that is an eligible facility for receipt of any rifles,
20 ammunition, repair parts, or supplies under this
21 paragraph.

22 “(d) CONTRACTS.—Notwithstanding subsection (k)
23 of section 2304 of title 10, the Secretary may enter into
24 such contracts or cooperative agreements on a sole source

1 basis pursuant to paragraphs (4) and (5) of subsection
2 (c) of such section to carry out this section.

3 “(e) AECA.—Transfers authorized under this section
4 may only be made in accordance with applicable provisions
5 of the Arms Export Control Act (22 U.S.C. 2778).

6 “(f) RIFLE DEFINED.—In this section, the term
7 ‘rifle’ has the meaning given such term in section 921 of
8 title 18.”.

9 (b) SALE.—Section 40732 of such title is amended—
10 (1) by adding at the end the following new sub-
11 section:

12 “(d) SALES BY OTHER PERSONS.—A person who re-
13 ceives a rifle or any ammunition, repair parts, or supplies
14 under section 40728B(c) of this title may sell, at fair mar-
15 ket value, such rifle, ammunition, repair parts, or supplies.
16 With respect to rifles other than caliber .22 rimfire and
17 caliber .30 rifles, the seller shall obtain a license as a deal-
18 er in rifles and abide by all requirements imposed on per-
19 sons licensed under chapter 44 of title 18, including main-
20 taining acquisition and disposition records, and con-
21 ducting background checks.”; and

22 (2) in subsection (c), in the heading, by insert-
23 ing “BY THE CORPORATION” after “LIMITATION ON
24 SALES”.

1 (c) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 407 of such title is amended
3 by inserting after the item relating to section 40728A the
4 following new item:

“40728B. Recovery of excess rifles, ammunition, and parts granted to foreign
countries and transfer to certain persons.”.

5 **SEC. 1098L. PROJECT MANAGEMENT.**

6 (a) DEPUTY DIRECTOR FOR MANAGEMENT.—

7 (1) ADDITIONAL FUNCTIONS.—Section 503 of
8 title 31, United States Code, is amended by adding
9 at the end the following:

10 “(c) PROGRAM AND PROJECT MANAGEMENT.—

11 “(1) REQUIREMENT.—Subject to the direction
12 and approval of the Director, the Deputy Director
13 for Management or a designee shall—

14 “(A) adopt governmentwide standards,
15 policies, and guidelines for program and project
16 management for executive agencies;

17 “(B) oversee implementation of program
18 and project management for the standards,
19 policies, and guidelines established under sub-
20 paragraph (A);

21 “(C) chair the Program Management Pol-
22 icy Council established under section 1126(b);

23 “(D) establish standards and policies for
24 executive agencies, consistent with widely ac-

1 cepted standards for program and project man-
2 agement planning and delivery;

3 “(E) engage with the private sector to
4 identify best practices in program and project
5 management that would improve Federal pro-
6 gram and project management;

7 “(F) conduct portfolio reviews to address
8 programs identified as high risk by the Govern-
9 ment Accountability Office;

10 “(G) not less than annually, conduct port-
11 folio reviews of agency programs in coordination
12 with Project Management Improvement Officers
13 designated under section 1126(a)(1) to assess
14 the quality and effectiveness of program man-
15 agement; and

16 “(H) establish a 5-year strategic plan for
17 program and project management.

18 “(2) APPLICATION TO DEPARTMENT OF DE-
19 FENSE.—Paragraph (1) shall not apply to the De-
20 partment of Defense to the extent that the provi-
21 sions of that paragraph are substantially similar to
22 or duplicative of—

23 “(A) the provisions of chapter 87 of title
24 10; or

1 “(B) policy, guidance, or instruction of the
2 Department related to program management.”.

3 (2) DEADLINE FOR STANDARDS, POLICIES, AND
4 GUIDELINES.—Not later than 1 year after the date
5 of enactment of this Act, the Deputy Director for
6 Management of the Office of Management and
7 Budget shall issue the standards, policies, and
8 guidelines required under section 503(c) of title 31,
9 United States Code, as added by paragraph (1).

10 (3) REGULATIONS.—Not later than 90 days
11 after the date on which the standards, policies, and
12 guidelines are issued under paragraph (2), the Dep-
13 uty Director for Management of the Office of Man-
14 agement and Budget, in consultation with the Pro-
15 gram Management Policy Council established under
16 section 1126(b) of title 31, United States Code, as
17 added by subsection (b)(1), and the Director of the
18 Office of Management and Budget, shall issue any
19 regulations as are necessary to implement the re-
20 quirements of section 503(c) of title 31, United
21 States Code, as added by paragraph (1).

22 (b) PROGRAM MANAGEMENT IMPROVEMENT OFFI-
23 CERS AND PROGRAM MANAGEMENT POLICY COUNCIL.—

1 (1) AMENDMENT.—Chapter 11 of title 31,
2 United States Code, is amended by adding at the
3 end the following:

4 **“§ 1126. Program Management Improvement Officers**
5 **and Program Management Policy Council**

6 “(a) PROGRAM MANAGEMENT IMPROVEMENT OFFI-
7 CERS.—

8 “(1) DESIGNATION.—The head of each agency
9 described in section 901(b) shall designate a senior
10 executive of the agency as the Program Management
11 Improvement Officer of the agency.

12 “(2) FUNCTIONS.—The Program Management
13 Improvement Officer of an agency designated under
14 paragraph (1) shall—

15 “(A) implement program management poli-
16 cies established by the agency under section
17 503(c); and

18 “(B) develop a strategy for enhancing the
19 role of program managers within the agency
20 that includes the following:

21 “(i) Enhanced training and edu-
22 cational opportunities for program man-
23 agers that shall include—

24 “(I) training in the relevant com-
25 petencies encompassed with program

1 and project manager within the pri-
2 vate sector for program managers;
3 and

4 “(II) training that emphasizes
5 cost containment for large projects
6 and programs.

7 “(ii) Mentoring of current and future
8 program managers by experienced senior
9 executives and program managers within
10 the agency.

11 “(iii) Improved career paths and ca-
12 reer opportunities for program managers.

13 “(iv) A plan to encourage the recruit-
14 ment and retention of highly qualified indi-
15 viduals to serve as program managers.

16 “(v) Improved means of collecting and
17 disseminating best practices and lessons
18 learned to enhance program management
19 across the agency.

20 “(vi) Common templates and tools to
21 support improved data gathering and anal-
22 ysis for program management and over-
23 sight purposes.

24 “(3) APPLICATION TO DEPARTMENT OF DE-
25 FENSE.—This subsection shall not apply to the De-

1 partment of Defense to the extent that the provi-
2 sions of this subsection are substantially similar to
3 or duplicative of the provisions of chapter 87 of title
4 10. For purposes of paragraph (1), the Under Sec-
5 retary of Defense for Acquisition, Technology, and
6 Logistics (or a designee of the Under Secretary)
7 shall be considered the Program Management Im-
8 provement Officer.

9 “(b) PROGRAM MANAGEMENT POLICY COUNCIL.—

10 “(1) ESTABLISHMENT.—There is established in
11 the Office of Management and Budget a council to
12 be known as the ‘Program Management Policy
13 Council’ (in this subsection referred to as the ‘Coun-
14 cil’).

15 “(2) PURPOSE AND FUNCTIONS.—The Council
16 shall act as the principal interagency forum for im-
17 proving agency practices related to program and
18 project management. The Council shall—

19 “(A) advise and assist the Deputy Director
20 for Management of the Office of Management
21 and Budget;

22 “(B) review programs identified as high
23 risk by the General Accountability Office and
24 make recommendations for actions to be taken
25 by the Deputy Director for Management of the

1 Office of Management and Budget or a des-
2 ignee;

3 “(C) discuss topics of importance to the
4 workforce, including—

5 “(i) career development and workforce
6 development needs;

7 “(ii) policy to support continuous im-
8 provement in program and project manage-
9 ment; and

10 “(iii) major challenges across agencies
11 in managing programs;

12 “(D) advise on the development and appli-
13 cability of standards governmentwide for pro-
14 gram management transparency; and

15 “(E) review the information published on
16 the website of the Office of Management and
17 Budget pursuant to section 1122.

18 “(3) MEMBERSHIP.—

19 “(A) COMPOSITION.—The Council shall be
20 composed of the following members:

21 “(i) Five members from the Office of
22 Management and Budget as follows:

23 “(I) The Deputy Director for
24 Management.

1 “(II) The Administrator of the
2 Office of Electronic Government.

3 “(III) The Administrator of Fed-
4 eral Procurement Policy.

5 “(IV) The Controller of the Of-
6 fice of Federal Financial Manage-
7 ment.

8 “(V) The Director of the Office
9 of Performance and Personnel Man-
10 agement.

11 “(ii) The Program Management Im-
12 provement Officer from each agency de-
13 scribed in section 901(b).

14 “(iii) Other individuals as determined
15 appropriate by the Chairperson.

16 “(B) CHAIRPERSON AND VICE CHAIR-
17 PERSON.—

18 “(i) IN GENERAL.—The Deputy Di-
19 rector for Management of the Office of
20 Management and Budget shall be the
21 Chairperson of the Council. A Vice Chair-
22 person shall be elected by the members and
23 shall serve a term of not more than 1 year.

24 “(ii) DUTIES.—The Chairperson shall
25 preside at the meetings of the Council, de-

1 termine the agenda of the Council, direct
2 the work of the Council, and establish and
3 direct subgroups of the Council as appro-
4 priate.

5 “(4) MEETINGS.—The Council shall meet not
6 less than twice per fiscal year and may meet at the
7 call of the Chairperson or a majority of the members
8 of the Council.

9 “(5) SUPPORT.—The head of each agency with
10 a Project Management Improvement Officer serving
11 on the Council shall provide administrative support
12 to the Council, as appropriate, at the request of the
13 Chairperson.

14 “(6) COMMITTEE DURATION.—Section 14(a)(2)
15 of the Federal Advisory Committee Act (5 U.S.C.
16 App.) shall not apply to the Council.”.

17 (2) REPORT REQUIRED.—Not later than 1 year
18 after the date of enactment of this Act, the Director
19 of the Office of Management and Budget, in con-
20 sultation with each Program Management Improve-
21 ment Officer designated under section 1126(a)(1) of
22 title 31, United States Code, shall submit to Con-
23 gress a report containing the strategy developed
24 under section 1126(a)(2)(B) of such title, as added
25 by paragraph (1).

1 (c) PROGRAM AND PROJECT MANAGEMENT PER-
2 SONNEL STANDARDS.—

3 (1) DEFINITION.—In this subsection, the term
4 “agency” means each agency described in section
5 901(b) of title 31, United States Code, other than
6 the Department of Defense.

7 (2) REGULATIONS REQUIRED.—Not later than
8 180 days after the date on which the standards,
9 policies, and guidelines are issued under section
10 503(c) of title 31, United States Code, as added by
11 subsection (a)(1), the Director of the Office of Per-
12 sonnel Management, in consultation with the Direc-
13 tor of the Office of Management and Budget, shall
14 issue regulations that—

15 (A) identify key skills and competencies
16 needed for a program and project manager in
17 an agency;

18 (B) establish a new job series, or update
19 and improve an existing job series, for program
20 and project management within an agency; and

21 (C) establish a new career path for pro-
22 gram and project managers within an agency.

23 (d) GAO REPORT ON EFFECTIVENESS OF POLICIES
24 ON PROGRAM AND PROJECT MANAGEMENT.—Not later
25 than 3 years after the date of enactment of this Act, the

1 Government Accountability Office shall issue, in conjunc-
2 tion with the High Risk list of the Government Account-
3 ability Office, a report examining the effectiveness of the
4 following on improving Federal program and project man-
5 agement:

6 (1) The standards, policies, and guidelines for
7 program and project management issued under sec-
8 tion 503(c) of title 31, United States Code, as added
9 by subsection (a)(1).

10 (2) The 5-year strategic plan established under
11 section 503(c)(1)(H) of title 31, United States Code,
12 as added by subsection (a)(1).

13 (3) Program Management Improvement Offi-
14 cers designated under section 1126(a)(1) of title 31,
15 United States Code, as added by subsection (b)(1).

16 (4) The Program Management Policy Council
17 established under section 1126(b)(1) of title 31,
18 United States Code, as added by subsection (b)(1).

19 **Subtitle H—United States Naval**
20 **Station Guantanamo Bay Pres-**
21 **ervation Act**

22 **SEC. 1099. SHORT TITLE.**

23 This subtitle may be cited as the “United States
24 Naval Station Guantanamo Bay Preservation Act”.

1 **SEC. 1099A. FINDINGS.**

2 Congress makes the following findings:

3 (1) United States Naval Station, Guantanamo
4 Bay, Cuba, has been a strategic military asset crit-
5 ical to the defense of the United States and the
6 maintenance of regional security for more than a
7 century.

8 (2) The United States continues to exercise
9 control over the area of United States Naval Sta-
10 tion, Guantanamo Bay, Cuba, pursuant to the
11 Guantanamo Lease Agreements, which were initi-
12 ated and concluded pursuant to an Act of Congress.

13 (3) Senior United States military leaders have
14 consistently voiced strong support for maintaining
15 United States Naval Station, Guantanamo Bay,
16 Cuba, noting its strategic value for military basing
17 and logistics, disaster relief, humanitarian work, ter-
18 rorist detention, and counter-narcotics purposes.

19 (4) On February 29, 2016, Secretary of De-
20 fense Ashton B. Carter, discussing United States
21 Naval Station, Guantanamo Bay, Cuba, stated that
22 “it’s a strategic location, we’ve had it for a long
23 time, it’s important to us and we intend to hold onto
24 it”.

25 (5) On March 12, 2015, Commander of United
26 States Southern Command, General John Kelly, tes-

1 tified that the United States facilities at Naval Sta-
2 tion Guantanamo Bay “are indispensable to the De-
3 partments of Defense, Homeland Security, and
4 State’s operational and contingency plans. . . . As
5 the only permanent U.S. military base in Latin
6 America and the Caribbean, its location provides
7 persistent U.S. presence and immediate access to the
8 region, as well as supporting a layered defense to se-
9 cure the air and maritime approaches to the United
10 States”.

11 (6) In testimony before Congress in 2012, then-
12 Commander of United States Southern Command,
13 General Douglas Fraser, stated that “the strategic
14 capability provided by U.S. Naval Station Guanta-
15 namo Bay remains essential for executing national
16 priorities throughout the Caribbean, Latin America,
17 and South America”.

18 (7) Following a 1991 coup in Haiti that
19 prompted a mass exodus of people by boat, United
20 States Naval Station, Guantanamo Bay, Cuba, pro-
21 vided a location for temporary housing and the or-
22 derly adjudication of asylum claims outside of the
23 continental United States.

24 (8) In 2010, United States Naval Station,
25 Guantanamo Bay, Cuba, was a critical hub for the

1 provision of humanitarian disaster relief following
2 the devastating earthquakes in Haiti.

3 (9) The United States presence at United
4 States Naval Station, Guantanamo Bay, Cuba, has
5 its origins in Acts of Congress undertaken pursuant
6 to the powers of Congress expressly enumerated in
7 the Constitution of the United States.

8 (10) By joint resolution approved on April 20,
9 1898, Congress “directed and empowered” the
10 President “to use the entire land and naval forces
11 of the United States” as necessary to ensure that
12 the Government of Spain “relinquish its authority
13 and government in the island of Cuba, and withdraw
14 its land and naval forces from Cuba and Cuban
15 waters”.

16 (11) Congress declared war against Spain on
17 April 25, 1898, which lasted until December 10,
18 1898, when the United States and Spain signed the
19 Treaty of Paris, in which Spain relinquished all
20 claims of sovereignty over Cuba, and United States
21 governance of Cuba was established.

22 (12) Nearly three years later, in the Act of
23 March 2, 1901 (Chapter 803; 31 Stat. 898), Con-
24 gress granted the President the authority to return
25 “the government and control of the island of Cuba

1 to its people” subject to several express conditions
2 including, in article VII of the Act of March 2,
3 1901, the sale or lease by Cuba to the United States
4 of lands necessary for naval stations.

5 (13) Pursuant to the authority granted by arti-
6 cle VII of the Act of March 2, 1901, the United
7 States negotiated the Guantanamo Lease Agree-
8 ments, which specified the area of, and United
9 States jurisdiction and control over, what became
10 United States Naval Station, Guantanamo Bay,
11 Cuba.

12 (14) On October 2, 1903, when approving the
13 Lease to the United States by the Government of
14 Cuba of Certain Areas of Land and Water for Naval
15 or Coaling Stations, signed in Havana on July 2,
16 1903, President Theodore Roosevelt cited the Act of
17 March 2, 1901, as providing his authority to do so:
18 “I, Theodore Roosevelt, President of the United
19 States of America, having seen and considered the
20 foregoing lease, do hereby approve the same, by vir-
21 tue of the authority conferred by the seventh of the
22 provisions defining the relations which are to exist
23 between the United States and Cuba, contained in
24 the Act of Congress approved March 2, 1901, enti-
25 tled ‘An Act making appropriation for the support

1 of the Army for the fiscal year ending June 30,
2 1902.’”.

3 (15) Obtaining United States naval station
4 rights in Cuba was an express condition of the au-
5 thority that Congress gave the President to return
6 control and governance of Cuba to the people of
7 Cuba. In exercising that authority and concluding
8 the Guantanamo Lease Agreements, President Theo-
9 dore Roosevelt recognized the source of that author-
10 ity as the Act of March 2, 1901.

11 (16) The Treaty of Relations between the
12 United States of America and the Republic of Cuba,
13 signed at Washington, May 29, 1934, did not super-
14 sede, abrogate, or modify the Guantanamo Lease
15 Agreements, but noted that the stipulations of those
16 agreements “shall continue in effect” until the
17 United States and Cuba agree to modify them.

18 (17) The Constitution of the United States ex-
19 pressly grants to Congress the power to provide for
20 the common defense of the United States, the power
21 to provide and maintain a Navy, and the power “to
22 dispose of and make all needful Rules and Regula-
23 tions respecting the Territory or other Property be-
24 longing to the United States”.

1 **SEC. 1099B. PROHIBITION ON MODIFICATION, ABROGA-**
2 **TION, OR OTHER RELATED ACTIONS WITH**
3 **RESPECT TO UNITED STATES JURISDICTION**
4 **AND CONTROL OVER UNITED STATES NAVAL**
5 **STATION, GUANTANAMO BAY, CUBA, WITH-**
6 **OUT CONGRESSIONAL ACTION.**

7 No action may be taken to modify, abrogate, or re-
8 place the stipulations, agreements, and commitments con-
9 tained in the Guantanamo Lease Agreements, or to impair
10 or abandon the jurisdiction and control of the United
11 States over United States Naval Station, Guantanamo
12 Bay, Cuba, unless specifically authorized or otherwise pro-
13 vided by—

14 (1) a statute that is enacted on or after the
15 date of the enactment of this Act;

16 (2) a treaty that is ratified with the advice and
17 consent of the Senate on or after the date of the en-
18 actment of this Act; or

19 (3) a modification of the Treaty Between the
20 United States of America and Cuba signed at Wash-
21 ington, DC, on May 29, 1934, that is ratified with
22 the advice and consent of the Senate on or after the
23 date of the enactment of this Act.

24 **SEC. 1099C. GUANTANAMO LEASE AGREEMENTS DEFINED.**

25 In this subtitle, the term “Guantanamo Lease Agree-
26 ments” means—

1 (1) the Agreement Between the United States
2 of America and the Republic of Cuba for the Lease
3 to the United States of Lands in Cuba for coaling
4 and naval stations, signed by the President of the
5 United States on February 23, 1903; and

6 (2) the Lease to the United States by the Gov-
7 ernment of Cuba of Certain Areas of Land and
8 Water for Naval or Coaling Stations, signed by the
9 President of the United States on October 2, 1903.

10 **TITLE XI—CIVILIAN PERSONNEL**
11 **MATTERS**

12 **SEC. 1101. TEMPORARY DIRECT HIRE AUTHORITY FOR DO-**
13 **MESTIC DEFENSE INDUSTRIAL BASE FACILI-**
14 **TIES AND THE MAJOR RANGE AND TEST FA-**
15 **CILITIES BASE.**

16 (a) **AUTHORITY.**—During fiscal years 2017 and
17 2018, the Secretary of Defense may appoint, without re-
18 gard to the provisions of subchapter I of chapter 33 of
19 title 5, United States Code, other than sections 3303 and
20 3328 of such title, qualified candidates to positions in the
21 competitive service at any defense industrial base facility
22 or the Major Range and Test Facilities Base or as a mili-
23 tary technician (dual status).

24 (b) **REPORT.**—Not later than 60 days after the end
25 of fiscal year 2018, the Secretary of Defense shall submit

1 a report to the Committees on Armed Services of the
2 House of Representatives and the Senate on the use of
3 the authority provided under subsection (a). Such report
4 shall include the total number of individuals appointed
5 under such authority and the effectiveness of such author-
6 ity in fulfilling the manpower needs of the defense indus-
7 trial base facilities or the Major Range and Test Facilities
8 Base.

9 (c) DEFINITIONS.—In this section—

10 (1) the term “defense industrial base facility”
11 means any Department of Defense depot, arsenal, or
12 shipyard located within the United States; and

13 (2) the term “military technician (dual status)”
14 has the meaning given such term in section 10216
15 of title 10, United States Code.

16 **SEC. 1102. TEMPORARY PERSONNEL FLEXIBILITIES FOR**
17 **DOMESTIC DEFENSE INDUSTRIAL BASE FA-**
18 **CILITIES AND MAJOR RANGE AND TEST FA-**
19 **CILITIES BASE CIVILIAN PERSONNEL.**

20 (a) IN GENERAL.—Notwithstanding chapter 33 of
21 title 5, United States Code, or any other provision of law
22 relating to the examination, certification, and appointment
23 of individuals in the competitive service, during fiscal
24 years 2017 and 2018, an employee of a defense industrial
25 base facility or the Major Range and Test Facilities Base

1 serving under a time-limited appointment in the competi-
2 tive service is eligible to compete for a permanent appoint-
3 ment in the competitive service at (A) any such facility,
4 Base, or any other component of the Department of De-
5 fense when such facility, Base, or component (as the case
6 may be) is accepting applications from individuals within
7 the facility, Base, or component's workforce under merit
8 promotion procedures, or (B) any agency when the agency
9 is accepting applications from individuals outside its own
10 workforce under merit promotion procedures of the appli-
11 cable agency, if—

12 (1) the employee was appointed initially under
13 open, competitive examination under subchapter I of
14 chapter 33 of such title to the time-limited appoint-
15 ment;

16 (2) the employee has served under 1 or more
17 time-limited appointments by a defense industrial
18 base facility or the Major Range and Test Facilities
19 Base for a period or periods totaling more than 24
20 months without a break of 2 or more years; and

21 (3) the employee's performance has been at an
22 acceptable level of performance throughout the pe-
23 riod or periods (as the case may be) referred to in
24 paragraph (2).

1 (b) WAIVER OF AGE REQUIREMENT.—In deter-
2 mining the eligibility of a time-limited employee under this
3 section to be examined for or appointed in the competitive
4 service, the Office of Personnel Management or other ex-
5 amining agency shall waive requirements as to age, unless
6 the requirement is essential to the performance of the du-
7 ties of the position.

8 (c) STATUS.—An individual appointed under this sec-
9 tion—

10 (1) becomes a career-conditional employee, un-
11 less the employee has otherwise completed the serv-
12 ice requirements for career tenure; and

13 (2) acquires competitive status upon appoint-
14 ment.

15 (d) FORMER EMPLOYEES.—A former employee of a
16 defense industrial base facility or the Major Range and
17 Test Facilities Base who served under a time-limited ap-
18 pointment and who otherwise meets the requirements of
19 this section shall be deemed a time-limited employee for
20 purposes of this section if—

21 (1) such employee applies for a position covered
22 by this section within the period of 2 years after the
23 most recent date of separation; and

24 (2) such employee's most recent separation was
25 for reasons other than misconduct or performance.

1 (e) DEFINITION.—In this section, the term “defense
2 industrial base facility” means any Department of De-
3 fense depot, arsenal, or shipyard located within the United
4 States.

5 **SEC. 1103. ONE-YEAR EXTENSION OF TEMPORARY AUTHOR-**
6 **ITY TO GRANT ALLOWANCES, BENEFITS, AND**
7 **GRATUITIES TO CIVILIAN PERSONNEL ON OF-**
8 **FICIAL DUTY IN A COMBAT ZONE.**

9 Paragraph (2) of section 1603(a) of the Emergency
10 Supplemental Appropriations Act for Defense, the Global
11 War on Terror, and Hurricane Recovery, 2006 (Public
12 Law 109–234; 120 Stat. 443), as added by section 1102
13 of the Duncan Hunter National Defense Authorization
14 Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat.
15 4616) and as most recently amended by section 1102 of
16 the National Defense Authorization Act for Fiscal Year
17 2016 (Public Law 114–92; 129 Stat. 1022), is further
18 amended by striking “2017” and inserting “2018”.

19 **SEC. 1104. ADVANCE PAYMENTS FOR EMPLOYEES RELO-**
20 **CATING WITHIN THE UNITED STATES AND ITS**
21 **TERRITORIES.**

22 (a) IN GENERAL.—Subsection (a) of section 5524a
23 of title 5, United States Code, is amended—

24 (1) by striking “(a) The head” and inserting
25 “(a)(1) The head”; and

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

2 “(2) The head of each agency may provide for the
3 advance payment of basic pay, covering not more than 6
4 pay periods, to an employee who is assigned to a position
5 in the agency that is located—

6 “(A) outside of the employee’s commuting area;

7 and

8 “(B) in the United States, the Commonwealth
9 of Puerto Rico, the Commonwealth of the Northern
10 Mariana Islands, or any territory or possession of
11 the United States.”.

12 (b) CONFORMING AMENDMENTS.—Subsection (b) of
13 such section is amended—

14 (1) in paragraph (1), by inserting “or assigned”
15 after “appointed”; and

16 (2) in paragraph (2)(B)—

17 (A) by inserting “or assignment” after
18 “appointment”; and

19 (B) by inserting “or assigned” after “ap-
20 pointed”.

21 (c) CLERICAL AMENDMENTS.—

22 (1) SECTION HEADING.—The heading of such
23 section is amended by inserting “**and employees**
24 **relocating within the United States and**
25 **its territories**” after “**appointees**”.

1 (2) TABLE OF SECTIONS.—The item relating to
2 such section in the table of sections of chapter 55
3 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.”.

4 **SEC. 1105. PERMANENT AUTHORITY FOR ALTERNATIVE**
5 **PERSONNEL PROGRAM FOR SCIENTIFIC AND**
6 **TECHNICAL PERSONNEL.**

7 (a) PERMANENT AUTHORITY AND CODIFICATION.—
8 Chapter 81 of title 10, United States Code, is amended
9 by inserting after section 1589 a new section 1590 con-
10 sisting of—

11 (1) a heading as follows:

12 **“§ 1590. Alternative personnel program for scientific**
13 **and technical personnel”; and**

14 (2) a text consisting of the text of subsection
15 (a), (b), (c), and (d) of section 1101 of the Strom
16 Thurmond National Defense Authorization Act for
17 Fiscal Year 1999 (Public Law 105–261; 5 U.S.C.
18 3104 note).

19 (b) CONFORMING AMENDMENTS.—Section 1590 of
20 title 10, United States Code, as added by subsection (a),
21 is amended—

22 (1) in subsection (a)—

1 (A) by striking “During the program pe-
2 riod specified in subsection (e)(1), the” and in-
3 serting “The”; and

4 (B) by striking “of experimental use of”
5 and inserting “to use”;

6 (2) in subsection (b)—

7 (A) by striking “, United States Code,” in
8 paragraph (1); and

9 (B) by striking “United States Code,” in
10 paragraph (2); and

11 (3) in subsection (d), by striking “, United
12 States Code” in paragraphs (2) and (3) each place
13 it appears.

14 (c) CLERICAL AMENDMENT.—The table of sections
15 at the beginning of chapter 81 of such title is amended
16 by inserting after the item relating to section 1589 the
17 following new item:

“1590. Alternative personnel program for scientific and technical personnel.”.

18 (d) CONFORMING REPEAL.—Section 1101 of the
19 Strom Thurmond National Defense Authorization Act for
20 Fiscal Year 1999 (Public Law 105–261; 5 U.S.C. 3104
21 note) is repealed.

1 **SEC. 1106. MODIFICATION TO INFORMATION TECHNOLOGY**
2 **PERSONNEL EXCHANGE PROGRAM.**

3 Section 1110 of the National Defense Authorization
4 Act for Fiscal Year 2010 (Public Law 111–84; 5 U.S.C.
5 3702 note) is amended—

6 (1) in the section heading, by inserting
7 “**CYBER AND**” before “**INFORMATION**”.

8 (2) in subsections (a)(1)(A), (a)(1)(C), and
9 (g)(2), by inserting “cyber operations or” before “in-
10 formation”;

11 (3) in subsection (g)(1), by inserting “to or”
12 before “from”; and

13 (4) in subsection (h), by striking “10” and in-
14 serting “50”.

15 **SEC. 1107. TREATMENT OF CERTAIN LOCALITIES FOR CAL-**
16 **CULATION OF PER DIEM ALLOWANCES.**

17 (a) **IN GENERAL.**—Pursuant to section 5707 of title
18 5, United States Code, the Administrator of General Serv-
19 ices shall prescribe such regulations as are necessary to
20 provide that, with respect to per diem rates for Ohio, the
21 locality described as Dayton/Fairborn and the locality de-
22 scribed as Cincinnati are considered 1 locality for purposes
23 of establishing per diem allowance or maximum amount
24 of reimbursement under section 5702(a)(2) of such title.

25 (b) **EFFECTIVE DATE.**—The adjustment of the treat-
26 ment of localities described under subsection (a) shall be

1 effective on the same date as the application of the first
2 recalculation of per diem allowances by the Administrator
3 that occurs after the date of enactment of this Act.

4 **SEC. 1108. ELIGIBILITY OF EMPLOYEES IN A TIME-LIMITED**
5 **APPOINTMENT TO COMPETE FOR A PERMA-**
6 **NENT APPOINTMENT AT ANY FEDERAL AGEN-**
7 **CY.**

8 Section 9602 of title 5, United States Code, is
9 amended—

10 (1) in subsection (a) by striking “any land
11 management agency or any other agency (as defined
12 in section 101 of title 31) under the internal merit
13 promotion procedures of the applicable agency” and
14 inserting “such land management agency when such
15 agency is accepting applications from individuals
16 within the agency’s workforce under merit promotion
17 procedures, or any agency, including a land manage-
18 ment agency, when the agency is accepting applica-
19 tions from individuals outside its own workforce
20 under the merit promotion procedures of the appli-
21 cable agency”; and

22 (2) in subsection (d) by inserting “of the agen-
23 cy from which the former employee was most re-
24 cently separated” after “deemed a time-limited em-
25 ployee”.

1 **SEC. 1109. LIMITATION ON ADMINISTRATIVE LEAVE.**

2 (a) IN GENERAL.—Subchapter II of chapter 63 of
3 title 5, United States Code, is amended by adding at the
4 end the following:

5 **“§ 6330. Limitation on administrative leave**

6 “(a) IN GENERAL.—During any calendar year, an
7 employee may not be placed on administrative leave, or
8 any other paid non-duty status without charge to leave,
9 for more than 14 total days for reasons relating to mis-
10 conduct or performance. After an employee has been
11 placed on administrative leave for 14 days, the employing
12 agency shall return the employee to duty status, utilizing
13 telework if available, and assign the employee to duties
14 if such employee is not a threat to safety, the agency mis-
15 sion, or Government property.

16 “(b) EXTENDED ADMINISTRATIVE LEAVE.—

17 “(1) IN GENERAL.—If an agency finds that an
18 employee is a threat to safety, the agency mission,
19 or Government property and upon the expiration of
20 the 14-day period described in subsection (a), an
21 agency head may place the employee on extended ad-
22 ministrative leave for additional periods of not more
23 than 30 days each.

24 “(2) REPORT.—For any additional period of 30
25 days granted to the employee after the initial 30-day
26 extension, the agency head shall submit to the Com-

1 mittee on Oversight and Government Reform in the
2 House of Representatives, the agency’s authorizing
3 committees of jurisdiction of the House of Rep-
4 resentatives and the Senate, and the Committee on
5 Homeland Security and Governmental Affairs of the
6 Senate a report, not later than 5 business days after
7 granting the additional period, containing—

8 “(A) title, position, office or agency sub-
9 component, job series, pay grade, and salary of
10 the employee on administrative leave;

11 “(B) a description of the work duties of
12 the employee;

13 “(C) the reason the employee is on admin-
14 istrative leave;

15 “(D) an explanation as to why the em-
16 ployee is a threat to safety, the agency mission,
17 or Government property;

18 “(E) an explanation as to why the em-
19 ployee is not able to telework or be reassigned
20 to another position within the agency;

21 “(F) in the case of a pending related inves-
22 tigation of the employee—

23 “(i) the status of such investigation;

24 and

1 “(ii) the certification described in sub-
2 section (c)(1); and

3 “(G) in the case of a completed related in-
4 vestigation of the employee—

5 “(i) the results of such investigation;
6 and

7 “(ii) the reason that the employee re-
8 mains on administrative leave.

9 “(c) EXTENSION PENDING RELATED INVESTIGA-
10 TION.—

11 “(1) IN GENERAL.—If an employee is under a
12 related investigation by an investigative entity at the
13 time an additional period described under subsection
14 (b)(2) is granted and, in the opinion of the inves-
15 tigative entity, additional time is needed to complete
16 the investigation, such entity shall certify to the ap-
17 plicable agency that such additional time is needed
18 and include in the certification an estimate of the
19 length of such additional time.

20 “(2) LIMITATION.—The head of an agency may
21 not grant an additional period of administrative
22 leave described under subsection (b)(2) to an em-
23 ployee on or after the date that is 30 days after the
24 completion of a related investigation by an investiga-
25 tive entity.

1 “(d) DEFINITIONS.—In this section, the following
2 definitions apply:

3 “(1) INVESTIGATIVE ENTITY.—The term ‘investigative entity’ means an internal investigative unit
4 of the agency granting administrative leave, the Office of Inspector General, the Office of the Attorney
5 General, the Office of the Attorney General, or the Office of Special Counsel.
6

7 “(2) RELATED INVESTIGATION.—The term ‘related investigation’ means an investigation that per-
8 tains to the underlying reasons an employee was
9 placed on administrative leave.”
10

11 (b) EFFECTIVE DATE.—The amendment made by
12 subsection (a) shall begin to apply 90 days after the date
13 of enactment of this Act.
14

15 (c) RULES OF CONSTRUCTION.—Nothing in the
16 amendment made by subsection (a) shall be construed
17 to—

18 (1) supersede the provisions of chapter 75 of
19 title 5, United States Code; or

20 (2) limit the number of days that an employee
21 may be placed on administrative leave, or any other
22 paid non-duty status without charge to leave, for
23 reasons unrelated to misconduct or performance.

24 (d) CLERICAL AMENDMENT.—The table of sections
25 for subchapter II of chapter 63 of title 5, United States

1 Code, is amended by adding after the item relating to sec-
2 tion 6329 the following new item:

“6330. Limitation on administrative leave.”.

3 **SEC. 1110. RECORD OF INVESTIGATION OF PERSONNEL AC-**
4 **TION IN SEPARATED EMPLOYEE’S OFFICIAL**
5 **PERSONNEL FILE.**

6 (a) IN GENERAL.—Subchapter I of chapter 33 of title
7 5, United States Code, is amended by inserting after sec-
8 tion 3321 the following:

9 **“§ 3322. Voluntary separation before resolution of**
10 **personnel investigation**

11 “(a) With respect to any employee occupying a posi-
12 tion in the competitive service or the excepted service who
13 is the subject of a personnel investigation and resigns from
14 Government employment prior to the resolution of such
15 investigation, the head of the agency from which such em-
16 ployee so resigns shall, if an adverse finding was made
17 with respect to such employee pursuant to such investiga-
18 tion, make a permanent notation in the employee’s official
19 personnel record file. The head shall make such notation
20 not later than 40 days after the date of the resolution of
21 such investigation.

22 “(b) Prior to making a permanent notation in an em-
23 ployee’s official personnel record file under subsection (a),
24 the head of the agency shall—

1 “(1) notify the employee in writing within 5
2 days of the resolution of the investigation and pro-
3 vide such employee a copy of the adverse finding and
4 any supporting documentation;

5 “(2) provide the employee with a reasonable
6 time, but not less than 30 days, to respond in writ-
7 ing and to furnish affidavits and other documentary
8 evidence to show why the adverse finding was un-
9 founded (a summary of which shall be included in
10 any notation made to the employee’s personnel file
11 under subsection (d)); and

12 “(3) provide a written decision and the specific
13 reasons therefore to the employee at the earliest
14 practicable date.

15 “(c) An employee is entitled to appeal the decision
16 of the head of the agency to make a permanent notation
17 under subsection (a) to the Merit Systems Protection
18 Board under section 7701.

19 “(d)(1) If an employee files an appeal with the Merit
20 Systems Protection Board pursuant to subsection (c), the
21 agency head shall make a notation in the employee’s offi-
22 cial personnel record file indicating that an appeal dis-
23 puting the notation is pending not later than 2 weeks after
24 the date on which such appeal was filed.

1 “(2) If the head of the agency is the prevailing party
2 on appeal, not later than 2 weeks after the date that the
3 Board issues the appeal decision, the head of the agency
4 shall remove the notation made under paragraph (1) from
5 the employee’s official personnel record file.

6 “(3) If the employee is the prevailing party on appeal,
7 not later than 2 weeks after the date that the Board issues
8 the appeal decision, the head of the agency shall remove
9 the notation made under paragraph (1) and the notation
10 of an adverse finding made under subsection (a) from the
11 employee’s official personnel record file.

12 “(e) In this section, the term ‘personnel investigation’
13 includes—

14 “(1) an investigation by an Inspector General;
15 and

16 “(2) an adverse personnel action as a result of
17 performance, misconduct, or for such cause as will
18 promote the efficiency of the service under chapter
19 43 or chapter 75.”.

20 (b) APPLICATION.—The amendment made by sub-
21 section (a) shall apply to any employee described in section
22 3322 of title 5, United States Code, (as added by such
23 subsection) who leaves the service after the date of enact-
24 ment of this Act.

1 (c) CLERICAL AMENDMENT.—The table of sections
2 of subchapter I of chapter 33 of title 5, United States
3 Code, is amended by inserting after the item relating to
4 section 3321 the following:

“3322. Voluntary separation before resolution of personnel investigation.”.

5 **SEC. 1111. REVIEW OF OFFICIAL PERSONNEL FILE OF**
6 **FORMER FEDERAL EMPLOYEES BEFORE RE-**
7 **HIRING.**

8 (a) IN GENERAL.—Subchapter I of chapter 33 of title
9 5, United States Code, is amended by adding at the end
10 the following:

11 **“§ 3330e. Review of official personnel file of former**
12 **Federal employees before rehiring**

13 “(a) If a former Government employee is a candidate
14 for a position within the competitive service or the ex-
15 cepted service, prior to making any determination with re-
16 spect to the appointment or reinstatement of such em-
17 ployee to such position, the appointing authority shall re-
18 view and consider the information relating to such employ-
19 ee’s former period or periods of service in such employee’s
20 official personnel record file.

21 “(b) In subsection (a), the term ‘former Government
22 employee’ means an individual whose most recent position
23 with the Government prior to becoming a candidate as de-
24 scribed under subsection (a) was within the competitive
25 service or the excepted service.

1 “(c) The Office of Personnel Management shall pre-
2 scribe regulations to carry out the purpose of this sec-
3 tion.”.

4 (b) APPLICATION.—The amendment made by sub-
5 section (a) shall apply to any former Government em-
6 ployee (as described in section 3330e of title 5, United
7 States Code, as added by such subsection) appointed or
8 reinstated on or after the date that is 180 days after the
9 date of enactment of this Act.

10 (c) CLERICAL AMENDMENT.—The table of sections
11 of subchapter I of chapter 33 of title 5, United States
12 Code, is amended by adding at the end the following:

“3330e. Review of official personnel file of former Federal employees before re-
hiring.”.

13 **SEC. 1112. REPORT ON DEPARTMENT OF DEFENSE CIVIL-**
14 **IAN WORKFORCE PERSONNEL AND CONTRAC-**
15 **TORS.**

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

17 (1) A large, disproportionate, and duplicative
18 civilian work force coupled with bureaucratic, struc-
19 tural inefficiencies has detracted from the Penta-
20 gon’s production of combat power and its ability to
21 modernize.

22 (2) The recent uniformed military drawdown
23 has not been accompanied by an equivalent reduc-
24 tion of either the civilian or contractor work force.

1 Right sizing the civilian workforce must be statutory
2 in number but implemented with executive discre-
3 tion. Across-the-board cuts to the defense civilian
4 workforce are not the answer.

5 (3) Spending on contract services is over 50
6 percent of all Department of Defense purchases even
7 as the total defense budget has dropped. Expendi-
8 tures in services contracting lack appropriate over-
9 sight, accountability, and scrutiny.

10 (b) REPORTS.—

11 (1) IN GENERAL.—The Secretary of Defense
12 shall submit a preliminary report within 90 days
13 after the date of the enactment of this Act, and a
14 final report within 180 days after such date, to the
15 congressional defense committees detailing the struc-
16 ture and number of the civilian workforce and con-
17 tractors of the Department of Defense.

18 (2) CONTENTS.—Except as provided in para-
19 graph (3), each report shall include the following for
20 each of fiscal years 2017 through 2020, including a
21 breakdown in location, job function, General Sched-
22 ule (GS) level, and date of when the job was created
23 for the following individuals:

24 (A) The total number of full time equiva-

25 lent employees, including each of the following:

1 (i) The total number of Senior Execu-
2 tive Service employees and their assign-
3 ments.

4 (ii) The total number of civilian em-
5 ployees of the Department of Defense
6 within the military health care system.

7 (iii) The total number of civilian em-
8 ployees of the Department employed at de-
9 pots, arsenals, and ammunition facilities.

10 (B) The total number of civilian contrac-
11 tors of the Department of Defense, including
12 each of the following:

13 (i) The total number of civilian con-
14 tractors for weapons acquisitions.

15 (ii) The total number of civilian con-
16 tractors for services or labor for non-weap-
17 on systems acquisitions.

18 (iii) The total number of civilian con-
19 tractors employed at depots, arsenals, and
20 ammunition facilities.

21 (3) PRELIMINARY REPORT.—The preliminary
22 report provided under this subsection—

23 (A) shall cover the contents described in
24 paragraph (2) in as much detail as is ascertain-

1 able within 90 days after the date of the enact-
2 ment of this Act; and

3 (B) shall include an explanation of any im-
4 pediments to developing a complete and final
5 report by 180 days after such date of enact-
6 ment.

7 **SEC. 1113. PUBLIC-PRIVATE TALENT EXCHANGE.**

8 (a) **AUTHORITY.**—Chapter 81 of title 10, United
9 States Code, as amended by section 1105 of this Act, is
10 further amended by adding at the end the following new
11 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 the length of the assign-
6 ment; and

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.

15 “(2) An amount for which an employee is liable under
16 paragraph (1) shall be treated as a debt due the United
17 States.

18 “(3) The Secretary may waive, in whole or in part,
19 collection of a debt described in paragraph (2) based on
20 a determination that the collection would be against equity
21 and good conscience and not in the best interests of the
22 United States, after taking into account any indication of
23 fraud, misrepresentation, fault, or lack of good faith on
24 the part of the employee.

1 “(c) TERMINATION.—An assignment under this sec-
2 tion may, at any time and for any reason, be terminated
3 by the Department of Defense or the private-sector orga-
4 nization concerned.

5 “(d) DURATION.—An assignment under this section
6 shall be for a period of not less than 3 months and not
7 more than one year, renewable up to a total of 4 years.
8 No employee of the Department of Defense may be as-
9 signed under this section for more than a total of 4 years
10 inclusive of all such assignments.

11 “(e) STATUS OF FEDERAL EMPLOYEES ASSIGNED TO
12 PRIVATE-SECTOR ORGANIZATIONS.—An employee of the
13 Department of Defense who is assigned to a private-sector
14 organization under this section shall be considered, during
15 the period of assignment, to be on detail to a regular work
16 assignment in the Department for all purposes. The writ-
17 ten agreement established under subsection (b)(1) shall
18 address the specific terms and conditions related to the
19 employee’s continued status as a Federal employee.

20 “(f) TERMS AND CONDITIONS FOR PRIVATE-SECTOR
21 EMPLOYEES.—An employee of a private-sector organiza-
22 tion who is assigned to a Department of Defense organiza-
23 tion under this section—

24 “(1) shall continue to receive pay and benefits
25 from the private-sector organization from which such

1 employee is assigned and shall not receive pay or
2 benefits from the Department of Defense, except as
3 provided in paragraph (2);

4 “(2) is deemed to be an employee of the De-
5 partment of Defense for the purposes of—

6 “(A) chapters 73 and 81 of title 5;

7 “(B) sections 201, 203, 205, 207, 208,
8 209, 603, 606, 607, 643, 654, 1905, and 1913
9 of title 18;

10 “(C) sections 1343, 1344, and 1349(b) of
11 title 31;

12 “(D) the Federal Tort Claims Act and any
13 other Federal tort liability statute;

14 “(E) the Ethics in Government Act of
15 1978; and

16 “(F) chapter 21 of title 41;

17 “(3) shall not have access to any trade secrets
18 or to any other nonpublic information which is of
19 commercial value to the private-sector organization
20 from which such employee is assigned.

21 “(g) PROHIBITION AGAINST CHARGING CERTAIN
22 COSTS TO THE FEDERAL GOVERNMENT.—A private-sec-
23 tor organization may not charge the Department of any
24 other agency of the Federal Government, as direct or indi-
25 rect costs under a Federal contract, the costs of pay or

1 benefits paid by the organization to an employee assigned
2 to a Department organization under this section for the
3 period of the assignment.

4 “(h) CONSIDERATIONS.—In carrying out this section,
5 the Secretary of Defense—

6 “(1) shall ensure that, of the assignments made
7 under this section each year, at least 20 percent are
8 from small business concerns (as defined by section
9 3703(e)(2)(A) of title 5);

10 “(2) shall take into consideration the question
11 of how assignments under this section might best be
12 used to help meet the needs of the Department of
13 Defense with respect to the training of employees;
14 and

15 “(3) shall take into consideration, where appli-
16 cable, areas of particular private sector expertise,
17 such as cybersecurity.”.

18 (b) TABLE OF SECTIONS AMENDMENT.—The table of
19 sections at the beginning of such chapter, as amended by
20 section 1105 of this Act, is further amended by adding
21 at the end the following new item:

“1599g. Public-private talent exchange.”.

1 **TITLE XII—MATTERS RELATING**
2 **TO FOREIGN NATIONS**
3 **Subtitle A—Assistance and**
4 **Training**

5 **SEC. 1201. ONE-YEAR EXTENSION OF LOGISTICAL SUPPORT**
6 **FOR COALITION FORCES SUPPORTING CER-**
7 **TAIN UNITED STATES MILITARY OPER-**
8 **ATIONS.**

9 Section 1234 of the National Defense Authorization
10 Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
11 394), as most recently amended by section 1201 of the
12 National Defense Authorization Act for Fiscal Year 2016
13 (Public Law 114–92; 129 Stat. 1035), is further amend-
14 ed—

15 (1) in subsection (a), by striking “fiscal year
16 2016” and inserting “fiscal year 2017”;

17 (2) in subsection (d), by striking “during the
18 period beginning on October 1, 2015, and ending on
19 December 31, 2016” and inserting “during the pe-
20 riod beginning on October 1, 2016, and ending on
21 December 31, 2017”; and

22 (3) in subsection (e)(1), by striking “December
23 31, 2016” and inserting “December 31, 2017”.

1 **SEC. 1202. EXTENSION OF AUTHORITY FOR TRAINING OF**
2 **GENERAL PURPOSE FORCES OF THE UNITED**
3 **STATES ARMED FORCES WITH MILITARY AND**
4 **OTHER SECURITY FORCES OF FRIENDLY**
5 **FOREIGN COUNTRIES.**

6 Section 1203(h) of the National Defense Authoriza-
7 tion Act for Fiscal Year 2014 (Public Law 113–66; 127
8 Stat. 894; 10 U.S.C. 2011 note) is amended by striking
9 “September 30, 2017” and inserting “December 31,
10 2019”.

11 **SEC. 1203. MODIFICATION AND EXTENSION OF AUTHORITY**
12 **TO CONDUCT ACTIVITIES TO ENHANCE THE**
13 **CAPABILITY OF FOREIGN COUNTRIES TO RE-**
14 **SPOND TO INCIDENTS INVOLVING WEAPONS**
15 **OF MASS DESTRUCTION.**

16 (a) **LIMITATION ON AVAILABILITY OF AUTHORITY**
17 **FOR OTHER COUNTRIES.**—Subsection (b) of section 1204
18 of the National Defense Authorization Act for Fiscal Year
19 2014 (Public Law 113–66; 127 Stat. 896; 10 U.S.C. 401
20 note) is amended by striking “of the Secretary’s inten-
21 tion” and inserting “not later than 48 hours after the Sec-
22 retary makes a determination”.

23 (b) **AVAILABILITY OF FUNDS.**—Subsection (d)(1) of
24 such section is amended to read as follows:

25 “(1) **FUNDS AVAILABLE.**—Of the funds author-
26 ized to be appropriated for the Department of De-

1 fense for Operation and Maintenance, Defense-wide,
2 and available for the Defense Threat Reduction
3 Agency for a fiscal year, not more than \$20,000,000
4 may be made available for assistance under this sec-
5 tion for such fiscal year.”.

6 (c) NOTICE TO CONGRESS ON CERTAIN ASSIST-
7 ANCE.—Subsection (e) of such section, as amended by sec-
8 tion 1202 of the Carl Levin and Howard P. “Buck”
9 McKeon National Defense Authorization Act for Fiscal
10 Year 2015 (Public Law 113–291; 128 Stat. 3530), is fur-
11 ther amended—

12 (1) by striking “If the amount” and inserting
13 “If the Secretary of Defense determines that the
14 amount”;

15 (2) by striking “the Secretary of Defense shall
16 notify” and inserting “the Secretary shall notify”;
17 and

18 (3) by striking “of that fact” and inserting “of
19 such determination not later than 48 hours after
20 making the determination”.

21 (d) EXPIRATION.—Subsection (h) of such section, as
22 amended by section 1273 of the National Defense Author-
23 ization Act for Fiscal Year 2016 (Public Law 114–92; 129
24 Stat. 1076), is further amended by striking “September
25 30, 2019” and inserting “September 30, 2020”.

1 (e) EFFECTIVE DATE.—The amendments made by
2 this section take effect on the date of the enactment of
3 this Act and apply with respect to assistance authorized
4 to be provided under subsection (a) of section 1204 of the
5 National Defense Authorization Act for Fiscal Year 2014
6 on or after such date of enactment.

7 **SEC. 1204. EXTENSION OF AUTHORITY FOR SUPPORT OF**
8 **SPECIAL OPERATIONS TO COMBAT TER-**
9 **RORISM.**

10 Subsection (h) of section 1208 of the Ronald W.
11 Reagan National Defense Authorization Act for Fiscal
12 Year 2005 (Public Law 108–375; 118 Stat. 2086), as
13 most recently amended by section 1208(b) of the Carl
14 Levin and Howard P. “Buck” McKeon National Defense
15 Authorization Act for Fiscal Year 2015 (Public Law 113–
16 291; 128 Stat. 3541), is further amended by striking
17 “2017” and inserting “2020”.

18 **SEC. 1205. MODIFICATION AND CODIFICATION OF REPORT-**
19 **ING REQUIREMENTS RELATING TO SECURITY**
20 **COOPERATION AUTHORITIES.**

21 (a) ANNUAL REPORT REQUIRED.—Subsection (a) of
22 section 1211 of the Carl Levin and Howard P. “Buck”
23 McKeon National Defense Authorization Act for Fiscal
24 Year 2015 (Public Law 113–291; 128 Stat. 3544) is
25 amended—

1 (1) by striking “BIENNIAL” and all that follows
2 through “the Secretary of Defense” and inserting
3 “ANNUAL REPORT REQUIRED.—Not later than Jan-
4 uary 31 of each year through January 31, 2021, the
5 Secretary of Defense”;

6 (2) by striking “congressional defense commit-
7 tees” and inserting “appropriate congressional com-
8 mittees”;

9 (3) by striking “security assistance” and insert-
10 ing “assistance”; and

11 (4) by striking “the two fiscal years” and in-
12 serting “the fiscal year”.

13 (b) ELEMENTS OF REPORT.—Subsection (b) of such
14 section is amended—

15 (1) in paragraph (1), by inserting “, duration,”
16 after “purpose”;

17 (2) in paragraph (2), by striking “The cost”
18 and inserting “The cost and expenditures”;

19 (3) by adding at the end the following:

20 “(4) For each foreign country in which the
21 training, equipment, or other assistance or reim-
22 bursement was 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 Armed
2 Forces involved in providing such training, equip-
3 ment, or assistance and a description of the military
4 benefits for such members involved in providing such
5 training, equipment or assistance.

6 “(6) A summary, by authority, of the activities
7 carried out under each authority specified in sub-
8 section (c).”.

9 (c) MODIFICATION TO SPECIFIED AUTHORITIES.—
10 Subsection (c) of such section is amended—

11 (1) by striking paragraph (1) and inserting the
12 following:

13 “(1) Sections 256, 263, 271, 272, 273, 281,
14 284, 285, 286, and 287.”.

15 (2) by striking paragraphs (4), (5), (7), and
16 (11);

17 (3) by redesignating paragraphs (6), (8), (9),
18 (10), and (12) through (17) as paragraphs (4)
19 through (13), respectively;

20 (4) by adding at the end the following:

21 “(14) Section 401, relating to humanitarian
22 and civic assistance provided in conjunction with
23 military operations.

24 “(15) Section 1206 of the Carl Levin and How-
25 ard P. ‘Buck’ McKeon National Defense Authoriza-

1 tion Act for Fiscal Year 2015 (128 Stat. 3538; 10
2 U.S.C. 2282 note), relating to authority to conduct
3 human rights training of security forces and associ-
4 ated security ministries of foreign countries.

5 “(16) Section 1534 of the Carl Levin and How-
6 ard P. ‘Buck’ McKeon National Defense Authoriza-
7 tion Act for Fiscal Year 2015 (128 Stat. 3616), re-
8 lating to the Counterterrorism Partnerships Fund.

9 “(17) Section 1203 of the National Defense
10 Authorization Act for Fiscal Year 2014 (Public Law
11 113–66; 127 Stat. 894; 10 U.S.C. 2011 note), relat-
12 ing to training of general purpose forces of the
13 United States Armed Forces with military and other
14 security forces of friendly foreign countries.”; and

15 (5) by striking “of title 10, United States
16 Code” each place it appears.

17 (d) FORM.—Subsection (e) of such section is amend-
18 ed by adding “that may also include other sensitive infor-
19 mation” after “annex”.

20 (e) CODIFICATION OF SECTION 1211 OF FY 2015
21 NDAA.—

22 (1) CODIFICATION.—Chapter 11 of title 10,
23 United States Code, as amended by section 1261 of
24 this Act, is further amended by inserting after sec-
25 tion 251 a new section 252 consisting of—

1 (A) a heading as follows:

2 **“§ 252. Annual report on programs carried out by the**
3 **Department of Defense to provide train-**
4 **ing, equipment, or other assistance or re-**
5 **imbursement to foreign security forces”;**
6 **and**

7 (B) a text consisting of the text of sub-
8 sections (a) through (e) of section 1211 of the
9 Carl Levin and Howard P. “Buck” McKeon
10 National Defense Authorization Act for Fiscal
11 Year 2015 (Public Law 113–291; 128 Stat.
12 3544), as amended by subsections (a) through
13 (d) of this section.

14 (2) CONFORMING REPEAL.—Section 1211 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. 3544), as
18 amended by subsections (a) through (d) of this sec-
19 tion, is repealed.

20 (f) REPEAL OF OTHER REPORTING REQUIRE-
21 MENTS.—

22 (1) ANNUAL REPORT ON HUMANITARIAN AND
23 CIVIC ASSISTANCE ACTIVITIES.—Section 401 of title
24 10, United States Code, is amended—

25 (A) by striking subsection (d); and

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

3 (2) SEMI-ANNUAL REPORTS ON COUNTERTER-
4 RORISM PARTNERSHIPS FUND.—Section 1534 of the
5 Carl Levin and Howard P. “Buck” McKeon Na-
6 tional Defense Authorization Act for Fiscal Year
7 2015 (Public Law 113–291; 128 Stat. 3616) is
8 amended—

9 (A) by striking subsection (g); and

10 (B) by redesignating subsection (h) as sub-
11 section (g).

12 (3) ANNUAL REPORT ON USE OF AUTHORITY TO
13 TRAIN GENERAL PURPOSE FORCES OF THE UNITED
14 STATES ARMED FORCES WITH MILITARY AND OTHER
15 SECURITY FORCES OF FRIENDLY FOREIGN COUN-
16 TRIES.—Section 1203 of the National Defense Au-
17 thorization Act for Fiscal Year 2014 (Public Law
18 113–66; 127 Stat. 894; 10 U.S.C. 2011 note) is
19 amended—

20 (A) in subsection (a)(1), by striking “sub-
21 section (f)” and inserting “subsection (e)”;

22 (B) by striking subsection (e); and

23 (C) by redesignating subsections (f), (g),
24 and (h) as subsections (e), (f), and (g), respec-
25 tively.

1 (4) ANNUAL REPORT ON USE OF AUTHORITY
2 FOR NATIONAL GUARD STATE PARTNERSHIP PRO-
3 GRAM.—Section 1205 of the National Defense Au-
4 thorization Act for Fiscal Year 2014 (Public Law
5 113–66; 127 Stat. 897; 32 U.S.C. 107 note) is
6 amended—

7 (A) by striking subsection (f); and

8 (B) by redesignating subsection (g), sub-
9 section (h), the second subsection (h), and sub-
10 section (i) as subsections (f), (g), (h), and (i),
11 respectively.

12 **SEC. 1206. INDEPENDENT ASSESSMENT OF DEPARTMENT**
13 **OF DEFENSE SECURITY COOPERATION PRO-**
14 **GRAMS.**

15 (a) ASSESSMENT 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 assessment of the
21 Strategic Framework for Department of Defense Se-
22 curity Cooperation.

23 (2) ELEMENTS.—The assessment under para-
24 graph (1) shall include the following:

1 (A) An assessment of each of the elements
2 of the Strategic Framework for Department of
3 Defense Security Cooperation, as directed by
4 section 1202 of the National Defense Author-
5 ization Act for Fiscal Year 2016 (Public Law
6 114–92; 129 Stat. 1036; 10 U.S.C. 113 note).

7 (B) An assessment of the extent to which
8 security cooperation programs, individually and
9 in combination, as identified in the Comptroller
10 General Inventory of Department of Defense
11 Security Cooperation Programs directed in the
12 committee report (H. Rept. 114–102) accom-
13 panying the National Defense Authorization
14 Act for Fiscal Year 2016, and any other rel-
15 evant studies, contribute to the strategic goals,
16 primary objectives, priorities, and desired end-
17 states of Department of Defense security co-
18 operation programs.

19 (C) Any other matters the entity that con-
20 ducts the assessment considers appropriate.

21 (b) REPORT REQUIRED.—

22 (1) IN GENERAL.—Not later than November 1,
23 2017, 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 assessment 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. 1207. 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 **SEC. 1208. REPORT ON THE PROHIBITION ON USE OF**
6 **FUNDS FOR ASSISTANCE TO UNITS OF FOR-**
7 **EIGN SECURITY FORCES THAT HAVE COM-**
8 **MITTED A GROSS VIOLATION OF HUMAN**
9 **RIGHTS.**

10 (a) REPORT REQUIRED.—Not later than 60 days
11 after the date of the enactment of this Act, the Secretary
12 of Defense shall submit to the congressional defense com-
13 mittees a report on its implementation of section 294 of
14 title 10, United States Code (relating to prohibition on
15 use of funds for assistance to units of foreign security
16 forces that have committed a gross violation of human
17 rights).

18 (b) MATTERS TO BE INCLUDED.—The report re-
19 quired under subsection (a) shall contain the following:

20 (1) A detailed description of the policies and
21 procedures governing the manner in which Depart-
22 ment of Defense personnel identify and report infor-
23 mation on gross violations of human rights and how
24 such information is shared with personnel respon-

1 sible for implementing the prohibition in subsection
2 (a)(1) of section 294 of title 10, United States Code.

3 (2) The funding expended in fiscal years 2015
4 and 2016 for purposes of implementing section 294
5 of title 10, United States Code, including any rel-
6 evant training of personnel, and a description of the
7 titles, roles, and responsibilities of the personnel re-
8 sponsible for reviewing credible information relating
9 to human rights violations and the personnel respon-
10 sible for making decisions regarding the implementa-
11 tion of the prohibition in subsection (a)(1) of such
12 section 294.

13 (3) An addendum that includes any findings or
14 recommendations included in any report issued by a
15 Federal Inspector General related to the implemen-
16 tation of section 294 of title 10, United States Code,
17 and, as appropriate, the Department of Defense's
18 response to such findings or recommendations.

19 (4) Any other matters the Secretary determines
20 is appropriate.

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

1 **Subtitle B—Matters Relating to**
2 **Afghanistan and Pakistan**

3 **SEC. 1211. EXTENSION AND MODIFICATION OF COM-**
4 **MANDERS' EMERGENCY RESPONSE PRO-**
5 **GRAM.**

6 (a) EXTENSION.—Section 1201 of the National De-
7 fense Authorization Act for Fiscal Year 2012 (Public Law
8 112–81; 125 Stat. 1619), as most recently amended by
9 section 1211 of the National Defense Authorization Act
10 for Fiscal Year 2016 (Public Law 114–92; 129 Stat.
11 1042), is further amended—

12 (1) in subsection (a)—

13 (A) by striking “During fiscal year 2016”
14 and inserting “During the period beginning on
15 October 1, 2016, and ending on December 31,
16 2017”; and

17 (B) by striking “in such fiscal year” and
18 inserting “in such period”;

19 (2) in subsection (b), by striking “fiscal year
20 2016” and inserting “fiscal year 2017”; and

21 (3) in subsection (f), by striking “in fiscal year
22 2016” and inserting “during the period beginning
23 on October 1, 2016, and ending on December 31,
24 2017”.

1 (b) AUTHORITY FOR CERTAIN PAYMENTS TO RE-
2 DRESS INJURY AND LOSS IN IRAQ.—

3 (1) IN GENERAL.—During the period beginning
4 on October 1, 2016, and ending on December 31,
5 2017, amounts available pursuant to section 1201 of
6 the National Defense Authorization Act for Fiscal
7 Year 2012, as amended by this section, shall also be
8 available for ex gratia payments for damage, per-
9 sonal injury, or death that is incident to combat op-
10 erations of the Armed Forces in Iraq.

11 (2) NOTICE AND WAIT.—The authority in this
12 subsection may not be used until 30 days after the
13 date on which the Secretary of Defense submits to
14 the congressional defense committees a report set-
15 ting forth the following:

16 (A) The amount that will be used for pay-
17 ments pursuant to this subsection.

18 (B) The manner in which claims for pay-
19 ments shall be verified.

20 (C) The officers or officials who shall be
21 authorized to approve claims for payments.

22 (D) The manner in which payments shall
23 be made.

24 (3) LIMITATION ON AMOUNT AVAILABLE.—The
25 total amount of payments made pursuant to this

1 subsection during the period beginning on October
2 1, 2016, and ending on December 31, 2017, may
3 not exceed \$5,000,000.

4 (4) AUTHORITIES APPLICABLE TO PAYMENT.—
5 Any payment made pursuant to this subsection shall
6 be made in accordance with the authorities and limi-
7 tations in section 8121 of the Department of De-
8 fense Appropriations Act, 2015 (division C of Public
9 Law 113–235), other than subsection (h) of such
10 section.

11 (5) CONSTRUCTION WITH RESTRICTION ON
12 AMOUNT OF PAYMENTS.—For purposes of the appli-
13 cation of subsection (e) of such section 1201, as so
14 amended, to any payment pursuant to this sub-
15 section, such payment shall be deemed to be a
16 project described by such subsection (e).

17 **SEC. 1212. EXTENSION AND MODIFICATION OF AUTHORITY**
18 **FOR REIMBURSEMENT OF CERTAIN COALI-**
19 **TION NATIONS FOR SUPPORT PROVIDED TO**
20 **UNITED STATES MILITARY OPERATIONS.**

21 (a) EXTENSION.—Subsection (a) of section 1233 of
22 the National Defense Authorization Act for Fiscal Year
23 2008 (Public Law 110–181; 122 Stat. 393), as most re-
24 cently amended by section 1212 of the National Defense
25 Authorization Act for Fiscal Year 2016 (Public Law 114–

1 92; 129 Stat. 1043), is further amended by striking “fiscal
2 year 2016” and inserting “the period beginning on Octo-
3 ber 1, 2016, and ending on December 31, 2017,”.

4 (b) 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”; and

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,”.

16 (c) EXTENSION OF NOTICE REQUIREMENT RELAT-
17 ING TO REIMBURSEMENT OF PAKISTAN FOR SUPPORT
18 PROVIDED BY PAKISTAN.—Section 1232(b)(6) of the Na-
19 tional Defense Authorization Act for Fiscal Year 2008
20 (122 Stat. 393), as most recently amended by section
21 1212(c) of the National Defense Authorization Act for
22 Fiscal Year 2016 (129 Stat. 1043), is further amended
23 by striking “September 30, 2016” and inserting “Decem-
24 ber 31, 2017”.

1 (d) EXTENSION OF LIMITATION ON REIMBURSE-
2 MENT OF PAKISTAN PENDING CERTIFICATION ON PAKI-
3 STAN.—Section 1227(d)(1) of the National Defense Au-
4 thorization Act for Fiscal Year 2013 (Public Law 112-
5 239; 126 Stat. 2001), as most recently amended by sec-
6 tion 1212(d) of the National Defense Authorization Act
7 for Fiscal Year 2016 (129 Stat. 1043), is further amended
8 by striking “for fiscal year 2016 or any prior fiscal year”
9 and inserting “for any period prior to December 31,
10 2017”.

11 (e) ADDITIONAL LIMITATION ON REIMBURSEMENT
12 OF PAKISTAN PENDING CERTIFICATION ON PAKISTAN.—
13 Of the total amount of reimbursements and support au-
14 thorized for Pakistan during the period beginning on Oc-
15 tober 1, 2016, and ending on December 31, 2017, pursu-
16 ant to the third sentence of section 1233(d)(1) of the Na-
17 tional Defense Authorization Act for Fiscal Year 2008 (as
18 amended by subsection (b)(2)), \$450,000,000 shall not be
19 eligible for the waiver under section 1227(d)(2) of the Na-
20 tional Defense Authorization Act for Fiscal Year 2013
21 (126 Stat. 2001) unless the Secretary of Defense certifies
22 to the congressional defense committees that—

23 (1) Pakistan continues to conduct military oper-
24 ations in North Waziristan that are contributing to

1 significantly disrupting the safe haven and freedom
2 of movement of the Haqqani Network in Pakistan;

3 (2) Pakistan has taken steps to demonstrate its
4 commitment to prevent the Haqqani Network from
5 using North Waziristan as a safe haven;

6 (3) the Government of Pakistan actively coordi-
7 nates with the Government of Afghanistan to re-
8 strict the movement of militants, such as the
9 Haqqani Network, along the Afghanistan-Pakistan
10 border;

11 (4) Pakistan has shown progress in arresting
12 and prosecuting Haqqani network senior leaders and
13 mid-level operatives; and

14 (5) Pakistan is not using its military or any
15 funds or equipment provided by the United States to
16 persecute minority groups seeking political or reli-
17 gious freedom, including the Balochi, Sindhi, and
18 Hazara ethnic groups and minority religious groups,
19 including Christian, Hindu, and Ahmadiyya Muslim.

20 **SEC. 1213. EXTENSION OF AUTHORITY TO ACQUIRE PROD-**
21 **UCTS AND SERVICES PRODUCED IN COUN-**
22 **TRIES ALONG A MAJOR ROUTE OF SUPPLY**
23 **TO AFGHANISTAN.**

24 Section 801(f) of the National Defense Authorization
25 Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.

1 2399), as most recently amended by section 1214 of the
2 National Defense Authorization Act for Fiscal Year 2016
3 (Public Law 114–92; 129 Stat. 1045), is further amended
4 by striking “December 31, 2016” and inserting “Decem-
5 ber 31, 2017”.

6 **SEC. 1214. EXTENSION OF AUTHORITY TO TRANSFER DE-**
7 **FENSE ARTICLES AND PROVIDE DEFENSE**
8 **SERVICES TO THE MILITARY AND SECURITY**
9 **FORCES OF AFGHANISTAN.**

10 (a) EXTENSION.—Subsection (h) of section 1222 of
11 the National Defense Authorization Act for Fiscal Year
12 2013 (Public Law 112–239; 126 Stat. 1992), as most re-
13 cently amended by section 1215 of the National Defense
14 Authorization Act for Fiscal Year 2016 (Public Law 114–
15 92; 129 Stat. 1045), is further amended by striking “De-
16 cember 31, 2016” and inserting “December 31, 2017”.

17 (b) QUARTERLY REPORTS.—Subsection (f)(1) of
18 such section, as so amended, is further amended by strik-
19 ing “March 31, 2017” and inserting “March 31, 2018”.

20 (c) EXCESS DEFENSE ARTICLES.—Subsection (i)(2)
21 of such section, as so amended, is further amended by
22 striking “,, 2015, and 2016” each place it appears and
23 inserting “, 2015, 2016, and 2017”.

1 **SEC. 1215. SENSE OF CONGRESS ON UNITED STATES POL-**
2 **ICY AND STRATEGY IN AFGHANISTAN.**

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

4 (1) The United States continues to have vital
5 national security interests in ensuring that Afghani-
6 stan is a stable, sovereign country.

7 (2) President Obama signed a Strategic Part-
8 nership Agreement and a Bilateral Security Agree-
9 ment with the President of the Islamic Republic of
10 Afghanistan, which commits the United States to
11 the long-term security of, and defense cooperation
12 with, the Government of Afghanistan and designates
13 Afghanistan as a “major non-NATO ally”.

14 (3) The unity government in Afghanistan, led
15 by President Ghani and Chief Executive Abdullah,
16 should be applauded for their continued leadership
17 and commitment to Afghanistan’s stability and secu-
18 rity.

19 (4) Stability and security in Afghanistan rein-
20 forces stability and security in the region.

21 (5) The best long-term guarantor of stability
22 and security in Afghanistan is a stable unity govern-
23 ment and a capable Afghan National Defense and
24 Security Forces (ANDSF).

25 (6) The President’s current policy is to draw
26 down from 9,800 to 5,500 United States troops by

1 January 1, 2017. As the recent commander in Af-
2 ghanistan, General John Campbell, testified to the
3 Senate Armed Services Committee, “the 5,500 [U.S.
4 troops] plan was developed primarily around
5 counterterrorism. There’s very limited train-advise-
6 and-assist...in those numbers. To continue to build
7 on the Afghan Security Forces, the gaps and seams
8 in aviation, logistics, intelligence...we’d have to make
9 some adjustments to that number.”.

10 (7) The President’s policy of limiting the num-
11 ber of United States troops that the commander can
12 employ in Afghanistan is hindering the effectiveness
13 of the United States mission therein.

14 (8) Further, at the current policy of 9,800
15 United States troops, the new commander of Oper-
16 ation Resolute Support in Afghanistan, General
17 John “Mick” Nicholson, agreed in testimony with
18 the Senate Armed Services Committee that the secu-
19 rity situation in Afghanistan has been deteriorating
20 rather than improving.

21 (9) General John Campbell also stated
22 “. . . Afghan shortfalls will persist beyond 2016. Ca-
23 pability gaps still exist in fixed and rotary-wing avia-
24 tion, combined arms operations, intelligence collec-
25 tion and dissemination, and maintenance.”.

1 (10) General John Campbell further stated “I
2 have the authority to protect coalition members
3 against any insurgents. . .to attack the Taliban just
4 because they’re Taliban, I do not have that author-
5 ity.”.

6 (11) The Taliban have made territorial gains
7 and are holding terrain in key geographic areas in
8 Afghanistan, including in Helmand Province.

9 (12) The Taliban held the city of Kunduz, Af-
10 ghanistan, which is the first time the Taliban have
11 held a major city in Afghanistan in 14 years.

12 (13) The Haqqani Network, a designated for-
13 eign terrorist organization aligned with the Taliban,
14 is the most lethal group on the battlefield in Afghan-
15 istan, and continues to provide safe haven to al-
16 Qaeda.

17 (14) The Islamic State of Iraq and the Levant
18 (ISIL) has established an affiliate in Afghanistan.

19 (15) Since the death of the Taliban’s leader,
20 Mullah Mohammad Omar, and the ascendance of
21 Mullah Akhtar Mansoor and Saraj Haqqani, head of
22 the Haqqani Network, to Taliban leadership, the
23 Taliban have not engaged in political reconciliation
24 negotiations with the Government of Afghanistan.

1 (16) The President has the statutory, legal au-
2 thority to strike the Taliban and the Haqqani Net-
3 work.

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

6 (1) the President should authorize at least
7 9,800 United States troops to continue the train,
8 advise, and assist and counterterrorism missions in
9 Afghanistan after 2016;

10 (2) the President should provide the United
11 States commander in Afghanistan with the authority
12 to unilaterally strike the Taliban and the Haqqani
13 Network;

14 (3) the President should provide additional re-
15 sources to strike the Islamic State of Iraq and the
16 Levant (ISIL) in Afghanistan;

17 (4) the President should provide the United
18 States commander in Afghanistan the authority to
19 conduct the train, advise, and assist mission below
20 the corps level of the Afghan National Defense and
21 Security Forces (ANDSF);

22 (5) the United States should provide United
23 States Armed Forces lift and close air support to
24 ANDSF units until the ANDSF has a fully capable,

1 organic lift and close air support capability and ca-
2 pacity;

3 (6) the United States should provide monetary
4 and advisory support for 352,000 ANDSF personnel
5 and 30,000 Afghan Local Police, including intel-
6 ligence, surveillance, and reconnaissance support,
7 through 2018;

8 (7) it should continue to be a top priority to
9 provide United States Armed Forces deployed to Af-
10 ghanistan with necessary medical, force protection,
11 and combat search and rescue support; and

12 (8) United States military personnel who are
13 tasked with the mission of providing combat search
14 and rescue support, casualty evacuation, and medical
15 support should not be counted as part of any force
16 management level limitation on the number of
17 United States ground forces in Afghanistan.

18 **SEC. 1216. SPECIAL IMMIGRANT STATUS FOR CERTAIN AF-**
19 **GHANS.**

20 (a) ALIENS DESCRIBED.—Section 602(b)(2)(A)(ii)(I)
21 of the Afghan Allies Protection Act of 2009 (8 U.S.C.
22 1101 note) is amended to read as follows:

23 “(I)(aa) by, or on behalf of, the
24 United States Government, in the
25 case of an alien submitting an appli-

1 cation for Chief of Mission approval
2 pursuant to subparagraph (D) before
3 the date of the enactment of the Na-
4 tional Defense Authorization Act for
5 Fiscal Year 2017; or

6 “(bb) in the case of an alien sub-
7 mitting an application for Chief of
8 Mission approval pursuant to sub-
9 paragraph (D) on or after the date of
10 the enactment of the National De-
11 fense Authorization Act for Fiscal
12 Year 2017, in a capacity that required
13 the alien—

14 “(AA) to serve as an inter-
15 preter or translator for personnel
16 of the Department of State or
17 the United States Agency for
18 International Development in Af-
19 ghanistan while traveling away
20 from United States embassies or
21 consulates with such personnel;

22 “(BB) to serve as an inter-
23 preter or translator for United
24 States military personnel in Af-

1 ghanistan while traveling off-base
2 with such personnel; or
3 “(CC) to perform sensitive
4 and trusted activities for United
5 States military personnel sta-
6 tioned in Afghanistan; or”.

7 (b) NUMERICAL LIMITATIONS.—Clauses (i) and (ii)
8 of section 602(b)(3)(F) of such Act are each amended by
9 striking “December 31, 2016;” and inserting “December
10 31, 2017;”.

11 (c) REPORT.—Section 602(b)(14) of such Act is
12 amended—

13 (1) by striking “Not later than 60 days after
14 the date of the enactment of this paragraph,” and
15 inserting “Not later than December 31, 2016, and
16 annually thereafter through January 31, 2021;”;
17 and

18 (2) in subparagraph (A)(i), by striking “under
19 this section;” and inserting “under subclause (I) or
20 (II)(bb) of paragraph (2)(A)(ii);”.

21 **SEC. 1217. MODIFICATION TO SEMIANNUAL REPORT ON EN-**
22 **HANCING SECURITY AND STABILITY IN AF-**
23 **GHANISTAN.**

24 Subsection (b) of section 1225 of the Carl Levin and
25 Howard P. “Buck” McKeon National Defense Authoriza-

1 tion Act for Fiscal Year 2015 (Public Law 113–291; 128
2 Stat. 3550), as amended by section 1213 of the National
3 Defense Authorization Act for Fiscal Year 2016 (Public
4 Law 114–92; 129 Stat. 1045), is further amended by add-
5 ing at the end the following:

6 “(8) AFGHAN PERSONNEL AND PAY SYSTEM.—
7 A description of the status of the implementation of
8 the Afghan Personnel and Pay System (APPS) at
9 the Afghan Ministry of Interior and the Afghan
10 Ministry of Defense for personnel funds provided
11 through the Afghanistan Security Forces Fund, in-
12 cluding a description of the following:

13 “(A) The expected completion date of in-
14 stallation and full implementation and utiliza-
15 tion of the APPS.

16 “(B) If installation of the APPS is com-
17 plete at one, or both, ministries, the extent to
18 which the APPS is being utilized to distribute
19 personnel funds to the Afghan National Army
20 and Afghan National Police.

21 “(C) If installation of the APPS is not
22 complete at one, or both, ministries, or full im-
23 plementation and utilization of the APPS has
24 not been achieved at one, or both, ministries, an
25 explanation of any delays, any expected obsta-

1 cles, and any additional support that may be
2 needed for installation or full implementation
3 and utilization.

4 “(D) Any examples of intentional delay or
5 obstruction by members of the Government of
6 Afghanistan, to include one, or both, ministries,
7 or any sub-unit thereof, to installing or fully
8 implementing or utilizing the APPS.

9 “(E) If the APPS is fully implemented at
10 one, or both, ministries, the identified cost sav-
11 ings to date, due to the elimination of waste,
12 fraud, and abuse at the ministry compared to
13 the previous payroll system. If the APPS is not
14 fully implemented at one, or both, ministries,
15 the expected cost savings due to the elimination
16 of waste, fraud, and abuse at the ministry once
17 the APPS is fully implemented.

18 “(F) If the APPS is not fully implemented,
19 what steps the United States and Afghanistan
20 are taking to mitigate waste, fraud, and abuse
21 in the disbursement of personnel funds provided
22 through the Afghanistan Security Forces
23 Fund.”.

1 **SEC. 1218. SENSE OF CONGRESS RELATING TO DR. SHAKIL**

2 **AFRIDI.**

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

4 (1) The attacks of September 11, 2001, killed
5 approximately 3,000 people, most of whom were
6 Americans, but also included hundreds of individuals
7 with foreign citizenships, nearly 350 New York Fire
8 Department personnel, and about 50 law enforce-
9 ment officers.

10 (2) Downed United Airlines flight 93 was re-
11 portedly intended, under the control of the al-Qaeda
12 high-jackers, to crash into the White House or the
13 Capitol in an attempt to kill the President of the
14 United States or Members of the United States Con-
15 gress.

16 (3) The September 11, 2001, attacks were
17 largely planned and carried out by the al-Qaeda ter-
18 rorist network led by Osama bin Laden and his dep-
19 uty Ayman al Zawahiri, after which Osama bin
20 Laden enjoyed safe haven in Pakistan from where he
21 continued to plot deadly attacks against the United
22 States and the world.

23 (4) The United States has obligated nearly \$30
24 billion between 2002 and 2014 in United States tax-
25 payer money for security and economic aid to Paki-
26 stan.

1 (5) The United States very generously and
2 swiftly responded to the 2005 Kashmir Earthquake
3 in Pakistan with more than \$200 million in emer-
4 gency aid and the support of several United States
5 military aircraft, approximately 1,000 United States
6 military personnel, including medical specialists,
7 thousands of tents, blankets, water containers and a
8 variety of other emergency equipment.

9 (6) The United States again generously and
10 swiftly contributed approximately \$150 million in
11 emergency aid to Pakistan following the 2010 Paki-
12 stan flood, in addition to the service of nearly twenty
13 United States military helicopters, their flight crews,
14 and other resources to assist the Pakistan Army's
15 relief efforts.

16 (7) The United States continues to work tire-
17 lessly to support Pakistan's economic development,
18 including millions of dollars allocated towards the
19 development of Pakistan's energy infrastructure,
20 health services and education system.

21 (8) The United States and Pakistan continue to
22 have many critical shared interests, both economic
23 and security related, which could be the foundation
24 for a positive and mutually beneficial partnership.

1 (9) Dr. Shakil Afridi, a Pakistani physician, is
2 a hero to whom the people of the United States,
3 Pakistan and the world owe a debt of gratitude for
4 his help in finally locating Osama bin Laden before
5 more innocent American, Pakistani and other lives
6 were lost to this terrorist leader.

7 (10) Pakistan, the United States and the inter-
8 national community had failed for nearly 10 years
9 following attacks of September 11, 2001, to locate
10 and bring Osama bin Laden, who continued to kill
11 innocent civilians in the Middle East, Asia, Europe,
12 Africa and the United States, to justice without the
13 help of Dr. Afridi.

14 (11) The Government of Pakistan's imprison-
15 ment of Dr. Afridi presents a serious and growing
16 impediment to the United States' bilateral relations
17 with Pakistan.

18 (12) The Government of Pakistan has leveled
19 and allowed baseless charges against Dr. Afridi in a
20 politically motivated, spurious legal process.

21 (13) Dr. Afridi is currently imprisoned by the
22 Government of Pakistan, a deplorable and uncon-
23 scionable situation which calls into question Paki-
24 stan's actual commitment to countering terrorism

1 and undermines the notion that Pakistan is a true
2 ally in the struggle against terrorism.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that Dr. Shakil Afridi is an international hero and
5 that the Government of Pakistan should release him im-
6 mediately from prison.

7 **SEC. 1219. REPORT ON ACCESS TO FINANCIAL RECORDS OF**
8 **THE GOVERNMENT OF AFGHANISTAN TO**
9 **AUDIT THE USE OF FUNDS FOR ASSISTANCE**
10 **FOR AFGHANISTAN.**

11 Not later than December 31, 2017, the Secretary of
12 Defense shall submit to Congress a report on the extent
13 to which the Combined Security Transition Command-Af-
14 ghanistan has adequate access to financial records of the
15 Government of Afghanistan to audit the use of funds au-
16 thorized to be appropriated by this Act or otherwise made
17 available for fiscal year 2017 for assistance for Afghani-
18 stan.

19 **Subtitle C—Matters Relating to**
20 **Syria and Iraq**

21 **SEC. 1221. MODIFICATION AND EXTENSION OF AUTHORITY**
22 **TO PROVIDE ASSISTANCE TO THE VETTED**
23 **SYRIAN OPPOSITION.**

24 (a) IN GENERAL.—Subsection (a) of section 1209 of
25 the Carl Levin and Howard P. “Buck” McKeon National

1 Defense Authorization Act for Fiscal Year 2015 (Public
2 Law 113–291; 128 Stat. 3541) is amended by striking
3 “December 31, 2016” and inserting “December 31,
4 2017”.

5 (b) REPROGRAMMING REQUIREMENT.—Subsection
6 (f) of such section, as amended by section 1225(e) of the
7 National Defense Authorization Act for Fiscal Year 2016
8 (Public Law 114–92; 129 Stat. 1055), is further amend-
9 ed—

10 (1) in paragraph (1), by striking “December
11 31, 2016” and inserting “December 31, 2017”; and

12 (2) by adding at the end the following:

13 “(3) CERTIFICATION ACCOMPANYING RE-
14 PROGRAMMING REQUESTS.—Each request under
15 paragraph (1) shall include a certification of the
16 Secretary of Defense that—

17 “(A) a required number and type of
18 United States Armed Forces have been de-
19 ployed to support the strategy for Syria re-
20 quired under section 1225(b) of the National
21 Defense Authorization Act for Fiscal Year 2016
22 (Public Law 114–92; 129 Stat. 1054) and to
23 support a plan to retake and hold Raqqa, Syria;
24 and

1 “(B) a required number and type of
2 United States Armed Forces have been de-
3 ployed to support the elements of the Syrian
4 opposition and other Syrian groups and individ-
5 uals that are to be trained and equipped under
6 this section to ensure that such elements,
7 groups, and individuals are able to defend
8 themselves from attacks by the Islamic State of
9 Iraq and the Levant (ISIL) and Government of
10 Syria forces consistent with the purposes set
11 forth in subsection (a).”.

12 **SEC. 1222. MODIFICATION AND EXTENSION OF AUTHORITY**
13 **TO PROVIDE ASSISTANCE TO COUNTER THE**
14 **ISLAMIC STATE OF IRAQ AND THE LEVANT.**

15 (a) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that—

17 (1) it should be the policy of the United States
18 to support, within the framework of the Iraqi Con-
19 stitution, the Iraqi Kurdish Peshmerga, the Iraqi
20 Security Forces, and Sunni tribal forces in the fight
21 against the Islamic State of Iraq and the Levant;

22 (2) recognizing the important role of the Iraqi
23 Kurdish Peshmerga within the military campaign
24 against ISIL in Iraq, the United States should pro-

1 vide arms, training, and appropriate equipment di-
2 rectly to the Kurdistan Regional Government;

3 (3) efforts should be made to ensure trans-
4 parency and oversight mechanisms are in place for
5 oversight of United States assistance to combat
6 waste, fraud, and abuse; and

7 (4) securing safe areas, including the Nineveh
8 Plain, for purposes of resettling and reintegrating
9 ethnic and religious minorities, including victims of
10 genocide, into their homelands, is a critical compo-
11 nent of a safe, secure, and sovereign Iraq.

12 (b) **AUTHORITY.**—Subsection (a) of section 1236 of
13 the Carl Levin and Howard P. “Buck” McKeon National
14 Defense Authorization Act for Fiscal Year 2015 (Public
15 Law 113–291; 128 Stat. 3559) is amended by striking
16 “December 31, 2016” and inserting “December 31,
17 2017”.

18 (c) **FUNDING.**—Subsection (g) of such section, as
19 amended by section 1223 of the National Defense Author-
20 ization Act for Fiscal Year 2016 (Public Law 114–92; 129
21 Stat. 1049), is further amended—

22 (1) by striking the first sentence and inserting
23 the following: “Of the amounts authorized to be ap-
24 propriated in the National Defense Authorization
25 Act for Fiscal Year 2017 for Overseas Contingency

1 Operations in title XV for fiscal year 2017, there are
2 authorized to be appropriated \$680,000,000 to carry
3 out this section.”; and

4 (2) by striking the second sentence.

5 (d) SUBMISSION OF PLAN REQUIREMENT.—Sub-
6 section (k) of such section is amended to read as follows:

7 “(k) SUBMISSION OF PLAN REQUIREMENT.—Not
8 more than 75 percent of the funds authorized to be appro-
9 priated under this section may be obligated or expended
10 until not earlier than 15 days after the date on which the
11 Secretary of Defense, in coordination with the Secretary
12 of State, submits to the appropriate congressional commit-
13 tees a plan to re-take Mosul, Iraq from the Islamic State
14 of Iraq and the Levant (ISIL) and to hold Mosul, Iraq.”.

15 (e) BRIEFING AND AUTHORITY TO ASSIST DIRECTLY
16 CERTAIN COVERED GROUPS.—Subsection (l) of such sec-
17 tion, as so amended, is further amended—

18 (1) in the subsection heading, by striking “AS-
19 SESSMENT” and inserting “BRIEFING”;

20 (2) in paragraph (1)—

21 (A) in the paragraph heading, by striking
22 “ASSESSMENT” and inserting “BRIEFING”;

23 (B) in subparagraph (A)—

24 (i) by striking “National Defense Au-
25 thorization Act for Fiscal Year 2016” and

1 inserting “National Defense Authorization
2 Act for Fiscal Year 2017”; and

3 (ii) by striking “submit to the appro-
4 priate congressional committees an assess-
5 ment of” and inserting “provide to the ap-
6 propriate congressional committees a brief-
7 ing that includes an assessment of”;

8 (C) in subparagraph (C)—

9 (i) by striking “submit to the appro-
10 priate congressional committees an update
11 of” and inserting “provide to the appro-
12 priate congressional committees a briefing
13 that includes an update of”; and

14 (ii) by striking “the assessment is
15 submitted” and inserting “the briefing is
16 provided”; and

17 (D) by striking subparagraph (D);

18 (3) in paragraph (2)—

19 (A) in subparagraph (A)—

20 (i) by striking “If the President” and
21 all that follows through “the Secretary of
22 Defense” and inserting “Of the funds au-
23 thorized to be appropriated under this sec-
24 tion, \$50,000,000 shall be available to the
25 Secretary of Defense”;

1 (ii) by striking “is authorized”;

2 (iii) by striking “assistance” and in-
3 serting “stipends and sustainment”; and

4 (iv) by adding at the end the fol-
5 lowing: “Of the funds made available to
6 carry out this subparagraph, not less than
7 33 percent shall be available for stipends
8 and sustainment for the group described in
9 subparagraph (D)(i).”.

10 (B) in subparagraph (C)—

11 (i) in the heading, by striking “COST-
12 SHARING” and inserting “SUBMISSION OF
13 PLAN”; and

14 (ii) by striking “cost-sharing” and in-
15 serting “submission of plan”; and

16 (C) in subparagraph (D) to read as fol-
17 lows:

18 “(D) COVERED GROUPS.—The groups de-
19 scribed in this subparagraph are the following
20 groups that are directly engaged in the cam-
21 paign for Mosul, Iraq:

22 “(i) The Iraqi Kurdish Peshmerga.

23 “(ii) Sunni tribal security forces, or
24 other local security forces, including ethnic

1 and religious minority groups, with a na-
2 tional security mission.”.

3 (f) PROHIBITION ON ASSISTANCE AND REPORT ON
4 EQUIPMENT OR SUPPLIES TRANSFERRED TO OR AC-
5 QUIRED BY VIOLENT EXTREMIST ORGANIZATIONS.—

6 (1) PROHIBITION.—Assistance authorized
7 under section 1236 of the Carl Levin and Howard
8 P. “Buck” McKeon National Defense Authorization
9 Act for Fiscal Year 2015 (Public Law 113–291; 128
10 Stat. 3559), as so amended, may not be provided to
11 the Government of Iraq after the date that is 90
12 days after the date of the enactment of this Act un-
13 less the Secretary of Defense certifies to the appro-
14 priate congressional committees, after the date of
15 the enactment of this Act, that the Government of
16 Iraq has taken such actions as may be reasonably
17 necessary to safeguard against such assistance being
18 transferred to or acquired by violent extremist orga-
19 nizations.

20 (2) BRIEFING.—

21 (A) BRIEFING REQUIRED.—Not later than
22 30 days after the date on which the Secretary
23 of Defense makes any determination that equip-
24 ment or supplies provided pursuant to section
25 1236(a) of the Carl Levin and Howard P.

1 “Buck” McKeon National Defense Authoriza-
2 tion Act for Fiscal Year 2015 (Public Law
3 113–291; 128 Stat. 3559), as so amended, have
4 been transferred to or acquired by a violent ex-
5 tremist organization, the Secretary shall provide
6 to the appropriate congressional committees a
7 briefing that contains a description of the deter-
8 mination of the Secretary and the transfer to or
9 acquisition by the violent extremist organiza-
10 tion.

11 (B) ELEMENTS.—Each briefing under
12 paragraph (1) shall include, with respect to the
13 transfer covered by the report, the following:

14 (i) An assessment of the type and
15 quantity of equipment or supplies trans-
16 ferred to the violent extremist organiza-
17 tion.

18 (ii) A description of the criteria used
19 to determine that the organization is a vio-
20 lent extremist organization.

21 (iii) A description, if known, of how
22 the equipment or supplies were transferred
23 to or acquired by the violent extremist or-
24 ganization.

1 (iv) If the equipment or supplies are
2 determined to remain under the current
3 control of the violent extremist organiza-
4 tion, a description of the organization, in-
5 cluding its relationship, if any, to the secu-
6 rity forces of the Government of Iraq.

7 (v) A description of the end use moni-
8 toring or other policies and procedures in
9 place in order to prevent equipment or
10 supplies to be transferred to or acquired by
11 violent extremist organizations.

12 (3) DEFINITIONS.—In this subsection:

13 (A) APPROPRIATE CONGRESSIONAL COM-
14 MITTEES.—The term “appropriate congres-
15 sional committees” means—

16 (i) the congressional defense commit-
17 tees; and

18 (ii) the Committee on Foreign Rela-
19 tions of the Senate and the Committee on
20 Foreign Affairs of the House of Represent-
21 atives.

22 (B) VIOLENT EXTREMIST ORGANIZA-
23 TION.—The term “violent extremist organiza-
24 tion” means an organization that—

1 (i) is a foreign terrorist organization
2 designated by the Secretary of State under
3 section 219 of the Immigration and Na-
4 tionality Act (8 U.S.C. 1189) or is associ-
5 ated with a foreign terrorist organization;
6 or

7 (ii) is known to be under the com-
8 mand and control of, or is associated with,
9 the Government of Iran.

10 **SEC. 1223. EXTENSION AND MODIFICATION OF AUTHORITY**
11 **TO SUPPORT OPERATIONS AND ACTIVITIES**
12 **OF THE OFFICE OF SECURITY COOPERATION**
13 **IN IRAQ.**

14 (a) **EXTENSION OF AUTHORITY.**—Subsection (f)(1)
15 of section 1215 of the National Defense Authorization Act
16 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
17 1631; 10 U.S.C. 113 note), as most recently amended by
18 section 1221 of the National Defense Authorization Act
19 for Fiscal Year 2016 (Public Law 114–92; 129 Stat.
20 1047), is further amended—

21 (1) by striking “fiscal year 2016” and inserting
22 “fiscal year 2017”; and

23 (2) by inserting “, Iraqi Border Police,” after
24 “Iraqi Ministry of Defense”.

1 (b) AUTHORITY.—Subsection (a) of such section is
2 amended by striking “transition” and inserting “secu-
3 rity”.

4 (c) AMOUNT AVAILABLE.—Such section, as so
5 amended, is further amended—

6 (1) in subsection (c), by striking “fiscal year
7 2016” and inserting “fiscal year 2017”; and

8 (2) in subsection (d), by striking “fiscal year
9 2016” and inserting “fiscal year 2017”.

10 **SEC. 1224. REPORT ON PREVENTION OF FUTURE TER-**
11 **RORIST ORGANIZATIONS IN IRAQ AND SYRIA.**

12 (a) REPORT REQUIRED.—Not later than 180 days
13 after the date of the enactment of this Act, the Secretary
14 of Defense shall submit to the congressional defense com-
15 mittees a report that describes the political, economic, and
16 security conditions in Iraq and Syria that would be nec-
17 essary and sufficient to prevent the formation of future
18 terrorist organizations in Iraq and Syria that may present
19 a danger to the United States, its allies, and the stability
20 of Iraq, Syria, and the rest of the Middle East region.

21 (b) MATTERS TO BE INCLUDED.—The report re-
22 quired under subsection (a) shall include the following:

23 (1) A detailed construct of the conditions that
24 must be met for the Islamic State to be considered

1 defeated and a successful conclusion to Operation
2 Inherent Resolve achieved.

3 (2) A detailed explanation of the political, eco-
4 nomic, and security conditions that would—

5 (A) provide reasonable confidence a new
6 terrorist organization, including a successor to
7 al Qaeda or Islamic State, or an unrelated or-
8 ganization, would not form in the region in the
9 short and long term;

10 (B) decrease probability of terrorist at-
11 tacks on the United States, its allies, and coun-
12 tries in the Middle East;

13 (C) eliminate safe havens for terrorist or-
14 ganizations in Syria and Iraq; and

15 (D) diminish refugee flows within and out
16 of Iraq and Syria.

17 (3) A strategy for the United States and its al-
18 lies and partners to facilitate those political, eco-
19 nomic, and security conditions in the short and long
20 term, including a description of—

21 (A) the posture, roles, and activities of the
22 Department of Defense in Iraq and Syria and
23 the region;

24 (B) the roles and responsibilities of United
25 States' allies and regional partners; and

1 (C) the roles and responsibilities for other
2 countries and groups in the region, including
3 Kurds, Shia, and Sunni groups in Iraq and
4 Syria, and Saudi Arabia and Iran.

5 (4) Any other matters the Secretary of Defense
6 may determine to be appropriate.

7 (c) FORM.—The report required under subsection (a)
8 shall be submitted in unclassified form, but may contain
9 a classified annex if necessary.

10 **SEC. 1225. SEMIANNUAL REPORT ON INTEGRATION OF PO-**
11 **LITICAL AND MILITARY STRATEGIES**
12 **AGAINST ISIL.**

13 (a) REPORTS REQUIRED.—

14 (1) IN GENERAL.—The Secretary of Defense
15 and the Secretary of State shall jointly submit to the
16 appropriate committees of Congress, on a semi-
17 annual basis, a report on the political and military
18 strategies to defeat the Islamic State in Iraq and the
19 Levant.

20 (2) SUBMITTAL.— A report under paragraph
21 (1) shall be submitted not later than June 15 each
22 year, for the 6-month period ending on May 31 of
23 such year, and not later than December 15 each
24 year, for the 6-month period ending on November 30
25 of such year.

1 (3) FORM.—Each report required under para-
2 graph (1) shall be submitted in unclassified form,
3 but may include a classified annex.

4 (b) MATTERS TO BE INCLUDED.—Each report re-
5 quired under subsection (a) shall include the following:

6 (1) Military strategy and objectives of the
7 United States Department of Defense and coalition
8 partners against the Islamic State in Iraq and the
9 Levant (hereinafter in this section referred to as
10 “ISIL”);

11 (2) Political strategy and objectives of the
12 United States Department of State and coalition
13 partners to address the political roots underlying the
14 growth of ISIL, including—

15 (A) a comprehensive political plan for
16 achieving a transition plan, interim government,
17 and free and fair internationally monitored elec-
18 tions after the end of the current government
19 headed by Bashar al-Assad;

20 (B) a comprehensive political plan for Iraqi
21 political reform and reconciliation between eth-
22 nic groups and political parties (including a
23 plan for passage of national guard legislation,
24 repeal of de-Baathification laws, and a plan for

1 equitable petroleum revenue sharing with the
2 Kurdistan Regional Government); and

3 (C) a critical assessment of the current
4 size and structure of the Iraqi Security Forces
5 (hereinafter in this section referred to as
6 “ISF”) including an assessment of—

7 (i) provincial and neighborhood mili-
8 tias and special counterterrorism units;

9 (ii) any changes in strength and mix
10 of force structure within the ISF;

11 (iii) levels of recruitment, retention,
12 and attrition within ISF forces; and

13 (iv) the operating budget of the ISF.

14 (c) REPORT BY COMPTROLLER GENERAL.—Not later
15 than 180 days after the date of the enactment of this Act,
16 the Comptroller General of the United States shall submit
17 to the appropriate committees of Congress a review of—

18 (1) the transparency and anti-fraud, internal
19 controls and accounting, and other measures under-
20 taken by the Government of Iraq for the ISF, in-
21 cluding irregular forces, relating to cash transfers
22 and other assistance provided through the Iraq
23 Train and Equip Fund; and

24 (2) the financial management capacity and ac-
25 countability of United States direct assistance with

1 respect to all recipients of funding under the Iraq
2 Train and Equip Fund.

3 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
4 FINED.—In this section, the term “appropriate commit-
5 tees of Congress” means—

6 (1) the Committee on Armed Services, the
7 Committee on Appropriations, and the Committee on
8 Foreign Relations of the Senate; and

9 (2) the Committee on Armed Services, the
10 Committee on Appropriations, and the Committee on
11 Foreign Affairs of the House of Representatives.

12 (e) SUNSET.—The requirements under this section
13 shall expire on the date that is three years after the date
14 of the enactment of this Act.

15 **SEC. 1226. SENSE OF CONGRESS CONDEMNING CON-**
16 **TINUING ATTACKS ON MEDICAL FACILITIES**
17 **IN SYRIA.**

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

19 (1) Attacks intentionally targeting civilians,
20 medical personnel, or medical facilities constitute
21 grave violations of international humanitarian law.

22 (2) In Syria, schools, markets, and hospitals
23 are routinely destroyed in attacks and medical pro-
24 viders routinely targeted for attacks.

1 (3) Physicians for Human Rights has docu-
2 mented at least 350 airstrikes against medical facili-
3 ties and the deaths of over 700 medical personnel in
4 Syria since 2011.

5 (4) So far in May 2016, there have been at
6 least six attacks on medical facilities in the city of
7 Aleppo alone in less than a week killing dozens, in-
8 cluding the last pediatrician still working in Aleppo.

9 (5) These attacks seriously hinder access to
10 medical care and are compounded by ongoing efforts
11 by the Syrian regime to block or limit humanitarian
12 aid to Syrians.

13 (6) Secretary of State John Kerry has con-
14 demned these attacks arguing, “there is no justifica-
15 tion for this horrific violence that targets civilians or
16 medical facilities or first responders no matter who
17 it is, whether it’s a member of the opposition retali-
18 ating or the regime in its brutality against the civil-
19 ians which has continued for five years.”.

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

22 (1) the Department of Defense and all other
23 appropriate United States Government agencies
24 should continue to strongly condemn and call for an
25 immediate end to attacks on medical facilities and

1 medical providers in Syria and work to ensure that
2 doctors can do their job and provide care to the
3 those in need;

4 (2) humanitarian crises in Syria and Iraq, exac-
5 erbated by targeted attacks on medical facilities,
6 personnel, and schools, threaten the achievement of
7 United States goals in the region, such as destroying
8 and dismantling the Islamic State in Iraq and the
9 Levant (ISIL) and peace and stability in the region,
10 including Syria;

11 (3) the United States and international commu-
12 nity should do more to support medical professionals
13 and medical nonprofit organizations working in
14 Syria, at great risk to their personal well-being, to
15 treat the ill and infirm and ensure some level of
16 medical care for Syrians; and

17 (4) the Department of Defense is strongly en-
18 couraged to support, where appropriate, other ap-
19 propriate United States Government agencies and
20 entities engaged in meeting urgent and increasing
21 humanitarian and medical needs in Syria, especially
22 in areas where medical facilities and providers have
23 been targeted by the Syrian regime, ISIL, or Al-
24 Qaeda.

1 **SEC. 1227. UNITED NATIONS PROCESSING CENTER IN**
2 **ERBIL, IRAQI KURDISTAN, TO ASSIST INTER-**
3 **NATIONALLY-DISPLACED COMMUNITIES.**

4 The President shall instruct the United States Per-
5 manent Representative to the United Nations to use the
6 voice and vote of the United States at the United Nations
7 to seek the establishment of a United Nations processing
8 center in Erbil, Iraqi Kurdistan, to assist internationally-
9 displaced communities.

10 **SEC. 1228. SENSE OF CONGRESS ON BUSINESS PRACTICES**
11 **OF THE ISLAMIC STATE OF IRAQ AND SYRIA**
12 **(ISIS).**

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

14 (1) For nearly two years, the Islamic State of
15 Iraq and Syria (ISIS) has capitalized on established
16 oil production facilities throughout Iraq and Syria in
17 order to fund its jihadist operations globally.

18 (2) Oil production and sale represent the larg-
19 est and most vulnerable income factors for ISIS.

20 (3) In 2015, ISIS oil sales brought in over
21 \$400,000,000 to prop up the terror group's oper-
22 ations world-wide.

23 (4) ISIS has executed a robust recruitment
24 scheme to staff and operate the oil facilities within
25 the group's control and maintained smuggling routes
26 for the sale of that oil.

1 (5) Further disrupting ISIS oil production and
2 sale structures would be minimally invasive but
3 would effectively curtail the terror group’s ability to
4 self-finance.

5 (b) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that the United States should focus all necessary
7 efforts in the Middle East to disrupt the financing of the
8 Islamic State of Iraq and Syria (ISIS) through oil produc-
9 tion and sale.

10 **SEC. 1229. PROHIBITION ON TRANSFER OF MAN-PORTABLE**

11 **AIR DEFENSE SYSTEMS TO ANY ENTITY IN**

12 **SYRIA.**

13 None of the funds authorized to be appropriated by
14 this Act or otherwise made available for the Department
15 of Defense for fiscal year 2017 may be obligated or ex-
16 pended to transfer or facilitate the transfer of man-port-
17 able air defense systems (MANPADS) to any entity in
18 Syria.

19 **Subtitle D—Matters Relating to the**
20 **Russian Federation**

21 **SEC. 1231. LIMITATION ON USE OF FUNDS TO APPROVE OR**

22 **OTHERWISE PERMIT APPROVAL OF CERTAIN**

23 **REQUESTS BY RUSSIAN FEDERATION UNDER**

24 **OPEN SKIES TREATY.**

25 (a) 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) OBSERVATION AIRCRAFT, OBSERVATION
17 FLIGHT, AND SENSOR.—The terms “observation air-
18 craft”, “observation flight”, and “sensor” have the
19 meanings given such terms in Article II of the Open
20 Skies Treaty.

21 (4) OPEN SKIES TREATY.—The term “Open
22 Skies Treaty” means the Treaty on Open Skies,
23 done at Helsinki March 24, 1992, and entered into
24 force January 1, 2002.

1 (b) LIMITATION.—None of the funds authorized to
2 be appropriated or otherwise made available by this Act
3 or any other Act for fiscal year 2017 or any subsequent
4 fiscal year may be used to approve or otherwise permit
5 the approval of a request by the Russian Federation to
6 carry out an initial or exhibition observation flight or cer-
7 tification event of an observation aircraft on which is in-
8 stalled an upgraded sensor with infrared or synthetic aper-
9 ture radar capability over the territory of the United
10 States or over the territory of a covered state party under
11 the Open Skies Treaty unless and until the Secretary of
12 Defense, jointly with the Secretary of State, the Secretary
13 of Energy, the Secretary of Homeland Security, the Direc-
14 tor of the Federal Bureau of Investigation, the Director
15 of National Intelligence, and the commander of U.S. Stra-
16 tegic Command and the Commander of U.S. Northern
17 Command in the case of a flight over the territory of the
18 United States and the Commander of U.S. European
19 Command in the case of other flights, submits to the ap-
20 propriate congressional committees the following:

21 (1) CERTIFICATION.—A certification that—

22 (A) the Russian Federation—

23 (i) is taking no action that is incon-
24 sistent with the terms of the Open Skies
25 Treaty;

1 (ii) is not exceeding the imagery limits
2 set forth in the Treaty; and

3 (iii) is allowing overflights by covered
4 state parties over all of Moscow, Chechnya,
5 Abkhazia, South Ossetia, and Kaliningrad
6 without restriction and without inconsis-
7 tency to requirements under the Open Skies
8 Treaty; and

9 (B) covered state parties have been noti-
10 fied and briefed on concerns of the intelligence
11 community (as defined in section 3 of the Na-
12 tional Security Act of 1947 (50 U.S.C. 3003))
13 regarding upgraded sensors used under the
14 Open Skies Treaty.

15 (2) REPORT.—A report on the Open Skies
16 Treaty that includes the following:

17 (A) The annual costs to the United States
18 associated with countermeasures to combat po-
19 tential abuses of Russian flights carried out
20 under the Open Skies Treaty over European
21 and United States territories with a sensor de-
22 scribed in paragraph (1)(B).

23 (B) A plan to replace the Open Skies
24 Treaty architecture with a more robust sharing
25 of overhead commercial imagery, consistent

1 with United States national security, with cov-
2 ered state parties, excluding the Russian Fed-
3 eration.

4 (C) An evaluation by the Director of Na-
5 tional Intelligence of matters concerning how an
6 observation flight described in subparagraph
7 (A) could implicate intelligence activities of the
8 Russian Federation in the United States and
9 United States counterintelligence activities and
10 vulnerabilities.

11 (D) An assessment of how such informa-
12 tion is used by the Russian Federation, for
13 what purpose, and how the information fits into
14 the Russian Federation's overall collection pos-
15 ture.

16 (c) NOTICE.—

17 (1) IN GENERAL.—Not later than 14 days after
18 the completion of an observation flight over the
19 United States, the Secretary of Defense, jointly with
20 the Secretary of Energy, the Secretary of Homeland
21 Security, the Director of the Federal Bureau of In-
22 vestigation, and the Director of National Intel-
23 ligence, shall notify the appropriate congressional
24 committees of such flight.

1 (2) CONTENTS.—Notice submitted for a flight
2 pursuant to paragraph (1) shall include the fol-
3 lowing:

4 (A) A description of the flight path.

5 (B) An analysis of whether and the extent
6 to which any United States critical infrastruc-
7 ture was the subject of image capture activities
8 of such flight.

9 (C) An estimate for the mitigation costs
10 imposed on the Department of Defense or other
11 United States Government agencies by such
12 flight.

13 (D) An assessment of how such informa-
14 tion is used by the Russian Federation, for
15 what purpose, and how the information fits into
16 the Russian Federation's overall collection pos-
17 ture.

18 (d) ADDITIONAL LIMITATION.—

19 (1) IN GENERAL.—Not more than 65 percent of
20 the funds authorized to be appropriated or otherwise
21 made available by this Act or any other Act for fis-
22 cal year 2017 year may be used to carry out any ac-
23 tivities to implement the Open Skies Treaty until the
24 requirements described in paragraph (2) are met.

1 (2) REQUIREMENTS DESCRIBED.—The require-
2 ments described in this paragraph are the following:

3 (A) The Director of National Intelligence
4 and the Director of the National Geospatial-In-
5 telligence Agency jointly submit to the appro-
6 priate congressional committees a report on the
7 following:

8 (i) Whether it is possible, consistent
9 with United States national security inter-
10 ests, to provide enhanced access to United
11 States commercial imagery or other United
12 States capabilities, consistent with the pro-
13 tection of sources and methods and United
14 States national security, to covered state
15 parties that is qualitatively similar to that
16 derived by flights over the territory of the
17 United States or over the territory of a
18 covered state party under the Open Skies
19 Treaty, on a more timely basis.

20 (ii) What the cost would be to provide
21 enhanced access to such commercial im-
22 agery or other capabilities as compared to
23 the current imagery sharing through the
24 Open Skies Treaty.

1 (iii) Whether any new agreements
2 would be needed to provide enhanced ac-
3 cess to such commercial imagery or other
4 capabilities and what would be required to
5 obtain such agreements.

6 (iv) Whether transitioning to such
7 commercial imagery or other capabilities
8 from the current imagery sharing through
9 the Open Skies Treaty would reduce op-
10 portunities by the Russian Federation to
11 exceed imagery limits and reduce utility for
12 Russian intelligence collection against the
13 United States or covered state parties.

14 (v) How such commercial imagery or
15 other capabilities would compare to the
16 current imagery sharing through the Open
17 Skies Treaty.

18 (B) The Secretary of State, in consultation
19 with the Director of the National Geospatial In-
20 telligence Agency and the Secretary of Defense,
21 submits to the appropriate congressional com-
22 mittees an unclassified report that—

23 (i) details the costs for implementa-
24 tion of the Open Skies Treaty, including—

- 1 (I) mitigation costs relating to
2 national security; and
- 3 (II) aircraft, sensors, and related
4 overhead and treaty implementation
5 costs for covered state parties; and
- 6 (ii) describes the impact on contribu-
7 tions by covered state parties and relation-
8 ships among covered state parties in the
9 context of the Open Skies Treaty, the
10 North Atlantic Treaty Organization, and
11 any other venues for United States part-
12 nership dialogue and activity.

13 **SEC. 1232. MILITARY RESPONSE OPTIONS TO RUSSIAN FED-**
14 **ERATION VIOLATION OF INF TREATY.**

15 (a) IN GENERAL.—An amount equal to \$10,000,000
16 of the amount authorized to be appropriated or otherwise
17 made available to the Department of Defense for fiscal
18 year 2017 to provide support services to the Executive Of-
19 fice of the President shall be withheld from obligation or
20 expenditure until the Secretary of Defense—

21 (1) submits to the appropriate congressional
22 committees the plan for the development of military
23 capabilities as described in paragraph (1) of section
24 1243(d) of the National Defense Authorization Act

1 for Fiscal Year 2016 (Public Law 114–92; 129 Stat.
2 1062); and

3 (2) carries out the development of capabilities
4 pursuant to such plan in accordance with the re-
5 quirements described in paragraph (3) of such sec-
6 tion.

7 (b) DEFINITION.—In this section, the term “appro-
8 priate congressional committees” has the meaning given
9 such term in section 1243(e) of the National Defense Au-
10 thorization Act for Fiscal Year 2016.

11 **SEC. 1233. LIMITATION ON MILITARY COOPERATION BE-**
12 **TWEEN THE UNITED STATES AND THE RUS-**
13 **SIAN FEDERATION.**

14 (a) LIMITATION.—None of the funds authorized to
15 be appropriated for fiscal year 2017 for the Department
16 of Defense may be used for any bilateral military-to-mili-
17 tary cooperation between the Governments of the United
18 States and the Russian Federation until the Secretary of
19 Defense, in coordination with the Secretary of State, cer-
20 tifies to the appropriate congressional committees that—

21 (1) the Russian Federation has ceased its occu-
22 pation of Ukrainian territory and its aggressive ac-
23 tivities that threaten the sovereignty and territorial
24 integrity of Ukraine and members of the North At-
25 lantic Treaty Organization; and

1 (2) the Russian Federation is abiding by the
2 terms of and taking steps in support of the Minsk
3 Protocols regarding a ceasefire in eastern Ukraine.

4 (b) NONAPPLICABILITY.—The limitation in sub-
5 section (a) shall not apply to—

6 (1) any activities necessary to ensure the com-
7 pliance of the United States with its obligations or
8 the exercise of rights of the United States under any
9 bilateral or multilateral arms control or nonprolifera-
10 tion agreement or any other treaty obligation of the
11 United States; and

12 (2) any activities required to provide logistical
13 or other support to the conduct of United States or
14 North Atlantic Treaty Organization military oper-
15 ations in Afghanistan or the withdrawal from Af-
16 ghanistan.

17 (c) WAIVER.—The Secretary of Defense may waive
18 the limitation in subsection (a) if the Secretary of Defense,
19 in coordination with the Secretary of State—

20 (1) determines that the waiver is in the national
21 security interest of the United States; and

22 (2) submits to the appropriate congressional
23 committees—

24 (A) a notification that the waiver is in the
25 national security interest of the United States

1 and a description of the national security inter-
2 est covered by the waiver; and

3 (B) a report explaining why the Secretary
4 of Defense cannot make the certification under
5 subsection (a).

6 (d) EXCEPTION FOR CERTAIN MILITARY BASES.—
7 The certification requirement specified in paragraph (1)
8 of subsection (a) shall not apply to military bases of the
9 Russian Federation in Ukraine’s Crimean peninsula oper-
10 ating in accordance with its 1997 agreement on the Status
11 and Conditions of the Black Sea Fleet Stationing on the
12 Territory of Ukraine.

13 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
14 FINED.—In this section, the term “appropriate congres-
15 sional committees” means—

16 (1) the Committee on Armed Services and the
17 Committee on Foreign Relations of the Senate; and

18 (2) the Committee on Armed Services and the
19 Committee on Foreign Affairs of the House of Rep-
20 resentatives.

1 **SEC. 1234. STATEMENT OF POLICY ON UNITED STATES EF-**
2 **FORTS IN EUROPE TO REASSURE UNITED**
3 **STATES PARTNERS AND ALLIES AND DETER**
4 **AGGRESSION BY THE GOVERNMENT OF THE**
5 **RUSSIAN FEDERATION.**

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

8 (1) The Russian Federation, under the leader-
9 ship of President Vladimir Putin, continues to dem-
10 onstrate its intent to expand its sphere of influence
11 and limit Western influence both regionally and
12 globally.

13 (2) In March 2016, at a House Armed Services
14 Committee hearing discussing worldwide threats,
15 Major General James Marrs, Director for Intel-
16 ligence in the Joint Staff stated, “principally, what
17 we are seeing in Russia. . .is just a breadth of capa-
18 bilities from strategic systems to anti access area de-
19 nial to even, I would say, a growing adeptness at op-
20 erating sort of just short of traditional military con-
21 flict that is posing a significant challenge in the fu-
22 ture”.

23 (3) In July 2015, Chairman of the Joint Chiefs
24 of Staff, General Joseph Dunford, testified to the
25 Senate Armed Services Committee, that “Russia
26 presents the greatest threat to our national secu-

1 rity”. In November 2015, Secretary of Defense, Ash-
2 ton Carter, discussed the need for “adapting our
3 operational posture and contingency plans. . .to
4 deter Russia’s aggression”.

5 (4) In February 2016, the Rand Corporation
6 released its report, “Reinforcing Deterrence on
7 NATO’s Eastern Flank”, concluding that at a max-
8 imum it would take Russian forces approximately 60
9 hours to reach the capitals of Estonia and Latvia,
10 exhibiting the challenge to North Atlantic Treaty
11 Organization (NATO) member countries of success-
12 fully defending such territory with its current pos-
13 ture and capability.

14 (5) In February 2016, the Center for Strategic
15 and International Studies released its report, “Eval-
16 uating U.S. Army Force Posture in Europe”, calling
17 for increased pre-positioned sets of United States
18 military equipment, increased rotational forces and
19 associated enablers, increased logistics capabilities,
20 and increased investment in combating unconven-
21 tional warfare methods in Europe.

22 (6) In February 2016, the National Commis-
23 sion on the Future of the Army released its findings
24 and recommendations, which included Recommenda-
25 tion 14 calling for stationing an Armored Brigade

1 Combat Team Forward in Europe and Rec-
2 ommendation 15 calling for the conversion of Army
3 Europe Aviation Headquarters to a warfighting mis-
4 sion command.

5 (7) In the National Defense Authorization Act
6 for Fiscal Year 2015 (Public Law 114–92) and the
7 National Defense Authorization Act for Fiscal Year
8 2016 (Public Law 113–291), Congress authorized
9 approximately \$1,800,000,000 for the European Re-
10 assurance Initiative to reassure allies through ex-
11 panded United States military presence in Europe
12 through rotational deployments of United States
13 troops, bilateral and multilateral exercises, improved
14 infrastructure, increased pre-positioned United
15 States military equipment, and building partnership
16 capacity.

17 (8) The budget of the President for fiscal year
18 2017 submitted to Congress under section 1105(a)
19 of title 31, United States Code, includes
20 \$3,420,000,000 for the European Reassurance Ini-
21 tiative to begin the transition from primarily reas-
22 suring United States partners and allies to deterring
23 the Russian Federation.

24 (9) The request encompasses a large increase of
25 conventional resources, including additional rota-

1 tional deployments of United States troops and pre-
2 positioning an Armored Brigade Combat Team's
3 worth of equipment into Europe.

4 (10) The request also includes increased fund-
5 ing for unconventional warfare resources, including
6 cyber and special operations forces, as well as for in-
7 telligence and indicators and warning.

8 (b) STATEMENT OF POLICY.—

9 (1) IN GENERAL.—It is the policy of the United
10 States to reassure United States partners and allies
11 in Europe and to work with United States partners
12 and allies to deter aggression by the Government of
13 the Russian Federation in order to enhance regional
14 and global security and stability.

15 (2) CONDUCT OF POLICY.—The policy described
16 in paragraph (1) shall, among other things, be car-
17 ried out through a comprehensive defense strategy
18 and guidance to outline the future path of defense
19 resources and capabilities in the European theater.
20 Such strategy and guidance shall include—

21 (A) use and expansion of conventional
22 methods, including increased United States
23 presence, pre-positioning of United States mili-
24 tary equipment, increased infrastructure, and
25 building partnership capacity in Europe;

1 (B) emphasis on developing capabilities for
2 countering unconventional methods of warfare,
3 including cyber warfare, economic warfare, in-
4 formation operations, and intelligence oper-
5 ations; and

6 (C) encouraging security assistance and
7 capabilities of partners and allies, including
8 NATO member countries.

9 **SEC. 1235. MODIFICATION OF UKRAINE SECURITY ASSIST-**
10 **ANCE INITIATIVE.**

11 (a) **AUTHORITY TO PROVIDE ASSISTANCE.**—Sub-
12 section (a) of section 1250 of the National Defense Au-
13 thorization Act for Fiscal Year 2016 (Public Law 114-
14 92; 129 Stat. 1068) is amended—

15 (1) by striking “Of the amounts” and all that
16 follows through “the Secretary of Defense” and in-
17 serting “The Secretary of Defense”; and

18 (2) by inserting “is authorized” before “to pro-
19 vide”.

20 (b) **AVAILABILITY OF FUNDS.**—Subsection (c) of
21 such section is amended—

22 (1) by striking paragraph (1);

23 (2) by redesignating paragraphs (2) and (3) as
24 paragraphs (1) and (2), respectively;

25 (3) in paragraph (1) (as so redesignated)—

1 (A) by striking “paragraph (3)” and in-
2 serting “paragraph (2)”; and

3 (B) by striking “pursuant to subsection
4 (a)” and inserting “to carry out this section for
5 a fiscal year”; and

6 (4) in paragraph (2) (as so redesignated)—

7 (A) by striking “paragraph (2)” and in-
8 serting “paragraph (1)”; and

9 (B) by striking “commencing on the date
10 that is six months after the date of the enact-
11 ment of this Act”.

12 **SEC. 1236. 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. 1237. MODIFICATION AND EXTENSION OF REPORT ON**
10 **MILITARY ASSISTANCE TO UKRAINE.**

11 (a) FINDINGS.—Congress makes the following find-
12 ings:

13 (1) Ukraine’s border is 6,995 kilometers long,
14 including 1,974 kilometers of controlled border with
15 the Russian Federation, 195 kilometers of an ad-
16 ministrative line with Crimea, and 409 kilometers of
17 border in the east that is currently uncontrolled.

18 (2) Since the beginning of the Russian-Ukrain-
19 ian conflict in 2014, 64 Ukrainian border guards
20 have been killed and another 391 have been wound-
21 ed.

22 (3) Implementation of the Minsk Agreement,
23 signed in February 2015, requires the State Border
24 Guard Service of Ukraine to reestablish border
25 checkpoints in currently uncontrolled territory and

1 to monitor the border to verify full implementation
2 of the Agreement.

3 (4) Ukraine is developing engineering and tech-
4 nical systems to strengthen the controlled border be-
5 tween Ukraine and the Russian Federation, Ukrain-
6 ian maritime borders, and areas adjacent to the un-
7 controlled territory and occupied Crimea.

8 (5) Russian unmanned aerial vehicles are being
9 used to support Russian-backed separatist artillery
10 fire against Ukrainian forces.

11 (6) Due to a lack of resources and equipment,
12 Ukraine lacks an effective early warning network to
13 warn of any new aggression on the border.

14 (7) Section 1250 of the National Defense Au-
15 thorization Act for Fiscal Year 2016 (Public Law
16 114–92; 129 Stat. 1068) calls for the United States
17 to provide to Ukraine critical training and equip-
18 ment to enhance the capabilities of the military and
19 other security forces of Ukraine to defend against
20 further aggression from the Russian Federation and
21 Russian-backed separatists.

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

1 (1) the United States should continue to sup-
2 port the Government of Ukraine’s efforts to provide
3 and maintain security in Ukraine;

4 (2) the State Border Guard Service of Ukraine
5 needs sufficient equipment and technical assistance
6 to defend and monitor Ukraine’s borders and to
7 fully implement the Minsk Agreement; and

8 (3) the Department of Defense should continue
9 its work with the Ukrainian military, Ukrainian Na-
10 tional Guard, and Ukrainian State Border Guard
11 Service to strengthen Ukraine’s defenses and defend
12 its borders against aggressive actions.

13 (c) MODIFICATION AND EXTENSION OF REPORT ON
14 MILITARY ASSISTANCE TO UKRAINE.—

15 (1) CONGRESSIONAL COMMITTEES.—Subsection
16 (b) of section 1275 of the Carl Levin and Howard
17 P. “Buck” McKeon National Defense Authorization
18 Act for Fiscal Year 2015 (Public Law 113–291; 128
19 Stat. 3591) is amended by inserting “and the Com-
20 mittee on Foreign Relations of the Senate and the
21 Committee on Foreign Affairs of the House of Rep-
22 resentatives” after “congressional defense commit-
23 tees”.

24 (2) ELEMENTS.—Subsection (c) of such section
25 is amended by adding at the end the following:

1 “(8) A description of the extent to which the
2 Department of Defense has provided security assist-
3 ance to the Government of Ukraine for the purposes
4 of protecting and monitoring the borders of
5 Ukraine.”.

6 (3) EXTENSION.—Subsection (e) of such sec-
7 tion, as amended by section 1250(g) of the National
8 Defense Authorization Act for Fiscal Year 2016
9 (Public Law 114–92; 129 Stat. 1070), is further
10 amended by striking “December 31, 2017” and in-
11 serting “December 31, 2019”.

12 **SEC. 1238. ADDITIONAL MATTERS IN ANNUAL REPORT ON**
13 **MILITARY AND SECURITY DEVELOPMENTS**
14 **INVOLVING THE RUSSIAN FEDERATION.**

15 (a) ADDITIONAL MATTERS.—Subsection (b) of sec-
16 tion 1245 of the Carl Levin and Howard P. “Buck”
17 McKeon National Defense Authorization Act for Fiscal
18 Year 2015 (Public Law 113–291; 128 Stat. 3566), as
19 amended by section 1248(a) of the National Defense Au-
20 thorization Act for Fiscal Year 2016 (Public Law 114–
21 92; 129 Stat. 1066), is further amended—

22 (1) by redesignating paragraph (18) as para-
23 graph (19); and

24 (2) by inserting after paragraph (17) the fol-
25 lowing:

1 “(18) The current state of Russia’s foreign
2 military deployments, which shall include the fol-
3 lowing:

4 “(A) For each such deployment, the esti-
5 mated number of forces, types of capabilities to
6 include advanced weapons, length of deploy-
7 ment, and where possible identifying basing
8 agreements.

9 “(B) The following information with re-
10 spect to such deployments to be disaggregated
11 on a country-by-country basis:

12 “(i) The number of Russian military
13 personnel, including combat troops, mili-
14 tary trainers, combat enabling capabilities
15 and border security agents, deployed to the
16 country with the consent of the national or
17 local government. The number and type of
18 transient Russian naval vessels that have
19 utilized ports of the country. Such infor-
20 mation should include the length of the
21 basing arrangements, including the use of
22 ports of such country by transient Russian
23 naval vessels, and the strategic importance
24 of the location.

1 “(ii) The number of such Russian
2 military personnel deployed in areas where
3 Russian forces entered the country by
4 force or are otherwise deployed over the
5 objections of the national or local govern-
6 ment.”.

7 (b) EFFECTIVE DATE.—The amendments made by
8 subsection (a) shall take effect on the date of the enact-
9 ment of this Act, and shall apply with respect to reports
10 submitted under section 1245 of the Carl Levin and How-
11 ard P. “Buck” McKeon National Defense Authorization
12 Act for Fiscal Year 2015 after that date.

13 **Subtitle E—Other Matters**

14 **SEC. 1241. SENSE OF CONGRESS ON MALIGN ACTIVITIES OF** 15 **THE GOVERNMENT OF IRAN.**

16 (a) FINDINGS.—Congress finds that the Government
17 of Iran continues to conduct provocative, malign activities
18 in the region, including—

19 (1) the launch of the Shahab-3 medium-range
20 ballistic missile and Qiam-1 short-range ballistic
21 missiles;

22 (2) the intent to launch the Simorgh Space-
23 Launch Vehicle (SLV) as stated by Lieutenant Gen-
24 eral Vincent Stewart in testimony to the House
25 Armed Services Committee: “Iran stated publicly it

1 intends to launch the Simorgh (SLV), which would
2 be capable of intercontinental ballistic missile
3 (ICBM) range.”;

4 (3) the detention of United States service mem-
5 bers, which the Secretary of Defense, Ashton Carter,
6 described in testimony to the House Armed Services
7 Committee as “unprofessional” and “outrageous”;

8 (4) the support of foreign terrorist organiza-
9 tions designated by the Department of State, such
10 as Lebanese Hezbollah and Kata’ib Hizbollah;

11 (5) the support of the Assad regime in Syria;

12 (6) the support of Shia militias in Iraq that
13 have been directly responsible for the deaths of
14 United States service members; and

15 (7) the support of the Houthi rebels in Yemen
16 in contravention to the internationally-recognized, le-
17 gitimate Government of Yemen.

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

20 (1) the Joint Comprehensive Plan of Action
21 (JCPOA) does not address the totality of the malign
22 activities of the Government of Iran, including bal-
23 listic missile launches, support for designated foreign
24 terrorist organizations, or other proxies conducting
25 malign activities in the region and globally;

1 (2) the United States should increase its efforts
2 to counter the continued expansion of malign activi-
3 ties of the Government of Iran in the Middle East;

4 (3) the United States should ensure that it has
5 robust, enduring military posture and capabilities
6 forward deployed in the Arabian Gulf region to deter
7 Iranian aggression and respond to Iranian aggres-
8 sion, if necessary; and

9 (4) the United States should strengthen bal-
10 listic missile defense capabilities and increase secu-
11 rity assistance to United States partners and allies
12 in the region.

13 **SEC. 1242. MODIFICATION OF ANNUAL REPORT ON MILI-**
14 **TARY AND SECURITY DEVELOPMENTS IN-**
15 **VOLVING THE PEOPLE'S REPUBLIC OF**
16 **CHINA.**

17 (a) ANNUAL REPORT.—Subsection (a) of section
18 1202 of the National Defense Authorization Act for Fiscal
19 Year 2000 (Public Law 106–65; 113 Stat. 781; 10 U.S.C.
20 113 note) is amended by striking “March 1 each year”
21 and inserting “January 31 of each year through January
22 31, 2021”.

23 (b) MATTERS TO BE INCLUDED.—Subsection (b) of
24 such section, as most recently amended by section 1252(a)
25 of the Carl Levin and Howard P. “Buck” McKeon Na-

1 tional Defense Authorization Act for Fiscal Year 2015
2 (Public Law 113–291; 128 Stat. 3571), is further amend-
3 ed by adding at the end the following:

4 “(21) A summary of the order of battle of the
5 People’s Liberation Army, including anti-ship bal-
6 listic missiles, theater ballistic missiles, and land at-
7 tack cruise missile inventory.

8 “(22) A description of the People’s Republic of
9 China’s military and nonmilitary activities in the
10 South China Sea.”.

11 (c) EFFECTIVE DATE.—The amendments made by
12 this section take effect on the date of the enactment of
13 this Act and apply with respect to reports required to be
14 submitted under subsection (a) of section 1202 of the Na-
15 tional Defense Authorization Act for Fiscal Year 2000 on
16 or after that date.

17 **SEC. 1243. SENSE OF CONGRESS ON TRILATERAL COOPERA-**
18 **TION BETWEEN JAPAN, SOUTH KOREA, AND**
19 **THE UNITED STATES.**

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

21 (1) Japan and the Republic of Korea (South
22 Korea) are both treaty allies and critically important
23 security partners of the United States.

24 (2) Japan and South Korea confront a range of
25 shared challenges to their national security and to

1 stability in the Asia-Pacific region, including the
2 multitude of threats posed by the Democratic Peo-
3 ple's Republic of Korea (North Korea).

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

6 (1) the United States should continue to sup-
7 port trilateral cooperation with Japan and South
8 Korea;

9 (2) the United States should continue to sup-
10 port defense cooperation between Japan and South
11 Korea on the full range of issues related to North
12 Korea and to other security challenges in the Asia-
13 Pacific region; and

14 (3) the United States should seek to facilitate
15 closer security cooperation with and between Japan
16 and South Korea on—

17 (A) non-proliferation;

18 (B) cyber security;

19 (C) maritime security;

20 (D) security technology and capability de-
21 velopment; and

22 (E) other areas of mutual security benefit.

1 **SEC. 1244. SENSE OF CONGRESS ON COOPERATION BE-**
2 **TWEEN SINGAPORE AND THE UNITED**
3 **STATES.**

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

5 (1) 2016 is the 50th year of relations between
6 the United States and the Republic of Singapore.

7 (2) The United States and Singapore signed an
8 enhanced defense cooperation agreement on Decem-
9 ber 7, 2015.

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

12 (1) the United States should continue to con-
13 duct bilateral cooperation and support the strategic
14 partnership with Singapore to promote peace and
15 stability in the Asia-Pacific region;

16 (2) the United States welcomes the signing of
17 the enhanced Defense Cooperation Agreement with
18 Singapore and should expand bilateral training and
19 cooperation on security issues, including maritime
20 security, cyber security, countering violent extre-
21 mism, humanitarian assistance, and disaster relief;

22 (3) the United States should continue efforts
23 with Singapore to address transnational issues and
24 strengthen regional and multilateral institutions that
25 promote security cooperation based on internation-
26 ally accepted rules and norms; and

1 (4) the United States should improve joint
2 interoperability and security collaboration with
3 Singapore to enhance capabilities to maintain re-
4 gional stability.

5 **SEC. 1245. MONITORING AND EVALUATION OF OVERSEAS**
6 **HUMANITARIAN, DISASTER, AND CIVIC AID**
7 **PROGRAMS OF THE DEPARTMENT OF DE-**
8 **FENSE.**

9 (a) **IN GENERAL.**—Of the amounts authorized to be
10 appropriated by this Act for Overseas Humanitarian, Dis-
11 aster, and Civic Aid, the Secretary of Defense is author-
12 ized to use up to 5 percent of such amounts to conduct
13 monitoring and evaluation of programs that are funded
14 using such amounts during fiscal year 2017.

15 (b) **BRIEFING.**—Not later than 90 days after the date
16 of the enactment of this Act, the Secretary of Defense
17 shall provide to the appropriate congressional committees
18 a briefing on mechanisms to evaluate the programs con-
19 ducted pursuant to the authorities listed in subsection (a).

20 (c) **DEFINITION.**—In subsection (b), the term “ap-
21 propriate congressional committees” means—

22 (1) the Committee on Armed Services and the
23 Committee on Foreign Relations of the Senate; and

1 (2) the Committee on Armed Services and the
2 Committee on Foreign Affairs of the House of Rep-
3 resentatives.

4 **SEC. 1246. ENHANCEMENT OF INTERAGENCY SUPPORT**
5 **DURING CONTINGENCY OPERATIONS AND**
6 **TRANSITION PERIODS.**

7 (a) **AUTHORITY.**—The Secretary of Defense and the
8 Secretary of State may enter into an agreement under
9 which each Secretary may provide covered support, sup-
10 plies, and services on a reimbursement basis, or by ex-
11 change of covered support, supplies, and services, to the
12 other Secretary during a contingency operation and re-
13 lated transition period for up to two years following the
14 end of such contingency operation.

15 (b) **AGREEMENT.**—An agreement entered into under
16 this section shall be in writing and shall include the fol-
17 lowing terms:

18 (1) The price charged by a supplying agency
19 shall be the direct costs that such agency incurred
20 by providing the covered support, supplies, or serv-
21 ices to the requesting agency under this section.

22 (2) Credits and liabilities of the agencies ac-
23 rued as a result of acquisitions and transfers of
24 covered support, supplies, and services under this
25 section shall be liquidated not less often than once

1 every 3 months by direct payment to the agency
2 supplying such support, supplies, or services by the
3 agency receiving such support, supplies, or services.

4 (3) Exchange entitlements accrued as a result
5 of acquisitions and transfers of covered support,
6 supplies, and services under this section shall be sat-
7 isfied within 12 months after the date of the delivery
8 of the covered support, supplies, or services. Ex-
9 change entitlements not so satisfied shall be imme-
10 diately liquidated by direct payment to the agency
11 supplying such covered support, supplies, or services.

12 (c) EFFECT OF OBLIGATION AND AVAILABILITY OF
13 FUNDS.—An order placed by an agency pursuant to an
14 agreement under this section is deemed to be an obligation
15 in the same manner that a similar order placed under a
16 contract with, or a contract for similar goods or services
17 awarded to, a private contractor is an obligation. Appro-
18 priations remain available to pay an obligation to the serv-
19 icing agency in the same manner as appropriations remain
20 available to pay an obligation to a private contractor.

21 (d) DEFINITIONS.—In this section:

22 (1) COVERED SUPPORT, SUPPLIES, AND SERV-
23 ICES.—The term “covered support, supplies, and
24 services” means food, billeting, transportation (in-
25 cluding airlift), petroleum, oils, lubricants, commu-

1 nications services, medical services, ammunition,
2 base operations support, use of facilities, spare parts
3 and components, repair and maintenance services,
4 and calibration services.

5 (2) CONTINGENCY OPERATION.—The term
6 “contingency operation” has the meaning given that
7 term in section 101(a)(13) of title 10, United States
8 Code.

9 (e) CREDITING OF RECEIPTS.—Any receipt as a re-
10 sult of an agreement entered into under this section shall
11 be credited, at the option of the Secretary of Defense with
12 respect to the Department of Defense and the Secretary
13 of State with respect to the Department of State, to—

14 (1) the appropriation, fund, or account used in
15 incurring the obligation; or

16 (2) an appropriate appropriation, fund, or ac-
17 count currently available for the purposes for which
18 the expenditures were made.

19 (f) NOTIFICATION.—Not later than 30 days after the
20 end of a fiscal year in which covered support, supplies,
21 and services are provided or exchanged pursuant to an
22 agreement under this section, the Secretary of Defense
23 and the Secretary of State shall jointly submit to the con-
24 gressional defense committees, the Committee on Foreign
25 Relations of the Senate, and the Committee on Foreign

1 Affairs of the House of Representatives a notification that
2 contains a copy of such agreement and a description of
3 such covered support, supplies, and services.

4 (g) SUNSET.—The authority to enter into an agree-
5 ment under this section shall terminate at the close of De-
6 cember 31, 2018.

7 **SEC. 1247. TWO-YEAR EXTENSION AND MODIFICATION OF**
8 **AUTHORIZATION OF NON-CONVENTIONAL AS-**
9 **SISTED RECOVERY CAPABILITIES.**

10 (a) EXTENSION OF AUTHORITY.—Subsection (h) of
11 section 943 of the Duncan Hunter National Defense Au-
12 thorization Act for Fiscal Year 2009 (Public Law 110–
13 417; 122 Stat. 4579), as most recently amended by sec-
14 tion 1271 of the National Defense Authorization Act for
15 Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1075),
16 is further amended by striking “2018” and inserting
17 “2020”.

18 (b) MODIFICATION TO AUTHORIZED ACTIVITIES.—
19 Subsection (c) of such section is amended by inserting “,
20 or other individuals, as determined by the Secretary of De-
21 fense, with respect to already established non-conventional
22 assisted recovery capabilities” before the period at the end
23 of the first sentence.

1 **SEC. 1248. AUTHORITY TO DESTROY CERTAIN SPECIFIED**
2 **WORLD WAR II-ERA UNITED STATES-ORIGIN**
3 **CHEMICAL MUNITIONS LOCATED ON SAN**
4 **JOSE ISLAND, REPUBLIC OF PANAMA.**

5 (a) **AUTHORITY.**—

6 (1) **IN GENERAL.**—Subject to subsection (b),
7 the Secretary of Defense may destroy the chemical
8 munitions described in subsection (c).

9 (2) **EX GRATIA ACTION.**—The action authorized
10 by this section is “ex gratia” on the part of the
11 United States, as the term “ex gratia” is used in
12 section 321 of the Strom Thurmond National De-
13 fense Authorization Act for Fiscal Year 1999 (Pub-
14 lic Law 105–261; 10 U.S.C. 2701 note).

15 (3) **CONSULTATION BETWEEN SECRETARY OF**
16 **DEFENSE AND SECRETARY OF STATE.**—The Sec-
17 retary of Defense and the Secretary of State shall
18 consult and develop any arrangements with the Re-
19 public of Panama with respect to this section.

20 (b) **CONDITIONS.**—The Secretary of Defense may ex-
21 ercise the authority under subsection (a) only if the Re-
22 public of Panama has—

23 (1) revised the declaration of the Republic of
24 Panama under the Convention on the Prohibition of
25 the Development, Production, Stockpiling and Use
26 of Chemical Weapons and on Their Destruction to

1 indicate that the chemical munitions described in
2 subsection (c) are “old chemical weapons” rather
3 than “abandoned chemical weapons”; and

4 (2) affirmed, in writing, that it understands (A)
5 that the United States intends only to destroy the
6 munitions described in subsections (c) and (d), and
7 (B) that the United States is not legally obligated
8 and does not intend to destroy any other munitions,
9 munitions constituents, and associated debris that
10 may be located on San Jose Island as a result of re-
11 search, development, and testing activities conducted
12 on San Jose Island during the period of 1943
13 through 1947.

14 (c) CHEMICAL MUNITIONS.—The chemical munitions
15 described in this subsection are the eight United States-
16 origin chemical munitions located on San Jose Island, Re-
17 public of Panama, that were identified in the 2002 Final
18 Inspection Report of the Technical Secretariat of the Or-
19 ganization for the Prohibition of Chemical Weapons.

20 (d) LIMITED INCIDENTAL AUTHORITY TO DESTROY
21 OTHER MUNITIONS.—In exercising the authority under
22 subsection (a), the Secretary of Defense may destroy other
23 munitions located on San Jose Island, Republic of Pan-
24 ama, but only to the extent essential and required to reach

1 and destroy the chemical munitions described in sub-
2 section (c).

3 (e) SOURCE OF FUNDS.—Of the amounts authorized
4 to be appropriated by this Act, the Secretary of Defense
5 may use up to \$30,000,000 from amounts made available
6 for Chemical Agents and Munitions Destruction, Defense
7 to carry out the authority in subsection (a).

8 (f) SUNSET.—The authority under subsection (a)
9 shall terminate on the date that is three years after the
10 date of the enactment of this Act.

11 **SEC. 1249. STRATEGY FOR UNITED STATES DEFENSE IN-**
12 **TERESTS IN AFRICA.**

13 (a) REQUIRED REPORT.—Not later than one year
14 after the date of the enactment of this Act, the Secretary
15 of Defense shall submit to the congressional defense com-
16 mittees a report that contains the strategy for United
17 States defense 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. 1250. UNITED STATES-ISRAEL DIRECTED ENERGY CO-**
22 **OPERATION.**

23 (a) **AUTHORITY TO ESTABLISH DIRECTED ENERGY**
24 **CAPABILITIES PROGRAM WITH ISRAEL.—**

1 (1) IN GENERAL.—The Secretary of Defense,
2 upon the request of the Ministry of Defense of
3 Israel, and with the concurrence of the Secretary of
4 State, may carry out research, development, test,
5 and evaluation activities, on a joint basis with Israel,
6 to establish directed energy capabilities to detect and
7 defeat ballistic missiles, cruise missiles, unmanned
8 aerial vehicles, mortars, and improvised explosive de-
9 vices that threaten the United States, deployed
10 forces of the United States, or Israel. Any activities
11 carried out pursuant to such authority shall be con-
12 ducted in a manner that appropriately protects sen-
13 sitive information and the national security interests
14 of the United States and Israel.

15 (2) REPORT.—The activities described in para-
16 graph (1) may be carried out after the Secretary of
17 Defense submits to the appropriate committees of
18 Congress a report setting forth the following:

19 (A) A memorandum of agreement between
20 the United States and Israel regarding sharing
21 of research and development costs for the capa-
22 bilities described in paragraph (1), and any
23 supporting documents.

24 (B) A certification that the memorandum
25 of agreement—

1 (i) requires sharing of costs of
2 projects, including in-kind support, be-
3 tween the United States and Israel;

4 (ii) establishes a framework to nego-
5 tiate the rights to any intellectual property
6 developed under the memorandum of
7 agreement; and

8 (iii) requires the United States Gov-
9 ernment to receive semiannual reports on
10 expenditure of funds, if any, by the Gov-
11 ernment of Israel, including a description
12 of what the funds have been used for,
13 when funds were expended, and an identi-
14 fication of entities that expended the
15 funds.

16 (3) ANNUAL LIMITATION ON AMOUNT.—The
17 amount of support provided under this subsection in
18 any year may not exceed \$25,000,000.

19 (b) LEAD AGENCY.—The Secretary of Defense shall
20 designate the Missile Defense Agency as the appropriate
21 research and development entity and as the lead agency
22 of the Department of Defense in carrying out this section.

23 (c) SEMIANNUAL REPORTS.—The Secretary of De-
24 fense shall submit to the appropriate committees of Con-
25 gress on a semiannual basis a report that contains a copy

1 of the most recent semiannual report provided by the Gov-
2 ernment of Israel to the Department of Defense pursuant
3 to subsection (a)(2)(B)(iii).

4 (d) SUNSET.—The authority in this section to carry
5 out activities described in subsection (a) shall expire on
6 December 31, 2018.

7 (e) APPROPRIATE COMMITTEES OF CONGRESS DE-
8 FINED.—In this section, the term “appropriate commit-
9 tees of Congress” means—

10 (1) the Committee on Armed Services, the
11 Committee on Foreign Relations, the Committee on
12 Homeland Security and Governmental Affairs, the
13 Committee on Appropriations, and the Select Com-
14 mittee on Intelligence of the Senate; and

15 (2) the Committee on Armed Services, the
16 Committee on Foreign Affairs, the Committee on
17 Homeland Security, the Committee on Appropria-
18 tions, and the Permanent Select Committee on Intel-
19 ligence of the House of Representatives.

20 **SEC. 1251. SENSE OF CONGRESS ON SUPPORT FOR ESTO-**
21 **NIA, LATVIA, AND LITHUANIA.**

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

23 (1) The Baltic States of Estonia, Latvia, and
24 Lithuania are highly valued allies of the United
25 States, and they have repeatedly demonstrated their

1 commitment to advancing our mutual interests as
2 well as those of the NATO Alliance.

3 (2) Operation Atlantic Resolve is a series of ex-
4 ercises and coordinating efforts demonstrating the
5 United States' commitment to its European partners
6 and allies, including the Baltic States of Estonia,
7 Latvia, and Lithuania, with the shared goal of peace
8 and stability in the region. Operation Atlantic Re-
9 solve strengthens communication and understanding,
10 and is an important effort to deter Russian aggres-
11 sion in the region.

12 (3) Through Operation Atlantic Resolve, the
13 European Reassurance Initiative undertakes exer-
14 cises, training, and rotational presence necessary to
15 reassure and integrate our allies, including the Bal-
16 tic States, into a common defense framework.

17 (4) All three Baltic States contributed to the
18 NATO-led International Security Assistance Force
19 in Afghanistan, sending disproportionate numbers of
20 troops and operating with few caveats. The Baltic
21 States continue to engage in Operation Resolute
22 Support in Afghanistan.

23 (b) SENSE OF CONGRESS.—Congress—

24 (1) reaffirms its support for the principle of col-
25 lective defense in Article 5 of the North Atlantic

1 Treaty for our NATO allies, including Estonia, Lat-
2 via, and Lithuania;

3 (2) supports the sovereignty, independence, ter-
4 ritorial integrity, and inviolability of Estonia, Latvia,
5 and Lithuania as well as their internationally recog-
6 nized borders, and expresses concerns over increas-
7 ingly aggressive military maneuvering by the Rus-
8 sian Federation near their borders and airspace;

9 (3) expresses concern over and condemns sub-
10 versive and destabilizing activities by the Russian
11 Federation within the Baltic States; and

12 (4) encourages the Administration to further
13 enhance defense cooperation efforts with Estonia,
14 Latvia, and Lithuania and supports the efforts of
15 their Governments to provide for the defense of their
16 people and sovereign territory.

17 **SEC. 1252. SENSE OF CONGRESS ON SUPPORT FOR GEOR-**
18 **GIA.**

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

20 (1) Georgia is a valued friend of the United
21 States and has repeatedly demonstrated its commit-
22 ment to advancing the mutual interests of both
23 countries, including the deployment of Georgian
24 forces as part of the NATO-led International Secu-

1 rity Assistance Force (ISAF) in Afghanistan and the
2 Multi-National Force in Iraq.

3 (2) The European Reassurance Initiative builds
4 the partnership capacity of Georgia so it can work
5 more closely with the United States and NATO, as
6 well as provide for its own defense.

7 (3) In addition to the European Reassurance
8 Initiative, Georgia's participation in the NATO ini-
9 tiative Partnership for Peace is paramount to inter-
10 operability with the United States and NATO, and
11 establishing a more peaceful environment in the re-
12 gion.

13 (4) Despite the losses suffered, as a NATO
14 partner of ISAF, Georgia is engaged in the Resolute
15 Support Mission in Afghanistan with the second
16 largest contingent on the ground.

17 (b) SENSE OF CONGRESS.—Congress—

18 (1) reaffirms United States support for Geor-
19 gia's sovereignty and territorial integrity within its
20 internationally-recognized borders, and does not rec-
21 ognize the independence of the Abkhazia and South
22 Ossetia regions currently occupied by the Russian
23 Federation; and

24 (2) supports continued cooperation between the
25 United States and Georgia and the efforts of the

1 Government of Georgia to provide for the defense of
2 its people and sovereign territory.

3 **SEC. 1253. MODIFICATION OF ANNUAL REPORT ON MILI-**
4 **TARY POWER OF IRAN.**

5 (a) IN GENERAL.—Subsection (b)(3) of section 1245
6 of the National Defense Authorization Act for Fiscal Year
7 2010 (Public Law 111–84; 123 Stat. 2542) is amended—

8 (1) by redesignating subparagraphs (E)
9 through (G) as subparagraphs (G) through (I), re-
10 spectively; and

11 (2) by inserting after subparagraph (D) the fol-
12 lowing:

13 “(E) an estimate of Iran’s military cyber
14 capabilities, including persons and entities oper-
15 ating on behalf of Iran, and any information on
16 those persons or entities responsible for tar-
17 geting United States critical infrastructure or
18 United States persons or entities;

19 “(F) information on Iranian military and
20 security organizations responsible for detaining
21 members of the United States Armed Forces or
22 interfering in United States military oper-
23 ations;”.

24 (b) EFFECTIVE DATE.—The amendments made by
25 subsection (a) take effect on the date of the enactment

1 of this Act and apply with respect to reports required to
2 be submitted under section 1245 of the National Defense
3 Authorization Act for Fiscal Year 2010 on or after such
4 date of enactment.

5 **SEC. 1254. SENSE OF CONGRESS ON SENIOR MILITARY EX-**
6 **CHANGES BETWEEN THE UNITED STATES**
7 **AND TAIWAN.**

8 (a) **IN GENERAL.**—It is the sense of Congress that
9 the Secretary of Defense should conduct a program of sen-
10 ior military exchanges between the United States and Tai-
11 wan that have the objective of improving military-to-mili-
12 tary relations and defense cooperation between the United
13 States and Taiwan.

14 (b) **ADMINISTRATION OF PROGRAM.**—It is the sense
15 of Congress that the program described in subsection
16 (a)—

17 (1) should be conducted at least once each cal-
18 endar year; and

19 (2) should be conducted in both the United
20 States and Taiwan.

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

22 (1) **SENIOR MILITARY EXCHANGE.**—The term
23 “senior military exchange” means an activity, exer-
24 cise, professional education event, or observation op-

1 portunity in which senior military officers and senior
2 defense officials participate.

3 (2) SENIOR MILITARY OFFICER.—The term
4 “senior military officer” means a general or flag of-
5 ficer on active duty in the armed forces.

6 (3) SENIOR DEFENSE OFFICIAL.—The term
7 “senior defense official”, with respect to the Depart-
8 ment of Defense, means a civilian official at the level
9 of Assistant Secretary of Defense or above.

10 **SEC. 1255. QUARTERLY REPORT ON FREEDOM OF NAVIGA-**
11 **TION OPERATIONS.**

12 (a) IN GENERAL.—Chapter 3 of title 10, United
13 States Code, is amended by adding at the end the fol-
14 lowing new section:

15 **“§ 130i. Quarterly report on freedom of navigation**
16 **operations**

17 “(a) REPORT REQUIRED.—Not later than 30 days
18 after the end of each fiscal quarter, the Secretary of De-
19 fense shall submit to the congressional defense committees
20 a report on any excessive territorial claims of foreign coun-
21 tries that were challenged by freedom of navigation oper-
22 ations and flights carried out by the armed forces during
23 such fiscal quarter.

1 “(b) ELEMENTS.—The report under subsection (a)
2 shall include, with respect to each operation described in
3 such subsection, the following:

4 “(1) The date of the operation.

5 “(2) The class of ship or type of aircraft that
6 conducted the operation.

7 “(3) The geographic location of the operation.

8 “(4) Identification of the foreign country that
9 made the excessive territorial claim challenged by
10 the operation.

11 “(5) A description of the excessive territorial
12 claim that was challenged by the operation.

13 “(c) SUNSET.—This section shall terminate on Sep-
14 tember 30, 2018.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of such chapter is amended by inserting
17 after the item relating to section 130h the following new
18 item:

“130i. Quarterly report on freedom of navigation operations.”.

19 (c) EFFECTIVE DATE.—The amendments made by
20 subsections (a) and (b) shall take effect on the date of
21 the enactment of this Act and shall apply with respect to
22 fiscal quarters beginning after such date.

1 **SEC. 1256. ANNUAL REPORT ON FOREIGN MILITARY SALES**
2 **TO TAIWAN.**

3 Section 36 of the Arms Export Control Act (22
4 U.S.C. 2776) is amended by adding at the end the fol-
5 lowing:

6 “(j) At the end of each fiscal year, the Secretary of
7 Defense shall submit to the Committees on Armed Serv-
8 ices and Foreign Relations of the Senate and the Commit-
9 tees on Armed Services and Foreign Affairs of the House
10 of Representatives a report that lists each request received
11 from Taiwan and each letter of offer to sell any defense
12 articles or services under this Act to Taiwan during such
13 fiscal year. The report shall be submitted in unclassified
14 form, but may contain a classified annex.”.

15 **SEC. 1257. SENSE OF CONGRESS ON JULY 2016 NATO SUM-**
16 **MIT IN WARSAW, POLAND.**

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

18 (1) The North Atlantic Treaty Organization
19 (NATO) has been the cornerstone of transatlantic
20 security cooperation and an enduring instrument for
21 promoting stability in Europe and around the world
22 for over 65 years.

23 (2) NATO currently faces a range of evolving
24 security challenges, including Russian aggression in
25 Eastern Europe, and instability and conflict in the
26 Middle East and North Africa. In the face of these

1 varied challenges, NATO must deter threats and, if
2 necessary, defend NATO member states against ad-
3 versaries.

4 (3) Since NATO's 2014 summit in Wales,
5 NATO member states have made progress in imple-
6 menting a Readiness Action Plan to enhance allied
7 readiness and collective defense in response to Rus-
8 sian aggression. However, much work remains to be
9 done.

10 (4) NATO's solidarity is strengthened by the
11 bolstering of NATO's conventional and nuclear de-
12 terrence, increased defense spending by NATO
13 member states, and continued enlargement of the
14 Alliance.

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

17 (1) at the July 2016 NATO Summit in War-
18 saw, Poland and beyond, the United States should—

19 (A) welcome Montenegro's accession to
20 NATO;

21 (B) continue to work with aspirant coun-
22 tries to prepare them for entry into NATO;

23 (C) continue supporting a Membership Ac-
24 tion Plan (MAP) for Georgia;

1 (D) encourage the leaders of Macedonia
2 and Greece to find a mutually agreeable solu-
3 tion to the name dispute between the two coun-
4 tries;

5 (E) seek a Dayton II agreement to resolve
6 the constitutional issues of Bosnia and
7 Herzegovina;

8 (F) work with the Republic of Kosovo to
9 prepare the country for entrance into the Part-
10 nership for Peace (PfP) program;

11 (G) take a leading role in working with
12 NATO member states to identify, through con-
13 sensus, the current and future security threats
14 facing the Alliance; and

15 (H) take a leading role to work with other
16 NATO member states to ensure the alliance
17 maintains the required capabilities, including
18 the gains in interoperability from combat in Af-
19 ghanistan, necessary to meet the security
20 threats to the Alliance;

21 (2) in Warsaw, NATO member states should
22 build upon the progress made since the 2014 Wales
23 Summit, by committing additional resources to
24 NATO's Readiness Action Plan and related meas-
25 ures to enhance allied readiness and deterrence;

1 (3) NATO member states should review defense
2 spending to ensure sufficient funding is obligated to
3 meet NATO responsibilities, including to allocate at
4 least 2 percent of Gross Domestic Product (GDP) to
5 defense spending, and to devote at least 20 percent
6 of defense spending to defense modernization and
7 new equipment;

8 (4) the United States should commit to main-
9 taining a robust military presence in Europe as a
10 means of promoting allied interoperability, providing
11 visible assurance to NATO allies, and deterring Rus-
12 sian aggression in the region; and

13 (5) the United States reaffirms and remains
14 committed to the policies enumerated by NATO
15 member states in the Deterrence and Defense Pos-
16 ture Review, dated May 20, 2012, and the Wales
17 Summit Declaration of September 2014, including
18 the following statement: “Deterrence, based on an
19 appropriate mix of nuclear, conventional, and missile
20 defence capabilities, remains a core element of our
21 overall strategy.”.

22 **SEC. 1258. REPORT ON VIOLENCE AND CARTEL ACTIVITY IN**
23 **MEXICO.**

24 The Secretary of Defense shall submit to the congres-
25 sional defense committees a report on violence and cartel

1 activity in Mexico and the impact of such on United States
2 national security.

3 **SEC. 1259. UNITED STATES POLICY ON TAIWAN.**

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

5 (1) For more than 50 years, the United States
6 and Taiwan have had a unique and close relation-
7 ship, which has supported the economic, cultural,
8 and strategic advantage to both countries.

9 (2) The United States has vital security and
10 strategic interests in the Taiwan Strait.

11 (3) The Taiwan Relations Act (Public Law 96–
12 8; 22 U.S.C. 3301 et seq.) has been instrumental in
13 maintaining peace, security, and stability in the Tai-
14 wan Strait since its enactment in 1979.

15 (4) The Taiwan Relations Act states that it is
16 the policy of the United States to provide Taiwan
17 with arms of a defensive character and to maintain
18 the capacity of the United States to defend against
19 any forms of coercion that would jeopardize the se-
20 curity, or the social or economic system, of the peo-
21 ple on Taiwan.

22 (b) STATEMENT OF POLICY.—The Taiwan Relations
23 Act (Public Law 96–8; 22 U.S.C. 3301 et seq.) forms the
24 cornerstone of United States policy and relations with Tai-
25 wan.

1 (c) REPORT.—

2 (1) IN GENERAL.—Not later than February 15,
3 2017, the Secretary of Defense and the Secretary of
4 State shall jointly submit to the appropriate commit-
5 tees of Congress a report that contains a description
6 of the steps the United States has taken, plans to
7 take, and will take to provide Taiwan with arms of
8 a defensive character in accordance with the Taiwan
9 Relations Act (Public Law 96–8; 22 U.S.C. 3301 et
10 seq.).

11 (2) APPROPRIATE COMMITTEES OF CONGRESS
12 DEFINED.—In this subsection, the term “appro-
13 priate committees of Congress” means—

14 (A) the congressional defense committees;
15 and

16 (B) Committee on Foreign Relations of the
17 Senate and the Committee on Foreign Affairs
18 of the House of Representatives.

19 **SEC. 1259A. LIMITATION ON AVAILABILITY OF FUNDS TO**
20 **IMPLEMENT THE ARMS TRADE TREATY.**

21 (a) IN GENERAL.—None of the funds authorized to
22 be appropriated by this Act or otherwise made available
23 for fiscal year 2017 for the Department of Defense may
24 be obligated or expended to fund a Secretariat or any
25 other international organization established to support the

1 implementation of the Arms Trade Treaty, to sustain do-
2 mestic prosecutions based on any charge related to the
3 Treaty, or to implement the Treaty until the Senate ap-
4 proves a resolution of ratification for the Treaty and im-
5 plementing legislation for the Treaty has been enacted into
6 law.

7 (b) **RULE OF CONSTRUCTION.**—Nothing in this sec-
8 tion shall be construed to preclude the Department of De-
9 fense from assisting foreign countries in bringing their
10 laws, regulations, and practices related to export control
11 up to United States standards.

12 **SEC. 1259B. LIMITATION ON MILITARY CONTACT AND CO-**
13 **OPERATION BETWEEN THE UNITED STATES**
14 **AND CUBA.**

15 (a) **LIMITATION.**—Except as provided in subsection
16 (b), none of the funds authorized to be appropriated or
17 otherwise made available for fiscal year 2017 for the De-
18 partment of Defense may be used for any bilateral mili-
19 tary-to-military contact or cooperation between the Gov-
20 ernments of the United States and Cuba until the Sec-
21 retary of Defense and the Secretary of State, in consulta-
22 tion with the Director of National Intelligence, certify to
23 the appropriate congressional committees that—

24 (1) the Government of Cuba has—

1 (A) met the requirements and satisfied the
2 factors specified in sections 205 and 206 of the
3 Cuban Liberty and Democratic Solidarity
4 (LIBERTAD) Act of 1996 (22 U.S.C. 6065
5 and 6066); and

6 (B) resolved, to the full satisfaction of
7 United States law, all outstanding claims and
8 judgments belonging to United States nationals
9 against the Government of Cuba, including but
10 not limited to claims regarding property con-
11 fiscated by the Government of Cuba;

12 (2) the Cuban military and other security forces
13 in Cuba have ceased committing human right
14 abuses, including arbitrary arrests, beatings, and
15 other acts of repudiation, against those who express
16 opposition to the Castro regime, civil rights activists
17 and other citizens of Cuba, as well as all persecu-
18 tion, intimidation, arrest, imprisonment, and assas-
19 sination of dissidents and members of faith-based
20 organizations;

21 (3) the Cuban military has ceased providing
22 military intelligence, weapons training, strategic
23 planning, and security logistics to the military and
24 security forces of Venezuela;

1 (4) the Government of Cuba no longer demands
2 that the United States relinquish control of Guanta-
3 namo Bay, in violation of an international treaty;

4 (5) the Government of Cuba returns to the
5 United States fugitives wanted by the Department
6 of Justice for crimes committed in the United
7 States; and

8 (6) the officials of the Cuban military that were
9 indicted in the murder of United States citizens dur-
10 ing the shoot down of planes operated by the Broth-
11 ers to the Rescue humanitarian organization in 1996
12 are brought to justice.

13 (b) EXCEPTIONS.—The limitation on the use of funds
14 under subsection (a) shall not apply with respect to—

15 (1) payments in furtherance of the lease agree-
16 ment, or other financial transactions necessary for
17 maintenance and improvements of the military base
18 at Guantanamo Bay, Cuba, including any adjacent
19 areas under the control or possession of the United
20 States;

21 (2) assistance or support in furtherance of de-
22 mocracy-building efforts for Cuba described in sec-
23 tion 109 of the Cuban Liberty and Democratic Soli-
24 darity (LIBERTAD) Act of 1996 (22 U.S.C. 6039);
25 or

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.

6 (c) DEFINITIONS.—In this section:

7 (1) APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES.—The term “appropriate congressional com-
9 mittees” means—

10 (A) the Committee on Armed Services and
11 the Committee on Foreign Relations of the Sen-
12 ate; and

13 (B) the Committee on Armed Services and
14 the Committee on Foreign Affairs of the House
15 of Representatives.

16 (2) BILATERAL MILITARY-TO-MILITARY CON-
17 TACT OR COOPERATION.—The term “bilateral mili-
18 tary-to-military contact or cooperation”—

19 (A) means—

20 (i) reciprocal visits and meetings by
21 high-ranking delegations;

22 (ii) information sharing, policy con-
23 sultations, security dialogues or other
24 forms of consultative discussions;

1 (iii) exchange of military instructors,
2 training personnel, and students;

3 (iv) defense planning; and

4 (v) military training or exercises; but

5 (B) does not include any contact or co-
6 operation that is in support of the United
7 States stability operations.

8 (3) CUBAN MILITARY.—The term “Cuban mili-
9 tary” means—

10 (A) the Ministry of the Revolutionary
11 Armed Forces of Cuba, the Ministry of the In-
12 terior of Cuba, or any subdivision of either such
13 Ministry;

14 (B) any agency, instrumentality, or other
15 entity that is owned, operated, or controlled by
16 an entity specified in subparagraph (A); or

17 (C) an individual who is a senior member
18 of the Ministry of the Revolutionary Armed
19 Forces of Cuba or the Ministry of the Interior
20 of Cuba.

21 (d) EFFECTIVE DATE.—This section takes effect on
22 the date of the enactment of this Act and applies with
23 respect to funds described in subsection (a) that are unob-
24 ligated as of such date of enactment.

1 **SEC. 1259C. GLOBAL ENGAGEMENT CENTER.**

2 (a) ESTABLISHMENT.—Not later than 180 days after
3 the date of the enactment of this Act, the Secretary of
4 State, in coordination with the Secretary of Defense and
5 the heads of other relevant Federal departments and agen-
6 cies, shall establish a Global Engagement Center (in this
7 section referred to as the “Center”). The purposes of the
8 Center are—

9 (1) to lead and coordinate the compilation and
10 examination of information on foreign government
11 information warfare efforts monitored and inte-
12 grated by the appropriate interagency entities with
13 responsibility for such information, including infor-
14 mation provided by recipients of information access
15 fund grants awarded under subsection (f) and other
16 sources;

17 (2) to establish a framework for the integration
18 of critical data and analysis provided by the appro-
19 priate interagency entities with responsibility for
20 such information on foreign propaganda and
21 disinformation efforts into the development of na-
22 tional strategy;

23 (3) to develop, plan, and synchronize, in coordi-
24 nation with the Secretary of Defense, and the heads
25 of other relevant Federal departments and agencies,
26 whole-of-government initiatives to expose and

1 counter foreign propaganda and disinformation di-
2 rected against United States national security inter-
3 ests and proactively advance fact-based narratives
4 that support United States allies and interests;

5 (4) to demonstrate new technologies, meth-
6 odologies and concepts relevant to the missions of
7 the Center that can be transitioned to other depart-
8 ments or agencies of the United States Government,
9 foreign partners or allies, or other nongovernmental
10 entities;

11 (5) to establish cooperative or liaison relation-
12 ships with foreign partners and allies in consultation
13 with interagency entities with responsibility for such
14 activities, and other entities, such as academia, non-
15 governmental organizations, and the private sector;
16 and

17 (6) to identify shortfalls in United States capa-
18 bilities in any areas relevant to the United States
19 Government's mission, and recommend necessary en-
20 hancements or changes.

21 (b) FUNCTIONS.—The Center shall carry out the fol-
22 lowing functions:

23 (1) Integrating interagency and international
24 efforts to track and evaluate counterfactual nar-

1 ratives abroad that threaten the national security in-
2 terests of the United States and United States allies.

3 (2) Integrating, and analyzing relevant informa-
4 tion, data, analysis, and analytics from United
5 States Government agencies, allied nations, think
6 tanks, academic institutions, civil society groups,
7 and other nongovernmental organizations.

8 (3) Developing and disseminating fact-based
9 narratives and analysis to counter propaganda and
10 disinformation directed at United States allies and
11 partners.

12 (4) Identifying current and emerging trends in
13 foreign propaganda and disinformation based on the
14 information provided by the appropriate interagency
15 entities with responsibility for such information, in-
16 cluding information obtained from print, broadcast,
17 online and social media, support for third-party out-
18 lets such as think tanks, political parties, and non-
19 governmental organizations, and the use of covert or
20 clandestine special operators and agents to influence
21 targeted populations and governments in order to
22 coordinate and shape the development of tactics,
23 techniques, and procedures to expose and refute for-
24 eign misinformation and disinformation and

1 proactively promote fact-based narratives and poli-
2 cies to audiences outside the United States.

3 (5) Facilitating the use of a wide range of tech-
4 nologies and techniques by sharing expertise among
5 agencies, seeking expertise from external sources,
6 and implementing best practices.

7 (6) Identifying gaps in United States capabili-
8 ties in areas relevant to the Center's mission and
9 recommending necessary enhancements or changes.

10 (7) Identifying the countries and populations
11 most susceptible to foreign government propaganda
12 and disinformation based on information provided by
13 appropriate interagency entities.

14 (8) Administering the information access fund
15 established pursuant to subsection (f).

16 (9) Coordinating with allied and partner na-
17 tions, particularly those frequently targeted by for-
18 eign disinformation operations, and international or-
19 ganizations and entities such as the NATO Center
20 of Excellence on Strategic Communications, the Eu-
21 ropean Endowment for Democracy, and the Euro-
22 pean External Action Service Task Force on Stra-
23 tegic Communications, in order to amplify the Cen-
24 ter's efforts and avoid duplication.

1 (c) COORDINATOR.—The Secretary of State shall ap-
2 point a full-time Coordinator to lead the Center.

3 (d) EMPLOYEES OF THE CENTER.—

4 (1) DETAILEES.—Any Federal Government em-
5 ployee may be detailed to the Center without reim-
6 bursement, and such detail shall be without inter-
7 ruption or loss of civil service status or privilege for
8 a period of not more than three years.

9 (2) PERSONAL SERVICE CONTRACTORS.—The
10 Secretary of State may exercise the authority pro-
11 vided under section 3161 of title 5, United States
12 Code, to establish a program (referred to in this
13 subsection as the “Program”) for hiring United
14 States citizens or aliens as personal services contrac-
15 tors for purposes of personnel resources of the Cen-
16 ter, if—

17 (A) the Secretary determines that existing
18 personnel resources are insufficient;

19 (B) the period in which services are pro-
20 vided by a personal services contractor under
21 the Program, including options, does not exceed
22 three years, unless the Secretary determines
23 that exceptional circumstances justify an exten-
24 sion of up to one additional year;

1 (C) not more than 20 United States citi-
2 zens or aliens are employed as personal services
3 contractors under the Program at any time;
4 and

5 (D) the Program is only used to obtain
6 specialized skills or experience or to respond to
7 urgent needs.

8 (e) AUTHORIZATION OF APPROPRIATIONS.—Under
9 “Diplomatic and Consular Programs”, for each of fiscal
10 years 2017 and 2018, \$10,000,000 is authorized to be ap-
11 propriated to the Department of State and may remain
12 available until expended to carry out the functions, duties,
13 and responsibilities of the Center.

14 (f) INFORMATION ACCESS FUND.—

15 (1) AUTHORITY FOR GRANTS.—The Center is
16 authorized to provide grants or contracts of financial
17 support to civil society groups, journalists, non-
18 governmental organizations, federally-funded re-
19 search and development centers, private companies,
20 or academic institutions for the following purposes:

21 (A) To support local independent media
22 who are best placed to refute foreign
23 disinformation and manipulation in their own
24 communities.

1 (B) To collect and store examples in print,
2 online, and social media, disinformation, misin-
3 formation, and propaganda directed at the
4 United States and its allies and partners.

5 (C) To analyze and report on tactics, tech-
6 niques, and procedures of foreign government
7 information warfare with respect to
8 disinformation, misinformation, and propa-
9 ganda.

10 (D) To support efforts by the Center to
11 counter efforts by foreign governments to use
12 disinformation, misinformation, and propa-
13 ganda to influence the policies and social and
14 political stability of the United States and
15 United States allies and partners.

16 (2) FUNDING AVAILABILITY AND LIMITA-
17 TIONS.—The Secretary of State shall provide that
18 each organization that applies to receive funds under
19 this subsection undergoes a vetting process in ac-
20 cordance with the relevant existing regulations to en-
21 sure its bona fides, capability, and experience, and
22 its compatibility with United States interests and
23 objectives.

24 (g) LIMITATION.—None of the funds authorized to
25 be appropriated by the Act to carry out this section shall

1 be used for purposes other than countering foreign propa-
2 ganda and misinformation that threatens United States
3 national security.

4 (h) TERMINATION OF CENTER.—The Center shall
5 terminate on the date that is 5 years after the date of
6 the enactment of this Act.

7 **SEC. 1259D. ESTABLISHMENT OF THE BROADCASTING**
8 **BOARD OF GOVERNORS CHIEF EXECUTIVE**
9 **OFFICER POSITION.**

10 The United States International Broadcasting Act of
11 1994 (22 U.S.C. 6201 et seq.; Public Law 103–236) is
12 amended—

13 (1) by amending section 304 (22 U.S.C. 6203)
14 to read as follows:

15 **“SEC. 304. ESTABLISHMENT OF THE CHIEF EXECUTIVE OF-**
16 **FICER OF THE BROADCASTING BOARD OF**
17 **GOVERNORS.**

18 “(a) CONTINUED EXISTENCE WITHIN EXECUTIVE
19 BRANCH.—The Broadcasting Board of Governors shall
20 continue to exist within the Executive branch of Govern-
21 ment as an entity described in section 104 of title 5,
22 United States Code.

23 “(b) CHIEF EXECUTIVE OFFICER.—

24 “(1) IN GENERAL.—The head of the Broad-
25 casting Board of Governors shall be a Chief Execu-

1 tive Officer, who shall be appointed by the Presi-
2 dent, by and with the advice and consent of the Sen-
3 ate. The President shall nominate the Chief Execu-
4 tive Officer not later than 60 days after the date of
5 the enactment of this section. Until such time as a
6 Chief Executive Officer is appointed and has quali-
7 fied, the current or acting Chief Executive Officer
8 appointed by the Board may continue to serve and
9 exercise the authorities and powers under this Act.

10 “(2) TERM.—The first Chief Executive Officer
11 appointed pursuant to paragraph (1) shall serve for
12 an initial term of three years.

13 “(3) COMPENSATION.—A Chief Executive Offi-
14 cer appointed pursuant to paragraph (1) shall be
15 compensated at the annual rate of basic pay for level
16 III of the Executive Schedule under section 5314 of
17 title 5, United States Code.

18 “(c) TERMINATION OF DIRECTOR OF INTER-
19 NATIONAL BROADCASTING BUREAU.—Immediately upon
20 appointment of the Chief Executive Officer under sub-
21 section (b), the Director of the International Broadcasting
22 Bureau shall be terminated, and all of the responsibilities,
23 authorities, and immunities of the Director or the Board
24 under this or any other Act or authority before the date
25 of the enactment of this section shall be transferred to

1 and assumed or overseen by the Chief Executive Officer,
2 as head of the agency.

3 “(d) MEMBERS OF THE BROADCASTING BOARD OF
4 GOVERNORS.—Members of the Broadcasting Board of
5 Governors in office as of the date of the enactment of this
6 section may serve the remainder of their terms of office
7 in an advisory capacity, but such terms may not be ex-
8 tended beyond the date on which such terms are set to
9 expire.

10 “(e) IMMUNITY FROM CIVIL LIABILITY.—Notwith-
11 standing any other provision of law, all limitations on li-
12 ability that apply to the Chief Executive Officer shall also
13 apply to members of the board of directors of RFE/RL,
14 Inc., Radio Free Asia, the Middle East Broadcasting Net-
15 works, or any organization that consolidates such entities
16 when such members are acting in their official capaci-
17 ties.”; and

18 (2) in section 305 (22 U.S.C. 6204)—

19 (A) in subsection (a)—

20 (i) by striking “Board” each place it
21 appears and inserting “Chief Executive Of-
22 ficer”;

23 (ii) in paragraph (1), by inserting “di-
24 rect and” before “supervise”;

25 (iii) in paragraph (5)—

1 (I) by inserting “and cooperative
2 agreements” after “grants”; and

3 (II) by striking “sections 308
4 and 309” and inserting “this Act, and
5 on behalf of other agencies, accord-
6 ingly”;

7 (iv) in paragraph (6), by striking
8 “subject to the limitations in sections 308
9 and 309 and”;

10 (v) in paragraph (11), by inserting
11 “not” before “subject”;

12 (vi) in paragraph (15)(A), by strik-
13 ing—

14 (I) “temporary and intermit-
15 tent”; and

16 (II) “to the same extent as is au-
17 thorized by section 3109 of title 5,
18 United States Code,”; and

19 (vii) by adding at the end the fol-
20 lowing new paragraphs:

21 “(20) Notwithstanding any other provision of
22 law, including section 308(a), to condition, if appro-
23 priate, any grant or cooperative agreement to RFE/
24 RL, Inc., Radio Free Asia, and the Middle East
25 Broadcasting Networks on authority to determine

1 membership of their respective boards, and the con-
2 solidation of such entities into a single grantee orga-
3 nization.

4 “(21) To redirect funds within the scope of any
5 grant or cooperative agreement, or between grantees,
6 as necessary, and to condition grants or cooperative
7 agreements, if appropriate, on similar amendments
8 as authorized under section 308(a) to meet the pur-
9 poses of this Act.

10 “(22) To change the name of the Board pursu-
11 ant to congressional notification 60 days prior to
12 any such change.”;

13 (B) by striking subsections (b) and (c);

14 and

15 (C) by redesignating subsection (d) as sub-
16 section (b).

17 **SEC. 1259E. UNITED STATES INTERNATIONAL BROAD-**
18 **CASTING ACT OF 1994.**

19 The United States International Broadcasting Act of
20 1994 (22 U.S.C. 6201 et seq.; Public Law 103–236) is
21 amended—

22 (1) in section 306 (22 U.S.C. 6205)—

23 (A) in subsection (a)—

24 (i) by striking the heading; and

1 (ii) by striking “Board” each place it
2 appears and inserting “Agency”; and

3 (B) by striking subsection (b);

4 (2) by striking section 307 (22 U.S.C. 6206);

5 and

6 (3) by inserting after section 309 the following
7 new sections:

8 **“SEC. 310. BROADCAST ENTITIES REPORTING TO CHIEF EX-**
9 **ECUTIVE OFFICER.**

10 “(a) GRANTEE ORGANIZATIONS.—Notwithstanding
11 any other provision of law, the following provisions shall
12 apply:

13 “(1) CONSOLIDATION.—The Chief Executive
14 Officer, subject to the regular notification proce-
15 dures of the Committee on Appropriations and the
16 Committee on Foreign Affairs of the House of Rep-
17 resentatives and the Committee on Appropriations
18 and the Committee on Foreign Relations of the Sen-
19 ate, who is authorized to incorporate a grantee, may
20 condition annual grants to RFE/RL, Inc., Radio
21 Free Asia, and the Middle East Broadcasting Net-
22 works on the consolidation of such grantees into a
23 single, consolidated private, non-profit corporation
24 (in accordance with section 501(c)(3) of the Internal
25 Revenue Code and exempt from tax under section

1 501(a) of such Code), which may broadcast and pro-
2 vide news and information to audiences wherever the
3 Agency may broadcast, for activities that the Chief
4 Executive Officer determines are consistent with the
5 purposes of this Act, including the terms and condi-
6 tions of subsections (g)(5), (h), (i), and (j) of section
7 308, except that the Agency may select any name
8 for such a consolidated grantee.

9 “(2) FEDERAL STATUS.—Nothing in this or
10 any other Act, or any action taken pursuant to this
11 or any other Act, may be construed to make such a
12 consolidated grantee described in paragraph (1) or
13 RFE/RL, Inc., Radio Free Asia, or the Middle East
14 Broadcasting Networks or any other grantee or enti-
15 ty provided funding by the Agency a Federal agency
16 or instrumentality. Employees or staff of such grant-
17 ees or entities shall not be considered Federal em-
18 ployees. For purposes of this subsection and this
19 Act, the term ‘grant’ includes agreements under sec-
20 tion 6305 of title 31, United States Code, and the
21 term ‘grantee’ includes recipients of such agree-
22 ments.

23 “(3) LEADERSHIP OF GRANTEE ORGANIZA-
24 TIONS.—Officers of RFE/RL Inc., Radio Free Asia,
25 and the Middle East Broadcasting Networks or any

1 organization that is established through the consoli-
2 dation of such entities, or authorized under this Act,
3 shall serve at the pleasure of the Chief Executive Of-
4 ficer of the Agency.

5 “(b) VOICE OF AMERICA.—

6 “(1) STATUS AS A FEDERAL ENTITY.—The
7 Chief Executive Officer is authorized to establish an
8 independent grantee organization, as a private non-
9 profit organization, to carry out all broadcasting and
10 related programs currently performed by the Voice
11 of America. The Chief Executive Officer may make
12 and supervise grants or cooperative agreements to
13 such grantee, including under terms and conditions
14 and in any manner authorized under section 305(a).
15 Such grantee shall not be considered a Federal
16 agency or instrumentality and shall adhere to the
17 same standards of professionalism and account-
18 ability required of all Board broadcasters and grant-
19 ees. The Board is authorized to transfer any facili-
20 ties or equipment to such grantee, and to utilize the
21 provisions of subchapter VI of chapter 33 of title 5,
22 United States Code.

23 “(2) SENSE OF CONGRESS.—It is the sense of
24 the Congress that the Voice of America, operating as

1 a nonprofit organization, should have the mission
2 to—

3 “(A) serve as a consistently reliable and
4 authoritative source of news on the United
5 States, its policies, its people, and the inter-
6 national developments that affect the United
7 States;

8 “(B) provide accurate, objective, and com-
9 prehensive information, with the understanding
10 that these three values provide credibility
11 among global news audiences;

12 “(C) present the official policies of the
13 United States, and related discussions and
14 opinions about those policies, clearly and effec-
15 tively; and

16 “(D) represent the whole of the United
17 States, and shall accordingly work to produce
18 programming and content that presents a bal-
19 anced and comprehensive projection of the di-
20 versity of thought and institutions of the
21 United States.

22 **“SEC. 311. INSPECTOR GENERAL AUTHORITIES.**

23 “(a) IN GENERAL.—The Inspector General of the
24 Department of State and the Foreign Service shall exer-
25 cise the same authorities with respect to the Broadcasting

1 Board of Governors and the International Broadcasting
2 Bureau as the Inspector General exercises under the In-
3 spector General Act of 1978 and section 209 of the For-
4 eign Service Act of 1980 with respect to the Department
5 of State.

6 “(b) RESPECT FOR JOURNALISTIC INTEGRITY OF
7 BROADCASTERS.—The Inspector General shall respect the
8 journalistic integrity of all the broadcasters covered by this
9 title and may not evaluate the philosophical or political
10 perspectives reflected in the content of broadcasts.”.

11 **SEC. 1259F. REDESIGNATION AND ENHANCEMENT OF**
12 **SOUTH CHINA SEA INITIATIVE.**

13 (a) SENSE OF CONGRESS.—It is the sense of the Con-
14 gress that the United States should continue supporting
15 the efforts to the Southeast Asian nations to strengthen
16 their maritime security capacity, domain awareness, and
17 integration of their capabilities.

18 (b) REDESIGNATION AS SOUTHEAST ASIA MARITIME
19 SECURITY INITIATIVE.—Subsection (a)(2) of section 1263
20 of the National Defense Authorization Act for Fiscal Year
21 2016 (Public Law 114–92; 129 Stat. 1073; 10 U.S.C.
22 2282 note) is amended by striking “the ‘South China Sea
23 Initiative’” and inserting “the ‘Southeast Asia Maritime
24 Security Initiative’”.

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

3 **“SEC. 1263. SOUTHEAST ASIA MARITIME SECURITY INITIA-**
4 **TIVE.”.**

5 **SEC. 1259G. OPPORTUNITIES TO EQUIP CERTAIN FOREIGN**
6 **MILITARY ENTITIES.**

7 Not later than 180 days after the date of the enact-
8 ment of this Act, the Secretary of Defense, in consultation
9 with the Secretaries of the military departments and the
10 Secretary of State, shall submit to Congress a report that
11 describes—

12 (1) efforts to make United States manufactur-
13 ers aware of opportunities to equip foreign military
14 entities that have been approved to receive assist-
15 ance from the United States; and

16 (2) any new plans or strategies to raise United
17 States manufacturers’ awareness with respect to
18 such opportunities.

19 **SEC. 1259H. 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 by the Russian Federation of the Treaty;

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 violation 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 by the Russian
4 Federation of the Treaty, and a judgment of
5 whether Russia intends to take the steps re-
6 quired to establish verifiable evidence that Rus-
7 sia has resumed its compliance with the Treaty
8 if such non-compliance and inconsistencies are
9 not resolved by the date of the enactment of
10 this Act; and

11 (C) a military assessment conducted by the
12 Chairman of the risks posed by Russia’s viola-
13 tion of the Treaty.

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 and
22 the Committee on Foreign Affairs of the House
23 of Representatives; and

1 (B) the Committee on Armed Services and
2 the Committee on Foreign Relations of the Sen-
3 ate.

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, signed
10 at Washington December 8, 1987, and entered into
11 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 **SEC. 1259I. SENSE OF CONGRESS REGARDING THE ROLE OF**
16 **THE UNITED STATES IN THE NORTH ATLANTIC**
17 **TREATY ORGANIZATION.**

18 It is the sense of Congress that continued United
19 States leadership in the North Atlantic Treaty Organiza-
20 tion is critical to the national security of the United
21 States.

1 **SEC. 1259J. AUTHORIZATION OF UNITED STATES ASSIST-**
2 **ANCE TO ISRAEL.**

3 (a) **IN GENERAL.**—The President is authorized to
4 provide assistance to Israel to improve maritime security
5 and maritime domain awareness.

6 (b) **ACTIVITIES SUPPORTED.**—Activities that may be
7 supported by assistance under subsection (a) include the
8 following:

9 (1) Procurement, maintenance, and
10 sustainment of the David’s Sling Weapon System for
11 purposes of intercepting short-range missiles.

12 (2) Payment of incremental expenses of Israel
13 that are incurred by Israel as the direct result of
14 participation in a bilateral or multilateral exercise of
15 the United States Navy or Coast Guard.

16 (3) Visits of United States naval vessels at
17 ports of Israel.

18 (4) Conduct of joint research and development
19 for advanced maritime domain awareness capabili-
20 ties.

21 (c) **SUNSET.**—This section shall terminate on the
22 date that is 5 years after the date of the enactment of
23 this Act.

1 **SEC. 1259K. SENSE OF CONGRESS IN SUPPORT OF A**
2 **DENUCLEARIZED KOREAN PENINSULA.**

3 It is the sense of Congress that United States foreign
4 policy should support a denuclearized Korean peninsula.

5 **SEC. 1259L. MEASURES AGAINST PERSONS INVOLVED IN**
6 **ACTIVITIES THAT VIOLATE ARMS CONTROL**
7 **TREATIES OR AGREEMENTS WITH THE**
8 **UNITED STATES.**

9 (a) IMPOSITION OF MEASURES.—

10 (1) IN GENERAL.—Except as provided in sub-
11 section (c), on and after the date that is 90 days
12 after the date of the enactment of this Act, the
13 President shall impose the measures described in
14 subsection (b) with respect to—

15 (A) a person the President determines—

16 (i)(I) is an individual who is a citizen,
17 national, or permanent resident of a coun-
18 try described in paragraph (2); or

19 (II) is an entity organized under the
20 laws of a country described in paragraph
21 (2); and

22 (ii) has engaged in any activity that
23 contributed to or is a significant factor in
24 the President's or the Secretary of State's
25 determination that such country is not in

1 full compliance with its obligations as fur-
2 ther described in paragraph (2); and

3 (B) a person the President determines has
4 provided material support to a person described
5 in subparagraph (A).

6 (2) COUNTRY DESCRIBED.—A country de-
7 scribed in this paragraph is a country that the
8 President or the Secretary of State has determined,
9 in the most recent annual report submitted to Con-
10 gress pursuant to section 403 of the Arms Control
11 and Disarmament Act (22 U.S.C. 2593a), is not in
12 full compliance with its obligations undertaken in all
13 arms control, nonproliferation, and disarmament
14 agreements or commitments to which the United
15 States is a participating state.

16 (b) MEASURES DESCRIBED.—

17 (1) IN GENERAL.—The measures to be imposed
18 with respect to a person under subsection (a) are the
19 head of any executive agency (as defined in section
20 133 of title 41, United States Code) may not enter
21 into, renew, or extend a contract for the procure-
22 ment of goods or services with the person.

23 (2) EXCEPTION FOR MAJOR ROUTES OF SUP-
24 PLY.—The requirement to impose measures under
25 paragraph (1) shall not apply with respect to any

1 contract for the procurement of goods or services
2 along a major route of supply to a zone of active
3 combat or major contingency operation.

4 (3) REQUIREMENT TO REVISE REGULATIONS.—

5 (A) IN GENERAL.—Not later than 90 days
6 after the date of the enactment of this Act, the
7 Federal Acquisition Regulation, the Defense
8 Federal Acquisition Regulation Supplement,
9 and the Uniform Administrative Requirements,
10 Cost Principles, and Audit Requirements for
11 Federal Awards shall be revised to implement
12 paragraph (1)(B).

13 (B) CERTIFICATIONS.—The revisions to
14 the Federal Acquisition Regulation under sub-
15 paragraph (A) shall include a requirement for a
16 certification from each person that is a prospec-
17 tive contractor that the person, and any person
18 owned or controlled by the person, does not en-
19 gage in any activity described in subsection
20 (a)(1)(A)(ii).

21 (C) REMEDIES.—If the head of an execu-
22 tive agency determines that a person has sub-
23 mitted a false certification under subparagraph
24 (B) on or after the date on which the applicable

1 revision of the Federal Acquisition Regulation
2 required by this paragraph becomes effective—

3 (i) the head of that executive agency
4 shall terminate a contract with such person
5 or debar or suspend such person from eli-
6 gibility for Federal contracts for a period
7 of not less than 2 years;

8 (ii) any such debarment or suspension
9 shall be subject to the procedures that
10 apply to debarment and suspension under
11 the Federal Acquisition Regulation under
12 subpart 9.4 of part 9 of title 48, Code of
13 Federal Regulations; and

14 (iii) the Administrator of General
15 Services shall include on the List of Par-
16 ties Excluded from Federal Procurement
17 and Nonprocurement Programs maintained
18 by the Administrator under part 9 of the
19 Federal Acquisition Regulation each per-
20 son that is debarred, suspended, or pro-
21 posed for debarment or suspension by the
22 head of an executive agency on the basis of
23 a determination of a false certification
24 under subparagraph (B).

1 (4) UNITED STATES PERSON DEFINED.—In this
2 subsection, the term “United States person”
3 means—

4 (A) a natural person who is a citizen or
5 resident of the United States or a national of
6 the United States (as defined in section 101(a)
7 of the Immigration and Nationality Act (8
8 U.S.C. 1101(a)); and

9 (B) an entity that is organized under the
10 laws of the United States or any State.

11 (c) WAIVER.—

12 (1) IN GENERAL.—The President may waive
13 the application of measures on a case-by-case basis
14 under subsection (a) with respect to a person if the
15 President—

16 (A) determines that—

17 (i)(I) in the case of a person described
18 in subsection (a)(1)(A), the person did not
19 knowingly engage in any activity described
20 in such subsection; or

21 (ii)(II) in the case of a person described
22 in subsection (a)(1)(B), the person con-
23 ducted or facilitated a transaction or
24 transactions with, or provided financial
25 services to, a person described in sub-

1 section (a)(1)(A) that did not knowingly
2 engage in any activity described in such
3 subsection; and

4 (ii) the waiver is in the national secu-
5 rity interest of the United States; and

6 (B) submits to the appropriate congres-
7 sional committees a report on the determination
8 and the reasons for the determination.

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

12 (3) APPROPRIATE CONGRESSIONAL COMMIT-
13 TEES DEFINED.—In this subsection, the term “ap-
14 propriate congressional committees” means—

15 (A) the Committee on Armed Services, the
16 Committee on Foreign Affairs, and the Perma-
17 nent Select Committee on Intelligence of the
18 House of Representatives; and

19 (B) the Committee on Armed Services, the
20 Committee on Foreign Relations, and the Select
21 Committee on Intelligence of the Senate.

22 (d) TERMINATION.—The measures imposed with re-
23 spect to a person under subsection (a) shall terminate on
24 the date on which the President submits to Congress a
25 subsequent annual report pursuant to section 403 of the

1 Arms Control and Disarmament Act (22 U.S.C. 2593a)
2 that does not contain a determination of the President
3 that the country described in subsection (a)(2) with re-
4 spect to which the measures were imposed with respect
5 to the person is a country that is not in full compliance
6 with its obligations undertaken in all arms control, non-
7 proliferation, and disarmament agreements or commit-
8 ments to which the United States is a participating state.

9 **SEC. 1259M. DEPARTMENT OF DEFENSE REPORT ON CO-**
10 **OPERATION BETWEEN IRAN AND THE RUS-**
11 **SIAN FEDERATION.**

12 (a) REPORT REQUIRED.—The Secretary of Defense
13 and the Secretary of State shall jointly submit to Congress
14 a report on cooperation between Iran and the Russian
15 Federation and how and to what extent such cooperation
16 affects United States national security and strategic inter-
17 ests.

18 (b) MATTERS TO BE INCLUDED.—The report re-
19 quired by subsection (a) shall include the following:

20 (1) How and to what extent Iran and the Rus-
21 sian Federation cooperate on matters relating to
22 Iran's space program, including how and to what ex-
23 tent such cooperation strengthens Iran's ballistic
24 missile program.

1 (2) How and to what extent Iran’s interests
2 and actions and the Russian Federation’s interests
3 and actions overlap with respect to Latin America.

4 (3) A description and analysis of the intel-
5 ligence-sharing center established by Iran, the Rus-
6 sian Federation, and Syria in Baghdad, Iraq and
7 whether such center is being used for purposes other
8 than the purposes of the joint mission of such coun-
9 tries in Syria.

10 (4) A description and analysis of—

11 (A) naval cooperation between Iran and
12 the Russian Federation, including joint naval
13 exercises between the two countries; and

14 (B) the implications of—

15 (i) an increased Russian Federation
16 naval presence in the Eastern Mediterra-
17 nean; and

18 (ii) an Iranian naval presence in the
19 Persian Gulf.

20 (5) A description of the increased cooperation
21 between Iran and the Russian Federation since the
22 start of the current conflict in Syria.

23 (6) The steps Iran has taken to adopt the Rus-
24 sian Federation model of hybrid warfare against po-

1 (1) The United States-Israel Enhanced Security
2 Cooperation Act of 2012 (22 U.S.C. 8601 et seq.)
3 established the policy of the United States to sup-
4 port the inherent right of Israel to self-defense.

5 (2) The United States-Israel Enhanced Security
6 Cooperation Act of 2012 expresses the sense of Con-
7 gress that the Government of the United States
8 should transfer to the Government of Israel defense
9 articles and defense services.

10 (3) The inherent right of Israel to self-defense
11 necessarily includes the ability to defend against
12 threats to its security and defend its vital national
13 interests.

14 (b) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that Israel should be able to defend its vital national
16 interests and protect its territory and population against
17 existential threats.

18 (c) REPORT.—

19 (1) IN GENERAL.—Not later than 180 days
20 after the date of the enactment of this Act, the
21 President shall submit to the specified congressional
22 committees a report that—

23 (A) identifies defensive capabilities and
24 platforms requested by the Government of
25 Israel that would contribute to maintenance of

1 Israel’s defensive capability against threats to
2 its territory and population, including nuclear
3 and ballistic missile facilities in Iran, and de-
4 fend its vital national interests;

5 (B) assesses the availability for sale or
6 transfer of items requested by the Government
7 of Israel to maintain the capability described in
8 subparagraph (A), including the legal authori-
9 ties available for making such transfers; and

10 (C) describes what steps the President is
11 taking to transfer the items described in sub-
12 paragraph (B) for Israel to maintain the capa-
13 bility described in subparagraph (A).

14 (2) FORM.—The report required by paragraph
15 (1) shall be submitted in unclassified form, but may
16 contain a classified annex if necessary.

17 (3) DEFINITION.—In this subsection, the term
18 “specified congressional committees” means—

19 (A) the congressional defense committees;
20 and

21 (B) the Committee on Foreign Relations of
22 the Senate and the Committee of Foreign Af-
23 fairs of the House of Representatives.

1 **SEC. 12590. REPORT ON USE BY THE GOVERNMENT OF**
2 **IRAN OF COMMERCIAL AIRCRAFT AND RE-**
3 **LATED SERVICES FOR ILLICIT MILITARY OR**
4 **OTHER ACTIVITIES.**

5 (a) REPORT.—Not later than 180 days after the date
6 of the enactment of this Act, and every 180 days there-
7 after, the President, in consultation with the Secretary of
8 Defense and the Secretary of State, shall submit to the
9 congressional defense committees and the Committee on
10 Foreign Relations of the Senate and the Committee on
11 Foreign Affairs of the House of Representatives a report
12 on use by the Government of Iran of commercial aircraft
13 and related services for illicit military or other activities
14 during the 5-year period ending on such date of enactment.

15 (b) ELEMENTS OF REPORT.—The report required
16 under subsection (a) shall include a description of the ex-
17 tent to which—

18 (1) the Government of Iran has used commer-
19 cial aircraft or related services to transport illicit
20 cargo to or from Iran, including military goods,
21 weapons, military personnel, military-related elec-
22 tronic parts and mechanical equipment, and rocket
23 or missile components;

24 (2) the commercial aviation sector of Iran has
25 provided financial, material, and technological sup-

1 port to the Islamic Revolutionary Guard Corps
2 (IRGC); and

3 (3) foreign governments and persons have fa-
4 cilitated the activities described in paragraph (1), in-
5 cluding allowing the use of airports, services, or
6 other resources.

7 **SEC. 1259P. AUTHORITY TO GRANT OBSERVER STATUS TO**
8 **THE MILITARY FORCES OF TAIWAN AT**
9 **RIMPAC EXERCISES.**

10 (a) IN GENERAL.—The Secretary of Defense is au-
11 thorized to grant observer status to the military forces of
12 Taiwan in any maritime exercise known as the Rim of the
13 Pacific Exercise.

14 (b) EFFECTIVE DATE.—This section takes effect on
15 the date of the enactment of this Act and applies with
16 respect to any maritime exercise described in subsection
17 (a) that begins on or after such date of enactment.

18 **SEC. 1259Q. AGREEMENTS WITH FOREIGN GOVERNMENTS**
19 **TO DEVELOP LAND-BASED WATER RE-**
20 **SOURCES IN SUPPORT OF AND IN PREPARA-**
21 **TION FOR CONTINGENCY OPERATIONS.**

22 The Secretary of Defense, with the concurrence of the
23 Secretary of State, is authorized to enter into agreements
24 with the governments of foreign countries to develop land-
25 based water resources in support of and in preparation

1 for contingency operations, including water selection,
2 pumping, purification, storage, distribution, cooling, con-
3 sumption, water reuse, water source intelligence, research
4 and development, training, acquisition of water support
5 equipment, and water support operations.

6 **SEC. 1259R. EXTENSION OF REPORTING REQUIREMENTS**
7 **ON THE USE OF CERTAIN IRANIAN SEAPORTS**
8 **BY FOREIGN VESSELS AND USE OF FOREIGN**
9 **AIRPORTS BY SANCTIONED IRANIAN AIR**
10 **CARRIERS.**

11 Section 1252(a) of the National Defense Authoriza-
12 tion Act for Fiscal Year 2013 (22 U.S.C. 8808(a)) is
13 amended in the matter preceding paragraph (1) by strik-
14 ing “2016” and inserting “2019”.

15 **SEC. 1259S. NOTIFICATION AND ASSESSMENT OF BALLISTIC**
16 **MISSILE LAUNCH BY IRAN.**

17 (a) NOTIFICATION.—The President shall notify Con-
18 gress within 48 hours of a suspected ballistic missile
19 launch, including a test, by Iran based on credible infor-
20 mation indicating that such a launch took place.

21 (b) ASSESSMENT.—

22 (1) IN GENERAL.—The President shall initiate
23 an assessment within 48 hours of providing the noti-
24 fication described in subsection (a) to determine

1 whether a missile launch, including a test, described
2 in subsection (a) took place.

3 (2) DETERMINATION AND NOTIFICATION.—Not
4 later than 15 days after the date on which an as-
5 sessment is initiated under paragraph (1), the Presi-
6 dent shall determine whether Iran engaged in a
7 launch described in subsection (a) and shall notify
8 Congress of the basis for any such determination.

9 (3) AFFIRMATIVE DETERMINATION.—If the
10 President determines under paragraph (2) that a
11 launch described in subsection (a) took place, the
12 President shall further notify Congress of the fol-
13 lowing:

14 (A) An identification of entities involved in
15 the launch.

16 (B) A description of steps the President
17 will take in response to the launch, including—

18 (i) imposing unilateral sanctions pur-
19 suant to Executive Order 13382 (2005) or
20 other relevant authorities against such en-
21 tities; or

22 (ii) carrying out diplomatic efforts to
23 impose multilateral sanctions against such
24 entities, including through adoption of a

1 United Nations Security Council resolu-
2 tion.

3 **SEC. 1259T. SENSE OF CONGRESS ON INTEGRATED BAL-**
4 **LISTIC MISSILE DEFENSE SYSTEM FOR GCC**
5 **PARTNER COUNTRIES, JORDAN, EGYPT, AND**
6 **ISRAEL.**

7 (a) FINDINGS.—Congress finds that—

8 (1) Iran has conducted numerous ballistic mis-
9 sile tests; and

10 (2) such tests are in violation of United Nations
11 Security Council Resolution 2231 and unnecessarily
12 provoke Gulf Cooperation Council (GCC) partner
13 countries and threaten Israel.

14 (b) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that the United States should encourage and enable
16 as appropriate an integrated ballistic missile defense sys-
17 tem that links GCC partner countries, Jordan, Egypt, and
18 Israel in order assist in preventing an attack by Iran
19 against such countries.

1 **SEC. 1259U. AUTHORITY TO PROVIDE ASSISTANCE AND**
2 **TRAINING TO INCREASE MARITIME SECU-**
3 **RITY AND DOMAIN AWARENESS OF FOREIGN**
4 **COUNTRIES BORDERING THE PERSIAN GULF,**
5 **ARABIAN SEA, OR MEDITERRANEAN SEA.**

6 (a) **PURPOSE.**—The purpose of this section is to au-
7 thorize assistance and training to increase maritime secu-
8 rity and domain awareness of foreign countries bordering
9 the Persian Gulf, the Arabian Sea, or the Mediterranean
10 Sea in order to deter and counter illicit smuggling and
11 related maritime activity by Iran, including illicit Iranian
12 weapons shipments.

13 (b) **AUTHORITY.**—

14 (1) **IN GENERAL.**—To carry out the purpose of
15 this section as described in subsection (a), the Sec-
16 retary of Defense, with the concurrence of the Sec-
17 retary of State, is authorized—

18 (A) to provide training to the national mili-
19 tary or other security forces of Israel, Bahrain,
20 Saudi Arabia, the United Arab Emirates,
21 Oman, Kuwait, and Qatar that have among
22 their functional responsibilities maritime secu-
23 rity missions; and

24 (B) to provide training to ministry, agency,
25 and headquarters level organizations for such
26 forces.

1 (2) DESIGNATION.—The provision of assistance
2 and training under this section may be referred to
3 as the “Counter Iran Maritime Initiative”.

4 (c) TYPES OF TRAINING.—

5 (1) AUTHORIZED ELEMENTS OF TRAINING.—
6 Training provided under subsection (b)(1)(A) may
7 include the provision of de minimis equipment, sup-
8 plies, and small-scale military construction.

9 (2) REQUIRED ELEMENTS OF TRAINING.—
10 Training provided under subsection (b) shall include
11 elements that promote the following:

12 (A) Observance of and respect for human
13 rights and fundamental freedoms.

14 (B) Respect for legitimate civilian author-
15 ity within the country to which the assistance
16 is provided.

17 (d) AVAILABILITY OF FUNDS.—Of the amount au-
18 thorized to be appropriated for fiscal year 2017 by section
19 301 and available for operation and maintenance for De-
20 fense-wide activities as specified in the funding table in
21 section 4301, \$50,000,000 shall be available only for the
22 provision of assistance and training under subsection (b).

23 (e) COST SHARING.—

24 (1) SENSE OF CONGRESS.—It is the sense of
25 Congress that, given income parity among recipient

1 countries, the Secretary of Defense, with the concur-
2 rence of the Secretary of State, should seek, through
3 appropriate bilateral and multilateral arrangements,
4 payments sufficient in amount to offset any training
5 costs associated with implementation of subsection
6 (b).

7 (2) COST-SHARING AGREEMENT.—The Sec-
8 retary of Defense, with the concurrence of the Sec-
9 retary of State, shall negotiate a cost-sharing agree-
10 ment with a recipient country regarding the cost of
11 any training provided pursuant to section (b). The
12 agreement shall set forth the terms of cost sharing
13 that the Secretary of Defense determines are nec-
14 essary and appropriate, but such terms shall not be
15 less than 50 percent of the overall cost of the train-
16 ing.

17 (3) CREDIT TO APPROPRIATIONS.—The portion
18 of such cost-sharing received by the Secretary of De-
19 fense pursuant to this subsection may be credited to-
20 wards appropriations available for operation and
21 maintenance for Defense-wide activities as specified
22 in the funding table in section 4301.

23 (f) NOTICE TO CONGRESS ON TRAINING.—Not later
24 than 15 days before exercising the authority under sub-
25 section (b) with respect to a recipient country, the Sec-

1 retary of Defense shall submit to the appropriate congres-
2 sional committees a notification containing the following:

3 (1) An identification of the recipient country.

4 (2) A detailed justification of the program for
5 the provision of the training concerned, and its rela-
6 tionship to United States security interests.

7 (3) The budget for the program, including a
8 timetable of planned expenditures of funds to imple-
9 ment the program, an implementation time-line for
10 the program with milestones (including anticipated
11 delivery schedules for any assistance and training
12 under the program), the military department or
13 component responsible for management of the pro-
14 gram, and the anticipated completion date for the
15 program.

16 (4) A description of the arrangements, if any,
17 to support recipient country sustainment of any ca-
18 pability developed pursuant to the program, and the
19 source of funds to support sustainment efforts and
20 performance outcomes to be achieved under the pro-
21 gram beyond its completion date, if applicable.

22 (5) A description of the program objectives and
23 an assessment framework to be used to develop ca-
24 pability and performance metrics associated with
25 operational outcomes for the recipient force.

1 (6) Such other matters as the Secretary con-
2 siders appropriate.

3 (g) DEFINITION.—In this section, the term “appro-
4 priate congressional committees” means—

5 (1) the Committee on Armed Services, the
6 Committee on Foreign Relations, and the Committee
7 on Appropriations of the Senate; and

8 (2) the Committee on Armed Services, the
9 Committee on Foreign Affairs, and the Committee
10 on Appropriations of the House of Representatives.

11 (h) TERMINATION.—Assistance and training may not
12 be provided under this section after September 30, 2020.

13 **SEC. 1259V. SENSE OF CONGRESS ON MILITARY RELATIONS**
14 **BETWEEN VIETNAM AND THE UNITED**
15 **STATES.**

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

17 (1) The United States and Vietnam signed a
18 Joint Vision Statement on Defense Relations on
19 June 1, 2015.

20 (2) In October 2014, the Administration par-
21 tially relaxed United States restrictions on the trans-
22 fer of lethal weapons to Vietnam.

23 (3) In 2014, the United States provided
24 \$18,000,000 in maritime security assistance to Viet-
25 nam.

1 (4) According to Reporters Without Borders,
2 Vietnam ranks 175 out of 180 countries in press
3 freedom, as the Government of Vietnam continues to
4 persecute citizens for practicing the freedom of
5 speech and expression.

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

8 (1) the United States Government should re-
9 view its policy on the transfer of lethal weapons to
10 Vietnam; and

11 (2) the United States Government should evalu-
12 ate certain human rights benchmarks when pro-
13 viding military assistance to Vietnam.

14 **SEC. 1259W. REPORT ON EFFORTS TO COMBAT BOKO**
15 **HARAM IN NIGERIA AND THE LAKE CHAD**
16 **BASIN.**

17 (a) SENSE OF CONGRESS.—Congress—

18 (1) strongly condemns the ongoing violence and
19 the systematic gross human rights violations against
20 the people of Nigeria and the Lake Chad Basin car-
21 ried out by Boko Haram;

22 (2) expresses its support for the people of Nige-
23 ria and the Lake Chad Basin who wish to live in a
24 peaceful, economically prosperous, and democratic
25 region; and

1 (3) calls on the President to support Nigerian,
2 Lake Chad Basin, and International Community ef-
3 forts to ensure accountability for crimes against hu-
4 manity committed by Boko Haram against the peo-
5 ple of Nigeria and the Lake Chad Basin, particu-
6 larly young girls kidnapped from Chibok and other
7 internally displaced persons affected by the actions
8 of Boko Haram.

9 (b) REPORT.—

10 (1) IN GENERAL.—Not later than 90 days after
11 the date of the enactment of this Act, the Secretary
12 of Defense, the Secretary of State, and the Attorney
13 General shall jointly submit to Congress a report on
14 efforts to combat Boko Haram in Nigeria and the
15 Lake Chad Basin.

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

18 (A) A description of initiatives undertaken
19 by the Department of Defense to assist the
20 Government of Nigeria and countries in the
21 Lake Chad Basin to develop capacities to de-
22 ploy special forces to combat Boko Haram.

23 (B) A description of United States' activi-
24 ties to enhance the capacity of Nigeria and
25 countries in the Lake Chad Basin to investigate

1 and prosecute human rights violations per-
 2 petrated against the people of Nigeria and the
 3 Lake Chad Basin by Boko Haram, al-Qaeda af-
 4 filiates, and other terrorist organizations to pro-
 5 mote respect for rule of law in Nigeria and the
 6 Lake Chad Basin.

7 **Subtitle F—Codification and Con-**
 8 **solidation of Department of De-**
 9 **fense Security Cooperation Au-**
 10 **thorities**

11 **SEC. 1261. ENACTMENT OF NEW CHAPTER FOR DEPART-**
 12 **MENT OF DEFENSE SECURITY COOPERATION**
 13 **AUTHORITIES AND TRANSFER OF CERTAIN**
 14 **AUTHORITIES TO NEW CHAPTER.**

15 (a) STATUTORY CODIFICATION.—Chapter 11 of part
 16 I of subtitle A of title 10, United States Code, is amended
 17 to read as follows:

18 **“CHAPTER 11—SECURITY COOPERATION**

“SUBCHAPTER I—GENERAL MATTERS

“Sec.

“251. Definitions.

“252. Annual report on programs carried out by the Department of Defense to provide training, equipment, or other assistance or reimbursement to foreign security forces.

“SUBCHAPTER II—MILITARY-TO-MILITARY ENGAGEMENTS

“256. Authority for non-reciprocal exchanges of defense personnel between the United States and foreign countries.

“257. Bilateral or regional cooperation programs: awards and mementos to recognize superior noncombat achievements or performance.

“SUBCHAPTER III—TRAINING WITH FOREIGN FORCES

“263. Participation of developing countries in combined exercises: payment of incremental expenses.

“SUBCHAPTER IV—SUPPORT FOR OPERATIONS AND CAPACITY BUILDING

“271. Allied forces participating in combined operations: authority to provide logistic support, supplies, and services.

“272. Authority to build the capacity of foreign security forces.

“273. Friendly foreign countries; international and regional organizations: defense institution capacity building.

“SUBCHAPTER V—EDUCATIONAL AND TRAINING ACTIVITIES

“281. Regional Centers for Security Studies.

“282. Western Hemisphere Institute for Security Cooperation.

“283. Participation in multinational military centers of excellence.

“284. Distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the armed forces.

“285. Aviation Leadership Program.

“286. Inter-American Air Forces Academy.

“287. Inter-European Air Forces Academy.

“SUBCHAPTER VI—LIMITATIONS ON USE OF DEPARTMENT OF DEFENSE FUNDS

“293. Prohibition on providing financial assistance to terrorist countries.

“294. Prohibition on use of funds for assistance to units of foreign security forces that have committed a gross violation of human rights.

1 **“Subchapter I—General Matters**

2 **“SEC. 251. DEFINITIONS.**

3 “In this chapter:

4 “(1) The terms ‘appropriate congressional com-
5 mittees’ and ‘appropriate committees of Congress’
6 mean the following:

7 “(A) The congressional defense commit-
8 tees.

9 “(B) The Committee on Foreign Relations
10 of the Senate and the Committee on Foreign
11 Affairs of the House of Representatives.

1 for Fiscal Year 2010 (Public Law 111–84; 10
2 U.S.C. 168 note).

3 (2) REPEAL OF REPORTING REQUIREMENT.—
4 Section 256 of title 10, United States Code, as
5 added by paragraph (1), is amended—

6 (A) by striking subsection (e); and

7 (B) by redesignating subsection (f) as sub-
8 section (e).

9 (3) CONFORMING REPEAL.—Section 1207 of
10 the National Defense Authorization Act for Fiscal
11 Year 2010 (Public Law 111–84; 10 U.S.C. 168
12 note) is repealed.

13 (c) TRANSFER OF SECTION 1051b.—Section 1051b
14 of title 10, United States Code, is transferred to chapter
15 11 of such title, as amended by subsection (a), inserted
16 after section 256, as inserted by subsection (b), and reded-
17 ignated as section 257.

18 (d) TRANSFER OF SECTION 2010.—Section 2010 of
19 title 10, United States Code, is transferred to chapter 11
20 of such title, as amended by subsection (a), inserted after
21 the heading of subchapter III, and redesignated as section
22 263.

23 (e) TRANSFER OF SECTION 127d.—Section 127d of
24 title 10, United States Code, is transferred to chapter 11
25 of such title, as amended by subsection (a), inserted after

1 the heading of subchapter IV, and redesignated as section
2 271.

3 (f) TRANSFER OF SECTION 2282.—Section 2282 of
4 title 10, United States Code, is transferred to chapter 11
5 of such title, as amended by subsection (a), inserted after
6 section 271, as transferred and redesignated by subsection
7 (e), and redesignated as section 272.

8 (g) CODIFICATION OF SECTION 1081 OF FY 2012
9 NDAA.—

10 (1) CODIFICATION.—Chapter 11 of title 10,
11 United States Code, as amended by subsection (a),
12 is amended by inserting after section 272, as trans-
13 ferred and redesignated by subsection (f), a new sec-
14 tion 273 consisting of—

15 (A) a heading as follows:

16 “§ 273. **Friendly foreign countries; international and**
17 **regional organizations; defense institu-**
18 **tion capacity building”; and**

19 (B) a text consisting of the text of sub-
20 sections (a) through (d) of section 1081 of the
21 National Defense Authorization Act for Fiscal
22 Year 2012 (Public Law 112–81; 10 U.S.C. 168
23 note).

24 (2) EXTENSION OF AUTHORITY.—Subsection
25 (c)(1) of section 273 of title 10, United States Code,

1 as added by paragraph (1), is amended by striking
2 “at the close of December 31, 2017” and inserting
3 “on December 31, 2019”.

4 (3) CONFORMING REPEAL.—Section 1081 of
5 the National Defense Authorization Act for Fiscal
6 Year 2012 (Public Law 112–81; 10 U.S.C. 168
7 note) is repealed.

8 (h) TRANSFER OF SECTION 184 AND CODIFICATION
9 OF RELATED PROVISIONS.—

10 (1) TRANSFER.—Section 184 of title 10, United
11 States Code, is transferred to chapter 11 of title 10,
12 United States Code, as amended by subsection (a),
13 inserted after the heading of subchapter V, and re-
14 designated as section 281.

15 (2) CODIFICATION OF REIMBURSEMENT-RE-
16 LATED PROVISIONS.—Subsection (f)(3) of section
17 281 of title 10, United States Code, as transferred
18 and redesignated by paragraph (1), is amended—

19 (A) by inserting “(A)” after “(3)”; and

20 (B) by adding at the end the following new
21 subparagraph:

22 “(B)(i) In fiscal years 2017 through 2019, the Sec-
23 retary of Defense may, with the concurrence of the Sec-
24 retary of State, waive reimbursement otherwise required
25 under this subsection of the costs of activities of Regional

1 Centers under this section for personnel of nongovern-
2 mental and international organizations who participate in
3 activities of the Regional Centers that enhance cooperation
4 of nongovernmental organizations and international orga-
5 nizations with United States forces if the Secretary of De-
6 fense determines that attendance of such personnel with-
7 out reimbursement is in the national security interests of
8 the United States.

9 “(ii) The amount of reimbursement that may be
10 waived under clause (i) in any fiscal year may not exceed
11 \$1,000,000.”.

12 (3) CODIFICATION OF PROVISIONS RELATING
13 TO SPECIFIC CENTERS.—Section 281 of title 10,
14 United States Code, as transferred and redesignated
15 by paragraph (1), is amended by adding at the end
16 the following new subsections:

17 “(h) AUTHORITIES SPECIFIC TO MARSHALL CEN-
18 TER.—(1) The Secretary of Defense may authorize par-
19 ticipation by a European or Eurasian country in programs
20 of the George C. Marshall European Center for Security
21 Studies (in this subsection referred to as the ‘Marshall
22 Center’) if the Secretary determines, after consultation
23 with the Secretary of State, that such participation is in
24 the national interest of the United States.

1 “(2)(A) In the case of any person invited to serve
2 without compensation on the Marshall Center Board of
3 Visitors, the Secretary of Defense may waive any require-
4 ment for financial disclosure that would otherwise apply
5 to that person solely by reason of service on such Board.

6 “(B) A member of the Marshall Center Board of Visi-
7 tors may not be required to register as an agent of a for-
8 eign government solely by reason of service as a member
9 of the Board.

10 “(C) Notwithstanding section 219 of title 18, a non-
11 United States citizen may serve on the Marshall Center
12 Board of Visitors even though registered as a foreign
13 agent.

14 “(3)(A) The Secretary of Defense may waive reim-
15 bursement of the costs of conferences, seminars, courses
16 of instruction, or similar educational activities of the Mar-
17 shall Center for military officers and civilian officials from
18 states located in Europe or the territory of the former So-
19 viet Union if the Secretary determines that attendance by
20 such personnel without reimbursement is in the national
21 security interest of the United States.

22 “(B) Costs for which reimbursement is waived pursu-
23 ant to subparagraph (A) shall be paid from appropriations
24 available for the Center.

1 “(i) AUTHORITIES SPECIFIC TO INOUYE CENTER.—

2 (1) The Secretary of Defense may waive reimbursement
3 of the cost of conferences, seminars, courses of instruction,
4 or similar educational activities of the Daniel K. Inouye
5 Asia-Pacific Center for Security Studies for military offi-
6 cers and civilian officials of foreign countries if the Sec-
7 retary determines that attendance by such personnel,
8 without reimbursement, is in the national security interest
9 of the United States.

10 “(2) Costs for which reimbursement is waived pursu-
11 ant to paragraph (1) shall be paid from appropriations
12 available for the Center.”.

13 (4) CONFORMING REPEALS.—The following pro-
14 visions of law are repealed:

15 (A) Section 941(b) of the Duncan Hunter
16 National Defense Authorization Act for Fiscal
17 Year 2009 (Public Law 110–417; 10 U.S.C.
18 184 note).

19 (B) Section 1065 of the National Defense
20 Authorization Act for Fiscal Year 1997 (Public
21 Law 104–201; 10 U.S.C. 113 note).

22 (C) Section 1306 of the National Defense
23 Authorization Act for Fiscal Year 1995 (Public
24 Law 103–337; 10 U.S.C. 113 note).

1 (D) Section 8073 of the Department of
2 Defense Appropriations Act, 2003 (Public Law
3 107–248; 10 U.S.C. prec. 2161 note).

4 (i) TRANSFER OF SECTION 2166.—

5 (1) TRANSFER.—Section 2166 of title 10,
6 United States Code, is transferred to chapter 11 of
7 such title, as amended by subsection (a), inserted
8 after section 281, as transferred, redesignated, and
9 amended by subsection (h), and redesignated as sec-
10 tion 282.

11 (2) STYLISTIC AMENDMENTS.—Section 282 of
12 title 10, United States Code, as transferred and re-
13 designated by paragraph (1), is amended by striking
14 “nations” each place it appears in subsections (b)
15 and (c) and inserting “countries”.

16 (3) CROSS-REFERENCE.—Section 2612(a) of
17 title 10, United States Code, is amended by striking
18 “section 2166(f)(4)” and inserting “section
19 282(f)(4)”.

20 (j) TRANSFER OF SECTION 2350m.—Section 2350m
21 of title 10, United States Code, is transferred to chapter
22 11 of such title, as amended by subsection (a), inserted
23 after section 282, as transferred and redesignated by sub-
24 section (i), and redesignated as section 283.

25 (k) TRANSFER OF SECTION 2249d.—

1 (1) TRANSFER.—Section 2249d of title 10,
2 United States Code, is transferred to chapter 11 of
3 such title, as amended by subsection (a), inserted
4 after section 283, as transferred and redesignated by
5 subsection (j), and redesignated as section 284.

6 (2) STYLISTIC AMENDMENTS.—Section 284 of
7 title 10, United States Code, as transferred and re-
8 designated by paragraph (1), is amended—

9 (A) by striking “nations” in subsections
10 (a) and (d) and inserting “countries”; and

11 (B) by striking subsection (g).

12 (l) CONSOLIDATION OF CHAPTER 905 AND SECTIONS
13 9381, 9382, AND 9383.—

14 (1) CONSOLIDATION.—Chapter 11 of title 10,
15 United States Code, as amended by subsection (a),
16 is further amended by inserting after section 284, as
17 transferred and redesignated by subsection (k), the
18 following new section:

19 **“§ 285. Aviation leadership program**

20 “(a) ESTABLISHMENT OF PROGRAM.—Under regula-
21 tions prescribed by the Secretary of Defense, the Secretary
22 of the Air Force may establish and maintain an Aviation
23 Leadership Program to provide undergraduate pilot train-
24 ing and necessary related training to personnel of the air
25 forces of friendly, developing foreign countries. Training

1 under this section shall include language training and pro-
2 grams to promote better awareness and understanding of
3 the democratic institutions and social framework of the
4 United States.

5 “(b) SUPPLIES AND CLOTHING.—(1) The Secretary
6 of the Air Force may, under such conditions as the Sec-
7 retary may prescribe, provide to a person receiving train-
8 ing under this section—

9 “(A) transportation incident to the training;

10 “(B) supplies and equipment to be used during
11 the training;

12 “(C) flight clothing and other special clothing
13 required for the training; and

14 “(D) billeting, food, and health services.

15 “(2) The Secretary of the Air Force may authorize
16 such expenditures from the appropriations of the Air
17 Force as the Secretary considers necessary for the effi-
18 cient and effective maintenance of the Program in accord-
19 ance with this section.

20 “(c) ALLOWANCES.—The Secretary of the Air Force
21 may pay to a person receiving training under this section
22 a living allowance at a rate to be prescribed by the Sec-
23 retary, taking into account the amount of living allowances
24 authorized for a member of the armed forces under similar
25 circumstances.”.

1 (2) CONFORMING REPEAL.—Chapter 905 of
2 title 10, United States Code, is repealed.

3 (m) TRANSFER OF SECTION 9415.—Section 9415 of
4 title 10, United States Code, is transferred to chapter 11
5 of such title, as amended by subsection (a), inserted after
6 section 285, as added by subsection (l), and redesignated
7 as section 286.

8 (n) CODIFICATION OF SECTION 1268 OF FY 2015
9 NDAA.—

10 (1) CODIFICATION.—Chapter 11 of title 10,
11 United States Code, as amended by subsection (a),
12 is further amended by inserting after section 286, as
13 transferred and redesignated by subsection (m), a
14 new section 287 consisting of—

15 (A) a heading as follows:

16 **“§ 287. Inter-European Air Forces Academy”; and**

17 (B) a text consisting of the text of section
18 1268 of the Carl Levin and Howard P. “Buck”
19 McKeon National Defense Authorization Act
20 for Fiscal Year 2015 (Public Law 113–291; 10
21 U.S.C. 9411 note).

22 (2) REPEAL OF REPORTING REQUIREMENT.—
23 Section 287 of title 10, United States Code, as
24 added by paragraph (1), is amended—

25 (A) by striking subsection (g); and

1 (B) by redesignating subsection (h) as sub-
2 section (g).

3 (3) CONFORMING REPEAL.—Section 1268 of
4 the Carl Levin and Howard P. “Buck” McKeon Na-
5 tional Defense Authorization Act for Fiscal Year
6 2015 (Public Law 113–291; 10 U.S.C. 9411 note)
7 is repealed.

8 (o) TRANSFER OF SECTIONS 2249A AND 2249E.—

9 (1) TRANSFER.—Sections 2249a and 2249e of
10 title 10, United States Code, are transferred to
11 chapter 11 of such title, as amended by subsection
12 (a), inserted after the heading of subchapter VI, and
13 redesignated as sections 293 and 294, respectively.

14 (2) CONFORMING AMENDMENT.—Section 294
15 of title 10, United States Code, as transferred and
16 redesignated by paragraph (1), is amended by strik-
17 ing subsection (f).

18 (3) CROSS-REFERENCE.—Section 1204(b) of
19 the Carl Levin and Howard P. “Buck” McKeon Na-
20 tional Defense Authorization Act for Fiscal Year
21 2015 (Public Law 113–291; 128 Stat. 3533; 10
22 U.S.C. 2249e note) is amended—

23 (A) in paragraph (1)—

24 (i) in subparagraph (A), by striking
25 “section 2249e of title 10, United States

1 Code (as added by subsection (a))” and in-
2 serting “section 294 of title 10, United
3 States Code”; and

4 (ii) in subparagraphs (D) and (E), by
5 striking “section 2249e of title 10, United
6 States Code (as so added)” and inserting
7 “section 294 of such title”; and

8 (B) in paragraph (3), by striking “sub-
9 section (f) of section 2249e of title 10, United
10 States Code (as so added)” and inserting “sec-
11 tion 251(1) of such title”.

12 (p) CLERICAL AMENDMENTS.—Title 10, United
13 States Code, is amended as follows:

14 (1) The tables of chapters at the beginning of
15 subtitle A, and at the beginning of part I of subtitle
16 A, are amended by striking the item relating to
17 chapter 11 and inserting the following new item:

“11. Security cooperation 251”.

18 (2) The table of sections at the beginning of
19 chapter 3 is amended by striking the item relating
20 to section 127d.

21 (3) The table of sections at the beginning of
22 chapter 7 is amended by striking the item relating
23 to section 184.

1 (4) The table of sections at the beginning of
2 chapter 53 is amended by striking the item relating
3 to section 1051b.

4 (5) The table of sections at the beginning of
5 chapter 101 is amended by striking the item relating
6 to section 2010.

7 (6) The table of sections at the beginning of
8 chapter 108 is amended by striking the item relating
9 to section 2166.

10 (7) 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 (8) The table of sections at the beginning of
15 chapter 136 is amended by striking the item relating
16 to section 2282.

17 (9) The table of sections at the beginning of
18 subchapter II of chapter 138 is amended by striking
19 the item relating to section 2350m.

20 (10) The tables of chapters at the beginning of
21 subtitle D, and at the beginning of part III of sub-
22 title D, are amended by striking the item relating to
23 chapter 905.

1 (11) The table of sections at the beginning of
2 chapter 907 is amended by striking the item relating
3 to section 9415.

4 **SEC. 1262. ENHANCING DEFENSE AND SECURITY COOPERA-**
5 **TION WITH INDIA.**

6 (a) REQUIRED ACTIONS.—

7 (1) IN GENERAL.—The Secretary of Defense
8 and Secretary of State shall jointly take such actions
9 as may be necessary to—

10 (A) recognize India’s status as a major de-
11 fense partner of the United States;

12 (B) designate an individual within the Ex-
13 ecutive branch who has experience in defense
14 acquisition and technology—

15 (i) to reinforce and ensure, through
16 interagency policy coordination, the success
17 of the Framework for the United States-
18 India Defense Relationship; and

19 (ii) to help resolve remaining issues
20 impeding United States-India defense
21 trade, security cooperation, and co-produc-
22 tion and co-development opportunities;

23 (C) approve and facilitate the transfer of
24 advanced technology, consistent with United
25 States conventional arms transfer policy, to

1 support combined military planning with the In-
2 dian military for missions such as humanitarian
3 assistance and disaster relief, counter piracy,
4 and maritime domain awareness missions;

5 (D) strengthen the effectiveness of the
6 DTTI and the durability of the Department of
7 Defense’s “India Rapid Reaction Cell”;

8 (E) collaborate with the Government of
9 India to develop mutually agreeable mechanisms
10 to verify the security of defense articles and re-
11 lated technology, such as appropriate cyber se-
12 curity and end use monitoring arrangements,
13 consistent with United States export control
14 laws and policy;

15 (F) promote policies that will encourage
16 the efficient review and authorization of defense
17 sales and exports to India;

18 (G) encourage greater government-to-gov-
19 ernment and commercial military transactions
20 between the United States and India;

21 (H) support the development and align-
22 ment of India’s export control and procurement
23 regimes with those of the United States and
24 multilateral control regimes; and

1 (I) continue to enhance defense and secu-
2 rity cooperation with India in order to advance
3 United States interests in the South Asia and
4 greater Indo-Pacific regions.

5 (2) REPORT.—Not later than 180 days after
6 the date of the enactment of this Act, and annually
7 thereafter, the Secretary of Defense and Secretary
8 of State shall jointly submit to the congressional de-
9 fense committees and the Committee on Foreign Re-
10 lations of the Senate and the Committee on Foreign
11 Affairs of the House of Representatives a report on
12 how the United States is supporting its defense rela-
13 tionship with India in relation to the actions de-
14 scribed in paragraph (1).

15 (b) MILITARY PLANNING.—The Secretary of Defense
16 is encouraged to coordinate with the Ministry of Defense
17 for the Government of India to develop combined military
18 plans for missions such as humanitarian assistance and
19 disaster relief, maritime domain awareness, and other mis-
20 sions in the national security interests of both countries.

21 (c) ASSESSMENT REQUIRED.—

22 (1) IN GENERAL.—The Secretary of Defense
23 and Secretary of State shall jointly, on an annual
24 basis, conduct an assessment of the extent to which
25 India possesses strategic operational capabilities to

1 support military operations of mutual interest be-
2 tween the United States and India.

3 (2) USE OF ASSESSMENT.—The President shall
4 ensure that the assessment described in paragraph
5 (1) is used, consistent with United States conven-
6 tional arms transfer policy, to inform the review by
7 the United States of sales of defense articles and
8 services to the Government of India.

9 (3) FORM.—The assessment described in para-
10 graph (1) shall, to the maximum extent practicable,
11 be in classified form.

12 **TITLE XIII—COOPERATIVE** 13 **THREAT REDUCTION**

14 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-** 15 **DUCTION FUNDS.**

16 (a) FISCAL YEAR 2017 COOPERATIVE THREAT RE-
17 Duction Funds Defined.—In this title, the term “fiscal
18 year 2017 Cooperative Threat Reduction funds” means
19 the funds appropriated pursuant to the authorization of
20 appropriations in section 301 and made available by the
21 funding table in division D for the Department of Defense
22 Cooperative Threat Reduction Program established under
23 section 1321 of the Department of Defense Cooperative
24 Threat Reduction Act (50 U.S.C. 3711).

1 (b) AVAILABILITY OF FUNDS.—Funds appropriated
2 pursuant to the authorization of appropriations in section
3 301 and made available by the funding table in division
4 D for the Department of Defense Cooperative Threat Re-
5 duction Program shall be available for obligation for fiscal
6 years 2017, 2018, and 2019.

7 **SEC. 1302. FUNDING ALLOCATIONS.**

8 (a) IN GENERAL.—Of the \$325,604,000 authorized
9 to be appropriated to the Department of Defense for fiscal
10 year 2017 in section 301 and made available by the fund-
11 ing table in division D for the Department of Defense Co-
12 operative Threat Reduction Program established under
13 section 1321 of the Department of Defense Cooperative
14 Threat Reduction Act (50 U.S.C. 3711), the following
15 amounts may be obligated for the purposes specified:

16 (1) For strategic offensive arms elimination,
17 \$11,791,000.

18 (2) For chemical weapons destruction,
19 \$2,942,000.

20 (3) For global nuclear security, \$16,899,000.

21 (4) For cooperative biological engagement,
22 \$213,984,000.

23 (5) For proliferation prevention, \$50,709,000,
24 of which—

1 (A) \$4,000,000 may be obligated for pur-
2 poses relating to nuclear nonproliferation as-
3 sisted or caused by additive manufacture tech-
4 nology (commonly referred to as “3D print-
5 ing”);

6 (B) \$4,000,000 may be obligated for moni-
7 toring the “proliferation pathways” under the
8 Joint Comprehensive Plan of Action;

9 (C) \$4, 000,000 may be obligated for en-
10 hancing law enforcement cooperation and intel-
11 ligence sharing; and

12 (D) \$4,000,000 may be obligated for the
13 Proliferation Security Initiative under subtitle
14 B of title XVIII of the Implementing Rec-
15 ommendations of the 9/11 Commission Act of
16 2007 (50 U.S.C. 2911 et seq.).

17 (6) For threat reduction engagement,
18 \$2,000,000.

19 (7) For activities designated as Other Assess-
20 ments/Administrative Costs, \$27,279,000.

21 (b) MODIFICATIONS TO CERTAIN REQUIREMENTS.—
22 The Department of Defense Cooperative Threat Reduction
23 Act (50 U.S.C. 3701 et seq.) is amended as follows:

1 (1) Section 1321(g)(1) (50 U.S.C. 3711(g)(1))
2 is amended by striking “15 days” and inserting “45
3 days”.

4 (2) Section 1322(b) (50 U.S.C. 3712(b)) is
5 amended—

6 (A) by striking “At the time at which” and
7 inserting “Not later than 15 days before the
8 date on which”;

9 (B) in paragraph (1), by striking “; and”
10 and inserting a semicolon;

11 (C) in paragraph (2), by striking the pe-
12 riod and inserting “; and”; and

13 (D) by adding at the end the following new
14 paragraph:

15 “(3) a discussion of—

16 “(A) whether authorities other than the
17 authority under this section are available to the
18 Secretaries to perform such project or activity
19 to meet the threats or goals identified under
20 subsection (a)(1); and

21 “(B) if such other authorities exist, why
22 the Secretaries were not able to use such au-
23 thorities for such project or activity.”.

24 (3) Section 1323(b)(3) (50 U.S.C. 3713(b)(3))
25 is amended by striking “at the time at which” and

1 inserting “not later than seven days before the date
2 on which”.

3 (4) Section 1324 (50 U.S.C. 3714) is amend-
4 ed—

5 (A) in subsection (a)(1)(C), by striking
6 “15 days” and inserting “45 days”; and

7 (B) in subsection (b)(3), by striking “15
8 days” and inserting “45 days”.

9 (c) JOINT COMPREHENSIVE PLAN OF ACTION DE-
10 FINED.—In this section, the term “Joint Comprehensive
11 Plan of Action” means the Joint Comprehensive Plan of
12 Action, signed at Vienna July 14, 2015, by Iran and by
13 the People’s Republic of China, France, Germany, the
14 Russian Federation, the United Kingdom and the United
15 States, with the High Representative of the European
16 Union for Foreign Affairs and Security Policy, and all im-
17 plementing materials and agreements related to the Joint
18 Comprehensive Plan of Action, and transmitted by the
19 President to Congress on July 19, 2015, pursuant to sec-
20 tion 135(a) of the Atomic Energy Act of 1954, as amend-
21 ed by the Iran Nuclear Agreement Review Act of 2015
22 (Public Law 114–17; 129 Stat. 201).

1 **SEC. 1303. LIMITATION ON AVAILABILITY OF FUNDS FOR**
2 **COOPERATIVE THREAT REDUCTION IN PEO-**
3 **PLE'S REPUBLIC OF CHINA.**

4 The Department of Defense Cooperative Threat Re-
5 duction Act (50 U.S.C. 3701 et seq.) is amended by insert-
6 ing after section 1334 the following new section:

7 **“SEC. 1335. LIMITATION ON AVAILABILITY OF FUNDS FOR**
8 **COOPERATIVE THREAT REDUCTION ACTIVI-**
9 **TIES IN PEOPLE'S REPUBLIC OF CHINA.**

10 “(a) QUARTERLY INSTALLMENTS.—In carrying out
11 activities under the Program in the People's Republic of
12 China, the Secretary of Defense shall ensure that Cooper-
13 ative Threat Reduction funds for such activities are obli-
14 gated or expended in quarterly installments.

15 “(b) QUARTERLY CERTIFICATIONS.—

16 “(1) LIMITATION.—The Secretary of Defense
17 may not obligate or expend any Cooperative Threat
18 Reduction funds for activities in the People's Repub-
19 lic of China during a quarter unless the Secretary
20 submits to the congressional defense committees and
21 the Committee on Foreign Affairs of the House of
22 Representatives and the Committee on Foreign Re-
23 lations of the Senate the certification under para-
24 graph (2) with respect to such quarter.

25 “(2) SUBMISSION.—On a quarterly basis, the
26 Secretary shall submit to the committees specified in

1 paragraph (1) a certification, made in concurrence
2 with the Secretary of State, of the following:

3 “(A) China has taken material steps to—

4 “(i) disrupt the proliferation activities
5 of Li Fangwei (also known as Karl Lee, or
6 any other alias known by the United
7 States); and

8 “(ii) arrest Li Fangwei pursuant the
9 indictment charged in the United States
10 District Court for the Southern District of
11 New York on April 29, 2014.

12 “(B) China has not proliferated to any
13 non-nuclear weapons state, or any nuclear
14 weapons state in violation of the Treaty on the
15 Non-Proliferation of Nuclear Weapons, any
16 item that contributes to a ballistic missile or
17 nuclear weapons delivery system.

18 “(3) COVERAGE.—The first notification made
19 under paragraph (2) shall cover the preceding 12-
20 month period before the date of such notification.
21 Each subsequent notification shall cover the quarter
22 preceding the date of such notification.”

1 **TITLE XIV—OTHER**
2 **AUTHORIZATIONS**
3 **Subtitle A—Military Programs**

4 **SEC. 1401. WORKING CAPITAL FUNDS.**

5 Funds are hereby authorized to be appropriated for
6 fiscal year 2017 for the use of the Armed Forces and other
7 activities and agencies of the Department of Defense for
8 providing capital for working capital and revolving funds,
9 as specified in the funding table in section 4501.

10 **SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.**

11 Funds are hereby authorized to be appropriated for
12 fiscal year 2017 for the National Defense Sealift Fund,
13 as specified in the funding table in section 4501.

14 **SEC. 1403. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**
15 **TION, DEFENSE.**

16 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
17 are hereby authorized to be appropriated for the Depart-
18 ment of Defense for fiscal year 2017 for expenses, not oth-
19 erwise provided for, for Chemical Agents and Munitions
20 Destruction, Defense, as specified in the funding table in
21 section 4501.

22 (b) USE.—Amounts authorized to be appropriated
23 under subsection (a) are authorized for—

24 (1) the destruction of lethal chemical agents
25 and munitions in accordance with section 1412 of

1 the Department of Defense Authorization Act, 1986
2 (50 U.S.C. 1521); and

3 (2) the destruction of chemical warfare materiel
4 of the United States that is not covered by section
5 1412 of such Act.

6 **SEC. 1404. DRUG INTERDICTION AND COUNTER-DRUG AC-**
7 **TIVITIES, DEFENSE-WIDE.**

8 Funds are hereby authorized to be appropriated for
9 the Department of Defense for fiscal year 2017 for ex-
10 penses, not otherwise provided for, for Drug Interdiction
11 and Counter-Drug Activities, Defense-wide, as specified in
12 the funding table in section 4501.

13 **SEC. 1405. DEFENSE INSPECTOR GENERAL.**

14 Funds are hereby authorized to be appropriated for
15 the Department of Defense for fiscal year 2017 for ex-
16 penses, not otherwise provided for, for the Office of the
17 Inspector General of the Department of Defense, as speci-
18 fied in the funding table in section 4501.

19 **SEC. 1406. DEFENSE HEALTH PROGRAM.**

20 Funds are hereby authorized to be appropriated for
21 fiscal year 2017 for the Defense Health Program, as spec-
22 ified in the funding table in section 4501, for use of the
23 Armed Forces and other activities and agencies of the De-
24 partment of Defense in providing for the health of eligible
25 beneficiaries.

1 **SEC. 1407. NATIONAL SEA-BASED DETERRENCE FUND.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2017 for the National Sea-Based Deterrence
4 Fund as specified in the funding table in section 4501.

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.—

25 (1) AUTHORITY.—Using funds available in the
26 National Defense Stockpile Transaction Fund, the

1 National Defense Stockpile Manager may acquire
2 the following materials determined to be strategic
3 and critical materials required to meet the defense,
4 industrial, and essential civilian needs of the United
5 States:

6 (A) High modulus and high strength car-
7 bon fibers.

8 (B) Tantalum.

9 (C) Germanium.

10 (D) Tungsten rhenium metal.

11 (E) Boron carbide powder.

12 (F) Europium.

13 (G) Silicon carbide fiber.

14 (2) AMOUNT OF AUTHORITY.—The National
15 Defense Stockpile Manager may use up to
16 \$55,000,0000 in the National Defense Stockpile
17 Transaction Fund for acquisition of the materials
18 specified paragraph (1).

19 (3) FISCAL YEAR LIMITATION.—The authority
20 under paragraph (1) is available for purchases dur-
21 ing fiscal year 2017 through fiscal year 2021.

22 **SEC. 1412. REVISIONS TO THE STRATEGIC AND CRITICAL**
23 **MATERIALS STOCK PILING ACT.**

24 (a) MATERIALS CONSTITUTING THE NATIONAL DE-
25 FENSE STOCKPILE.—Section 4 of the Strategic and Crit-

1 ical Materials Stock Piling Act (50 U.S.C. 98c) is amend-
2 ed—

3 (1) in subsection (b), by striking “required for”
4 and inserting “suitable for transfer to or disposal
5 through”; and

6 (2) in subsection (c)—

7 (A) by striking “(1)” and all that follows
8 through “(2)”; and

9 (B) by striking “this subsection” and in-
10 serting “subsection (b)”.

11 (b) QUALIFICATION OF DOMESTIC SOURCES.—Sec-
12 tion 15(a) of such Act (50 U.S.C. 98h–6(a)) is amended—

13 (1) by striking “and” at the end of paragraph
14 (1);

15 (2) by striking the period at the end of para-
16 graph (2) and inserting a semicolon; and

17 (3) by adding at the end the following new
18 paragraphs:

19 “(3) by qualifying existing domestic facilities
20 and domestically produced strategic and critical ma-
21 terials to meet the requirements of defense and es-
22 sential civilian industries in times of national emer-
23 gencies when existing domestic sources of supply are
24 either insufficient or vulnerable to single points of
25 failure; and

1 “(4) by contracting with domestic facilities to
2 recycle strategic and critical materials, thereby in-
3 creasing domestic supplies when those materials
4 would otherwise be insufficient to support defense
5 and essential civilian industries in times of national
6 emergencies.”.

7 **Subtitle C—Other Matters**

8 **SEC. 1421. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT** 9 **DEPARTMENT OF DEFENSE-DEPARTMENT OF** 10 **VETERANS AFFAIRS MEDICAL FACILITY DEM-** 11 **ONSTRATION FUND FOR CAPTAIN JAMES A.** 12 **LOVELL HEALTH CARE CENTER, ILLINOIS.**

13 (a) **AUTHORITY FOR TRANSFER OF FUNDS.**—Of the
14 funds authorized to be appropriated for section 506 and
15 available for the Defense Health Program for operation
16 and maintenance, \$122,375,000 may be transferred by the
17 Secretary of Defense to the Joint Department of Defense—
18 Department of Veterans Affairs Medical Facility Dem-
19 onstration Fund established by subsection (a)(1) of sec-
20 tion 1704 of the National Defense Authorization Act for
21 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571).
22 For purposes of subsection (a)(2) of such section 1704,
23 any funds so transferred shall be treated as amounts au-
24 thorized and appropriated specifically for the purpose of
25 such a transfer.

1 (b) USE OF TRANSFERRED FUNDS.—For the pur-
2 poses of subsection (b) of such section 1704, facility oper-
3 ations for which funds transferred under subsection (a)
4 may be used are operations of the Captain James A.
5 Lovell Federal Health Care Center, consisting of the
6 North Chicago Veterans Affairs Medical Center, the Navy
7 Ambulatory Care Center, and supporting facilities des-
8 ignated as a combined Federal medical facility under an
9 operational agreement covered by section 706 of the Dun-
10 can Hunter National Defense Authorization Act for Fiscal
11 Year 2009 (Public Law 110-417; 122 Stat. 4500).

12 **SEC. 1422. AUTHORIZATION OF APPROPRIATIONS FOR**
13 **ARMED FORCES RETIREMENT HOME.**

14 There is hereby authorized to be appropriated for fis-
15 cal year 2017 from the Armed Forces Retirement Home
16 Trust Fund the sum of \$64,300,000 for the operation of
17 the Armed Forces Retirement Home.

1 **TITLE XV—AUTHORIZATION OF**
2 **ADDITIONAL APPROPRIA-**
3 **TIONS FOR OVERSEAS CON-**
4 **TINGENCY OPERATIONS**
5 **Subtitle A—Authorization of**
6 **Appropriations**

7 **SEC. 1501. PURPOSE AND TREATMENT OF CERTAIN AU-**
8 **THORIZATIONS OF APPROPRIATIONS.**

9 (a) **PURPOSE.**—The purpose of this subtitle is to au-
10 thorize appropriations for the Department of Defense for
11 fiscal year 2017 to provide additional funds—

12 (1) for overseas contingency operations being
13 carried out by the Armed Forces; and

14 (2) pursuant to sections 1502, 1503, 1504,
15 1505, and 1507 for expenses, not otherwise provided
16 for, for procurement, research, development, test,
17 and evaluation, operation and maintenance, military
18 personnel, and defense-wide drug interdiction and
19 counter-drug activities, as specified in the funding
20 tables in sections 4103, 4203, 4303, 4403, and
21 4503.

22 (b) **SUPPORT OF BASE BUDGET REQUIREMENTS;**
23 **TREATMENT.**—Funds identified in subsection (a)(2) are
24 being authorized to be appropriated in support of base
25 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 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
4 are hereby authorized to be appropriated for fiscal year
5 2017 for the use of the Armed Forces and other activities
6 and agencies of the Department of Defense for expenses,
7 not otherwise provided for, for operation and maintenance,
8 as specified in—

9 (1) the funding table in section 4302, or

10 (2) the funding table in section 4303.

11 (b) PERIOD OF AVAILABILITY.—Amounts specified in
12 the funding table in section 4302 shall remain available
13 for obligation only until April 30, 2017, at a rate for oper-
14 ations as provided in the Department of Defense Appro-
15 priations Act, 2016 (division C of Public Law 114–113).

16 (c) CONDITION ON USE OF FUNDS FOR SYRIA TRAIN
17 AND EQUIP PROGRAMS.—Amounts authorized to be ap-
18 propriated by this section for the Syria Train and Equip
19 programs, as specified in the funding table in section
20 4302, may not be provided to any recipient that the Sec-
21 retary of Defense has reported, pursuant to a quarterly
22 progress report submitted pursuant to section 1209 of the
23 National Defense Authorization Act for Fiscal Year 2015
24 (Public Law 113–291; 128 Stat. 3541), as having misused
25 provided training and equipment.

1 **SEC. 1505. MILITARY PERSONNEL.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
3 are hereby authorized to be appropriated for fiscal year
4 2017 for the use of the Armed Forces and other activities
5 and agencies of the Department of Defense for expenses,
6 not otherwise provided for, for military personnel, as spec-
7 ified in—

8 (1) the funding table in section 4402; or

9 (2) the funding table in section 4403.

10 (b) PERIOD OF AVAILABILITY.—Amounts specified in
11 the funding table in section 4402 shall remain available
12 for obligation only until April 30, 2017, at a rate for oper-
13 ations as provided in the Department of Defense Appro-
14 priations Act, 2016 (division C of Public Law 114–113).

15 **SEC. 1506. WORKING CAPITAL FUNDS.**

16 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
17 are hereby authorized to be appropriated for fiscal year
18 2017 for the use of the Armed Forces and other activities
19 and agencies of the Department of Defense for providing
20 capital for working capital and revolving funds, as speci-
21 fied in the funding table in section 4502.

22 (b) PERIOD OF AVAILABILITY.—Amounts specified in
23 the funding table in section 4502 for providing capital for
24 working capital and revolving funds shall remain available
25 for obligation only until April 30, 2017, at a rate for oper-

1 ations as provided in the Department of Defense Appro-
2 priations Act, 2016 (division C of Public Law 114–113).

3 **SEC. 1507. DRUG INTERDICTION AND COUNTER-DRUG AC-**
4 **TIVITIES, DEFENSE-WIDE.**

5 Funds are hereby authorized to be appropriated for
6 the Department of Defense for fiscal year 2017 for ex-
7 penses, not otherwise provided for, for Drug Interdiction
8 and Counter-Drug Activities, Defense-wide, as specified
9 in—

10 (1) the funding table in section 4502; or

11 (2) the funding table in section 4503.

12 **SEC. 1508. DEFENSE INSPECTOR GENERAL.**

13 Funds are hereby authorized to be appropriated for
14 the Department of Defense for fiscal year 2017 for ex-
15 penses, not otherwise provided for, for the Office of the
16 Inspector General of the Department of Defense, as speci-
17 fied in the funding table in section 4502.

18 **SEC. 1509. DEFENSE HEALTH PROGRAM.**

19 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
20 are hereby authorized to be appropriated for the Depart-
21 ment of Defense for fiscal year 2017 for expenses, not oth-
22 erwise provided for, for the Defense Health Program, as
23 specified in the funding table in section 4502.

24 (b) **PERIOD OF AVAILABILITY.**—Amounts specified in
25 the funding table in section 4502 for the Defense Health

1 Program shall remain available for obligation only until
2 April 30, 2017, at a rate for operations as provided in
3 the Department of Defense Appropriations Act, 2016 (di-
4 vision C of Public Law 114–113).

5 **SEC. 1510. COUNTERTERRORISM PARTNERSHIPS FUND.**

6 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
7 are hereby authorized to be appropriated for the Depart-
8 ment of Defense for fiscal year 2017 for expenses, not oth-
9 erwise provided for, for the Counterterrorism Partnerships
10 Fund, as specified in the funding table in section 4502.

11 (b) DURATION OF AVAILABILITY.—Amounts appro-
12 priated pursuant to the authorization of appropriations in
13 subsection (a) shall remain available for obligation
14 through September 30, 2018.

15 **Subtitle B—Financial Matters**

16 **SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

17 The amounts authorized to be appropriated by this
18 title are in addition to amounts otherwise authorized to
19 be appropriated by this Act.

20 **SEC. 1522. SPECIAL TRANSFER AUTHORITY.**

21 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

22 (1) AUTHORITY.—Upon determination by the
23 Secretary of Defense that such action is necessary in
24 the national interest, the Secretary may transfer
25 amounts of authorizations made available to the De-

1 partment of Defense in this title for fiscal year 2017
2 between any such authorizations for that fiscal year
3 (or any subdivisions thereof).

4 (2) EFFECT OF TRANSFER.—Amounts of au-
5 thorizations transferred under this subsection shall
6 be merged with and be available for the same pur-
7 poses as the authorization to which transferred.

8 (3) LIMITATIONS.—The total amount of author-
9 izations that the Secretary may transfer under the
10 authority of this subsection may not exceed
11 \$4,500,000,000.

12 (4) EXCEPTION.—In the case of the authoriza-
13 tions of appropriations contained in sections 1502,
14 1503, 1504, 1505, and 1507 that are provided for
15 the purpose specified in section 1501(a)(2), the
16 transfer authority provided under section 1001,
17 rather than the transfer authority provided by this
18 subsection, shall apply to any transfer of amounts of
19 such authorizations.

20 (b) TERMS AND CONDITIONS.—Transfers under this
21 section shall be subject to the same terms and conditions
22 as transfers under section 1001.

23 (c) ADDITIONAL AUTHORITY.—The transfer author-
24 ity provided by this section is in addition to the transfer
25 authority provided under section 1001.

1 **SEC. 1523. CODIFICATION OF OFFICE OF MANAGEMENT**
2 **AND BUDGET CRITERIA.**

3 The Secretary of Defense shall implement the fol-
4 lowing criteria in requests for overseas contingency oper-
5 ations:

6 (1) Geographic Area Covered – For theater of
7 operations for non-classified war overseas contin-
8 gency operations funding, the geographic areas in
9 which combat or direct combat support operations
10 occur are: Iraq, Afghanistan, Pakistan, Kazakhstan,
11 Tajikistan, Kyrhyzstan, the Horn of Africa, Persian
12 Gulf and Gulf nations, Arabian Sea, the Indian
13 Ocean, the Philippines, and other countries on a
14 case-by-case basis.

15 (2) Permitted Inclusions in the Overseas Con-
16 tingency Operation Budget

17 (A) Major Equipment

18 (i) Replacement of loses that have oc-
19 curred but only for items not already pro-
20 grammed for replacement in the Future
21 Years Defense Plan (FYDP), but not in-
22 cluding accelerations, which must be made
23 in the base budget.

24 (ii) Replacement or repair to original
25 capability (to upgraded capability if that is
26 currently available) of equipment returning

1 from theater. The replacement may be a
2 similar end item if the original item is no
3 longer in production. Incremental cost of
4 non-war related upgrades, if made, should
5 be included in the base.

6 (iii) Purchase of specialized, theater-
7 specific equipment.

8 (iv) Funding for major equipment
9 must be obligated within 12 months.

10 (B) Ground Equipment Replacement

11 (i) For combat losses and returning
12 equipment that is not economical to repair,
13 the replacement of equipment may be given
14 to coalition partners, if consistent with ap-
15 proved policy.

16 (ii) In-theater stocks above customary
17 equipping levels on a case-by-case basis.

18 (C) Equipment Modifications

19 (i) Operationally-required modifica-
20 tions to equipment used in theater or in di-
21 rect support of combat operations and that
22 is not already programmed in FYDP.

23 (ii) Funding for equipment modifica-
24 tions must be able be obligated in 12
25 months.

1 (D) Munitions

2 (i) Replenishment of munitions ex-
3 pended in combat operations in theater.

4 (ii) Training ammunition for theater-
5 unique training events.

6 (iii) While forecasted expenditures are
7 not permitted, a case-by-case assessment
8 for munitions where existing stocks are in-
9 sufficient to sustain theater combat oper-
10 ations.

11 (E) Aircraft Replacement

12 (i) Combat losses by accident that
13 occur in the theater of operations.

14 (ii) Combat losses by enemy action
15 that occur in the theater of operations.

16 (F) Military Construction

17 (i) Facilities and infrastructure in the
18 theater of operations in direct support of
19 combat operations. The level of construc-
20 tion should be the minimum to meet oper-
21 ational requirements.

22 (ii) At non-enduring locations, facili-
23 ties and infrastructure for temporary use.

24 (iii) At enduring locations, facilities
25 and infrastructure for temporary use.

1 (iv) At enduring locations, construc-
2 tion requirements must be tied to surge
3 operations or major changes in operational
4 requirements and will be considered on a
5 case-by-case basis.

6 (G) Research and development projects for
7 combat operations in these specific theaters
8 that can be delivered in 12 months.

9 (H) Operations

10 (i) Direct War costs:

11 (I) Transport of personnel,
12 equipment, and supplies to, from and
13 within the theater of operations.

14 (II) Deployment-specific training
15 and preparation for unites and per-
16 sonnel (military and civilian) to as-
17 sume their directed missions as de-
18 fined in the orders for deployment
19 into the theater of operations.

20 (ii) Within the theater, the incre-
21 mental costs above the funding pro-
22 grammed in the base budget to:

23 (I) Support commanders in the
24 conduct of their directed missions (to

1 include Emergency Response Pro-
2 grams).

3 (II) Build and maintain tem-
4 porary facilities.

5 (III) Provide food, fuel, supplies,
6 contracted services and other support.

7 (IV) Cover the operational costs
8 of coalition partners supporting US
9 military missions, as mutually agreed.

10 (iii) Indirect war costs incurred out-
11 side the theater of operations will be evalu-
12 ated on a case-by-case basis.

13 (I) Health

14 (i) Short-term care directly related to
15 combat.

16 (ii) Infrastructure that is only to be
17 used during the current conflict.

18 (J) Personnel

19 (i) Incremental special pays and al-
20 lowances for Service members and civilians
21 deployed to a combat zone.

22 (ii) Incremental pay, special pays and
23 allowances for Reserve Component per-
24 sonnel mobilized to support war missions.

25 (K) Special Operations Command

1 (i) Operations that meet the criteria
2 in this guidance.

3 (ii) Equipment that meets the criteria
4 in this guidance.

5 (L) Prepositioned Supplies and
6 equipment for resetting in-theater
7 stocks of supplies and equipment to
8 pre-war levels.

9 (M) Security force funding to train, equip,
10 and sustain Iraqi and Afghan military and po-
11 lice forces.

12 (N) Fuel

13 (i) War fuel costs and funding to en-
14 sure that logistical support to combat oper-
15 ations is not degraded due to cash losses
16 in the Department of Defense's baseline
17 fuel program.

18 (ii) Enough of any base fuel shortfall
19 attributable to fuel price increases to main-
20 tain sufficient on-hand cash for the De-
21 fense Working Capital Funds to cover
22 seven days disbursements.

23 (3) Excluded items from Overseas Contingency
24 Funding that must be funded from the base budget

1 (A) Training vehicles, aircraft, ammuni-
2 tion, and simulators, but not training base
3 stocks of specialized, theater-specific equipment
4 that is required to support combat operations in
5 the theater of operations, and support to de-
6 ployment-specific training described above.

7 (B) Acceleration of equipment service life
8 extension programs already in the Future Years
9 Defense Plan.

10 (C) Base Realignment and Closure
11 projects.

12 (D) Family support initiatives

13 (i) Construction of childcare facilities.

14 (ii) Funding for private-public par-
15 tisanship to expand military families' ac-
16 cess to childcare.

17 (iii) Support for service members'
18 spouses professional development.

19 (E) Programs to maintain industrial base
20 capacity including "war-stoppers."

21 (F) Personnel

22 (i) Recruiting and retention bonuses
23 to maintain end-strength.

1 (ii) Basic Pay and the Basic allow-
2 ances for Housing and Subsistence for per-
3 manently authorized end strength.

4 (iii) Individual augmentees on a case-
5 by-case basis.

6 (G) Support for the personnel, operations,
7 or the construction or maintenance of facilities,
8 at U.S. Offices of Security Cooperation in the-
9 ater.

10 (H) Costs for reconfiguring prepositioned
11 supplies and equipment or for maintaining
12 them.

13 (4) Special Situations – Items proposed for in-
14 creases in reprogrammings or as payback for prior
15 reprogrammings must meet the criteria above.

16 **Subtitle C—Limitations, Reports,**
17 **and Other Matters**

18 **SEC. 1531. AFGHANISTAN SECURITY FORCES FUND.**

19 (a) IN GENERAL.—Funds available to the Depart-
20 ment of Defense for the Afghanistan Security Forces
21 Fund during the period beginning on the date of the en-
22 actment of this Act and ending on December 31, 2017,
23 shall be subject to the conditions contained in subsections
24 (b) through (f) of section 1513 of the National Defense
25 Authorization Act for Fiscal Year 2008 (Public Law 110–

1 181; 122 Stat. 428), as amended by section 1531(b) of
2 the Ike Skelton National Defense Authorization Act for
3 Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4424).

4 (b) ALLOCATION OF FUNDS.—

5 (1) IN GENERAL.—Of the funds available to the
6 Department of Defense for the Afghan Security
7 Forces Fund for fiscal year 2017, it is the goal that
8 \$25,000,000 shall be used for—

9 (A) the recruitment, integration, retention,
10 training, and treatment of women in the Af-
11 ghan National Security Forces; and

12 (B) the recruitment, training, and con-
13 tracting of female security personnel for future
14 elections.

15 (2) TYPES OF PROGRAMS AND ACTIVITIES.—

16 Such programs and activities may include—

17 (A) efforts to recruit women into the Af-
18 ghan National Security Forces, including the
19 special operations forces;

20 (B) programs and activities of the Afghan
21 Ministry of Defense Directorate of Human
22 Rights and Gender Integration and the Afghan
23 Ministry of Interior Office of Human Rights,
24 Gender and Child Rights;

1 (C) development and dissemination of gen-
2 der and human rights educational and training
3 materials and programs within the Afghan Min-
4 istry of Defense and the Afghan Ministry of In-
5 terior;

6 (D) efforts to address harassment and vio-
7 lence against women within the Afghan Na-
8 tional Security Forces;

9 (E) improvements to infrastructure that
10 address the requirements of women serving in
11 the Afghan National Security Forces, including
12 appropriate equipment for female security and
13 police forces, and transportation for police-
14 women to their station;

15 (F) support for Afghanistan National Po-
16 lice Family Response Units; and

17 (G) security provisions for high-profile fe-
18 male police and army officers.

19 (c) REPORTING REQUIREMENT.—

20 (1) SEMI-ANNUAL REPORTS.—Not later than
21 January 31 and July 31 of each year through Janu-
22 ary 31, 2021, the Secretary of Defense shall submit
23 to the congressional defense committees a report
24 summarizing the details of any obligation or transfer

1 of funds from the Afghanistan Security Forces Fund
2 during the preceding six-calendar month period.

3 (2) CONFORMING REPEALS.—(A) Section 1513
4 of the National Defense Authorization Act for Fiscal
5 Year 2008 (Public Law 110–181; 122 Stat. 428), as
6 amended by section 1531(b) of the Ike Skelton Na-
7 tional Defense Authorization Act for Fiscal Year
8 2011 (Public Law 111–383; 124 Stat. 4424), is fur-
9 ther amended by striking subsection (g).

10 (B) Section 1517 of the John Warner National
11 Defense Authorization Act for Fiscal Year 2007
12 (Public Law 109–364; 120 Stat. 2442) is amended
13 by striking subsection (f).

14 **SEC. 1532. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**
15 **FUND.**

16 (a) USE AND TRANSFER OF FUNDS.—Subsection
17 1532(a) of the National Defense Authorization Act for
18 Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1091)
19 is amended by striking “fiscal year 2016” and inserting
20 “fiscal years 2016 and 2017”.

21 (b) EXTENSION OF INTERDICTION OF IMPROVISED
22 EXPLOSIVE DEVICE PRECURSOR CHEMICALS AUTHOR-
23 ITY.—Section 1532(c) of the National Defense Authoriza-
24 tion Act for Fiscal Year 2013 (Public Law 112–239; 126
25 Stat. 2057) is amended—

1 (1) in paragraph (1)—

2 (A) by striking “for fiscal year 2013 and
3 for fiscal year 2016,” and inserting “for fiscal
4 years 2013, 2016, and 2017”;

5 (B) by inserting “with the concurrence of
6 the Secretary of State” after “may be available
7 to the Secretary of Defense”;

8 (C) by striking “of the Government of
9 Pakistan” and inserting “of foreign govern-
10 ments”; and

11 (D) by striking “from Pakistan to loca-
12 tions in Afghanistan”;

13 (2) in paragraph (2), by striking “of the Gov-
14 ernment of Pakistan” and inserting “of foreign gov-
15 ernments”;

16 (3) in paragraph (3)—

17 (A) in the matter preceding subparagraph
18 (A), by striking “the congressional defense com-
19 mittees” and inserting “Congress”; and

20 (B) in subparagraph (B)—

21 (i) by striking “the Government of
22 Pakistan” and inserting “foreign govern-
23 ments”; and

24 (ii) by striking “from Pakistan to lo-
25 cations in Afghanistan”; and

1 (4) in paragraph (4), as most recently amended
2 by section 1532(b)(2) of the National Defense Au-
3 thorization Act for Fiscal Year 2016 (Public Law
4 114–92; 129 Stat. 1091), by striking “December 31,
5 2016” and inserting “December 31, 2017”.

6 **SEC. 1533. EXTENSION OF AUTHORITY TO USE JOINT IM-**
7 **PROVISED EXPLOSIVE DEVICE DEFEAT FUND**
8 **FOR TRAINING OF FOREIGN SECURITY**
9 **FORCES TO DEFEAT IMPROVISED EXPLOSIVE**
10 **DEVICES.**

11 Section 1533(e) of the National Defense Authoriza-
12 tion Act for Fiscal Year 2016 (Public Law 114–92; 129
13 Stat. 1093) is amended by striking “September 30, 2018”
14 and inserting “September 30, 2020”.

15 **TITLE XVI—STRATEGIC PRO-**
16 **GRAMS, CYBER, AND INTEL-**
17 **LIGENCE MATTERS**

18 **Subtitle A—Space Activities**

19 **SEC. 1601. ROCKET PROPULSION SYSTEM TO REPLACE RD-**
20 **180.**

21 (a) USE OF FUNDS.—Section 1604 of the Carl Levin
22 and Howard P. “Buck” McKeon National Defense Au-
23 thorization Act for Fiscal Year 2015 (Public Law 113–
24 291; 128 Stat. 3623; 10 U.S.C. 2273 note), as amended
25 by section 1606 of the National Defense Authorization Act

1 for Fiscal Year 2016 (Public Law 114–92; 129 Stat.
2 1099), is further amended by striking subsection (d) and
3 inserting the following new subsections:

4 “(d) USE OF FUNDS UNDER DEVELOPMENT PRO-
5 GRAM.—

6 “(1) DEVELOPMENT OF ROCKET PROPULSION
7 SYSTEM.—The funds described in paragraph (2)—

8 “(A) may be obligated or expended for—

9 “(i) the development of the rocket
10 propulsion system to replace non-allied
11 space launch engines pursuant to sub-
12 section (a); and

13 “(ii) the necessary interfaces to, or in-
14 tegration of, the rocket propulsion system
15 with an existing or new launch vehicle; and

16 “(B) may not be obligated or expended to
17 develop or procure a launch vehicle, an upper
18 stage, a strap-on motor, or related infrastruc-
19 ture.

20 “(2) FUNDS DESCRIBED.—The funds described
21 in this paragraph are the following:

22 “(A) Funds authorized to be appropriated
23 by the National Defense Authorization Act for
24 Fiscal Year 2017 or otherwise made available
25 for fiscal year 2017 for the Department of De-

1 fense for the development of the rocket propul-
2 sion system under subsection (a).

3 “(B) Funds authorized to be appropriated
4 by this Act or the National Defense Authoriza-
5 tion Act for Fiscal Year 2016 or otherwise
6 made available for fiscal years 2015 or 2016 for
7 the Department of Defense for the development
8 of the rocket propulsion system under sub-
9 section (a) that are unobligated as of the date
10 of the enactment of the National Defense Au-
11 thorization Act for Fiscal Year 2017.

12 “(3) OTHER PURPOSES.—The Secretary may
13 obligate or expend not more than a total of 31 per-
14 cent of the funds that are authorized to be appro-
15 priated or otherwise made available for fiscal year
16 2017 for the rocket propulsion system and launch
17 system investment for activities not authorized by
18 paragraph (1)(A), including for developing a launch
19 vehicle, an upper stage, a strap-on motor, or related
20 infrastructure. The Secretary may exceed such limit
21 in fiscal year 2017 for such purposes if—

22 “(A) the Secretary certifies to the appro-
23 priate congressional committees that, as of the
24 date of the certification—

1 “(i) the development of the rocket
2 propulsion system is being carried out pur-
3 suant to paragraph (1)(A) in a manner
4 that ensures that the rocket propulsion
5 system will meet each requirement under
6 subsection (a)(2); and

7 “(ii) such obligation or expenditure
8 will not negatively affect the development
9 of the rocket propulsion system, including
10 with respect to meeting such requirements;
11 and

12 “(B) the reprogramming or transfer is car-
13 ried out in accordance with established proce-
14 dures for reprogramming or transfers, including
15 with respect to presenting a request for a re-
16 programming of funds.

17 “(e) DEFINITIONS.—In this section:

18 “(1) The term ‘appropriate congressional com-
19 mittees’ means—

20 “(A) the congressional defense committees;
21 and

22 “(B) 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 ‘rocket propulsion system’
2 means, with respect to the development authorized
3 by subsection (a), a main booster, first-stage rocket
4 engine or motor. The term does not include a launch
5 vehicle, an upper stage, a strap-on motor, or related
6 infrastructure.”.

7 (b) RIGHTS TO INTELLECTUAL PROPERTY.—Sub-
8 section (a) of such section 1604 is amended by adding at
9 the end the following new paragraph:

10 “(3) PLAN TO PROTECT GOVERNMENT INVEST-
11 MENT AND ASSURED ACCESS TO SPACE.—

12 “(A) In developing the rocket propulsion
13 system under paragraph (1), and in any devel-
14 opment conducted pursuant to subsection
15 (d)(3), the Secretary shall develop a plan to
16 protect the investment of the United States and
17 the assured access to space, including, con-
18 sistent with section 2320 of title 10, United
19 States Code, and in accordance with other ap-
20 plicable provisions of law, acquiring the rights,
21 as appropriate, for the purpose of developing al-
22 ternative sources of supply and manufacture in
23 the event such alternative sources are necessary
24 and in the best interest of the United States,
25 such as in the event that a company goes out

1 of business or the system is otherwise unavail-
2 able after the Federal Government has invested
3 significant resources to use and rely on such
4 system for launch services.

5 “(B) Not later than 90 days after the date
6 of the enactment of the National Defense Au-
7 thorization Act for Fiscal Year 2017, the Sec-
8 retary shall submit to the appropriate congres-
9 sional committees the plan developed under
10 subparagraph (A).”.

11 **SEC. 1602. EXCEPTION TO THE PROHIBITION ON CON-**
12 **TRACTING WITH RUSSIAN SUPPLIERS OF**
13 **ROCKET ENGINES FOR THE EVOLVED EX-**
14 **PENDABLE LAUNCH VEHICLE PROGRAM.**

15 Section 1608 of the Carl Levin and Howard P.
16 “Buck” McKeon National Defense Authorization Act for
17 Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3626;
18 10 U.S.C. 2271 note), as amended by section 1607 of the
19 National Defense Authorization Act for Fiscal Year 2016
20 (Public Law 114–92; 129 Stat. 1100), is further amended
21 by striking subsection (c) and inserting the following new
22 subsection:

23 “(c) EXCEPTION.—The prohibition in subsection (a)
24 shall not apply to any of the following:

1 “(1) The placement of orders or the exercise of
2 options under the contract numbered FA8811–13–
3 C–0003 and awarded on December 18, 2013.

4 “(2) Contracts that are awarded for the pro-
5 curement of property or services for space launch ac-
6 tivities that include the use of a total of eighteen
7 rocket engines designed or manufactured in the Rus-
8 sian Federation, in addition to Russian-designed or
9 -manufactured engines to which paragraph (1) ap-
10 plies.”.

11 **SEC. 1603. ANALYSIS OF ALTERNATIVES FOR WIDE-BAND**
12 **COMMUNICATIONS.**

13 Section 1611 of the National Defense Authorization
14 Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat.
15 1103) is amended by striking subsection (b) and inserting
16 the following new subsections:

17 “(b) SCOPE.—

18 “(1) STUDY GUIDANCE.—In conducting the
19 analysis of alternatives under subsection (a), the
20 Secretary shall develop study guidance that requires
21 such analysis to include the full range of military
22 and commercial satellite communications capabili-
23 ties, acquisition processes, and service delivery mod-
24 els.

1 “(2) OTHER CONSIDERATIONS.—The Secretary
2 shall ensure that—

3 “(A) any cost assessments of military or
4 commercial satellite communications systems in-
5 cluded in the analysis of alternatives conducted
6 under subsection (a) include detailed full life-
7 cycle costs, as applicable, including with respect
8 to—

9 “(i) military personnel, military con-
10 struction, military infrastructure operation,
11 maintenance costs, and ground and user
12 terminal impacts; and

13 “(ii) any other costs regarding mili-
14 tary or commercial satellite communica-
15 tions systems the Secretary determines ap-
16 propriate; and

17 “(B) such analysis identifies any consider-
18 ations relating to the use of military versus
19 commercial systems.

20 “(c) COMPTROLLER GENERAL REVIEW.—

21 “(1) SUBMISSION.—Upon completion of the
22 analysis of alternatives conducted under subsection
23 (a), the Secretary shall submit such analysis to the
24 Comptroller General of the United States.

1 “(2) REVIEW.—Not later than 120 days after
2 the date on which the Comptroller General receives
3 the analysis of alternatives under paragraph (1), the
4 Comptroller General shall submit to the congress-
5 sional defense committees a review of the analysis.

6 “(3) MATTERS INCLUDED.—The review under
7 paragraph (2) of the analysis of alternatives con-
8 ducted under subsection (a) shall include the fol-
9 lowing:

10 “(A) Whether, and to what extent, the
11 Secretary—

12 “(i) conducted such analysis using
13 best practices;

14 “(ii) fully addressed the concerns of
15 the acquisition, operational, and user com-
16 munities; and

17 “(iii) complied with subsection (b).

18 “(B) A description of how the Secretary
19 identified the requirements and assessed and
20 addressed the cost, schedule, and risks posed
21 for each alternative included in such analysis.

22 “(d) BRIEFINGS.—Not later than 90 days after the
23 date of the enactment of the National Defense Authoriza-
24 tion Act for Fiscal Year 2017, and semiannually there-
25 after until the date on which the analysis of alternatives

1 conducted under subsection (a) is completed, the Secretary
2 shall provide the Committees on Armed Services of the
3 House of Representatives and the Senate (and any other
4 congressional defense committee upon request) a briefing
5 on such analysis.”.

6 **SEC. 1604. MODIFICATION TO PILOT PROGRAM FOR ACQUI-**
7 **SITION OF COMMERCIAL SATELLITE COMMU-**
8 **NICATION SERVICES.**

9 Section 1605 of the Carl Levin and Howard P.
10 “Buck” McKeon National Defense Authorization Act for
11 Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 2208
12 note), as amended by section 1612 of the National De-
13 fense Authorization Act for Fiscal Year 2016 (Public Law
14 114–92; 129 Stat. 1103), is further amended by adding
15 at the end the following new subsection:

16 “(e) IMPLEMENTATION OF GOALS.—In devel-
17 oping and carrying out the pilot program under sub-
18 section (a)(1), by not later than September 30,
19 2017, the Secretary shall take actions to begin the
20 implementation of each goal specified in subsection
21 (b).”.

22 **SEC. 1605. SPACE-BASED ENVIRONMENTAL MONITORING.**

23 (a) ROLES OF DOD AND NOAA.—

24 (1) MECHANISMS.—The Secretary of Defense
25 and the Director of the National Oceanic and At-

1 mospheric Administration shall jointly establish
2 mechanisms to collaborate and coordinate in defin-
3 ing the roles and responsibilities of the Department
4 of Defense and the National Oceanic and Atmos-
5 pheric Administration to—

6 (A) carry out space-based environmental
7 monitoring; and

8 (B) plan for future non-governmental
9 space-based environmental monitoring capabili-
10 ties.

11 (2) RULE OF CONSTRUCTION.—Nothing in
12 paragraph (1) may be construed to authorize a joint
13 satellite program of the Department of Defense and
14 the National Oceanic and Atmospheric Administra-
15 tion.

16 (b) REPORT.—Not later than 120 days after the date
17 of the enactment of this Act, the Secretary and the Direc-
18 tor shall jointly submit to the appropriate congressional
19 committees a report on the mechanisms established under
20 subsection (a)(1).

21 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
22 FINED.—In this section, the term “appropriate congress-
23 sional committees” means—

24 (1) the congressional defense committees;

1 (2) the Committee on Science, Space, and
2 Technology of the House of Representatives; and

3 (3) the Committee on Commerce, Science, and
4 Transportation of the Senate.

5 **SEC. 1606. PROHIBITION ON USE OF CERTAIN NON-ALLIED**
6 **POSITIONING, NAVIGATION, AND TIMING SYS-**
7 **TEMS.**

8 (a) **PROHIBITION.**—During the period beginning not
9 later than 60 days after the date of the enactment of this
10 Act and ending on September 30, 2018, the Secretary of
11 Defense shall ensure that the Armed Forces and each ele-
12 ment of the Department of Defense do not use a non-allied
13 positioning, navigation, and timing system or service pro-
14 vided by such a system.

15 (b) **WAIVER.**—The Secretary may waive the prohibi-
16 tion in subsection (a) if—

17 (1) the Secretary determines that the waiver
18 is—

19 (A) in the national security interest of the
20 United States; and

21 (B) necessary to mitigate exigent oper-
22 ational concerns;

23 (2) the Secretary notifies, in writing, the appro-
24 priate congressional committees of such waiver; and

1 (3) a period of 30 days has elapsed following
2 the date of such notification.

3 (c) ASSESSMENT.—Not later than 120 days after the
4 date of the enactment of this Act, the Secretary of De-
5 fense, the Chairman of the Joint Chiefs of Staff, and the
6 Director of National Intelligence shall jointly submit to
7 the appropriate congressional committees an assessment
8 of the risks to national security and to the operations and
9 plans of the Department of Defense from using a non-
10 allied positioning, navigation, and timing system or service
11 provided by such a system. Such assessment shall—

12 (1) address risks regarding—

13 (A) espionage, counterintelligence, and tar-
14 geting;

15 (B) the use of the Global Positioning Sys-
16 tem by allies and partners of the United States
17 and others; and

18 (C) harmful interference to the Global Po-
19 sitioning System; and

20 (2) include any other matters the Secretary, the
21 Chairman, and the Director determine appropriate.

22 (d) DEFINITIONS.—In this section:

23 (1) The term “appropriate congressional com-
24 mittees” means—

1 (A) the congressional defense committees;
2 and

3 (B) the Permanent Select Committee on
4 Intelligence of the House of Representatives
5 and the Select Committee on Intelligence of the
6 Senate.

7 (2) The term “non-allied positioning, naviga-
8 tion, and timing system” means any of the following
9 systems:

10 (A) The Beidou system.

11 (B) The Glonass global navigation satellite
12 system.

13 **SEC. 1607. LIMITATION OF AVAILABILITY OF FUNDS FOR**
14 **THE JOINT SPACE OPERATIONS CENTER MIS-**
15 **SION SYSTEM.**

16 Of the funds authorized to be appropriated by this
17 Act or otherwise made available for fiscal year 2017 for
18 increment 3 of the Joint Space Operations Center Mission
19 System, not more than 25 percent may be obligated or
20 expended until the date on which the Secretary of the Air
21 Force, in coordination with the Commander of the United
22 States Strategic Command, submits to the congressional
23 defense committees a report on such increment, includ-
24 ing—

25 (1) an acquisition strategy for such increment;

- 1 (2) the requirements of such increment;
- 2 (3) the funding and schedule for such incre-
- 3 ment;
- 4 (4) the strategy for use of commercially avail-
- 5 able capabilities, as appropriate, relating to such in-
- 6 crement to rapidly address warfighter requirements,
- 7 including the market research and evaluation of such
- 8 commercial capabilities; and
- 9 (5) the relationship of such increment with the
- 10 other related activities and investments of the De-
- 11 partment of Defense.

12 **SEC. 1608. SPACE-BASED INFRARED SYSTEM AND AD-**

13 **VANCED EXTREMELY HIGH FREQUENCY PRO-**

14 **GRAM.**

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

16 (1) The recently completed analysis of alter-

17 natives for the space-based infrared system program

18 identified the cost and capability trades of various

19 alternatives, however the criteria and assessment for

20 resilience and mission assurance was undefined.

21 (2) The analysis of alternatives for the ad-

22 vanced extremely high frequency program is ongo-

23 ing.

24 (b) LIMITATION ON DEVELOPMENT AND ACQUISI-

25 TION OF ALTERNATIVES.—

1 (1) LIMITATION.—Except as provided by para-
2 graph (4), the Secretary of Defense may not develop
3 or acquire an alternative to the space-based infrared
4 system program of record or develop or acquire an
5 alternative to the advanced extremely high frequency
6 program of record until the date on which the Com-
7 mander of the United States Strategic Command
8 and the Director of the Space Security and Defense
9 Program, in consultation with the Defense Intel-
10 ligence Officer for Science and Technology of the
11 Defense Intelligence Agency, jointly submit to the
12 appropriate congressional committees the assess-
13 ments described in paragraph (2) for the respective
14 program.

15 (2) ASSESSMENT.—The assessments described
16 in this paragraph are—

17 (A) an assessment of the resilience and
18 mission assurance of each alternative to the
19 space-based infrared system being considered by
20 the Secretary of the Air Force; and

21 (B) an assessment of the resilience and
22 mission assurance of each alternative to the ad-
23 vanced extremely high frequency program being
24 considered by the Secretary of the Air Force.

1 (3) ELEMENTS.—An assessment described in
2 paragraph (2) shall include, with respect to each al-
3 ternative to the space-based infrared system pro-
4 gram of record and each alternative to the advanced
5 extremely high frequency program of record being
6 considered by the Secretary of the Air Force, the fol-
7 lowing:

8 (A) The requirements for resilience and
9 mission assurance.

10 (B) The criteria to measure such resilience
11 and mission assurance.

12 (C) How the alternative affects—

13 (i) deterrence and full spectrum
14 warfighting;

15 (ii) warfighter requirements and rel-
16 ative costs to include ground station and
17 user terminals;

18 (iii) the potential order of battle of
19 adversaries; and

20 (iv) the required capabilities of the
21 broader space security and defense enter-
22 prise.

23 (4) EXCEPTION.—The limitation in paragraph
24 (1) shall not apply to efforts to examine and develop
25 technology insertion opportunities for the space-

1 based infrared system program of record or the sat-
2 ellite communications programs of record.

3 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
4 FINED.—In this section, the term “appropriate congres-
5 sional committees” means the following:

6 (1) With respect to the submission of the as-
7 sessment described in subparagraph (A) of sub-
8 section (b)(2), the—

9 (A) the congressional defense committees;

10 and

11 (B) the Permanent Select Committee on
12 Intelligence of the House of Representatives.

13 (2) With respect to the submission of the as-
14 sessment described in subparagraph (B) of sub-
15 section (b)(2), the congressional defense committees.

16 **SEC. 1609. PLANS ON TRANSFER OF ACQUISITION AND**
17 **FUNDING AUTHORITY OF CERTAIN WEATHER**
18 **MISSIONS TO NATIONAL RECONNAISSANCE**
19 **OFFICE.**

20 (a) LIMITATION.—

21 (1) IN GENERAL.—Of the funds authorized to
22 be appropriated or otherwise made available for fis-
23 cal year 2017 for research, development, test, and
24 evaluation, Air Force, for the weather satellite fol-
25 low-on system, not more than 50 percent may be ob-

1 ligated or expended until the date on which the Sec-
2 retary of the Air Force submits to the appropriate
3 congressional committees the plan under paragraph
4 (2).

5 (2) AIR FORCE PLAN.—The Secretary shall de-
6 velop a plan for the Air Force to transfer, beginning
7 with fiscal year 2018, the acquisition authority and
8 the funding authority for covered space-based envi-
9 ronmental monitoring missions from the Air Force
10 to the National Reconnaissance Office, including a
11 description of the amount of funds that would be
12 necessary to be transferred from the Air Force to
13 the National Reconnaissance Office during fiscal
14 years 2018 through 2022 to carry out such plan.

15 (b) NRO PLAN.—

16 (1) IN GENERAL.—The Director of the National
17 Reconnaissance Office shall develop a plan for the
18 National Reconnaissance Office to address how to
19 carry out covered space-based environmental moni-
20 toring missions. Such plan shall include—

21 (A) a description of the related national se-
22 curity requirements for such missions;

23 (B) a description of the appropriate man-
24 ner to meet such requirements; and

1 (C) the amount of funds that would be
2 necessary to be transferred from the Air Force
3 to the National Reconnaissance Office during
4 fiscal years 2018 through 2022 to carry out
5 such plan.

6 (2) ACTIVITIES.—In developing the plan under
7 paragraph (1), the Director may conduct pre-acqui-
8 sition activities, including with respect to requests
9 for information, analyses of alternatives, study con-
10 tracts, modeling and simulation, and other activities
11 the Director determines necessary to develop such
12 plan.

13 (3) SUBMISSION.—Not later than the date on
14 which the President submits to Congress the budget
15 for fiscal year 2018 under section 1105(a) of title
16 31, United States Code, the Director shall submit to
17 the appropriate congressional committees the plan
18 under paragraph (1).

19 (c) INDEPENDENT COST ESTIMATE.—The Director
20 of the Cost Assessment Improvement Group of the Office
21 of the Director of National Intelligence, in coordination
22 with the Director of Cost Assessment and Program Eval-
23 uation, shall certify to the appropriate congressional com-
24 mittees that the amounts of funds identified under sub-
25 sections (a)(2) and (b)(1)(C) as being necessary to trans-

1 fer are appropriate and include funding for positions and
2 personnel to support program office costs.

3 (d) DEFINITIONS.—In this section:

4 (1) The term “appropriate congressional com-
5 mittees” means—

6 (A) the congressional defense committees;

7 (B) the Permanent Select Committee on
8 Intelligence of the House of Representatives;
9 and

10 (C) the Select Committee on Intelligence of
11 the Senate.

12 (2) The term “covered space-based environ-
13 mental monitoring missions” means the acquisition
14 programs necessary to meet the national security re-
15 quirements for cloud characterization and theater
16 weather imagery.

17 **SEC. 1610. PILOT PROGRAM ON COMMERCIAL WEATHER**
18 **DATA.**

19 (a) IN GENERAL.—Not later than 180 days after the
20 date of the enactment of this Act, the Secretary of Defense
21 shall establish a pilot program to assess the viability of
22 commercial satellite weather data to support requirements
23 of the Department of Defense.

24 (b) COMMERCIAL WEATHER DATA.—Of the funds
25 authorized to be appropriated by this Act or otherwise

1 made available for fiscal year 2017 for the Secretary of
2 Defense to carry out the pilot program under subsection
3 (a), not more than \$3,000,000 may be obligated or ex-
4 pended to carry out such pilot program by purchasing and
5 evaluating commercial weather data that meets the stand-
6 ards and specifications set by the Department of Defense.

7 (c) DURATION.—The Secretary may carry out the
8 pilot program under subsection (a) for a period not ex-
9 ceeding one year.

10 (d) BRIEFINGS.—

11 (1) INTERIM BRIEFING.—Not later than 60
12 days after the date of the enactment of this Act, the
13 Secretary of Defense shall provide a briefing to the
14 Committees on Armed Services of the House of Rep-
15 resentatives and the Senate (and to any other con-
16 gressional defense committee upon request) dem-
17 onstrating how the Secretary plans to implement the
18 pilot program under subsection (a).

19 (2) FINAL BRIEFING.—Not later than 90 days
20 after the pilot program under subsection (a) is com-
21 pleted, the Secretary shall provide a briefing to the
22 Committees on Armed Services of the House of Rep-
23 resentatives and the Senate (and to any other con-
24 gressional defense committee upon request) on the
25 utility, cost, and other considerations regarding the

1 purchase of commercial satellite weather data to
2 support the requirements of the Department of De-
3 fense.

4 **SEC. 1611. ORGANIZATION AND MANAGEMENT OF NA-**
5 **TIONAL SECURITY SPACE ACTIVITIES OF THE**
6 **DEPARTMENT OF DEFENSE.**

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

8 (1) National security space capabilities are a
9 vital element of the national defense of the United
10 States.

11 (2) The advantages of the United States in na-
12 tional security space are now threatened to an un-
13 precedented degree by growing and serious
14 counterspace capabilities of potential foreign adver-
15 saries, and the space advantages of the United
16 States must be protected.

17 (3) The Department of Defense has recognized
18 the threat and has taken initial steps necessary to
19 defend space, however the organization and manage-
20 ment may not be strategically postured to fully ad-
21 dress this changed domain of operations over the
22 long term.

23 (4) The defense of space is currently a priority
24 for the leaders of the Department, however the

1 space mission is managed within competing prior-
2 ities of each of the Armed Forces.

3 (5) Space elements provide critical capabilities
4 to all of the Armed Forces in the joint fight, how-
5 ever the disparate activities throughout the Depart-
6 ment have no single leader that is empowered to
7 make decisions affecting the space forces of the De-
8 partment.

9 (b) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that, to modernize and fully address the growing
11 threat to the national security space advantage of the
12 United States, the Secretary of Defense must evaluate the
13 range of options and take further action to strengthen the
14 leadership, management, and organization of the national
15 security space activities of the Department of Defense, in-
16 cluding with respect to—

17 (1) unifying, integrating, and de-conflicting ac-
18 tivities to provide for stronger prioritization, ac-
19 countability, coherency, focus, strategy, and integra-
20 tion of the joint space program of the Department;

21 (2) streamlining decision-making, limiting un-
22 necessary bureaucracy, and empowering the appro-
23 priate level of authority, while enabling effective
24 oversight;

1 (3) maintaining the involvement of each of the
2 Armed Forces and adapting the culture and improv-
3 ing the capabilities of the workforce to ensure the
4 workforce has the appropriate training, experience,
5 and tools to accomplish the mission; and

6 (4) reviewing authorities and preparing for a
7 conflict that could extend to space.

8 (c) RECOMMENDATIONS.—Not later than 180 days
9 after the date of the enactment of this Act, the Secretary
10 of Defense and the Director of the Office of Management
11 and Budget shall each separately submit to the appro-
12 priate congressional committees recommendations, in ac-
13 cordance with subsection (b), to strengthen the leadership,
14 management, and organization of the Department of De-
15 fense with respect to the national security space activities
16 of the Department.

17 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—
18 In this section, the term “appropriate congressional com-
19 mittees” means the following:

20 (1) The congressional defense committees.

21 (2) The Permanent Select Committee on Intel-
22 ligence of the House of Representatives and the Se-
23 lect Committee on Intelligence of the Senate.

1 **SEC. 1612. REVIEW OF CHARTER OF OPERATIONALLY RE-**
2 **SPONSIVE SPACE PROGRAM OFFICE.**

3 (a) REVIEW.—The Secretary of Defense shall con-
4 duct a review of charter of the Operationally Responsive
5 Space Program Office established by section 2273a of title
6 10, United States Code (in this section referred to as the
7 “Office”).

8 (b) ELEMENTS.—The review under subsection (a)
9 shall include the following:

10 (1) A review of the key operationally responsive
11 space needs with respect to the warfighter and with
12 respect to national security.

13 (2) How the Office could fit into the broader
14 resilience and space security strategy of the Depart-
15 ment of Defense.

16 (3) An assessment of the potential of the Office
17 to focus on the reconstitution capabilities with small
18 satellites using low-cost launch vehicles and existing
19 infrastructure.

20 (4) An assessment of the potential of the Office
21 to leverage existing or planned commercial capabili-
22 ties.

23 (5) A review of the necessary workforce special-
24 ties and acquisition authorities of the Office.

25 (6) A review of the funding profile of the Of-
26 fice.

1 (7) A review of the organizational placement
2 and reporting structure of the Office.

3 (c) REPORT.—Not later than 180 days after the date
4 of the enactment of this Act, the Secretary shall submit
5 to the congressional defense committees a report con-
6 taining the review under subsection (a), including any rec-
7 ommendations for legislative actions based on such review.

8 **SEC. 1613. BACKUP AND COMPLEMENTARY POSITIONING,**
9 **NAVIGATION, AND TIMING CAPABILITIES OF**
10 **GLOBAL POSITIONING SYSTEM.**

11 (a) STUDY.—

12 (1) IN GENERAL.—The covered Secretaries
13 shall jointly conduct a study to assess and identify
14 the technology-neutral requirements to backup and
15 complement the positioning, navigation, and timing
16 capabilities of the Global Positioning System for na-
17 tional security and critical infrastructure.

18 (2) REPORT.—Not later than one year after the
19 date of the enactment of this Act, the covered Secre-
20 taries shall submit to the appropriate congressional
21 committees a report on the study under paragraph
22 (1). Such report shall include—

23 (A) with respect to the Department of each
24 covered Secretary, the identification of the re-
25 spective requirements to backup and com-

1 plement the positioning, navigation, and timing
2 capabilities of the Global Positioning System for
3 national security and critical infrastructure;

4 (B) an analysis of alternatives to meet
5 such requirements, including, at a minimum—

6 (i) an analysis of the viability of a
7 public-private partnership to establish a
8 complementary positioning, navigation, and
9 timing system; and

10 (ii) an analysis of the viability of serv-
11 ice level agreements to operate a com-
12 plementary positioning, navigation, and
13 timing system; and

14 (C) a plan and estimated costs, schedule,
15 and system level technical considerations, in-
16 cluding end user equipment and integration
17 considerations, to meet such requirements.

18 (b) SINGLE DESIGNATED OFFICIAL.—Each covered
19 Secretary shall designate a single senior official of the De-
20 partment of the Secretary to act as the primary represent-
21 ative of such Department for purposes of conducting the
22 study under subsection (a)(1).

23 (c) DEFINITIONS.—In this section:

24 (1) The term “appropriate congressional com-
25 mittees” means—

1 (A) the congressional defense committees;

2 (B) the Committee on Science, Space, and
3 Technology, the Committee on Transportation
4 and Infrastructure, and the Committee on
5 Homeland Security of the House of Representa-
6 tives; and

7 (C) the Committee on Commerce, Science,
8 and Transportation and the Committee on
9 Homeland Security and Governmental Affairs
10 of the Senate.

11 (2) The term “covered Secretaries” means the
12 Secretary of Defense, the Secretary of Transpor-
13 tation, and the Secretary of Homeland Security.

14 **SEC. 1614. REPORT ON USE OF SPACECRAFT ASSETS OF**
15 **THE SPACE-BASED INFRARED SYSTEM WIDE-**
16 **FIELD-OF-VIEW PROGRAM.**

17 (a) REPORT.—Not later than 180 days after the date
18 of the enactment of this Act, the Secretary of Defense,
19 in coordination with the Director of National Intelligence,
20 shall submit to the appropriate congressional committees
21 a report on the feasibility of using available spacecraft as-
22 sets of the space-based infrared system wide-field-of-view
23 program to satisfy other mission requirements of the De-
24 partment of Defense or the intelligence 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.

1 **Subtitle B—Defense Intelligence**
2 **and Intelligence-Related Activities**

3 **SEC. 1621. LIMITATION ON AVAILABILITY OF FUNDS FOR**
4 **INTELLIGENCE MANAGEMENT.**

5 (a) LIMITATION.—Of the funds authorized to be ap-
6 propriated by this Act or otherwise made available for fis-
7 cal year 2017 for operation and maintenance, Defense-
8 wide, for intelligence management, not more than 95 per-
9 cent may be obligated or expended until the date on which
10 the Under Secretary of Defense for Intelligence submits
11 to the appropriate congressional committees the reports
12 on counterintelligence activities described in any classified
13 annex accompanying this Act.

14 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
15 DEFINED.—In this section, the term “appropriate con-
16 gressional committees” means the following:

- 17 (1) The congressional defense committees.
18 (2) The Permanent Select Committee on Intel-
19 ligence of the House of Representatives.

20 **SEC. 1622. LIMITATIONS ON AVAILABILITY OF FUNDS FOR**
21 **UNITED STATES CENTRAL COMMAND INTEL-**
22 **LIGENCE FUSION CENTER.**

23 (a) LIMITATIONS.—Of the funds authorized to be ap-
24 propriated by this Act or otherwise made available for fis-

1 cal year 2017 for the Intelligence Fusion Center of the
2 United States Central Command—

3 (1) 25 percent may not be obligated or ex-
4 pended until—

5 (A) the Commander of the United States
6 Central Command submits to the appropriate
7 congressional committees the report under sub-
8 section (b); and

9 (B) a period of 15 days has elapsed fol-
10 lowing the date of such submission; and

11 (2) 25 percent may not be obligated or ex-
12 pended until—

13 (A) the Commander submits to such com-
14 mittees the report under subsection (c); and

15 (B) a period of 15 days has elapsed fol-
16 lowing the date of such submission.

17 (b) REPORT ON PROCEDURES.—The Commander
18 shall submit to the appropriate congressional committees
19 a report on the steps taken by the Commander to for-
20 malize and disseminate procedures for establishing, staff-
21 ing, and operating the Intelligence Fusion Center of the
22 United States Central Command.

23 (c) REPORT ON IG FINDINGS.—The Commander
24 shall submit to the appropriate congressional committees
25 a report on the steps taken by the Commander to address

1 the findings of the final report of the Inspector General
2 of the Department of Defense regarding the processing of
3 intelligence information by the Intelligence Directorate of
4 the United States Central Command.

5 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
6 DEFINED.—In this section, the term “appropriate con-
7 gressional committees” means—

- 8 (1) the congressional defense committees; and
- 9 (2) the Permanent Select Committee on Intel-
10 ligence of the House of Representatives.

11 **SEC. 1623. LIMITATION ON AVAILABILITY OF FUNDS FOR**
12 **JOINT INTELLIGENCE ANALYSIS COMPLEX.**

13 (a) LIMITATION.—Of the funds authorized to be ap-
14 propriated by this Act or otherwise made available for fis-
15 cal year 2017 for increased intelligence manpower posi-
16 tions for operation of the Joint Intelligence Analysis Com-
17 plex at Royal Air Force Molesworth, United Kingdom, not
18 more than 85 percent may be obligated or expended dur-
19 ing fiscal year 2017 until the date on which the Secretary
20 of Defense submits to the appropriate congressional com-
21 mittees the analysis under subsection (b)(1).

22 (b) ANALYSIS.—

- 23 (1) IN GENERAL.—Not later than 120 days
24 after the date of the enactment of this Act, the Sec-
25 retary of Defense, in coordination with the Director

1 of National Intelligence, shall submit to the appro-
2 priate congressional committees a revised analysis of
3 alternatives for the basing of a new Joint Intel-
4 ligence Analysis Complex that is—

5 (A) based on the analysis of the oper-
6 ational requirements and costs of the United
7 States; and

8 (B) informed by the findings of the report
9 of the Comptroller General of the United States
10 on the cost estimating and basing decision proc-
11 ess of the Joint Intelligence Analysis Complex.

12 (2) REQUIREMENTS.—The analysis under para-
13 graph (1) shall, at a minimum—

14 (A) be conducted in a manner that—

15 (i) uses best practices;

16 (ii) appropriately accounts for non-re-
17 curring and life cycle costs, including with
18 respect to cost of living and projected
19 growth in cost of living;

20 (iii) uses objective and measurable cri-
21 teria for evaluating alternative locations
22 against mission requirements; and

23 (iv) uses reasonable and verifiable as-
24 sumptions;

1 (B) include the identification and assess-
2 ments of—

3 (i) possible alternative locations for
4 the Joint Intelligence Analysis Complex at
5 existing military installations used by the
6 United States; and

7 (ii) other possible cost-saving alter-
8 natives;

9 (C) evaluate alternative practices to mini-
10 mize the number of support personnel required;

11 (D) evaluate alternatives to building a new
12 facility, including modifying existing facilities
13 and using prefabricated facilities; and

14 (E) evaluate the possibility of separating
15 the European Command Intelligence Analytic
16 Center, the Africa Command Intelligence Ana-
17 lytic Center, or the NATO Intelligence Fusion
18 Center from the rest of the Joint Intelligence
19 Analysis Complex at other viable locations.

20 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
21 FINED.—In this section, the term “appropriate congres-
22 sional committees” means—

23 (1) the congressional defense committees; and

24 (2) the Permanent Select Committee on Intel-
25 ligence of the House of Representatives.

1 **Subtitle C—Cyberspace-Related**
2 **Matters**

3 **SEC. 1631. SPECIAL EMERGENCY PROCUREMENT AUTHOR-**
4 **ITY TO FACILITATE THE DEFENSE AGAINST**
5 **OR RECOVERY FROM A CYBER ATTACK.**

6 Section 1903(a)(2) of title 41, United States Code,
7 is amended by inserting “cyber,” before “nuclear,”.

8 **SEC. 1632. CHANGE IN NAME OF NATIONAL DEFENSE UNI-**
9 **VERSITY’S INFORMATION RESOURCES MAN-**
10 **AGEMENT COLLEGE TO COLLEGE OF INFOR-**
11 **MATION AND CYBERSPACE.**

12 Section 2165(b)(5) of title 10, United States Code,
13 is amended by striking “Information Resources Manage-
14 ment College” and inserting “College of Information and
15 Cyberspace”.

16 **SEC. 1633. REQUIREMENT TO ENTER INTO AGREEMENTS**
17 **RELATING TO USE OF CYBER OPPOSITION**
18 **FORCES.**

19 (a) **REQUIREMENT FOR AGREEMENTS.**—Not later
20 than September 30, 2017, the Secretary of Defense shall
21 enter into an agreement with each combatant command
22 relating to the use of cyber opposition forces. Each agree-
23 ment shall require the command—

24 (1) to support a high state of mission readiness
25 in the command through the use of one or more

1 cyber opposition forces in continuous exercises and
2 other training activities as considered appropriate by
3 the commander of the command; and

4 (2) in conducting such exercises and training
5 activities, meet the standard required under sub-
6 section (b).

7 (b) JOINT STANDARD FOR CYBER OPPOSITION
8 FORCES.—Not later than March 31, 2017, the Secretary
9 of Defense shall issue a joint training and certification
10 standard for use by all cyber opposition forces within the
11 Department of Defense.

12 (c) BRIEFING REQUIRED.—Not later than September
13 30, 2017, the Secretary of Defense shall provide to the
14 congressional defense committees a briefing on—

15 (1) a list of each combatant command that has
16 entered into an agreement required by subsection
17 (a);

18 (2) with respect to each such agreement—

19 (A) special conditions in the agreement
20 placed on any cyber opposition force used by
21 the command;

22 (B) the process for making decisions about
23 deconfliction and risk mitigation of cyber oppo-
24 sition force activities in continuous exercises
25 and training;

1 (C) identification of cyber opposition forces
2 trained and certified to operate at the joint
3 standard, as issued under subsection (b);

4 (D) identification of the annual exercises
5 that will include participation of the cyber oppo-
6 sition forces;

7 (E) identification of any shortfalls in re-
8 sources that may prevent annual exercises using
9 cyber opposition forces; and

10 (3) any other matters the Secretary of Defense
11 considers appropriate.

12 **SEC. 1634. LIMITATION ON AVAILABILITY OF FUNDS FOR**
13 **CRYPTOGRAPHIC SYSTEMS AND KEY MAN-**
14 **AGEMENT INFRASTRUCTURE.**

15 (a) LIMITATION.—Of the funds authorized to be ap-
16 propriated by this Act or otherwise made available for fis-
17 cal year 2017 for cryptographic systems and key manage-
18 ment infrastructure, not more than 75 percent may be ob-
19 ligated or expended until the date on which the Secretary
20 of Defense, in consultation with the Director of the Na-
21 tional Security Agency, submits to the appropriate con-
22 gressional committees a report on the integration of the
23 cryptographic modernization and key management infra-
24 structure programs of the military departments, including
25 a description of how the military departments have imple-

1 mented stronger leadership, increased integration, and re-
2 duced redundancy with respect to such modernization and
3 programs.

4 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
5 DEFINED.—In this section, the term “appropriate con-
6 gressional committees” means the following:

7 (1) The congressional defense committees.

8 (2) The Permanent Select Committee on Intel-
9 ligence of the House of Representatives.

10 **SEC. 1635. PILOT PROGRAMS ON DIRECT COMMISSIONS TO**
11 **CYBER POSITIONS.**

12 (a) AUTHORITY.—The Secretary of the Army and the
13 Secretary of the Air Force shall each carry out a pilot
14 program to improve the ability of the Army and the Air
15 Force, respectively, to recruit cyber professionals.

16 (b) ELEMENTS.—Under the pilot program, the Secre-
17 taries shall each allow individuals who meet educational,
18 physical, and other requirements determined appropriate
19 by the Secretary to receive original appointments as com-
20 missioned officers in a cyber specialty.

21 (c) CONSULTATION.—In developing the pilot pro-
22 gram, the Secretaries may consult with the Secretary of
23 the Navy with respect to a similar program carried out
24 by the Secretary of the Navy.

1 (d) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that Congress supports the direct commission of in-
3 dividuals trained in cyber specialties because the demand
4 for skilled cyber personnel outstrips the supply of such
5 personnel, and there is great competition for such per-
6 sonnel with private industry.

7 **SEC. 1636. REPORT ON POLICIES FOR RESPONDING TO MA-**
8 **LICIOUS CYBER ACTIVITIES CARRIED OUT**
9 **AGAINST THE UNITED STATES OR UNITED**
10 **STATES PERSONS BY FOREIGN STATES OR**
11 **NON-STATE ACTORS.**

12 (a) REPORT REQUIRED.—Not later than 180 days
13 after the date of the enactment of this Act, the Secretary
14 of Defense shall submit to the congressional defense com-
15 mittees a report on policies, doctrine, procedures, and au-
16 thorities governing Department of Defense activities in re-
17 sponse to malicious cyber activities carried out against the
18 United States or United States persons by foreign states
19 or non-state actors.

20 (b) ELEMENTS.—The report required under sub-
21 section (a) shall include the following:

22 (1) Specific citations to appropriate associated
23 Executive branch and agency directives, guidance,
24 instructions, and other authoritative policy docu-
25 ments.

1 (2) Descriptions of relevant authorities, rules of
2 engagement, command and control structures, and
3 response plans.

4 **SEC. 1637. ASSESSMENT ON SECURITY OF INFORMATION**
5 **HELD BY CLEARED DEFENSE CONTRACTORS.**

6 (a) ASSESSMENT.—

7 (1) IN GENERAL.—The Secretary of Defense
8 shall conduct an assessment of the sufficiency of the
9 regulatory mechanisms of the Department of De-
10 fense to secure defense information held by cleared
11 defense contractors to determine whether there are
12 any gaps that may undermine the protection of such
13 information.

14 (2) SUBMISSION.—Not later than 180 days
15 after the date of the enactment of this Act, the Sec-
16 retary shall submit to the congressional defense com-
17 mittees a report on the findings of the assessment
18 conducted under paragraph (1).

19 (b) REGULATIONS.—Not later than 270 days after
20 the date of the enactment of this Act, the Secretary shall
21 prescribe regulations that the Secretary determines appro-
22 priate to improve the security of defense information held
23 by cleared defense contractors.

24 (c) CLEARED DEFENSE CONTRACTOR DEFINED.—In
25 this section, the term “cleared defense contractor” has the

1 meaning given that term in section 393(e) of title 10,
2 United States Code.

3 **SEC. 1638. SENSE OF CONGRESS ON CYBER RESILIENCY OF**
4 **THE NETWORKS AND COMMUNICATIONS SYS-**
5 **TEMS OF THE NATIONAL GUARD.**

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

7 (1) Army and Air National Guard personnel
8 need to have situational awareness and reliable com-
9 munications during any of the following events oc-
10 ccurring in the United States:

11 (A) A terrorist attack.

12 (B) An intentional or unintentional release
13 of chemical, biological, radiological, nuclear, or
14 high-yield explosive materials.

15 (C) A natural or man-made disaster.

16 (2) During such an event, it is vital that Army
17 and Air National Guard personnel are able to com-
18 municate and coordinate response efforts with their
19 own units and appropriate civilian emergency re-
20 sponse forces.

21 (3) Current networks and communications sys-
22 tems of the National Guard, including commercial
23 wireless solutions (such as mobile wireless kinetic
24 mesh), and other systems that are interoperable with
25 the systems of civilian first responders, should pro-

1 vide the necessary robustness, interoperability, reli-
2 ability, and resilience to extend needed situational
3 awareness and communications to all users and
4 under all operating conditions, including degraded
5 communications environments where infrastructure
6 is damaged or destroyed or under cyber attack or
7 disruption.

8 (b) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that the National Guard should be constantly seek-
10 ing ways to improve and expand its communications and
11 networking capabilities to provide for enhanced perform-
12 ance and resilience in the face of cyber attacks or disrup-
13 tions, as well as other instances of degradation.

14 **SEC. 1639. REQUIREMENT FOR ARMY NATIONAL GUARD**
15 **STRATEGY TO INCORPORATE CYBER PRO-**
16 **TECTION TEAMS INTO DEPARTMENT OF DE-**
17 **ENSE CYBER MISSION FORCE.**

18 (a) STRATEGY REQUIRED.—Not later than 180 days
19 after the date of the enactment of this Act, the Secretary
20 of the Army, if the Secretary has not already done so,
21 shall provide a briefing to the congressional defense com-
22 mittees outlining a strategy for incorporating Army Na-
23 tional Guard cyber protection teams into the Department
24 of Defense cyber mission force.

1 (b) ELEMENTS OF STRATEGY.—The strategy re-
2 quired by subsection (a) shall include, at minimum, the
3 following:

4 (1) A timeline for incorporating Army National
5 Guard cyber protection teams into the Department
6 of Defense cyber mission force, including a timeline
7 for receiving appropriate training.

8 (2) Identification of specific units to be incor-
9 porated.

10 (3) An assessment of how incorporation of
11 Army National Guard cyber protection teams into
12 the Department of Defense cyber mission force
13 might be used to enhance readiness through im-
14 proved individual and collective training capabilities.

15 (4) A status report on the Army's progress in
16 issuing additional guidance that clarifies how Army
17 National Guard cyber protection teams can support
18 State and civil operations in National Guard status
19 under title 32, United States Code.

20 (5) Other matters as considered appropriate by
21 the Secretary of the Army.

1 **Subtitle D—Nuclear Forces**

2 **SEC. 1641. 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 shall jointly submit to the congressional
17 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 (d) REPORTING REQUIREMENTS.—Subsection (e) of
2 such section is amended by striking “At the same time”
3 and all that follows through “title 31,” and inserting the
4 following: “During the period preceding January 31,
5 2021, at the same time each year that the budget of the
6 President is submitted to Congress pursuant to section
7 1105(a) of title 31, and from time to time after such pe-
8 riod at the discretion of the Council,”.

9 **SEC. 1642. TREATMENT OF CERTAIN SENSITIVE INFORMA-**
10 **TION BY STATE AND LOCAL GOVERNMENTS.**

11 (a) SPECIAL NUCLEAR MATERIAL.—Section 128 of
12 title 10, United States Code, is amended by adding at the
13 end the following new subsection:

14 “(d) Information that the Secretary prohibits to be
15 disseminated pursuant to subsection (a) that is provided
16 to a State or local government shall remain under the con-
17 trol of the Department of Defense, and a State or local
18 law authorizing or requiring a State or local government
19 to disclose such information shall not apply to such infor-
20 mation.”.

21 (b) CRITICAL INFRASTRUCTURE SECURITY INFORMA-
22 TION.—Section 130e of such title is amended—

23 (1) by redesignating subsection (c) as sub-
24 section (f) and moving such subsection, as so redesi-
25 gnated, to appear after subsection (e); and

1 (2) by striking subsection (b) and inserting the
2 following new subsections:

3 “(b) DESIGNATION OF DEPARTMENT OF DEFENSE
4 CRITICAL INFRASTRUCTURE SECURITY INFORMATION.—
5 In addition to any other authority or requirement regard-
6 ing protection from dissemination of information, the Sec-
7 retary may designate information as being Department of
8 Defense critical infrastructure security information, in-
9 cluding during the course of creating such information,
10 to ensure that such information is not disseminated with-
11 out authorization. Information so designated is subject to
12 the determination process under subsection (a) to deter-
13 mine whether to exempt such information from disclosure
14 described in such subsection.

15 “(c) INFORMATION PROVIDED TO STATE AND LOCAL
16 GOVERNMENTS.—(1) Department of Defense critical in-
17 frastructure security information covered by a written de-
18 termination under subsection (a) or designated under sub-
19 section (b) that is provided to a State or local government
20 shall remain under the control of the Department of De-
21 fense.

22 “(2)(A) A State or local law authorizing or requiring
23 a State or local government to disclose Department of De-
24 fense critical infrastructure security information that is

1 covered by a written determination under subsection (a)
2 shall not apply to such information.

3 “(B) If a person requests pursuant to a State or local
4 law that a State or local government disclose information
5 that is designated as Department of Defense critical infra-
6 structure security information under subsection (b), the
7 State or local government shall provide the Secretary an
8 opportunity to carry out the determination process under
9 subsection (a) to determine whether to exempt such infor-
10 mation from disclosure pursuant to subparagraph (A).”.

11 (c) CONFORMING AMENDMENTS.—

12 (1) SECTION 128.—Section 128 of such title is
13 further amended in the section heading by striking
14 “**Physical**” and inserting “**Control and phys-**
15 **ical**”.

16 (2) SECTION 130E.—Section 130e of such title
17 is further amended—

18 (A) by striking the section heading and in-
19 serting the following new section heading:
20 “**Control and protection of critical in-**
21 **frastructure security information**”;

22 (B) in subsection (a), by striking the sub-
23 section heading and inserting the following new
24 subsection heading; “EXEMPTION FROM FREE-
25 DOM OF INFORMATION ACT.—”;

1 (C) in subsection (d), by striking the sub-
 2 section heading and inserting the following new
 3 subsection heading: “DELEGATION OF DETER-
 4 MINATION AUTHORITY.—”; and

5 (D) in subsection (e), by striking the sub-
 6 section heading and inserting the following new
 7 subsection heading: “TRANSPARENCY OF DE-
 8 TERMINATIONS.—”.

9 (d) CLERICAL AMENDMENTS.—The table of sections
 10 at the beginning of chapter 3 of such title is amended—

11 (1) by striking the item relating to section 128
 12 and inserting the following new item:

“128. Control and physical protection of special nuclear material: limitation on
 dissemination of unclassified information.”; and

13 (2) by striking the item relating to section 130e
 14 and inserting the following new item:

“130e. Control and protection of critical infrastructure security information.”.

15 **SEC. 1643. PROCUREMENT AUTHORITY FOR CERTAIN**
 16 **PARTS OF INTERCONTINENTAL BALLISTIC**
 17 **MISSILE FUZES.**

18 (a) AVAILABILITY OF FUNDS.—Notwithstanding sec-
 19 tion 1502(a) of title 31, United States Code, of the
 20 amount authorized to be appropriated for fiscal year 2017
 21 by section 101 and available for Missile Procurement, Air
 22 Force, as specified in the funding table in section 4101,
 23 \$17,095,000 shall be available for the procurement of cov-

1 ered parts pursuant to contracts entered into under sec-
2 tion 1645(a) of the Carl Levin and Howard P. “Buck”
3 Mckeon National Defense Authorization Act for Fiscal
4 Year 2015 (Public Law 113–291; 128 Stat. 3651).

5 (b) COVERED PARTS DEFINED.—In this section, the
6 term “covered parts” means commercially available off-
7 the-shelf items as defined in section 104 of title 41, United
8 States Code.

9 **SEC. 1644. PROHIBITION ON AVAILABILITY OF FUNDS FOR**
10 **MOBILE VARIANT OF GROUND-BASED STRA-**
11 **TEGIC DETERRENT MISSILE.**

12 None of the funds authorized to be appropriated by
13 this Act or otherwise made available for any of fiscal years
14 2017 or 2018 may be obligated or expended to retain the
15 option for, or develop, a mobile variant of the ground-
16 based strategic deterrent missile.

17 **SEC. 1645. LIMITATION ON AVAILABILITY OF FUNDS FOR**
18 **EXTENSION OF NEW START TREATY.**

19 (a) LIMITATION.—None of the funds authorized to
20 be appropriated by this Act or otherwise made available
21 for fiscal year 2017 or any other fiscal year for the De-
22 partment of Defense may be obligated or expended to ex-
23 tend the New START Treaty unless—

24 (1) the Chairman of the Joint Chiefs of Staff
25 submits the report under subsection (b);

1 (2) the Director of National Intelligence sub-
2 mits the National Intelligence Estimate under sub-
3 section (c)(2); and

4 (3) a period of 180 days elapses following the
5 submission of both the report and the National In-
6 telligence Estimate.

7 (b) REPORT.—The Chairman of the Joint Chiefs of
8 Staff shall submit to the appropriate congressional com-
9 mittees a report detailing the following:

10 (1) The impacts on the nuclear forces and force
11 planning of the United States with respect to a
12 State Party to the New START Treaty developing
13 a capability to conduct a rapid reload of its ballistic
14 missiles.

15 (2) Whether any State Party to the New
16 START Treaty has significantly increased its upload
17 capability with non-deployed nuclear warheads and
18 the degree to which such developments impact crisis
19 stability and the nuclear forces, force planning, use
20 concepts, and deterrent strategy of the United
21 States.

22 (3) The extent to which non-treaty-limited nu-
23 clear or strategic conventional systems pose a threat
24 to the United States or the allies of the United
25 States.

1 (4) The extent to which violations of arms con-
2 trol treaty and agreement obligations pose a risk to
3 the national security of the United States and the
4 allies of the United States, including the perpetua-
5 tion of violations ongoing as of the date of the enact-
6 ment of this Act, as well as potential further viola-
7 tions.

8 (5) The extent to which—

9 (A) the “escalate-to-deescalate” nuclear
10 use doctrine of the Russian Federation is de-
11 terred under the current nuclear force struc-
12 ture, weapons capabilities, and declaratory pol-
13 icy of the United States; and

14 (B) deterring the implementation of such a
15 doctrine has been integrated into the warplans
16 of the United States.

17 (6) The status of the nuclear weapons, nuclear
18 weapons infrastructure, and nuclear command and
19 control modernization activities of the United States,
20 and the impact such status has on plans to—

21 (A) implement the reduction of the nuclear
22 weapons of the United States; or

23 (B) further reduce the numbers and types
24 of such weapons.

1 (7) Whether, and if so, the reasons that, the
2 New START Treaty, and the extension of the treaty
3 as of the date of the report, is in the national secu-
4 rity interests of the United States.

5 (c) NATIONAL INTELLIGENCE ESTIMATE.—

6 (1) PRODUCTION.—The Director of National
7 Intelligence shall produce a National Intelligence Es-
8 timate on the following:

9 (A) The nuclear forces and doctrine of the
10 Russian Federation.

11 (B) The nuclear weapons research and
12 production capability of Russia.

13 (C) The compliance of Russia with respect
14 to arms control obligations (including treaties,
15 agreements, and other obligations).

16 (D) The doctrine of Russia with respect to
17 targeting adversary critical infrastructure and
18 the relationship between such doctrine and
19 other Russian war planning, including, at a
20 minimum, “escalate-to-deescalate” concepts.

21 (2) SUBMISSION.—The Director of National In-
22 telligence shall submit, consistent with the protection
23 of sources and methods, to the appropriate congres-
24 sional committees the National Intelligence Estimate
25 produced under paragraph (1).

1 (d) DEFINITIONS.—In this section:

2 (1) The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committees on Armed Services of
5 the House of Representatives and the Senate;

6 (B) the Committee on Foreign Affairs of
7 the House of Representatives and the Com-
8 mittee on Foreign Relations of the Senate; and

9 (C) the Permanent Select Committee on
10 Intelligence of the House of Representatives
11 and the Select Committee on Intelligence of the
12 Senate.

13 (2) The term “New START Treaty” means the
14 Treaty between the United States of America and
15 the Russian Federation on Measures for the Further
16 Reduction and Limitation of Strategic Offensive
17 Arms, signed on April 8, 2010, and entered into
18 force on February 5, 2011.

19 **SEC. 1646. CONSOLIDATION OF NUCLEAR COMMAND, CON-**
20 **TROL, AND COMMUNICATIONS FUNCTIONS**
21 **OF THE AIR FORCE.**

22 (a) ROLE OF MAJOR COMMAND.—

23 (1) CONSOLIDATION.—Not later than March
24 31, 2017, the Secretary of the Air Force shall con-
25 solidate under a major command commanded by a

1 single general officer the responsibility, authority,
2 accountability, and resources for carrying out the
3 nuclear command, control, and communications
4 functions of the Air Force, including, at a minimum,
5 with respect to the following:

6 (A) All terrestrial and aerial components of
7 the nuclear command and control system that
8 are survivable and enduring.

9 (B) All terrestrial and aerial components
10 of the integrated tactical warning and attack
11 assessment system that are survivable and en-
12 durable.

13 (2) OVERSIGHT AND BUDGET APPROVAL.—Not
14 later than March 31, 2017, in addition to the re-
15 sponsibility, authority, accountability, and resources
16 for carrying out the nuclear command, control, and
17 communications functions of the Air Force provided
18 to a commander of a major command under para-
19 graph (1), the Secretary shall provide to the com-
20 mander the responsibility, authority, accountability,
21 and resources to—

22 (A) conduct oversight over all components
23 of the nuclear command and control system and
24 the integrated tactical warning and attack as-

1 assessment system, regardless of the location or
2 the durability of such components; and

3 (B) approve or disapprove of any budg-
4 etary actions related to all components of the
5 nuclear command and control system and the
6 integrated tactical warning and attack assess-
7 ment system, regardless of the location or the
8 durability of such components.

9 (b) REPORT.—Not later than January 15, 2017, the
10 Secretary shall submit to the congressional defense com-
11 mittees a report on the plans and actions taken by the
12 Secretary to carry out subsection (a), including any guid-
13 ance, directives, and orders that have been or will be
14 issued by the Secretary, the Chief of Staff of the Air
15 Force, or other elements of the Air Force to carry out
16 subsection (a).

17 **SEC. 1647. REPORT ON RUSSIAN AND CHINESE POLITICAL**
18 **AND MILITARY LEADERSHIP SURVIVABILITY,**
19 **COMMAND AND CONTROL, AND CONTINUITY**
20 **OF GOVERNMENT PROGRAMS AND ACTIVI-**
21 **TIES.**

22 (a) REPORT.—Not later than January 15, 2017, the
23 Director of National Intelligence shall submit to the ap-
24 propriate congressional committees, consistent with the
25 protection of sources and methods, a report on the leader-

1 ship survivability, command and control, and continuity
2 of government programs and activities with respect to the
3 People's Republic of China and the Russian Federation,
4 respectively. The report shall include the following:

5 (1) The goals and objectives of such programs
6 and activities of each respective country.

7 (2) An assessment of how such programs and
8 activities fit into the political and military doctrine
9 and strategy of each respective country.

10 (3) An assessment of the size and scope of such
11 activities, including the location and description of
12 above-ground and underground facilities important
13 to the political and military leadership survivability,
14 command and control, and continuity of government
15 programs and activities of each respective country.

16 (4) An identification of which facilities various
17 senior political and military leaders of each respec-
18 tive country are expected to operate out of during
19 crisis and wartime.

20 (5) A technical assessment of the political and
21 military means and methods for command and con-
22 trol in wartime of each respective country.

23 (6) An identification of key officials and organi-
24 zations of each respective country involved in man-
25 aging and operating such facilities, programs and

1 activities, including the command structure for each
2 organization involved in such programs and activi-
3 ties.

4 (7) An assessment of how senior leaders of each
5 respective country measure the effectiveness of such
6 programs and activities.

7 (8) An estimate of the annual cost of such pro-
8 grams and activities.

9 (9) An assessment of the degree of enhanced
10 survivability such programs and activities can be ex-
11 pected to provide in various military scenarios rang-
12 ing from limited conventional conflict to strategic
13 nuclear employment.

14 (10) An assessment of the type and extent of
15 foreign assistance, if any, in such programs and ac-
16 tivities.

17 (11) An assessment of the status and the effec-
18 tiveness of the intelligence collection of the United
19 States on such programs and capabilities, and any
20 gaps in such collection.

21 (12) Any other matters the Director determines
22 appropriate.

23 (b) COUNCIL ASSESSMENT.—Not later than 90 days
24 after the date on which the Director submits the report
25 under subsection (a), the Council on Oversight of the Na-

1 tional Leadership Command, Control, and Communica-
2 tions System established by section 171a of title 10,
3 United States Code, shall submit to the appropriate con-
4 gressional committees an assessment of how the command,
5 control, and communications systems for the national
6 leadership of the People’s Republic of China and the Rus-
7 sian Federation, respectively, compare to such system of
8 the United States.

9 (c) STRATCOM.—Together with the assessment
10 submitted under subsection (b), the Commander of the
11 United States Strategic Command shall submit to the ap-
12 propriate congressional committees the views of the Com-
13 mander on the report under subsection (a), including a
14 detailed description for how the leadership survivability,
15 command and control, and continuity of government pro-
16 grams and activities of the People’s Republic of China and
17 the Russian Federation, respectively, are considered in the
18 plans and options under the responsibility of the Com-
19 mander under the unified command plan.

20 (d) FORMS.—Each report or assessment submitted
21 under this section may be submitted in unclassified form,
22 but may include a classified annex.

23 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
24 FINED.—In this section, the term “appropriate congres-
25 sional committees” means—

- 1 (1) the congressional defense committees; and
- 2 (2) the Permanent Select Committee on Intel-
- 3 ligence of the House of Representatives and the Se-
- 4 lect Committee on Intelligence of the Senate.

5 **SEC. 1648. SENSE OF CONGRESS ON IMPORTANCE OF INDE-**
6 **PENDENT NUCLEAR DETERRENT OF UNITED**
7 **KINGDOM.**

8 It is the sense of Congress that—

9 (1) the United States believes that the inde-
10 pendent nuclear deterrent and decision-making of
11 the United Kingdom provides a crucial contribution
12 to international stability, the North Atlantic Treaty
13 Organization alliance, and the national security of
14 the United States;

15 (2) nuclear deterrence is and will continue to be
16 the highest priority mission of the Department of
17 Defense and the United States benefits when the
18 closest ally of the United States clearly and un-
19 equivocally sets similar priorities;

20 (3) the United States sees the nuclear deterrent
21 of the United Kingdom as central to trans-Atlantic
22 security and to the commitment of the United King-
23 dom to NATO to spend two percent of gross domes-
24 tic product on defense;

1 (4) the commitment of the United Kingdom to
2 maintain a continuous at-sea deterrence posture
3 today and in the future complements the deterrent
4 capabilities of the United States and provides a
5 credible “second center of decision making” which
6 ensures potential attackers cannot discount the soli-
7 darity of the mutual relationship of the United
8 States and the United Kingdom;

9 (5) the United States Navy must execute the
10 Ohio-class replacement submarine program on time
11 and within budget, seeking efficiencies and cost sav-
12 ings wherever possible, to ensure that the program
13 delivers a Common Missile Compartment, the Tri-
14 dent II (D5) Strategic Weapon System, and associ-
15 ated equipment and production capabilities, that
16 support the successful development and deployment
17 of the Vanguard-successor submarines of the United
18 Kingdom; and

19 (6) the close technical collaboration, especially
20 expert mutual scientific peer review, provides valu-
21 able resilience and cost effectiveness to the respec-
22 tive deterrence programs of the United States and
23 the United Kingdom.

1 **SEC. 1649. REQUESTS FOR FORCES TO MEET SECURITY RE-**
2 **QUIREMENTS FOR LAND-BASED NUCLEAR**
3 **FORCES.**

4 (a) CERTIFICATION.—Not later than five days after
5 the date of the enactment of this Act, the Chairman of
6 the Joint Chiefs of Staff shall certify to the congressional
7 defense committees that the Chairman has approved any
8 requests for forces, as of the date of the enactment of this
9 Act, of a commander of a combatant command to meet
10 the security requirements of land-based nuclear forces.

11 (b) LIMITATION.—Of the funds authorized to be ap-
12 propriated by this Act or otherwise made available for fis-
13 cal year 2017 for the travel and representational expenses
14 of the Under Secretary of Defense for Acquisition, Tech-
15 nology, and Logistics, not more than 75 percent may be
16 obligated or expended until the date on which the Under
17 Secretary certifies to the congressional defense committees
18 that there is a competitive acquisition process in place to
19 ensure that a UH-1N replacement aircraft is under con-
20 tract in fiscal year 2018.

21 **SEC. 1649A. MATTERS RELATED TO INTERCONTINENTAL**
22 **BALLISTIC MISSILES.**

23 (a) POLICY.—It is the policy of the United States to
24 maintain and modernize a responsive and alert interconti-
25 nental ballistic missile force to ensure robust nuclear de-
26 terrence by preventing any adversary from believing it can

1 carry out a small, surprise, first-strike attack on the
2 United States that disarms the strategic forces of the
3 United States.

4 (b) PROHIBITION.—

5 (1) IN GENERAL.—Except as provided by para-
6 graph (2), none of the funds authorized to be appro-
7 priated by this Act or otherwise made available for
8 fiscal year 2017 shall be obligated or expended for—

9 (A) reducing, or preparing to reduce, the
10 responsiveness or alert level of the interconti-
11 nental ballistic missiles of the United States; or

12 (B) reducing, or preparing to reduce, the
13 quantity of deployed intercontinental ballistic
14 missiles of the United States to a number less
15 than 400.

16 (2) EXCEPTION.—The prohibition in paragraph
17 (1) shall not apply to any of the following activities:

18 (A) The maintenance or sustainment of
19 intercontinental ballistic missiles.

20 (B) Ensuring the safety, security, or reli-
21 ability of intercontinental ballistic missiles.

22 (C) Reduction in the number of deployed
23 intercontinental ballistic missiles that are car-
24 ried out in compliance with—

1 (i) the limitations of the New START
2 Treaty (as defined in section 494(a)(2)(D)
3 of title 10, United States Code); and

4 (ii) section 1644 of the Carl Levin and
5 Howard P. “Buck” McKeon National De-
6 fense Authorization Act for Fiscal Year
7 2015 (Public Law 113–291; 128 Stat.
8 3651; 10 U.S.C. 494 note).

9 (c) REPORT.—

10 (1) IN GENERAL.—Not later than 60 days after
11 the date of the enactment of this Act, the Secretary
12 of the Air Force and the Chairman of the Nuclear
13 Weapons Council shall submit to the congressional
14 defense committees a report regarding efforts to
15 carry out section 1057 of the National Defense Au-
16 thorization Act for Fiscal Year 2014 (Public Law
17 113–66; 10 U.S.C. 495 note).

18 (2) ELEMENTS.—The report under paragraph
19 (1) shall include the following with respect to the pe-
20 riod of the expected lifespan of the Minuteman III
21 system:

22 (A) The number of nuclear warheads re-
23 quired to support the capability to redeploy
24 multiple independently retargetable reentry ve-

1 hicles across the full intercontinental ballistic
2 missile fleet.

3 (B) The current and planned (until 2030)
4 readiness state of nuclear warheads intended to
5 support the capability to redeploy multiple inde-
6 pendently retargetable reentry vehicles across
7 the full intercontinental ballistic missile fleet,
8 including which portion of the active or inactive
9 stockpile such warheads are classified within.

10 (C) The current and planned (until 2030)
11 reserve of components or subsystems required
12 to redeploy multiple independently retargetable
13 reentry vehicles across the full intercontinental
14 ballistic missile fleet, including the plans or in-
15 dustrial capability and capacity to produce more
16 such components or subsystems, if needed.

17 (D) The current and planned (until 2030)
18 time required to commence redeployment of
19 multiple independently retargetable reentry ve-
20 hicles across the intercontinental ballistic mis-
21 sile fleet, including the time required to finish
22 deployment across the full fleet.

1 **Subtitle E—Missile Defense**
2 **Programs**

3 **SEC. 1651. EXTENSIONS OF PROHIBITIONS RELATING TO**
4 **MISSILE DEFENSE INFORMATION AND SYS-**
5 **TEMS.**

6 (a) PROHIBITION ON INTEGRATION OF CERTAIN MIS-
7 SILE DEFENSE SYSTEMS.—

8 (1) IN GENERAL.—Section 130h of title 10,
9 United States Code, is amended—

10 (A) by redesignating subsection (d) as sub-
11 section (e);

12 (B) by inserting after subsection (c) the
13 following new subsection (d):

14 “(d) INTEGRATION.—None of the funds authorized to
15 be appropriated or otherwise made available for any fiscal
16 year for the Department of Defense may be obligated or
17 expended to integrate a missile defense system of the Rus-
18 sian Federation or a missile defense system of the People’s
19 Republic of China into any missile defense system of the
20 United States.”; and

21 (C) by striking the section heading and in-
22 serting the following: “**Prohibitions relat-**
23 **ing to missile defense information**
24 **and systems**”.

1 (B) the full range of active, passive, ki-
2 netic, and nonkinetic defense measures across
3 the full spectrum of land-, air-, sea-, and space-
4 based platforms;

5 (2) the integration of offensive and defensive
6 forces for the defeat of ballistic missiles, including
7 against weapons initially deployed on ballistic mis-
8 siles, such as hypersonic glide vehicles; and

9 (3) cruise missile defense of the homeland.

10 (b) ELEMENTS.—The review under subsection (a)
11 shall address the following:

12 (1) The missile defeat policy, strategy, and ob-
13 jectives of the United States in relation to the na-
14 tional security strategy of the United States and the
15 military strategy of the United States.

16 (2) The role of deterrence in the missile defeat
17 policy and strategy of the United States.

18 (3) The missile defeat posture, capability, and
19 force structure of the United States.

20 (4) With respect to both the five- and ten-year
21 periods beginning on the date of the review, the
22 planned and desired end-state of the missile defeat
23 programs of the United States, including regarding
24 the integration and interoperability of such pro-
25 grams with the joint forces and the integration and

1 interoperability of such programs with allies, and
2 specific benchmarks, milestones, and key steps re-
3 quired to reach such end-states.

4 (5) The organization, discharge, and oversight
5 of acquisition for the missile defeat programs of the
6 United States.

7 (6) The roles and responsibilities of the Office
8 of the Secretary of Defense, Defense Agencies, com-
9 batant commands, the Joint Chiefs of Staff, and the
10 military departments in such programs and the
11 process for ensuring accountability of each stake-
12 holder.

13 (7) The process for determining requirements
14 for missile defeat capabilities under such programs,
15 including input from the joint military requirements
16 process.

17 (8) The process for determining the force struc-
18 ture and inventory objectives for such programs.

19 (9) Standards for the military utility, oper-
20 ational effectiveness, suitability, and survivability of
21 the missile defeat systems of the United States.

22 (10) The method in which resources for the
23 missile defeat mission are planned, programmed,
24 and budgeted within the Department of Defense.

1 (11) The near-term and long-term costs and
2 cost effectiveness of such programs.

3 (12) The options for affecting the offense-de-
4 fense cost curve.

5 (13) Accountability, transparency, and over-
6 sight with respect to such programs.

7 (14) The role of international cooperation on
8 missile defeat in the missile defeat policy and strat-
9 egy of the United States and the plans, policies, and
10 requirements for integration and interoperability of
11 missile defeat capability with allies.

12 (15) Options for enhancing and making routine
13 the codevelopment of missile defeat capabilities with
14 allies of the United States in the near-term and far-
15 term.

16 (16) Declaratory policy governing the employ-
17 ment of missile defeat capabilities and the military
18 options and plans and employment options of such
19 capabilities.

20 (17) The role of multi-mission defense and
21 other assets of the United States, including space
22 and terrestrial sensors and plans to achieve multi-
23 mission capability in current, planned, and other fu-
24 ture assets and acquisition programs.

1 (18) The indications and warning required to
2 meet the missile defeat strategy and objectives of the
3 United States described in paragraph (1) and the
4 key enablers and programs to achieve such indica-
5 tions and warning.

6 (19) The impact of the mobility, counter-
7 measures, and denial and deception capabilities of
8 adversaries on the indications and warning described
9 in paragraph (16) and the consequences of such im-
10 pact for the missile defeat capability, objectives, and
11 military options of the United States and the plans
12 of the combatant commanders.

13 (20) Any other matters the Secretary deter-
14 mines relevant.

15 (c) REPORTS.—

16 (1) RESULTS.—Not later than January 31,
17 2018, the Secretary shall submit to the congres-
18 sional defense committees a report setting forth the
19 results of the review under subsection (a).

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

23 (3) ANNUAL IMPLEMENTATION UPDATES.—
24 During the five-year period beginning on the date of
25 the submission of the report under paragraph (1),

1 the Director of Cost Assessment and Program Eval-
2 uation shall submit to the Secretary of Defense, the
3 Chairman of the Joint Chiefs of Staff, and the con-
4 gressional defense committees annual status updates
5 detailing the progress of the Secretary in imple-
6 menting the missile defeat strategy of the United
7 States.

8 (4) THREAT REPORT.—Not later than 180 days
9 after the date of the enactment of this Act, the Di-
10 rector of National Intelligence shall submit to the
11 congressional defense committees, the Permanent
12 Select Committee on Intelligence of the House of
13 Representatives, and the Select Committee on Intel-
14 ligence of the Senate a report containing an unclas-
15 sified summary, consistent with the protection of in-
16 telligence sources and methods, of—

17 (A) as of the date of the report, the bal-
18 listic and cruise missile threat to the United
19 States, deployed forces of the United States,
20 and friends and allies of the United States from
21 short-, medium-, intermediate-, and long-range
22 nuclear and non-nuclear ballistic and cruise
23 missile threats; and

24 (B) an assessment of such threat in 2026.

25 (d) NOTIFICATION.—

1 (1) IN GENERAL.—None of the funds author-
2 ized to be appropriated by this Act or otherwise
3 made available for fiscal year 2017 or any fiscal year
4 thereafter for the Secretary of Defense may be obli-
5 gated or expended to change the non-standard acqui-
6 sition processes and responsibilities described in
7 paragraph (2) until—

8 (A) the Secretary notifies the congressional
9 defense committees of such proposed change;
10 and

11 (B) a period of 180 days has elapsed fol-
12 lowing the date of such notification.

13 (2) NON-STANDARD ACQUISITION PROCESSES
14 AND RESPONSIBILITIES DESCRIBED.—The non-
15 standard acquisition processes and responsibilities
16 described in this paragraph are such processes and
17 responsibilities described in—

18 (A) the memorandum of the Secretary of
19 Defense titled “Missile Defense Program Direc-
20 tion” signed on January 2, 2002; and

21 (B) Department of Defense Directive
22 5134.09, as in effect on the date of the enact-
23 ment of this Act.

24 (e) DESIGNATION REQUIRED.—

1 (1) AUTHORITY.—Not later than March 31,
2 2018, the Secretary of Defense shall designate a
3 military department or Defense Agency with acquisition
4 authority with respect to—

5 (A) the capability to defend the homeland
6 from cruise missiles; and

7 (B) left-of-launch ballistic missile defeat
8 capability.

9 (2) VALIDATION.—In making such designation
10 under paragraph (1), the Secretary shall include a
11 description of the manner in which the military re-
12 quirements for such capabilities will be validated.

13 **SEC. 1653. IRON DOME SHORT-RANGE ROCKET DEFENSE**
14 **SYSTEM AND ISRAELI COOPERATIVE MISSILE**
15 **DEFENSE PROGRAM CODEVELOPMENT AND**
16 **COPRODUCTION.**

17 (a) IRON DOME SHORT-RANGE ROCKET DEFENSE
18 SYSTEM.—

19 (1) AVAILABILITY OF FUNDS.—Of the funds
20 authorized to be appropriated by section 101 for
21 procurement, Defense-wide, and available for the
22 Missile Defense Agency, not more than \$62,000,000
23 may be provided to the Government of Israel to pro-
24 cure Tamir interceptors for the Iron Dome short-
25 range rocket defense system, as specified in the

1 funding table in division D, through coproduction of
2 such interceptors in the United States by industry of
3 the United States.

4 (2) CONDITIONS.—

5 (A) AGREEMENT.—Funds described in
6 paragraph (1) for the Iron Dome short-range
7 rocket defense program shall be available sub-
8 ject to the terms and conditions in the Agree-
9 ment Between the Department of Defense of
10 the United States of America and the Ministry
11 of Defense of the State of Israel Concerning
12 Iron Dome Defense System Procurement,
13 signed on March 5, 2014, subject to an amend-
14 ed bilateral international agreement for co-
15 production for Tamir interceptors. In negotia-
16 tions by the Missile Defense Agency and the
17 Missile Defense Organization of the Govern-
18 ment of Israel regarding such production, the
19 goal of the United States is to maximize oppor-
20 tunities for coproduction of the Tamir intercep-
21 tors described in paragraph (1) in the United
22 States by industry of the United States.

23 (B) CERTIFICATION.—Not later than 30
24 days prior to the initial obligation of funds de-
25 scribed in paragraph (1), the Director of the

1 Missile Defense Agency and the Under Sec-
2 retary of Defense for Acquisition, Technology,
3 and Logistics shall jointly submit to the appro-
4 priate congressional committees—

5 (i) a certification that the bilateral
6 international agreement specified in sub-
7 paragraph (A) is being implemented as
8 provided in such bilateral international
9 agreement; and

10 (ii) an assessment detailing any risks
11 relating to the implementation of such bi-
12 lateral international agreement.

13 (b) COOPERATIVE MISSILE DEFENSE PROGRAM CO-
14 DEVELOPMENT AND COPRODUCTION.—

15 (1) IN GENERAL.—Subject to paragraph (2), of
16 the funds authorized to be appropriated for fiscal
17 year 2017 for procurement, Defense-wide, and avail-
18 able for the Missile Defense Agency—

19 (A) not more than \$150,000,000 may be
20 provided to the Government of Israel to procure
21 the David's Sling Weapon System, including for
22 coproduction of parts and components in the
23 United States by United States industry; and

24 (B) not more than \$120,000,000 may be
25 provided to the Government of Israel for the

1 Arrow 3 Upper Tier Interceptor Program, in-
2 cluding for coproduction of parts and compo-
3 nents in the United States by United States in-
4 dustry.

5 (2) CERTIFICATION.—

6 (A) CRITERIA.—Except as provided by
7 paragraph (3), the Under Secretary of Defense
8 for Acquisition, Technology, and Logistics shall
9 submit to the appropriate congressional com-
10 mittees a certification that—

11 (i) the Government of Israel has dem-
12 onstrated the successful completion of the
13 knowledge points, technical milestones, and
14 production readiness reviews required by
15 the research, development, and technology
16 agreements for the David's Sling Weapon
17 System and the Arrow 3 Upper Tier De-
18 velopment Program, respectively;

19 (ii) funds specified in subparagraphs
20 (A) and (B) of paragraph (1) will be pro-
21 vided on the basis of a one-for-one cash
22 match made by Israel for such respective
23 systems or in another matching amount
24 that otherwise meets best efforts (as mutu-

1 ally agreed to by the United States and
2 Israel);

3 (iii) the United States has entered
4 into a bilateral international agreement
5 with Israel that establishes, with respect to
6 the use of such funds—

7 (I) in accordance with clause (iv),
8 the terms of coproduction of parts
9 and components of such respective
10 systems on the basis of the greatest
11 practicable coproduction of parts,
12 components, and all-up rounds (if ap-
13 propriate) by United States industry
14 and minimizes nonrecurring engineer-
15 ing and facilitization expenses to the
16 costs needed for coproduction;

17 (II) complete transparency on the
18 requirement of Israel for the number
19 of interceptors and batteries of such
20 respective systems that will be pro-
21 cured, including with respect to the
22 procurement plans, acquisition strat-
23 egy, and funding profiles of Israel;

24 (III) technical milestones for co-
25 production of parts and components

1 and procurement of such respective
2 systems; and

3 (IV) joint approval processes for
4 third-party sales of such respective
5 systems and the components of such
6 respective systems;

7 (iv) the level of coproduction described
8 in clause (iii)(I) for the Arrow 3 and Da-
9 vid's Sling Weapon System is not less than
10 50 percent; and

11 (v) such funds may not be obligated
12 or expended to cover costs related to any
13 delays, including delays with respect to ex-
14 changing technical data or specifications.

15 (B) NUMBER.—In carrying out subpara-
16 graph (A), the Under Secretary may submit—

17 (i) one certification covering both the
18 David's Sling Weapon System and the
19 Arrow 3 Upper Tier Interceptor Program;
20 or

21 (ii) separate certifications for each
22 such respective system.

23 (C) TIMING.—The Under Secretary shall
24 submit to the congressional defense committees
25 the certification under subparagraph (A) by not

1 later than 60 days before the funds specified in
2 paragraph (1) for the respective system covered
3 by the certification are provided to the Govern-
4 ment of Israel.

5 (3) WAIVER.—The Under Secretary may waive
6 the certification required by paragraph (2) if the
7 Under Secretary certifies to the appropriate congress-
8 sional committees that the Under Secretary has re-
9 ceived sufficient data from the Government of Israel
10 to demonstrate—

11 (A) the funds specified in subparagraphs
12 (A) and (B) of paragraph (1) are provided to
13 Israel solely for funding the procurement of
14 long-lead components in accordance with a pro-
15 duction plan, including a funding profile detail-
16 ing Israeli contributions for production, includ-
17 ing long-lead production, of either David’s Sling
18 Weapon System or the Arrow 3 Upper Tier In-
19 terceptor Program;

20 (B) such long-lead components have suc-
21 cessfully completed knowledge points, technical
22 milestones, and production readiness reviews;
23 and

24 (C) the long-lead procurement will be con-
25 ducted in a manner that maximizes coproduc-

1 tion in the United States without incurring ad-
2 ditional nonrecurring engineering activity or
3 cost.

4 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
5 FINED.—In this section, the term “appropriate congress-
6 sional committees” means the following:

7 (1) The congressional defense committees.

8 (2) The Committee on Foreign Affairs of the
9 House of Representatives and the Committee on
10 Foreign Relations of the Senate.

11 **SEC. 1654. MAXIMIZING AEGIS ASHORE CAPABILITY.**

12 (a) ANTI-AIR WARFARE CAPABILITY OF AEGIS
13 ASHORE SITES.—

14 (1) EVALUATION.—The Secretary of Defense
15 shall conduct a complete evaluation of the optimal
16 anti-air warfare capability—

17 (A) for each current Aegis Ashore site by
18 not later than 180 days after the date of the
19 enactment of this Act; and

20 (B) as part of any future deployment by
21 the United States of an Aegis Ashore site after
22 the date of such enactment.

23 (2) ASSESSMENTS INCLUDED.—Each evaluation
24 under paragraph (1) shall include an assessment of
25 the potential deployment of enhanced sea sparrow

1 missiles, standard missile block 2 missiles, standard
2 missile block 6 missiles, or the SeaRAM missile sys-
3 tem.

4 (3) CONSISTENCY WITH ANNEX.—The Sec-
5 retary shall carry out this subsection consistent with
6 any classified annex accompanying this Act.

7 (b) AEGIS ASHORE CAPABILITY EVALUATION.—Not
8 later than 120 days after the date of the enactment of
9 this Act, the Secretary of Defense and the Chairman of
10 the Joint Chiefs of Staff shall jointly submit to the con-
11 gressional defense committees an evaluation of each of the
12 following:

13 (1) The ballistic missile and air threat against
14 the continental United States and the efficacy (in-
15 cluding with respect to cost, ideal and optimal de-
16 ployment locations, and potential deployment sched-
17 ule) of deploying one or more Aegis Ashore sites and
18 Aegis Ashore components for the ballistic and cruise
19 missile defense of the continental United States.

20 (2) The ballistic missile and air threat against
21 the Armed Forces on Guam and the efficacy (includ-
22 ing with respect to cost and schedule) of deploying
23 an Aegis Ashore site on Guam.

24 (c) AEGIS ASHORE SITE ON THE PACIFIC MISSILE
25 RANGE FACILITY.—

1 (1) LIMITATION.—The Secretary of Defense
2 may not reduce the manning levels or test capability,
3 as such levels and capability existed on January 1,
4 2015, of the Aegis Ashore site at the Pacific Missile
5 Range Facility in Hawaii, including by putting such
6 site into a “cold” or “stand by” status.

7 (2) ENVIRONMENTAL IMPACT STATEMENT.—

8 (A) Not later than 60 days after the date
9 on which the Director of the Missile Defense
10 Agency submits to the congressional defense
11 committees the report under section 1689(b)(2)
12 of the National Defense Authorization Act for
13 Fiscal Year 2016 (Public Law 114–92; 129
14 Stat. 1144), the Director shall notify such com-
15 mittees on whether the preferred alternative for
16 fielding a medium range ballistic missile defense
17 sensor for the defense of Hawaii identified by
18 such report would require an update to the en-
19 vironmental impact statement required for con-
20 structing the Aegis Ashore site at the Pacific
21 Missile Range Facility.

22 (B) If the Director determines that an up-
23 dated environmental impact statement, a new
24 environmental impact statement, or another ac-
25 tion is required or recommended pursuant to

1 the National Environmental Policy Act of 1969
2 (42 U.S.C. et seq.), the Director shall com-
3 mence such action by not later than 60 days
4 after the date on which the Director makes the
5 notification under subparagraph (A).

6 (3) EVALUATION.—Not later than 60 days after
7 the date of the enactment of this Act, the Secretary
8 of Defense and the Chairman of the Joint Chiefs of
9 Staff shall jointly submit to the congressional de-
10 fense committees an evaluation of the ballistic mis-
11 sile and air threat against Hawaii (including with re-
12 spect to threats to the Armed Forces and installa-
13 tions located in Hawaii) and the efficacy (including
14 with respect to cost and potential alternatives) of—

15 (A) making the Aegis Ashore site at the
16 Pacific Missile Range Facility operational;

17 (B) deploying the preferred alternative for
18 fielding a medium range ballistic missile defense
19 sensor for the defense of Hawaii described in
20 paragraph (2)(A); and

21 (C) any other alternative the Secretary and
22 the Chairman determine appropriate.

23 (d) FORMS.—The evaluations submitted under sub-
24 sections (b) and (c)(3) shall each be submitted in unclassi-
25 fied form, but may each include a classified annex.

1 **SEC. 1655. 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. 1656. DEVELOPMENT AND RESEARCH OF NON-TER-**
4 **RESTRIAL MISSILE DEFENSE LAYER.**

5 (a) DEVELOPMENT.—

6 (1) IN GENERAL.—Not later than 30 days after
7 the date of the enactment of this Act, the Director
8 of the Missile Defense Agency, with the support of
9 federally funded research and development centers
10 with subject matter expertise, shall commence the
11 planning for concept definition, design, research, de-
12 velopment, engineering evaluation, and test of a
13 space-based ballistic missile intercept and defeat
14 layer to the ballistic missile defense system that—

15 (A) shall provide defense options to bal-
16 listic missiles and re-entry vehicles, independent
17 of adversary country size and threat trajectory;
18 and

19 (B) may provide a boost-phase missile de-
20 fense capability, as well as additional defensive
21 options against direct ascent anti-satellite weap-
22 ons, hypersonic boost glide vehicles, and maneu-
23 vering re-entry vehicles.

1 (2) ACTIVITIES.—The planning activities au-
2 thorized under paragraph (1) shall include, at a
3 minimum, the following:

4 (A) The initiation of formal steps for po-
5 tential integration into the ballistic missile de-
6 fense system architecture.

7 (B) Mature planning for early proof of
8 concept component demonstrations.

9 (C) Draft operation concepts in the context
10 of a multi-layer architecture.

11 (D) Identification of proof of concept ven-
12 dor sources for demo components and sub-
13 assemblies.

14 (E) The development of multi-year tech-
15 nology and risk reduction investment plan.

16 (F) The commencement of the develop-
17 ment of a proof of concept master program
18 phasing schedule.

19 (G) Identification of proof of concept long
20 lead items.

21 (H) Initiation of requests for proposals
22 from industry with significant commercial, civil,
23 and national security space experience, includ-
24 ing for space launch services.

1 (I) Mature options for an aggressive but
2 low-risk acquisition strategy.

3 (b) SPACE TEST BED.—Not later than 60 days after
4 the date of the enactment of this Act, the Director shall
5 commence planning for research, development, test, and
6 evaluation activities with respect to a space test bed for
7 a missile interceptor capability.

8 (c) BUDGET SUBMISSIONS.—The Director shall sub-
9 mit with the budget of the President submitted to Con-
10 gress under section 1105(a) of title 31, United States
11 Code, for fiscal year 2018 a detailed budget and develop-
12 ment plan, irrespective of planned budgetary total obliga-
13 tion authority, for the activities described in subsections
14 (a) and (b), assuming initial demonstration, on-orbit, of
15 such the capabilities described in such subsections by
16 2025.

17 **SEC. 1657. HYPERSONIC BOOST GLIDE VEHICLE DEFENSE.**

18 (a) ESTABLISHMENT.—

19 (1) IN GENERAL.—Not later than 180 days
20 after the date of the enactment of this Act, the Di-
21 rector of the Missile Defense Agency shall establish
22 a program of record in the ballistic missile defense
23 system to develop and field a defensive system to de-
24 feat hypersonic boost-glide and maneuvering ballistic
25 missiles. Such defense system may be a new system,

1 a modification of an existing system, or developed by
2 integrating existing systems.

3 (2) CODEVELOPMENT.— In developing the pro-
4 gram of record for the defensive system under para-
5 graph (1), the Director shall consider opportunities
6 for codevelopment, including through financial sup-
7 port, with allies and partners of the United States.

8 (b) LIMITATION.—Of the funds authorized to be ap-
9 propriated by this Act or otherwise made available for fis-
10 cal year 2017 for the headquarters operations of the
11 Under Secretary of Defense for Policy and the head-
12 quarters operations of the Under Secretary of Defense for
13 Acquisition, Technology, and Logistics, \$25,000,000 may
14 not be obligated or expended for each such headquarters
15 operations until—

16 (1) the Director certifies to the congressional
17 defense committees that the Director has established
18 the program of record under paragraph (1) of sub-
19 section (a), including a discussion of—

20 (A) the options for codevelopment consid-
21 ered by the Director under paragraph (2) of
22 such subsection;

23 (B) such options the Director has assessed;
24 and

1 (C) such options the Director recommends
2 be pursued in the program of record; and

3 (2) the Chairman of the Joint Chiefs of Staff
4 submits to the congressional defense committees a
5 report on the military capability or capabilities and
6 capability gaps relating to the threat posed by
7 hypersonic boost-glide and maneuvering ballistic
8 missiles to the United States, the forces of the
9 United States, and the allies of the United States;
10 and

11 (3) a period of 30 days has elapsed following
12 the date on which the congressional defense commit-
13 tees has received both the certification and the re-
14 port.

15 (c) REPORT ON MTCR.—Not later than 120 days
16 after the date of the enactment of this Act, the Secretary
17 of Defense, with the concurrence of the Secretary of State,
18 shall submit to the congressional defense committees and
19 the Committee on Foreign Relations of the Senate and
20 the Committee on Foreign Affairs of the House of Rep-
21 resentatives a report on the implications for the Missile
22 Technology Control Regime regarding the development of
23 a defensive system, including with respect to partnering
24 with allies and partners of the United States, to counter
25 hypersonic boost-glide and maneuvering ballistic missiles.

1 (d) PLAN.—Not later than 30 days after the date on
2 which the budget of the President for fiscal year 2018 is
3 submitted to Congress under section 1105 of title 31,
4 Unites States Code, the Director shall submit to the con-
5 gressional defense committees a plan to field the defensive
6 system under paragraph (1) of subsection (a) by 2021,
7 including—

8 (1) a schedule of required ground, flight, and
9 intercept tests; and

10 (2) the estimated budget for such plan, includ-
11 ing a budget with codevelopment described in para-
12 graph (2) of such subsection and a budget without
13 such codevelopment, required for each year begin-
14 ning with fiscal year 2018.

15 **SEC. 1658. LIMITATION ON AVAILABILITY OF FUNDS FOR**
16 **PATRIOT LOWER TIER AIR AND MISSILE DE-**
17 **FENSE CAPABILITY OF THE ARMY.**

18 Of the funds authorized to be appropriated by this
19 Act or otherwise made available for fiscal year 2017 for
20 the Patriot lower tier air and missile defense capability
21 of the Army, not more than 50 percent may be obligated
22 or expended until each of the following occurs:

23 (1) The Director of the Missile Defense Agency
24 certifies to the congressional defense committees
25 that such capability, upon the completion of the

1 modernization process addressed by the analysis of
2 alternatives regarding such capability, will be fully
3 interoperable with the ballistic missile defense sys-
4 tem and other air and missile defense capabilities
5 deployed and planned to be deployed by the United
6 States.

7 (2) The Chairman of the Joint Chiefs of Staff
8 certifies to the congressional defense committees
9 that such capability, upon the completion of the
10 modernization process addressed by the analysis of
11 alternatives regarding such capability, will meet—

12 (A) the desired attributes for modularity
13 sought by the geographic combatant commands;
14 and

15 (B) the validated and objective warfighter
16 requirements for air and missile defense capa-
17 bility.

18 (3) The Chief of Staff of the Army, in coordina-
19 tion with the Secretary of the Army, submits to the
20 congressional defense committees—

21 (A) a determination as to whether the re-
22 quirements of the lower tier air and missile de-
23 fense program are appropriate for acquisition
24 through the Army Rapid Capabilities Office,
25 and if the determination is that such require-

1 ments are not so appropriate, an evaluation of
2 why;

3 (B) the terms of the competition planned
4 for the lower tier air and missile defense pro-
5 gram to ensure fair competition for all competi-
6 tors; and

7 (C) either—

8 (i) certification that—

9 (I) the requirements of the lower
10 tier air and missile defense program
11 can only be met through a multi-year
12 development and acquisition program,
13 rather than through more expedient
14 modification of existing or dem-
15 onstrated capabilities of the Depart-
16 ment of Defense; and

17 (II) the lower tier air and missile
18 defense acquisition program as de-
19 signed as of the date of the certifi-
20 cation will provide the most rapid de-
21 ployment of a modernized capability
22 to the warfighter at reasonable risk
23 levels (as compared to systems with
24 similar amounts of complexity and
25 technological readiness); or

1 (ii) a revised acquisition strategy for
2 the lower tier air and missile defense ac-
3 quisition program, including a schedule to
4 carry out such strategy.

5 (4) If the Chief of Staff of the Army submits
6 the revised acquisition strategy under paragraph
7 (3)(C)(ii), a period of 30 days has elapsed following
8 the date of such submission.

9 **SEC. 1659. LIMITATION ON AVAILABILITY OF FUNDS FOR**
10 **CONVENTIONAL PROMPT GLOBAL STRIKE**
11 **WEAPONS SYSTEM.**

12 Of the funds authorized to be appropriated by this
13 Act or otherwise made available for fiscal year 2017 for
14 research, development, test, and evaluation, Defense-wide,
15 for the conventional prompt global strike weapons system,
16 not more than 75 percent may be obligated or expended
17 until the date on which the Chairman of the Joint Chiefs
18 of Staff, in consultation with the Commander of the
19 United States European Command, the Commander of the
20 United States Pacific Command, and the Commander of
21 the United States Strategic Command, submits to the con-
22 gressional defense committees a report on—

23 (1) whether there are warfighter requirements
24 or integrated priorities list submitted needs for a

1 limited operational conventional prompt strike capa-
2 bility; and

3 (2) whether the program plan and schedule pro-
4 posed by the program office in the Office of the
5 Under Secretary of Defense for Acquisition, Tech-
6 nology, and Logistics supports such requirements
7 and integrated priorities lists submissions.

8 **SEC. 1660. PILOT PROGRAM ON LOSS OF UNCLASSIFIED,**
9 **CONTROLLED TECHNICAL INFORMATION.**

10 (a) PILOT PROGRAM.—Beginning not later than 90
11 days after the date of the enactment of this Act, the Direc-
12 tor of the Missile Defense Agency shall carry out a pilot
13 program to implement improvements to the data protec-
14 tion options in the programs of the Missile Defense Agen-
15 cy (including the contractors of the Agency), particularly
16 with respect to unclassified, controlled technical informa-
17 tion and controlled unclassified information.

18 (b) PRIORITY.—In carrying out the pilot program
19 under subsection (a), the Director shall give priority to
20 implementing data protection options that are used by the
21 private sector and have been proven successful.

22 (c) DURATION.—The Director shall carry out the
23 pilot program under subsection (a) for not more than a
24 5-year period.

1 (d) NOTIFICATION.—Not later than 30 days before
2 the date on which the Director commences the pilot pro-
3 gram under subsection (a), the Director shall notify the
4 congressional defense committees, the Committee on Over-
5 sight and Government Reform of the House of Represent-
6 atives, and the Committee on Homeland Security and Gov-
7 ernment Affairs of the Senate of—

8 (1) the data protection options that the Direc-
9 tor is considering to implement under the pilot pro-
10 gram and the potential costs of such options; and

11 (2) such option that is the preferred option of
12 the Director.

13 (e) DATA PROTECTION OPTIONS.—In this section,
14 the term “data protection options” means actions to im-
15 prove processes, practices, and systems that relate to the
16 safeguarding, hygiene, and data protection of information.

17 **SEC. 1661. REVIEW OF MISSILE DEFENSE AGENCY BUDGET**
18 **SUBMISSIONS FOR GROUND-BASED MID-**
19 **COURSE DEFENSE AND EVALUATION OF AL-**
20 **TERNATIVE GROUND-BASED INTERCEPTOR**
21 **DEPLOYMENTS.**

22 (a) BUDGET SUFFICIENCY.—

23 (1) REPORT.—Not later than 180 days after
24 the date of the enactment of this Act, the Director
25 of Cost Assessment and Program Evaluation shall

1 submit to the congressional defense committees a re-
2 port on the ground-based midcourse defense system.

3 (2) ELEMENTS.—The report under paragraph
4 (1) shall include an evaluation of each of the fol-
5 lowing:

6 (A) The modernization requirements for
7 the ground-based midcourse system, including
8 all command and control, ground systems, sen-
9 sors and sensor interfaces, boosters and kill ve-
10 hicles, and integration of known future systems
11 and components.

12 (B) The obsolescence of such systems and
13 components.

14 (C) The industrial base requirements relat-
15 ing to the ground-based midcourse system.

16 (D) The extent to which the estimated lev-
17 els of annual funding included in the most re-
18 cent budget and the future-years defense pro-
19 gram submitted under section 221 of this title
20 fully fund the requirements under clause (i).

21 (3) UPDATES.—Not later than 30 days after
22 the date on which each budget is submitted through
23 January 31, 2021, the Director shall submit to the
24 congressional defense committees an update to the
25 report under paragraph (1).

1 (4) CERTIFICATION.—Not later than 60 days
2 after the date on which each budget is submitted
3 through January 31, 2021, the Commander of the
4 United States Northern Command shall certify to
5 the congressional defense committees that the most
6 recent defense budget materials include a sufficient
7 level of funding for the ground-based midcourse de-
8 fense system to modernize the system to remain
9 paced ahead of the developing limited ballistic mis-
10 sile threat to the homeland, including from an acci-
11 dental or unauthorized ballistic missile attack.

12 (b) EVALUATION OF TRANSPORTABLE GROUND-
13 BASED INTERCEPTOR.—Not later than 180 days after the
14 date of the enactment of this Act, the Director of the Mis-
15 sile Defense Agency shall submit to the congressional de-
16 fense committees a report on transportable ground-based
17 interceptors. Such report shall detail the views of the Di-
18 rector regarding—

19 (1) the cost that is unconstrained by current
20 projected budget levels for the Missile Defense Agen-
21 cy (including a detailed program development pro-
22 duction and deployment cost and schedule for the
23 earliest technically possible deployment), the associ-
24 ated manning, and the comparative cost (including
25 as compared to developing a fixed ground-based in-

1 interceptor site), technical readiness, and feasibility of
2 a transportable ground-based interceptor as a means
3 to deploy additional ground-based interceptors for
4 the defense of the United States and the operational
5 value of a transportable ground-based interceptor for
6 the defense of the homeland against a limited bal-
7 listic missile attack, including from accidental or un-
8 authorized ballistic missile launch;

9 (2) the type and number of flight and or inter-
10 cept tests that would be required to validate the ca-
11 pability and compatibility of a transportable ground-
12 based interceptor in the ballistic missile defense sys-
13 tem;

14 (3) the enabling capabilities, and the cost of
15 such capabilities, to support such a system;

16 (4) any safety consideration of a transportable
17 ground-based interceptor; and

18 (5) other matters that the Director determines
19 pertinent to such a system.

20 (c) FORM.—The report submitted under subsection
21 (b) shall be submitted in unclassified form, but may in-
22 clude a classified annex.

23 (d) DEFINITIONS.—In this section, the terms “budg-
24 et” and “defense budget materials” have the meanings

1 given those terms in section 231 of title 10, United States
2 Code.

3 **SEC. 1662. DECLARATORY POLICY, CONCEPT OF OPER-**
4 **ATIONS, AND EMPLOYMENT GUIDELINES FOR**
5 **LEFT-OF-LAUNCH CAPABILITY.**

6 Not later than 120 days after the date of the enact-
7 ment of this Act, the Secretary of Defense and the Chair-
8 man of the Joint Chiefs of Staff shall jointly submit to
9 the congressional defense committees the following:

10 (1) Both the classified and unclassified declara-
11 tory policy of the United States regarding the use of
12 the left-of-launch capability of the United States
13 against potential targets and how the Secretary and
14 the Chairman intend to ensure that such capability
15 is a deterrent to attacks by adversaries.

16 (2) Both the classified and unclassified concept
17 of operations for the use of such capability across
18 and between the combatant commands.

19 (3) Both the classified and unclassified employ-
20 ment strategy, plans, and options for such capa-
21 bility.

1 **SEC. 1663. PROCUREMENT OF MEDIUM-RANGE DISCRIMI-**
2 **NATION RADAR TO IMPROVE HOMELAND MIS-**
3 **SILE DEFENSE.**

4 (a) The Director of the Missile Defense Agency shall
5 issue a request for proposals for such radar by not later
6 than October 1, 2017.

7 (b) The Director shall plan to procure a medium-
8 range discrimination radar or equivalent sensor for a loca-
9 tion the Director determines will improve homeland mis-
10 sile defense for the defense of Hawaii from the limited
11 ballistic missile threat (including accidental or unauthor-
12 ized launch) and plan for such radar to be fielded by not
13 later than December 31, 2021.

14 **SEC. 1664. SEMIANNUAL NOTIFICATIONS ON MISSILE DE-**
15 **FENSE TESTS AND COSTS.**

16 (a) NOTIFICATIONS.—Not less than once every 180-
17 day period beginning 90 days after the date of the enact-
18 ment of this Act and ending on January 31, 2021, the
19 Director of the Missile Defense Agency shall submit to the
20 congressional defense committees a notification on—

21 (1) the outcome of each planned flight test, in-
22 cluding intercept tests, occurring during the period
23 covered by the notification; and

24 (2) flight tests, including intercept tests,
25 planned to occur after the date of the notification.

1 (b) ELEMENTS.—Each notification shall include the
2 following:

3 (1) With respect to each test described in sub-
4 section (a)(1)—

5 (A) the cost;

6 (B) any changes made to the scope or ob-
7 jectives of the test, or future tests, and an ex-
8 planation for such changes;

9 (C) in the event of a failure of the test or
10 a decision to delay or cancel the test—

11 (i) the reasons such test did not suc-
12 ceed or occur;

13 (ii) the funds expended on such at-
14 tempted test; and

15 (iii) in the case of a test failure or
16 cancelled test that is the result of con-
17 tractor performance, the contractor liabil-
18 ity, if appropriate, as compared to the cost
19 of such test and potential retest; and

20 (D) the plan to conduct a retest, if nec-
21 essary, and an estimate of the cost of such
22 retest.

23 (2) With respect to each test described in sub-
24 section (a)(2)—

1 (A) any changes made to the scope of the
2 test;

3 (B) whether the test was to occur earlier
4 but was delayed; and

5 (C) an explanation for any such changes or
6 delays.

7 (3) The status of any open failure review
8 boards or any failure review boards completed dur-
9 ing the period covered by the notification.

10 (c) FORM.—Each notification submitted under sub-
11 section (a) shall be submitted in unclassified form, but
12 may include a classified annex.

13 **SEC. 1665. NATIONAL MISSILE DEFENSE POLICY.**

14 (a) POLICY.—It is the policy of the United States to
15 maintain and improve a robust layered missile defense sys-
16 tem capable of defending the territory of the United
17 States, allies, deployed forces, and capabilities against the
18 developing and increasingly complex ballistic missile threat
19 with funding subject to the annual authorization of appro-
20 priations and the annual appropriation of funds for Na-
21 tional Missile Defense.

22 (b) CONFORMING REPEAL.—Section 2 of the Na-
23 tional Missile Defense Act of 1999 (Public Law 106–38;
24 10 U.S.C. 2431 note) is repealed.

1 **SEC. 1666. SENSE OF CONGRESS ON INITIAL OPERATING**
2 **CAPABILITY OF PHASE 2 OF EUROPEAN**
3 **PHASED ADAPTIVE APPROACH TO MISSILE**
4 **DEFENSE.**

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

6 (1) President Obama, during his announcement
7 of the European Phased Adaptive Approach on Sep-
8 tember 17, 2009, stated, “This approach is based on
9 an assessment of the Iranian missile threat,” and
10 “the best way to responsibly advance our security
11 and the security of our allies is to deploy a missile
12 defense system that best responds to the threats we
13 face and that utilizes technology that is both proven
14 and cost-effective.”.

15 (2) The 2010 Ballistic Missile Defense review
16 stated that “The [European] Phased Adaptive Ap-
17 proach utilizes existing and proven capabilities to
18 meet current threats and then will improve upon
19 these capabilities over time by integrating new tech-
20 nology.”.

21 (3) Secretary of Defense Leon Panetta, during
22 a speech in Brussels on October 5, 2011, stated,
23 “The United States is fully committed to building a
24 missile defense capability for the full coverage and
25 protection of all our NATO European populations,

1 their territory and their forces against the growing
2 threat posed by ballistic missiles.”.

3 (4) Secretary of Defense Chuck Hagel, during
4 a press conference on March 15, 2013, stated, “The
5 missile deployments the United States is making in
6 phases one through three of the European Phased
7 Adaptive Approach, including sites in Romania and
8 Poland, will still be able to provide coverage of all
9 European NATO territory as planned by 2018.”.

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

12 (1) the United States is committed to the de-
13 fense of deployed members of the Armed Forces of
14 the United States and to the defense of the Euro-
15 pean allies of the United States by increasing the
16 ballistic missile defense capability of the North At-
17 lantic Treaty Organization (in this section referred
18 to as “NATO”);

19 (2) phase 2 of the European Phased Adaptive
20 Approach will provide NATO with a substantial in-
21 crease in ballistic missile defense capability since
22 NATO declared Interim Ballistic Missile Defense
23 Capability at the Chicago Summit in 2012, and such
24 phase consists of—

25 (A) Aegis Ashore in Romania;

1 (B) four Aegis ballistic missile defense ca-
2 pable ships homeported at Rota, Spain; and

3 (C) a more capable SM-3 interceptor;

4 (3) NATO is moving forward with the mod-
5 ernization of the defense capabilities of NATO that
6 is responsive to 21st century threats to the territory
7 and populations of member states of NATO;

8 (4) the member states of NATO recognize the
9 importance of this contribution, which sends a clear
10 signal that NATO will not allow potential adver-
11 saries to threaten the use of ballistic missile strikes
12 to coerce NATO or deter NATO from responding to
13 aggression against the interests of NATO; and

14 (5) phase 2 of the European Phased Adaptive
15 Approach is ready for 24-hour-a-day, seven-day-a-
16 week operation, with proven military systems and
17 command and control capability, and should be so
18 declared at the July 2016 NATO Summit in War-
19 saw, Poland.

20 **Subtitle F—Other Matters**

21 **SEC. 1671. PROTECTION OF CERTAIN FACILITIES AND AS-** 22 **SETS FROM UNMANNED AIRCRAFT.**

23 (a) IN GENERAL.—Chapter 3 of title 10, United
24 States Code, as amended by section 1255, is further
25 amended by adding at the end the following new section:

1 **“§ 130j. Protection of certain facilities and assets**
2 **from unmanned aircraft**

3 “(a) **AUTHORITY.**—The Secretary of Defense may
4 take, and may authorize the armed forces to take, such
5 actions described in subsection (b)(1) that are necessary
6 to mitigate the threat of an unmanned aircraft system or
7 unmanned aircraft that poses an imminent threat (as de-
8 fined by the Secretary of Defense, in coordination with
9 the Secretary of Transportation) to the safety or security
10 of a covered facility or asset.

11 “(b) **ACTIONS DESCRIBED.**—(1) The actions de-
12 scribed in this paragraph are the following:

13 “(A) Disrupt control of the unmanned aircraft
14 system or unmanned aircraft.

15 “(B) Seize and exercise control of the un-
16 manned aircraft system or unmanned aircraft.

17 “(C) Seize or otherwise confiscate the un-
18 manned aircraft system or unmanned aircraft.

19 “(D) Use reasonable force to disable or destroy
20 the unmanned aircraft system or unmanned aircraft.

21 “(2) The Secretary of Defense shall develop the ac-
22 tions described in paragraph (1) in coordination with the
23 Secretary of Transportation, consistent with the protec-
24 tion of information regarding sensitive defense capabili-
25 ties.

1 “(c) FORFEITURE.—(1) Any unmanned aircraft sys-
2 tem or unmanned aircraft described in subsection (a) shall
3 be subject to seizure and forfeiture to the United States.

4 “(2) The Secretary of Defense may prescribe regula-
5 tions to establish reasonable exceptions to paragraph (1),
6 including in cases where—

7 “(A) the operator of the unmanned aircraft sys-
8 tem or unmanned aircraft obtained the control and
9 possession of such system or aircraft illegally; or

10 “(B) the operator of the unmanned aircraft sys-
11 tem or unmanned aircraft is an employee of a com-
12 mon carrier acting in manner described in sub-
13 section (a) without the knowledge of the common
14 carrier.

15 “(d) REGULATIONS.—The Secretary of Defense and
16 the Secretary of Transportation shall prescribe regulations
17 and issue guidance in the respective areas of each Sec-
18 retary 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 Defense
23 for purposes of this section;

1 “(B) located in the United States (includ-
2 ing the territories and possessions of the United
3 States); and

4 “(C) relating 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 meaning 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 130i, as added by section
22 1255, the following new item:

 “130j. Protection of certain facilities and assets from unmanned aircraft.”.

1 **SEC. 1672. IMPROVEMENT OF COORDINATION BY DEPART-**
2 **MENT OF DEFENSE OF ELECTROMAGNETIC**
3 **SPECTRUM USAGE.**

4 Not later than December 31, 2016, the Secretary of
5 Defense shall submit to the congressional defense commit-
6 tees a report evaluating whether establishing an intra-de-
7 partmental council in the Department of Defense on the
8 use electromagnetic spectrum by the Department would
9 improve coordination within the Department on—

10 (1) the use of such spectrum;

11 (2) the acquisition cycle with respect to such
12 spectrum;

13 (3) training by the Armed Forces, including
14 with respect to electronic and cyber warfare; and

15 (4) other purposes the Secretary considers use-
16 ful.

17 **SEC. 1673. HARMFUL INTERFERENCE TO DEPARTMENT OF**
18 **DEFENSE GLOBAL POSITIONING SYSTEM.**

19 (a) **FEDERAL COMMUNICATIONS COMMISSION CON-**
20 **DITIONS ON COMMERCIAL TERRESTRIAL OPERATIONS.—**

21 Part I of title III of the Communications Act of 1934 (47
22 U.S.C. 301 et seq.) is amended by adding at the end the
23 following:

1 **“SEC. 343. CONDITIONS ON COMMERCIAL TERRESTRIAL**
2 **OPERATIONS.**

3 “(a) IN GENERAL.—The Commission shall not per-
4 mit commercial terrestrial operations in the 1525–1559
5 megahertz band or the 1626.5–1660.5 megahertz band
6 until the date that is 90 days after the Commission re-
7 solves concerns of widespread harmful interference by
8 such operations in such band to covered GPS devices.

9 “(b) NOTICE TO CONGRESS.—

10 “(1) IN GENERAL.—At the conclusion of the
11 proceeding on such operations in such band, the
12 Commission shall submit to the congressional com-
13 mittees described in paragraph (2) official copies of
14 the documents containing the final decision of the
15 Commission regarding whether to permit such oper-
16 ations in such band. If the decision is to permit such
17 operations in such band, such documents shall con-
18 tain or be accompanied by an explanation of how the
19 concerns described in subsection (a) have been re-
20 solved.

21 “(2) CONGRESSIONAL COMMITTEES DE-
22 SCRIBED.—The congressional committees described
23 in this paragraph are the following:

24 “(A) The Committee on Energy and Com-
25 merce and the Committee on Armed Services of
26 the House of Representatives.

1 “(B) The Committee on Commerce,
2 Science, and Transportation and the Committee
3 on Armed Services of the Senate.

4 “(c) COVERED GPS DEVICE DEFINED.—In this sec-
5 tion, the term ‘covered GPS device’ means a Global Posi-
6 tion System device of the Department of Defense.”.

7 (b) SECRETARY OF DEFENSE REVIEW OF HARMFUL
8 INTERFERENCE.—

9 (1) REVIEW.—Not later than 90 days after the
10 date of the enactment of this Act, and every 90 days
11 thereafter until the date referred to in paragraph
12 (3), the Secretary of Defense shall conduct a review
13 to—

14 (A) assess the ability of covered GPS de-
15 vices to receive signals from Global Positioning
16 System satellites without widespread harmful
17 interference; and

18 (B) determine if commercial communica-
19 tions services are causing or will cause wide-
20 spread harmful interference with covered GPS
21 devices.

22 (2) NOTICE TO CONGRESS.—

23 (A) NOTICE.—If the Secretary of Defense
24 determines during a review under paragraph

25 (1) that commercial communications services

1 are causing or will cause widespread harmful
2 interference with covered GPS devices, the Sec-
3 retary shall promptly submit to the congres-
4 sional defense committees notice of such inter-
5 ference.

6 (B) CONTENTS.—The notice required
7 under subparagraph (A) shall include—

8 (i) a list and description of the cov-
9 ered GPS devices that are being or ex-
10 pected to be interfered with by commercial
11 communications services;

12 (ii) a description of the source of, and
13 the entity causing or expect to cause, the
14 interference with such receivers;

15 (iii) a description of the manner in
16 which such source or such entity is causing
17 or expected to cause such interference;

18 (iv) a description of the magnitude of
19 harm caused or expected to be caused by
20 such interference;

21 (v) a description of the duration of
22 and the conditions and circumstances
23 under which such interference is occurring
24 or expected to occur;

1 (vi) a description of the impact of
2 such interference on the national security
3 interests of the United States; and

4 (vii) a description of the plans of the
5 Secretary to address, alleviate, or mitigate
6 such interference, including the cost of
7 such plans.

8 (C) FORM.—The notice required under
9 subparagraph (A) shall be submitted in unclas-
10 sified form, but may include a classified annex.

11 (3) TERMINATION DATE.—The date referred to
12 in this paragraph is the earlier of—

13 (A) the date that is two years after the
14 date of the enactment of this Act; or

15 (B) the date on which the Secretary—

16 (i) determines that commercial com-
17 munications services are not causing any
18 widespread harmful interference with cov-
19 ered GPS devices; and

20 (ii) the Secretary submits to the con-
21 gressional defense committees notice of the
22 determination made under clause (i).

23 (c) COVERED GPS DEVICE DEFINED.—In this sec-
24 tion, the term “covered GPS device” means a Global Posi-
25 tion System device of the Department of Defense.

1 (d) CONFORMING REPEAL.—Section 911 of the Na-
 2 tional Defense Authorization Act for Fiscal Year 2012
 3 (Public Law 112–81; 125 Stat. 1534) is repealed.

4 **TITLE XVII—DEPARTMENT OF**
 5 **DEFENSE ACQUISITION AGILITY**

6 **SEC. 1701. MODULAR OPEN SYSTEM APPROACH IN DEVEL-**
 7 **OPMENT OF MAJOR WEAPON SYSTEMS.**

8 (a) IN GENERAL.—Part IV of subtitle A of title 10,
 9 United States Code, is amended by inserting after chapter
 10 144A the following new chapter:

11 **“CHAPTER 144B—WEAPON SYSTEMS**
 12 **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

13 **“SUBCHAPTER I—MODULAR OPEN SYSTEM AP-**
 14 **PROACH IN DEVELOPMENT OF WEAPON**
 15 **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.
 “2446d. Requirement to include modular open system approach in Selected Ac-
 quisition Reports.

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 initiated
6 after January 1, 2019, shall be designed and developed,
7 to the maximum extent practicable, with a modular open
8 system approach to enable incremental development.

9 “(b) DEFINITIONS.—In this chapter:

10 “(1) The term ‘modular open system approach’
11 means, with respect to a major defense acquisition
12 program, an integrated business and technical strat-
13 egy that—

14 “(A) employs a modular design that uses
15 major system interfaces between a major sys-
16 tem platform and a major system component or
17 between major system components;

18 “(B) is subjected to verification to ensure
19 major system interfaces comply with, if avail-
20 able and suitable, widely supported and con-
21 sensus-based standards;

22 “(C) uses a system architecture that allows
23 severable major system components at the ap-
24 propriate level to be incrementally added, re-
25 moved, or replaced throughout the life cycle of
26 a major system platform to afford opportunities

1 for enhanced competition and innovation while
2 yielding—

3 “(i) significant cost savings or avoid-
4 ance;

5 “(ii) schedule reduction;

6 “(iii) opportunities for technical up-
7 grades;

8 “(iv) increased interoperability; or

9 “(v) other benefits during the
10 sustainment phase of a major weapon sys-
11 tem; and

12 “(D) complies with the technical data
13 rights set forth in section 2320 of this title.

14 “(2) The term ‘major system platform’ means
15 the highest level structure of a major weapon system
16 that is not physically mounted or installed onto a
17 higher level structure and on which a major system
18 component can be physically mounted or installed.

19 “(3) The term ‘major system component’—

20 “(A) means a high level subsystem or as-
21 sembly, including hardware, software, or an in-
22 tegrated assembly of both, that can be mounted
23 or installed on a major system platform through
24 well-defined major system interfaces; and

1 “(B) includes a subsystem or assembly
2 that is likely to have additional capability re-
3 quirements, is likely to change because of evol-
4 ving technology or threat, is needed for inter-
5 operability, facilitates incremental deployment
6 of capabilities, or is expected to be replaced by
7 another major system component.

8 “(4) The term ‘major system interface’ means
9 a shared boundary between a major system platform
10 and a major system component or between major
11 system components, defined by various physical, log-
12 ical, and functional characteristics, such as elec-
13 trical, mechanical, fluidic, optical, radio frequency,
14 data, networking, or software elements.

15 “(5) The term ‘program capability document’
16 means, with respect to a major defense acquisition
17 program, a document that specifies capability re-
18 quirements for the program, such as a capability de-
19 velopment document or a capability production docu-
20 ment.

21 “(6) The terms ‘program cost target’ and ‘field-
22 ing target’ have the meanings provided in section
23 2448a(a) of this title.

1 “(7) The term ‘major defense acquisition pro-
2 gram’ has the meaning provided in section 2430 of
3 this title.

4 “(8) The term ‘major weapon system’ has the
5 meaning provided in section 2379(f) of this title.

6 **“§ 2446b. Requirement to address modular open sys-
7 tem approach in program capabilities de-
8 velopment and acquisition weapon sys-
9 tem design**

10 “(a) PROGRAM CAPABILITY DOCUMENT.—A program
11 capability document for a major defense acquisition pro-
12 gram shall identify and characterize—

13 “(1) the extent to which requirements for sys-
14 tem performance are likely to evolve during the life
15 cycle of the system because of evolving technology,
16 threat, or interoperability needs; and

17 “(2) for requirements that are expected to
18 evolve, the minimum acceptable capability that is
19 necessary for initial operating capability of the
20 major defense acquisition program.

21 “(b) ANALYSIS OF ALTERNATIVES.—The Director of
22 Cost Assessment and Performance Evaluation, in formu-
23 lating study guidance for analyses of alternatives for
24 major defense acquisition programs and performing such
25 analyses under section 139a(d)(4) of this title, shall en-

1 sure that any such analysis for a major defense acquisition
2 program includes consideration of evolutionary acquisi-
3 tion, prototyping, and a modular open system approach.

4 “(c) ACQUISITION STRATEGY.—In the case of a
5 major defense acquisition program that uses a modular
6 open system approach, the acquisition strategy required
7 under section 2431a of this title shall—

8 “(1) clearly describe the modular open system
9 approach to be used for the program;

10 “(2) differentiate between the major system
11 platform and major system components being devel-
12 oped under the program, as well as major system
13 components developed outside the program that will
14 be integrated into the major defense acquisition pro-
15 gram;

16 “(3) clearly describe the evolution of major sys-
17 tem components that are anticipated to be added,
18 removed, or replaced in subsequent increments;

19 “(4) identify additional major system compo-
20 nents that may be added later in the life cycle of the
21 major system platform; and

22 “(5) clearly describe how intellectual property
23 and related issues, such as technical data
24 deliverables, that are necessary to support a modular
25 open system approach, will be addressed.

1 “(d) REQUEST FOR PROPOSALS.—The milestone de-
2 cision authority for a major defense acquisition program
3 that uses a modular open system approach shall ensure
4 that a request for proposals for the development or pro-
5 duction phases of the program shall describe the modular
6 open system approach and the minimum set of major sys-
7 tem components that must be included in the design of
8 the major defense acquisition program.

9 “(e) MILESTONE B.—A major defense acquisition
10 program may not receive Milestone B approval under sec-
11 tion 2366b of this title until the milestone decision author-
12 ity determines in writing that—

13 “(1) in the case of a program that uses a mod-
14 ular open system approach—

15 “(A) the program incorporates clearly de-
16 fined major system interfaces between the
17 major system platform and major system com-
18 ponents and between major system components;

19 “(B) such major system interfaces are con-
20 sistent with the widely supported and con-
21 sensus-based standards that exist at the time of
22 the milestone decision, unless such standards
23 are unavailable or unsuitable for particular
24 major system interfaces; and

1 “(C) the Government has arranged to ob-
2 tain appropriate and necessary intellectual
3 property rights with respect to such major sys-
4 tem interfaces upon completion of the develop-
5 ment of the major system platform; or

6 “(2) in the case of a program that does not use
7 a modular open system approach, that the use of a
8 modular open system approach is not practicable.

9 **“§ 2446c. Requirements relating to availability of**
10 **major system interfaces and support for**
11 **modular open system approach**

12 “The Secretary of each military department shall—

13 “(1) coordinate with the other military depart-
14 ments, the defense agencies, defense and other pri-
15 vate sector entities, national standards-setting orga-
16 nizations, and, when appropriate, with elements of
17 the intelligence community with respect to the speci-
18 fication, identification, development, and mainte-
19 nance of major system interfaces and standards for
20 use in major system platforms, where practicable;

21 “(2) ensure that major system interfaces incor-
22 porate commercial standards and other widely sup-
23 ported consensus-based standards that are validated,
24 published, and maintained by recognized standards
25 organizations to the maximum extent practicable;

1 “(3) ensure that sufficient systems engineering
2 and development expertise and resources are avail-
3 able to support the use of a modular open system
4 approach in requirements development and acquisi-
5 tion program planning;

6 “(4) ensure that necessary planning, program-
7 ming, and budgeting resources are provided to speci-
8 fy, identify, develop, and sustain the modular open
9 system approach, associated major system inter-
10 faces, and any additional program activities nec-
11 essary to sustain innovation and interoperability;
12 and

13 “(5) ensure that adequate training in the use of
14 a modular open system approach is provided to
15 members of the requirements and acquisition work-
16 force.

17 **“§ 2446d. Requirement to include modular open sys-**
18 **tem approach in Selected Acquisition Re-**
19 **ports**

20 “For each major defense acquisition program that re-
21 ceives Milestone B approval after January 1, 2019, a brief
22 summary description of the key elements of the modular
23 open system approach or, if a modular open system ap-
24 proach was not used, the rationale for not using such an
25 approach, shall be submitted to the congressional defense

1 committees with the first Selected Acquisition Report re-
 2 quired under section 2432 of this title for the program.”.

3 (b) CLERICAL AMENDMENT.—The table of chapters
 4 for title 10, United States Code, is amended by adding
 5 after the item relating to chapter 144A the following new
 6 item:

“144B. **Weapon Systems Development and Related Mat-**
ters2446a”.

7 (c) CONFORMING AMENDMENT.—Section
 8 2366b(a)(3) of such title is amended—

9 (1) by striking “and” at the end of subpara-
 10 graph (K); and

11 (2) by inserting after subparagraph (L) the fol-
 12 lowing new subparagraph:

13 “(M) the requirements of section 2446b(e)
 14 of this title are met; and”.

15 (d) EFFECTIVE DATE.—Subchapter I of chapter
 16 144B of title 10, United States Code, as added by sub-
 17 section (a), shall take effect on October 1, 2016.

18 **SEC. 1702. DEVELOPMENT, PROTOTYPING, AND DEPLOY-**
 19 **MENT OF WEAPON SYSTEM COMPONENTS OR**
 20 **TECHNOLOGY.**

21 (a) IN GENERAL.—Chapter 144B of title 10, United
 22 States Code, as added by section 1701, is further amended
 23 by adding at the end the following new subchapter:

1 “SUBCHAPTER II—DEVELOPMENT, PROTO-
2 TYPING, AND DEPLOYMENT OF WEAPON
3 SYSTEM COMPONENTS OR TECHNOLOGY

“Sec.

“2447a. Technology development in the acquisition of major weapon systems.

“2447b. Weapon system component or technology prototype projects: display of budget information.

“2447c. Weapon system component or technology prototype projects: oversight.

“2447d. Requirements and limitations for weapon system component or technology prototype projects.

“2447e. Mechanisms to speed deployment of successful weapon system component or technology prototypes.

“2447f. Definition of weapon system component.

4 **“§ 2447a. Technology development in the acquisition**
5 **of major weapon systems**

6 “Technology shall be developed in a major defense
7 acquisition program that is initiated after January 1,
8 2019, only if the milestone decision authority for the pro-
9 gram determines with a high degree of confidence that
10 such development will not delay the fielding target of the
11 program. If the milestone decision authority does not
12 make such determination for a major system component
13 being developed under the program, the milestone decision
14 authority shall ensure that technology related to the major
15 system component shall be sufficiently matured separate
16 from the major defense acquisition program using the
17 prototyping authorities of this section or other authorities,
18 as appropriate.

1 **“§ 2447b. Weapon system component or technology**
2 **prototype projects: display of budget in-**
3 **formation**

4 “(a) REQUIREMENTS FOR BUDGET DISPLAY.—In the
5 defense budget materials for any fiscal year after fiscal
6 year 2017, the Secretary of Defense shall, with respect
7 to advanced component development and prototype activi-
8 ties (within the research, development, test, and evaluation
9 budget), set forth the amounts requested for each of the
10 following:

11 “(1) Acquisition programs of record.

12 “(2) Development, prototyping, and experimen-
13 tation of weapon system components or other tech-
14 nologies separate from acquisition programs of
15 record.

16 “(3) Other budget line items as determined by
17 the Secretary of Defense.

18 “(b) ADDITIONAL REQUIREMENTS.—For purposes of
19 subsection (a)(2), the amounts requested for development,
20 prototyping, and experimentation of weapon system com-
21 ponents or other technologies shall be—

22 “(1) structured into either capability, weapon
23 system component, or technology portfolios that re-
24 flect the priority areas for prototype projects; and

25 “(2) justified with general descriptions of the
26 types of capability areas and technologies being

1 funded or expected to be funded during the fiscal
2 year concerned.

3 “(c) DEFINITIONS.—In this section, the terms ‘budg-
4 et’ and ‘defense budget materials’ have the meaning given
5 those terms in section 234 of this title.

6 **“§ 2447c. Weapon system component or technology**
7 **prototype projects: oversight**

8 “(a) ESTABLISHMENT.—The Secretary of each mili-
9 tary department shall establish an oversight board or iden-
10 tify a similar group of senior advisors for managing proto-
11 type projects for weapon system components and other
12 technologies and subsystems, including the use of funds
13 for such projects, within the military department con-
14 cerned.

15 “(b) MEMBERSHIP.—Each oversight board shall be
16 comprised of senior officials with—

17 “(1) expertise in requirements; research, devel-
18 opment, test, and evaluation; acquisition; or other
19 relevant areas within the military department con-
20 cerned;

21 “(2) awareness of technology development ac-
22 tivities and opportunities in the Department of De-
23 fense, industry, and other sources; and

24 “(3) awareness of the component capability re-
25 quirements of major weapon systems, including

1 scheduling and fielding goals for such component ca-
2 pabilities.

3 “(c) FUNCTIONS.—The functions of each oversight
4 board are as follows:

5 “(1) To issue a strategic plan every three years
6 that prioritizes the capability and weapon system
7 component portfolio areas for conducting prototype
8 projects, based on assessments of high priority
9 warfighter needs, capability gaps on existing major
10 weapon systems, opportunities to incrementally inte-
11 grate new components into major weapon systems,
12 and technologies that are expected to be sufficiently
13 mature to prototype within three years.

14 “(2) To annually recommend funding levels for
15 weapon system component or technology develop-
16 ment and prototype projects across capability or
17 weapon system component portfolios.

18 “(3) To annually recommend to the service ac-
19 quisition executive of the military department con-
20 cerned specific weapon system component or tech-
21 nology development and prototype projects, subject
22 to the requirements and limitations in section 2447d
23 of this title.

24 “(4) To ensure projects are managed by experts
25 within the Department of Defense who are knowl-

1 edgeable in research, development, test, and evalua-
2 tion and who are aware of opportunities for incre-
3 mental deployment of component capabilities and
4 other technologies to major weapon systems or di-
5 rectly to support warfighting capabilities.

6 “(5) To ensure projects are conducted in a
7 manner that allows for appropriate experimentation
8 and technology risk.

9 “(6) To ensure necessary technical, contracting,
10 and financial management resources are available to
11 support each project.

12 “(7) To submit to the congressional defense
13 committees a semiannual notification that includes
14 the following:

15 “(A) A description of each weapon system
16 component or technology prototype project initi-
17 ated during the preceding six months, including
18 an explanation of each project and its required
19 funding.

20 “(B) A description of the results achieved
21 from weapon system component prototype and
22 technology projects completed and tested during
23 the preceding six months.

1 **“§ 2447d. Requirements and limitations for weapon**
2 **system component or technology proto-**
3 **type projects**

4 “(a) LIMITATION ON PROTOTYPE PROJECT DURA-
5 TION.—A prototype project shall be completed within
6 three years of its initiation.

7 “(b) MERIT-BASED SELECTION PROCESS.—A proto-
8 type project shall be selected by the service acquisition ex-
9 ecutive of the military department concerned through a
10 merit-based selection process that identifies the most
11 promising and cost-effective prototypes that address a
12 high priority warfighter need and are expected to be suc-
13 cessfully demonstrated in a relevant environment.

14 “(c) TYPE OF TRANSACTION.—Prototype projects
15 shall be funded through contracts, cooperative agree-
16 ments, or other transactions.

17 “(d) FUNDING LIMIT.—(1) Each prototype project
18 may not exceed a total amount of \$10,000,000 (based on
19 fiscal year 2017 constant dollars), unless—

20 “(A) the Secretary of the military department,
21 or the Secretary’s designee, approves a larger
22 amount of funding for the project, not to exceed
23 \$50,000,000; and

24 “(B) the Secretary, or the Secretary’s designee,
25 submits to the congressional defense committees,

1 within 30 days after approval of such funding for
2 the project, a notification that includes—

3 “(i) a description of the project;

4 “(ii) expected funding for the project; and

5 “(iii) a statement of the anticipated out-
6 come of the project.

7 “(2) The Secretary of Defense may adjust the
8 amounts (and the base fiscal year) provided in paragraph
9 (1) on the basis of Department of Defense escalation
10 rates.

11 **“§ 2447e. Mechanisms to speed deployment of suc-**
12 **cessful weapon system component or**
13 **technology prototypes**

14 “(a) SELECTION OF RAPID FIELDING PROJECT FOR
15 PRODUCTION.—A weapon system component or tech-
16 nology rapid fielding project may be selected by the service
17 acquisition executive of the military department concerned
18 for a follow-on production contract or other transaction
19 without the use of competitive procedures, notwith-
20 standing the requirements of section 2304 of this title,
21 if—

22 “(1) a rapid fielding project addresses a high
23 priority warfighter need;

1 “(2) competitive procedures were used for the
2 selection of parties for participation in the rapid
3 fielding project;

4 “(3) the participants in the project successfully
5 completed the project provided for in the trans-
6 action; and

7 “(4) a prototype of the system to be procured
8 in the rapid fielding project was demonstrated in a
9 relevant environment.

10 “(b) SPECIAL TRANSFER AUTHORITY.—(1) The Sec-
11 retary of a military department may, as specified in ad-
12 vance by appropriations Acts, transfer funds that remain
13 available for obligation in procurement appropriation ac-
14 counts of the military department to fund the low-rate ini-
15 tial production of the rapid fielding project until required
16 funding for full-rate production can be submitted and ap-
17 proved through the regular budget process of the Depart-
18 ment of Defense.

19 “(2) The funds transferred under this subsection to
20 fund the low-rate initial production of a rapid fielding
21 project shall be for a period not to exceed two years, the
22 amount for such period may not exceed \$50,000,000, and
23 the special transfer authority provided in this subsection
24 may not be used more than once to fund procurement of
25 a particular new or upgraded system.

1 “(3) The special transfer authority provided in this
2 subsection is in addition to any other transfer authority
3 available to the Department of Defense.

4 “(c) NOTIFICATION TO CONGRESS.—Within 30 days
5 after the service acquisition executive of a military depart-
6 ment selects a weapon system component or technology
7 rapid fielding project for a follow-on production contract
8 or other transaction, the service acquisition executive shall
9 notify the congressional defense committees of the selec-
10 tion and provide a brief description of the rapid fielding
11 project.

12 **“§ 2447f. Definition of weapon system component**

13 “In this subchapter, the term ‘weapon system compo-
14 nent’ has the meaning given the term ‘major system com-
15 ponent’ in section 2446a of this title.”.

16 (b) EFFECTIVE DATE.—Subchapter II of chapter
17 144B of title 10, United States Code, as added by sub-
18 section (a), shall take effect on October 1, 2016.

19 **SEC. 1703. COST, SCHEDULE, AND PERFORMANCE OF**
20 **MAJOR DEFENSE ACQUISITION PROGRAMS.**

21 (a) IN GENERAL.—Chapter 144B of title 10, United
22 States Code, as added by section 1701, is amended by
23 adding at the end the following new subchapter:

1 “SUBCHAPTER III—COST, SCHEDULE, AND PER-
2 FORMANCE OF MAJOR DEFENSE ACQUI-
3 TION PROGRAMS

“Sec.

“2448a. Program cost, fielding, and performance goals in planning major de-
fense acquisition programs.

“2448b. Independent technical risk assessments.

“2448c. Adherence to requirements and thresholds in major defense acquisition
programs.

4 “§ 2448a. **Program cost, fielding, and performance**
5 **goals in planning major defense acqui-**
6 **tion programs**

7 “(a) PROGRAM COST AND FIELDING TARGETS.—(1)
8 Before a major defense acquisition program receives Mile-
9 stone A approval or is otherwise initiated prior to Mile-
10 stone B, the Secretary of Defense shall ensure, by estab-
11 lishing the goals described in paragraph (2), that—

12 “(A) the program will be affordable;

13 “(B) program planning anticipates evolution of
14 capabilities to meet changing threats, technology in-
15 sertation, and interoperability; and

16 “(C) the program will be fielded when needed.

17 “(2) The goals described in this paragraph are goals
18 for—

19 “(A) the program acquisition unit cost (referred
20 to in this section as the ‘program cost target’);

1 “(B) the date for initial operational capability
2 (referred to in this section as the ‘fielding target’);
3 and

4 “(C) technology maturation, prototyping, and a
5 modular open system approach to evolve system ca-
6 pabilities and improve interoperability.

7 “(b) CONSIDERATIONS.—In establishing goals under
8 subsection (a) for the program, the Secretary of Defense
9 shall consider each of the following:

10 “(1) The capability needs and timeframe speci-
11 fied in the initial capabilities document, opportuni-
12 ties for evolution of capabilities, and minimum ac-
13 ceptable capability increments.

14 “(2) Resources available to fund the develop-
15 ment, production, and life cycle of the program,
16 using a reasonable estimate of future defense budg-
17 ets.

18 “(3) The number of end items expected to be
19 procured under the program.

20 “(4) Trade-offs among cost, schedule, technical
21 risk, and performance objectives identified in the
22 analysis of alternatives required under section 2366a
23 of this title.

24 “(5) The independent cost estimate established
25 pursuant to section 2334(a)(6) of this title.

1 “(6) The independent technical risk assessment
2 conducted or approved under section 2448b of this
3 title.

4 “(c) DELEGATION.—The responsibilities of the Sec-
5 retary of Defense in subsection (a) may be delegated only
6 to the Deputy Secretary of Defense or the Under Sec-
7 retary of Defense for Acquisition, Technology, and Logis-
8 tics.

9 “(d) DEFINITIONS.—In this section:

10 “(1) The term ‘program acquisition unit cost’
11 has the meaning provided in section 2432(a) of this
12 title.

13 “(2) The term ‘initial capabilities document’
14 has the meaning provided in section 2366a(d)(2) of
15 this title.

16 **“§ 2448b. Independent technical risk assessments**

17 “(a) IN GENERAL.—With respect to a major defense
18 acquisition program, the Under Secretary of Defense for
19 Acquisition, Technology, and Logistics shall—

20 “(1) before any decision to grant Milestone A
21 approval for the program pursuant to section 2366a
22 of this title, identify critical technologies that need
23 to be matured in the program; and

24 “(2) before any decision to grant Milestone B
25 approval for the program pursuant to section 2366b

1 of this title, any decision to enter into low-rate ini-
2 tial production or full-rate production, or at any
3 other time considered appropriate by the Under Sec-
4 retary, conduct or approve an independent technical
5 risk assessment for the program, including the iden-
6 tification of any critical technologies that have not
7 been successfully demonstrated in a relevant envi-
8 ronment.

9 “(b) CATEGORIZATION OF TECHNICAL RISK LEV-
10 ELS.—The Under Secretary shall issue guidance and a
11 framework for categorizing the degree of technical risk in
12 a major defense acquisition program.

13 **“§ 2448c. Adherence to requirements and thresholds**
14 **in major defense acquisition programs**

15 “(a) CAPABILITIES DETERMINATION.—The Sec-
16 retary of the military department concerned shall ensure
17 that the program capability document supporting a Mile-
18 stone B or subsequent milestone for a major defense ac-
19 quisition program may not be submitted to the Joint Re-
20 quirements Oversight Council for approval until the Chief
21 of the armed force concerned determines in writing that
22 the requirements in the document are necessary and real-
23 istic in relation to the program cost and fielding targets
24 established under section 2448a(a) of this title.

1 “(b) COMPLIANCE WITH TARGETS BEFORE MILE-
2 STONE B APPROVAL.—A major defense acquisition pro-
3 gram may not receive Milestone B approval until the mile-
4 stone decision authority for the program determines in
5 writing that the estimated program acquisition unit cost
6 and the estimated date for initial operational capability
7 for the baseline description for the program (established
8 under section 2435) do not exceed the program cost and
9 fielding targets established under section 2448a(a) of this
10 title. If such estimated cost is higher than the program
11 cost target or if such estimated date is later than the field-
12 ing target, the milestone decision authority may request
13 that the Secretary of Defense increase the program cost
14 target or delay the fielding target, as applicable.”.

15 (b) EFFECTIVE DATE.—Subchapter III of chapter
16 144B of title 10, United States Code, as added by sub-
17 section (a), shall apply with respect to major defense ac-
18 quisition programs that reach Milestone A after October
19 1, 2016.

20 (c) MODIFICATION OF MILESTONE DECISION AU-
21 THORITY.—Effective October 1, 2016, subsection (d) of
22 section 2430 of title 10, United States Code, as added by
23 section 825(a) of the National Defense Authorization Act
24 for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 907),
25 is amended—

1 (1) in paragraph (2)(A), by inserting “subject
2 to paragraph (5),” before “the Secretary deter-
3 mines”; and

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

6 “(5) The authority of the Secretary of Defense to
7 designate an alternative milestone decision authority for
8 a program with respect to which the Secretary determines
9 that the program is addressing a joint requirement, as set
10 forth in paragraph (2)(A), shall apply only for a major
11 defense acquisition program that reaches Milestone A
12 after October 1, 2016, and before October 1, 2019.”.

13 **SEC. 1704. TRANSPARENCY IN MAJOR DEFENSE ACQUI-**
14 **SION PROGRAMS.**

15 (a) **REPORTS ON MILESTONE DECISION METRICS.**—
16 Subchapter III of chapter 144B of title 10, United States
17 Code, as added by section 1703, is amended by adding
18 at the end the following new section:

19 **“§ 2448d. Reports on milestone decision metrics**

20 “(a) **REPORT ON MILESTONE A.**—Not later than 15
21 days after granting Milestone A approval for a major de-
22 fense acquisition program, the milestone decision author-
23 ity for the program shall provide to the congressional de-
24 fense committees and, in the case of intelligence or intel-
25 ligence-related activities, the congressional intelligence

1 committees a brief summary report that contains the fol-
2 lowing elements:

3 “(1) The program cost and fielding targets es-
4 tablished by the Secretary of Defense under section
5 2448a(a) of this title.

6 “(2) The estimated cost and schedule for the
7 program established by the military department con-
8 cerned, including—

9 “(A) the dollar values estimated for the
10 program acquisition unit cost and total life-
11 cycle cost; and

12 “(B) the planned dates for each program
13 milestone and initial operational capability.

14 “(3) The independent estimated cost for the
15 program established pursuant to section 2334(a)(6)
16 of this title, and any independent estimated schedule
17 for the program, including—

18 “(A) the dollar values estimated for the
19 program acquisition unit cost and total life-
20 cycle cost; and

21 “(B) the planned dates for each program
22 milestone and initial operational capability.

23 “(4) A summary of the technical risks associ-
24 ated with the program, as determined by the mili-

1 tary department concerned, including identification
2 of any critical technologies that need to be matured.

3 “(5) A summary of the independent technical
4 risk assessment conducted or approved under section
5 2448b of this title, including identification of any
6 critical technologies that need to be matured.

7 “(6) A summary of any sufficiency review con-
8 ducted by the Director of Cost Assessment and Pro-
9 gram Evaluation of the analysis of alternatives per-
10 formed for the program (as referred to in section
11 2366a(b)(6) of this title).

12 “(7) Any other information the milestone deci-
13 sion authority considers relevant.

14 “(b) REPORT ON MILESTONE B.—Not later than 15
15 days after granting Milestone B approval for a major de-
16 fense acquisition program, the milestone decision author-
17 ity for the program shall provide to the congressional de-
18 fense committees and, in the case of intelligence or intel-
19 ligence-related activities, the congressional intelligence
20 committees a brief summary report that contains the fol-
21 lowing elements:

22 “(1) The program cost and fielding targets es-
23 tablished by the Secretary of Defense under section
24 2448a(a) of this title.

1 “(2) The estimated cost and schedule for the
2 program established by the military department con-
3 cerned, including—

4 “(A) the dollar values estimated for the
5 program acquisition unit cost, average procure-
6 ment unit cost, and total life-cycle cost; and

7 “(B) the planned dates for each program
8 milestone, initial operational test and evalua-
9 tion, and initial operational capability.

10 “(3) The independent estimated cost for the
11 program established pursuant to section 2334(a)(6)
12 of this title, and any independent estimated schedule
13 for the program, including—

14 “(A) the dollar values estimated for the
15 program acquisition unit cost, average procure-
16 ment unit cost, and total life-cycle cost; and

17 “(B) the planned dates for each program
18 milestone, initial operational test and evalua-
19 tion, and initial operational capability.

20 “(4) A summary of the technical risks associ-
21 ated with the program, as determined by the mili-
22 tary department concerned, including identification
23 of any critical technologies that have not been suc-
24 cessfully demonstrated in a relevant environment.

1 “(5) A summary of the independent technical
2 risk assessment conducted or approved under section
3 2448b of this title, including identification of any
4 critical technologies that have not been successfully
5 demonstrated in a relevant environment.

6 “(6) A statement of whether a modular open
7 system approach is being used for the program.

8 “(7) Any other information the milestone deci-
9 sion authority considers relevant.

10 “(c) REPORT ON MILESTONE C.—Not later than 15
11 days after granting Milestone C approval for a major de-
12 fense acquisition program, the milestone decision author-
13 ity for the program shall provide to the congressional de-
14 fense committees and, in the case of intelligence or intel-
15 ligence-related activities, the congressional intelligence
16 committees a brief summary report that contains the fol-
17 lowing:

18 “(1) The estimated cost and schedule for the
19 program established by the military department con-
20 cerned, including—

21 “(A) the dollar values estimated for the
22 program acquisition unit cost, average procure-
23 ment unit cost, and total life-cycle cost; and

1 “(B) the planned dates for initial oper-
2 ational test and evaluation and initial oper-
3 ational capability.

4 “(2) The independent estimated cost for the
5 program established pursuant to section 2334(a)(6)
6 of this title, and any independent estimated schedule
7 for the program, including—

8 “(A) the dollar values estimated for the
9 program acquisition unit cost, average procure-
10 ment unit cost, and total life-cycle cost; and

11 “(B) the planned dates for initial oper-
12 ational test and evaluation and initial oper-
13 ational capability.

14 “(3) A summary of any production, manufac-
15 turing, and fielding risks associated with the pro-
16 gram.

17 “(d) ADDITIONAL INFORMATION.—At the request of
18 any of the congressional defense committees or, in the case
19 of intelligence or intelligence-related activities, the con-
20 gressional intelligence committees, the milestone decision
21 authority shall submit to the committee further informa-
22 tion or underlying documentation for the information in
23 a report submitted under subsection (a), (b), or (c), in-
24 cluding the independent cost and schedule estimates and

1 the independent technical risk assessments referred to in
2 those subsections.

3 “(e) CONGRESSIONAL INTELLIGENCE COMMITTEES
4 DEFINED.—In this section, the term ‘congressional intel-
5 ligence committees’ has the meaning given that term in
6 section 437(c) of this title.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of such subchapter is amended by adding
9 at the end the following new item:

“2448d. Reports on milestone decision metrics.”.

10 **SEC. 1705. AMENDMENTS RELATING TO TECHNICAL DATA**
11 **RIGHTS.**

12 (a) RIGHTS RELATING TO ITEM OR PROCESS DEVEL-
13 OPED EXCLUSIVELY AT PRIVATE EXPENSE.—Subsection
14 (a)(2)(C)(iii) of section 2320 of title 10, United States
15 Code, is amended by inserting after “or process data” the
16 following: “, including such data pertaining to a major
17 system component”.

18 (b) RIGHTS RELATING TO INTERFACE OR MAJOR
19 SYSTEM INTERFACE.—Subsection (a)(2) of section 2320
20 of such title is further amended—

21 (1) by redesignating subparagraphs (E), (F),
22 and (G) as subparagraphs (F), (I), and (J), respec-
23 tively;

24 (2) in subparagraph (B), by striking “Except
25 as provided in subparagraphs (C) and (D),” and in-

1 serting “Except as provided in subparagraphs (C),
2 (D), and (E),”;

3 (3) in subparagraph (D)(i), by striking sub-
4 clause (II) and inserting the following:

5 “(II) is a release, disclosure, or use of
6 technical data pertaining to an interface
7 between an item or process and other
8 items or processes; or”;

9 (4) by inserting after subparagraph (D) the fol-
10 lowing new subparagraph (E):

11 “(E) Notwithstanding subparagraph (B), the
12 United States shall have government purpose rights
13 in technical data pertaining to a major system inter-
14 face developed exclusively at private expense and
15 used in a modular open system approach pursuant
16 to section 2446a of this title.”;

17 (5) in subparagraph (F), as redesignated by
18 paragraph (1), by striking “In the case of” and in-
19 serting “Except as provided in subparagraphs (G)
20 and (H), in the case of”;

21 (6) by inserting after subparagraph (F), as so
22 redesignated, the following new subparagraphs (G)
23 and (H):

24 “(G) Notwithstanding subparagraph (F), the
25 United States shall have government purpose rights

1 in technical data pertaining to an interface between
2 an item or process and other items or processes that
3 was developed in part with Federal funds and in
4 part at private expense, except in any case in which
5 the Secretary of Defense determines, on the basis of
6 criteria established in the regulations, that negotia-
7 tion of different rights in such technical data would
8 be in the best interest of the United States.

9 “(H) Notwithstanding subparagraph (F), the
10 United States shall have government purpose rights
11 in technical data pertaining to a major system inter-
12 face developed in part with Federal funds and in
13 part at private expense and used in a modular open
14 system approach pursuant to section 2446a of this
15 title.”; and

16 (7) in subparagraph (J), as redesignated by
17 paragraph (1), by striking “provided under subpara-
18 graph (C) or (D),” and inserting “provided under
19 subparagraph (C), (D), (E), or (H),”.

20 (c) AMENDMENT RELATING TO NEGOTIATED RIGHTS
21 FOR ITEM OR PROCESS DEVELOPED WITH MIXED FUND-
22 ING.—Section (a)(2)(F) of section 2320 of such title, as
23 redesignated by subsection (b)(1) of this section, is further
24 amended by striking the period at the end of the first sen-
25 tence in the matter preceding clause (i) and all that fol-

1 lows through “establishment of any such negotiated rights
2 shall” and inserting “and shall be based on negotiations
3 between the United States and the contractor, except in
4 any case in which the Secretary of Defense determines,
5 on the basis of criteria established in the regulations, that
6 negotiations would not be practicable. The establishment
7 of such rights shall”.

8 (d) AMENDMENT RELATING TO DEFERRED ORDER-
9 ING.—Subsection (b)(9) of section 2320 of such title is
10 amended—

11 (1) by striking “at any time” and inserting “,
12 until the date occurring six years after acceptance of
13 the last item (other than technical data) under a
14 contract or the date of contract termination, which-
15 ever is later,”;

16 (2) by striking “or utilized in the performance
17 of a contract” and inserting “in the performance of
18 the contract”; and

19 (3) by striking clause (ii) of subparagraph (B)
20 and inserting the following:

21 “(ii) is described in subparagraphs
22 (D)(i)(II), (E), (G), and (H) of subsection
23 (a)(2); and”.

24 (e) DEFINITIONS.—Section 2320 of such title is fur-
25 ther amended—

1 (1) in subsection (f), by inserting “COVERED
2 GOVERNMENT SUPPORT CONTRACTOR DEFINED.—”
3 before “In this section”; and

4 (2) by adding at the end the following new sub-
5 section:

6 “(g) ADDITIONAL DEFINITIONS.—In this section, the
7 terms ‘major system component’, ‘major system interface’,
8 and ‘modular open system approach’ have the meanings
9 provided in section 2446a of this title.”.

10 (f) AMENDMENTS TO ADD CERTAIN HEADINGS FOR
11 READABILITY.—Section 2320(a) of such title is further
12 amended—

13 (1) in subparagraph (A) of paragraph (2), by
14 inserting after “(A)” the following: “DEVELOPMENT
15 EXCLUSIVELY WITH FEDERAL FUNDS.—”;

16 (2) in subparagraph (B) of such paragraph, by
17 inserting after “(B)” the following: “DEVELOPMENT
18 EXCLUSIVELY AT PRIVATE EXPENSE.—”; and

19 (3) in subparagraph (F) of such paragraph, as
20 redesignated by subsection (b) of this section, by in-
21 serting after “(F)” the following: “DEVELOPMENT
22 IN PART WITH FEDERAL FUNDS AND IN PART AT
23 PRIVATE EXPENSE.—”.

1 **TITLE XVIII—MATTERS RELAT-**
2 **ING TO SMALL BUSINESS**
3 **PROCUREMENT**

4 **Subtitle A—Improving Trans-**
5 **parency and Clarity for Small**
6 **Businesses**

7 **SEC. 1801. PLAIN LANGUAGE REWRITE OF REQUIREMENTS**
8 **FOR SMALL BUSINESS PROCUREMENTS.**

9 Section 15(a) of the Small Business Act (15 U.S.C.
10 644(a)) is amended to read as follows:

11 “(a) SMALL BUSINESS PROCUREMENTS.—

12 “(1) IN GENERAL.—For purposes of this Act,
13 small business concerns shall receive any award or
14 contract if such award or contract is, in the deter-
15 mination of the Administrator and the contracting
16 agency, in the interest of—

17 “(A) maintaining or mobilizing the full
18 productive capacity of the United States;

19 “(B) war or national defense programs; or

20 “(C) assuring that a fair proportion of the
21 total purchase and contracts for goods and
22 services of the Government in each industry
23 category (as described under paragraph (2)) are
24 awarded to small business concerns.

25 “(2) INDUSTRY CATEGORY DEFINED.—

1 “(A) IN GENERAL.—In this subsection, the
2 term ‘industry category’ means a discrete group
3 of similar goods and services, as determined by
4 the Administrator in accordance with the North
5 American Industry Classification System codes
6 used to establish small business size standards,
7 except that the Administrator shall limit an in-
8 dustry category to a greater extent than pro-
9 vided under the North American Industry Clas-
10 sification codes if the Administrator receives
11 evidence indicating that further segmentation of
12 the industry category is warranted—

13 “(i) due to special capital equipment
14 needs;

15 “(ii) due to special labor require-
16 ments;

17 “(iii) due to special geographic re-
18 quirements, except as provided in subpara-
19 graph (B);

20 “(iv) due to unique Federal buying
21 patterns or requirements; or

22 “(v) to recognize a new industry.

23 “(B) EXCEPTION FOR GEOGRAPHIC RE-
24 QUIREMENTS.—The Administrator may not fur-

1 ther segment an industry category based on ge-
2 ographic requirements unless—

3 “(i) the Government typically des-
4 ignates the geographic area where work for
5 contracts for goods or services is to be per-
6 formed;

7 “(ii) Government purchases comprise
8 the major portion of the entire domestic
9 market for such goods or services; and

10 “(iii) it is unreasonable to expect com-
11 petition from business concerns located
12 outside of the general geographic area due
13 to the fixed location of facilities, high mo-
14 bilization costs, or similar economic fac-
15 tors.

16 “(3) DETERMINATIONS WITH RESPECT TO
17 AWARDS OR CONTRACTS.—Determinations made
18 pursuant to paragraph (1) may be made for indi-
19 vidual awards or contracts, any part of an award or
20 contract or task order, or for classes of awards or
21 contracts or task orders.

22 “(4) INCREASING PRIME CONTRACTING OPPOR-
23 TUNITIES FOR SMALL BUSINESS CONCERNS.—

24 “(A) DESCRIPTION OF COVERED PRO-
25 POSED PROCUREMENTS.—The requirements of

1 this paragraph shall apply to a proposed pro-
2 curement that includes in its statement of work
3 goods or services currently being supplied or
4 performed by a small business concern and, as
5 determined by the Administrator—

6 “(i) is in a quantity or of an esti-
7 mated dollar value which makes the par-
8 ticipation of a small business concern as a
9 prime contractor unlikely;

10 “(ii) in the case of a proposed pro-
11 curement for construction, if such pro-
12 posed procurement seeks to bundle or con-
13 solidate discrete construction projects; or

14 “(iii) is a solicitation that involves an
15 unnecessary or unjustified bundling of con-
16 tract requirements.

17 “(B) NOTICE TO PROCUREMENT CENTER
18 REPRESENTATIVES.—With respect to proposed
19 procurements described in subparagraph (A), at
20 least 30 days before issuing a solicitation and
21 concurrent with other processing steps required
22 before issuing the solicitation, the contracting
23 agency shall provide a copy of the proposed pro-
24 curement to the procurement center representa-
25 tive of the contracting agency (as described in

1 subsection (l)) along with a statement explain-
2 ing—

3 “(i) why the proposed procurement
4 cannot be divided into reasonably small
5 lots (not less than economic production
6 runs) to permit offers on quantities less
7 than the total requirement;

8 “(ii) why delivery schedules cannot be
9 established on a realistic basis that will en-
10 courage the participation of small business
11 concerns in a manner consistent with the
12 actual requirements of the Government;

13 “(iii) why the proposed procurement
14 cannot be offered to increase the likelihood
15 of the participation of small business con-
16 cerns;

17 “(iv) in the case of a proposed pro-
18 curement for construction, why the pro-
19 posed procurement cannot be offered as
20 separate discrete projects; or

21 “(v) why the agency has determined
22 that the bundling of contract requirements
23 is necessary and justified.

24 “(C) ALTERNATIVES TO INCREASE PRIME
25 CONTRACTING OPPORTUNITIES FOR SMALL

1 BUSINESS CONCERNS.—If the procurement cen-
2 ter representative believes that the proposed
3 procurement will make the participation of
4 small business concerns as prime contractors
5 unlikely, the procurement center representative,
6 within 15 days after receiving the statement de-
7 scribed in subparagraph (B), shall recommend
8 to the contracting agency alternative procure-
9 ment methods for increasing prime contracting
10 opportunities for small business concerns.

11 “(D) FAILURE TO AGREE ON AN ALTER-
12 NATIVE PROCUREMENT METHOD.—If the pro-
13 curement center representative and the con-
14 tracting agency fail to agree on an alternative
15 procurement method, the Administrator shall
16 submit the matter to the head of the appro-
17 priate department or agency for a determina-
18 tion.

19 “(5) CONTRACTS FOR SALE OF GOVERNMENT
20 PROPERTY.—With respect to a contract for the sale
21 of Government property, small business concerns
22 shall receive any such contract if, in the determina-
23 tion of the Administrator and the disposal agency,
24 the award of such contract is in the interest of as-
25 suring that a fair proportion of the total sales of

1 Government property be made to small business con-
2 cerns.

3 “(6) SALE OF ELECTRICAL POWER OR OTHER
4 PROPERTY.—Nothing in this subsection shall be con-
5 strued to change any preferences or priorities estab-
6 lished by law with respect to the sale of electrical
7 power or other property by the Federal Government.

8 “(7) COSTS EXCEEDING FAIR MARKET PRICE.—
9 A contract may not be awarded under this sub-
10 section if the cost of the contract to the awarding
11 agency exceeds a fair market price.”.

12 **SEC. 1802. IMPROVING REPORTING ON SMALL BUSINESS**

13 **GOALS.**

14 (a) IN GENERAL.—Section 15(h)(2)(E) of the Small
15 Business Act (15 U.S.C. 644(h)(2)(E)) is amended—

16 (1) in clause (i)—

17 (A) in subclause (III), by striking “and” at
18 the end; and

19 (B) by adding at the end the following new
20 subclauses:

21 “(V) that were purchased by an-
22 other entity after the initial contract
23 was awarded and as a result of the
24 purchase, would no longer be deemed

1 to be small business concerns for pur-
2 poses of the initial contract; and

3 “(VI) that were awarded using a
4 procurement method that restricted
5 competition to small business concerns
6 owned and controlled by service-dis-
7 abled veterans, qualified HUBZone
8 small business concerns, small busi-
9 ness concerns owned and controlled by
10 socially and economically disadvan-
11 taged individuals, small business con-
12 cerns owned and controlled by women,
13 or a subset of any such concerns;”;

14 (2) in clause (ii)—

15 (A) in subclause (IV), by striking “and” at
16 the end; and

17 (B) by adding at the end the following new
18 subclauses:

19 “(VI) that were purchased by an-
20 other entity after the initial contract
21 was awarded and as a result of the
22 purchase, would no longer be deemed
23 to be small business concerns owned
24 and controlled by service-disabled vet-

1 erans for purposes of the initial con-
2 tract; and

3 “(VII) that were awarded using a
4 procurement method that restricted
5 competition to qualified HUBZone
6 small business concerns, small busi-
7 ness concerns owned and controlled by
8 socially and economically disadvan-
9 taged individuals, small business con-
10 cerns owned and controlled by women,
11 or a subset of any such concerns;”;

12 (3) in clause (iii)—

13 (A) in subclause (V), by striking “and” at
14 the end; and

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

17 “(VII) that were purchased by
18 another entity after the initial con-
19 tract was awarded and as a result of
20 the purchase, would no longer be
21 deemed to be qualified HUBZone
22 small business concerns for purposes
23 of the initial contract; and

24 “(VIII) that were awarded using
25 a procurement method that restricted

1 competition to small business concerns
2 owned and controlled by service-dis-
3 abled veterans, small business con-
4 cerns owned and controlled by socially
5 and economically disadvantaged indi-
6 viduals, small business concerns
7 owned and controlled by women, or a
8 subset of any such concerns;”;

9 (4) in clause (iv)—

10 (A) in subclause (V), by striking “and” at
11 the end; and

12 (B) by adding at the end the following new
13 subclauses:

14 “(VII) that were purchased by
15 another entity after the initial con-
16 tract was awarded and as a result of
17 the purchase, would no longer be
18 deemed to be small business concerns
19 owned and controlled by socially and
20 economically disadvantaged individ-
21 uals for purposes of the initial con-
22 tract; and

23 “(VIII) that were awarded using
24 a procurement method that restricted
25 competition to small business concerns

1 owned and controlled by service-dis-
2 abled veterans, qualified HUBZone
3 small business concerns, small busi-
4 ness concerns owned and controlled by
5 women, or a subset of any such con-
6 cerns;”;

7 (5) in clause (v)—

8 (A) in subclause (IV), by striking “and” at
9 the end;

10 (B) in subclause (V), by inserting “and” at
11 the end; and

12 (C) by adding at the end the following new
13 subclause:

14 “(VI) that were purchased by an-
15 other entity after the initial contract
16 was awarded and as a result of the
17 purchase, would no longer be deemed
18 to be small business concerns owned
19 by an Indian tribe other than an Alas-
20 ka Native Corporation for purposes of
21 the initial contract;”;

22 (6) in clause (vi)—

23 (A) in subclause (IV), by striking “and” at
24 the end;

1 (B) in subclause (V), by inserting “and” at
2 the end; and

3 (C) by adding at the end the following new
4 subclause:

5 “(VI) that were purchased by an-
6 other entity after the initial contract
7 was awarded and as a result of the
8 purchase, would no longer be deemed
9 to be small business concerns owned
10 by a Native Hawaiian Organization
11 for purposes of the initial contract;”;

12 (7) in clause (vii)—

13 (A) in subclause (IV), by striking “and” at
14 the end; and

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

17 “(VI) that were purchased by an-
18 other entity after the initial contract
19 was awarded and as a result of the
20 purchase, would no longer be deemed
21 to be small business concerns owned
22 by an Alaska Native Corporation for
23 purposes of the initial contract; and”;

24 and

25 (8) in clause (viii)—

1 (A) in subclause (VII), by striking “and”
2 at the end;

3 (B) in subclause (VIII), by striking “and”
4 at the end; and

5 (C) by adding at the end the following new
6 subclauses:

7 “(IX) that were purchased by an-
8 other entity after the initial contract
9 was awarded and as a result of the
10 purchase, would no longer be deemed
11 to be small business concerns owned
12 and controlled by women for purposes
13 of the initial contract; and

14 “(X) that were awarded using a
15 procurement method that restricted
16 competition to small business concerns
17 owned and controlled by service-dis-
18 abled veterans, qualified HUBZone
19 small business concerns, small busi-
20 ness concerns owned and controlled by
21 socially and economically disadvan-
22 taged individuals, or a subset of any
23 such concerns; and”.

24 (b) EFFECTIVE DATE.—The Administrator of the
25 Small Business Administration shall be required to report

1 on the information required by sections 15(h)(2)(E)(i)(V),
 2 15(h)(2)(E)(ii)(VI), 15(h)(2)(E)(iii)(VII),
 3 15(h)(2)(E)(iv)(VII), 15(h)(2)(E)(v)(VI),
 4 15(h)(2)(E)(vi)(VI), 15(h)(2)(E)(vii)(VI), and
 5 15(h)(2)(E)(viii)(IX) only beginning on the date that the
 6 Federal Procurement Data System, System for Award
 7 Management or any new or successor system is able to
 8 report such data.

9 **SEC. 1803. TRANSPARENCY IN SMALL BUSINESS GOALS.**

10 Section 15(h)(3) of the Small Business Act (15
 11 U.S.C. 644(h)(3)) is amended to read as follows:

12 “(3) PROCUREMENT DATA.—

13 “(A) FEDERAL PROCUREMENT DATA SYS-
 14 TEM.—

15 “(i) IN GENERAL.—To assist in the
 16 implementation of this section, the Admin-
 17 istrator shall have access to information
 18 collected through the Federal Procurement
 19 Data System, Federal Subcontracting Re-
 20 porting System, or any new or successor
 21 system.

22 “(ii) GSA REPORT.—On the date that
 23 the Administrator makes available the re-
 24 port required by paragraph (2), the Ad-
 25 ministrator of the General Services Admin-

1 istration shall submit a report to the Presi-
2 dent and Congress, and to make available
3 on a public Web site, a report in the same
4 form and manner, and including the same
5 information, as the report under paragraph
6 (2). Such report shall include all procure-
7 ments made for the period covered by the
8 report and may not exclude any contract
9 awarded.

10 “(B) AGENCY PROCUREMENT DATA
11 SOURCES.—To assist in the implementation of
12 this section, the head of each contracting agen-
13 cy shall provide, upon request of the Adminis-
14 trator, procurement information collected
15 through agency data collection sources in exist-
16 ence at the time of the request. Contracting
17 agencies shall not be required to establish new
18 data collection systems to provide such data.”.

19 **SEC. 1804. UNIFORMITY IN PROCUREMENT TERMINOLOGY.**

20 (a) IN GENERAL.—Section 15(j)(1) of the Small
21 Business Act (15 U.S.C. 644(j)(1)) is amended by striking
22 “greater than \$2,500 but not greater than \$100,000” and
23 inserting “greater than the micro-purchase threshold, but
24 not greater than the simplified acquisition threshold”.

1 (b) TECHNICAL AMENDMENT.—Section 3(m) of the
2 Small Business Act (15 U.S.C. 632(m)) is amended to
3 read as follows:

4 “(m) DEFINITIONS PERTAINING TO CON-
5 TRACTING.—In this Act:

6 “(1) PRIME CONTRACT.—The term ‘prime con-
7 tract’ has the meaning given such term in section
8 8701(4) of title 41, United States Code.

9 “(2) PRIME CONTRACTOR.—The term ‘prime
10 contractor’ has the meaning given such term in sec-
11 tion 8701(5) of title 41, United States Code.

12 “(3) SIMPLIFIED ACQUISITION THRESHOLD.—
13 The term ‘simplified acquisition threshold’ has the
14 meaning given such term in section 134 of title 41,
15 United States Code.

16 “(4) MICRO-PURCHASE THRESHOLD.—The
17 term ‘micro-purchase threshold’ has the meaning
18 given such term in section 1902(a) of title 41,
19 United States Code.

20 “(5) TOTAL PURCHASE AND CONTRACTS FOR
21 PROPERTY AND SERVICES.—The term ‘total pur-
22 chases and contracts for property and services’ shall
23 mean total number and total dollar amount of con-
24 tracts and orders for property and services.”.

1 **Subtitle B—Clarifying the Roles of**
2 **Small Business Advocates**

3 **SEC. 1811. SCOPE OF REVIEW BY PROCUREMENT CENTER**
4 **REPRESENTATIVES.**

5 Section 15(l) of the Small Business Act (15 U.S.C.
6 644(l)) is amended by adding at the end the following:

7 “(9) SCOPE OF REVIEW.—The Administrator—

8 “(A) may not limit the scope of review by
9 the Procurement Center Representative for any
10 solicitation of a contract or task order without
11 regard to whether the contract or task order or
12 part of the contract or task order is set aside
13 for small business concerns, whether 1 or more
14 contract or task order awards are reserved for
15 small business concerns under a multiple award
16 contract, or whether or not the solicitation
17 would result in a bundled or consolidated con-
18 tract (as defined in subsection (s)) or a bundled
19 or consolidated task order; and

20 “(B) may, unless the contracting agency
21 requests a review, limit the scope of review by
22 the Procurement Center Representative for any
23 solicitation of a contract or task order if such
24 procurement is conducted pursuant to section
25 22 of the Foreign Military Sales Act (22 U.S.C.

1 “(B) for contractors awarded contracts
2 containing the clause described in section
3 8(d)(3), providing—

4 “(i) counseling on the contractor’s re-
5 sponsibility to maximize subcontracting op-
6 portunities for small business concerns;

7 “(ii) instruction on methods and tools
8 to identify potential subcontractors that
9 are small business concerns; and

10 “(iii) assistance to increase awards to
11 subcontractors that are small business con-
12 cerns through visits, training, and reviews
13 of past performance;

14 “(C) providing counseling on how a small
15 business concern may promote its capacity to
16 contractors awarded contracts containing the
17 clause described in section 8(d)(3); and

18 “(D) conducting periodic reviews of con-
19 tractors awarded contracts containing the
20 clause described in section 8(d)(3) to assess
21 compliance with subcontracting plans required
22 under section 8(d)(6).

23 “(2) CERTIFICATION REQUIREMENTS.—

24 “(A) IN GENERAL.—Consistent with the
25 requirements of subparagraph (B), a commer-

1 cial market representative referred to in section
2 15(q)(3) shall have a Level I Federal Acquisi-
3 tion Certification in Contracting (or any suc-
4 cessor certification) or the equivalent Depart-
5 ment of Defense certification, except that a
6 commercial market representative who was
7 serving on or before the date of the enactment
8 of the National Defense Authorization Act for
9 Fiscal Year 2016 may continue to serve as a
10 commercial market representative for a period
11 of 5 years beginning on such date without such
12 a certification.

13 “(B) DELAY OF CERTIFICATION REQUIRE-
14 MENT.—

15 “(i) TIMING.—The certification de-
16 scribed in subparagraph (A) is not re-
17 quired for any person serving as a com-
18 mercial market representative until the
19 date that is one calendar year after the
20 date such person is appointed as a com-
21 mercial market representative.

22 “(ii) APPLICATION.—The require-
23 ments of clause (i) shall be included in any
24 initial job posting for the position of a
25 commercial market representative and

1 shall apply to any person appointed as a
2 commercial market representative after
3 November 25, 2015.”.

4 **SEC. 1813. DUTIES OF THE OFFICE OF SMALL AND DIS-**
5 **ADVANTAGED BUSINESS UTILIZATION.**

6 Section 15(k) of the Small Business Act (15 U.S.C.
7 644(k)), as amended by section 870 of the National De-
8 fense Authorization Act for Fiscal Year 2016 (Public Law
9 114–92), is amended—

10 (1) by striking “section 8, 15 or 44” and in-
11 serting “section 8, 15, 31, 36, or 44”;

12 (2) by striking “sections 8 and 15” each place
13 such term appears and inserting “sections 8, 15, 31,
14 36, and 44”;

15 (3) in paragraph (10), by striking “section
16 8(a)” and inserting “section 8, 15, 31, or 36”;

17 (4) in paragraph (17)(C), by striking the period
18 at the end, and inserting “; and”;

19 (5) by inserting after paragraph (17) the fol-
20 lowing new paragraph:

21 “(18) shall review summary data provided by
22 purchase card issuers of purchases made by the
23 agency greater than the micro-purchase threshold,
24 and less than the simplified acquisition threshold to
25 ensure that the purchases have been made in compli-

1 ance with the provisions of this Act and have been
2 properly recorded in the Federal Procurement Data
3 System, if the method of payment is a purchase card
4 issued by the Department of Defense pursuant to
5 section 2784 of title 10, United States Code, or by
6 the head of an executive agency pursuant to section
7 1909 of title 41, United States Code;” and

8 (6) in paragraph (16)—

9 (A) in subparagraph (B), by striking
10 “and” at the end; and

11 (B) by adding at the end the following new
12 subparagraph:

13 “(D) any failure of the agency to comply
14 with section 8, 15, 31, or 36;”.

15 **SEC. 1814. IMPROVING CONTRACTOR COMPLIANCE.**

16 (a) **REQUIREMENTS FOR THE OFFICE OF SMALL AND**
17 **DISADVANTAGED BUSINESS UTILIZATION.**—Section 15(k)
18 of the Small Business Act (15 U.S.C. 644(k)(8)), as
19 amended by this Act, is further amended by inserting after
20 paragraph (18) (as inserted by section 1813 of this Act)
21 the following:

22 “(19) shall provide assistance to a small busi-
23 ness concern awarded a contract or subcontract
24 under this Act or under title 10 or title 41, United
25 States Code, in finding resources for education and

1 training on compliance with contracting regulations
2 (including the Federal Acquisition Regulation) after
3 award of such a contract or subcontract; and”.

4 (b) REQUIREMENTS UNDER THE MENTOR-PROTEGE
5 PROGRAM OF THE DEPARTMENT OF DEFENSE.—Section
6 831(e)(1) of the National Defense Authorization Act for
7 Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1607;
8 10 U.S.C. 2302 note) is amended—

9 (1) in subparagraph (B), by striking “and” at
10 the end;

11 (2) in subparagraph (C), by striking the period
12 at the end and inserting “; and”; and

13 (3) by inserting at the end the following new
14 subparagraph:

15 “(D) the assistance the mentor firm will
16 provide to the protege firm in understanding
17 contract regulations of the Federal Government
18 and the Department of Defense (including the
19 Federal Acquisition Regulation and the Defense
20 Federal Acquisition Regulation Supplement)
21 after award of a subcontract under this section,
22 if applicable.”.

23 (c) RESOURCES FOR SMALL BUSINESS CONCERNS.—
24 Section 15 of the Small Business Act (15 U.S.C. 644) is

1 amended by adding at the end the following new sub-
2 section:

3 “(t) POST-AWARD COMPLIANCE RESOURCES.—The
4 Administrator shall provide to small business development
5 centers and entities participating in the Procurement
6 Technical Assistance Cooperative Agreement Program
7 under chapter 142 of title 10, United States Code, and
8 shall make available on the website of the Administration,
9 a list of resources for small business concerns seeking edu-
10 cation and assistance on compliance with contracting reg-
11 ulations (including the Federal Acquisition Regulation)
12 after award of a contract or subcontract.”.

13 (d) REQUIREMENTS FOR PROCUREMENT CENTER
14 REPRESENTATIVES.—Section 15(l)(2) of the Small Busi-
15 ness Act (15 U.S.C. 644(l)(2)) is amended—

16 (1) by redesignating subparagraph (I) as sub-
17 paragraph (J);

18 (2) in subparagraph (H), by striking “and” at
19 the end; and

20 (3) by inserting after subparagraph (H) the fol-
21 lowing new subparagraph:

22 “(I) assist small business concerns with
23 finding resources for education and training on
24 compliance with contracting regulations (includ-

1 ing the Federal Acquisition Regulation) after
2 award of a contract or subcontract; and”.

3 (e) REQUIREMENTS UNDER THE MENTOR-PROTEGE
4 PROGRAM OF THE SMALL BUSINESS ADMINISTRATION.—
5 Section 45(b)(3) of the Small Business Act (15 U.S.C.
6 657r(b)(3)) is amended by adding at the end the following
7 new subparagraph:

8 “(K) The extent to which assistance with
9 compliance with the requirements of contracting
10 with the Federal Government after award of a
11 contract or subcontract under this section.”.

12 **SEC. 1815. RESPONSIBILITIES OF BUSINESS OPPORTUNITY**
13 **SPECIALISTS.**

14 Section 4(g) of the Small Business Act (as added by
15 section 865 of the National Defense Authorization Act for
16 Fiscal Year 2016 (Public Law 114–92)) is amended to
17 read as follows:

18 “(g) BUSINESS OPPORTUNITY SPECIALISTS.—

19 “(1) DUTIES.—The exclusive duties of a Busi-
20 ness Opportunity Specialist employed by the Admin-
21 istrator and reporting to the senior official appointed
22 by the Administrator with responsibilities under sec-
23 tions 8, 15, 31, and 36 (or the designee of such offi-
24 cial) shall be to implement sections 7, 8, and 45 and

1 to complete other duties related to contracting pro-
2 grams under this Act. Such duties shall include—

3 “(A) with respect to small business con-
4 cerns eligible to receive contracts and sub-
5 contracts pursuant to section 8(a)—

6 “(i) providing guidance, counseling,
7 and referrals for assistance with technical,
8 management, financial, or other matters
9 that will improve the competitive viability
10 of such concerns;

11 “(ii) identifying causes of success or
12 failure of such concerns;

13 “(iii) providing comprehensive assess-
14 ments of such concerns, including identi-
15 fying the strengths and weaknesses of such
16 concerns;

17 “(iv) monitoring and documenting
18 compliance with the requirements of sec-
19 tions 7 and 8 and any regulations imple-
20 menting those sections;

21 “(v) explaining the requirements of
22 sections 7, 8, 15, 31, 36 and 45; and

23 “(vi) advising on compliance with con-
24 tracting regulations (including the Federal

1 Acquisition Regulation) after award of
2 such a contract or subcontract;

3 “(B) reviewing and monitoring compliance
4 with mentor-protege agreements under section
5 45;

6 “(C) representing the interests of the Ad-
7 ministrator and small business concerns in the
8 award, modification, and administration of con-
9 tracts and subcontracts awarded pursuant to
10 section 8(a); and

11 “(D) reporting fraud or abuse under sec-
12 tion 7, 8, 15, 31, 36 or 45 or any regulations
13 implementing such sections.

14 “(2) CERTIFICATION REQUIREMENTS.—

15 “(A) IN GENERAL.—Consistent with the
16 requirements of subparagraph (B), a Business
17 Opportunity Specialist described under section
18 7(j)(10)(D) shall have a Level I Federal Acqui-
19 sition Certification in Contracting (or any suc-
20 cessor certification) or the equivalent Depart-
21 ment of Defense certification, except that a
22 Business Opportunity Specialist who was serv-
23 ing on or before January 3, 2013, may continue
24 to serve as a Business Opportunity Specialist

1 for a period of 5 years beginning on such date
2 without such a certification.

3 “(B) DELAY OF CERTIFICATION REQUIRE-
4 MENT.—

5 “(i) TIMING.—The certification de-
6 scribed in subparagraph (A) is not re-
7 quired for any person serving as a Busi-
8 ness Opportunity Specialist until the date
9 that is one calendar year after the date
10 such person is appointed as a Business
11 Opportunity Specialist.

12 “(ii) APPLICATION.—The require-
13 ments of clause (i) shall be included in any
14 initial job posting for the position of a
15 Business Opportunity Specialist and shall
16 apply to any person appointed as a Busi-
17 ness Opportunity Specialist after January
18 3, 2013”.

19 **Subtitle C—Strengthening Oppor-**
20 **tunities for Competition in Sub-**
21 **contracting**

22 **SEC. 1821. GOOD FAITH IN SUBCONTRACTING.**

23 (a) TRANSPARENCY IN SUBCONTRACTING GOALS.—
24 Section 8(d)(9) of the Small Business Act (15 U.S.C.
25 637(d)(9)) is amended—

1 (1) by striking “(9) The failure” and inserting
2 the following:

3 “(9) MATERIAL BREACH.—The failure”;

4 (2) in subparagraph (A), by striking “or” at
5 the end;

6 (3) in subparagraph (B), by inserting “or” at
7 the end;

8 (4) by inserting after subparagraph (B) the fol-
9 lowing:

10 “(C) assurances provided under paragraph
11 (6)(E),”; and

12 (5) by moving the margins of subparagraphs
13 (A) and (B), and the matter after subparagraph (C)
14 (as inserted by paragraph (4)), 2 ems to the right.

15 (b) REVIEW OF SUBCONTRACTING PLANS.—Section
16 15(k) of the Small Business Act (15 U.S.C. 644(k)) is
17 amended by inserting after paragraph (19) (as inserted
18 by section 1814 of this Act) the following:

19 “(20) shall review all subcontracting plans re-
20 quired by section 8(d)(4) or 8(d)(5) to ensure that
21 the plan provides maximum practicable opportunity
22 for small business concerns to participate in the per-
23 formance of the contract to which the plan applies.”.

24 (c) GOOD FAITH COMPLIANCE.—Not later than 270
25 days after the date of enactment of this title, the Adminis-

1 trator of the Small Business Administration shall provide
2 examples of activities that would be considered a failure
3 to make a good faith effort to comply with the require-
4 ments imposed on an entity (other than a small business
5 concern as defined under section 3 of the Small Business
6 Act (15 U.S.C. 632)) that is awarded a prime contract
7 containing the clauses required under paragraph (4) or (5)
8 of section 8(d) of the Small Business Act (15 U.S.C.
9 637(d)).

10 **SEC. 1822. PILOT PROGRAM TO PROVIDE OPPORTUNITIES**
11 **FOR QUALIFIED SUBCONTRACTORS TO OB-**
12 **TAIN PAST PERFORMANCE RATINGS.**

13 Section 8(d) of the Small Business Act (15 U.S.C.
14 637(d)), as amended by this Act, is further amended by
15 adding at the end the following new paragraph:

16 “(18) PILOT PROGRAM PROVIDING PAST PER-
17 FORMANCE RATINGS FOR OTHER SMALL BUSINESS
18 SUBCONTRACTORS.—

19 “(A) ESTABLISHMENT.—The Adminis-
20 trator shall establish a pilot program for a
21 small business concern without a past perform-
22 ance rating as a prime contractor performing as
23 a first tier subcontractor for a covered contract
24 (as defined in paragraph 13(A)) to request a
25 past performance rating in the system used by

1 the Federal Government to monitor or record
2 contractor past performance.

3 “(B) APPLICATION.—A small business con-
4 cern described in subparagraph (A) shall sub-
5 mit an application to the appropriate official for
6 a past performance rating. Such application
7 shall include written evidence of the past per-
8 formance factors for which the small business
9 concern seeks a rating and a suggested rating.

10 “(C) DETERMINATION.—The appropriate
11 official shall submit the application from the
12 small business concern to the Office of Small
13 and Disadvantaged Business Utilization for the
14 covered contract and to the prime contractor
15 for review. The Office of Small and Disadvan-
16 taged Business Utilization and the prime con-
17 tractor shall, not later than 30 days after re-
18 ceipt of the application, submit to the appro-
19 priate official a response regarding the applica-
20 tion.

21 “(i) AGREEMENT ON RATING.—If the
22 Office of Small and Disadvantaged Busi-
23 ness Utilization and the prime contractor
24 agree on a past performance rating, or if
25 either the Office of Small and Disadvan-

1 taged Business Utilization or the prime
2 contractor fail to respond and the respond-
3 ing individual agrees with the rating of the
4 applicant small business concern, the ap-
5 propriate official shall enter the agreed-
6 upon past performance rating in the sys-
7 tem described in subparagraph (A).

8 “(ii) DISAGREEMENT ON RATING.—If
9 the Office of Small and Disadvantaged
10 Business Utilization and the prime con-
11 tractor fail to respond within 30 days or if
12 they disagree about the rating, or if either
13 the Office of Small and Disadvantaged
14 Business Utilization or the prime con-
15 tractor fail to respond and the responding
16 individual disagrees with the rating of the
17 applicant small business concern, the Of-
18 fice of Small and Disadvantaged Business
19 Utilization or the prime contractor shall
20 submit a notice contesting the application
21 to the appropriate official. The appropriate
22 official shall follow the requirements of
23 subparagraph (D).

24 “(D) PROCEDURE FOR RATING.—Not later
25 than 14 calendar days after receipt of a notice

1 under subparagraph (C)(ii), the appropriate of-
2 ficial shall submit such notice to the applicant
3 small business concern. Such concern may sub-
4 mit comments, rebuttals, or additional informa-
5 tion relating to the past performance of such
6 concern not later 14 calendar days after receipt
7 of such notice. The appropriate official shall
8 enter into the system described in subparagraph
9 (A) a rating that is neither favorable nor unfa-
10 vorable along with the initial application from
11 the small business concern, the responses of the
12 Office of Small and Disadvantaged Business
13 Utilization and the prime contractor, and any
14 additional information provided by the small
15 business concern. A copy of the information
16 submitted shall be provided to the contracting
17 officer (or designee of such officer) for the cov-
18 ered contract.

19 “(E) USE OF INFORMATION.—A small
20 business subcontractor may use a past perform-
21 ance rating given under this paragraph to es-
22 tablish its past performance for a prime con-
23 tract.

24 “(F) DURATION.—The pilot program es-
25 tablished under this paragraph shall terminate

1 3 years after the date on which the first small
2 business concern receives a past performance
3 rating for performance as a first tier subcon-
4 tractor.

5 “(G) REPORT.—The Comptroller General
6 of the United States shall begin an assessment
7 of the pilot program 1 year after the establish-
8 ment of such program. Not later than 6 months
9 after beginning such assessment, the Comp-
10 troller General shall submit a report to the
11 Committee on Small Business and Entrepre-
12 neurship of the Senate and the Committee on
13 Small Business of the House of Representa-
14 tives, which shall include—

15 “(i) the number of small business con-
16 cerns that have received past performance
17 ratings under the pilot program;

18 “(ii) the number of applications in
19 which the contracting officer (or designee)
20 or the prime contractor contested the ap-
21 plication of the small business concern;

22 “(iii) any suggestions or recommenda-
23 tions the Comptroller General or the small
24 business concerns participating in the pro-
25 gram have to address disputes between the

1 small business concern, the contracting of-
 2 ficer (or designee), and the prime con-
 3 tractor on past performance ratings;

4 “(iv) the number of small business
 5 concerns awarded prime contracts after re-
 6 ceiving a past performance rating under
 7 this pilot; and

8 “(v) any suggestions or recommenda-
 9 tion the Comptroller General has to im-
 10 prove the operation of the pilot program.

11 “(H) APPROPRIATE OFFICIAL DEFINED.—

12 In this paragraph, the term ‘appropriate offi-
 13 cial’ means a Commercial Market Representa-
 14 tive or other individual designated by the senior
 15 official appointed by the Administrator with re-
 16 sponsibilities under sections 8, 15, 31, and
 17 36.”.

18 **Subtitle D—Mentor-Protege** 19 **Programs**

20 **SEC. 1831. AMENDMENTS TO THE MENTOR-PROTEGE PRO-** 21 **GRAM OF THE DEPARTMENT OF DEFENSE.**

22 Section 831 of the National Defense Authorization
 23 Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat.
 24 1607; 10 U.S.C. 2302 note) is amended—

25 (1) in subsection (d)—

1 (A) by amending paragraph (1) to read as
2 follows:

3 “(1) prior to the approval of that agreement,
4 the Administrator of the Small Business Administra-
5 tion had made no finding of affiliation between the
6 mentor firm and the protege firm;”;

7 (B) by redesignating paragraph (2) as
8 paragraph (3); and

9 (C) by inserting after paragraph (1) the
10 following new paragraph:

11 “(2)(A) the Administrator of the Small Busi-
12 ness Administration does not have a current finding
13 of affiliation between the mentor firm and protege
14 firm; or

15 “(B) the Secretary, after considering the regu-
16 lations promulgated by the Administrator of the
17 Small Business Administration regarding affli-
18 ation—

19 “(i) does not have reason to believe that
20 the mentor firm affiliated with the protege firm;
21 or

22 “(ii) has received a formal determination
23 of no affiliation between the mentor firm and
24 protege firm from the Administrator after hav-

1 ing submitted a question of affiliation to the
2 Administrator; and”;

3 (2) in subsection (n), by amending paragraph
4 (9) to read as follows:

5 “(9) The term ‘affiliation’, with respect to a re-
6 lationship between a mentor firm and a protege
7 firm, means a relationship described under section
8 121.103 of title 13, Code of Federal Regulations (or
9 any successor regulation).”; and

10 (3) in subsection (f)(6)—

11 (A) in subparagraph (B), by striking “or”
12 at the end;

13 (B) in subparagraph (C), by striking the
14 period at the end and inserting “; or”; and

15 (C) by adding at the end the following:

16 “(D) women’s business centers described
17 in section 29 of the Small Business Act (15
18 U.S.C. 656).”.

19 **SEC. 1832. IMPROVING COOPERATION BETWEEN THE MEN-**
20 **TOR-PROTEGE PROGRAMS OF THE SMALL**
21 **BUSINESS ADMINISTRATION AND THE DE-**
22 **PARTMENT OF DEFENSE.**

23 Section 45(b)(4) of the Small Business Act (15
24 U.S.C. 657r(b)(4)) is amended by striking subparagraph

1 (A) and redesignating subparagraphs (B) and (C) as sub-
2 paragraphs (A) and (B), respectively.

3 **Subtitle E—Women’s Business**
4 **Programs**

5 **SEC. 1841. OFFICE OF WOMEN’S BUSINESS OWNERSHIP.**

6 Section 29(g) of the Small Business Act (15 U.S.C.
7 656(g)) is amended—

8 (1) in paragraph (2), by striking subparagraphs
9 (B) and (C) and inserting the following:

10 “(B) RESPONSIBILITIES.—The responsibil-
11 ities of the Assistant Administrator shall be to
12 administer the programs and services of the Of-
13 fice of Women’s Business Ownership.

14 “(C) DUTIES.—The Assistant Adminis-
15 trator shall perform the following functions
16 with respect to the Office of Women’s Business
17 Ownership:

18 “(i) Recommend the annual adminis-
19 trative and program budgets of the Office
20 and eligible entities receiving a grant
21 under the Women’s Business Center Pro-
22 gram.

23 “(ii) Review the annual budgets sub-
24 mitted by each eligible entity receiving a

1 grant under the Women’s Business Center
2 Program.

3 “(iii) Select applicants to receive
4 grants to operate a women’s business cen-
5 ter after reviewing information required by
6 this section, including the budget of each
7 applicant.

8 “(iv) Collaborate with other Federal
9 departments and agencies, State and local
10 governments, not-for-profit organizations,
11 and for-profit enterprises to maximize uti-
12 lization of taxpayer dollars and reduce (or
13 eliminate) any duplication among the pro-
14 grams overseen by the Office of Women’s
15 Business Ownership and those of other en-
16 tities that provide similar services to
17 women entrepreneurs.

18 “(v) Maintain a clearinghouse to pro-
19 vide for the dissemination and exchange of
20 information between women’s business cen-
21 ters.

22 “(vi) Serve as the vice chairperson of
23 the Interagency Committee on Women’s
24 Business Enterprise and as the liaison for

1 the National Women’s Business Council.”;

2 and

3 (2) by adding at the end the following:

4 “(3) MISSION.—The mission of the Office of
5 Women’s Business Ownership shall be to assist
6 women entrepreneurs to start, grow, and compete in
7 global markets by providing quality support with ac-
8 cess to capital, access to markets, job creation,
9 growth, and counseling by—

10 “(A) fostering participation of women en-
11 trepreneurs in the economy by overseeing a net-
12 work of women’s business centers throughout
13 States and territories;

14 “(B) creating public-private partnerships
15 to support women entrepreneurs and conduct
16 outreach and education to startup and existing
17 small business concerns owned and controlled
18 by women; and

19 “(C) working with other programs over-
20 seen by the Administrator to ensure women are
21 well-represented and being served and to iden-
22 tify gaps where participation by women could
23 be increased.

24 “(4) ACCREDITATION PROGRAM.—

1 “(A) ESTABLISHMENT.—Not later than
2 270 days after the date of enactment of this
3 paragraph, the Administrator shall establish
4 standards for an accreditation program for ac-
5 crediting eligible entities receiving a grant
6 under this section.

7 “(B) TRANSITION PROVISION.—Before the
8 date on which standards are established under
9 subparagraph (A), the Administrator may not
10 terminate a grant under this section absent evi-
11 dence of fraud or other criminal misconduct by
12 the recipient.

13 “(C) CONTRACTING AUTHORITY.—The Ad-
14 ministrator may provide financial assistance, by
15 contract or otherwise, to a relevant national
16 women’s business center representative associa-
17 tion to provide assistance in establishing the
18 standards required under subparagraph (A) or
19 for carrying out an accreditation program pur-
20 suant to such standards.”.

21 **SEC. 1842. WOMEN’S BUSINESS CENTER PROGRAM.**

22 (a) DEFINITIONS.—Section 29(a) of the Small Busi-
23 ness Act (15 U.S.C. 656(a)) is amended—

24 (1) by striking paragraph (4);

1 (2) by redesignating paragraphs (2) and (3) as
2 paragraphs (3) and (4), respectively;

3 (3) by inserting after paragraph (1) the fol-
4 lowing:

5 “(2) the term ‘eligible entity’ means—

6 “(A) an organization described in section
7 501(c) of the Internal Revenue Code of 1986
8 and exempt from taxation under section 501(a)
9 of such Code;

10 “(B) a State, regional, or local economic
11 development organization, so long as the orga-
12 nization certifies that grant funds received
13 under this section will not be commingled with
14 other funds;

15 “(C) an institution of higher education,
16 unless such institution is currently receiving a
17 grant under section 21;

18 “(D) a development, credit, or finance cor-
19 poration chartered by a State, so long as the
20 corporation certifies that grant funds received
21 under this section will not be commingled with
22 other funds; or

23 “(E) any combination of entities listed in
24 subparagraphs (A) through (D);”;

25 (4) by adding at the end the following:

1 “(5) the term ‘women’s business center’ means
2 the location at which counseling and training on the
3 management, operations (including manufacturing,
4 services, and retail), access to capital, international
5 trade, Government procurement opportunities, and
6 any other matter is needed to start, maintain, or ex-
7 pand a small business concern owned and controlled
8 by women.”.

9 (b) AUTHORITY.—Section 29(b) of the Small Busi-
10 ness Act (15 U.S.C. 656(b)) is amended—

11 (1) by redesignating paragraphs (1), (2), and
12 (3) as subparagraphs (A), (B), and (C), respectively,
13 and adjusting the margins accordingly;

14 (2) by striking “The Administration” and all
15 that follows through “5-year projects” and inserting
16 the following:

17 “(1) IN GENERAL.—There is established a
18 Women’s Business Center Program under which the
19 Administrator may provide a grant to any eligible
20 entity to operate one or more women’s business cen-
21 ters”;

22 (3) by striking “The projects shall” and insert-
23 ing the following:

24 “(2) USE OF FUNDS.—The women’s business
25 centers shall be designed to provide counseling and

1 training that meets the needs of women, especially
2 socially or economically disadvantaged women, and
3 shall”; and

4 (4) by adding at the end the following:

5 “(3) AMOUNT OF GRANTS.—

6 “(A) IN GENERAL.—The amount of a
7 grant provided under this subsection to an eligi-
8 ble entity per project year shall be not more
9 than \$185,000 (as such amount is annually ad-
10 justed by the Administrator to reflect the
11 change in inflation).

12 “(B) ADDITIONAL GRANTS.—

13 “(i) IN GENERAL.—Notwithstanding
14 subparagraph (A), with respect to an eligi-
15 ble entity that has received \$185,000 in
16 grants under this subsection in a project
17 year, the Administrator may award an ad-
18 ditional grant under this subsection of up
19 to \$65,000 during such project year if the
20 Administrator determines that the eligible
21 entity—

22 “(I) agrees to obtain, after its
23 application has been approved and no-
24 tice of award has been issued, cash
25 contributions from non-Federal

1 sources of 1 non-Federal dollar for
2 each Federal dollar;

3 “(II) is in good standing with the
4 Women’s Business Center Program;
5 and

6 “(III) has met performance goals
7 for the previous project year, if appli-
8 cable.

9 “(ii) LIMITATIONS.—The Adminis-
10 trator may only award additional grants
11 under clause (i)—

12 “(I) during the 3rd and 4th
13 quarters of the fiscal year; and

14 “(II) from unobligated amounts
15 made available to the Administrator
16 to carry out this section.

17 “(4) NOTICE AND COMMENT REQUIRED.—The
18 Administrator may only make a change to the stand-
19 ards by which an eligible entity obtains or maintains
20 grants under this section, the standards for accredi-
21 tation, or any other requirement for the operation of
22 a women’s business center if the Administrator first
23 provides notice and the opportunity for public com-
24 ment, as set forth in section 553(b) of title 5,

1 United States Code, without regard to any excep-
2 tions provided for under such section.”.

3 (c) CONDITIONS OF PARTICIPATION.—Section 29(c)
4 of the Small Business Act (15 U.S.C. 656(c)) is amend-
5 ed—

6 (1) in paragraph (1)—

7 (A) by striking “the recipient organiza-
8 tion” and inserting “an eligible entity”; and

9 (B) by striking “financial assistance” and
10 inserting “a grant”;

11 (2) in paragraph (3)—

12 (A) by striking “financial assistance au-
13 thorized pursuant to this section may be made
14 by grant, contract, or cooperative agreement
15 and” and inserting “grants authorized pursuant
16 to this section”; and

17 (B) in the second sentence, by striking “a
18 recipient organization” and inserting “an eligi-
19 ble entity”;

20 (3) in paragraph (4)—

21 (A) by striking “recipient of assistance”
22 and inserting “eligible entity”;

23 (B) by striking “during any project, it
24 shall not be eligible thereafter” and inserting
25 “during any project for 2 consecutive years, the

1 eligible entity shall not be eligible at any time
2 after that 2-year period”;

3 (C) by striking “such organization” and
4 inserting “the eligible entity”; and

5 (D) by striking “the recipient” and insert-
6 ing “the eligible entity”; and

7 (4) by adding at end the following:

8 “(5) SEPARATION OF PROJECT AND FUNDS.—
9 An eligible entity shall—

10 “(A) carry out a project under this section
11 separately from other projects, if any, of the eli-
12 gible entity; and

13 “(B) separately maintain and account for
14 any grants under this section.

15 “(6) EXAMINATION OF ELIGIBLE ENTITIES.—

16 “(A) REQUIRED SITE VISIT.—Each appli-
17 cant, prior to receiving a grant under this sec-
18 tion, shall have a site visit by an employee of
19 the Administration, in order to ensure that the
20 applicant has sufficient resources to provide the
21 services for which the grant is being provided.

22 “(B) ANNUAL REVIEW.—An employee of
23 the Administration shall—

24 “(i) conduct an annual review of the
25 compliance of each eligible entity receiving

1 a grant under this section with the grant
2 agreement, including a financial examina-
3 tion; and

4 “(ii) provide such review to the eligi-
5 ble entity as required under subsection (l).

6 “(7) REMEDIATION OF PROBLEMS.—

7 “(A) PLAN OF ACTION.—If a review of an
8 eligible entity under paragraph (6)(B) identifies
9 any problems, the eligible entity shall, within 45
10 calendar days of receiving such review, provide
11 the Assistant Administrator with a plan of ac-
12 tion, including specific milestones, for cor-
13 recting such problems.

14 “(B) PLAN OF ACTION REVIEW BY THE AS-
15 SISTANT ADMINISTRATOR.—The Assistant Ad-
16 ministrator shall review each plan of action sub-
17 mitted under subparagraph (A) within 30 cal-
18 endar days of receiving such plan and—

19 “(i) if the Assistant Administrator de-
20 termines that such plan will bring the eligi-
21 ble entity into compliance with all the
22 terms of the grant agreement, approve
23 such plan;

24 “(ii) if the Assistant Administrator
25 determines that such plan is inadequate to

1 remedy the problems identified in the an-
2 nual review to which the plan of action re-
3 lates, the Assistant Administrator shall set
4 forth such reasons in writing and provide
5 such determination to the eligible entity
6 within 15 calendar days of such determina-
7 tion.

8 “(C) AMENDMENT TO PLAN OF ACTION.—

9 An eligible entity receiving a determination
10 under subparagraph (B)(ii) shall have 30 cal-
11 endar days from the receipt of the determina-
12 tion to amend the plan of action to satisfy the
13 problems identified by the Assistant Adminis-
14 trator and resubmit such plan to the Assistant
15 Administrator.

16 “(D) AMENDED PLAN REVIEW BY THE AS-

17 SISTANT ADMINISTRATOR.—Within 15 calendar
18 days of the receipt of an amended plan of ac-
19 tion under subparagraph (C), the Assistant Ad-
20 ministrator shall either approve or reject such
21 plan and provide such approval or rejection in
22 writing to the eligible entity.

23 “(E) APPEAL OF ASSISTANT ADMINIS-

24 TRATOR DETERMINATION.—

1 “(i) IN GENERAL.—If the Assistant
2 Administrator rejects an amended plan
3 under subparagraph (D), the eligible entity
4 shall have the opportunity to appeal such
5 decision to the Administrator, who may
6 delegate such appeal to an appropriate of-
7 ficer of the Administration.

8 “(ii) OPPORTUNITY FOR EXPLA-
9 NATION.—Any appeal described under
10 clause (i) shall provide an opportunity for
11 the eligible entity to provide, in writing, an
12 explanation of why the eligible entity’s plan
13 remedies the problems identified in the an-
14 nual review.

15 “(iii) NOTICE OF DETERMINATION.—
16 The determination of the appeal shall be
17 provided to the eligible entity, in writing,
18 within 15 calendar days from the eligible
19 entity’s filing of the appeal.

20 “(iv) EFFECT OF FAILURE TO ACT.—
21 If the Administrator fails to act on an ap-
22 peal made under this subparagraph within
23 the 15 calendar day period specified under
24 clause (iii), the eligible entity’s amended

1 plan of action submitted under subpara-
2 graph (C) shall be deemed to be approved.

3 “(8) TERMINATION OF GRANT.—

4 “(A) IN GENERAL.—The Administrator
5 shall require that, if an eligible entity fails to
6 comply with a plan of action approved by the
7 Assistant Administrator under paragraph
8 (7)(B)(i) or an amended plan of action ap-
9 proved by the Assistant Administrator under
10 paragraph (7)(D) or approved on appeal under
11 paragraph (7)(E), the Assistant Administrator
12 shall terminate the grant provided to the eligi-
13 ble entity under this section.

14 “(B) APPEAL OF TERMINATION.—An eligi-
15 ble entity that has a grant terminated under
16 subparagraph (A) shall have the opportunity to
17 challenge the termination on the record and
18 after an opportunity for a hearing.

19 “(C) FINAL AGENCY ACTION.—The deter-
20 mination made pursuant to subparagraph (B)
21 shall be considered final agency action for the
22 purposes of chapter 7, title 5, United States
23 Code.”.

24 (d) SUBMISSION OF 5-YEAR PLAN.—Section 29(e) of
25 the Small Business Act (15 U.S.C. 656(e)) is amended—

1 (1) by striking “applicant organization” and in-
2 serting “eligible entity”;

3 (2) by striking “a recipient organization” and
4 inserting “an eligible entity”;

5 (3) by striking “financial assistance” and in-
6 serting “grants”; and

7 (4) by striking “site”.

8 (e) APPLICATIONS AND CRITERIA FOR INITIAL
9 GRANT.—Subsection (f) of section 29 of the Small Busi-
10 ness Act (15 U.S.C. 656) is amended to read as follows:

11 “(f) APPLICATIONS AND CRITERIA FOR INITIAL
12 GRANT.—

13 “(1) APPLICATION.—Each eligible entity desir-
14 ing a grant under subsection (b) shall submit to the
15 Administrator an application that contains—

16 “(A) a certification that the eligible enti-
17 ty—

18 “(i) has designated an executive direc-
19 tor or program manager, who may be com-
20 pensated using grant funds under sub-
21 section (b) or other sources, to manage the
22 women’s business center for which a grant
23 under subsection (b) is sought;

24 “(ii) meets the accounting and report-
25 ing requirements established by the Direc-

1 tor of the Office of Management and
2 Budget;

3 “(B) information demonstrating that the
4 eligible entity has the ability and resources to
5 meet the needs of the market to be served by
6 the women’s business center, including the abil-
7 ity to obtain the non-Federal contribution re-
8 quired under subsection (c);

9 “(C) information relating to the assistance
10 to be provided by the women’s business center
11 in the area in which the women’s business cen-
12 ter is located;

13 “(D) information demonstrating the expe-
14 rience and effectiveness of the eligible entity
15 in—

16 “(i) conducting the services described
17 under subsection (a)(5);

18 “(ii) providing training and services to
19 a representative number of women who are
20 socially or economically disadvantaged; and

21 “(iii) working with resource partners
22 of the Administration and other entities,
23 such as universities; and

24 “(E) a 5-year plan that describes the abil-
25 ity of the eligible entity to provide the services

1 described under subsection (a)(3), including to
2 a representative number of women who are so-
3 cially or economically disadvantaged.

4 “(2) REVIEW AND APPROVAL OF APPLICATIONS
5 FOR INITIAL GRANTS.—

6 “(A) REVIEW AND SELECTION OF ELIGI-
7 BLE ENTITIES.—

8 “(i) IN GENERAL.—The Administrator
9 shall review applications to determine
10 whether the applicant can meet obligations
11 to perform the activities required by a
12 grant under this section, including—

13 “(I) the experience of the appli-
14 cant in conducting activities required
15 by this section;

16 “(II) the amount of time needed
17 for the applicant to commence oper-
18 ations should it be awarded a grant;

19 “(III) the capacity of the appli-
20 cant to meet the accreditation stand-
21 ards established by the Administrator
22 in a timely manner;

23 “(IV) the ability of the applicant
24 to sustain operations for more than 5
25 years (including its ability to obtain

1 sufficient non-Federal funds for that
2 period);

3 “(V) the location of the women’s
4 business center and its proximity to
5 other grant recipients under this sec-
6 tion; and

7 “(VI) the population density of
8 the area to be served by the women’s
9 business center.

10 “(ii) SELECTION CRITERIA.—

11 “(I) GUIDANCE.—The Adminis-
12 trator shall issue guidance (after pro-
13 viding an opportunity for notice and
14 comment) to specify the criteria for
15 review and selection of applicants
16 under this subsection.

17 “(II) MODIFICATIONS PROHIB-
18 ITED AFTER ANNOUNCEMENT.—With
19 respect to a public announcement of
20 any opportunity to be awarded a
21 grant under this section made by the
22 Administrator pursuant to subsection
23 (l)(1), the Administrator may not
24 modify guidance issued pursuant to
25 subclause (I) with respect to such op-

1 opportunity unless required to do so by
2 an Act of Congress or an order of a
3 Federal court.

4 “(III) RULE OF CONSTRU-
5 TION.—Nothing in this clause may be
6 construed as prohibiting the Adminis-
7 trator from modifying the guidance
8 issued pursuant to subclause (I) (after
9 providing an opportunity for notice
10 and comment) as such guidance ap-
11 plies to an opportunity to be awarded
12 a grant under this section that the
13 Administrator has not yet publicly an-
14 nounced pursuant to subsection (l)(1).

15 “(B) RECORD RETENTION.—

16 “(i) IN GENERAL.—The Administrator
17 shall maintain a copy of each application
18 submitted under this subsection for not
19 less than 5 years.

20 “(ii) PAPERWORK REDUCTION.—The
21 Administrator shall take steps to reduce,
22 to the maximum extent practicable, the pa-
23 perwork burden associated with carrying
24 out clause (i).”.

1 (f) NOTIFICATION REQUIREMENTS UNDER THE
2 WOMEN'S BUSINESS CENTER PROGRAM.—Section 29 of
3 the Small Business Act (15 U.S.C. 656) is amended by
4 inserting after subsection (k) the following:

5 “(1) NOTIFICATION REQUIREMENTS UNDER THE
6 WOMEN'S BUSINESS CENTER PROGRAM.—The Adminis-
7 trator shall provide—

8 “(1) a public announcement of any opportunity
9 to be awarded grants under this section, and such
10 announcement shall include the standards by which
11 such award will be made, including the guidance
12 issued pursuant to subsection (f)(2)(A)(ii);

13 “(2) the opportunity for any applicant for a
14 grant under this section that failed to obtain such
15 a grant a debriefing with the Assistant Adminis-
16 trator to review the reasons for the applicant's fail-
17 ure; and

18 “(3) with respect to any site visit or evaluation
19 of an eligible entity receiving a grant under this sec-
20 tion that is carried out by an officer or employee of
21 the Administration (other than the Inspector Gen-
22 eral), a copy of the site visit report or evaluation, as
23 applicable, within 30 calendar days of the completion
24 of such vision or evaluation.”.

1 (g) CONTINUED FUNDING FOR CENTERS.—Section
2 29(m) of the Small Business Act (15 U.S.C. 656(m)) is
3 amended—

4 (1) by striking paragraph (3) and inserting the
5 following:

6 “(3) APPLICATION AND APPROVAL FOR CON-
7 TINUATION GRANTS.—

8 “(A) SOLICITATION OF APPLICATIONS.—

9 The Administrator shall solicit applications and
10 award continuation grants under this subsection
11 for the first fiscal year beginning after the date
12 of enactment of this paragraph, and every third
13 fiscal year thereafter.

14 “(B) CONTENTS OF APPLICATION.—Each
15 eligible entity desiring a grant under this sub-
16 section shall submit to the Administrator an ap-
17 plication that contains—

18 “(i) a certification that the appli-
19 cant—

20 “(I) is an eligible entity;

21 “(II) has designated an executive
22 director or program manager to man-
23 age the women’s business center oper-
24 ated by the applicant; and

1 “(III) as a condition of receiving
2 a grant under this subsection,
3 agrees—

4 “(aa) to receive a site visit
5 as part of the final selection
6 process, at the discretion of the
7 Administrator; and

8 “(bb) to remedy any prob-
9 lem identified pursuant to the
10 site visit under item (aa);

11 “(ii) information demonstrating that
12 the applicant has the ability and resources
13 to meet the needs of the market to be
14 served by the women’s business center for
15 which a grant under this subsection is
16 sought, including the ability to obtain the
17 non-Federal contribution required under
18 paragraph (4)(C);

19 “(iii) information relating to assist-
20 ance to be provided by the women’s busi-
21 ness center in the geographic area served
22 by the women’s business center for which
23 a grant under this subsection is sought;

24 “(iv) information demonstrating that
25 the applicant has worked with resource

1 partners of the Administration and other
2 entities;

3 “(v) a 3-year plan that describes the
4 services provided by the women’s business
5 center for which a grant under this sub-
6 section is sought—

7 “(I) to serve women who are
8 business owners or potential business
9 owners by conducting training and
10 counseling activities; and

11 “(II) to provide training and
12 services to a representative number of
13 women who are socially or economi-
14 cally disadvantaged; and

15 “(vi) any additional information that
16 the Administrator may reasonably require.

17 “(C) REVIEW AND APPROVAL OF APPLICA-
18 TIONS FOR GRANTS.—

19 “(i) IN GENERAL.—The Adminis-
20 trator—

21 “(I) shall review each application
22 submitted under subparagraph (B),
23 based on the information described in
24 such subparagraph and the criteria

1 set forth under clause (ii) of this sub-
2 paragraph; and

3 “(II) as part of the final selection
4 process, may, at the discretion of the
5 Administrator, conduct a site visit to
6 each women’s business center for
7 which a grant under this subsection is
8 sought, in particular to evaluate the
9 women’s business center using the se-
10 lection criteria described in clause
11 (ii)(II).

12 “(ii) SELECTION CRITERIA.—

13 “(I) IN GENERAL.—The Admin-
14 istrator shall evaluate applicants for
15 grants under this subsection in ac-
16 cordance with selection criteria that
17 are—

18 “(aa) established before the
19 date on which applicants are re-
20 quired to submit the applications;

21 “(bb) stated in terms of rel-
22 ative importance; and

23 “(cc) publicly available and
24 stated in each solicitation for ap-
25 plications for grants under this

1 subsection made by the Adminis-
2 trator.

3 “(II) REQUIRED CRITERIA.—The
4 selection criteria for a grant under
5 this subsection shall include—

6 “(aa) the total number of
7 entrepreneurs served by the ap-
8 plicant;

9 “(bb) the total number of
10 new startup companies assisted
11 by the applicant;

12 “(cc) the percentage of cli-
13 ents of the applicant that are so-
14 cially or economically disadvan-
15 taged;

16 “(dd) the percentage of indi-
17 viduals in the community served
18 by the applicant who are socially
19 or economically disadvantaged;

20 “(ee) the successful accredi-
21 tation of the applicant under the
22 accreditation program developed
23 under subsection (g)(5); and

1 “(ff) any additional criteria
2 that the Administrator may rea-
3 sonably require.

4 “(iii) CONDITIONS FOR CONTINUED
5 FUNDING.—In determining whether to
6 make a grant under this subsection, the
7 Administrator—

8 “(I) shall consider the results of
9 the most recent evaluation of the
10 women’s business center for which a
11 grant under this subsection is sought,
12 and, to a lesser extent, previous eval-
13 uations; and

14 “(II) may withhold a grant under
15 this subsection, if the Administrator
16 determines that the applicant has
17 failed to provide the information re-
18 quired to be provided under this para-
19 graph, or the information provided by
20 the applicant is inadequate.

21 “(D) NOTIFICATION.—Not later than 60
22 calendar days after the date of each deadline to
23 submit applications under this paragraph, the
24 Administrator shall approve or deny each sub-

1 mitted application and notify the applicant for
2 each such application of the approval or denial.

3 “(E) RECORD RETENTION.—

4 “(i) IN GENERAL.—The Administrator
5 shall maintain a copy of each application
6 submitted under this paragraph for not
7 less than 5 years.

8 “(ii) PAPERWORK REDUCTION.—The
9 Administrator shall take steps to reduce,
10 to the maximum extent practicable, the pa-
11 perwork burden associated with carrying
12 out clause (i).”; and

13 (2) by striking paragraph (5) and inserting the
14 following:

15 “(5) AWARD TO PREVIOUS RECIPIENTS.—There
16 shall be no limitation on the number of times the
17 Administrator may award a grant to an applicant
18 under this subsection.”.

19 (h) TECHNICAL AND CONFORMING AMENDMENTS.—
20 Section 29 of the Small Business Act (15 U.S.C. 656) is
21 amended—

22 (1) in subsection (h)(2), by striking “to award
23 a contract (as a sustainability grant) under sub-
24 section (l) or”;

1 (2) in subsection (j)(1), by striking “The Ad-
2 ministration” and inserting “Not later than Novem-
3 ber 1 of each year, the Administrator”;

4 (3) in subsection (k)—

5 (A) by striking paragraphs (1) and (4);

6 (B) by inserting before paragraph (2) the
7 following:

8 “(1) IN GENERAL.—There are authorized to be
9 appropriated to the Administration to carry out this
10 section, to remain available until expended,
11 \$21,750,000 for each of fiscal years 2017 through
12 2020.”; and

13 (C) in paragraph (2), by striking subpara-
14 graph (B) and inserting the following:

15 “(B) EXCEPTIONS.—Of the amount made
16 available under this subsection for a fiscal year,
17 the following amounts shall be available for se-
18 lection panel costs, costs associated with main-
19 taining an accreditation program, and post-
20 award conference costs:

21 “(i) For the first fiscal year beginning
22 after the date of the enactment of this sub-
23 paragraph, 2.65 percent.

24 “(ii) For the second fiscal year begin-
25 ning after the date of the enactment of

1 this subparagraph and each fiscal year
2 thereafter through fiscal year 2020, 2.5
3 percent.”; and

4 (4) in subsection (m)—

5 (A) in paragraph (2), by striking “sub-
6 section (b) or (l)” and inserting “this sub-
7 section or subsection (b)”;

8 (B) in paragraph (4)(D), by striking “or
9 subsection (l)”.

10 (i) EFFECT ON EXISTING GRANTS.—

11 (1) TERMS AND CONDITIONS.—A nonprofit or-
12 ganization receiving a grant under section 29(m) of
13 the Small Business Act (15 U.S.C. 656(m)), as in
14 effect on the day before the date of enactment of
15 this title, shall continue to receive the grant under
16 the terms and conditions in effect for the grant on
17 the day before the date of enactment of this title, ex-
18 cept that the nonprofit organization may not apply
19 for a continuation of the grant under section
20 29(m)(5) of the Small Business Act (15 U.S.C.
21 656(m)(5)), as in effect on the day before the date
22 of enactment of this title.

23 (2) LENGTH OF CONTINUATION GRANT.—The
24 Administrator of the Small Business Administration
25 may award a grant under section 29(m) of the Small

1 Business Act to a nonprofit organization receiving a
2 grant under section 29(m) of the Small Business
3 Act (15 U.S.C. 656(m)), as in effect on the day be-
4 fore the date of enactment of this title, for the pe-
5 riod—

6 (A) beginning on the day after the last day
7 of the grant agreement under such section
8 29(m); and

9 (B) ending at the end of the third fiscal
10 year beginning after the date of enactment of
11 this title.

12 **SEC. 1843. MATCHING REQUIREMENTS UNDER WOMEN'S**
13 **BUSINESS CENTER PROGRAM.**

14 Section 29(c) of the Small Business Act (15 U.S.C.
15 656(c)), as amended by this Act, is amended—

16 (1) in paragraph (1), by striking “As a condi-
17 tion” and inserting “Subject to paragraph (6), as a
18 condition”; and

19 (2) by adding at the end the following:

20 “(9) WAIVER OF NON-FEDERAL SHARE.—

21 “(A) IN GENERAL.—Upon request by an
22 eligible entity, and in accordance with this para-
23 graph, the Administrator may waive, in whole
24 or in part, the requirement to obtain non-Fed-
25 eral funds under this subsection for counseling

1 and training activities of the eligible entity car-
2 ried out using a grant under this section for a
3 fiscal year. The Administrator may not waive
4 the requirement for an eligible entity to obtain
5 non-Federal funds under this paragraph for
6 more than a total of 2 consecutive fiscal years.

7 “(B) CONSIDERATIONS.—In determining
8 whether to waive the requirement to obtain
9 non-Federal funds under this paragraph, the
10 Administrator shall consider—

11 “(i) the economic conditions affecting
12 the eligible entity;

13 “(ii) the impact a waiver under this
14 paragraph would have on the credibility of
15 the Women’s Business Center Program
16 under this section;

17 “(iii) the demonstrated ability of the
18 eligible entity to raise non-Federal funds;
19 and

20 “(iv) the performance of the eligible
21 entity.

22 “(C) LIMITATION.—The Administrator
23 may not waive the requirement to obtain non-
24 Federal funds under this paragraph if granting

1 the waiver would undermine the credibility of
2 the Women’s Business Center Program.

3 “(10) SOLICITATION.—Notwithstanding any
4 other provision of law, eligible entity may—

5 “(A) solicit cash and in-kind contributions
6 from private individuals and entities to be used
7 to carry out the activities of the eligible entity
8 under the project conducted under this section;
9 and

10 “(B) use amounts made available by the
11 Administrator under this section for the cost of
12 such solicitation and management of the con-
13 tributions received.

14 “(11) EXCESS NON-FEDERAL DOLLARS.—The
15 amount of non-Federal dollars obtained by an eligi-
16 ble entity that is above the amount that is required
17 to be obtained by the eligible entity under this sub-
18 section shall not be subject to the requirements of
19 part 200 of title 2, Code of Federal Regulations, or
20 any successor thereto, if such amount of non-Fed-
21 eral dollars—

22 “(A) is not used as matching funds for
23 purposes of implementing the Women’s Busi-
24 ness Center Program; and

1 “(B) was not obtained using funds from
2 the Women’s Business Center Program.”.

3 **Subtitle F—SCORE Program**

4 **SEC. 1851. SCORE REAUTHORIZATION.**

5 Section 20 of the Small Business Act (15 U.S.C. 631
6 note) is amended—

7 (1) by redesignating subsection (j) as sub-
8 section (f); and

9 (2) by adding at the end the following:

10 “(g) SCORE PROGRAM.—There are authorized to be
11 appropriated to the Administrator to carry out the
12 SCORE program authorized by section 8(b)(1) such sums
13 as are necessary for the Administrator to make grants or
14 enter into cooperative agreements in a total amount that
15 does not exceed \$10,500,000 in each of fiscal years 2017
16 and 2018.”.

17 **SEC. 1852. SCORE PROGRAM.**

18 Section 8 of the Small Business Act (15 U.S.C. 637)
19 is amended—

20 (1) in subsection (b)(1)(B), by striking “a Serv-
21 ice Corps of Retired Executives (SCORE)” and in-
22 serting “the SCORE program described in sub-
23 section (c)”; and

24 (2) by striking subsection (c) and inserting the
25 following:

1 “(c) SCORE PROGRAM.—

2 “(1) DEFINITION.—In this subsection:

3 “(A) SCORE ASSOCIATION.—The term
4 ‘SCORE Association’ means the Service Corps
5 of Retired Executives Association or any suc-
6 cessor or other organization who receives a
7 grant from the Administrator to operate the
8 SCORE program under paragraph (2)(A).

9 “(B) SCORE PROGRAM.—The term
10 ‘SCORE program’ means the SCORE program
11 authorized by subsection (b)(1)(B).

12 “(2) MANAGEMENT AND VOLUNTEERS.—

13 “(A) IN GENERAL.—The Administrator
14 shall provide a grant to the SCORE Association
15 to manage the SCORE program.

16 “(B) VOLUNTEERS.—A volunteer partici-
17 pating in the SCORE program shall—

18 “(i) based on the business experience
19 and knowledge of the volunteer—

20 “(I) provide at no cost to individ-
21 uals who own, or aspire to own, small
22 business concerns personal counseling,
23 mentoring, and coaching relating to
24 the process of starting, expanding,

1 managing, buying, and selling a busi-
2 ness; and

3 “(II) facilitate low-cost education
4 workshops for individuals who own, or
5 aspire to own, small business con-
6 cerns; and

7 “(ii) as appropriate, use tools, re-
8 sources, and expertise of other organiza-
9 tions to carry out the SCORE program.

10 “(3) PLANS AND GOALS.—The Administrator,
11 in consultation with the SCORE Association, shall
12 ensure that the SCORE program and each chapter
13 of the SCORE program develop and implement
14 plans and goals to more effectively and efficiently
15 provide services to individuals in rural areas, eco-
16 nomically disadvantaged communities, and other tra-
17 ditionally underserved communities, including plans
18 for electronic initiatives, web-based initiatives, chap-
19 ter expansion, partnerships, and the development of
20 new skills by volunteers participating in the SCORE
21 program.

22 “(4) ANNUAL REPORT.—The SCORE Associa-
23 tion shall submit to the Administrator an annual re-
24 port that contains—

1 “(A) the number of individuals counseled
2 or trained under the SCORE program;

3 “(B) the number of hours of counseling
4 provided under the SCORE program; and

5 “(C) to the extent possible—

6 “(i) the number of small business con-
7 cerns formed with assistance from the
8 SCORE program;

9 “(ii) the number of small business
10 concerns expanded with assistance from
11 the SCORE program; and

12 “(iii) the number of jobs created with
13 assistance from the SCORE program.

14 “(5) PRIVACY REQUIREMENTS.—

15 “(A) IN GENERAL.—Neither the Adminis-
16 trator nor the SCORE Association may disclose
17 the name, address, or telephone number of any
18 individual or small business concern receiving
19 assistance from the SCORE Association with-
20 out the consent of such individual or small busi-
21 ness concern, unless—

22 “(i) the Administrator is ordered to
23 make such a disclosure by a court in any
24 civil or criminal enforcement action initi-
25 ated by a Federal or State agency; or

1 “(ii) the Administrator determines
2 such a disclosure to be necessary for the
3 purpose of conducting a financial audit of
4 the SCORE program, in which case disclo-
5 sure shall be limited to the information
6 necessary for the audit.

7 “(B) ADMINISTRATOR USE OF INFORMA-
8 TION.—This paragraph shall not—

9 “(i) restrict the access of the Adminis-
10 trator to program activity data; or

11 “(ii) prevent the Administrator from
12 using client information to conduct client
13 surveys.

14 “(C) STANDARDS.—

15 “(i) IN GENERAL.—The Administrator
16 shall, after the opportunity for notice and
17 comment, establish standards for—

18 “(I) disclosures with respect to
19 financial audits under subparagraph
20 (A)(ii); and

21 “(II) conducting client surveys,
22 including standards for oversight of
23 the surveys and for dissemination and
24 use of client information.

1 “(ii) MAXIMUM PRIVACY PROTEC-
2 TION.—The standards issued under this
3 subparagraph shall, to the extent prac-
4 ticable, provide for the maximum amount
5 of privacy protection.”.

6 **SEC. 1853. ONLINE COMPONENT.**

7 (a) IN GENERAL.—Section 8(e) of the Small Busi-
8 ness Act (15 U.S.C. 637(e)), as amended by section 1852,
9 is further amended by adding at the end the following:

10 “(6) ONLINE COMPONENT.—In carrying out
11 this subsection, the SCORE Association shall make
12 use of online counseling, including by developing and
13 implementing webinars and an electronic mentoring
14 platform to expand access to services provided under
15 this subsection and to further support entre-
16 preneurs.”.

17 (b) ONLINE COMPONENT REPORT.—

18 (1) IN GENERAL.—At the end of fiscal year
19 2018, the SCORE Association shall issue a report to
20 the Committee on Small Business of the House of
21 Representatives and the Committee on Small Busi-
22 ness and Entrepreneurship of the Senate on the ef-
23 fectiveness of the online counseling and webinars re-
24 quired as part of the SCORE program, including—

1 (A) how the SCORE Association deter-
2 mines electronic mentoring and webinar needs,
3 develops training for electronic mentoring, es-
4 tablishes webinar criteria curricula, and evalu-
5 ates webinar and electronic mentoring results;

6 (B) describing the internal controls that
7 are used and a summary of the topics covered
8 by the webinars; and

9 (C) performance metrics, including the
10 number of small business concerns counseled
11 by, the number of small business concerns cre-
12 ated by, the number of jobs created and re-
13 tained by, and the funding amounts directed to-
14 wards such online counseling and webinars.

15 (2) DEFINITIONS.—For purposes of this sub-
16 section, the terms “SCORE Association” and
17 “SCORE program” have the meaning given those
18 terms, respectively, under section 8(c)(1) of the
19 Small Business Act (15 U.S.C. 637(c)(1)).

20 **SEC. 1854. STUDY AND REPORT ON THE FUTURE ROLE OF**
21 **THE SCORE PROGRAM.**

22 (a) STUDY.—The SCORE Association shall carry out
23 a study on the future role of the SCORE program and
24 develop a strategic plan for how the SCORE program will
25 evolve to meet the needs of small business concerns and

1 potential future small business concerns over the course
2 of the 5 years following the date of enactment of this Act,
3 with markers and specific objectives for year 1, year 3,
4 and year 5.

5 (b) REPORT.—Not later than the end of the 6-month
6 period beginning on the date of the enactment of this Act,
7 the SCORE Association shall issue a report to the Com-
8 mittee on Small Business of the House of Representatives
9 and the Committee on Small Business and Entrepreneur-
10 ship of the Senate containing—

11 (1) all findings and determination made in car-
12 rying out the study required under subsection (a);

13 (2) the strategic plan developed under sub-
14 section (a);

15 (3) an explanation of how the SCORE Associa-
16 tion plans to achieve the strategic plan, assuming
17 both stagnant and increased funding levels.

18 (c) DEFINITIONS.—For purposes of this section, the
19 terms “SCORE Association” and “SCORE program”
20 have the meaning given those terms, respectively, under
21 section 8(c)(1) of the Small Business Act (15 U.S.C.
22 637(c)(1)).

23 **SEC. 1855. TECHNICAL AND CONFORMING AMENDMENTS.**

24 (a) SMALL BUSINESS ACT.—The Small Business Act
25 (15 U.S.C. 631 et seq.) is amended—

1 (1) in section 7(m)(3)(A)(i)(VIII) (15 U.S.C.
2 636(m)(3)(A)(i)(VIII)), by striking “Service Corps
3 of Retired Executives” and inserting “SCORE pro-
4 gram”; and

5 (2) in section 22 (15 U.S.C. 649)—

6 (A) in subsection (b)—

7 (i) in paragraph (1), by striking
8 “Service Corps of Retired Executives” and
9 inserting “SCORE program”; and

10 (ii) in paragraph (3), by striking
11 “Service Corps of Retired Executives” and
12 inserting “SCORE program”; and

13 (B) in subsection (c)(12), by striking
14 “Service Corps of Retired Executives” and in-
15 serting “SCORE program”.

16 (b) OTHER LAWS.—

17 (1) Section 621 of the Children’s Health Insur-
18 ance Program Reauthorization Act of 2009 (15
19 U.S.C. 657p) is amended—

20 (A) in subsection (a), by striking para-
21 graph (4) and inserting the following:

22 “(4) the term ‘SCORE program’ means the
23 SCORE program authorized by section 8(b)(1)(B)
24 of the Small Business Act (15 U.S.C.
25 637(b)(1)(B));”; and

1 (B) in subsection (b)(4)(A)(iv), by striking
2 “Service Corps of Retired Executives” and in-
3 serting “SCORE program”.

4 (2) Section 337(d)(2)(A) of the Energy Policy
5 and Conservation Act (42 U.S.C. 6307(d)(2)(A)) is
6 amended by striking “Service Corps of Retired Ex-
7 ecutives (SCORE)” and inserting “SCORE pro-
8 gram”.

9 **Subtitle G—Miscellaneous** 10 **Provisions**

11 **SEC. 1861. IMPROVING EDUCATION ON SMALL BUSINESS** 12 **REGULATIONS.**

13 (a) REGULATORY CHANGES AND TRAINING MATE-
14 RIALS.—Section 15 of the Small Business Act (15 U.S.C.
15 644), as amended by this Act, is further amended by add-
16 ing at the end the following new subsection:

17 “(u) REGULATORY CHANGES AND TRAINING MATE-
18 RIALS.—Not less than annually, the Administrator shall
19 provide to the Defense Acquisition University (established
20 under section 1746 of title 10, United States Code), the
21 Federal Acquisition Institute (established under section
22 1201 of title 41, United States Code), the individual re-
23 sponsible for mandatory training and education of the ac-
24 quisition workforce of each agency (described under sec-
25 tion 1703(f)(1)(C) of title 41, United States Code), small

1 business development centers, and entities participating in
2 the Procurement Technical Assistance Cooperative Agree-
3 ment Program under chapter 142 of title 10, United
4 States Code—

5 “(1) a list of all changes made in the prior year
6 to regulations promulgated—

7 “(A) by the Administrator that affect Fed-
8 eral acquisition; and

9 “(B) by the Federal Acquisition Council
10 that implement changes to this Act; and

11 “(2) any materials the Administrator has devel-
12 oped to explain, train, or assist Federal agencies or
13 departments or small business concerns to comply
14 with the regulations specified in paragraph (1).”.

15 (b) TRAINING TO BE UPDATED.—Upon receipt of in-
16 formation from the Administrator of the Small Business
17 Administration pursuant to section 15(u) of the Small
18 Business Act, the Defense Acquisition University (as
19 under section 1746 of title 10, United States Code) and
20 the Federal Acquisition Institute (established under sec-
21 tion 1201 of title 41, United States Code) shall periodi-
22 cally update the training provided to the acquisition work-
23 force.

1 **SEC. 1862. PROTECTING TASK ORDER COMPETITION.**

2 Section 4106(f) of title 41, United States Code, is
3 amended by striking paragraph (3).

4 **SEC. 1863. IMPROVEMENTS TO SIZE STANDARDS FOR**
5 **SMALL AGRICULTURAL PRODUCERS.**

6 (a) AMENDMENT TO DEFINITION OF AGRICULTURAL
7 ENTERPRISES.—Paragraph (1) of section 18(b) of the
8 Small Business Act (15 U.S.C. 647(b)(1)) is amended by
9 striking “businesses” and inserting “small business con-
10 cerns”.

11 (b) EQUAL TREATMENT OF SMALL FARMS.—Para-
12 graph (1) of section 3(a) of the Small Business Act (15
13 U.S.C. 632(a)(1)) is amended by striking “operation: *Pro-*
14 *vided,*” and all that follows through the period at the end
15 and inserting “operation.”.

16 (c) UPDATED SIZE STANDARDS.—Size standards es-
17 tablished under subsection (a) are subject to the rolling
18 review procedures established under section 1344(a) of the
19 Small Business Jobs Act of 2010 (15 U.S.C. 632 note).

20 **SEC. 1864. UNIFORMITY IN SERVICE-DISABLED VETERAN**
21 **DEFINITIONS.**

22 (a) SMALL BUSINESS DEFINITION OF SMALL BUSI-
23 NESS CONCERN CONSOLIDATED.—Section 3(q) of the
24 Small Business Act (15 U.S.C. 632(q)) is amended—

25 (1) by amending paragraph (2) to read as fol-
26 lows:

1 “(2) SMALL BUSINESS CONCERN OWNED AND
2 CONTROLLED BY SERVICE-DISABLED VETERANS.—

3 The term ‘small business concern owned and con-
4 trolled by service-disabled veterans’ means any of
5 the following:

6 “(A) A small business concern—

7 “(i) not less than 51 percent of which
8 is owned by one or more service-disabled
9 veterans or, in the case of any publicly
10 owned business, not less than 51 percent
11 of the stock (not including any stock
12 owned by an ESOP) of which is owned by
13 one or more service-disabled veterans; and

14 “(ii) the management and daily busi-
15 ness operations of which are controlled by
16 one or more service-disabled veterans or, in
17 the case of a veteran with permanent and
18 severe disability, the spouse or permanent
19 caregiver of such veteran.

20 “(B) A small business concern—

21 “(i) not less than 51 percent of which
22 is owned by one or more service-disabled
23 veterans with a disability that is rated by
24 the Secretary of Veterans Affairs as a per-
25 manent and total disability who are unable

1 to manage the daily business operations of
2 such concern; or

3 “(ii) in the case of a publicly owned
4 business, not less than 51 percent of the
5 stock (not including any stock owned by an
6 ESOP) of which is owned by one or more
7 such veterans.

8 “(C)(i) During the time period described in
9 clause (ii), a small business concern that was a
10 small business concern described in subpara-
11 graph (A) or (B) immediately prior to the death
12 of a service-disabled veteran who was the owner
13 of the concern, the death of whom causes the
14 concern to be less than 51 percent owned by
15 one or more service-disabled veterans, if—

16 “(I) the surviving spouse of the de-
17 ceased veteran acquires such veteran’s
18 ownership interest in such concern;

19 “(II) such veteran had a service-con-
20 nected disability (as defined in section
21 101(16) of title 38, United States Code)
22 rated as 100 percent disabling under the
23 laws administered by the Secretary of Vet-
24 erans Affairs or such veteran died as a re-
25 sult of a service-connected disability; and

1 “(III) immediately prior to the death
2 of such veteran, and during the period de-
3 scribed in clause (ii), the small business
4 concern is included in the database de-
5 scribed in section 8127(f) of title 38,
6 United States Code.

7 “(ii) The time period described in this
8 clause is the time period beginning on the date
9 of the veteran’s death and ending on the earlier
10 of—

11 “(I) the date on which the surviving
12 spouse remarries;

13 “(II) the date on which the surviving
14 spouse relinquishes an ownership interest
15 in the small business concern; or

16 “(III) the date that is 10 years after
17 the date of the death of the veteran.”; and

18 (2) by adding at the end the following new
19 paragraphs:

20 “(6) ESOP.—The term ‘ESOP’ has the mean-
21 ing given the term ‘employee stock ownership plan’
22 in section 4975(e)(7) of the Internal Revenue Code
23 of 1986 (26 U.S.C. 4975(e)(7)).

1 “(7) SURVIVING SPOUSE.—The term ‘surviving
2 spouse’ has the meaning given such term in section
3 101(3) of title 38, United States Code.”.

4 (b) VETERANS AFFAIRS DEFINITION OF SMALL
5 BUSINESS CONCERN CONSOLIDATED.—

6 (1) IN GENERAL.—Section 8127 of title 38,
7 United States Code, is amended—

8 (A) by striking subsection (h) and redesignig-
9 nating subsections (i) through (l) as subsections
10 (h) through (k), respectively; and

11 (B) in subsection (k), as so redesignated—

12 (i) by amending paragraph (2) to read
13 as follows:

14 “(2) The term ‘small business concern owned
15 and controlled by veterans’ has the meaning given
16 that term under section 3(q)(3) of the Small Busi-
17 ness Act (15 U.S.C. 632(q)(3)).”; and

18 (ii) by adding at the end the following
19 new paragraph:

20 “(3) The term ‘small business concern owned
21 and controlled by veterans with service-connected
22 disabilities’ has the meaning given the term ‘small
23 business concern owned and controlled by service-
24 disabled veterans’ under section 3(q)(2) of the Small
25 Business Act (15 U.S.C. 632(q)(2)).”.

1 (2) CONFORMING AMENDMENTS.—Such section
2 is further amended—

3 (A) in subsection (b), by inserting “or a
4 small business concern owned and controlled by
5 veterans with service-connected disabilities”
6 after “a small business concern owned and con-
7 trolled by veterans”;

8 (B) in subsection (c), by inserting “or a
9 small business concern owned and controlled by
10 veterans with service-connected disabilities”
11 after “a small business concern owned and con-
12 trolled by veterans”;

13 (C) in subsection (d) by inserting “or small
14 business concerns owned and controlled by vet-
15 erans with service-connected disabilities” after
16 “small business concerns owned and controlled
17 by veterans” both places it appears; and

18 (D) in subsection (f)(1), by inserting “,
19 small business concerns owned and controlled
20 by veterans with service-connected disabilities,”
21 after “small business concerns owned and con-
22 trolled by veterans”.

23 (c) TECHNICAL CORRECTION.—Section 8(d)(3) of the
24 Small Business Act (15 U.S.C. 637(d)(3)), is amended by
25 adding at the end the following new subparagraph:

1 “(H) In this contract, the term ‘small business
2 concern owned and controlled by service-disabled
3 veterans’ has the meaning given that term in section
4 3(q).”.

5 (d) REGULATIONS RELATING TO DATABASE OF THE
6 SECRETARY OF VETERANS AFFAIRS.—

7 (1) REQUIREMENT TO USE CERTAIN SMALL
8 BUSINESS ADMINISTRATION REGULATIONS.—Section
9 8127(f)(4) of title 38, United States Code, is
10 amended by striking “verified” and inserting
11 “verified, using regulations issued by the Adminis-
12 trator of the Small Business Administration with re-
13 spect to the status of the concern as a small busi-
14 ness concern and the ownership and control of such
15 concern,”.

16 (2) PROHIBITION ON SECRETARY OF VETERANS
17 AFFAIRS ISSUING CERTAIN REGULATIONS.—Section
18 8127(f) of title 38, United States Code, is amended
19 by adding at the end the following new paragraph:
20 “(7) The Secretary may not issue regulations related
21 to the status of a concern as a small business concern and
22 the ownership and control of such small business con-
23 cern.”.

24 (e) DELAYED EFFECTIVE DATE.—The amendments
25 made by subsections (a), (b), (c), and (d) shall take effect

1 on the date on which the Administrator of the Small Busi-
2 ness Administration and the Secretary of Veterans Affairs
3 jointly issue regulations implementing such sections.

4 (f) APPEALS OF INCLUSION IN DATABASE.—

5 (1) IN GENERAL.—Section 8127(f) of title 38,
6 United States Code, as amended by this Act, is fur-
7 ther amended by adding at the end the following
8 new paragraph:

9 “(8)(A) If the Secretary does not verify a concern for
10 inclusion in the database under this subsection based on
11 the status of the concern as a small business concern or
12 the ownership or control of the concern, the concern may
13 appeal the denial of verification to the Office of Hearings
14 and Appeals of the Small Business Administration (as es-
15 tablished under section 5(i) of the Small Business Act).
16 The decision of the Office of Hearings and Appeals shall
17 be considered a final agency action.

18 “(B)(i) If an interested party challenges the inclusion
19 in the database of a small business concern owned and
20 controlled by veterans or a small business concern owned
21 and controlled by veterans with service-connected disabil-
22 ities based on the status of the concern as a small business
23 concern or the ownership or control of the concern, the
24 challenge shall be heard by the Office of Hearings and
25 Appeals of the Small Business Administration as de-

1 scribed in subparagraph (A). The decision of the Office
2 of Hearings and Appeals shall be considered final agency
3 action.

4 “(ii) In this subparagraph, the term ‘interested party’
5 means—

6 “(I) the Secretary; and

7 “(II) in the case of a small business concern
8 that is awarded a contract, the contracting officer of
9 the Department or another small business concern
10 that submitted an offer for the contract that was
11 awarded to the small business concern that sub-
12 mitted an offer under clause (i).

13 “(C) For each fiscal year, the Secretary shall reim-
14 burse the Administrator of the Small Business Adminis-
15 tration in an amount necessary to cover any cost incurred
16 by the Office of Hearings and Appeals of the Small Busi-
17 ness Administration for actions taken by the Office under
18 this paragraph. The Administrator is authorized to accept
19 such reimbursement. The amount of any such reimburse-
20 ment shall be determined jointly by the Secretary and the
21 Administrator and shall be provided from fees collected
22 by the Secretary under multiple-award schedule contracts.
23 Any disagreement about the amount shall be resolved by
24 the Director of the Office of Management and Budget.”.

1 (2) **EFFECTIVE DATE.**—Paragraph (8) of sub-
2 section (f) of title 38, United States Code, as added
3 by paragraph (1), shall apply with respect to a
4 verification decision made by the Secretary of Vet-
5 erans Affairs on or after the date of the enactment
6 of this title.

7 **SEC. 1865. REQUIRED REPORTS PERTAINING TO CAPITAL**
8 **PLANNING AND INVESTMENT CONTROL.**

9 The Administrator of the Small Business Administra-
10 tion shall submit to the Senate Committee on Small Busi-
11 ness and Entrepreneurship and the Committee on Small
12 Business of the House of Representatives the information
13 described in section 11302(c)(3)(B)(ii) of title 40, United
14 States Code, within 10 days of transmittal to the Director.

15 **SEC. 1866. OFFICE OF HEARINGS AND APPEALS.**

16 (a) **CLARIFICATION AS TO JURISDICTION.**—Section
17 5(i)(1)(B) of the Small Business Act (15 U.S.C.
18 634(i)(1)(B)) is amended to read as follows:

19 “(B) **JURISDICTION.**—

20 “(i) **IN GENERAL.**—Except as pro-
21 vided in clause (ii), the Office of Hearings
22 and Appeals shall hear appeals of agency
23 actions under or pursuant to this Act, the
24 Small Business Investment Act of 1958
25 (15 U.S.C. 661 et seq.), title 13 of the

1 Code of Federal Regulations, and such
2 other matters as the Administrator may
3 determine appropriate.

4 “(ii) EXCEPTION.—The Office of
5 Hearings and Appeals shall not adjudicate
6 disputes requiring a hearing on the record,
7 except disputes pertaining to the small
8 business programs described in this Act.”.

9 (b) NEW PROCEDURES FOR PETITIONS FOR RECON-
10 sideration.—Section 3(a)(9) of the Small Business Act
11 (15 U.S.C. 632(a)(9)) is amended by adding at the end
12 the following:

13 “(E) PROCEDURES.—The Office of Hear-
14 ings and Appeals shall begin accepting petitions
15 for reconsideration described in subparagraph
16 (A) upon the effective date of the procedures
17 implementing this paragraph. Notwithstanding
18 the provisions of subparagraph (B), petitions
19 for reconsideration of size standards revised,
20 modified, or established in a Federal Register
21 final rule published between November 25,
22 2015 and the effective date of such procedures
23 shall be considered timely if filed within 30
24 days of such effective date.”.

1 **SEC. 1867. ISSUANCE OF GUIDANCE ON SMALL BUSINESS**
2 **MATTERS.**

3 Not later than 180 days after the date of enactment
4 of this title, the Administrator of the Small Business Ad-
5 ministration shall issue guidance pertaining to the amend-
6 ments made by this Act to the Small Business Act by this
7 title. The Administrator shall provide notice and oppor-
8 tunity for comment on such guidance for a period of not
9 less than 60 days.

10 **SEC. 1868. ROLE OF SMALL BUSINESS DEVELOPMENT CEN-**
11 **TERS IN CYBER SECURITY AND PREPARED-**
12 **NESS.**

13 Section 21 of the Small Business Act (15 U.S.C. 648)
14 is amended—

15 (1) in subsection (a)(1), by striking “and pro-
16 viding access to business analysts who can refer
17 small business concerns to available experts:” and
18 inserting “providing access to business analysts who
19 can refer small business concerns to available ex-
20 perts; and, to the extent practicable, providing as-
21 sistance in furtherance of the Small Business Devel-
22 opment Center Cyber Strategy developed under sec-
23 tion 1871(b) of the National Defense Authorization
24 Act for Fiscal Year 2017:”; and

25 (2) in subsection (c)—

26 (A) in paragraph (2)—

1 (i) in subparagraph (E), by striking
2 “and” at the end;

3 (ii) in subparagraph (F), by striking
4 the period and inserting “; and”; and

5 (iii) by adding at the end of the fol-
6 lowing:

7 “(G) access to cyber security specialists to
8 counsel, assist, and inform small business concern
9 clients, in furtherance of the Small Business Devel-
10 opment Center Cyber Strategy developed under sec-
11 tion.”.

12 **SEC. 1869. ADDITIONAL CYBER SECURITY ASSISTANCE FOR**
13 **SMALL BUSINESS DEVELOPMENT CENTERS.**

14 Section 21(a) of the Small Business Act (15 U.S.C.
15 648(a)) is amended by adding at the end the following:

16 “(8) CYBER SECURITY ASSISTANCE.—The De-
17 partment of Homeland Security, and any other Fed-
18 eral department or agency in coordination with the
19 Department of Homeland Security, may provide as-
20 sistance to small business development centers,
21 through the dissemination of cybersecurity risk in-
22 formation and other homeland security information,
23 to help small business concerns in developing or en-
24 hancing cyber security infrastructure, cyber threat

1 awareness, and cyber training programs for employ-
2 ees.”.

3 **SEC. 1869A. CYBERSECURITY OUTREACH FOR SMALL BUSI-**
4 **NESS DEVELOPMENT CENTERS.**

5 Section 227 of the Homeland Security Act of 2002
6 (6 U.S.C. 148) is amended—

7 (1) by redesignating subsection (l) as subsection
8 (m); and

9 (2) by inserting after subsection (k) the fol-
10 lowing:

11 “(1) CYBERSECURITY OUTREACH.—

12 “(1) IN GENERAL.—The Secretary may provide
13 assistance to small business development centers,
14 through the dissemination of cybersecurity risk in-
15 formation and other homeland security information,
16 to help small business concerns in developing or en-
17 hancing cyber security infrastructure, cyber threat
18 awareness, and cyber training programs for employ-
19 ees.

20 “(2) DEFINITIONS.—For purposes of this sub-
21 section, the terms ‘small business concern’ and
22 ‘small business development center’ have the mean-
23 ing given such terms, respectively, under section 3 of
24 the Small Business Act.”.

1 **SEC. 1869B. GAO STUDY ON SMALL BUSINESS CYBER SUP-**
2 **PORT SERVICES AND SMALL BUSINESS DE-**
3 **VELOPMENT CENTER CYBER STRATEGY.**

4 (a) REVIEW OF CURRENT CYBER SECURITY RE-
5 SOURCES.—

6 (1) IN GENERAL.—The Comptroller General of
7 the United States shall conduct a review of current
8 cyber security resources at the Federal level aimed
9 at assisting small business concerns with developing
10 or enhancing cyber security infrastructure, cyber
11 threat awareness, or cyber training programs for
12 employees.

13 (2) CONTENT.—The review required under
14 paragraph (1) shall include the following:

15 (A) An accounting and description of all
16 Federal Government programs, projects, and
17 activities that currently provide assistance to
18 small business concerns in developing or en-
19 hancing cyber security infrastructure, cyber
20 threat awareness, or cyber training programs
21 for employees.

22 (B) An assessment of how widely utilized
23 the resources described under subparagraph (A)
24 are by small business concerns and a review of
25 whether or not such resources are duplicative of
26 other programs and structured in a manner

1 that makes them accessible to and supportive of
2 small business concerns.

3 (3) REPORT.—The Comptroller General shall
4 issue a report to the Congress, the Small Business
5 Administrator, the Secretary of Homeland Security,
6 and any association recognized under section
7 21(a)(3)(A) of the Small Business Act containing all
8 findings and determinations made in carrying out
9 the review required under paragraph (1).

10 (b) SMALL BUSINESS DEVELOPMENT CENTER
11 CYBER STRATEGY.—

12 (1) IN GENERAL.—Not later than 90 days after
13 the issuance of the report under subsection (a)(3),
14 the Small Business Administrator and the Secretary
15 of Homeland Security shall work collaboratively to
16 develop a Small Business Development Center Cyber
17 Strategy.

18 (2) CONSULTATION.—In developing the strat-
19 egy under this subsection, the Small Business Ad-
20 ministrator and the Secretary of Homeland Security
21 shall consult with entities representing the concerns
22 of small business development centers, including any
23 association recognized under section 21(a)(3)(A) of
24 the Small Business Act.

1 (3) CONTENT.—The strategy required under
2 paragraph (1) shall include, at minimum, the fol-
3 lowing:

4 (A) Plans for incorporating small business
5 development centers (hereinafter in this section
6 referred to as “SBDCs”) into existing cyber
7 programs to enhance services and streamline
8 cyber assistance to small business concerns.

9 (B) To the extent practicable, methods for
10 the provision of counsel and assistance to im-
11 prove a small business concern’s cyber security
12 infrastructure, cyber threat awareness, and
13 cyber training programs for employees, includ-
14 ing—

15 (i) working to ensure individuals are
16 aware of best practices in the areas of
17 cyber security, cyber threat awareness, and
18 cyber training;

19 (ii) working with individuals to de-
20 velop cost-effective plans for implementing
21 best practices in these areas;

22 (iii) entering into agreements, where
23 practical, with Information Sharing and
24 Analysis Centers or similar cyber informa-
25 tion sharing entities to gain an awareness

1 of actionable threat information that may
2 be beneficial to small business concerns;
3 and

4 (iv) providing referrals to area special-
5 ists when necessary.

6 (C) An analysis of—

7 (i) how Federal Government pro-
8 grams, projects, and activities identified by
9 the Comptroller General in the report
10 issued under subsection (a)(1) can be le-
11 veraged by SBDCs to improve access to
12 high-quality cyber support for small busi-
13 ness concerns;

14 (ii) additional resources SBDCs may
15 need to effectively carry out their role; and

16 (iii) how SBDCs can leverage existing
17 partnerships and develop new ones with
18 Federal, State, and local government enti-
19 ties as well as private entities to improve
20 the quality of cyber support services to
21 small business concerns.

22 (4) DELIVERY OF STRATEGY.—Not later than
23 180 days after the issuance of the report under sub-
24 section (a)(3), the Small Business Development Cen-
25 ter Cyber Strategy shall be issued to the Committees

1 on Homeland Security and Small Business of the
2 House of Representatives and the Committees on
3 Homeland Security and Governmental Affairs and
4 Small Business and Entrepreneurship of the Senate.

5 **SEC. 1869C. PROHIBITION ON ADDITIONAL FUNDS.**

6 No additional funds are authorized to be appro-
7 priated to carry out sections 1868 through 1869B or the
8 amendments made by such sections.

9 **Subtitle H—Small Business Devel-**
10 **opment Centers Improvements**

11 **SEC. 1871. SHORT TITLE.**

12 This subtitle may be cited as the “Small Business
13 Development Centers Improvement Act of 2016”.

14 **SEC. 1872. USE OF AUTHORIZED ENTREPRENEURIAL DE-**
15 **VELOPMENT PROGRAMS.**

16 The Small Business Act (15 U.S.C. 631 et seq.) is
17 amended by adding at the end the following:

18 **“SEC. 48. USE OF AUTHORIZED ENTREPRENEURIAL DEVEL-**
19 **OPMENT PROGRAMS.**

20 **“(a) EXPANDED SUPPORT FOR ENTREPRENEURS.—**

21 **“(1) IN GENERAL.—**Notwithstanding any other
22 provision of law, the Administrator shall only use
23 the programs authorized in sections 7(j), 7(m), 8(a),
24 8(b)(1), 21, 22, 29, and 32 of this Act, and sections
25 358 and 389 of the Small Business Investment Act

1 to deliver entrepreneurial development services, en-
2 trepreneurial education, support for the development
3 and maintenance of clusters, or business training.

4 “(2) EXCEPTION.—This section shall not apply
5 to services provided to assist small business concerns
6 owned by an Indian tribe (as such term is defined
7 in section 8(a)(13)).

8 “(b) ANNUAL REPORT.—Beginning on the first De-
9 cember 1 after the date of enactment of this subsection,
10 the Administrator shall annually report to the Committee
11 on Small Business of the House of Representatives and
12 the Committee on Small Business and Entrepreneurship
13 of the Senate on all entrepreneurial development activities
14 undertaken in the current fiscal year. This report shall
15 include—

16 “(1) a description and operating details for
17 each program and activity;

18 “(2) operating circulars, manuals, and standard
19 operating procedures for each program and activity;

20 “(3) a description of the process used to award
21 grants under each program and activity;

22 “(4) a list of all awardees, contractors, and ven-
23 dors (including organization name and location) and
24 the amount of awards for the current fiscal year for
25 each program and activity;

1 “(5) the amount of funding obligated for the
2 current fiscal year for each program and activity;
3 and

4 “(6) the names and titles for those individuals
5 responsible for each program and activity.”.

6 **SEC. 1873. MARKETING OF SERVICES.**

7 Section 21 of the Small Business Act (15 U.S.C. 648)
8 is amended by adding at the end the following:

9 “(o) NO PROHIBITION OF MARKETING OF SERV-
10 ICES.—The Administrator shall not prohibit applicants re-
11 ceiving grants under this section from marketing and ad-
12 vertising their services to individuals and small business
13 concerns.”.

14 **SEC. 1874. DATA COLLECTION.**

15 (a) IN GENERAL.—Section 21(a)(3)(A) of the Small
16 Business Act (15 U.S.C. 648(a)(3)(A)) is amended—

17 (1) by striking “as provided in this section
18 and” and inserting “as provided in this section,”;
19 and

20 (2) by inserting before the period at the end the
21 following: “, and (iv) governing data collection ac-
22 tivities related to applicants receiving grants under
23 this section”.

24 (b) ANNUAL REPORT ON DATA COLLECTION.—Sec-
25 tion 21 of the Small Business Act (15 U.S.C. 648), as

1 amended by section 1873 of this Act, is further amended
2 by adding at the end the following:

3 “(p) ANNUAL REPORT ON DATA COLLECTION.—The
4 Administrator shall report annually to the Committee on
5 Small Business of the House of Representatives and the
6 Committee on Small Business and Entrepreneurship of
7 the Senate on any data collection activities related to the
8 Small Business Development Center program.”.

9 (c) WORKING GROUP TO IMPROVE DATA COLLEC-
10 TION.—

11 (1) ESTABLISHMENT AND STUDY.—The Admin-
12 istrator of the Small Business Administration shall
13 establish a Data Collection Working Group con-
14 sisting of members from entrepreneurial develop-
15 ment grant recipients associations and organizations
16 and Administration officials, to carry out a study to
17 determine the best way to capture data collection
18 and create or revise existing systems dedicated to
19 data collection.

20 (2) REPORT.—Not later than the end of the
21 180-day period beginning on the date of the enact-
22 ment of this Act, the Data Collection Working
23 Group shall issue a report to the Committee on
24 Small Business of the House of Representatives and
25 the Committee on Small Business and Entrepre-

1 neurship of the Senate containing the findings and
2 determinations made in carrying out the study re-
3 quired under paragraph (1), including—

4 (A) recommendations for revising existing
5 data collection practices; and

6 (B) a proposed plan for the Small Busi-
7 ness Administration to implement such rec-
8 ommendations.

9 **SEC. 1875. FEES FROM PRIVATE PARTNERSHIPS AND CO-**
10 **SPONSORSHIPS.**

11 Section 21(a)(3) of the Small Business Act (15
12 U.S.C. 648(a)(3)(C)), as amended by section 1874, is fur-
13 ther amended by adding at the end the following:

14 “(D) FEES FROM PRIVATE PARTNERSHIPS AND CO-
15 SPONSORSHIPS.—Participation in private partnerships
16 and cosponsorships with the Administration shall not limit
17 small business development centers from collecting fees or
18 other income related to the operation of such private part-
19 nerships and cosponsorships.”.

20 **SEC. 1876. EQUITY FOR SMALL BUSINESS DEVELOPMENT**
21 **CENTERS.**

22 Subclause (I) of section 21(a)(4)(C)(v) of the Small
23 Business Act (15 U.S.C. 648(a)(4)(C)(v)) is amended to
24 read as follows:

1 “(I) IN GENERAL.—Of the
2 amounts made available in any fiscal
3 year to carry out this section not
4 more than \$600,000 may be used by
5 the Administration to pay expenses
6 enumerated in subparagraphs (B)
7 through (D) of section 20(a)(1).”.

8 **SEC. 1877. CONFIDENTIALITY REQUIREMENTS.**

9 Section 21(a)(7)(A) of the Small Business Act (15
10 U.S.C. 648(a)(7)(A)) is amended by inserting after
11 “under this section” the following: “to any State, local or
12 Federal agency, or third party”.

13 **SEC. 1878. LIMITATION ON AWARD OF GRANTS TO SMALL**
14 **BUSINESS DEVELOPMENT CENTERS.**

15 (a) IN GENERAL.—Section 21 of the Small Business
16 Act (15 U.S.C. 648), as amended by section 1874, is fur-
17 ther amended—

18 (1) in subsection (a)(1), by striking “any wom-
19 en’s business center operating pursuant to section
20 29,”;

21 (2) by adding at the end the following:

22 “(q) LIMITATION ON AWARD OF GRANTS.—Except
23 for not-for-profit institutions of higher education, and not-
24 withstanding any other provision of law, the Administrator
25 may not award grants (including contracts and coopera-

1 tive agreements) under this section to any entity other
 2 than those that received grants (including contracts and
 3 cooperative agreements) under this section prior to the
 4 date of the enactment of this subsection, and that seek
 5 to renew such grants (including contracts and cooperative
 6 agreements) after such date.”.

7 (b) **RULE OF CONSTRUCTION.**—The amendments
 8 made by this section may not be construed as prohibiting
 9 a women’s business center from receiving a subgrant from
 10 an entity receiving a grant under section 21 of the Small
 11 Business Act (15 U.S.C. 648).

12 **DIVISION B—MILITARY CON-**
 13 **STRUCTION AUTHORIZA-**
 14 **TIONS**

15 **SEC. 2001. SHORT TITLE.**

16 This division may be cited as the “Military Construc-
 17 tion Authorization Act for Fiscal Year 2017”.

18 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**
 19 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
 20 **LAW.**

21 (a) **EXPIRATION OF AUTHORIZATIONS AFTER THREE**
 22 **YEARS.**—Except as provided in subsection (b), all author-
 23 izations contained in titles XXI through XXVII and title
 24 XXIX for military construction projects, land acquisition,
 25 family housing projects and facilities, and contributions to

1 the North Atlantic Treaty Organization Security Invest-
2 ment Program (and authorizations of appropriations
3 therefor) shall expire on the later of—

4 (1) October 1, 2019; or

5 (2) the date of the enactment of an Act author-
6 izing funds for military construction for fiscal year
7 2020.

8 (b) EXCEPTION.—Subsection (a) shall not apply to
9 authorizations for military construction projects, land ac-
10 quisition, family housing projects and facilities, and con-
11 tributions to the North Atlantic Treaty Organization Se-
12 curity Investment Program (and authorizations of appro-
13 priations therefor), for which appropriated funds have
14 been obligated before the later of—

15 (1) October 1, 2019; or

16 (2) the date of the enactment of an Act author-
17 izing funds for fiscal year 2020 for military con-
18 struction projects, land acquisition, family housing
19 projects and facilities, or contributions to the North
20 Atlantic Treaty Organization Security Investment
21 Program.

22 **SEC. 2003. EFFECTIVE DATE.**

23 Titles XXI through XXVII and title XXIX shall take
24 effect on the later of—

25 (1) October 1, 2016; or

1 (2) the date of the enactment of this Act.

2 **TITLE XXI—ARMY MILITARY**
 3 **CONSTRUCTION**

4 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**
 5 **ACQUISITION PROJECTS.**

6 (a) **INSIDE THE UNITED STATES.**—Using amounts
 7 appropriated pursuant to the authorization of appropria-
 8 tions in section 2103(a) and available for military con-
 9 struction projects inside the United States as specified in
 10 the funding table in section 4601, the Secretary of the
 11 Army may acquire real property and carry out military
 12 construction projects for the installations or locations in-
 13 side the United States, and in the amounts, set forth in
 14 the following table:

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	\$129,600,000
	Fort Stewart	\$14,800,000
Hawaii	Fort Shafter	\$40,000,000
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

15 (b) **OUTSIDE THE UNITED STATES.**—Using amounts
 16 appropriated pursuant to the authorization of appropria-
 17 tions in section 2103(a) and available for military con-
 18 struction projects outside the United States as specified
 19 in the funding table in section 4601, the Secretary of the
 20 Army may acquire real property and carry out the military

1 construction project for the installations or locations out-
 2 side the United States, and in the amount, set forth in
 3 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

4 **SEC. 2102. FAMILY HOUSING.**

5 (a) CONSTRUCTION AND ACQUISITION.—Using
 6 amounts appropriated pursuant to the authorization of ap-
 7 propriations in section 2103(a) and available for military
 8 family housing functions as specified in the funding table
 9 in section 4601, the Secretary of the Army may construct
 10 or acquire family housing units (including land acquisition
 11 and supporting facilities) at the installations or locations,
 12 in the number of units, and in the amounts set forth in
 13 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

14 (b) PLANNING AND DESIGN.—Using amounts appro-
 15 priated pursuant to the authorization of appropriations in
 16 section 2103(a) and available for military family housing
 17 functions as specified in the funding table in section 4601,
 18 the Secretary of the Army may carry out architectural and

1 engineering services and construction design activities
2 with respect to the construction or improvement of family
3 housing units in an amount not to exceed \$2,618,000.

4 **SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

5 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
6 are hereby authorized to be appropriated for fiscal years
7 beginning after September 30, 2016, for military con-
8 struction, land acquisition, and military family housing
9 functions of the Department of the Army as specified in
10 the funding table in section 4601.

11 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
12 PROJECTS.—Notwithstanding the cost variations author-
13 ized by section 2853 of title 10, United States Code, and
14 any other cost variation authorized by law, the total cost
15 of all projects carried out under section 2101 may not ex-
16 ceed the total amount authorized to be appropriated under
17 subsection (a), as specified in the funding table in section
18 4601.

19 **SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT**
20 **CERTAIN FISCAL YEAR 2014 PROJECT.**

21 In the case of the authorization contained in the table
22 in section 2101(a) of the Military Construction Authoriza-
23 tion Act for Fiscal Year 2014 (division B of Public Law
24 113–66; 127 Stat. 986) for Joint Base Lewis-McChord,
25 Washington, for construction of an aircraft maintenance

1 hangar at the installation, the Secretary of the Army may
 2 construct an aircraft washing apron.

3 **SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 4 **FISCAL YEAR 2013 PROJECTS.**

5 (a) EXTENSION.—Notwithstanding section 2002 of
 6 the Military Construction Authorization Act for Fiscal
 7 Year 2013 (division B of Public Law 112-239; 126 Stat.
 8 2118), the authorizations set forth in the table in sub-
 9 section (b), as provided in section 2101 of that Act (126
 10 Stat. 2119) and extended by section 2107 of the Military
 11 Construction Authorization Act for Fiscal Year 2016 (di-
 12 vision B of Public Law 114–92; 129 Stat. 1148), shall
 13 remain in effect until October 1, 2017, or the date of the
 14 enactment of an Act authorizing funds for military con-
 15 struction for fiscal year 2018, whichever is later.

16 (b) TABLE.—The table referred to in subsection (a)
 17 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

1 **SEC. 2106. 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 2101 of that Act (127
 8 Stat. 986) 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:

Army: Extension of 2014 Project Authorizations

State	Installation or Location	Project	Amount
Maryland	Fort Detrick	Entry Control Point	\$2,500,000
Kwajalein Atoll	Kwajalein	Pier	\$63,000,000
Japan	Kyotango City	Company Operations Complex.	\$33,000,000

14 **TITLE XXII—NAVY MILITARY**
 15 **CONSTRUCTION**

16 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**
 17 **ACQUISITION PROJECTS.**

18 (a) INSIDE THE UNITED STATES.—Using amounts
 19 appropriated pursuant to the authorization of appropria-
 20 tions in section 2204(a) and available for military con-
 21 struction projects inside the United States as specified in

1 the funding table in section 4601, the Secretary of the
 2 Navy may acquire real property and carry out military
 3 construction projects for the installations or locations in-
 4 side the United States, and in the amounts, set forth in
 5 the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Yuma	\$48,355,000
California	Coronado	\$104,501,000
	Lemoore	\$26,723,000
	Miramar	\$193,600,000
	Seal Beach	\$21,007,000
Florida	Eglin Air Force Base	\$20,489,000
	Mayport	\$66,000,000
	Pensacola	\$53,000,000
Guam	Joint Region Marianas	\$89,185,000
Hawaii	Barking Sands	\$43,384,000
	Kaneohe Bay	\$72,565,000
Maine	Kittery	\$47,892,000
Maryland	Patuxent River	\$40,576,000
Nevada	Fallon	\$13,523,000
North Carolina	Camp Lejeune	\$18,482,000
	Cherry Point Marine Corps Air Station	\$12,515,000
South Carolina	Beaufort	\$83,490,000
	Parris Island	\$29,882,000
Washington	Bangor	\$113,415,000
	Bremerton	\$6,704,000
	Whidbey Island	\$75,976,000

6 (b) OUTSIDE THE UNITED STATES.—Using amounts
 7 appropriated pursuant to the authorization of appropria-
 8 tions in section 2204(a) and available for military con-
 9 struction projects outside the United States as specified
 10 in the funding table in section 4601, the Secretary of the
 11 Navy may acquire real property and carry out military
 12 construction projects for the installation or location out-
 13 side the United States, and in the amounts, set forth in
 14 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 installations or locations,
9 in the number of units, and in the amounts set forth in
10 the following table:

Navy: Family Housing

Country	Installation	Units	Amount
Mariana Islands	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 may not ex-
22 ceed the total amount authorized to be appropriated under
23 subsection (a), as specified in the funding table in section
24 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 Bay	Aircraft Maintenance Hangar Upgrades	\$31,820,000
	Pearl City	Water Transmission Line	\$30,100,000
Illinois	Great Lakes	Unaccompanied Housing	\$35,851,000
Maine	Bangor	NCTAMS VLF Commercial Power Connection	\$13,800,000
Nevada	Fallon	Wastewater Treatment Plant	\$11,334,000

Navy: Extension of 2014 Project Authorizations—Continued

State/Country	Installation or Location	Project	Amount
Virginia	Quantico	Academic Instruction Facility TECOM Schools	\$25,731,000
	Quantico	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
20 description of the specific legal authority under

1 which the Navy has transferred or will transfer
2 each such property.

3 (B) The methodology and process the
4 Navy will use to determine the total number of
5 acres of real property that the Navy will trans-
6 fer or has transferred to the control of Guam
7 as part of the “net negative” policy, and the
8 date on which the Navy will transfer or has
9 transferred control of any such property.

10 (C) A description of the real property con-
11 trolled by the Navy on Guam which the Navy
12 plans to retain under its control and the rea-
13 sons for retaining such property, including a
14 detailed explanation of the reasons for retaining
15 any such property which has not been developed
16 or for which no development has been proposed
17 under the current installation master plans for
18 major military installations (as described in sec-
19 tion 2864 of title 10, United States Code).

20 (3) EXCLUSION OF CERTAIN PROPERTY.—In
21 preparing and submitting the report under this sub-
22 section, the Secretary may not take into account any
23 real property which has been identified prior to Jan-
24 uary 20, 2011, as property to be transferred to the
25 Government of Guam under the Guam Excess

1 Lands Act (Public Law 103–339) or the Guam
2 Land Use Plan (GLUP) 1977, or pursuant to base
3 realignment and closure authorized under the De-
4 fense Base Closure and Realignment Act of 1990
5 (part A of title XXIX of Public Law 101-510; 10
6 U.S.C. 2687 note), whether or not the Navy trans-
7 ferred control of any such property to Guam at any
8 time.

9 (b) POLICY DESCRIBED.—The “net negative” policy
10 described in this section is the policy of the Secretary of
11 the Navy, as expressed in the statement released by Under
12 Secretary of the Navy on January 20, 2011, that the relo-
13 cation of Marines to Guam occurring during 2011 will not
14 cause the total number of acres of real property controlled
15 by the Navy on Guam upon the completion of such reloca-
16 tion to exceed the total number of acres of real property
17 controlled by the Navy on Guam prior to such relocation.

18 **TITLE XXIII—AIR FORCE**

19 **MILITARY CONSTRUCTION**

20 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND** 21 **LAND ACQUISITION PROJECTS.**

22 (a) INSIDE THE UNITED STATES.—Using amounts
23 appropriated pursuant to the authorization of appropria-
24 tions in section 2304(a) and available for military con-
25 struction projects inside the United States as specified in

1 the funding table in section 4601, the Secretary of the
 2 Air Force may acquire real property and carry out mili-
 3 tary construction projects for the installations or locations
 4 inside the United States, and in the amounts, set forth
 5 in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Clear Air Force Station	\$20,000,000
	Eielson Air Force Base	\$213,300,000
	Joint Base Elmendorf-Richardson.	\$29,000,000
Arizona	Luke Air Force Base	\$20,000,000
California	Edwards Air Force Base	\$24,000,000
Colorado	Buckley Air Force Base	\$13,500,000
Delaware	Dover Air Force Base	\$39,000,000
Florida	Eglin Air Force Base	\$88,600,000
	Patrick Air Force Base	\$13,500,000
Georgia	Moody Air Force Base	\$30,900,000
Guam	Joint Region Marianas	\$80,658,000
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	Fairchild Air Force Base	\$27,000,000
Wyoming	F.E. Warren Air Force Base	\$5,550,000

6 (b) OUTSIDE THE UNITED STATES.—Using amounts
 7 appropriated pursuant to the authorization of appropria-
 8 tions in section 2304(a) and available for military con-
 9 struction projects outside the United States as specified
 10 in the funding table in section 4601, the Secretary of the
 11 Air Force may acquire real property and carry out mili-

1 tary construction projects for the installation or location
 2 outside the United States, and in the amount, set forth
 3 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	Croughton RAF	\$16,500,000

4 **SEC. 2302. FAMILY HOUSING.**

5 Using amounts appropriated pursuant to the author-
 6 ization of appropriations in section 2304(a) and available
 7 for military family housing functions as specified in the
 8 funding table in section 4601, the Secretary of the Air
 9 Force may carry out architectural and engineering serv-
 10 ices and construction design activities with respect to the
 11 construction or improvement of family housing units in an
 12 amount not to exceed \$4,368,000.

13 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 14 **UNITS.**

15 Subject to section 2825 of title 10, United States
 16 Code, and using amounts appropriated pursuant to the
 17 authorization of appropriations in section 2304(a) and
 18 available for military family housing functions as specified
 19 in the funding table in section 4601, the Secretary of the

1 Air Force may improve existing military family housing
2 units in an amount not to exceed \$56,984,000.

3 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
4 **FORCE.**

5 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
6 are hereby authorized to be appropriated for fiscal years
7 beginning after September 30, 2016, for military con-
8 struction, land acquisition, and military family housing
9 functions of the Department of the Air Force, as specified
10 in the funding table in section 4601.

11 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
12 PROJECTS.—Notwithstanding the cost variations author-
13 ized by section 2853 of title 10, United States Code, and
14 any other cost variation authorized by law, the total cost
15 of all projects carried out under section 2301 may not ex-
16 ceed the total amount authorized to be appropriated under
17 subsection (a), as specified in the funding table in section
18 4601.

19 **SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT**
20 **CERTAIN FISCAL YEAR 2016 PROJECT.**

21 In the case of the authorization contained in the table
22 in section 2301(a) of the Military Construction Authoriza-
23 tion Act for Fiscal Year 2016 (division B of Public Law
24 114–92; 129 Stat. 1152) for Malmstrom Air Force Base,
25 Montana, for construction of a Tactical Response Force

1 Alert Facility at the installation, the Secretary of the Air
 2 Force may construct an emergency power generator sys-
 3 tem consistent with the Air Force’s construction guide-
 4 lines.

5 **SEC. 2306. EXTENSION OF AUTHORIZATION OF CERTAIN**
 6 **FISCAL YEAR 2013 PROJECT.**

7 (a) EXTENSION.—Notwithstanding section 2002 of
 8 the Military Construction Authorization Act for Fiscal
 9 Year 2013 (division B of Public Law 112–239; 126 Stat.
 10 2118), the authorization set forth in the table in sub-
 11 section (b), as provided in section 2301 of that Act (126
 12 Stat. 2126) and extended by section 2309 of the Military
 13 Construction Authorization Act for Fiscal Year 2016 (di-
 14 vision B of Public Law 114–92; 129 Stat. 1155), shall
 15 remain in effect until October 1, 2017, or the date of the
 16 enactment of an Act authorizing funds for military con-
 17 struction for fiscal year 2018, whichever is later.

18 (b) TABLE.—The table referred to in subsection (a)
 19 is as follows:

Air Force: Extension of 2013 Project Authorization

State/Country	Installation or Lo- cation	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**

22 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
23 **TION AND LAND ACQUISITION PROJECTS.**

24 (a) **INSIDE THE UNITED STATES.**—Using amounts
25 appropriated pursuant to the authorization of appropria-

1 tions in section 2403(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 De-
 4 fense may acquire real property and carry out military
 5 construction projects for the installations or locations in-
 6 side the United States, and in the amounts, set forth in
 7 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
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

8 (b) OUTSIDE THE UNITED STATES.—Using amounts
 9 appropriated pursuant to the authorization of appropria-
 10 tions in section 2403(a) and available for military con-
 11 struction projects outside the United States as specified
 12 in the funding table in section 4601, the Secretary of De-
 13 fense may acquire real property and carry out military
 14 construction projects for the installations or locations out-
 15 side the United States, and in the amounts, set forth in
 16 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

1 **SEC. 2402. AUTHORIZED ENERGY CONSERVATION**
2 **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 energy conserva-
6 tion projects as specified in the funding table in section
7 4601, the Secretary of Defense may carry out energy con-
8 servation projects under chapter 173 of title 10, United
9 States Code, in the amount set forth in the 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

10 (b) **OUTSIDE THE UNITED STATES.**—Using amounts
11 appropriated pursuant to the authorization of appropria-
12 tions in section 2403(a) and available for energy conserva-
13 tion projects outside the United States as specified in the

1 funding table in section 4601, the Secretary of Defense
 2 may carry out energy conservation projects under chapter
 3 173 of title 10, United States Code, for the installations
 4 or locations outside the United States, and in the
 5 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

6 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**
 7 **FENSE AGENCIES.**

8 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
 9 are hereby authorized to be appropriated for fiscal years
 10 beginning after September 30, 2016, for military con-
 11 struction, land acquisition, and military family housing
 12 functions of the Department of Defense (other than the
 13 military departments), as specified in the funding table
 14 in section 4601.

15 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
 16 PROJECTS.—Notwithstanding the cost variations author-
 17 ized by section 2853 of title 10, United States Code, and
 18 any other cost variation authorized by law, the total cost
 19 of all projects carried out under section 2401 of this Act
 20 may not exceed the total amount authorized to be appro-

1 priated under subsection (a), as specified in the funding
2 table in section 4601.

3 **SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT**
4 **CERTAIN FISCAL YEAR 2014 PROJECT.**

5 In the case of the authorization in the table in section
6 2401(b) of the Military Construction Authorization Act
7 for Fiscal Year 2014 (division B of Public Law 113–66;
8 127 Stat. 996), for Royal Air Force Lakenheath, United
9 Kingdom, for construction of a high school, the Secretary
10 of Defense may construct a combined middle/high school.

11 **SEC. 2405. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
12 **FISCAL YEAR 2013 PROJECTS.**

13 (a) EXTENSION.—Notwithstanding section 2002 of
14 the Military Construction Authorization Act for Fiscal
15 Year 2013 (division B of Public Law 112–239; 126 Stat.
16 2118), the authorizations set forth in the table in sub-
17 section (b), as provided in section 2401 of that Act (126
18 Stat. 2127), as amended by section 2406(a) of the Mili-
19 tary Construction Authorization Act for Fiscal Year 2016
20 (division B of Public Law 114–92; 129 Stat. 1160), shall
21 remain in effect until October 1, 2017, or the date of the
22 enactment of an Act authorizing funds for military con-
23 struction for fiscal year 2018, whichever is later.

24 (b) TABLE.—The table referred to in subsection (a)
25 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

1 **SEC. 2406. 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 2401 of that Act (127
8 Stat. 995), 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:

Defense Agencies: Extension of 2014 Project Authorizations

State/Country	Installation or Location	Project	Amount
California	Brawley	SOF Desert Warfare Training Center ...	\$23,095,000
Germany	Kaiserslautern	Replace Kaiserslautern Elementary School ..	\$49,907,000
	Ramstein Air Base ..	Replace Ramstein High School	\$98,762,000
Hawaii	Joint Base Pearl Harbor-Hickam.	DISA Pacific Facility Upgrade	\$2,615,000
Massachusetts	Hanscom Air Force Base.	Replace Hanscom Primary School	\$36,213,000
United Kingdom	RAF Lakenheath	Replace Lakenheath High School	\$69,638,000
Virginia	MCB Quantico	Replace Quantico Middle/High School	\$40,586,000
	Pentagon	PFFPA Support Operations Center	\$14,800,000

Defense Agencies: Extension of 2014 Project Authorizations—
Continued

State/Country	Installation or Location	Project	Amount
	Pentagon	Raven Rock Administrative Facility Upgrade	\$32,000,000
	Pentagon	Boundary Channel Access Control Point	\$6,700,000

1 **TITLE XXV—NORTH ATLANTIC**
2 **TREATY ORGANIZATION SE-**
3 **CURITY INVESTMENT PRO-**
4 **GRAM**

5 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
6 **ACQUISITION PROJECTS.**

7 The Secretary of Defense may make contributions for
8 the North Atlantic Treaty Organization Security Invest-
9 ment Program as provided in section 2806 of title 10,
10 United States Code, in an amount not to exceed the sum
11 of the amount authorized to be appropriated for this pur-
12 pose in section 2502 and the amount collected from the
13 North Atlantic Treaty Organization as a result of con-
14 struction previously financed by the United States.

15 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

16 Funds are hereby authorized to be appropriated for
17 fiscal years beginning after September 30, 2016, for con-
18 tributions by the Secretary of Defense under section 2806
19 of title 10, United States Code, for the share of the United
20 States of the cost of projects for the North Atlantic Treaty

1 Organization Security Investment Program authorized by
 2 section 2501 as specified in the funding table in section
 3 4601.

4 **TITLE XXVI—GUARD AND**
 5 **RESERVE FORCES FACILITIES**
 6 **Subtitle A—Project Authorizations**
 7 **and Authorization of Appropria-**
 8 **tions**

9 **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-**
 10 **STRUCTION AND LAND ACQUISITION**
 11 **PROJECTS.**

12 Using amounts appropriated pursuant to the author-
 13 ization of appropriations in section 2606 and available for
 14 the National Guard and Reserve as specified in the fund-
 15 ing table in section 4601, the Secretary of the Army may
 16 acquire real property and carry out military construction
 17 projects for the Army National Guard locations inside the
 18 United States, and in the amounts, set forth in the fol-
 19 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

1 **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION**
 2 **AND LAND ACQUISITION PROJECTS.**

3 Using amounts appropriated pursuant to the author-
 4 ization of appropriations in section 2606 and available for
 5 the National Guard and Reserve as specified in the fund-
 6 ing table in section 4601, the Secretary of the Army may
 7 acquire real property and carry out military construction
 8 projects for the Army Reserve locations inside the United
 9 States, and in the amounts, set forth in the following
 10 table:

Army Reserve

State	Location	Amount
Arizona	Phoenix	\$30,000,000
California	Barstow	\$29,000,000
	Camp Parks	\$19,000,000
	Fort Hunter Liggett	\$21,500,000
Virginia	Dublin	\$6,000,000
Washington	Joint Base Lewis-McChord	\$27,500,000
Wisconsin	Fort McCoy	\$11,400,000

11 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE**
 12 **CORPS RESERVE CONSTRUCTION AND LAND**
 13 **ACQUISITION PROJECTS.**

14 Using amounts appropriated pursuant to the author-
 15 ization of appropriations in section 2606 and available for
 16 the National Guard and Reserve as specified in the fund-
 17 ing table in section 4601, the Secretary of the Navy may
 18 acquire real property and carry out military construction
 19 projects for the Navy Reserve and Marine Corps Reserve
 20 locations inside the United States, and in the amounts,
 21 set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Louisiana	New Orleans	\$11,207,000
New York	Brooklyn	\$1,964,000
.....	Syracuse	\$13,229,000
Texas	Galveston	\$8,414,000

1 SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

2
 3 Using amounts appropriated pursuant to the author-
 4 ization of appropriations in section 2606 and available for
 5 the National Guard and Reserve as specified in the fund-
 6 ing table in section 4601, the Secretary of the Air Force
 7 may acquire real property and carry out military construc-
 8 tion projects for the Air National Guard locations inside
 9 the United States, and in the amounts, set forth in the
 10 following table:

Air National Guard

State	Location	Amount
Connecticut	Bradley 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 ANGS	\$8,400,000
Texas	Ellington Field	\$4,500,000
Vermont	Burlington IAP	\$4,500,000

11 SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

12
 13 Using amounts appropriated pursuant to the author-
 14 ization of appropriations in section 2606 and available for
 15 the National Guard and Reserve as specified in the fund-

1 ing table in section 4601, the Secretary of the Air Force
 2 may acquire real property and carry out military construc-
 3 tion projects for the Air Force Reserve locations inside
 4 the United States, and in the amounts, set forth in the
 5 following table:

Air Force Reserve

State	Location	Amount
Guam	Anderson Air Force Base	\$5,200,000
Massachusetts	Westover Air Reserve Base	\$9,200,000
North Carolina	Seymour Johnson Air Force Base	\$97,950,000
Pennsylvania	Pittsburgh IAP	\$85,000,000
Utah	Hill Air Force Base	\$3,050,000

6 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NA-**
 7 **TIONAL GUARD AND RESERVE.**

8 Funds are hereby authorized to be appropriated for
 9 fiscal years beginning after September 30, 2016, for the
 10 costs of acquisition, architectural and engineering services,
 11 and construction of facilities for the Guard and Reserve
 12 Forces, and for contributions therefor, under chapter
 13 1803 of title 10, United States Code (including the cost
 14 of acquisition of land for those facilities), as specified in
 15 the funding table in section 4601.

16 **Subtitle B—Other Matters**

17 **SEC. 2611. MODIFICATION OF AUTHORITY TO CARRY OUT**
 18 **CERTAIN FISCAL YEAR 2014 PROJECT.**

19 In the case of the authorization contained in the table
 20 in section 2602 of the Military Construction Authorization
 21 Act for Fiscal Year 2014 (division B of Public Law 113–

1 66; 127 Stat. 1001) for Bullville, New York, for construc-
2 tion of a new Army Reserve Center at that location, the
3 Secretary of the Army may add to or alter the existing
4 Army Reserve Center at Bullville, New York.

5 **SEC. 2612. MODIFICATION OF AUTHORITY TO CARRY OUT**
6 **CERTAIN FISCAL YEAR 2015 PROJECT.**

7 In the case of the authorization contained in the table
8 in section 2603 of the Military Construction Authorization
9 Act for Fiscal Year 2015 (division B of Public Law 113–
10 291; 128 Stat. 3689) for Pittsburgh, Pennsylvania, for
11 construction of a Reserve Training Center at that location,
12 the Secretary of the Navy may acquire approximately 8.5
13 acres (370,260 square feet) of adjacent land, obtain nec-
14 essary interest in land, and construct road improvements
15 and associated supporting facilities to provide required ac-
16 cess to the Reserve Training Center.

17 **SEC. 2613. MODIFICATION OF AUTHORITY TO CARRY OUT**
18 **CERTAIN FISCAL YEAR 2016 PROJECT.**

19 In the case of the authorization contained in the table
20 in section 2602 of the Military Construction Authorization
21 Act for Fiscal Year 2016 (division B of Public Law 114–
22 92; 129 Stat. 1163) for MacDill Air Force Base, Florida,
23 for construction of an Army Reserve Center/Aviation Sup-
24 port Facility at that location, the Secretary of the Army
25 may relocate and construct replacement skeet and grenade

1 launcher ranges necessary to clear the site for the new
 2 Army Reserve facilities.

3 **SEC. 2614. EXTENSION OF AUTHORIZATION OF CERTAIN**
 4 **FISCAL YEAR 2013 PROJECT.**

5 (a) EXTENSION.—Notwithstanding section 2002 of
 6 the Military Construction Authorization Act for Fiscal
 7 Year 2013 (division B of Public Law 112-239; 126 Stat.
 8 2118), the authorizations set forth in the table in sub-
 9 section (b), as provided in section 2603 of that Act (126
 10 Stat. 2135) and extended by section 2614 of the Military
 11 Construction Authorization Act for Fiscal Year 2016 (di-
 12 vision B of Public Law 114-92; 129 Stat. 1166), shall re-
 13 main in effect until October 1, 2017, or the date of the
 14 enactment of an Act authorizing funds for military con-
 15 struction for fiscal year 2018, whichever is later.

16 (b) TABLE.—The table referred to in subsection (a)
 17 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

18 **SEC. 2615. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 19 **FISCAL YEAR 2014 PROJECTS.**

20 (a) EXTENSION.—Notwithstanding section 2002 of
 21 the Military Construction Authorization Act for Fiscal
 22 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 sections 2602, 2603, 2604, and
 3 2605 of that Act (127 Stat. 1001, 1002), shall remain
 4 in effect until October 1, 2017, or the date of the enact-
 5 ment of an Act authorizing funds for military construction
 6 for fiscal year 2018, whichever is later.

7 (b) TABLE.—The table referred to in subsection (a)
 8 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 Com- plex	\$9,800,000
Maryland	Fort Meade	175th Network War- fare Squadron Fa- cility	\$4,000,000
.....	Martin State Airport	Cyber/ISR Facility ...	\$8,000,000
New York	Bullville	Army Reserve Center	\$14,500,000

9 **TITLE XXVII—BASE REALIGN-**
 10 **MENT AND CLOSURE ACTIVI-**
 11 **TIES**

12 **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR**
 13 **BASE REALIGNMENT AND CLOSURE ACTIVI-**
 14 **TIES FUNDED THROUGH DEPARTMENT OF**
 15 **DEFENSE BASE CLOSURE ACCOUNT.**

16 Funds are hereby authorized to be appropriated for
 17 fiscal years beginning after September 30, 2016, for base
 18 realignment and closure activities, including real property

1 acquisition and military construction projects, as author-
2 ized by the Defense Base Closure and Realignment Act
3 of 1990 (part A of title XXIX of Public Law 101-510;
4 10 U.S.C. 2687 note) and funded through the Department
5 of Defense Base Closure Account established by section
6 2906 of such Act (as amended by section 2711 of the Mili-
7 tary Construction Authorization Act for Fiscal Year 2013
8 (division B of Public Law 112-239; 126 Stat. 2140)), as
9 specified in the funding table in section 4601.

10 **SEC. 2702. PROHIBITION ON CONDUCTING ADDITIONAL**
11 **BASE REALIGNMENT AND CLOSURE (BRAC)**
12 **ROUND.**

13 Nothing in this Act shall be construed to authorize
14 an additional Base Realignment and Closure (BRAC)
15 round. Nothing in the previous sentence shall be construed
16 to affect the authority of the Secretary of Defense to com-
17 ply with any requirement under law, or with any request
18 of a congressional defense committee, to conduct an anal-
19 ysis, study, or report of the infrastructure needs of the
20 Department of Defense, including the infrastructure in-
21 ventory required to be prepared under section 2815(a)(2)
22 of the National Defense Authorization Act for Fiscal Year
23 2016 (Public Law 114-92; 129 Stat. 1175).

1 **TITLE XXVIII—MILITARY CON-**
2 **STRUCTION GENERAL PROVI-**
3 **SIONS**

4 **Subtitle A—Military Construction**
5 **Program and Military Family**
6 **Housing**

7 **SEC. 2801. MODIFICATION OF CRITERIA FOR TREATMENT**
8 **OF LABORATORY REVITALIZATION PROJECTS**
9 **AS MINOR MILITARY CONSTRUCTION**
10 **PROJECTS.**

11 (a) INCREASE IN THRESHOLD.—Section 2805(d) of
12 title 10, United States Code, is amended by striking
13 “\$4,000,000” each place it appears in paragraph (1)(A),
14 (1)(B), and (2) and inserting “\$6,000,000”.

15 (b) NOTICE REQUIREMENTS.—Section 2805(d) of
16 such title is amended—

17 (1) by striking the second sentence of para-
18 graph (2); and

19 (2) by amending paragraph (3) to read as fol-
20 lows:

21 “(3) If the Secretary concerned makes a decision to
22 carry out an unspecified minor military construction
23 project to which this subsection applies, the Secretary con-
24 cerned shall notify in writing the appropriate committees
25 of Congress of that decision, of the justification for the

1 project, and of the estimated cost of the project. The
2 project may then be carried out only after the end of the
3 21-day period beginning on the date the notification is re-
4 ceived by the committees or, if earlier, the end of the 14-
5 day period beginning on the date on which a copy of the
6 notification is provided in an electronic medium pursuant
7 to section 480 of this title.”.

8 (c) REPEAL OF SUNSET.—Section 2805(d) of such
9 title is amended by striking paragraph (5).

10 **SEC. 2802. CLASSIFICATION OF FACILITY CONVERSION**
11 **PROJECTS AS REPAIR PROJECTS.**

12 Subsection (e) of section 2811 of title 10, United
13 States Code, is amended to read as follows:

14 “(e) REPAIR PROJECT DEFINED.—In this section,
15 the term ‘repair project’ means a project—

16 “(1) to restore a real property facility, system,
17 or component to such a condition that it may effec-
18 tively be used for its designated functional purpose;
19 or

20 “(2) to convert a real property facility, system,
21 or component to a new functional purpose without
22 increasing its external dimensions.”.

1 **SEC. 2803. EXTENSION OF TEMPORARY, LIMITED AUTHOR-**
2 **ITY TO USE OPERATION AND MAINTENANCE**
3 **FUNDS FOR CONSTRUCTION PROJECTS OUT-**
4 **SIDE THE UNITED STATES.**

5 (a) **EXTENSION OF AUTHORITY.**—Subsection (h) of
6 section 2808 of the Military Construction Authorization
7 Act for Fiscal Year 2004 (division B of Public Law 108–
8 136; 117 Stat. 1723), as most recently amended by sec-
9 tion 2802 of the Military Construction Authorization Act
10 for Fiscal Year 2016 (division B of Public Law 114–92;
11 129 Stat. XXXX), is amended—

12 (1) in paragraph (1), by striking “December
13 31, 2016” and inserting “December 31, 2017”; and

14 (2) in paragraph (2), by striking “fiscal year
15 2017” and inserting “fiscal year 2018”.

16 (b) **LIMITATION ON USE OF AUTHORITY.**—Sub-
17 section (c)(1) of such section is amended—

18 (1) by striking “October 1, 2015” and inserting
19 “October 1, 2016”;

20 (2) by striking “December 31, 2016” and in-
21 sserting “December 31, 2017”; and

22 (3) by striking “fiscal year 2017” and inserting
23 “fiscal year 2018”.

1 **SEC. 2804. EXTENSION OF TEMPORARY AUTHORITY FOR**
2 **ACCEPTANCE AND USE OF CONTRIBUTIONS**
3 **FOR CERTAIN CONSTRUCTION, MAINTENANCE,**
4 **AND REPAIR PROJECTS MUTUALLY**
5 **BENEFICIAL TO THE DEPARTMENT OF DE-**
6 **FENSE AND KUWAIT MILITARY FORCES.**

7 Section 2804(f) of the National Defense Authoriza-
8 tion Act for Fiscal Year 2016 (Public Law 114–92; 129
9 Stat. 1171; 10 U.S.C. 2350j note) is amended by striking
10 “September 30, 2020” and inserting “September 30,
11 2025”.

12 **SEC. 2805. NOTICE AND REPORTING REQUIREMENTS FOR**
13 **ENERGY CONSERVATION CONSTRUCTION**
14 **PROJECTS.**

15 (a) CONTENTS OF NOTIFICATIONS.—

16 (1) CONTENTS.—Section 2914(b) of title 10,
17 United States Code, is amended by striking the pe-
18 riod at the end of the first sentence and inserting
19 the following: “, and shall include in the notification
20 the justification and current cost estimate for the
21 project, the expected savings to investment ratio and
22 simple payback estimates, and the project’s measure-
23 ment and validation plan and costs.”.

24 (2) EFFECTIVE DATE.—The amendment made
25 by paragraph (1) shall apply with respect to notifica-

1 tions provided during fiscal year 2017 or any suc-
2 ceeding fiscal year.

3 (b) ANNUAL REPORT.—Section 2914 of such title is
4 amended by adding at the end the following new sub-
5 section:

6 “(c) ANNUAL REPORT.—Not later than 90 days after
7 the end of each fiscal year (beginning with fiscal year
8 2017), the Secretary of Defense shall submit to the appro-
9 priate committees of Congress a report on the status of
10 the projects carried out under this section (including com-
11 pleted projects), and shall include in the report with re-
12 spect to each such project the following information:

13 “(1) The title, location, and a brief description
14 of the scope of work.

15 “(2) The original cost estimate and expected
16 savings to investment ratio and simple payback esti-
17 mates, and the original measurement and validation
18 plan and costs.

19 “(3) The most recent cost estimate and ex-
20 pected savings to investment ratio and simple pay-
21 back estimates, and the most recent version of the
22 measurement and validation plan and costs.

23 “(4) Such other information as the Secretary
24 considers appropriate.”.

1 **SEC. 2806. ADDITIONAL ENTITIES ELIGIBLE FOR PARTICI-**
2 **PATION IN DEFENSE LABORATORY MOD-**
3 **ERNIZATION PILOT PROGRAM.**

4 Section 2803(a) of the National Defense Authoriza-
5 tion Act for Fiscal Year 2016 (Public Law 114–92; 129
6 Stat. 1169; 10 U.S.C. 2358 note) is amended by adding
7 by adding at the end the following:

8 “(4) A Department of Defense research, devel-
9 opment, test, and evaluation facility that is not des-
10 ignated as a Science and Technology Reinvention
11 Laboratory, but nonetheless is involved with develop-
12 mental test and evaluation.”.

13 **SEC. 2807. SENSE OF CONGRESS ON MAXIMIZING NUMBER**
14 **OF VETERANS EMPLOYED ON MILITARY CON-**
15 **STRUCTION PROJECTS.**

16 It is the sense of Congress that, when practical and
17 cost-effective, the Department of Defense should seek
18 ways to maximize the number of veterans employed on
19 military construction projects (as defined in section 2801
20 of title 10, United States Code).

1 **Subtitle B—Real Property and**
2 **Facilities Administration**

3 **SEC. 2811. CONGRESSIONAL NOTIFICATION FOR IN-KIND**
4 **CONTRIBUTIONS FOR OVERSEAS MILITARY**
5 **CONSTRUCTION PROJECTS.**

6 (a) NOTIFICATION REQUIREMENT.—Subsection (f) of
7 section 2687a of title 10, United States Code, is amended
8 to read as follows:

9 “(f) CONGRESSIONAL OVERSIGHT OF PAYMENT IN-
10 KIND AND IN-KIND CONTRIBUTIONS FOR OVERSEAS
11 PROJECTS.—(1) In the event the Secretary of Defense ac-
12 cepts a military construction project to be built for De-
13 partment of Defense personnel outside the United States
14 as a payment-in-kind or an in-kind contribution required
15 by a bilateral agreement with a host country, the Sec-
16 retary of Defense shall submit to the congressional defense
17 committees a written notification at least 30 days before
18 the initiation date for any such military construction
19 project.

20 “(2) A notification under paragraph (1) with respect
21 to a proposed military construction project shall include
22 the following:

23 “(A) The requirements for, and purpose and
24 description of, the proposed project.

25 “(B) The cost of the proposed project.

1 “(C) The scope of the proposed project.

2 “(D) The schedule for the proposed project.

3 “(E) Such other details as the Secretary con-
4 siders relevant.”.

5 (b) CONFORMING AMENDMENT.—Section 2802 of
6 such title is amended by striking subsection (d).

7 (c) REPEAL.—Section 2803 of the Carl Levin and
8 Howard “Buck” McKeon National Defense Authorization
9 Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat.
10 3696) is repealed, and the provisions of law amended by
11 subsections (a) and (b) of that section shall be restored
12 as if such section had not been enacted into law.

13 **SEC. 2812. PROHIBITION ON USE OF MILITARY INSTALLA-**
14 **TIONS TO HOUSE UNACCOMPANIED ALIEN**
15 **CHILDREN.**

16 (a) PROHIBITION.—A military installation may not
17 be used to house any unaccompanied alien child.

18 (b) DEFINITIONS.—In this section:

19 (1) The term “military installation” has the
20 meaning given that term in section 2801(c)(4) of
21 title 10, United States Code, but does not include an
22 installation located outside of the United States.

23 (2) The term “unaccompanied alien child” has
24 the meaning given such term in section 462(g)(2) of

1 the Homeland Security Act of 2002 (6 U.S.C.
2 279(g)(2)).

3 **SEC. 2813. ALLOTMENT OF SPACE AND PROVISION OF**
4 **SERVICES TO WIC OFFICES OPERATING ON**
5 **MILITARY INSTALLATIONS.**

6 (a) ALLOTMENT OF SPACE AND PROVISION OF SERV-
7 ICES AUTHORIZED.—Chapter 152 of title 10, United
8 States Code, is amended by inserting after section 2566
9 the following new section:

10 **“§ 2567. Space and services: provision to WIC offices**

11 “(a) ALLOTMENT OF SPACE AND PROVISION OF
12 SERVICES AUTHORIZED.—Upon application by a WIC of-
13 fice, the Secretary of a military department may allot
14 space on a military installation under the jurisdiction of
15 the Secretary to the WIC office without charge for rent
16 or services if the Secretary determines that—

17 “(1) the WIC office provides or will provide
18 services solely to members of the armed forces as-
19 signed to the installation, civilian employees of the
20 Department of Defense employed at the installation,
21 or dependents of such members or employees;

22 “(2) space is available on the installation;

23 “(3) operation of the WIC office will not hinder
24 military mission requirements; and

1 “(4) the security situation at the installation
2 permits the presence of a non-Federal entity on the
3 installation.

4 “(b) DEFINITIONS.—In this section:

5 “(1) The term ‘services’ includes the provision
6 of lighting, heating, cooling, and electricity.

7 “(2) The term ‘WIC office’ means a local agen-
8 cy (as defined in subsection (b)(6) of section 17 of
9 the Child Nutrition Act of 1966 (42 U.S.C. 1786))
10 that participates in the special supplemental nutri-
11 tion program for women, infants, and children under
12 such section.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of chapter 152 of title 10, United States
15 Code, is amended by inserting after the item relating to
16 section 2566 the following new item:

“2567. Space and services: provision to WIC offices”.

17 **SEC. 2814. SENSE OF CONGRESS REGARDING NEED TO CON-**
18 **SULT WITH STATE AND LOCAL OFFICIALS**
19 **PRIOR TO ACQUISITIONS OF REAL PROP-**
20 **ERTY.**

21 (a) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that, prior to acquiring real property in a State for
23 use of the Department of Defense (including through pur-
24 chase, lease, or any other arrangement), the Secretary of
25 Defense or the Secretary of the military department con-

1 cerned should consult with the chief executive of the State
2 and representatives of units of local government with ju-
3 risdiction over the property, with the goal of resolving po-
4 tential conflicts regarding the use of the property before
5 such conflicts arise.

6 (b) STATE DEFINED.—In this section, the term
7 “State” means each of the several States, the District of
8 Columbia, the Commonwealth of Puerto Rico, American
9 Samoa, Guam, the United States Virgin Islands, and the
10 Commonwealth of the Northern Mariana Islands.

11 **SEC. 2815. SENSE OF CONGRESS REGARDING INCLUSION**
12 **OF STORMWATER SYSTEMS AND COMPO-**
13 **NENTS WITHIN THE MEANING OF “WASTE-**
14 **WATER SYSTEM” UNDER THE DEPARTMENT**
15 **OF DEFENSE AUTHORITY FOR CONVEYANCE**
16 **OF UTILITY SYSTEMS.**

17 It is the sense of Congress that the reference to a
18 system for the collection or treatment of wastewater in the
19 definition of “utility system” in section 2688 of title 10,
20 United States Code, which authorizes the Department of
21 Defense to convey utility systems, includes stormwater
22 systems and components.

1 **SEC. 2816. ASSESSMENT OF PUBLIC SCHOOLS ON DEPART-**
2 **MENT OF DEFENSE INSTALLATIONS.**

3 Not later than one year 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 that in-
6 cludes an update of the July 2011 assessment on the con-
7 dition and capacity of elementary and secondary public
8 schools on military installations, including consideration
9 for—

10 (1) schools that have had changes in their con-
11 dition or capacity since the original assessment; and

12 (2) schools that may have been inadvertently
13 omitted from the original assessment.

14 **SEC. 2817. IMPROVED PROCESS FOR DISPOSAL OF DEPART-**
15 **MENT OF DEFENSE SURPLUS REAL PROP-**
16 **ERTY LOCATED OVERSEAS.**

17 (a) PETITION TO ACQUIRE SURPLUS PROPERTY.—
18 2687a of title 10, United States Code, is amended—

19 (1) by redesignating subsection (g) as sub-
20 section (h); and

21 (2) by inserting after subsection (f) the fol-
22 lowing new subsection:

23 “(g) PETITION PROCESS FOR DISPOSAL OF OVER-
24 SEAS SURPLUS REAL PROPERTY.—(1) The Secretary of
25 Defense shall establish a process by which a foreign gov-
26 ernment may request the transfer of surplus real property

1 or improvements under the jurisdiction of the Department
2 of Defense in the foreign country.

3 “(2) Upon the receipt of a petition under this sub-
4 section, the Secretary shall determine within 90 days
5 whether the property or improvement subject to the peti-
6 tion is surplus. If surplus, the Secretary shall seek to enter
7 into an agreement with the foreign government within one
8 year for the disposal of the property.

9 “(3) If real property or an improvement is deter-
10 mined not to be surplus, the Secretary shall not be obli-
11 gated to consider another petition involving the same
12 property or improvement for five years beginning on the
13 date on which the initial determination was made.”.

14 (b) ADDITIONAL USE OF DEPARTMENT OF DEFENSE
15 OVERSEAS MILITARY FACILITY INVESTMENT RECOVERY
16 ACCOUNT.—Section 2687a(b) of title 10, United States
17 Code, is amended—

18 (1) in paragraph (1), by inserting “property
19 disposal agreement,” after “forces agreement,”; and

20 (2) in paragraph (2)—

21 (A) by striking “and” at the end of sub-
22 paragraph (A);

23 (B) by striking the period at the end of
24 subparagraph (B) and inserting “; and”; and

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

3 “(C) military readiness programs.”.

4 (c) REPORTING REQUIREMENT.—Section 2687a(a)
5 of title 10, United States Code, is amended by adding at
6 the end the following new paragraph:

7 “(3) A report under paragraph (1) also shall specify
8 the following:

9 “(A) The number of petitions received under
10 subsection (g) from foreign governments requesting
11 the transfer of surplus real property or improve-
12 ments under the jurisdiction of the Department of
13 Defense overseas.

14 “(B) The status of each petition, including
15 whether reviewed, denied, or granted.

16 “(C) The implementation status of each grant-
17 ed petition.”.

1 **Subtitle C—Provision Related to**
2 **Asia-Pacific Military Realignment**

3 **SEC. 2821. LIMITED EXCEPTIONS TO RESTRICTION ON DE-**
4 **VELOPMENT OF PUBLIC INFRASTRUCTURE**
5 **IN CONNECTION WITH REALIGNMENT OF MA-**
6 **RINE CORPS FORCES IN ASIA-PACIFIC RE-**
7 **GION.**

8 (a) REVISION.—Notwithstanding section 2821(b) of
9 the Military Construction Authorization Act for Fiscal
10 Year 2015 (division B of Public Law 113–291; 128 Stat.
11 3701), the Secretary of Defense may proceed with a public
12 infrastructure project on Guam which is described in sub-
13 section (b) if—

14 (1) the project was identified in the report pre-
15 pared by the Secretary of Defense under section
16 2822(d)(2) of the Military Construction Authoriza-
17 tion Act for Fiscal Year 2014 (division B of Public
18 Law 113–66; 127 Stat. 1017); and

19 (2) amounts have been appropriated or made
20 available to be expended by the Department of De-
21 fense for the project.

22 (b) PROJECTS DESCRIBED.—A project described in
23 this subsection is any of the following:

24 (1) A project intended to improve water and
25 wastewater systems.

1 (2) A project intended to improve curation of
2 archeological and cultural artifacts.

3 (3) A project intended to improve the control
4 and containment of public health threats.

5 (c) REPEAL OF SUPERSEDED LAW.—Section 2821 of
6 the Military Construction Authorization Act for Fiscal
7 Year 2016 (division B of Public Law 114–92; 129 Stat.
8 1177) is repealed.

9 **Subtitle D—Land Conveyances**

10 **SEC. 2831. LAND CONVEYANCES, HIGH FREQUENCY ACTIVE**

11 **AURORAL RESEARCH PROGRAM FACILITY**

12 **AND ADJACENT PROPERTY, GAKONA, ALAS-**

13 **KA.**

14 (a) CONVEYANCES AUTHORIZED.—

15 (1) CONVEYANCE TO UNIVERSITY OF ALAS-
16 KA.—The Secretary of the Air Force may convey to
17 the University of Alaska (in this section referred to
18 as the “University”) all right, title, and interest of
19 the United States in and to a parcel of real prop-
20 erty, including improvements thereon, consisting of
21 approximately 1,158 acres near the Gulkana Village,
22 Alaska, which were purchased by the Secretary of
23 the Air Force from Ahtna, Incorporated, in January
24 1989, contain a High Frequency Active Auroral Re-
25 search Program facility, and comprise a portion of

1 the property more particularly described in sub-
2 section (b), for the purpose of permitting the Uni-
3 versity to use the conveyed property for public pur-
4 poses.

5 (2) CONVEYANCE TO ALASKA NATIVE CORPORA-
6 TION.—The Secretary of the Air Force may convey
7 to the Ahtna, Incorporated, (in this section referred
8 to as “Ahtna”), all right, title, and interest of the
9 United States in and to a parcel of real property, in-
10 cluding improvements thereon, consisting of approxi-
11 mately 4,259 acres near Gulkana Village, Alaska,
12 which were purchased by the Secretary of the Air
13 Force from Ahtna, Incorporated, in January 1989
14 and comprise the portion of the property more par-
15 ticularly described in subsection (b) that does not
16 contain the High Frequency Active Auroral Re-
17 search Program facility. The property to be con-
18 veyed under this paragraph does not include any of
19 the property authorized for conveyance to the Uni-
20 versity under paragraph (1).

21 (b) PROPERTY DESCRIBED.—Subject to the property
22 exclusions specified in subsection (c), the real property au-
23 thorized for conveyance under subsection (a) consists of
24 portions of sections within township 7 north, range 1 east;
25 township 7 north, range 2 east; township 8 north, range

1 1 east; and township 8 north, range 2 east; Copper River
2 Meridian, Chitina Recording District, Third Judicial Dis-
3 trict, State of Alaska, as follows:

4 (1) Township 7 north, range 1 east:

5 (A) Section 1.

6 (B) $E^{1/2}$, $S^{1/2}NW^{1/4}$, $SW^{1/4}$ of section

7 2.

8 (C) $S^{1/2}SE^{1/4}$, $NE^{1/4}SE^{1/4}$ of section 3.

9 (D) $E^{1/2}$ of section 10.

10 (E) Sections 11 and 12.

11 (F) That portion of $N^{1/2}$, $N^{1/2}S^{1/2}$ of sec-
12 tion 13, excluding all lands lying southerly and
13 easterly of the Glenn Highway right-of-way.

14 (G) $N^{1/2}$, $N^{1/2}S^{1/2}$ of section 14.

15 (H) $NE^{1/4}$, $NE^{1/4}SE^{1/4}$ of section 15.

16 (2) Township 7 north, range 2 east:

17 (A) $W^{1/2}$ of section 6.

18 (B) $NW^{1/4}$ of section 7, and the portion of
19 $N^{1/2}SW^{1/4}$ and $NW^{1/4}SE^{1/4}$ of such section lying
20 northerly of the Glenn Highway right-of-way.

21 (3) Township 8 north, range 1 east:

22 (A) $SE^{1/4}SE^{1/4}$ of section 35.

23 (B) $E^{1/2}$, $SW^{1/4}$, $SE^{1/4}NW^{1/4}$ of section

24 36.

25 (4) Township 8 north, range 2 east:

1 (A) W¹/₂ of section 31.

2 (c) EXCLUSION OF CERTAIN PROPERTY.—The real
3 property authorized for conveyance under subsection (a)
4 may not include the following:

5 (1) Public easements reserved pursuant to sec-
6 tion 17(b) of the Alaska Native Claims Settlement
7 Act (43 U.S.C. 1616(b)), as described in the War-
8 ranty Deed from Ahtna, Incorporated, to the United
9 States, dated March 1, 1990, recorded in Book 31,
10 pages 665 through 668 in the Chitina Recording
11 District, Third Judicial District, Alaska.

12 (2) Easement for an existing trail as described
13 in the such Warranty Deed from Ahtna, Incor-
14 porated, to the United States.

15 (3) The subsurface estate.

16 (d) CONSIDERATION.—

17 (1) CONVEYANCE TO UNIVERSITY.—As consid-
18 eration for the conveyance of property under sub-
19 section (a)(1), the University shall provide the
20 United States with consideration in an amount that
21 is acceptable to the Secretary of the Air Force,
22 whether in the form of cash payment, in-kind con-
23 sideration, or a combination thereof.

24 (2) CONVEYANCE TO AHTNA.—As consideration
25 for the conveyance of property under subsection

1 (a)(2), Ahtna shall provide the United States with
2 consideration in an amount that is acceptable to the
3 Secretary, whether in the form of cash payment, in-
4 kind consideration, a land exchange under the Alas-
5 ka Native Claims Settlement Act (43 U.S.C. 1601 et
6 seq), or a combination thereof.

7 (3) TREATMENT OF CASH CONSIDERATION RE-
8 CEIVED.—Any cash payment received by the Sec-
9 retary as consideration for a conveyance under sub-
10 section (a) shall be deposited in the special account
11 in the Treasury established under subsection (b) of
12 section 572 of title 40, United States Code, and
13 shall be available in accordance with paragraph
14 (5)(B) of such subsection.

15 (e) REVERSIONARY INTEREST.—If the Secretary of
16 the Air Force determines at any time that the real prop-
17 erty conveyed under subsection (a)(1) is not being used
18 by the University in accordance with the purposes of the
19 conveyance specified in such subsection, all right, title, and
20 interest in and to the land, including any improvements
21 thereto, shall revert, at the option of the Secretary, to and
22 become the property of the United States, and the United
23 States shall have the right of immediate entry onto such
24 land. A determination by the Secretary under this sub-

1 section shall be made on the record after an opportunity
2 for a hearing.

3 (f) PAYMENT OF COSTS OF CONVEYANCE.—

4 (1) PAYMENT REQUIRED.—The Secretary of
5 the Air Force shall require the recipient of real
6 property under this section to cover all costs to be
7 incurred by the Secretary, or to reimburse the Sec-
8 retary for such costs incurred by the Secretary, to
9 carry out the conveyance of that property, including
10 survey costs, costs for environmental documentation,
11 and any other administrative costs related to the
12 conveyance. If amounts are collected in advance of
13 the Secretary incurring the actual costs, and the
14 amount collected exceeds the costs actually incurred
15 by the Secretary to carry out the conveyance, the
16 Secretary shall refund the excess amount to the re-
17 cipient.

18 (2) TREATMENT OF AMOUNTS RECEIVED.—
19 Amounts received under paragraph (1) as reim-
20 bursement for costs incurred by the Secretary to
21 carry out a conveyance under this section shall be
22 credited and made available to the Secretary as pro-
23 vided in section 2695(c) of title 10, United States
24 Code.

1 (g) CONVEYANCE AGREEMENT.—The conveyance of
2 property under this section shall be accomplished using
3 a quit claim deed or other legal instrument and upon
4 terms and conditions mutually satisfactory to the Sec-
5 retary of the Air Force and the recipient of the property,
6 including such additional terms and conditions as the Sec-
7 retary considers appropriate to protect the interests of the
8 United States.

9 **SEC. 2832. LAND CONVEYANCE, CAMPION AIR FORCE**
10 **RADAR STATION, GALENA, ALASKA.**

11 (a) CONVEYANCE AUTHORIZED.—The Secretary of
12 the Air Force may convey, without consideration, to the
13 Town of Galena, Alaska (in this section referred to as the
14 “Town”), all right, title, and interest of the United States
15 in and to public land, including improvements thereon, at
16 the former Campion Air Force Station, Alaska, as further
17 described in subsection (b), for the purpose of permitting
18 the Town to use the conveyed property for public pur-
19 poses. The conveyance under this subsection is subject to
20 valid existing rights.

21 (b) DESCRIPTION OF PROPERTY.—The land to be
22 conveyed under subsection (a) consists of up to approxi-
23 mately 1,300 acres of the remaining land withdrawn under
24 Public Land Order No. 843 of June 24, 1952, and Public
25 Land Order No. 1405 of April 4, 1957, for use by the

1 Secretary of the Air Force as the former Campion Air
2 Force Station. The portions of the former Air Force Sta-
3 tion that are not authorized to be conveyed under sub-
4 section (a) are those portions that are subject to environ-
5 mental land use restrictions or are currently undergoing
6 environmental remediation by the Secretary of the Air
7 Force.

8 (c) MAP AND LEGAL DESCRIPTION.—As soon as
9 practicable after the date of enactment of this Act, the
10 Secretary of the Air Force, in consultation with the Sec-
11 retary of the Interior, shall finalize a map and the legal
12 description of the land to be conveyed under subsection
13 (a). The Secretary of the Air Force may correct any minor
14 errors in the map or the legal description. The map and
15 legal description shall be on file and available for public
16 inspection in the appropriate offices of the Bureau of
17 Land Management.

18 (d) REVERSIONARY INTEREST.—If the Secretary of
19 the Air Force determines at any time that the land con-
20 veyed under subsection (a) is not being used in accordance
21 with the purposes of the conveyance specified in such sub-
22 section, all right, title, and interest in and to the land,
23 including any improvements thereto, shall revert, at the
24 option of the Secretary, to and become the property of
25 the United States, and the United States shall have the

1 right of immediate entry onto such land. A determination
2 by the Secretary under this subsection shall be made on
3 the record after an opportunity for a hearing.

4 (e) CONVEYANCE AGREEMENT.—The conveyance of
5 land under this section shall be accomplished using a quit
6 claim deed or other legal instrument and upon terms and
7 conditions mutually satisfactory to the Secretary of the
8 Air Force, after consulting with the Secretary of the Inte-
9 rior, and the Town, including such additional terms and
10 conditions as the Secretary of the Air Force, after con-
11 sulting with the Secretary of the Interior, considers appro-
12 priate to protect the interests of the United States.

13 (f) PAYMENT OF COSTS OF CONVEYANCE.—

14 (1) PAYMENT REQUIRED.—The Secretary of
15 the Air Force shall require the Town to cover all
16 costs (except costs for environmental remediation of
17 the property) to be incurred by the Secretary of the
18 Air Force and by the Secretary of the Interior, or
19 to reimburse the appropriate Secretary for such
20 costs incurred by the Secretary, to carry out the
21 conveyance under this section, including survey
22 costs, costs for environmental documentation, and
23 any other administrative costs related to the convey-
24 ance. If amounts are collected in advance of the Sec-
25 retary incurring the actual costs, and the amount

1 collected exceeds the costs actually incurred by the
2 Secretary to carry out the conveyance, the appro-
3 priate Secretary shall refund the excess amount to
4 the Town.

5 (2) TREATMENT OF AMOUNTS RECEIVED.—
6 Amounts received under paragraph (1) as reim-
7 bursement for costs incurred by the Secretary of the
8 Air Force or by the Secretary of the Interior to
9 carry out the conveyance under subsection (a) shall
10 be credited to the fund or account that was used to
11 cover the costs incurred by the appropriate Sec-
12 retary in carrying out the conveyance. Amounts so
13 credited shall be merged with amounts in such fund
14 or account and shall be available for the same pur-
15 poses, and subject to the same conditions and limita-
16 tions, as amounts in such fund or account.

17 (g) SUPERSEDCENCE OF PUBLIC LAND ORDERS.—
18 Public Land Order Nos. 843 and 1405 are hereby super-
19 seded, but only insofar as the orders affect the lands con-
20 veyed to the Town under subsection (a).

21 **SEC. 2833. EXCHANGE OF PROPERTY INTERESTS, SAN**
22 **DIEGO UNIFIED PORT DISTRICT, CALI-**
23 **FORNIA.**

24 (a) EXCHANGE OF PROPERTY INTERESTS AUTHOR-
25 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. 2834. 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 any and all exceptions, limita-
16 tions, and conditions specified by the United States in the
17 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. 2835. 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 TERM AND CONDITIONS.**—The Sec-
8 retary of the Army may require such additional terms and
9 conditions in connection with the conveyances under this
10 section as the Secretary considers appropriate to protect
11 the interests of the United States.

12 **SEC. 2836. LAND CONVEYANCE, P-36 WAREHOUSE, COLBERN**
13 **UNITED STATES ARMY RESERVE CENTER, LA-**
14 **REDO, TEXAS.**

15 (a) **CONVEYANCE AUTHORIZED.**—The Secretary of
16 the Army (in this section referred to as the “Secretary”)
17 may convey, without consideration, to the Laredo Commu-
18 nity College (in this section referred to as the “LCC”)
19 all right, title, and interest of the United States in and
20 to the approximately 725 sq. ft. Historic Building, P-36
21 Warehouse, including any improvements thereon, at
22 Colbern United States Army Reserve Center, Laredo, TX,
23 for the purposes of educational use and historic preserva-
24 tion.

25 (b) **PAYMENT OF COSTS OF CONVEYANCE.**—

1 (1) PAYMENT REQUIRED.—The Secretary shall
2 require the LCC to cover costs (except costs for en-
3 vironmental remediation of the property) to be in-
4 curred by the Secretary, or to reimburse the Sec-
5 retary for such costs incurred by the Secretary, to
6 carry out the conveyance under subsection (a), in-
7 cluding survey costs, costs for environmental docu-
8 mentation, and any other administrative costs re-
9 lated to the conveyance. If amounts are collected
10 from the LCC in advance of the Secretary incurring
11 the actual costs, and the amount collected exceeds
12 the costs actually incurred by the Secretary to carry
13 out the conveyance, the Secretary shall refund the
14 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.

3 (d) REVERSIONARY INTEREST.—

4 (1) REVERSION.—If the Secretary determines
5 at any time that the property conveyed under sub-
6 section (a) is not being used in accordance with the
7 purpose of the conveyance specified in subsection
8 (a), all right, title, and interest in and to such prop-
9 erty, including any improvements thereto, shall, at
10 the option of the Secretary, revert to and become the
11 property of the United States, and the United States
12 shall have the right of immediate entry onto such
13 property. A determination by the Secretary under
14 this paragraph shall be made on the record after an
15 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 may require
7 such additional terms and conditions in connection with
8 the conveyance under subsection (a) as the Secretary con-
9 siders appropriate to protect the interests of the United
10 States.

11 (f) **COMPLIANCE WITH ENVIRONMENTAL LAWS.**—
12 Nothing in this section shall be construed to affect or limit
13 the application of, or any obligation to comply with, any
14 environmental law, including the Comprehensive Environ-
15 mental Response, Compensation, and Liability Act of
16 1980 (42 U.S.C. 9601).

17 **SEC. 2837. LAND CONVEYANCE, ST. GEORGE NATIONAL**
18 **GUARD ARMORY, ST. GEORGE, UTAH.**

19 (a) **LAND CONVEYANCE AUTHORIZED.**—The Sec-
20 retary of the Interior may convey, without consideration,
21 to the State of Utah all right, title, and interest of the
22 United States in and to a parcel of public land in St.
23 George, Utah, comprising approximately 70 acres, as de-
24 scribed in Public Land Order 6840 published in the Fed-
25 eral Register on March 29, 1991 (56 Fed. Reg. 13081),

1 and containing the St. George National Guard Armory for
2 the purpose of permitting the Utah National Guard to use
3 the conveyed land for military purposes.

4 (b) TERMINATION OF PRIOR ADMINISTRATIVE AC-
5 TION.—The Public Land Order described in subsection
6 (a), which provided for a 20-year withdrawal of the public
7 land described in the Public Land Order, is withdrawn
8 upon conveyance of the land under this section.

9 (c) DESCRIPTION OF PROPERTY.—The exact acreage
10 and legal description of the property to be conveyed under
11 this section shall be determined by a survey satisfactory
12 to the Secretary of the Interior.

13 (d) CONVEYANCE AGREEMENT.—The conveyance
14 under this section shall be accomplished using a quit claim
15 deed or other legal instrument and upon terms and condi-
16 tions mutually satisfactory to the Secretary of the Interior
17 and the State of Utah, including such additional terms
18 and conditions as the Secretary considers appropriate to
19 protect the interests of the United States.

20 **SEC. 2838. RELEASE OF RESTRICTIONS, RICHLAND INNOVA-**
21 **TION CENTER, RICHLAND, WASHINGTON.**

22 (a) RELEASE AUTHORIZED.—The Secretary of
23 Transportation, acting through the Maritime Adminis-
24 trator and in consultation with the Administrator of Gen-
25 eral Services, may, upon receipt of full consideration as

1 provided in subsection (b), release all remaining right,
2 title, and interest of the United States in and to a parcel
3 of real property, including any improvements thereon, in
4 Richland, Washington, consisting as of the date of the en-
5 actment of this Act of approximately 71.5 acres and con-
6 taining personal and real property, to the Port of Benton
7 (hereafter in this section referred to as the “Port”).

8 (b) CONSIDERATION.—

9 (1) CONSIDERATION REQUIRED.—As consider-
10 ation for the release under subsection (a), the Port
11 shall provide an amount that is acceptable to the
12 Secretary of Transportation, whether by cash pay-
13 ment, in-kind consideration as described under para-
14 graph (2), or a combination thereof, at such time as
15 the Secretary may require. The Secretary may deter-
16 mine the level of acceptable consideration under this
17 paragraph on the basis of the value of the restric-
18 tions released under subsection (a), but only if the
19 value of such restrictions is determined without re-
20 gard to any improvements made by the Port.

21 (2) IN-KIND CONSIDERATION.—In-kind consid-
22 eration provided by the Port under paragraph (1)
23 may include the acquisition, construction, provision,
24 improvement, maintenance, repair, or restoration
25 (including environmental restoration), or combina-

1 tion thereof, of any facility or infrastructure under
2 the jurisdiction of any office of the Federal govern-
3 ment.

4 (3) TREATMENT OF CONSIDERATION RE-
5 CEIVED.—Consideration in the form of cash pay-
6 ment received by the Secretary under paragraph (1)
7 shall be deposited in the separate fund in the Treas-
8 ury described in section 572(a)(1) of title 40, United
9 States Code.

10 (c) PAYMENT OF COST OF RELEASE.—

11 (1) PAYMENT REQUIRED.—The Secretary of
12 Transportation shall require the Port to cover costs
13 to be incurred by the Secretary, or to reimburse the
14 Secretary for such costs incurred by the Secretary,
15 to carry out the release under subsection (a), includ-
16 ing survey costs, costs for environmental documenta-
17 tion related to the release, and any other administra-
18 tive costs related to the release. If amounts are col-
19 lected from the Port in advance of the Secretary in-
20 curring the actual costs, and the amount collected
21 exceeds the costs actually incurred by the Secretary
22 to carry out the release, the Secretary shall refund
23 the excess amount to the Port.

24 (2) TREATMENT OF AMOUNTS RECEIVED.—
25 Amounts received as reimbursement under para-

1 graph (1) shall be credited to the fund or account
2 that was used to cover the costs incurred by the Sec-
3 retary in carrying out the release under subsection
4 (a) or, if the period of availability of obligations for
5 that appropriation has expired, to the appropriations
6 of fund that is currently available to the Secretary
7 for the same purpose. Amounts so credited shall be
8 merged with amounts in such fund or account and
9 shall be available for the same purposes, and subject
10 to the same conditions and limitations, as amounts
11 in such fund or account.

12 (d) DESCRIPTION OF PROPERTY.—The exact acreage
13 and legal description of the real property which is the sub-
14 ject of the release under subsection (a) shall be determined
15 by a survey satisfactory to the Secretary of Transpor-
16 tation.

17 (e) ADDITIONAL TERMS AND CONDITIONS.—The
18 Secretary of Transportation may require such additional
19 terms and conditions in connection with the release under
20 subsection (a) as the Secretary, in consultation with the
21 Administrator of General Services, considers appropriate
22 to protect the interests of the United States.

1 **SEC. 2839. 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 it is determined, through a risk assess-
14 ment performed pursuant to the Comprehensive En-
15 vironmental Response, Compensation, and Liability
16 Act of 1980 (42 U.S.C. 9601 et seq.), that the prop-
17 erty is protective for the proposed use.

18 “(ii) The Secretary of the Army shall not be re-
19 sponsible or liable for any of the following:

20 “(I) The cost of any risk assessment de-
21 scribed in clause (i) or any actions taken in re-
22 sponse to such risk assessment.

23 “(II) Any damages attributable to the use
24 of property for residential or industrial pur-
25 poses as the result of the modification or re-
26 moval of a deed restriction pursuant to clause

1 (i), or the costs of any actions taken in re-
2 sponse to such damages.”.

3 **SEC. 2839A. CLOSURE OF ST. MARYS AIRPORT.**

4 (a) RELEASE OF RESTRICTIONS.—Subject to sub-
5 section (b), the United States, acting through the Admin-
6 istrator of the Federal Aviation Administration, shall re-
7 lease the city of St. Marys, Georgia, from all restrictions,
8 conditions, and limitations on the use, encumbrance, con-
9 veyance, and closure of the St. Marys Airport, to the ex-
10 tent such restrictions, conditions, and limitations are en-
11 forceable by the Administrator.

12 (b) REQUIREMENTS FOR RELEASE OF RESTRIC-
13 TIONS.—The Administrator shall execute the release
14 under subsection (a) once all of the following occurs:

15 (1) The Secretary of the Navy transfers to the
16 Georgia Department of Transportation the amounts
17 described in subsection (c) and requires as an en-
18 forceable condition on such transfer that all funds
19 transferred shall be used only for airport develop-
20 ment (as defined in section 47102 of title 49, United
21 States Code) of a general aviation airport in Geor-
22 gia, consistent with planning efforts conducted by
23 the Administrator and the Georgia Department of
24 Transportation.

1 (2) The city of St. Marys, for consideration as
2 provided for in this section, grants to the United
3 States, under the administrative jurisdiction of the
4 Secretary, a restrictive use easement in the real
5 property used for the St. Marys Airport, as deter-
6 mined acceptable by the Secretary, under such terms
7 and conditions as the Secretary considers necessary
8 to protect the interests of the United States and
9 prohibiting the future use of such property for all
10 aviation-related purposes and any other purposes
11 deemed by the Secretary to be incompatible with the
12 operations, functions, and missions of Naval Sub-
13 marine Base, Kings Bay, Georgia.

14 (3) The Secretary obtains an appraisal to deter-
15 mine the fair market value of the real property used
16 for the St. Marys Airport in the manner described
17 in subsection (c)(1).

18 (4) The Administrator fulfills the obligations
19 under the National Environmental Policy Act of
20 1969 (42 U.S.C. 4321 et seq.) in connection with
21 the release under subsection (a). In carrying out
22 such obligations—

23 (A) the Administrator shall not assume or
24 consider any potential or proposed future rede-

1 velopment of the current St. Marys airport
2 property;

3 (B) any potential new general aviation air-
4 port in Georgia shall be deemed to be not con-
5 nected with the release noted in subsection (a)
6 nor the closure of St. Marys Airport; and

7 (C) any environmental review under the
8 National Environmental Policy Act of 1969 (42
9 U.S.C. 4321 et seq.) for a potential general
10 aviation airport in Georgia shall be considered
11 through an environmental review process sepa-
12 rate and apart from the environmental review
13 made a condition of release by this section.

14 (c) TRANSFER OF AMOUNTS DESCRIBED.—The
15 amounts described in this subsection are the following:

16 (1) An amount equal to the fair market value
17 of the real property of the St. Marys Airport, as de-
18 termined by the Secretary and concurred in by the
19 Administrator, based on an appraisal report and
20 title documentation that—

21 (A) is prepared or adopted by the Sec-
22 retary, and concurred in by the Administrator,
23 not more than 180 days prior to the transfer
24 described in subsection (b)(1); and

1 (B) meets all requirements of Federal law
2 and the appraisal and documentation standards
3 applicable to the acquisition and disposal of real
4 property interests of the United States.

5 (2) An amount equal to the unamortized por-
6 tion of any Federal development grants (including
7 grants available under a State block grant program
8 established pursuant to section 47128 of title 49,
9 United States Code), other than used for the acqui-
10 sition of land, paid to the city of St. Marys for use
11 as the St. Marys Airport.

12 (3) An amount equal to the airport revenues re-
13 maining in the airport account for the St. Marys
14 Airport as of the date of the enactment of this Act
15 and as otherwise due to or received by the city of
16 St. Marys after such date of enactment pursuant to
17 sections 47107(b) and 47133 of title 49, United
18 States Code.

19 (d) AUTHORIZATION FOR TRANSFER OF FUNDS.—
20 Using funds available to the Department of the Navy for
21 operation and maintenance, the Secretary may pay the
22 amounts described in subsection (c) to the Georgia De-
23 partment of Transportation, conditioned as described in
24 subsection (b)(1).

25 (e) ADDITIONAL REQUIREMENTS.—

1 (1) SURVEY.—The exact acreage and legal de-
2 scription of St. Marys Airport shall be determined
3 by a survey satisfactory to the Secretary and con-
4 curred in by the Administrator.

5 (2) PLANNING OF GENERAL AVIATION AIR-
6 PORT.—Any planning effort for the development of
7 a new general aviation airport in southeast Georgia
8 using the amounts described in subsection (c) shall
9 be conducted in coordination with the Secretary, and
10 shall ensure that any such airport does not encroach
11 on the operations, functions, and missions of Naval
12 Submarine Base, Kings Bay, Georgia.

13 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion may be construed to limit the applicability of—

15 (1) the requirements and processes under sec-
16 tion 46319 of title 49, United States Code;

17 (2) the requirements and processes under part
18 157 of title 14, Code of Federal Regulations; or

19 (3) the public notice requirements under section
20 47107(h)(2) of title 49, United States Code.

1 **SEC. 2839B. PROHIBITION ON TRANSFER OF ADMINISTRA-**
2 **TIVE JURISDICTION, PORTION OF ORGAN**
3 **MOUNTAINS AREA, FILLMORE CANYON, NEW**
4 **MEXICO.**

5 The Secretary of Defense may not transfer adminis-
6 trative jurisdiction over the parcel of Federal land de-
7 picted as “Parcel D” on the map entitled “Organ Moun-
8 tains Area - Fillmore Canyon” and dated April 19, 2016
9 from the Department of Defense to the Secretary of the
10 Interior.

11 **Subtitle E—Military Land**
12 **Withdrawals**

13 **SEC. 2841. BUREAU OF LAND MANAGEMENT WITHDRAWN**
14 **MILITARY LANDS UNDER MILITARY LANDS**
15 **WITHDRAWAL ACT OF 1999.**

16 (a) **ELIMINATION OF TERMINATION DATE AND AU-**
17 **THORIZATION FOR TRANSFER OF ADMINISTRATIVE JU-**
18 **RISDICTION.**—Subsection (a) of section 3015 of the Mili-
19 tary Lands Withdrawal Act of 1999 (title XXX of Public
20 Law 106–65; 113 Stat. 892) is amended to read as fol-
21 lows:

22 “(a) **PERMANENT WITHDRAWAL AND RESERVATION;**
23 **EFFECT OF TRANSFER ON WITHDRAWAL.**—The with-
24 drawal and reservation of lands by section 3011 shall ter-
25minate only as follows:

1 “(1) Upon an election by the Secretary of the
2 military department concerned to relinquish any or
3 all of the land withdrawn and reserved by section
4 3011.

5 “(2) Upon a transfer by the Secretary of the
6 Interior, under section 3016 and upon request by
7 the Secretary of the military department concerned,
8 of administrative jurisdiction over the land to the
9 Secretary of the military department concerned.
10 Such a transfer may consist of a portion of the land,
11 in which case the termination of the withdrawal and
12 reservation applies only with respect to the land so
13 transferred.”.

14 (b) **TRANSFER PROCESS AND MANAGEMENT AND**
15 **USE OF LANDS.**—The Military Lands Withdrawal Act of
16 1999 (title XXX of Public Law 106–65) is further amend-
17 ed—

18 (1) by redesignating sections 3022 and 3023 as
19 sections 3027 and 3028, respectively; and

20 (2) by striking sections 3016 through 3021 and
21 inserting the following new sections:

22 **“SEC. 3016. TRANSFER PROCESS.**

23 “(a) **TRANSFER AUTHORIZED.**—The Secretary of the
24 Interior shall, upon the request of the Secretary con-
25 cerned, transfer to the Secretary concerned administrative

1 jurisdiction over the land withdrawn and reserved by sec-
2 tion 3011, or a portion of the land as the Secretary con-
3 cerned may request.

4 “(b) VALID EXISTING RIGHTS.—The transfer of ad-
5 ministrative jurisdiction under subsection (a) shall be sub-
6 ject to any valid existing rights.

7 “(c) TIME FOR CONVEYANCE.—The transfer of ad-
8 ministrative jurisdiction under subsection (a) shall occur
9 pursuant to a schedule agreed upon by the Secretary of
10 the Interior and the Secretary concerned.

11 “(d) MAP AND LEGAL DESCRIPTION.—

12 “(1) PREPARATION AND PUBLICATION.—The
13 Secretary of the Interior shall publish in the Federal
14 Register a legal description of the public land to be
15 transferred under subsection (a).

16 “(2) SUBMISSION TO CONGRESS.—The Sec-
17 retary of the Interior shall file with the Committee
18 on Energy and Natural Resources of the Senate and
19 the Committee on Natural Resources of the House
20 of Representatives—

21 “(A) a copy of the legal description pre-
22 pared under paragraph (1); and

23 “(B) the map referred to in subsection (a).

24 “(3) AVAILABILITY FOR PUBLIC INSPECTION.—
25 Copies of the legal description and map filed under

1 paragraph (2) shall be available for public inspection
2 in the appropriate offices of—

3 “(A) the Bureau of Land Management;

4 “(B) the commanding officer of the instal-
5 lation; and

6 “(C) the Secretary concerned.

7 “(4) FORCE OF LAW.—The legal description
8 and map filed under paragraph (2) shall have the
9 same force and effect as if included in this Act, ex-
10 cept that the Secretary of the Interior may correct
11 clerical and typographical errors in the legal descrip-
12 tion or map.

13 “(5) REIMBURSEMENT OF COSTS.—Any trans-
14 fer entered into pursuant to subsection (a) shall be
15 made without reimbursement, except that the Sec-
16 retary concerned shall reimburse the Secretary of
17 the Interior for any costs incurred by the Secretary
18 of the Interior to prepare the legal description and
19 map under this subsection.

20 **“SEC. 3017. ADMINISTRATION OF TRANSFERRED LAND.**

21 “(a) TREATMENT AND USE OF TRANSFERRED
22 LAND.—Upon the transfer of administrative jurisdiction
23 of land under section 3016—

24 “(1) the land shall be treated as property (as
25 defined in section 102(9) of title 40, United States

1 Code) under the administrative jurisdiction of the
2 Secretary concerned; and

3 “(2) the Secretary concerned shall administer
4 the land for military purposes.

5 “(b) WITHDRAWAL OF MINERAL ESTATE.—Subject
6 to valid existing rights, land for which the administrative
7 jurisdiction is transferred under section 3016 is with-
8 drawn from all forms of appropriation under the public
9 land laws, including the mining laws, the mineral leasing
10 laws, and the geothermal leasing laws, for as long as the
11 land is under the administrative jurisdiction of the Sec-
12 retary concerned.

13 “(c) INTEGRATED NATURAL RESOURCES MANAGE-
14 MENT PLAN.—Not later than one year after the transfer
15 of land under section 3016, the Secretary concerned, in
16 cooperation with the Secretary of the Interior, shall pre-
17 pare an integrated natural resources management plan
18 pursuant to the Sikes Act (16 U.S.C. 670a et seq.) for
19 the transferred land.

20 “(d) RELATION TO GENERAL PROVISIONS.—Sections
21 3018 through 3026 do not apply to lands transferred
22 under section 3016 or to the management of such land.

23 “(e) TRANSFERS BETWEEN ARMED FORCES.—Noth-
24 ing in this subtitle shall be construed as limiting the au-
25 thority to transfer administrative jurisdiction over the

1 land transferred under section 3016 to another armed
2 force pursuant to section 2696 of title 10, United States
3 Code, and the provisions of this section shall continue to
4 apply to any such lands.

5 **“SEC. 3018. GENERAL APPLICABILITY; DEFINITIONS.**

6 “(a) **APPLICABILITY.**—Sections 3014 through 3028
7 apply to the lands withdrawn and reserved by section 3011
8 except—

9 “(1) to the B-16 Range referred to in section
10 3011(a)(3)(A), for which only section 3019 applies;

11 “(2) to the ‘Shoal Site’ referred to in section
12 3011(a)(3)(B), for which sections 3014 through
13 3028 apply only to the surface estate;

14 “(3) to the ‘Pahute Mesa’ area referred to in
15 section 3011(b)(2); and

16 “(4) to the Desert National Wildlife Refuge re-
17 ferred to in section 3011(b)(5)—

18 “(A) except for section 3024(b); and

19 “(B) for which sections 3014 through
20 3028 shall only apply to the authorities and re-
21 sponsibilities of the Secretary of the Air Force
22 under section 3011(b)(5).

23 “(b) **RULES OF CONSTRUCTION.**—Nothing in this
24 subtitle assigns management of real property under the

1 administrative jurisdiction of the Secretary concerned to
2 the Secretary of the Interior.

3 “(c) DEFINITIONS.—In this subtitle:

4 “(1) INDIAN TRIBE.—The term ‘Indian tribe’
5 has the meaning given the term in section 102 of the
6 Federally Recognized Indian Tribe List Act of 1994
7 (25 U.S.C. 479a).

8 “(2) MANAGE; MANAGEMENT.—

9 “(A) INCLUSIONS.—The terms ‘manage’
10 and ‘management’ include the authority to exer-
11 cise jurisdiction, custody, and control over the
12 lands withdrawn and reserved by section 3011.

13 “(B) EXCLUSIONS.—Such terms do not in-
14 clude authority for disposal of the lands with-
15 drawn and reserved by section 3011.

16 “(3) SECRETARY CONCERNED.—The term ‘Sec-
17 retary concerned’ has the meaning given the term in
18 section 101(a) of title 10, United States Code.

19 **“SEC. 3019. ACCESS RESTRICTIONS.**

20 “(a) AUTHORITY TO IMPOSE RESTRICTIONS.—If the
21 Secretary concerned determines that military operations,
22 public safety, or national security require the closure to
23 the public of any road, trail, or other portion of land with-
24 drawn and reserved by section 3011, the Secretary may

1 take such action as the Secretary determines to be nec-
2 essary to implement and maintain the closure.

3 “(b) LIMITATION.—Any closure under subsection (a)
4 shall be limited to the minimum area and duration that
5 the Secretary concerned determines are required for the
6 purposes of the closure.

7 “(c) CONSULTATION REQUIRED.—

8 “(1) IN GENERAL.—Subject to paragraph (3),
9 before a closure is implemented under this section,
10 the Secretary concerned shall consult with the Sec-
11 retary of the Interior.

12 “(2) INDIAN TRIBE.—Subject to paragraph (3),
13 if a closure proposed under this section may affect
14 access to or use of sacred sites or resources consid-
15 ered to be important by an Indian tribe, the Sec-
16 retary concerned shall consult, at the earliest prac-
17 ticable date, with the affected Indian tribe.

18 “(3) LIMITATION.—No consultation shall be re-
19 quired under paragraph (1) or (2)—

20 “(A) if the closure is provided for in an in-
21 tegrated natural resources management plan,
22 an installation cultural resources management
23 plan, or a land use management plan; or

24 “(B) in the case of an emergency, as deter-
25 mined by the Secretary concerned.

1 “(d) NOTICE.—Immediately preceding and during
2 any closure implemented under subsection (a), the Sec-
3 retary concerned shall post appropriate warning notices
4 and take other appropriate actions to notify the public of
5 the closure.

6 **“SEC. 3020. CHANGES IN USE.**

7 “(a) OTHER USES AUTHORIZED.—In addition to the
8 purposes described in section 3011, the Secretary con-
9 cerned may authorize the use of land withdrawn and re-
10 served by section 3011 for defense-related purposes.

11 “(b) NOTICE TO SECRETARY OF THE INTERIOR.—

12 “(1) IN GENERAL.—The Secretary concerned
13 shall promptly notify the Secretary of the Interior if
14 the land withdrawn and reserved by section 3011 is
15 used for additional defense-related purposes.

16 “(2) REQUIREMENTS.—A notification under
17 paragraph (1) shall specify—

18 “(A) each additional use;

19 “(B) the planned duration of each addi-
20 tional use; and

21 “(C) the extent to which each additional
22 use would require that additional or more strin-
23 gent conditions or restrictions be imposed on
24 otherwise-permitted nondefense-related uses of

1 the withdrawn and reserved land or portions of
2 withdrawn and reserved land.

3 **“SEC. 3021. BRUSH AND RANGE FIRE PREVENTION AND**
4 **SUPPRESSION.**

5 “(a) REQUIRED ACTIVITIES.—Consistent with any
6 applicable land management plan, the Secretary concerned
7 shall take necessary precautions to prevent, and actions
8 to suppress, brush and range fires occurring as a result
9 of military activities on the land withdrawn and reserved
10 by section 3011, including fires that occur on other land
11 that spread from the withdrawn and reserved land.

12 “(b) COOPERATION OF SECRETARY OF THE INTE-
13 RIOR.—

14 “(1) IN GENERAL.—At the request of the Sec-
15 retary concerned, the Secretary of the Interior shall
16 provide assistance in the suppression of fires under
17 subsection (a). The Secretary concerned shall reim-
18 burse the Secretary of the Interior for the costs in-
19 curred by the Secretary of the Interior in providing
20 such assistance.

21 “(2) TRANSFER OF FUNDS.—Notwithstanding
22 section 2215 of title 10, United States Code, the
23 Secretary concerned may transfer to the Secretary
24 of the Interior, in advance, funds to be used to reim-

1 burse the costs of the Department of the Interior in
2 providing assistance under this subsection.

3 **“SEC. 3022. ONGOING DECONTAMINATION.**

4 “(a) PROGRAM OF DECONTAMINATION REQUIRED.—
5 During the period of a withdrawal and reservation of land
6 by section 3011, the Secretary concerned shall maintain,
7 to the extent funds are available to carry out this sub-
8 section, a program of decontamination of contamination
9 caused by defense-related uses on the withdrawn land. The
10 decontamination program shall be carried out consistent
11 with applicable Federal and State law.

12 “(b) ANNUAL REPORT.—The Secretary of Defense
13 shall include in the annual report required by section 2711
14 of title 10, United States Code, a description of decon-
15 tamination activities conducted under subsection (a).

16 **“SEC. 3023. WATER RIGHTS.**

17 “(a) NO RESERVATION OF WATER RIGHTS.—Noth-
18 ing in this subtitle—

19 “(1) establishes a reservation in favor of the
20 United States with respect to any water or water
21 right on the land withdrawn and reserved by section
22 3011; or

23 “(2) authorizes the appropriation of water on
24 the land withdrawn and reserved by section 3011,
25 except in accordance with applicable State law.

1 “(b) EFFECT ON PREVIOUSLY ACQUIRED OR RE-
2 SERVED WATER RIGHTS.—

3 “(1) IN GENERAL.—Nothing in this section af-
4 fects any water rights acquired or reserved by the
5 United States before October 5, 1999, on the land
6 withdrawn and reserved by section 3011.

7 “(2) AUTHORITY OF SECRETARY CON-
8 CERNED.—The Secretary concerned may exercise
9 any water rights described in paragraph (1).

10 **“SEC. 3024. HUNTING, FISHING, AND TRAPPING.**

11 “(a) IN GENERAL.—Section 2671 of title 10, United
12 States Code, shall apply to all hunting, fishing, and trap-
13 ping on the land—

14 “(1) that is withdrawn and reserved by section
15 3011; and

16 “(2) for which management of the land has
17 been assigned to the Secretary concerned.

18 “(b) DESERT NATIONAL WILDLIFE REFUGE.—
19 Hunting, fishing, and trapping within the Desert National
20 Wildlife Refuge shall be conducted in accordance with the
21 National Wildlife Refuge System Administration Act of
22 1966 (16 U.S.C. 668dd et seq.), the Recreation Use of
23 Wildlife Areas Act of 1969 (16 U.S.C. 460k et seq.), and
24 other laws applicable to the National Wildlife Refuge Sys-
25 tem.

1 **“SEC. 3025. RELINQUISHMENT.**

2 “(a) NOTICE OF INTENTION TO RELINQUISH.—If,
3 during the period of withdrawal and reservation made by
4 section 3011, the Secretary concerned decides to relin-
5 quish any or all of the land withdrawn and reserved by
6 section 3011, the Secretary concerned shall submit to the
7 Secretary of the Interior notice of the intention to relin-
8 quish the land.

9 “(b) DETERMINATION OF CONTAMINATION.—The
10 Secretary concerned shall include in the notice submitted
11 under subsection (a) a written determination concerning
12 whether and to what extent the land that is to be relin-
13 quished is contaminated with explosive materials or toxic
14 or hazardous substances.

15 “(c) PUBLIC NOTICE.—The Secretary of the Interior
16 shall publish in the Federal Register the notice of inten-
17 tion to relinquish the land under this section, including
18 the determination concerning the contaminated state of
19 the land.

20 “(d) DECONTAMINATION OF LAND TO BE RELIN-
21 QUISHED.—

22 “(1) DECONTAMINATION REQUIRED.—The Sec-
23 retary concerned shall decontaminate land subject to
24 a notice of intention under subsection (a) to the ex-
25 tent that funds are appropriated for that purpose,
26 if—

1 “(A) the land subject to the notice of in-
2 tention is contaminated, as determined by the
3 Secretary concerned; and

4 “(B) the Secretary of the Interior, in con-
5 sultation with the Secretary concerned, deter-
6 mines that—

7 “(i) decontamination is practicable
8 and economically feasible, after taking into
9 consideration the potential future use and
10 value of the contaminated land; and

11 “(ii) on decontamination of the land,
12 the land could be opened to operation of
13 some or all of the public land laws, includ-
14 ing the mining laws, the mineral leasing
15 laws, and the geothermal leasing laws.

16 “(2) ALTERNATIVES TO RELINQUISHMENT.—
17 The Secretary of the Interior shall not be required
18 to accept the land proposed for relinquishment
19 under subsection (a), if—

20 “(A) the Secretary of the Interior, after
21 consultation with the Secretary concerned, de-
22 termines that—

23 “(i) decontamination of the land is
24 not practicable or economically feasible; or

1 “(ii) the land cannot be decontami-
2 nated sufficiently to be opened to operation
3 of some or all of the public land laws; or
4 “(B) sufficient funds are not appropriated
5 for the decontamination of the land.

6 “(3) STATUS OF CONTAMINATED LAND PRO-
7 POSED TO BE RELINQUISHED.—If, because of the
8 contaminated state of the land, the Secretary of the
9 Interior declines to accept land withdrawn and re-
10 served by section 3011 that has been proposed for
11 relinquishment—

12 “(A) the Secretary concerned shall take
13 appropriate steps to warn the public of—

14 “(i) the contaminated state of the
15 land; and

16 “(ii) any risks associated with entry
17 onto the land;

18 “(B) the Secretary concerned shall submit
19 to the Secretary of the Interior and Congress a
20 report describing—

21 “(i) the status of the land; and

22 “(ii) any actions taken under this
23 paragraph.

24 “(e) REVOCATION AUTHORITY.—

1 “(1) IN GENERAL.—If the Secretary of the In-
2 terior determines that it is in the public interest to
3 accept the land proposed for relinquishment under
4 subsection (a), the Secretary of the Interior may
5 order the revocation of a withdrawal and reservation
6 made by section 3011.

7 “(2) REVOCATION ORDER.—To carry out a rev-
8 ocation under paragraph (1), the Secretary of the
9 Interior shall publish in the Federal Register a rev-
10 ocation order that—

11 “(A) terminates the withdrawal and res-
12 ervation;

13 “(B) constitutes official acceptance of the
14 land by the Secretary of the Interior; and

15 “(C) specifies the date on which the land
16 will be opened to the operation of some or all
17 of the public land laws, including the mining
18 laws, the mineral leasing laws, and the geo-
19 thermal leasing laws.

20 “(f) ACCEPTANCE BY SECRETARY OF THE INTE-
21 RIOR.—

22 “(1) IN GENERAL.—Nothing in this section re-
23 quires the Secretary of the Interior to accept the
24 land proposed for relinquishment if the Secretary de-

1 termines that the land is not suitable for return to
2 the public domain.

3 “(2) NOTICE.—If the Secretary makes a deter-
4 mination that the land is not suitable for return to
5 the public domain, the Secretary shall provide notice
6 of the determination to Congress.

7 **“SEC. 3026. EFFECT OF TERMINATION OF MILITARY USE.**

8 “(a) NOTICE AND EFFECT.—Upon a determination
9 by the Secretary concerned that there is no longer a mili-
10 tary need for all or portions of the land for which adminis-
11 trative jurisdiction was transferred under section 3016,
12 the Secretary concerned shall notify the Secretary of the
13 Interior of such determination. Subject to subsections (b),
14 (c), and (d), the Secretary concerned shall transfer admin-
15 istrative jurisdiction over the land subject to such a notice
16 back to the administrative jurisdiction of the Secretary of
17 the Interior.

18 “(b) CONTAMINATION.—Before transmitting a notice
19 under subsection (a), the Secretary concerned shall pre-
20 pare a written determination concerning whether and to
21 what extent the land to be transferred is contaminated
22 with explosive materials or toxic or hazardous substances.
23 A copy of the determination shall be transmitted with the
24 notice. Copies of the notice and the determination shall
25 be published in the Federal Register.

1 “(c) DECONTAMINATION.—The Secretary concerned
2 shall decontaminate any contaminated land that is the
3 subject of a notice under subsection (a) if—

4 “(1) the Secretary of the Interior, in consulta-
5 tion with the Secretary concerned, determines that—

6 “(A) decontamination is practicable and
7 economically feasible (taking into consideration
8 the potential future use and value of the land);
9 and

10 “(B) upon decontamination, the land could
11 be opened to operation of some or all of the
12 public land laws, including the mining laws; and

13 “(2) funds are appropriated for such decon-
14 tamination.

15 “(d) NO REQUIRED ACCEPTANCE.—The Secretary of
16 the Interior is not required to accept land proposed for
17 transfer under subsection (a) if the Secretary of the Inte-
18 rior is unable to make the determinations under sub-
19 section (c)(1) or if Congress does not appropriate a suffi-
20 cient amount of funds for the decontamination of the land.

21 “(e) ALTERNATIVE DISPOSAL.—If the Secretary of
22 the Interior declines to accept land proposed for transfer
23 under subsection (a), the Secretary concerned shall dis-
24 pose of the land in accordance with property disposal pro-
25 cedures established by law.”.

1 (c) CONFORMING AND CLERICAL AMENDMENTS.—

2 (1) CONFORMING AMENDMENTS.—Section 3014
3 of the Military Lands Withdrawal Act of 1999 (title
4 XXX of Public Law 106–65; 113 Stat. 890) is
5 amended by striking subsections (b), (d), and (f).

6 (2) CLERICAL AMENDMENTS.—The table of sec-
7 tions at the beginning of the Military Lands With-
8 drawal Act of 1999 (title XXX of Public Law 106–
9 65; 113 Stat. 885) is amended by striking the items
10 relating to sections 3016 through 3023 and inserting
11 the following new items:

“Sec. 3016. Transfer process.

“Sec. 3017. Administration of transferred land.

“Sec. 3018. General applicability; definitions.

“Sec. 3019. Access restrictions.

“Sec. 3020. Changes in use.

“Sec. 3021. Brush and range fire prevention and suppression.

“Sec. 3022. Ongoing decontamination.

“Sec. 3023. Water rights.

“Sec. 3024. Hunting, fishing, and trapping.

“Sec. 3025. Relinquishment.

“Sec. 3026. Effect of termination of military use.

“Sec. 3027. Use of mineral materials.

“Sec. 3028. Immunity of United States.”.

12 **SEC. 2842. PERMANENT WITHDRAWAL OR TRANSFER OF**
13 **ADMINISTRATIVE JURISDICTION OF PUBLIC**
14 **LAND, NAVAL AIR WEAPONS STATION CHINA**
15 **LAKE, CALIFORNIA.**

16 Section 2979 of the Military Construction Authoriza-
17 tion Act for Fiscal Year 2014 (division B of Public Law
18 113–66; 127 Stat. 1044) is amended by striking “on

1 March 31, 2039.” and inserting the following: “only as
2 follows:

3 “(1) If the Secretary of the Navy makes an
4 election to terminate the withdrawal and reservation
5 of the public land.

6 “(2) If the Secretary of the Interior, upon re-
7 quest by the Secretary of the Navy, transfers admin-
8 istrative jurisdiction over the public land to the Sec-
9 retary of the Navy. A transfer under this paragraph
10 may consist of a portion of the land, in which case
11 the termination of the withdrawal and reservation
12 applies only with respect to the land so trans-
13 ferred.”.

14 **Subtitle F—Military Memorials,**
15 **Monuments, and Museums**

16 **SEC. 2851. CYBER CENTER FOR EDUCATION AND INNOVA-**
17 **TION-HOME OF THE NATIONAL**
18 **CRYPTOLOGIC MUSEUM.**

19 (a) AUTHORITY TO ESTABLISH AND OPERATE CEN-
20 TER.—Chapter 449 of title 10, United States Code, is
21 amended by adding at the end the following new section:

1 **“§ 4781. Cyber Center for Education and Innovation—**
2 **Home of the National Cryptologic Mu-**
3 **seum**

4 “(a) ESTABLISHMENT.—The Secretary of Defense
5 may establish at a publicly accessible location at Fort
6 George G. Meade the ‘Cyber Center for Education and In-
7 novation—Home of the National Cryptologic Museum’ (in
8 this section referred to as the ‘Center’). The Center may
9 be used for the identification, curation, storage, and public
10 viewing of materials relating to the activities of the Na-
11 tional Security Agency, its predecessor or successor orga-
12 nizations, and the history of cryptology. The Center may
13 contain meeting, conference, and classroom facilities that
14 will be used to support such education, training, public
15 outreach, and other purposes as the Secretary considers
16 appropriate.

17 “(b) DESIGN, CONSTRUCTION, AND OPERATION.—
18 The Secretary may enter into an agreement with the Na-
19 tional Cryptologic Museum Foundation (in this section re-
20 ferred to as the ‘Foundation’), a nonprofit organization,
21 for the design, construction, and operation of the Center.

22 “(c) ACCEPTANCE AUTHORITY.—

23 “(1) ACCEPTANCE OF FACILITY.—If the Foun-
24 dation constructs the Center pursuant to an agree-
25 ment with the Foundation under subsection (b),
26 upon satisfactory completion of the Center’s con-

1 construction or any phase thereof, as determined by the
2 Secretary, and upon full satisfaction by the Founda-
3 tion of any other obligations pursuant to such agree-
4 ment, the Secretary may accept the Center (or any
5 phase thereof) from the Foundation, and all right,
6 title, and interest in the Center or such phase shall
7 vest in the United States.

8 “(2) ACCEPTANCE OF SERVICES.—Notwith-
9 standing section 1342 of title 31, the Secretary may
10 accept services from the Foundation in connection
11 with the design, construction, and operation of the
12 Center. For purposes of this section and any other
13 provision of law, employees or personnel of the
14 Foundation shall not be considered to be employees
15 of the United States.

16 “(d) FEES AND USER CHARGES.—

17 “(1) AUTHORITY TO ASSESS FEES AND USER
18 CHARGES.—Under regulations prescribed by the Sec-
19 retary, the Director may assess fees and user
20 charges sufficient to cover the cost of the use of
21 Center facilities and property, including rental, user,
22 conference, and concession fees, except that the Di-
23 rector may not assess fees for general admission to
24 the National Cryptologic Museum.

1 “(2) USE OF FUNDS.—Amounts received by the
2 Director under paragraph (1) shall be deposited into
3 the Fund established under subsection (e).

4 “(e) FUND.—

5 “(1) ESTABLISHMENT.—Upon the Secretary’s
6 acceptance of the Center under subsection (c)(1),
7 there is established in the Treasury a fund to be
8 known as the ‘Cyber Center for Education and Inno-
9 vation—Home of the National Cryptologic Museum
10 Fund’ (in this section referred to as the ‘Fund’).

11 “(2) CONTENTS.—The Fund shall consist of
12 the following amounts:

13 “(A) Fees and user charges deposited by
14 the Director under subsection (d).

15 “(B) Any other amounts received by the
16 Director which are attributable to the operation
17 of the Center.

18 “(C) Such amounts as may be appro-
19 priated under law.

20 “(3) USE OF FUND.—Amounts in the Fund
21 shall be available to the Director for the benefit and
22 operation of the Center, including the costs of oper-
23 ation and the acquisition of books, manuscripts,
24 works of art, historical artifacts, drawings, plans,
25 models, and condemned or obsolete combat materiel.

1 “(4) CONTINUING AVAILABILITY OF
2 AMOUNTS.—Amounts in the Fund shall be available
3 without fiscal year limitation.”.

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

“4781. Cyber Center for Education and Innovation—Home of the National
Cryptologic Museum.”.

7 **SEC. 2852. RENAMING SITE OF THE DAYTON AVIATION HER-**
8 **ITAGE NATIONAL HISTORICAL PARK, OHIO.**

9 Section 101(b)(5) of the Dayton Aviation Heritage
10 Preservation Act of 1992 (16 U.S.C. 410ww(b)(5)) is
11 amended by striking “Aviation Center” and inserting
12 “National Museum”.

13 **SEC. 2853. SUPPORT FOR MILITARY SERVICE MEMORIALS**
14 **AND MUSEUMS HIGHLIGHTING ROLE OF**
15 **WOMEN IN THE MILITARY.**

16 (a) AUTHORIZATION OF SUPPORT.—Subject to ap-
17 propriation, the Secretary of Defense may provide finan-
18 cial support for military service memorials and museums
19 in the acquisition, installation, and maintenance of exhib-
20 its, facilities, and programs that highlight the role of
21 women in the military.

22 (b) AGREEMENT WITH NONPROFIT ORGANIZA-
23 TIONS.—

1 (1) AUTHORIZATION OF AGREEMENT.—Subject
2 to paragraph (2), the Secretary may carry out sub-
3 section (a) by entering into contracts with nonprofit
4 organizations under which such an organization
5 shall carry out the activities described in such sub-
6 section.

7 (2) REPORT REQUIRED PRIOR TO AGREE-
8 MENT.—The Secretary may not enter into a contract
9 under paragraph (1) until the congressional defense
10 committees have received a report from the Sec-
11 retary that describes how the use of such a contract
12 will help educate and inform the public on the his-
13 tory and mission of the military, or support training
14 and leadership development of military personnel,
15 and is in the best interests of the Department of De-
16 fense.

17 **SEC. 2854. PETERSBURG NATIONAL BATTLEFIELD BOUND-**
18 **ARY MODIFICATION.**

19 (a) IN GENERAL.—The boundary of the Petersburg
20 National Battlefield is modified to include the land and
21 interests in land as generally depicted on the map titled
22 “Petersburg National Battlefield Proposed Boundary Ex-
23 pansion”, numbered 325/80,080, and dated March 2016.
24 The map shall be on file and available for public inspection
25 in the appropriate offices of the National Park Service.

1 (b) ACQUISITION OF PROPERTIES.—

2 (1) AUTHORITY.—The Secretary of the Interior
3 (referred to in this section as the “Secretary”) is au-
4 thorized to acquire the land and interests in land,
5 described in subsection (a), from willing sellers only,
6 by donation, purchase with donated or appropriated
7 funds, exchange, or transfer.

8 (2) NO USE OF CONDEMNATION.—The Sec-
9 retary may not acquire by condemnation any land or
10 interest in land under this Act or for the purposes
11 of this Act.

12 (3) NO BUFFER ZONE CREATED.—Nothing in
13 this Act, the acquisition of the land or an interest
14 in land authorized under subsection (a), or the man-
15 agement plan for the Petersburg National Battle-
16 field (including the acquired land) shall be construed
17 to create buffer zones outside the Petersburg Na-
18 tional Battlefield. That activities or uses can be
19 seen, heard, or detected from the acquired land shall
20 not preclude, limit, control, regulate, or determine
21 the conduct or management of activities or uses out-
22 side of the Petersburg National Battlefield.

23 (4) WRITTEN CONSENT OF THE OWNER.—No
24 non-Federal property may be included in the Peters-

1 burg National Battlefield without the written con-
2 sent of the owner.

3 (5) TECHNICAL AMENDMENT.—Section 313(a)
4 of the National Parks and Recreation Act of 1978
5 (Public Law 95–625; 92 Stat. 3479) is amended by
6 striking “twenty-one” and inserting “twenty-five”.

7 (c) ADMINISTRATION.—The Secretary shall admin-
8 ister any land or interests in land acquired under sub-
9 section (b) as part of the Petersburg National Battlefield
10 in accordance with applicable laws and regulations.

11 (d) ADMINISTRATIVE JURISDICTION TRANSFER.—

12 (1) IN GENERAL.—There is transferred—

13 (A) from the Secretary to the Secretary of
14 the Army administrative jurisdiction over the
15 approximately 1.170-acre parcel of land de-
16 picted as “Area to be transferred to Fort Lee
17 Military Reservation” on the map described in
18 paragraph (2); and

19 (B) from the Secretary of the Army to the
20 Secretary administrative jurisdiction over the
21 approximately 1.171-acre parcel of land de-
22 picted as “Area to be transferred to Petersburg
23 National Battlefield” on the map described in
24 paragraph (2).

1 (2) MAP.—The land to be exchanged is de-
2 picted on the map titled “Petersburg National Bat-
3 tlefield Proposed Transfer of Administrative Juris-
4 diction”, numbered 325/80,801A, dated March
5 2016. The map shall be on file and available for
6 public inspection in the appropriate offices of the
7 National Park Service.

8 (3) CONDITIONS OF TRANSFER.—The transfer
9 of administrative jurisdiction under paragraph (1)
10 shall be subject to the following conditions:

11 (A) NO REIMBURSEMENT OR CONSIDER-
12 ATION.—The transfer shall occur without reim-
13 bursement or consideration.

14 (B) MANAGEMENT.—The land transferred
15 to the Secretary under paragraph (1) shall be
16 included within the boundary of the Petersburg
17 National Battlefield and administered as part
18 of that park in accordance with applicable laws
19 and regulations, and the land transferred to the
20 Secretary of the Army shall be excluded from
21 the boundary of the Petersburg National Bat-
22 tlefield.

1 **SEC. 2855. AMENDMENTS TO THE NATIONAL HISTORIC**
2 **PRESERVATION ACT.**

3 Section 101(a) of the National Historic Preservation
4 Act (16 U.S.C. 470a(a)) is amended as follows:

5 (1) In paragraph (2)—

6 (A) in subparagraph (E), by striking “;
7 and” and inserting a semicolon;

8 (B) in subparagraph (F), by striking the
9 period and inserting “; and”; and

10 (C) by adding at the end the following:

11 “(G) notifying the Committee on Natural Re-
12 sources of the United States House of Representa-
13 tives and the Committee on Energy and Natural Re-
14 sources of the Senate if the property is owned by the
15 Federal Government when the property is being con-
16 sidered for inclusion on the National Register, for
17 designation as a National Historic Landmark, or for
18 nomination to the World Heritage List.”.

19 (2) By redesignating paragraphs (7) and (8) as
20 paragraphs (8) and (9), respectively.

21 (3) By inserting after paragraph (6) the fol-
22 lowing:

23 “(7) If the head of the agency managing any
24 Federal property objects to such inclusion or des-
25 ignation for reasons of national security, such as any
26 impact the inclusion or designation would have on

1 use of the property for military training or readiness
2 purposes, that Federal property shall be neither in-
3 cluded on the National Register nor designated as a
4 National Historic Landmark until the objection is
5 withdrawn.”.

6 (4) By adding after paragraph (9) (as so reded-
7 icated by paragraph (2) of this section) the fol-
8 lowing:

9 “(10) The Secretary shall promulgate regula-
10 tions to allow for expedited removal of Federal prop-
11 erty listed on the National Register of Historic
12 Places if the managing agency of that Federal prop-
13 erty submits to the Secretary a written request to
14 remove the Federal property from the National Reg-
15 ister of Historic Places for reasons of national secu-
16 rity, such as any impact the inclusion or designation
17 would have on use of the property for military train-
18 ing or readiness purposes.”.

19 **SEC. 2856. RECOGNITION OF THE NATIONAL MUSEUM OF**
20 **WORLD WAR II AVIATION.**

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

22 (1) World War II was one of the most impor-
23 tant events in the history of the Nation, a time of
24 moral clarity and common purpose that remains

1 today as an inspiration to all people in the United
2 States.

3 (2) The role of aviation was a critical factor in
4 the success of winning World War II and defeating
5 the enemies worldwide.

6 (3) The bravery, courage, dedication, and her-
7 oism of World War II aviators and support per-
8 sonnel was an important element in the winning of
9 World War II.

10 (4) The National Museum of World War II
11 Aviation in Colorado Springs, Colorado, exists to
12 help preserve and promote an understanding of the
13 role of aviation in winning World War II.

14 (5) The National Museum of World War II
15 Aviation is dedicated to celebrating the spirit of the
16 United States, recognizing the teamwork, collabora-
17 tion, patriotism, and courage of the men and women
18 who fought, as well as those on the homefront who
19 mobilized and supported the national aviation effort.

20 (b) CONDITIONS ON RECOGNITION OF AMERICA'S
21 NATIONAL WORLD WAR II AVIATION MUSEUM.—The
22 Secretary of the Air Force, Secretary of the Navy, and
23 Secretary of the Army shall—

24 (1) each provide a briefing to the Committees
25 on Armed Services of the House of Representatives

1 and the Senate evaluating the suitability of the mu-
2 seum for recognition as a national museum; and

3 (2) each certify to such Committees that the
4 museum is suitable for such recognition.

5 (c) ELEMENTS OF CERTIFICATION.—The Secretary
6 of the Air Force, Secretary of the Navy, and Secretary
7 of the Army shall provide the certification under sub-
8 section (b)(2) only if each certifies that each of the fol-
9 lowing is correct:

10 (1) The museum possesses the infrastructure
11 necessary to maintain and preserve military cultural
12 resources.

13 (2) The museum is accredited.

14 (3) The museum prevents the private use of
15 any item donated to the museum.

16 (4) The museum applies industry standards for
17 the preservation of military cultural resources.

18 (5) The museum employs sufficient staff,
19 trained to industry standards, to ensure the preser-
20 vation of military cultural resources.

21 **SEC. 2857. BATTLESHIP PRESERVATION GRANT PROGRAM.**

22 (a) ESTABLISHMENT.—There is hereby established
23 within the Department of the Interior a grant program
24 for the preservation of our nation’s most historic battle-
25 ships.

1 (b) USE OF GRANTS.—Amounts received through
2 grants under this section shall be used for the preservation
3 of our nation’s most historic battleships in a manner that
4 is self-sustaining and has an educational component.

5 (c) CRITERIA FOR ELIGIBILITY.—To be eligible for
6 a grant under this section, an entity shall—

7 (1) submit an application under procedures pre-
8 scribed by the Secretary;

9 (2) match the amount of the grant, on a 1-to-
10 1 basis, with non-Federal assets from non-Federal
11 sources, which may include cash or durable goods
12 and materials fairly valued as determined by the
13 Secretary;

14 (3) maintain records as may be reasonably nec-
15 essary to fully disclose—

16 (A) the amount and the disposition of the
17 proceeds of the grant;

18 (B) the total cost of the project for which
19 the grant is made; and

20 (C) other records as may be required by
21 the Secretary, including such records as will fa-
22 cilitate an effective accounting for project
23 funds; and

1 (4) provide access to the Secretary for the pur-
2 poses of any required audit and examination of any
3 books, documents, papers, and records of the entity.

4 (d) MOST HISTORIC BATTLESHIP DEFINED.—In this
5 section, the term “most historic battleship” means a bat-
6 tleship that is—

7 (1) between 75 and 115 years old;

8 (2) listed on the National Historic Register;
9 and

10 (3) located within the State for which it was
11 named.

12 (e) SAVINGS PROVISION.—The authorities contained
13 in this section shall be in addition to, and shall not be
14 construed to supercede or modify those contained in the
15 National Historic Preservation Act (16 U.S.C. 470–470x–
16 6).

17 (f) PRIVATE PROPERTY PROTECTION.—

18 (1) IN GENERAL.—No Federal funds made
19 available to carry out this section may be used to ac-
20 quire any real property, or any interest in any real
21 property, without the written consent of the owner
22 (or owners) of that property or interest in property.

23 (2) NO DESIGNATION.—The authority granted
24 by this section shall not constitute a Federal des-

1 ignation or have any effect on private property own-
2 ership.

3 (g) SUNSET.—The authority to make grants under
4 this section expires on September 30, 2023.

5 **Subtitle G—Designations and**
6 **Other Matters**

7 **SEC. 2861. DESIGNATION OF PORTION OF MOFFETT FED-**
8 **ERAL AIRFIELD, CALIFORNIA, AS MOFFETT**
9 **AIR NATIONAL GUARD BASE.**

10 (a) DESIGNATION.—The 111-acre cantonment area
11 at Moffett Federal Airfield, California, utilized by the
12 129th Rescue Wing of the California Air National Guard
13 shall be known and designated as “Moffett Air National
14 Guard Base”.

15 (b) REFERENCES.—Any reference in any law, regula-
16 tion, map, document, paper, other record of the United
17 States to the cantonment area at Moffett Federal Airfield
18 described in subsection (a) shall be considered to be a ref-
19 erence to Moffett Air National Guard Base.

20 **SEC. 2862. REDESIGNATION OF MIKE O’CALLAGHAN FED-**
21 **ERAL MEDICAL CENTER.**

22 Section 2867 of the Military Construction Authoriza-
23 tion Act for Fiscal Year 1997 (division B of Public Law
24 104–201; 110 Stat. 2806), as amended by section 8135(a)
25 of the Department of Defense Appropriations Act, 1997

1 (section 101(b) of division A of the Omnibus Consolidated
2 Appropriations Act, 1997 (Public Law 104–208; 110 Stat.
3 3009–118)), and as amended by section 2862 of the Mili-
4 tary Construction Authorization Act for Fiscal Year 2012
5 (division B of Public Law 112–81; 125 Stat. 1701) is fur-
6 ther amended—

7 (1) by striking “Mike O’Callaghan Federal
8 Medical Center” each place it appears and inserting
9 “Mike O’Callaghan Military Medical Center”; and

10 (2) in the heading, by striking “**MIKE**
11 **O’CALLAGHAN**” and all that follows and inserting
12 “**MIKE O’CALLAGHAN MILITARY MEDICAL CEN-**
13 **TER.**”.

14 **SEC. 2863. TRANSFER OF CERTAIN ITEMS OF THE OMAR**
15 **BRADLEY FOUNDATION TO THE DESCEND-**
16 **ANTS OF GENERAL OMAR BRADLEY.**

17 (a) **TRANSFER AUTHORIZED.**—The Omar Bradley
18 Foundation, Pennsylvania, may transfer, without consid-
19 eration, to the child of General of the Army Omar Nelson
20 Bradley and his first wife Mary Elizabeth Quayle Bradley,
21 namely Elizabeth Bradley, such items of the Omar Brad-
22 ley estate under the control of the Foundation as the Sec-
23 retary of the Army determines to be without historic value
24 to the Army.

1 (b) TIME OF SUBMITTAL OF CLAIM FOR TRANS-
2 FER.—No item may be transferred under subsection (a)
3 unless the claim for the transfer of such item is submitted
4 to the Omar Bradley Foundation during the 180-day pe-
5 riod beginning on the date of the enactment of this Act.

6 **SEC. 2864. PROTECTION AND RECOVERY OF GREATER SAGE**

7 **GROUSE.**

8 (a) DEFINITIONS.—In this section:

9 (1) FEDERAL RESOURCE MANAGEMENT
10 PLAN.—The term “Federal resource management
11 plan” means—

12 (A) a land use plan prepared by the Bu-
13 reau of Land Management for public lands pur-
14 suant to section 202 of the Federal Land Policy
15 and Management Act of 1976 (43 U.S.C.
16 1712); or

17 (B) a land and resource management plan
18 prepared by the Forest Service for National
19 Forest System lands pursuant to section 6 of
20 the Forest and Rangeland Renewable Resources
21 Planning Act of 1974 (16 U.S.C. 1604).

22 (2) GREATER SAGE GROUSE.—The term
23 “Greater Sage Grouse” means a sage grouse of the
24 species *Centrocercus urophasianus*.

1 (3) STATE MANAGEMENT PLAN.—The term
2 “State management plan” means a State-approved
3 plan for the protection and recovery of the Greater
4 Sage Grouse.

5 (b) PURPOSE.—The purpose of this section is—

6 (1) to facilitate implementation of State man-
7 agement plans over a period of multiple, consecutive
8 Greater Sage Grouse life cycles; and

9 (2) to demonstrate the efficacy of the State
10 management plans for the protection and recovery of
11 the Greater Sage Grouse.

12 (c) DELAY IN MAKING ENDANGERED SPECIES ACT
13 OF 1973 FINDING.—

14 (1) DELAY REQUIRED.—In the case of any
15 State with a State management plan, the Secretary
16 of the Interior may not make a finding under clause
17 (i), (ii), or (iii) of section 4(b)(3)(B) of the Endan-
18 gered Species Act of 1973 (16 U.S.C.
19 1533(b)(3)(B)) with respect to the Greater Sage
20 Grouse in that State before September 30, 2026.

21 (2) EFFECT ON OTHER LAWS.—The delay im-
22 posed by paragraph (1) is, and shall remain, effec-
23 tive without regard to any other statute, regulation,
24 court order, legal settlement, or any other provision
25 of law or in equity.

1 (3) EFFECT ON CONSERVATION STATUS.—Until
2 the date specified in paragraph (1), the conservation
3 status of the Greater Sage Grouse shall remain not
4 warranted for listing under the Endangered Species
5 Act of 1973 (16 U.S.C. 1531 et seq.).

6 (d) COORDINATION OF FEDERAL LAND MANAGE-
7 MENT AND STATE MANAGEMENT PLANS.—

8 (1) PROHIBITION ON WITHDRAWALS AND MODI-
9 FICATIONS OF FEDERAL RESOURCE MANAGEMENT
10 PLANS.—In order to foster coordination between a
11 State management plan and Federal resource man-
12 agement plans that affect the Greater Sage Grouse,
13 upon notification by the Governor of a State with a
14 State management plan, the Secretary of the Inte-
15 rior and the Secretary of Agriculture, as applicable,
16 may not exercise authority under section 204 of the
17 Federal Land Policy and Management Act of 1976
18 (43 U.S.C. 1714) to make, modify, or extend any
19 withdrawal, nor amend or otherwise modify any Fed-
20 eral resource management plan applicable to Federal
21 land in the State, in a manner inconsistent with the
22 State management plan for a period, to be specified
23 by the Governor in the notification, of at least five
24 years beginning on the date of the notification.

1 (2) RETROACTIVE EFFECT.—In the case of any
2 State that provides notification under paragraph (1),
3 if any withdrawal was made, modified, or extended
4 or if any amendment or modification of a Federal
5 resource management plan applicable to Federal
6 lands in the State was issued during the three-year
7 period preceding the date of the notification and the
8 withdrawal, amendment, or modification altered
9 management of the Greater Sage Grouse or its habi-
10 tat, implementation and operation of the withdrawal,
11 amendment, or modification shall be stayed to the
12 extent that the withdrawal, amendment, or modifica-
13 tion is inconsistent with the State management plan.
14 The Federal resource management plan, as in effect
15 immediately before the amendment or modification,
16 shall apply instead with respect to management of
17 the Greater Sage Grouse and its habitat, to the ex-
18 tent consistent with the State management plan.

19 (3) DETERMINATION OF INCONSISTENCY.—Any
20 disagreement regarding whether a withdrawal, or an
21 amendment or other modification of a Federal re-
22 source management plan, is inconsistent with a
23 State management plan shall be resolved by the
24 Governor of the affected State.

1 (e) RELATION TO NATIONAL ENVIRONMENTAL POL-
2 ICY ACT OF 1969.—With regard to any major Federal ac-
3 tion consistent with a State management plan, any find-
4 ings, analyses, or conclusions regarding the Greater Sage
5 Grouse or its habitat under section 102(2)(C) of the Na-
6 tional Environmental Policy Act of 1969 (42 U.S.C.
7 4332(2)(C)) shall not have a preclusive effect on the ap-
8 proval or implementation of the major Federal action in
9 that State.

10 (f) REPORTING REQUIREMENT.—Not later than one
11 year after the date of the enactment of this Act and annu-
12 ally thereafter through 2026, the Secretary of the Interior
13 and the Secretary of Agriculture shall jointly submit to
14 the Committee on Energy and Natural Resources of the
15 Senate and the Committee on Natural Resources of the
16 House of Representatives a report on the Secretaries' im-
17 plementation and effectiveness of systems to monitor the
18 status of Greater Sage Grouse on Federal lands under
19 their jurisdiction.

20 (g) JUDICIAL REVIEW.—Notwithstanding any other
21 provision of statute or regulation, the requirements and
22 implementation of this section, including determinations
23 made under subsection (d)(3), are not subject to judicial
24 review.

1 **SEC. 2865. IMPLEMENTATION OF LESSER PRAIRIE-CHICK-**
2 **EN RANGE-WIDE CONSERVATION PLAN AND**
3 **OTHER CONSERVATION MEASURES.**

4 (a) DEFINITIONS.—In this section:

5 (1) CANDIDATE CONSERVATION AGREE-
6 MENTS.—The terms “Candidate Conservation
7 Agreement” and “Candidate and Conservation
8 Agreement With Assurances” have the meaning
9 given those terms in—

10 (A) the announcement of the Department
11 of the Interior and the Department of Com-
12 merce entitled “Announcement of Final Policy
13 for Candidate Conservation Agreements with
14 Assurances” (64 Fed. Reg. 32726 (June 17,
15 1999)); and

16 (B) sections 17.22(d) and 17.32(d) of title
17 50, Code of Federal Regulations (as in effect on
18 the date of enactment of this Act).

19 (2) RANGE-WIDE PLAN.—The term “Range-
20 Wide Plan” means the Lesser Prairie-Chicken
21 Range-Wide Conservation Plan of the Western Asso-
22 ciation of Fish and Wildlife Agencies, as endorsed by
23 the United States Fish and Wildlife Service on Octo-
24 ber 23, 2013, and published for comment on Janu-
25 ary 29, 2014 (79 Fed. Reg. 4652).

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (b) PROHIBITION ON TREATMENT AS THREATENED
4 OR ENDANGERED SPECIES.—

5 (1) IN GENERAL.—Notwithstanding any prior
6 action by the Secretary, the lesser prairie-chicken
7 shall not be treated as a threatened species or en-
8 dangered species under the Endangered Species Act
9 of 1973 (16 U.S.C. 1531 et seq.) before December
10 31, 2022.

11 (2) PROHIBITION ON PROPOSAL.—Effective be-
12 ginning on January 1, 2023, the lesser prairie-chick-
13 en may not be treated as a threatened species or en-
14 dangered species under the Endangered Species Act
15 of 1973 (16 U.S.C. 1531 et seq.) unless the Sec-
16 retary publishes a determination, based on the total-
17 ity of the scientific evidence, that conservation (as
18 that term is used in that Act) under the Range-Wide
19 Plan and the agreements, programs, and efforts re-
20 ferred to in subsection (c) have not achieved the con-
21 servation goals established by the Range-Wide Plan.

22 (c) MONITORING OF PROGRESS OF CONSERVATION
23 PROGRAMS.—The Secretary shall monitor and annually
24 submit to Congress a report on progress in conservation

1 of the lesser prairie-chicken under the Range-Wide Plan
2 and all related—

3 (1) Candidate Conservation Agreements and
4 Candidate and Conservation Agreements With As-
5 surances;

6 (2) other Federal conservation programs admin-
7 istered by the United States Fish and Wildlife Serv-
8 ice, the Bureau of Land Management, and the De-
9 partment of Agriculture;

10 (3) State conservation programs; and

11 (4) private conservation efforts.

12 **SEC. 2866. REMOVAL OF ENDANGERED SPECIES STATUS**
13 **FOR AMERICAN BURYING BEETLE.**

14 Notwithstanding the final rule of the United States
15 Fish and Wildlife Service entitled “Endangered and
16 Threatened Wildlife and Plants; Determination of Endan-
17 gered Status for the American Burying Beetle” (54 Fed.
18 Reg. 29652 (July 13, 1989)), the American burying beetle
19 shall not be listed as a threatened species or endangered
20 species under the Endangered Species Act of 1973 (16
21 U.S.C. 1531 et seq.).

1 **SEC. 2867. REPORT ON DOCUMENTATION FOR ACQUISITION**
2 **OF CERTAIN PROPERTIES ALONG COLUMBIA**
3 **RIVER, WASHINGTON, BY CORPS OF ENGI-**
4 **NEERS.**

5 (a) REPORT ON DOCUMENTATION.—Not later than
6 180 days after the date of the enactment of this Act, the
7 Secretary of the Army, acting through the Chief of Engi-
8 neers, shall submit a report to Congress on the process
9 by which the Corps of Engineers acquired the properties
10 described in subsection (b), and shall include in the report
11 the specific legal documentation pursuant to which the
12 properties were acquired.

13 (b) PROPERTIES DESCRIBED.—The properties de-
14 scribed in this subsection are each of the properties de-
15 scribed in paragraph (2) of section 501(i) of the Water
16 Resources Development Act of 1996 (Public Law 104–
17 303; 110 Stat. 3752).

18 **TITLE XXIX—OVERSEAS CONTIN-**
19 **GENCY OPERATIONS MILI-**
20 **TARY CONSTRUCTION**

21 **SEC. 2901. AUTHORIZED NAVY CONSTRUCTION AND LAND**
22 **ACQUISITION PROJECTS.**

23 The Secretary of the Navy may acquire real property
24 and carry out the military construction projects for the
25 installations outside the United States, and in the
26 amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation	Amount
Djibouti	Camp Lemonier	\$37,409,000
Iceland	Keflavik	\$19,600,000

1 **SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND**
2 **LAND ACQUISITION PROJECTS.**

3 The Secretary of the Air Force may acquire real
4 property and carry out the military construction projects
5 for the installations outside the United States, and in the
6 amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation	Amount
Bulgaria	Graf Ignatievo	\$13,400,000
Djibouti	Chabelley Airfield	\$10,500,000
Estonia	Amari Air Base	\$6,500,000
Germany	Spangdahlem Air Base	\$18,700,000
Lithuania	Siauliai	\$3,000,000
Poland	Powidz Air Base	\$4,100,000
	Lask Air Base	\$4,100,000
Romania	Campia Turzii	\$18,500,000

7 **SEC. 2903. AUTHORIZATION OF APPROPRIATIONS.**

8 Funds are hereby authorized to be appropriated for
9 fiscal years beginning after September 30, 2016, for the
10 military construction projects outside the United States
11 authorized by this title as specified in the funding table
12 in section 4602 and 4603.

1 **TITLE XXX—UTAH TEST AND**
2 **TRAINING RANGE ENCROACH-**
3 **MENT PREVENTION AND TEM-**
4 **PORARY CLOSURE AUTHORI-**
5 **TIES**

6 **SEC. 3001. FINDINGS AND DEFINITIONS.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the testing and development of military
9 weapons systems and the training of military forces
10 are critical to ensuring the national security of the
11 United States;

12 (2) the Utah Test and Training Range is a
13 unique and irreplaceable national asset at the core
14 of the test and training mission of the Department
15 of Defense;

16 (3) continued access to the special use airspace
17 and land that comprise the Utah Test and Training
18 Range, under the terms and conditions described in
19 this title is a national security priority;

20 (4) multiple use of, sustained yield activities on,
21 and access to the BLM land are vital to the cus-
22 toms, culture, economy, ranching, grazing, and
23 transportation interests of the counties in which the
24 BLM land is situated; and

1 (5) the limited use by the military of the BLM
2 land and airspace above the BLM land is vital to
3 improving and maintaining the readiness of the
4 Armed Forces.

5 (b) DEFINITIONS.—In this title:

6 (1) BLM LAND.—The term “BLM land”
7 means the Bureau of Land Management land in the
8 State comprising approximately 625,643 acres, as
9 generally depicted on the map entitled “Utah Test
10 and Training Range Enhancement/West Desert
11 Land Exchange” and dated February 12, 2016.

12 (2) SECRETARY.—The term “Secretary” means
13 the Secretary of the Interior.

14 (3) STATE.—The term “State” means the State
15 of Utah.

16 (4) UTAH TEST AND TRAINING RANGE.—

17 (A) IN GENERAL.—The term “Utah Test
18 and Training Range” means the portions of the
19 military land and airspace operating area of the
20 Utah Test and Training Area that are located
21 in the State.

22 (B) INCLUSION.—The term “Utah Test
23 and Training Range” includes the Dugway
24 Proving Ground.

1 **Subtitle A—Utah Test and Training**
2 **Range**

3 **SEC. 3011. MANAGEMENT OF BLM LAND.**

4 (a) MEMORANDUM OF AGREEMENT.—

5 (1) DRAFT.—

6 (A) IN GENERAL.—Not later than 90 days
7 after the date of enactment of this Act, the Sec-
8 retary and the Secretary of the Air Force shall
9 complete a draft of the memorandum of agree-
10 ment required under paragraph (2).

11 (B) PUBLIC COMMENT PERIOD.—During
12 the 30-day period beginning on the date on
13 which the draft memorandum of agreement is
14 completed under subparagraph (A), there shall
15 be an opportunity for public comment on the
16 draft memorandum of agreement, including an
17 opportunity for the Utah Test and Training
18 Range Community Resource Group established
19 under section 3013(a) to provide comments on
20 the draft memorandum of agreement.

21 (2) REQUIREMENT; DEADLINE.—

22 (A) IN GENERAL.—Not later than 180
23 days after the date of enactment of this Act,
24 the Secretary and the Secretary of the Air
25 Force shall enter into a memorandum of agree-

1 ment that provides for the continued manage-
2 ment of the BLM land by the Secretary, in a
3 manner that provides for the limited use of the
4 BLM land by the Secretary of the Air Force,
5 consistent with this title.

6 (B) SIGNATURES REQUIRED.—The terms
7 of the memorandum of agreement, including a
8 temporary closure of the BLM land under the
9 memorandum of agreement, may not be carried
10 out until the date on which all parties to the
11 memorandum of agreement have signed the
12 memorandum of agreement.

13 (3) MANAGEMENT BY SECRETARY.—The memo-
14 randum of agreement under paragraph (2) shall pro-
15 vide that the Secretary (acting through the Director
16 of the Bureau of Land Management) shall continue
17 to manage the BLM land—

18 (A) as land described in section
19 6901(1)(B) of title 31, United States Code;

20 (B) for multiple use and sustained yield
21 goals and activities as required under sections
22 102(a)(7) and 202(c)(1) of the Federal Land
23 Policy and Management Act of 1976 (43 U.S.C.
24 1701(a)(7), 1712(c)(1)) and defined in section
25 103 of that Act (43 U.S.C. 1702), including all

1 principal or major uses on Federal land recog-
2 nized pursuant to the definition of the term in
3 section 103 of that Act (43 U.S.C. 1702);

4 (C) in accordance with section 202 of the
5 Federal Land Policy and Management Act of
6 1976 (43 U.S.C. 1712); and

7 (D) subject to use by the Secretary of the
8 Air Force provided under section 3012 for—

9 (i) the preservation of the Utah Test
10 and Training Range against current and
11 future encroachments that the Secretary of
12 the Air Force finds to be incompatible with
13 current and future test and training re-
14 quirements;

15 (ii) the testing of—

16 (I) advanced weapon systems, in-
17 cluding current weapons systems, 5th
18 generation weapon systems, and fu-
19 ture weapon systems; and

20 (II) the standoff distance for
21 weapons;

22 (iii) the testing and evaluation of
23 hypersonic weapons;

24 (iv) increased public safety for civil-
25 ians accessing the BLM land; and

1 (v) other purposes relating to meeting
2 national security needs.

3 (b) MAP.—The Secretary may correct any minor er-
4 rors in the map.

5 (c) LAND USE PLANS.—Any land use plan in exist-
6 ence on the date of enactment of this Act that applies to
7 the BLM land shall continue to apply to the BLM land.

8 (d) MAINTAIN CURRENT USES.—

9 (1) IN GENERAL.—Notwithstanding subsection
10 (a)(3)(D), the memorandum of agreement entered
11 into under subsection (a) and the land use plans de-
12 scribed in subsection (c) shall not diminish any
13 major or principle use that is recognized pursuant to
14 section 103(l) of the Federal Land Policy and Man-
15 agement Act of 1976 (43 U.S.C. 1702(l)), except to
16 the extent authorized in subsection (a).

17 (2) ACTIONS BY SECRETARY OF THE AIR
18 FORCE.—The Secretary of the Air Force shall—

19 (A) if corrective action is necessary due to
20 an action of the Air Force, as determined by
21 the Secretary of the Air Force, render the BLM
22 land safe for public use; and

23 (B) appropriately communicate the safety
24 of the land to the Secretary once the BLM land
25 is rendered safe for public use.

1 (e) GRAZING.—

2 (1) NEW GRAZING LEASES AND PERMITS.—

3 (A) IN GENERAL.—The Secretary shall
4 issue and administer any new grazing lease or
5 permit on the BLM land, in accordance with
6 applicable law (including regulations) and other
7 authorities applicable to livestock grazing on
8 Bureau of Land Management land.

9 (B) NON-FEDERAL LAND LEVELS.—The
10 Secretary (acting through the Director of the
11 Bureau of Land Management) shall continue to
12 issue and administer livestock grazing leases
13 and permits on the non-Federal land described
14 in section 3022(3), subject to the requirements
15 described in subparagraphs (A) through (C) of
16 paragraph (2).

17 (2) EXISTING GRAZING LEASES AND PER-
18 MITS.—Any livestock grazing lease or permit appli-
19 cable to the BLM land that is in existence on the
20 date of enactment of this Act shall continue in ef-
21 fect—

22 (A) at the number of permitted animal
23 unit months authorized under current applica-
24 ble land use plans;

1 (B) if range conditions permit, at levels
2 greater than the level of active use; and

3 (C) subject to such reasonable increases
4 and decreases of active use of animal unit
5 months and other reasonable regulations, poli-
6 cies, and practices as the Secretary may con-
7 sider appropriate based on rangeland condi-
8 tions.

9 (f) MEMORANDUM OF UNDERSTANDING ON EMER-
10 GENCY ACCESS AND RESPONSE.—Nothing in this section
11 precludes the continuation of the memorandum of under-
12 standing that is between the Department of the Interior
13 and the Department of the Air Force with respect to emer-
14 gency access and response, as in existence as of the date
15 of enactment of this Act.

16 (g) WITHDRAWAL.—Subject to valid existing rights,
17 the BLM land is withdrawn from all forms of appropria-
18 tion under the public land laws, including the mining laws,
19 the mineral leasing laws, and the geothermal leasing laws.

20 (h) LIMITATION ON FUTURE RIGHTS-OF-WAY OR
21 USE PERMITS.—The Secretary may not issue any new use
22 permits or rights-of-way on the BLM land for any pur-
23 poses that the Secretary of the Air Force determines to
24 be incompatible with current or projected military require-

1 ments, with consideration given to the rangeland improve-
2 ments under section 3015(h).

3 (i) **GRAZING AND RANCHING.**—Efforts described in
4 this title to facilitate grazing and ranching on the BLM
5 land and the non-Federal land described in section
6 3022(3) shall be considered to be compatible with mission
7 requirements of the Utah Test and Training Range.

8 **SEC. 3012. TEMPORARY CLOSURES.**

9 (a) **IN GENERAL.**—If the Secretary of the Air Force
10 determines that military operations (including operations
11 relating to the fulfillment of the mission of the Utah Test
12 and Training Range), public safety, or national security
13 require the temporary closure to public use of any road,
14 trail, or other portion of the BLM land, the Secretary of
15 the Air Force may take such action as the Secretary of
16 the Air Force determines necessary to carry out the tem-
17 porary closure.

18 (b) **LIMITATIONS.**—Any temporary closure under
19 subsection (a)—

20 (1) shall be limited to the minimum areas and
21 periods during which the Secretary of the Air Force
22 determines are required to carry out a closure under
23 this section;

1 (2) shall not occur on a State or Federal holi-
2 day, unless notice is provided in accordance with
3 subsection (c)(1)(B);

4 (3) shall not occur on a Friday, Saturday, or
5 Sunday, unless notice is provided in accordance with
6 subsection (c)(1)(B); and

7 (4)(A) if practicable, shall be for not longer
8 than a 3-hour period per day;

9 (B) shall only be for longer than a 3-hour pe-
10 riod per day—

11 (i) for mission essential reasons; and

12 (ii) as infrequently as practicable and in no
13 case for more than 10 days per year; and

14 (C) shall in no case be for longer than a 6-hour
15 period per day.

16 (c) NOTICE.—

17 (1) IN GENERAL.—Except as provided in para-
18 graph (2), the Secretary of the Air Force shall—

19 (A) keep appropriate warning notices post-
20 ed before and during any temporary closure;
21 and

22 (B) provide notice to the Secretary, public,
23 and relevant stakeholders concerning the tem-
24 porary closure—

1 (i) at least 30 days before the date on
2 which the temporary closure goes into ef-
3 fect;

4 (ii) in the case of a closure during the
5 period beginning on March 1 and ending
6 on May 31, at least 60 days before the
7 date on which the closure goes into effect;
8 or

9 (iii) in the case of a closure described
10 in paragraph (3) or (4) of subsection (b),
11 at least 90 days before the date on which
12 the closure goes into effect.

13 (2) SPECIAL NOTIFICATION PROCEDURES.—In
14 each case for which a mission-unique security re-
15 quirement does not allow for the notifications de-
16 scribed in paragraph (1)(B), the Secretary of the Air
17 Force shall work with the Secretary to achieve a mu-
18 tually agreeable timeline for notification.

19 (d) MAXIMUM ANNUAL CLOSURES.—The total cumu-
20 lative hours of temporary closures authorized under this
21 section with respect to the BLM land shall not exceed 100
22 hours annually.

23 (e) PROHIBITION ON CERTAIN TEMPORARY CLO-
24 SURES.—The northernmost area identified as “Newfound-
25 land’s” on the map shall not be subject to any temporary

1 closure between August 21 and February 28, in accord-
2 ance with the lawful hunting methods and seasons of the
3 State of Utah.

4 (f) EMERGENCY GROUND RESPONSE.—A temporary
5 closure of a portion of the BLM land shall not affect the
6 conduct of emergency response activities on the BLM land
7 during the temporary closure.

8 (g) LAW ENFORCEMENT AND SECURITY.—The Sec-
9 retary and the Secretary of the Air Force may enter into
10 cooperative agreements with State and local law enforce-
11 ment officials with respect to lawful procedures and proto-
12 cols to be used in promoting public safety and operation
13 security on or near the BLM land during noticed test and
14 training periods.

15 (h) LIVESTOCK.—Livestock shall be allowed to re-
16 main on the BLM land during a temporary closure of the
17 BLM land under this section.

18 **SEC. 3013. COMMUNITY RESOURCE GROUP.**

19 (a) ESTABLISHMENT.—Not later than 60 days after
20 the date of enactment of this Act, there shall be estab-
21 lished the Utah Test and Training Range Community Re-
22 source Group (referred to in this section as the “Commu-
23 nity Group”) to provide regular and continuing input to
24 the Secretary and the Secretary of the Air Force on mat-

1 ters involving public access to, use of, and overall manage-
2 ment of the BLM land.

3 (b) MEMBERSHIP.—

4 (1) IN GENERAL.—The Secretary (acting
5 through the State Bureau of Land Management Of-
6 fice) shall appoint members to the Community
7 Group, including—

8 (A) operational and land management per-
9 sonnel of the Air Force;

10 (B) 1 Indian representative, to be nomi-
11 nated by a majority vote conducted among the
12 Indian tribes in the vicinity of the BLM land;

13 (C) not more than 2 county commissioners
14 from each of Box Elder, Tooele, and Juab
15 Counties, Utah;

16 (D) 2 representatives of off-road and high-
17 way use, hunting, and other recreational
18 groups;

19 (E) 2 representatives of livestock grazers
20 on any public land located within the BLM
21 land;

22 (F) 1 representative of the Utah Depart-
23 ment of Agriculture and Food; and

24 (G) not more than 3 representatives of
25 State or Federal offices or agencies, or private

1 groups, if the Secretary determines that such
2 representatives would further the goals and ob-
3 jectives of the Community Group.

4 (2) CHAIRPERSON.—The members described in
5 paragraph (1) shall elect from among the members
6 of the Community Group—

7 (A) 1 member to serve as Chairperson of
8 the Community Group; and

9 (B) 1 member to serve as Vice-Chairperson
10 of the Community Group.

11 (c) CONDITIONS AND TERMS OF APPOINTMENT.—

12 (1) IN GENERAL.—Each member of the Com-
13 munity Group shall serve voluntarily and without re-
14 munerated.

15 (2) TERM OF APPOINTMENT.—

16 (A) IN GENERAL.—Each member of the
17 Community Group shall be appointed for a
18 term of 4 years.

19 (B) ORIGINAL MEMBERS.—Notwith-
20 standing subparagraph (A), the Chairperson
21 shall select $\frac{1}{2}$ of the original members of the
22 Community Group to serve for a term of 4
23 years and the $\frac{1}{2}$ to serve for a term of 2 years
24 to ensure the replacement of members shall be
25 staggered from year to year.

1 (C) REAPPOINTMENT AND REPLACE-
2 MENT.—The Secretary may reappoint or re-
3 place a member of the Community Group ap-
4 pointed under subsection (b)(1), if—

5 (i) the term of the member has ex-
6 pired;

7 (ii) the member has retired; or

8 (iii) the position held by the member
9 described in subparagraphs (A) through
10 (G) of paragraph (1) has changed to the
11 extent that the ability of the member to
12 represent the group or entity that the
13 member represents has been significantly
14 affected.

15 (d) MEETINGS.—

16 (1) IN GENERAL.—The Community Group shall
17 meet not less than once per year, and at such other
18 frequencies as determined by five or more of the
19 members of the Community Group.

20 (2) RESPONSIBILITIES OF COMMUNITY
21 GROUP.—The Community Group shall be responsible
22 for determining appropriate schedules for, details of,
23 and actions for meetings of the Community Group.

24 (3) NOTICE.—The Chairperson shall provide
25 notice to each member of the Community Group not

1 less than 10 business days before the date of a
2 scheduled meeting.

3 (4) EXEMPT FROM FEDERAL ADVISORY COM-
4 MITTEE ACT.—The Federal Advisory Committee Act
5 (5 U.S.C. App.) shall not apply to meetings of the
6 Community Group.

7 (e) COORDINATION WITH RECOMMENDATIONS OF
8 COMMUNITY GROUP.—The Secretary and the Secretary of
9 the Air Force, consistent with existing laws (including reg-
10 ulations), shall take under consideration recommendations
11 from the Community Group.

12 (f) TERMINATION OF AUTHORITY.—The Community
13 Group shall terminate on the date that is seven years after
14 the date of enactment of this Act, unless the Secretary
15 and the Community Group mutually elect to terminate the
16 Community Group before that date.

17 (g) RENEWAL.—The Community Group may elect, by
18 simple majority, to renew the term of the Community
19 Group for an additional seven years, with the option to
20 renew the term every seven years thereafter. Each renewal
21 must occur upon or within 90 days before termination of
22 the Community Group.

23 **SEC. 3014. LIABILITY.**

24 The United States (including all departments, agen-
25 cies, officers, and employees of the United States) shall

1 be held harmless and shall not be liable for any injury
2 or damage to any individual or property suffered in the
3 course of any mining, mineral, or geothermal activity, or
4 any other authorized nondefense-related activity, con-
5 ducted on the BLM land.

6 **SEC. 3015. EFFECTS OF SUBTITLE.**

7 (a) EFFECT ON WEAPON IMPACT AREA.—Nothing in
8 this subtitle expands the boundaries of the weapon impact
9 area of the Utah Test and Training Range.

10 (b) EFFECT ON SPECIAL USE AIRSPACE AND TRAIN-
11 ING ROUTES.—Nothing in this subtitle precludes—

12 (1) the designation of new units of special use
13 airspace; or

14 (2) the expansion of existing units of special
15 use airspace.

16 (c) EFFECT ON EXISTING RIGHTS AND AGREE-
17 MENTS.—

18 (1) KNOLLS SPECIAL RECREATION MANAGE-
19 MENT AREA; BLM COMMUNITY PITS CENTRAL
20 GRAYBACK AND SOUTH GRAYBACK.—Except as pro-
21 vided in section 3012, nothing in this subtitle limits
22 or alters any existing right or right of access to—

23 (A) the Knolls Special Recreation Manage-
24 ment Area; or

1 (B)(i) the Bureau of Land Management
2 Community Pits Central Grayback and South
3 Grayback; and

4 (ii) any other county or community pit lo-
5 cated within close proximity to the BLM land.

6 (2) NATIONAL HISTORIC TRAILS AND OTHER
7 HISTORICAL LANDMARKS.—Except as provided in
8 section 3012, nothing in this subtitle limits or alters
9 any existing right or right of access to a component
10 of the National Trails System or other Federal or
11 State historic landmarks within the BLM land, in-
12 cluding the California National Historic Trail, the
13 Pony Express National Historic Trail, or the GAPA
14 Launch Site and Blockhouse.

15 (3) CLOSURE OF INTERSTATE 80.—Nothing in
16 this subtitle authorizes any additional authority or
17 right to the Secretary or the Secretary of the Air
18 Force to temporarily close Interstate 80.

19 (4) EFFECT ON LIMITATION ON AMENDMENTS
20 TO CERTAIN INDIVIDUAL RESOURCE MANAGEMENT
21 PLANS.—Nothing in this subtitle affects the limita-
22 tion established under section 2815(d) of the Na-
23 tional Defense Authorization Act for Fiscal Year
24 2000 (Public Law 106–65; 113 Stat. 852).

1 (5) EFFECT ON MEMORANDUM OF UNDER-
2 STANDING.—Nothing in this subtitle affects the
3 memorandum of understanding entered into by the
4 Air Force, the Bureau of Land Management, the
5 Utah Department of Natural Resources, and the
6 Utah Division of Wildlife Resources relating to the
7 reestablishment of bighorn sheep in the Newfound-
8 land Mountains and signed by the parties to the
9 memorandum of understanding during the period
10 beginning on January 24, 2000, and ending on Feb-
11 ruary 4, 2000.

12 (6) EFFECT ON EXISTING MILITARY SPECIAL
13 USE AIRSPACE AGREEMENT.—Nothing in this sub-
14 title limits or alters the Military Operating Areas of
15 Airspace Use Agreement between the Federal Avia-
16 tion Administration and the Air Force in effect on
17 the date of enactment of this Act.

18 (d) EFFECT ON WATER RIGHTS.—

19 (1) NO RESERVATION CREATED.—Nothing in
20 this subtitle—

21 (A) establishes any reservation in favor of
22 the United States with respect to any water or
23 water right on the BLM land; or

1 (B) authorizes any appropriation of water
2 on the BLM land, except in accordance with
3 applicable State law.

4 (2) PREVIOUSLY ACQUIRED AND RESERVED
5 WATER RIGHTS.—Nothing in this subtitle affects—

6 (A) any water right acquired or reserved
7 by the United States before the date of enact-
8 ment of this Act; or

9 (B) the authority of the Secretary or the
10 Secretary of the Air Force, as applicable, to ex-
11 ercise any water right described in subpara-
12 graph (A).

13 (3) NO EFFECT ON MCCARRAN AMENDMENT.—
14 Nothing in this subtitle diminishes, enhances, or
15 otherwise affects in any way the rights, duties, and
16 obligations of the United States, the State of Utah,
17 the counties in which the BLM land is situated, and
18 the residents and stakeholders in those counties
19 under section 208 of the Act of July 10, 1952 (com-
20 monly known as the “McCarran Amendment”) (43
21 U.S.C. 666).

22 (e) EFFECT ON FEDERALLY RECOGNIZED INDIAN
23 TRIBES.—

1 (1) IN GENERAL.—Nothing in this subtitle al-
2 ters any right reserved by treaty or Federal law for
3 a federally recognized Indian tribe for tribal use.

4 (2) CONSULTATION.—The Secretary of the Air
5 Force shall consult with any federally recognized In-
6 dian tribe in the vicinity of the BLM land before
7 taking any action that will affect any tribal right or
8 cultural resource protected by treaty or Federal law.

9 (f) EFFECT ON PAYMENTS IN LIEU OF TAXES.—

10 (1) ELIGIBILITY OF BLM LAND AND NON-FED-
11 ERAL LAND.—The BLM land and the non-Federal
12 land described in section 3022(3) shall remain eligi-
13 ble as entitlement land under section 6901 of title
14 31, United States Code.

15 (2) NO PREJUDICE TO COUNTY PAYMENT IN
16 LIEU OF TAXES RIGHTS.—Nothing in this subtitle
17 diminishes, enhances, or otherwise affects any other
18 right or entitlement of the counties in which the
19 BLM land is situated to payments in lieu of taxes
20 based on the BLM land, under section 6901 of title
21 31, United States Code.

22 (g) WILDLIFE GUZZLERS.—

23 (1) IN GENERAL.—The Bureau of Land Man-
24 agement and the Utah Division of Wildlife Re-
25 sources shall continue the management of wildlife

1 guzzlers in existence as of the date of enactment of
2 this Act on the BLM land.

3 (2) NEW GUZZLERS.—Nothing in this subtitle
4 prevents the Bureau of Land Management and the
5 Utah Division of Wildlife Resources from entering
6 into agreements for new wildlife guzzlers.

7 (3) ACQUIRED GUZZLERS.—The Secretary shall
8 continue to manage existing wildlife guzzlers or wild-
9 life improvements on the non-Federal land conveyed
10 to the Secretary under section 3023(a) that were in
11 existence on the day before the date of the convey-
12 ance.

13 (h) RANGELAND IMPROVEMENTS.—The Secretary
14 shall continue to manage, in a manner that promotes and
15 facilitates grazing—

16 (1) rangeland improvements on the BLM land
17 that are in existence on the date of enactment of
18 this Act; and

19 (2) rangeland improvements on the non-Federal
20 land conveyed to the Secretary under section
21 3023(a) that were in existence on the day before the
22 date of the conveyance.

23 (i) NEW RANGELAND IMPROVEMENTS.—Nothing in
24 this subtitle prevents the Bureau of Land Management,
25 the Utah Department of Agriculture or other State entity,

1 or a Federal land permittee from entering into agreements
2 for new rangeland improvements that promote and facili-
3 tate grazing.

4 (j) SCHOOL AND INSTITUTIONAL TRUST LANDS AD-
5 MINISTRATION.—The Bureau of Land Management shall
6 maintain rangeland grazing improvements in existence as
7 of the date of enactment of this Act on acquired land of
8 the School and Institutional Trust Lands Administration.

9 **Subtitle B—Land Exchange**

10 **SEC. 3021. FINDINGS AND PURPOSE.**

11 (a) FINDINGS.—Congress finds that—

12 (1) the State owns approximately 68,057 acres
13 of land and approximately 10,280 acres of mineral
14 interests located within the Utah Test and Training
15 Range in Box Elder, Tooele, and Juab Counties,
16 Utah;

17 (2) the State owns approximately 2,353 acres
18 of land and approximately 3,560 acres of mineral in-
19 terests located wholly or partially within the Cedar
20 Mountains Wilderness in Tooele County, Utah;

21 (3) the parcels of State land described in para-
22 graphs (1) and (2)—

23 (A) were granted by Congress to the State
24 pursuant to the Act of July 16, 1894 (28 Stat.
25 107, chapter 138), to be held in trust for the

1 benefit of the public school system and other
2 public institutions of the State; and

3 (B) are largely scattered in checkerboard
4 fashion among Federal land;

5 (4) continued State ownership and development
6 of State trust land within the Utah Test and Train-
7 ing Range and the Cedar Mountains Wilderness is
8 incompatible with—

9 (A) the critical national defense uses of the
10 Utah Test and Training Range; and

11 (B) the Federal management of the Cedar
12 Mountains Wilderness; and

13 (5) it is in the public interest of the United
14 States to acquire in a timely manner all State trust
15 land within the Utah Test and Training Range and
16 the Cedar Mountains Wilderness, in exchange for
17 the conveyance of the Federal land to the State, in
18 accordance with the terms and conditions described
19 in this subtitle.

20 (b) PURPOSE.—It is the purpose of this subtitle to
21 direct, facilitate, and expedite the exchange of certain
22 Federal land and non-Federal land between the United
23 States and the State.

24 **SEC. 3022. DEFINITIONS.**

25 In this subtitle:

1 (1) EXCHANGE MAP.—The term “Exchange
2 Map” means the map prepared by the Bureau of
3 Land Management entitled “Utah Test and Train-
4 ing Range Enhancement/West Desert Land Ex-
5 change” and dated February 12, 2016.

6 (2) FEDERAL LAND.—The term “Federal land”
7 means the Bureau of Land Management land lo-
8 cated in Box Elder, Millard, Juab, Tooele, and Bea-
9 ver Counties, Utah, that is identified on the Ex-
10 change Map as “BLM Lands Proposed for Transfer
11 to State Trust Lands”.

12 (3) NON-FEDERAL LAND.—The term “non-Fed-
13 eral land” means the land owned by the State in
14 Box Elder, Tooele, and Juab Counties, Utah, that is
15 identified on the Exchange Map as—

16 (A) “State Trust Land Proposed for
17 Transfer to BLM”; and

18 (B) “State Trust Minerals Proposed for
19 Transfer to BLM”.

20 (4) STATE.—The term “State” means the State
21 of Utah, acting through the School and Institutional
22 Trust Lands Administration.

1 **SEC. 3023. EXCHANGE OF FEDERAL LAND AND NON-FED-**
2 **ERAL LAND.**

3 (a) **IN GENERAL.**—If the State offers to convey to
4 the United States title to the non-Federal land, the Sec-
5 retary shall—

6 (1) accept the offer; and

7 (2) on receipt of all right, title, and interest in
8 and to the non-Federal land, convey to the State (or
9 a designee) all right, title, and interest of the United
10 States in and to the Federal land.

11 (b) **VALID EXISTING RIGHTS.**—The exchange author-
12 ized under subsection (a) shall be subject to valid existing
13 rights.

14 (c) **TITLE APPROVAL.**—Title to the Federal land and
15 non-Federal land to be exchanged under this section shall
16 be in a format acceptable to the Secretary and the State.

17 (d) **APPRAISALS.**—

18 (1) **IN GENERAL.**—The value of the Federal
19 land and the non-Federal land to be exchanged
20 under this section shall be determined by appraisals
21 conducted by one or more independent appraisers re-
22 tained by the State, with the consent of the Sec-
23 retary.

24 (2) **APPLICABLE LAW.**—The appraisals under
25 paragraph (1) shall be conducted in accordance with
26 nationally recognized appraisal standards, including,

1 as appropriate, the Uniform Appraisal Standards for
2 Federal Land Acquisitions.

3 (3) MINERAL LAND.—

4 (A) MINERAL REPORTS.—The appraisals
5 under paragraph (1) shall take into account
6 mineral and technical reports provided by the
7 Secretary and the State in the evaluation of
8 mineral deposits in the Federal land and non-
9 Federal land.

10 (B) MINING CLAIMS.—An appraisal of any
11 parcel of Federal land that is encumbered by a
12 mining or millsite claim located under sections
13 2318 through 2352 of the Revised Statutes
14 (commonly known as the “Mining Law of
15 1872”) (30 U.S.C. 21 et seq.) shall take into
16 account the encumbrance created by the claim
17 for purposes of determining the value of the
18 parcel of the Federal land.

19 (C) VALIDITY EXAMINATION.—Nothing in
20 this subtitle requires the United States to con-
21 duct a mineral examination for any mining
22 claim on the Federal land.

23 (4) APPROVAL.—The appraisals conducted
24 under paragraph (1) shall be submitted to the Sec-
25 retary and the State for approval.

1 (5) DISPUTE RESOLUTION.—If, by the date
2 that is 90 days after the date of submission of an
3 appraisal for review and approval under this sub-
4 section, the Secretary or the State do not agree to
5 accept the findings of the appraisals with respect to
6 one or more parcels of Federal land or non-Federal
7 land, the dispute shall be resolved in accordance
8 with section 206(d)(2) of the Federal Land Policy
9 and Management Act of 1976 (43 U.S.C.
10 1716(d)(2)).

11 (6) DURATION.—The appraisals conducted
12 under paragraph (1) shall remain valid until the
13 date of the completion of the exchange authorized
14 under this subtitle.

15 (7) REIMBURSEMENT OF STATE COSTS.—The
16 Secretary shall reimburse the State in an amount
17 equal to 50 percent of the costs incurred by the
18 State in retaining independent appraisers under
19 paragraph (1).

20 (e) CONVEYANCE OF TITLE.—The land exchange au-
21 thorized under this subtitle shall be completed by the later
22 of—

23 (1) the date that is 1 year after the date of
24 final approval by the Secretary and the State of the
25 appraisals conducted under subsection (d); and

1 (2) the date that is 1 year after the date of
2 completion of the dispute resolution process author-
3 ized under subsection (d)(5).

4 (f) PUBLIC INSPECTION AND NOTICE.—

5 (1) PUBLIC INSPECTION.—At least 30 days be-
6 fore the date of conveyance of the Federal land and
7 non-Federal land, all final appraisals and appraisal
8 reviews for land to be exchanged under this section
9 shall be available for public review at the office of
10 the State Director of the Bureau of Land Manage-
11 ment in the State of Utah.

12 (2) NOTICE.—The Secretary or the State, as
13 applicable, shall publish in a newspaper of general
14 circulation in Salt Lake County, Utah, a notice that
15 the appraisals conducted under subsection (d) are
16 available for public inspection.

17 (g) EQUAL VALUE EXCHANGE.—

18 (1) IN GENERAL.—The value of the Federal
19 land and non-Federal land to be exchanged under
20 this section—

21 (A) shall be equal; or

22 (B) shall be made equal in accordance with
23 paragraph (2).

24 (2) EQUALIZATION.—

25 (A) SURPLUS OF FEDERAL LAND.—

1 (i) IN GENERAL.—If the value of the
2 Federal land exceeds the value of the non-
3 Federal land, the value of the Federal land
4 and non-Federal land shall be equalized by
5 the State conveying to the United States—

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) that has an appraised
20 value equal to the difference be-
21 tween—

22 (aa) the value of the Federal
23 land; and

24 (bb) the value of the non-
25 Federal land.

1 (ii) ORDER OF CONVEYANCES.—Any
2 non-Federal land required to be conveyed
3 to the United States under clause (i) shall
4 be conveyed until the value of the Federal
5 land and non-Federal land is equalized, in
6 the following order:

7 (I) The State trust land parcel
8 described in clause (i)(I).

9 (II) State trust land parcels lo-
10 cated in the Red Cliffs National Con-
11 servation Area.

12 (III) State trust land parcels lo-
13 cated in the Docs Pass Wilderness.

14 (IV) State trust land parcels lo-
15 cated in the Beaver Dam Wash Na-
16 tional Conservation Area.

17 (B) SURPLUS OF NON-FEDERAL LAND.—If
18 the value of the non-Federal land exceeds the
19 value of the Federal land, the value of the Fed-
20 eral land and the non-Federal land shall be
21 equalized by the Secretary making a cash
22 equalization payment to the State, in accord-
23 ance with section 206(b) of the Federal Land
24 Policy Management (43 U.S.C. 1716(b)).

1 (h) WITHDRAWAL OF FEDERAL LAND FROM MIN-
2 ERAL ENTRY PRIOR TO EXCHANGE.—Subject to valid ex-
3 isting rights, the Federal land to be conveyed to the State
4 under this section is withdrawn from mineral location,
5 entry, and patent under the mining laws pending convey-
6 ance of the Federal land to the State.

7 **SEC. 3024. STATUS AND MANAGEMENT OF NON-FEDERAL**
8 **LAND AFTER EXCHANGE.**

9 (a) NON-FEDERAL LAND WITHIN UTAH TEST AND
10 TRAINING RANGE.—On conveyance to the United States
11 under this subtitle, the non-Federal land located within
12 the Utah Test and Training Range shall be managed in
13 accordance with the memorandum of agreement entered
14 into under section 3011(a).

15 (b) NON-FEDERAL LAND WITHIN CEDAR MOUN-
16 TAINS WILDERNESS.—On conveyance to the United
17 States under this subtitle, the non-Federal land located
18 within the Cedar Mountains Wilderness shall, in accord-
19 ance with section 206(c) of the Federal Land Policy Act
20 of 1976 (43 U.S.C. 1716(c)), be added to, and adminis-
21 tered as part of, the Cedar Mountains Wilderness.

22 **SEC. 3025. HAZARDOUS MATERIALS.**

23 (a) COSTS.—Except as provided in subsection (b), the
24 costs of remedial actions relating to hazardous materials

1 on land acquired under this subtitle shall be paid by those
2 entities responsible for the costs under applicable law.

3 (b) REMEDIATION OF PRIOR TESTING AND TRAINING
4 ACTIVITY.—The Department of Defense shall bear all
5 costs of evaluation, management, and remediation caused
6 by the previous testing of military weapons systems and
7 the training of military forces on non-Federal land to be
8 conveyed to the United States under this subtitle.

9 **Subtitle C—Highway Rights-of-way**

10 **SEC. 3031. RECOGNITION AND TRANSFER OF CERTAIN** 11 **HIGHWAY RIGHTS-OF-WAY.**

12 (a) DEFINITIONS.—In this section:

13 (1) HIGHWAY RIGHT-OF-WAY.—The term
14 “highway right-of-way” means a right-of-way across
15 Federal land for all county roads in the Counties of
16 Box Elder, Tooele, and Juab, in the State of Utah,
17 according to official transportation map and center-
18 line descriptions of each county in existence as of
19 March 1, 2015.

20 (2) MAP.—The term “official transportation
21 map and centerline description” means—

22 (A) the map entitled “Official Transpor-
23 tation Map of Box Elder County, Utah” and
24 dated March 1, 2015, and accompanying cen-
25 terline description of each road on file with the

1 Clerk of Box Elder County as of March 1,
2 2015;

3 (B) the map entitled “Official Transpor-
4 tation Map of Tooele County” and dated March
5 1, 2015, and accompanying centerline descrip-
6 tion of each road on file with the Clerk of
7 Tooele County as of March 1, 2015; and

8 (C) the map entitled “Official Transpor-
9 tation Map of Juab County” and dated March
10 1, 2015, and accompanying centerline descrip-
11 tion of each road on file with the Clerk of Juab
12 County as of March 1, 2015.

13 (3) SECRETARY.—The term “Secretary”
14 means—

15 (A) the Secretary of Agriculture, with re-
16 spect to land administered by the Chief of the
17 Forest Service; or

18 (B) the Secretary of the Interior, with re-
19 spect to land administered by the Director of
20 the Bureau of Land Management.

21 (b) RECOGNITION OF EXISTENCE AND VALIDITY OF
22 RIGHTS-OF-WAY.—Congress recognizes the existence and
23 validity of each of the highway rights-of-way identified on
24 the official transportation maps and centerline descrip-
25 tions.

1 (c) CONVEYANCE OF AN EASEMENT ACROSS FED-
2 ERAL LAND.—

3 (1) BOX ELDER COUNTY, UTAH.—The Sec-
4 retary shall convey, without consideration, to Box
5 Elder County, Utah, and the State of Utah as joint
6 tenants with undivided interests, easements for mo-
7 torized travel rights-of-way across Federal land for
8 all highways shown and described in the official
9 transportation map and centerline description of the
10 county described in subsection (a)(2)(A).

11 (2) JUAB COUNTY, UTAH.—The Secretary shall
12 convey, without consideration, to Juab County,
13 Utah, and the State of Utah as joint tenants with
14 undivided interests, easements for motorized travel
15 rights-of-way across Federal land for all highways
16 shown and described in the official transportation
17 map and centerline description of the county de-
18 scribed in subsection (a)(2)(B).

19 (3) TOOELE COUNTY, UTAH.—The Secretary
20 shall convey, without consideration, to Tooele Coun-
21 ty, Utah, and the State of Utah as joint tenants
22 with undivided interests, easements for motorized
23 travel rights-of-way across Federal land for all high-
24 ways shown and described in the official transpor-

1 tation map and centerline description of the county
2 described in subsection (a)(2)(C).

3 (d) DESCRIPTION OF FEDERAL LAND SUBJECT TO
4 EASEMENT.—

5 (1) IN GENERAL.—All easements under sub-
6 section (c) shall include—

7 (A) the current disturbed width of each
8 subject highway as shown and described in the
9 official transportation maps and centerline de-
10 scriptions; and

11 (B) any additional acreage on either side
12 of the disturbed width that the respective coun-
13 ty transportation department determines is nec-
14 essary for the efficient maintenance, repair,
15 signage, administration, and use of the Federal
16 land subject to the easement.

17 (2) DESCRIPTION.—

18 (A) IN GENERAL.—The exact acreage and
19 legal description of the Federal land subject to
20 the easements conveyed under subsection (c)
21 shall be—

22 (i) as described in the centerline de-
23 scriptions;

24 (ii) as referenced in the official trans-
25 portation maps; and

1 (iii) as described and referenced ac-
2 cording to the disturbed width of each
3 highway as of the date of conveyance for
4 travel purposes, plus any reasonable addi-
5 tional width as may be necessary for sur-
6 face maintenance, repairs, and turnaround
7 purposes.

8 (B) SURVEY NOT REQUIRED.—Notwith-
9 standing any other provision of law, the convey-
10 ance of easements under subsection (c) shall be
11 effective without a survey of the exact acreage
12 and local description of the Federal land subject
13 to the easements.

14 (e) RETENTION OF MAPS AND CENTERLINE DE-
15 SCRIPTIONS.—The maps and centerline descriptions re-
16 ferred to in clauses (i) and (ii) of subsection (d)(2)(A)
17 shall be on file in the appropriate office of the Secretary.

18 (f) EXCLUSION OF CERTAIN CLASS D ROADS FROM
19 ROAD EASEMENT CONVEYANCES.—Notwithstanding the
20 highway rights-of-way identified on the official transpor-
21 tation maps and centerline descriptions, this section does
22 not apply to any class D road located within the bound-
23 aries of—

24 (1) Cedar Mountain Wilderness Area des-
25 igned by section 384(a) of the National Defense

1 Authorization Act for Fiscal Year 2006 (Public Law
2 109–163; 119 Stat. 3217; 16 U.S.C. 1132 note); or

3 (2) any wilderness study area within Box Elder
4 County, Tooele County, or Juab County, Utah, des-
5 ignated in law or by administrative action.

6 **DIVISION C—DEPARTMENT OF**
7 **ENERGY NATIONAL SECURITY**
8 **AUTHORIZATIONS AND**
9 **OTHER AUTHORIZATIONS**
10 **TITLE XXXI—DEPARTMENT OF**
11 **ENERGY NATIONAL SECURITY**
12 **PROGRAMS**

13 **Subtitle A—National Security**
14 **Programs Authorizations**

15 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
16 **TION.**

17 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
18 are hereby authorized to be appropriated to the Depart-
19 ment of Energy for fiscal year 2017 for the activities of
20 the National Nuclear Security Administration in carrying
21 out programs as specified in the funding table in section
22 4701.

23 (b) AUTHORIZATION OF NEW PLANT PROJECTS.—
24 From funds referred to in subsection (a) that are available
25 for carrying out plant projects, the Secretary of Energy

1 may carry out new plant projects for the National Nuclear
2 Security Administration as follows:

3 Project 17–D–630, Expand Electrical Distribu-
4 tion System, Lawrence Livermore National Labora-
5 tory, Livermore, California, \$25,000,000.

6 Project 17–D–640, U1a Complex Enhance-
7 ments Project, Nevada National Security Site, Mer-
8 cury, Nevada, \$11,500,000.

9 Project 17–D–911, BL Fire System Upgrade,
10 Bettis Atomic Power Laboratory, West Mifflin,
11 Pennsylvania, \$1,400,000.

12 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

13 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
14 are hereby authorized to be appropriated to the Depart-
15 ment of Energy for fiscal year 2017 for defense environ-
16 mental cleanup activities in carrying out programs as
17 specified in the funding table in section 4701.

18 (b) AUTHORIZATION OF NEW PLANT PROJECTS.—
19 From funds referred to in subsection (a) that are available
20 for carrying out plant projects, the Secretary of Energy
21 may carry out, for defense environmental cleanup activi-
22 ties, the following new plant project:

23 Project 17–D–401, Saltstone Disposal Unit #7,
24 Savannah River Site, Aiken, South Carolina,
25 \$9,729,000.

1 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

2 Funds are hereby authorized to be appropriated to
3 the Department of Energy for fiscal year 2017 for other
4 defense activities in carrying out programs as specified in
5 the funding table in section 4701.

6 **SEC. 3104. NUCLEAR ENERGY.**

7 Funds are hereby authorized to be appropriated to
8 the Department of Energy for fiscal year 2017 for nuclear
9 energy as specified in the funding table in section 4701.

10 **Subtitle B—Program Authoriza-**
11 **tions, Restrictions, and Limita-**
12 **tions**

13 **SEC. 3111. INDEPENDENT ACQUISITION PROJECT REVIEWS**
14 **OF CAPITAL ASSETS ACQUISITION PROJECTS.**

15 (a) IN GENERAL.—The Atomic Energy Defense Act
16 (50 U.S.C. 2501 et seq.) is amended by inserting after
17 section 4732 the following new section:

18 **“SEC. 4733. INDEPENDENT ACQUISITION PROJECT RE-**
19 **VIEWS OF CAPITAL ASSETS ACQUISITION**
20 **PROJECTS.**

21 “(a) REVIEWS.—The appropriate head shall ensure
22 that an independent entity conducts reviews of each cap-
23 ital assets acquisition project as the project moves toward
24 the approval of each of critical decision 0, critical decision
25 1, and critical decision 2 in the acquisition process.

1 “(b) PRE-CRITICAL DECISION 1 REVIEWS.—In addi-
2 tion to any other matters, with respect to each review of
3 a capital assets acquisition project under subsection (a)
4 that has not reached critical decision 1 approval in the
5 acquisition process, such review shall include—

6 “(1) a review using best practices of the anal-
7 ysis of alternatives for the project; and

8 “(2) identification of any deficiencies in such
9 analysis of alternatives for the appropriate head to
10 address.

11 “(c) INDEPENDENT ENTITIES.—The appropriate
12 head shall ensure that each review of a capital assets ac-
13 quisition project under subsection (a) is conducted by an
14 independent entity with the appropriate expertise with re-
15 spect to the project and the stage in the acquisition proc-
16 ess of the project.

17 “(d) DEFINITIONS.—In this section:

18 “(1) The term ‘acquisition process’ means the
19 acquisition process for a project, as defined in De-
20 partment of Energy Order 413.3B (relating to
21 project management and project management for
22 the acquisition of capital assets), or a successor
23 order.

24 “(2) The term ‘appropriate head’ means—

1 “(A) the Administrator, with respect to
2 capital assets acquisition projects of the Admin-
3 istration; and

4 “(B) the Assistant Secretary of Energy for
5 Environmental Management, with respect to
6 capital assets acquisition projects of the Office
7 of Environmental Management.

8 “(3) The term ‘capital assets acquisition
9 project’ means a project that—

10 “(A) the total project cost of which is more
11 than \$500,000,000; and

12 “(B) is covered by Department of Energy
13 Order 413.3, or a successor order, for the ac-
14 quisition of capital assets for atomic energy de-
15 fense activities.”.

16 (b) CLERICAL AMENDMENT.—The table of contents
17 for such Act is amended by inserting after the item relat-
18 ing to section 4732 the following new item:

“Sec. 4733. Independent acquisition project reviews of capital assets acquisition projects.”.

19 **SEC. 3112. RESEARCH AND DEVELOPMENT OF ADVANCED**
20 **NAVAL NUCLEAR FUEL SYSTEM BASED ON**
21 **LOW-ENRICHED URANIUM.**

22 (a) PROHIBITION.—Except as provided in subsection
23 (b), none of the funds authorized to be appropriated by
24 this Act or otherwise made available for fiscal year 2017

1 for the Department of Energy may be obligated or ex-
2 pended to plan or carry out research and development of
3 an advanced naval nuclear fuel system based on low-en-
4 riched uranium.

5 (b) EXCEPTION.—Of the funds authorized to be ap-
6 propriated by this Act or otherwise made available for fis-
7 cal year 2017 for defense nuclear nonproliferation, as
8 specified in the funding table in division D, not more than
9 \$5,000,000 shall be made available to the Deputy Admin-
10 istrator for Naval Reactors for initial planning and early
11 research and development of an advanced naval nuclear
12 fuel system based on low-enriched uranium.

13 (c) BUDGET MATTERS.—Section 3118 of the Na-
14 tional Defense Authorization Act for Fiscal Year 2016
15 (Public Law 114–92; 129 Stat. 1196) is amended—

16 (1) by striking paragraph (2) of subsection (c)
17 and inserting the following new paragraph:

18 “(2) BUDGET REQUESTS.—If the Secretaries
19 determine under paragraph (1) that research and
20 development of an advanced naval nuclear fuel sys-
21 tem based on low-enriched uranium should continue,
22 the Secretaries shall ensure that each budget of the
23 President submitted to Congress under section
24 1105(a) of title 31, United States Code, for fiscal
25 year 2018 and each fiscal year thereafter in which

1 such research and development is carried out in-
2 cludes in the budget line item for the ‘Defense Nu-
3 clear Nonproliferation’ account amounts necessary
4 to carry out the conceptual plan under subsection
5 (b).’; and

6 (2) in subsection (d), by striking “for material
7 management and minimization”.

8 **SEC. 3113. DISPOSITION OF WEAPONS-USABLE PLUTONIUM.**

9 (a) IN GENERAL.—Except as provided by subsection
10 (c), using funds described in subsection (b), the Secretary
11 of Energy shall carry out construction and project support
12 activities relating to the MOX facility.

13 (b) FUNDS DESCRIBED.—The funds described in this
14 subsection are the following:

15 (1) Funds authorized to be appropriated by this
16 Act or otherwise made available for fiscal year 2017
17 for the National Nuclear Security Administration for
18 the MOX facility for construction and project sup-
19 port activities.

20 (2) Funds authorized to be appropriated for a
21 fiscal year prior to fiscal year 2017 for the National
22 Nuclear Security Administration for the MOX facil-
23 ity for construction and project support activities
24 that are unobligated as of the date of the enactment
25 of this Act.

1 (c) WAIVER.—The Secretary may waive the require-
2 ment in subsection (a) to carry out construction and
3 project support activities relating to the MOX facility if—

4 (1) the Secretary submits to the congressional
5 defense committees—

6 (A) an updated performance baseline for
7 construction and project support activities relat-
8 ing to the MOX facility as required by section
9 3119(b) of the National Defense Authorization
10 Act for Fiscal Year 2016 (Public Law 114–92;
11 129 Stat. 1197);

12 (B) notification that the Secretary has
13 sought to enter into consultations with any rel-
14 evant State or government of a foreign country
15 necessary to pursue an alternative option for
16 carrying out the plutonium disposition program,
17 including a comprehensive description of the
18 status of such consultations and a detailed plan
19 and schedule for concluding such consultations;

20 (C) the commitment of the Secretary to re-
21 move plutonium from South Carolina and en-
22 sure a sustainable future for the Savannah
23 River Site; and

24 (D) either—

1 (i) notification that the prime con-
2 tractor of the MOX facility has not sub-
3 mitted a proposal, during the three-month
4 period following the date on which the Sec-
5 retary requests such a proposal, for a
6 fixed-price contract for completing con-
7 struction and project support activities for
8 the MOX facility; or

9 (ii) certification that such proposal is
10 materially deficient or non-responsive, or
11 that an alternative option for carrying out
12 the plutonium disposition program exists
13 and the total lifecycle cost of such alter-
14 native option would be less than approxi-
15 mately half of the estimated remaining
16 total lifecycle cost of the mixed-oxide fuel
17 program; and

18 (2) a period of 15 days has elapsed following
19 the date of such submission.

20 (d) DEFINITIONS.—In this section:

21 (1) The term “MOX facility” means the mixed-
22 oxide fuel fabrication facility at the Savannah River
23 Site, Aiken, South Carolina.

24 (2) The term “project support activities” means
25 activities that support the design, long-lead equip-

1 ment procurement, and site preparation of the MOX
2 facility.

3 **SEC. 3114. DESIGN BASIS THREAT.**

4 (a) UPDATE TO ORDER.—Not later than August 31,
5 2016, the Secretary of Energy shall update Department
6 of Energy Order 470.3B relating to the design basis
7 threat for protecting nuclear weapons, special nuclear ma-
8 terial, and other critical assets in the custody of the De-
9 partment of Energy.

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

12 (1) the intelligence community (as defined in
13 section 3(4) of the National Security Act of 1947
14 (50 U.S.C. 3003(4)) should promulgate regular, bi-
15 annual updates to the Nuclear Security Threat Ca-
16 pabilities Assessment to better inform nuclear secu-
17 rity postures within the Department of Defense and
18 the Department of Energy;

19 (2) the Department of Defense and the Depart-
20 ment of Energy should closely, and in real-time,
21 track and assess national, regional, and local threats
22 to the defense nuclear facilities of the respective De-
23 partments; and

24 (3) the Department of Defense and the Depart-
25 ment of Energy should regularly review assessments

1 and other input provided by activities described in
2 paragraphs (1) and (2) and adjust security postures
3 accordingly.

4 **SEC. 3115. PROHIBITION ON AVAILABILITY OF FUNDS FOR**
5 **PROVISION OF CERTAIN ASSISTANCE TO RUS-**
6 **SIAN FEDERATION.**

7 (a) PROHIBITION.—

8 (1) IN GENERAL.—None of the funds described
9 in paragraph (2) may be obligated or expended to
10 enter into a contract with, or otherwise provide as-
11 sistance to, the Russian Federation.

12 (2) FUNDS DESCRIBED.—The funds described
13 in this paragraph are the following:

14 (A) Funds authorized to be appropriated
15 by this Act or otherwise made available for fis-
16 cal year 2017 for atomic energy defense activi-
17 ties.

18 (B) Funds authorized to be appropriated
19 or otherwise made available for a fiscal year
20 prior to fiscal year 2017 for atomic energy de-
21 fense activities that are unobligated as of the
22 date of the enactment of this Act.

23 (b) WAIVER.—The Secretary of Energy, without dele-
24 gation, may waive the prohibition in subsection (a)(1)
25 only—

1 (1) to meet requirements the Secretary deter-
2 mines to be new and emergency in nature; and

3 (2) if—

4 (A) the Secretary submits to the appro-
5 priate congressional committees a report con-
6 taining—

7 (i) a notification that such a waiver is
8 in the national security interest of the
9 United States;

10 (ii) justification for such a waiver, in-
11 cluding an explanation of how meets the
12 requirements under paragraph (1); and

13 (iii) a certification that there is no
14 backlog of deferred maintenance with re-
15 spect to physical security equipment and
16 related infrastructure at each Department
17 of Energy defense nuclear facility; and

18 (B) a period of 15 days elapses following
19 the date on which the Secretary submits such
20 report.

21 (c) DEFINITIONS.—In this section:

22 (1) The term “appropriate congressional com-
23 mittees” means the following:

24 (A) The congressional defense committees.

1 (B) The Committee on Foreign Relations
2 of the Senate and the Committee on Foreign
3 Affairs of the House of Representatives.

4 (2) The term “Department of Energy defense
5 nuclear facility” has the meaning given that term in
6 section 318 of the Atomic Energy Act of 1954 (42
7 U.S.C. 2286g).

8 **SEC. 3116. LIMITATION ON AVAILABILITY OF FUNDS FOR**
9 **FEDERAL SALARIES AND EXPENSES.**

10 Of the funds authorized to be appropriated by this
11 Act or otherwise made available for fiscal year 2017 for
12 the National Nuclear Security Administration for defense-
13 related Federal salaries and expenses, not more than 90
14 percent may be obligated or expended until the date on
15 which the Secretary of Energy submits to the congress-
16 sional defense committees and the congressional intel-
17 ligence committees the following:

18 (1) The updated plan on the designing and
19 building of prototypes of nuclear weapons that is re-
20 quired to be developed by not later than the same
21 time as the budget of the President for fiscal year
22 2018 pursuant to paragraphs (2) and (3)(B) of sec-
23 tion 4509(a) of the Atomic Energy Defense Act (50
24 U.S.C. 2660(a)(2)).

1 (2) A description of the determination of the
2 Secretary under paragraph (4)(B) of such section
3 with respect to the manner in which the designing
4 and building of prototypes of nuclear weapons is car-
5 ried out under such updated plan.

6 **SEC. 3117. LIMITATION ON AVAILABILITY OF FUNDS FOR**
7 **DEFENSE ENVIRONMENTAL CLEANUP PRO-**
8 **GRAM DIRECTION.**

9 Of the funds authorized to be appropriated by this
10 Act or otherwise made available for fiscal year 2017 for
11 defense environmental cleanup for program direction, not
12 more than 90 percent may be obligated or expended until
13 the date on which the Secretary of Energy submits to Con-
14 gress the future-years defense environmental cleanup plan
15 required to be submitted during 2017 under section
16 4402A of the Atomic Energy Defense Act (50 U.S.C.
17 2582A).

18 **SEC. 3118. LIMITATION ON AVAILABILITY OF FUNDS FOR**
19 **ACCELERATION OF NUCLEAR WEAPONS DIS-**
20 **MANTLEMENT.**

21 (a) **LIMITATION ON MAXIMUM AMOUNT FOR DIS-**
22 **MANTLEMENT.**—Of the funds authorized to be appro-
23 priated by this Act or otherwise made available for any
24 of fiscal years 2017 through 2021 for the National Nu-
25 clear Security Administration, not more than \$56,000,000

1 may be obligated or expended in each such fiscal year to
2 carry out the nuclear weapons dismantlement and disposi-
3 tion activities of the Administration.

4 (b) LIMITATION ON ACCELERATION OF DISMANTLE-
5 MENT ACTIVITIES.—Except as provided by subsection (d),
6 none of the funds authorized to be appropriated by this
7 Act or otherwise made available for any of fiscal years
8 2017 through 2021 for the National Nuclear Security Ad-
9 ministration may be obligated or expended to accelerate
10 the nuclear weapons dismantlement activities of the Ad-
11 ministration to a rate that exceeds the rate described in
12 the Stockpile Stewardship and Management Plan sched-
13 ule.

14 (c) LIMITATION ON DISMANTLEMENT OF CERTAIN
15 CRUISE MISSILE WARHEADS.—Except as provided by
16 subsection (d), none of the funds authorized to be appro-
17 priated by this Act or otherwise made available for any
18 of fiscal years 2017 through 2021 for the National Nu-
19 clear Security Administration may be obligated or ex-
20 pended to dismantle or dispose a W84 nuclear weapon.

21 (d) EXCEPTION.—The limitations in subsection (b)
22 and (c) shall not apply to the following:

23 (1) The dismantlement of a nuclear weapon not
24 covered by the Stockpile Stewardship and Manage-
25 ment Plan schedule if the Administrator for Nuclear

1 Security certifies, in writing, to the congressional de-
2 fense committees that—

3 (A) the components of the nuclear weapon
4 are directly required for the purposes of a cur-
5 rent life extension program; or

6 (B) such dismantlement is necessary to
7 conduct maintenance or surveillance of the nu-
8 clear weapons stockpile or to ensure the safety
9 or reliability of the nuclear weapons stockpile.

10 (2) The dismantlement of a nuclear weapon if
11 the President certifies, in writing, to the congres-
12 sional defense committees that—

13 (A) such dismantlement is being carried
14 out pursuant to a nuclear arms reduction treaty
15 or similar international agreement that requires
16 such dismantlement; and

17 (B) such treaty or similar international
18 agreement—

19 (i) has entered into force after the
20 date of the enactment of this Act; and

21 (ii) was approved—

22 (I) with the advice and consent
23 of the Senate pursuant to Article II,
24 section 2, clause 2 of the Constitution

1 after the date of the enactment of this
2 Act; or

3 (II) by an Act of Congress, as
4 described in section 303(b) of the
5 Arms Control and Disarmament Act
6 (22 U.S.C. 2573(b)).

7 (e) STOCKPILE STEWARDSHIP AND MANAGEMENT
8 PLAN SCHEDULE DEFINED.—In this section, the term
9 “Stockpile Stewardship and Management Plan schedule”
10 means the schedule described in table 2–7 of the annex
11 of the report titled “Fiscal Year 2016 Stockpile Steward-
12 ship and Management Plan” submitted in March 2015 by
13 the Administrator for Nuclear Security to the congress-
14 sional defense committees under section 4203(b)(2) of the
15 Atomic Energy Defense Act (50 U.S.C. 2523(b)(2)).

16 **SEC. 3119. ANNUAL CERTIFICATION OF SHIPMENTS TO**
17 **WASTE ISOLATION PILOT PLANT.**

18 (a) ANNUAL CERTIFICATION.—During the five-year
19 period beginning on the date of the enactment of this Act,
20 not later than February 1 of each year, the Secretary of
21 Energy shall certify to the congressional defense commit-
22 tees the following, with respect to the year covered by the
23 certification:

24 (1) The covered contractors have certified to
25 the Administrator for Nuclear Security that the cov-

1 ered contractors are aware of the contents of each
2 container shipped by the covered contractors to the
3 Waste Isolation Pilot Plant, Carlsbad, New Mexico,
4 in sufficient detail to ensure that the container is
5 handled properly to prevent the release of radiation
6 or contamination.

7 (2) The Administrator is aware of the contents
8 of each container shipped by the Administrator or
9 covered contractors to the Waste Isolation Pilot
10 Plant, Carlsbad, New Mexico, in such sufficient de-
11 tail.

12 (3) The Assistant Secretary of Energy for En-
13 vironmental Management is aware of the contents of
14 each container shipped from a clean-up site to the
15 Waste Isolation Pilot Plant in such sufficient detail.

16 (b) COVERED CONTRACTORS DEFINED.—In this sec-
17 tion, the term “covered contractors” means each manage-
18 ment and operating contractor of a national security lab-
19 oratory or nuclear weapons production facility (as such
20 terms are defined in section 4002 of the Atomic Energy
21 Defense Act (50 U.S.C. 2501) that ships materials to the
22 Waste Isolation Pilot Plant, Carlsbad, New Mexico.

1 **SEC. 3119A. LIMITATION ON AVAILABILITY OF FUNDS FOR**
2 **THE DEPARTMENT OF ENERGY.**

3 (a) **LIMITATION.**—Of the funds authorized to be ap-
4 propriated or otherwise made available for fiscal year 2017
5 for the Department of Energy for the Office of the Sec-
6 retary of Energy, not more than 50 percent may be obli-
7 gated or expended until the date on which the Secretary
8 submits to the appropriate congressional committees the
9 report under subsection (b).

10 (b) **REPORT.**—Not later than 15 days after the date
11 of the enactment of this Act, the Secretary shall submit
12 to the appropriate congressional committees the full re-
13 port, and any related materials, titled “U.S. Nuclear De-
14 terrence in the Coming Decades”, dated August 15, 2014.

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; and
19 (2) the Permanent Select Committee on Intel-
20 ligence of the House of Representatives and the Se-
21 lect Committee on Intelligence of the Senate.

1 **SEC. 3119B. SENSE OF CONGRESS REGARDING ACCOUNT-**
2 **ING PRACTICES BY LABORATORY OPERATING**
3 **CONTRACTORS AND PLANT OR SITE MAN-**
4 **AGERS OF NATIONAL NUCLEAR SECURITY**
5 **ADMINISTRATION FACILITIES.**

6 It is the sense of Congress that the Secretary of En-
7 ergy should ensure that each laboratory operating con-
8 tractor or plant or site manager of a National Nuclear
9 Security Administration facility adopt generally accepted
10 and consistent accounting practices for laboratory, plant,
11 or site directed research and development.

12 **SEC. 3119C. PROTECTION OF CERTAIN NUCLEAR FACILI-**
13 **TIES FROM UNMANNED AIRCRAFT.**

14 (a) IN GENERAL.—The Atomic Energy Defense Act
15 (50 U.S.C. 2501 et seq.) is amended by inserting after
16 section 4509 the following new section:

17 **“SEC. 4510. PROTECTION OF CERTAIN NUCLEAR FACILI-**
18 **TIES FROM UNMANNED AIRCRAFT.**

19 “(a) AUTHORITY.—The Secretary of Energy may
20 take such actions described in subsection (b)(1) that are
21 necessary to mitigate the threat of an unmanned aircraft
22 system or unmanned aircraft that poses an imminent
23 threat (as defined by the Secretary of Energy, in coordina-
24 tion with the Secretary of Transportation) to the safety
25 or security of a covered facility.

1 “(b) ACTIONS DESCRIBED.—(1) The actions de-
2 scribed in this paragraph are the following:

3 “(A) Disrupt control of the unmanned aircraft
4 system or unmanned aircraft.

5 “(B) Seize and exercise control of the un-
6 manned aircraft system or unmanned aircraft.

7 “(C) Seize or otherwise confiscate the un-
8 manned aircraft system or unmanned aircraft.

9 “(D) Use reasonable force to disable or destroy
10 the unmanned aircraft system or unmanned aircraft.

11 “(2) The Secretary of Energy shall develop the ac-
12 tions described in paragraph (1) in coordination with the
13 Secretary of Transportation, consistent with the protec-
14 tion of information regarding sensitive defense or national
15 security capabilities.

16 “(c) FORFEITURE.—(1) Any unmanned aircraft sys-
17 tem or unmanned aircraft described in subsection (a) shall
18 be subject to seizure and forfeiture to the United States.

19 “(2) The Secretary of Energy may prescribe regula-
20 tions to establish reasonable exceptions to paragraph (1),
21 including in cases where—

22 “(A) the operator of the unmanned aircraft sys-
23 tem or unmanned aircraft obtained the control and
24 possession of such system or aircraft illegally; or

1 “(B) the operator of the unmanned aircraft sys-
2 tem or unmanned aircraft is an employee of a com-
3 mon carrier acting in manner described in sub-
4 section (a) without the knowledge of the common
5 carrier.

6 “(d) REGULATIONS.—Not later than 180 days after
7 the date of the enactment of this section, the Secretary
8 of Energy and the Secretary of Transportation shall pre-
9 scribe regulations and issue guidance in the respective
10 areas of each Secretary to carry out this section.

11 “(e) DEFINITIONS.—In this section:

12 “(1) The term ‘covered facility’ means any fa-
13 cility that—

14 “(A) is identified by the Secretary of En-
15 ergy for purposes of this section;

16 “(B) is located in the United States (in-
17 cluding the territories and possessions of the
18 United States); and

19 “(C) is owned by the United States, or
20 contracted to the United States, to store or use
21 special nuclear material.

22 “(2) The terms ‘unmanned aircraft’ and ‘un-
23 manned aircraft system’ have the meaning given
24 those terms in section 331 of the FAA Moderniza-

1 tion and Reform Act of 2012 (Public Law 112–95;
2 49 U.S.C. 40101 note).”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 for such Act is amended by inserting after the item relat-
5 ing to section 4509 the following new item:

“Sec. 4510. Protection of certain nuclear facilities from unmanned aircraft.”.

6 **Subtitle C—Plans and Reports**

7 **SEC. 3121. CLARIFICATION OF ANNUAL REPORT AND CER-** 8 **TIFICATION ON STATUS OF SECURITY OF** 9 **ATOMIC ENERGY DEFENSE FACILITIES.**

10 Section 4506(b)(1)(B) of the Atomic Energy Defense
11 Act (50 U.S.C. 2657) is amended to read as follows:

12 “(B) written certification that such facilities are
13 secure and that the security measures at such facili-
14 ties meet the security standards and requirements of
15 the Department of Energy.”.

16 **SEC. 3122. ANNUAL REPORT ON SERVICE SUPPORT CON-** 17 **TRACTS OF THE NATIONAL NUCLEAR SECU-** 18 **RITY ADMINISTRATION.**

19 Section 3241A(f) of the National Nuclear Security
20 Administration Act (50 U.S.C. 2441a(f)) is amended by
21 adding at the end the following new paragraph:

22 “(5) With respect to each contract identified
23 under paragraph (2)—

24 “(A) the cost of the contract; and

1 “(B) identification of the program or pro-
2 gram direction accounts that support the con-
3 tract.”.

4 **SEC. 3123. REPEAL OF CERTAIN REPORTING REQUIRE-**
5 **MENTS.**

6 (a) **REPORTS ON PLAN TO PROTECT AGAINST INAD-**
7 **VERTENT RELEASE OF RESTRICTED DATA AND FOR-**
8 **MERLY RESTRICTED DATA.**—Section 4522 of the Atomic
9 Energy Defense Act (50 U.S.C. 2672) is amended—

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

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

13 (b) **GAO REPORT ON PROGRAM ON SCIENTIFIC EN-**
14 **GAGEMENT FOR NONPROLIFERATION.**—Section 3122 of
15 the National Defense Authorization Act for Fiscal Year
16 2013 (Public Law 112–239; 50 U.S.C. 2571 note), as
17 amended by section 3125 of the National Defense Author-
18 ization Act for Fiscal Year 2014 (Public Law 113–66; 127
19 Stat. 1063), is further amended—

20 (1) in subsection (b)(1), by striking “, and to
21 the Comptroller General of the United States,”;

22 (2) by striking subsection (e); and

23 (3) by redesignating subsections (f) and (g) as
24 subsections (e) and (f), respectively.

1 **SEC. 3124. INDEPENDENT ASSESSMENT OF TECHNOLOGY**
2 **DEVELOPMENT UNDER DEFENSE ENVIRON-**
3 **MENTAL CLEANUP PROGRAM.**

4 (a) **ASSESSMENT.**—Not later than 60 days after the
5 date of the enactment of this Act, the Secretary of Energy
6 shall seek to enter into an agreement with the National
7 Academy of Sciences to conduct an independent assess-
8 ment of the technology development efforts of the defense
9 environmental cleanup program of the Department of En-
10 ergy.

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

13 (1) A review of the technology development ef-
14 forts of the defense environmental cleanup program
15 of the Department of Energy, including an assess-
16 ment of the process by which the Secretary identifies
17 and chooses technologies to pursue under the pro-
18 gram.

19 (2) A comprehensive review and assessment of
20 technologies or alternative approaches to defense en-
21 vironmental cleanup efforts that could—

22 (A) reduce the long-term costs of such ef-
23 forts;

24 (B) accelerate schedules for carrying out
25 such efforts;

1 (C) mitigate uncertainties, vulnerabilities,
2 or risks relating to such efforts; or

3 (D) otherwise significantly improve the de-
4 fense environmental cleanup program.

5 (c) SUBMISSION.—Not later than September 30,
6 2017, the National Academy of Sciences shall submit to
7 the congressional defense committees and the Secretary
8 a report on the assessment under subsection (a).

9 **SEC. 3125. UPDATED PLAN FOR VERIFICATION AND MONI-**
10 **TORING OF PROLIFERATION OF NUCLEAR**
11 **WEAPONS AND FISSILE MATERIAL.**

12 (a) UPDATED PLAN.—

13 (1) TRANSMISSION.—Not later than 90 days
14 after the date of the enactment of this Act, the
15 President shall transmit to the appropriate congres-
16 sional committees a comprehensive and detailed up-
17 date to the plan developed under section 3133(a) of
18 the Carl Levin and Howard P. “Buck” McKeon Na-
19 tional Defense Authorization Act for Fiscal Year
20 2015 (Public Law 113–291; 128 Stat. 3896) with
21 respect to verification and monitoring relating to the
22 potential proliferation of nuclear weapons, compo-
23 nents of such weapons, and fissile material.

1 (2) FORM.—The updated plan under paragraph
2 (1) shall be transmitted in unclassified form, but
3 may include a classified annex.

4 (b) LIMITATION.—Of the funds authorized to be ap-
5 propriated by this Act or otherwise made available for fis-
6 cal year 2017 for the Department of Defense for sup-
7 porting the Executive Office of the President,
8 \$10,000,000 may not be obligated or expended until the
9 date on which the President transmits to the appropriate
10 congressional committees the updated plan under sub-
11 section (a)(1).

12 (c) BRIEFING.—Not later than 30 days after the date
13 of the enactment of this Act, the President shall provide
14 to the Committees on Armed Services of the House of
15 Representatives and the Senate (and any other appro-
16 priate congressional committee upon request) an interim
17 briefing on the updated plan under subsection (a)(1).

18 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
19 DEFINED.—In this section, the term “appropriate con-
20 gressional committees” means the following:

21 (1) The congressional defense committees.

22 (2) The Permanent Select Committee on Intel-
23 ligence of the House of Representatives and the Se-
24 lect Committee on Intelligence of the Senate.

1 (3) The Committee on Foreign Affairs of the
2 House of Representatives and the Committee on
3 Foreign Relations of the Senate.

4 (4) The Committee on Homeland Security of
5 the House of Representatives and the Committee on
6 Homeland Security and Governmental Affairs of the
7 Senate.

8 (5) The Committee on Energy and Commerce
9 of the House of Representatives and the Committee
10 on Commerce, Science, and Transportation of the
11 Senate.

12 **SEC. 3126. BRIEFING ON THE INFORMATION-INTERCHANGE**
13 **OF LOW-ENRICHED URANIUM.**

14 (a) BRIEFING.—Not later than 120 days after the
15 date of the enactment of this Act, the Secretary of De-
16 fense, the Secretary of Energy, and the Secretary of State
17 shall provide a briefing to the appropriate congressional
18 committees on the feasibility and potential benefits of a
19 dialogue between the United States and France on the use
20 of low-enriched uranium in naval reactors.

21 (b) APPROPRIATE CONGRESSIONAL COMMITTEES.—
22 In this section, the term “appropriate congressional com-
23 mittees” means—

24 (1) the congressional defense committees;

1 (2) the Committee on Foreign Affairs of the
2 House of Representatives and the Committee on
3 Foreign Relations of the Senate;

4 (3) the Permanent Select Committee on Intel-
5 ligence of the House of Representatives and the Se-
6 lect Committee on Intelligence of the Senate; and

7 (4) the Committee on Energy and Commerce of
8 the House of Representatives and the Committee on
9 Energy and Natural Resources of the Senate.

10 **TITLE XXXII—DEFENSE NU-**
11 **CLEAR FACILITIES SAFETY**
12 **BOARD**

13 **SEC. 3201. AUTHORIZATION.**

14 There are authorized to be appropriated for fiscal
15 year 2017, \$31,000,000 for the operation of the Defense
16 Nuclear Facilities Safety Board under chapter 21 of the
17 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

18 **TITLE XXXIII—NUCLEAR EN-**
19 **ERGY INNOVATION CAPABILI-**
20 **TIES**

21 **SEC. 3301. SHORT TITLE.**

22 This title may be cited as the “Nuclear Energy Inno-
23 vation Capabilities Act”.

1 **SEC. 3302. NUCLEAR ENERGY.**

2 Section 951 of the Energy Policy Act of 2005 (42
3 U.S.C. 16271) is amended to read as follows:

4 **“SEC. 951. NUCLEAR ENERGY.**

5 “(a) MISSION.—The Secretary shall conduct pro-
6 grams of civilian nuclear research, development, dem-
7 onstration, and commercial application, including activi-
8 ties in this subtitle. Such programs shall take into consid-
9 eration the following objectives:

10 “(1) Providing research infrastructure to pro-
11 mote scientific progress and enable users from aca-
12 demia, the National Laboratories, and the private
13 sector to make scientific discoveries relevant for nu-
14 clear, chemical, and materials science engineering.

15 “(2) Maintaining National Laboratory and uni-
16 versity nuclear energy research and development
17 programs, including their infrastructure.

18 “(3) Providing the technical means to reduce
19 the likelihood of nuclear weapons proliferation and
20 increasing confidence margins for public safety of
21 nuclear energy systems.

22 “(4) Reducing the environmental impact of nu-
23 clear energy related activities.

24 “(5) Supporting technology transfer from the
25 National Laboratories to the private sector.

1 “(6) Enabling the private sector to partner with
2 the National Laboratories to demonstrate novel reac-
3 tor concepts for the purpose of resolving technical
4 uncertainty associated with the aforementioned ob-
5 jectives in this subsection.

6 “(b) DEFINITIONS.—In this subtitle:

7 “(1) ADVANCED NUCLEAR REACTOR.—The
8 term ‘advanced nuclear reactor’ means—

9 “(A) a nuclear fission reactor with signifi-
10 cant improvements over the most recent genera-
11 tion of nuclear fission reactors, which may in-
12 clude inherent safety features, lower waste
13 yields, greater fuel utilization, superior reli-
14 ability, resistance to proliferation, and increased
15 thermal efficiency; or

16 “(B) a nuclear fusion reactor.

17 “(2) FAST NEUTRON.—The term ‘fast neutron’
18 means a neutron with kinetic energy above 100
19 kiloelectron volts.

20 “(3) NATIONAL LABORATORY.—The term ‘Na-
21 tional Laboratory’ has the meaning given that term
22 in paragraph (3) of section 2, except that with re-
23 spect to subparagraphs (G), (H), and (N) of such
24 paragraph, for purposes of this subtitle the term in-
25 cludes only the civilian activities thereof.

1 “(4) NEUTRON FLUX.—The term ‘neutron flux’
2 means the intensity of neutron radiation measured
3 as a rate of flow of neutrons applied over an area.

4 “(5) NEUTRON SOURCE.—The term ‘neutron
5 source’ means a research machine that provides neu-
6 tron irradiation services for research on materials
7 sciences and nuclear physics as well as testing of ad-
8 vanced materials, nuclear fuels, and other related
9 components for reactor systems.”.

10 **SEC. 3303. NUCLEAR ENERGY RESEARCH PROGRAMS.**

11 Section 952 of the Energy Policy Act of 2005 (42
12 U.S.C. 16272) is amended—

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

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

16 **SEC. 3304. ADVANCED FUEL CYCLE INITIATIVE.**

17 Section 953(a) of the Energy Policy Act of 2005 (42
18 U.S.C. 16273(a)) is amended by striking “, acting
19 through the Director of the Office of Nuclear Energy,
20 Science and Technology,”.

21 **SEC. 3305. UNIVERSITY NUCLEAR SCIENCE AND ENGINEER-**
22 **ING SUPPORT.**

23 Section 954(d)(4) of the Energy Policy Act of 2005
24 (42 U.S.C. 16274(d)(4)) is amended by striking “as part

1 of a taking into consideration effort that emphasizes” and
2 inserting “that emphasize”.

3 **SEC. 3306. DEPARTMENT OF ENERGY CIVILIAN NUCLEAR**
4 **INFRASTRUCTURE AND FACILITIES.**

5 Section 955 of the Energy Policy Act of 2005 (42
6 U.S.C. 16275) is amended—

7 (1) by striking subsections (c) and (d); and

8 (2) by adding at the end the following:

9 “(c) VERSATILE NEUTRON SOURCE.—

10 “(1) MISSION NEED.—Not later than December
11 31, 2016, the Secretary shall determine the mission
12 need for a versatile reactor-based fast neutron
13 source, which shall operate as a national user facil-
14 ity. During this process, the Secretary shall consult
15 with the private sector, universities, National Lab-
16 oratories, and relevant Federal agencies to ensure
17 that this user facility will meet the research needs
18 of the largest possible majority of prospective users.

19 “(2) ESTABLISHMENT.—Upon the determina-
20 tion of mission need made under paragraph (1), the
21 Secretary shall, as expeditiously as possible, provide
22 to the Committee on Science, Space, and Technology
23 of the House of Representatives and the Committee
24 on Energy and Natural Resources of the Senate a

1 detailed plan for the establishment of the user facil-
2 ity.

3 “(3) FACILITY REQUIREMENTS.—

4 “(A) CAPABILITIES.—The Secretary shall
5 ensure that this user facility will provide, at a
6 minimum, the following capabilities:

7 “(i) Fast neutron spectrum irradiation
8 capability.

9 “(ii) Capacity for upgrades to accom-
10 modate new or expanded research needs.

11 “(B) CONSIDERATIONS.—In carrying out
12 the plan provided under paragraph (2), the Sec-
13 retary shall consider the following:

14 “(i) Capabilities that support experi-
15 mental high-temperature testing.

16 “(ii) Providing a source of fast neu-
17 trons at a neutron flux, higher than that
18 at which current research facilities operate,
19 sufficient to enable research for an optimal
20 base of prospective users.

21 “(iii) Maximizing irradiation flexibility
22 and irradiation volume to accommodate as
23 many concurrent users as possible.

24 “(iv) Capabilities for irradiation with
25 neutrons of a lower energy spectrum.

1 “(v) Multiple loops for fuels and ma-
2 terials testing in different coolants.

3 “(vi) Additional pre-irradiation and
4 post-irradiation examination capabilities.

5 “(vii) Lifetime operating costs and
6 lifecycle costs.

7 “(4) REPORTING PROGRESS.—The Department
8 shall, in its annual budget requests, provide an ex-
9 planation for any delay in its progress and otherwise
10 make every effort to complete construction and ap-
11 prove the start of operations for this facility by De-
12 cember 31, 2025.

13 “(5) COORDINATION.—The Secretary shall le-
14 verage the best practices for management, construc-
15 tion, and operation of national user facilities from
16 the Office of Science.”.

17 **SEC. 3307. SECURITY OF NUCLEAR FACILITIES.**

18 Section 956 of the Energy Policy Act of 2005 (42
19 U.S.C. 16276) is amended by striking “, acting through
20 the Director of the Office of Nuclear Energy, Science and
21 Technology,”.

22 **SEC. 3308. HIGH-PERFORMANCE COMPUTATION AND SUP-**
23 **PORTIVE RESEARCH.**

24 Section 957 of the Energy Policy Act of 2005 (42
25 U.S.C. 16277) is amended to read as follows:

1 **“SEC. 957. HIGH-PERFORMANCE COMPUTATION AND SUP-**
2 **PORTIVE RESEARCH.**

3 “(a) MODELING AND SIMULATION.—The Secretary
4 shall carry out a program to enhance the Nation’s capa-
5 bilities to develop new reactor technologies through high-
6 performance computation modeling and simulation tech-
7 niques. This program shall coordinate with relevant Fed-
8 eral agencies through the National Strategic Computing
9 Initiative created under Executive Order No. 13702 (July
10 29, 2015) while taking into account the following objec-
11 tives:

12 “(1) Utilizing expertise from the private sector,
13 universities, and National Laboratories to develop
14 computational software and capabilities that pro-
15 spective users may access to accelerate research and
16 development of advanced nuclear reactor systems
17 and reactor systems for space exploration.

18 “(2) Developing computational tools to simulate
19 and predict nuclear phenomena that may be vali-
20 dated through physical experimentation.

21 “(3) Increasing the utility of the Department’s
22 research infrastructure by coordinating with the Ad-
23 vanced Scientific Computing Research program
24 within the Office of Science.

25 “(4) Leveraging experience from the Energy In-
26 novation Hub for Modeling and Simulation.

1 “(5) Ensuring that new experimental and com-
2 putational tools are accessible to relevant research
3 communities.

4 “(b) SUPPORTIVE RESEARCH ACTIVITIES.—The Sec-
5 retary shall consider support for additional research activi-
6 ties to maximize the utility of its research facilities, includ-
7 ing physical processes to simulate degradation of materials
8 and behavior of fuel forms and for validation of computa-
9 tional tools.”.

10 **SEC. 3309. ENABLING NUCLEAR ENERGY INNOVATION.**

11 Subtitle E of title IX of the Energy Policy Act of
12 2005 (42 U.S.C. 16271 et seq.) is amended by adding at
13 the end the following:

14 **“SEC. 958. ENABLING NUCLEAR ENERGY INNOVATION.**

15 “(a) NATIONAL REACTOR INNOVATION CENTER.—
16 The Secretary shall carry out a program to enable the
17 testing and demonstration of reactor concepts to be pro-
18 posed and funded by the private sector. The Secretary
19 shall leverage the technical expertise of relevant Federal
20 agencies and National Laboratories in order to minimize
21 the time required to enable construction and operation of
22 privately funded experimental reactors at National Lab-
23 oratories or other Department-owned sites. Such reactors
24 shall operate to meet the following objectives:

1 “(1) Enabling physical validation of novel reac-
2 tor concepts.

3 “(2) Resolving technical uncertainty and in-
4 creasing practical knowledge relevant to safety, resil-
5 ience, security, and functionality of first-of-a-kind
6 reactor concepts.

7 “(3) General research and development to im-
8 prove nascent technologies.

9 “(b) REPORTING REQUIREMENT.—Not later than
10 180 days after the date of enactment of the Nuclear En-
11 ergy Innovation Capabilities Act, the Secretary, in con-
12 sultation with the National Laboratories, relevant Federal
13 agencies, and other stakeholders, shall transmit to the
14 Committee on Science, Space, and Technology of the
15 House of Representatives and the Committee on Energy
16 and Natural Resources of the Senate a report assessing
17 the Department’s capabilities to authorize, host, and over-
18 see privately funded experimental advanced nuclear reac-
19 tors as described under subsection (a). The report shall
20 address the following:

21 “(1) The Department’s oversight capabilities,
22 including options to leverage expertise from the Nu-
23 clear Regulatory Commission and National Labora-
24 tories.

1 “(2) Potential sites capable of hosting activities
2 described under subsection (a).

3 “(3) The efficacy of the Department’s available
4 contractual mechanisms to partner with the private
5 sector and Federal agencies, including cooperative
6 research and development agreements, strategic
7 partnership projects, and agreements for commer-
8 cializing technology.

9 “(4) Potential cost structures related to long-
10 term projects, including physical security, distribu-
11 tion of liability, and other related costs.

12 “(5) Other challenges or considerations identi-
13 fied by the Secretary.”.

14 **SEC. 3310. BUDGET PLAN.**

15 (a) IN GENERAL.—Subtitle E of title IX of the En-
16 ergy Policy Act of 2005 (42 U.S.C. 16271 et seq.) is fur-
17 ther amended by adding at the end the following:

18 **“SEC. 959. BUDGET PLAN.**

19 “Not later than 12 months after the date of enact-
20 ment of the Nuclear Energy Innovation Capabilities Act,
21 the Department shall transmit to the Committee on
22 Science, Space, and Technology of the House of Rep-
23 resentatives and the Committee on Energy and Natural
24 Resources of the Senate 2 alternative 10-year budget
25 plans for civilian nuclear energy research and development

1 by the Department. The first shall assume constant an-
2 nual funding for 10 years at the appropriated level for
3 the Department's civilian nuclear energy research and de-
4 velopment for fiscal year 2016. The second shall be an
5 unconstrained budget. The two plans shall include—

6 “(1) a prioritized list of the Department's pro-
7 grams, projects, and activities to best support the
8 development of advanced nuclear reactor tech-
9 nologies;

10 “(2) realistic budget requirements for the De-
11 partment to implement sections 955(c), 957, and
12 958 of this Act; and

13 “(3) the Department's justification for con-
14 tinuing or terminating existing civilian nuclear en-
15 ergy research and development programs.”.

16 (b) REPORT ON FUSION INNOVATION.—Not later
17 than 6 months after the date of enactment of this title,
18 the Secretary of the Department of Energy shall transmit
19 to the Committee on Science, Space, and Technology of
20 the House of Representatives and the Committee on En-
21 ergy and Natural Resources of the Senate a report that
22 will identify engineering designs for innovative fusion en-
23 ergy systems that have the potential to demonstrate net
24 energy production not later than 15 years after the start
25 of construction. In this report, the Secretary will identify

1 budgetary requirements that would be necessary for the
2 Department to carry out a fusion innovation initiative to
3 accelerate research and development of these designs.

4 **SEC. 3311. CONFORMING AMENDMENTS.**

5 The table of contents for the Energy Policy Act of
6 2005 is amended by striking the item relating to section
7 957 and inserting the following:

“957. High-performance computation and supportive research.

“958. Enabling nuclear energy innovation.

“959. Budget plan.”.

8 **TITLE XXXIV—NAVAL**
9 **PETROLEUM RESERVES**

10 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) AMOUNT.—There are hereby authorized to be ap-
12 propriated to the Secretary of Energy \$14,950,000 for fis-
13 cal year 2017 for the purpose of carrying out activities
14 under chapter 641 of title 10, United States Code, relating
15 to the naval petroleum reserves.

16 (b) PERIOD OF AVAILABILITY.—Funds appropriated
17 pursuant to the authorization of appropriations in sub-
18 section (a) shall remain available until expended.

19 **TITLE XXXV—MARITIME**
20 **ADMINISTRATION**

21 **SEC. 3501. AUTHORIZATION OF THE MARITIME ADMINIS-**
22 **TRATION.**

23 Funds are hereby authorized to be appropriated for
24 fiscal year 2017, to be available without fiscal year limita-

1 tion if so provided in appropriations Acts, for the use of
2 the Department of Transportation for Maritime Adminis-
3 tration programs associated with maintaining the United
4 States merchant marine, as follows:

5 (1) For expenses necessary for operations of the
6 United States Merchant Marine Academy,
7 \$99,902,000.

8 (2) For expenses necessary to support the State
9 maritime academies, \$29,550,000.

10 (3) For expenses necessary to support Maritime
11 Administration operations and programs,
12 \$58,694,000.

13 (4) For expenses necessary to dispose of vessels
14 in the National Defense Reserve Fleet, \$20,000,000,
15 to remain available until expended.

16 (5) For expenses to maintain and preserve a
17 United States-flag merchant marine to serve the na-
18 tional security needs of the United States under
19 chapter 531 of title 46, United States Code,
20 \$299,997,000.

1 **SEC. 3502. AUTHORITY TO MAKE PRO RATA ANNUAL PAY-**
2 **MENTS UNDER OPERATING AGREEMENTS**
3 **FOR VESSELS PARTICIPATING IN MARITIME**
4 **SECURITY FLEET.**

5 Section 53106(d) of title 46, United States Code, is
6 amended—

7 (1) by striking “and” at the end of paragraph

8 (2);

9 (2) by striking the period at the end of para-
10 graph (3) and inserting “; and”; and

11 (3) by adding at the end following:

12 “(4) may make a pro rata reduction in payment
13 if sufficient funds have not been appropriated to pay
14 the full annual payment authorized in subsection
15 (a).”.

16 **SEC. 3503. AUTHORITY TO EXTEND CERTAIN AGE RESTRIC-**
17 **TIONS RELATING TO VESSELS IN THE MARI-**
18 **TIME SECURITY FLEET.**

19 (a) **AUTHORITY.**—

20 (1) **IN GENERAL.**—Section 53102 of title 46,
21 United States Code, is amended by adding at the
22 end the following:

23 “(g) **AUTHORITY TO EXTEND MAXIMUM SERVICE**
24 **AGE FOR VESSEL.**—The Secretary of Defense, in conjunc-
25 tion with the Secretary of Transportation, may, for a par-
26 ticular participating fleet vessel, extend the maximum age

1 restrictions under section 53101(5)(A)(ii) and section
2 53106(c)(3) for a period of up to 5 years if the Secretaries
3 jointly determine that it is in the national interest to do
4 so.”.

5 (2) CONFORMING AMENDMENT.—The heading
6 of subsection (f) of such section is amended to read
7 as follows: “AUTHORITY TO WAIVE AGE RESTRIC-
8 TION FOR ELIGIBILITY OF A VESSEL TO BE IN-
9 CLUDED IN FLEET.—”.

10 (b) REPEAL OF REDUNDANT AGE LIMITATION.—
11 Section 53106(c)(3) of such title is amended—

12 (1) in subparagraph (A), by striking “or (C);”
13 and inserting “; or”;

14 (2) in subparagraph (B), by striking “; or” and
15 inserting a period; and

16 (3) by striking subparagraph (C).

17 **SEC. 3504. CORRECTIONS TO PROVISIONS ENACTED BY**
18 **COAST GUARD AUTHORIZATION ACTS.**

19 (a) SHORT TITLE CORRECTION.—The Coast Guard
20 Authorization Act of 2015 (Public Law 114–120) is
21 amended by striking “Coast Guard Authorization Act of
22 2015” each place it appears (including in quoted material)
23 and inserting “Coast Guard Authorization Act of 2016”.

24 (b) TITLE 46, U.S.C.—

1 (1) Section 7510 of title 46, United States
2 Code, is amended—

3 (A) in subsection (c)(1)(D), by striking
4 “engine” and inserting “engineer”; and

5 (B) in subsection (c)(9), by inserting a pe-
6 riod after “App”;

7 (2) Section 4503(f)(2) of title 46, United States
8 Code, is amended by striking “, that” and inserting
9 “, then”.

10 (c) PROVISIONS RELATING TO THE PRIBILOF IS-
11 LANDS.—

12 (1) SHORT TITLE CORRECTION.—Section 521
13 of the Coast Guard Authorization Act of 2016 (Pub-
14 lic Law 114–120), as amended by subsection (a), is
15 further amended by striking “2015” and inserting
16 “2016”.

17 (2) CONFORMING AMENDMENT.—Section
18 105(e)(1) of the Pribilof Islands Transition Act (16
19 U.S.C. 1161 note; Public Law 106–562) is amended
20 by striking “2015” and inserting “2016”.

21 (3) TECHNICAL CORRECTION.—Section
22 522(b)(2) of the Coast Guard Authorization Act of
23 2016 (Public Law 114–120), as amended by sub-
24 section (a), is further amended by striking “sub-
25 section (a)” and inserting “paragraph (1)”.

1 (d) TITLE 14, UNITED STATES CODE.—

2 (1) REDISTRIBUTION OF AUTHORIZATIONS OF
3 APPROPRIATIONS.—Section 2702 of title 14, United
4 States Code, is amended—

5 (A) in paragraph (1)(B), by striking
6 “\$6,981,036,000” and inserting
7 “\$6,986,815,000”; and

8 (B) in paragraph (3)(B), by striking
9 “\$140,016,000” and inserting “\$134,
10 237,000”.

11 (2) CLERICAL AMENDMENT.—The analysis at
12 the beginning of part III of title 14, United States
13 Code, is amended by striking the period at the end
14 of the item relating to chapter 29.

15 (e) EFFECTIVE DATE.—The amendments made by
16 this section shall take effect as if included in the enact-
17 ment of Public Law 114–120.

18 **SEC. 3505. STATUS OF NATIONAL DEFENSE RESERVE FLEET**
19 **VESSELS.**

20 Section 11 of the Merchant Ship Sales Act of 1946
21 (50 U.S.C. 4405) is amended—

22 (1) in subsection (a), by adding at the end the
23 following: “Vessels in the National Defense Reserve
24 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 and subject
9 to the rights and responsibilities of a vessel under admi-
10 ralty law at least until such time as the vessel is delivered
11 to a dismantling facility or is disposed of otherwise from
12 the National Defense Reserve Fleet.”.

13 **SEC. 3506. NDRF NATIONAL SECURITY MULTI-MISSION VES-**
14 **SEL.**

15 (a) IN GENERAL.—Subject to the availability of ap-
16 propriations for fiscal year 2017 and each fiscal year
17 thereafter, the Maritime Administrator shall seek to con-
18 tract for construction of a national security multi-mission
19 vessel for the National Defense Reserve Fleet for—

20 (1) use as a training vessel that can be provided
21 to State maritime academies, under section
22 51504(b) of title 46, United States Code; and

23 (2) humanitarian assistance, disaster response,
24 domestic and foreign emergency contingency oper-

1 ations, and other authorized uses of vessels of the
2 National Defense Reserve Fleet.

3 (b) CONSTRUCTION AND DOCUMENTATION REQUIRE-
4 MENTS.—A vessel constructed under this section shall—

5 (1) be constructed in a private United States
6 shipyard;

7 (2) be constructed in accordance with designs
8 approved by the Maritime Administrator; and

9 (3) meet—

10 (A) the safety requirements of the Coast
11 Guard as a documented vessel; and

12 (B) the content standards of the Coast
13 Guard to qualify the vessel for a coastwise en-
14 dorsement as if such vessel were a privately
15 owned and operated commercial vessel; and

16 (4) be documented under section 12103 of title
17 46, United States Code.

18 (c) DESIGN STANDARDS AND CONSTRUCTION PRAC-
19 TICES.—Subject to subsection (b), construction of a vessel
20 under this section shall use commercial design standards
21 and commercial construction practices that are consistent
22 with the best interests of the Federal Government.

23 (d) GENERAL AGENT REQUIREMENT.—The Mari-
24 time Administrator shall enter into a contract or other
25 agreement with the Secretary of the Navy under which

1 the Navy shall act as general agent for the Maritime Ad-
2 ministration for purposes of construction of a vessel under
3 this section.

4 (e) **CONTRACTS WITH OTHER FEDERAL ENTITIES.**—
5 The Maritime Administrator may contract on a reimburs-
6 able basis with other Federal entities for goods and serv-
7 ices in connection with this section and other associated
8 future activities.

9 (f) **CONTRACTORS.**—Any contractor selected by the
10 Maritime Administration through its general agent to con-
11 struct the vessel under (a) shall be an entity established
12 under the laws of the United States or of a State, com-
13 monwealth, or territory of the United States, that during
14 the five-year period preceding the date of the enactment
15 of this Act, either directly or through a subsidiary, com-
16 pleted the construction of a vessel in excess of 10,000
17 gross tons and documented under section 12103 of title
18 46, United States Code.

19 (g) **REPEAL OF PLAN APPROVAL REQUIREMENT.**—
20 Section 109(j)(3) of title 49, United States Code, is re-
21 pealed.

22 **SEC. 3507. UNITED STATES MERCHANT MARINE ACADEMY.**

23 (a) **IN GENERAL.**—Section 51301 of title 46, United
24 States Code, is amended by adding at the end the fol-
25 lowing:

1 “(c) SUPERINTENDENT.—The immediate command
2 of the United States Merchant Marine Academy shall be
3 in the Superintendent of the Academy, subject to the di-
4 rection of the Maritime Administrator under the general
5 supervision of the Secretary of Transportation. The Sec-
6 retary of Transportation shall appoint the Superintendent
7 from the senior ranks of the United States merchant ma-
8 rine, maritime industry, or from the retired list of flag-
9 rank Navy or Coast Guard officers who have significant
10 afloat command experience. Due to the unique mission of
11 the Academy, it is highly desirable that the Super-
12 intendent be a graduate of the Academy and have attained
13 an unlimited merchant mariner officer’s license.

14 “(d) COMMANDANT OF MIDSHIPMEN.—Subject to the
15 direction of the Superintendent, the Commandant is the
16 immediate commander of the Regiment of Midshipmen
17 and is responsible for the instruction of all midshipmen
18 in maritime professionalism, ethics, leadership, and mili-
19 tary bearing necessary for future service as a licensed offi-
20 cer in the merchant marine and a commissioned officer
21 in the uniformed services. The Commandant shall be ap-
22 pointed from the senior ranks of the United States mer-
23 chant marine, maritime industry, or from the retired list
24 of flag-rank Navy or Coast Guard officers who possess sig-
25 nificant merchant marine experience. It is highly desirable

1 that the Commandant have attained an unlimited mer-
2 chant mariner officer's license and is a graduate of United
3 States Merchant Marine Academy.”.

4 (b) LIMITATION ON APPLICATION.—The amendment
5 made by subsection (a) shall not apply with respect to the
6 individual serving on the date of the enactment of this Act
7 as the Superintendent of the United States Merchant Ma-
8 rine Academy.

9 **SEC. 3508. USE OF NATIONAL DEFENSE RESERVE FLEET**
10 **SCRAPPING PROCEEDS.**

11 Section 308704(a)(1)(C) of title 54, United States
12 Code, is amended to read as follows:

13 “(C) The remainder shall be available to
14 the Secretary to carry out the Program, as pro-
15 vided in subsection (b).”.

16 **SEC. 3509. FLOATING DRY DOCKS.**

17 Section 55122 of title 46, United States Code, is
18 amended—

19 (1) by redesignating subsection (b) as sub-
20 section (c); and

21 (2) by inserting after subsection (a) the fol-
22 lowing:

23 “(b) DRYDOCKS FOR CONSTRUCTION OF CERTAIN
24 NAVAL VESSELS.—

1 “(1) IN GENERAL.—In the application of sub-
2 section (a)(1)(C) to a floating drydock used for the
3 construction of naval vessels in a United States ship-
4 yard, ‘December 19, 2017’ shall be substituted for
5 the date referred to in that subsection if the Sec-
6 retary of the Navy determines that—

7 “(A) such a drydock is necessary for the
8 timely completion of such construction; and

9 “(B)(i) such drydock is owned and oper-
10 ated by—

11 “(I) a shipyard located in the United
12 States that is an eligible owner specified
13 under section 12103(b); or

14 “(II) an affiliate of such a shipyard;
15 or

16 “(ii) such drydock is—

17 “(I) notwithstanding subsection
18 (a)(1)(B), owned by the State in which the
19 shipyard is located or a political subdivi-
20 sion of that State; and

21 “(II) operated by a shipyard located
22 in the United States that is an eligible
23 owner specified under section 12103(b).

24 “(2) NOTICE TO CONGRESS.—No later than 30
25 days after making a determination under paragraph

1 (1), the Secretary of the Navy shall notify the Com-
2 mittee on Armed Services and the Committee on
3 Transportation and Infrastructure of House of Rep-
4 resentatives and the Committee on Armed Services
5 and the Committee on Commerce, Science, and
6 Transportation of the Senate of such a determina-
7 tions.”.

8 **SEC. 3510. EXPEDITED PROCESSING OF APPLICATIONS FOR**
9 **TRANSPORTATION SECURITY CARDS FOR**
10 **SEPARATING MEMBERS OF THE ARMED**
11 **FORCES AND VETERANS.**

12 (a) IN GENERAL.—Section 70105 of title 46, United
13 States Code, is amended by adding at the end the fol-
14 lowing:

15 “(r) EXPEDITED ISSUANCE FOR SEPARATING SERV-
16 ICE MEMBERS.—The Secretary shall, using authority
17 available under other provisions of law—

18 “(1) seek to expedite processing of applications
19 for transportation security cards under this section
20 for members of the Armed Forces who are sepa-
21 rating from active duty service with a discharge
22 other than a dishonorable discharge;

23 “(2) in consultation with the Secretary of De-
24 fense—

1 “(A) enhance efforts of the Department of
2 Homeland Security in assisting members of the
3 Armed Forces who are separating from active
4 duty service with receiving a transportation se-
5 curity card, including by—

6 “(i) including under the Transition
7 Assistance Program under section 1144 of
8 title 10—

9 “(I) applications for such cards;

10 and

11 “(II) a form by which such a
12 member may grant the member’s per-
13 mission for government agencies to
14 disclose to the Department of Home-
15 land Security findings of background
16 investigations of such member, for
17 consideration by the Department in
18 processing the member’s application
19 for a transportation security card;

20 “(ii) providing opportunities for local
21 officials of the department in which the
22 Coast Guard is operating to partner with
23 military installations for that purpose; and

1 “(iii) ensuring that such members of
2 the Armed Forces are aware of opportuni-
3 ties to apply for such cards;

4 “(B) seek to educate members of the
5 Armed Forces with competencies that are
6 transferable to maritime industries regarding—

7 “(i) opportunities for employment in
8 such industries; and

9 “(ii) the requirements and qualifica-
10 tions for, and duties associated with, trans-
11 portation security cards; and

12 “(C) cooperate with other Federal agencies
13 to expedite the transfer to the Secretary the
14 findings of relevant background investigations
15 and security clearances; and

16 “(3) issue or deny a transportation security
17 card under this section for a veteran by not later
18 than 13 days after the date of the submission of the
19 application for the card, unless there is a substantial
20 problem with the application that prevents compli-
21 ance with this paragraph.”.

22 (b) REPORTS.—Not later than 6 months after the
23 date of the enactment of this Act, and annually thereafter
24 for each of the subsequent 2 years, the Secretary of the
25 department in which the Coast Guard is operating, in con-

1 sultation with the Secretary of Defense, shall submit a re-
2 port to the Committee on Homeland Security of the House
3 of Representatives and the Committee on Homeland Secu-
4 rity and Governmental Affairs of the Senate describing
5 and assessing the efforts of such department to implement
6 the amendment made by this section.

7 **SEC. 3511. TRAINING UNDER TRANSITION ASSISTANCE**
8 **PROGRAM ON EMPLOYMENT OPPORTUNITIES**
9 **ASSOCIATED WITH TRANSPORTATION SECU-**
10 **RITY CARDS.**

11 (a) **IN GENERAL.**—Section 1144(b) of title 10,
12 United States Code, is amended by adding at the end the
13 following new paragraph:

14 “(10) Acting through the Secretary of the de-
15 partment in which the Coast Guard is operating,
16 provide information on career opportunities for em-
17 ployment available to members with transportation
18 security cards issued under section 70105 of title
19 46.”.

20 (b) **DEADLINE FOR IMPLEMENTATION.**—The pro-
21 gram carried out under section 1144 of title 10, United
22 States Code, shall comply with the requirements of sub-
23 section (b)(10) of such section, as added by subsection (a),
24 by not later than 180 days after the date of the enactment
25 of this Act.

1 **SEC. 3512. APPLICATION OF LAW.**

2 Section 4301 of title 46, United States Code, is
3 amended by adding at the end the following:

4 “(d) For purposes of any Federal law except the Fed-
5 eral Water Pollution Control Act (33 U.S.C. 1251 et seq.),
6 any vessel, including a foreign vessel, being repaired or
7 dismantled is deemed to be a recreational vessel, as de-
8 fined under section 2101(25), during such repair or dis-
9 mantling, if that vessel—

10 “(1) shares elements of design and construction
11 of traditional recreational vessels (as so defined);
12 and

13 “(2) when operating is not normally engaged in
14 a military, commercial, or traditionally commercial
15 undertaking.”.

16 **TITLE XXXVI—BALLAST WATER**

17 **SEC. 3601. SHORT TITLE.**

18 This title may be cited as the “Vessel Incidental Dis-
19 charge Act”.

20 **SEC. 3602. DEFINITIONS.**

21 In this title:

22 (1) ADMINISTRATOR.—The term “Adminis-
23 trator” means the Administrator of the Environ-
24 mental Protection Agency.

25 (2) AQUATIC NUISANCE SPECIES.—The term
26 “aquatic nuisance species” means a nonindigenous

1 species (including a pathogen) that threatens the di-
2 versity or abundance of native species or the ecologi-
3 cal stability of navigable waters or commercial, agri-
4 cultural, aquacultural, or recreational activities de-
5 pendent on such waters.

6 (3) BALLAST WATER.—

7 (A) IN GENERAL.—The term “ballast
8 water” means any water, including any sedi-
9 ment suspended in such water, taken aboard a
10 vessel—

11 (i) to control trim, list, draught, sta-
12 bility, or stresses of the vessel; or

13 (ii) during the cleaning, maintenance,
14 or other operation of a ballast water treat-
15 ment technology of the vessel.

16 (B) EXCLUSIONS.—The term “ballast
17 water” does not include any pollutant that is
18 added to water described in subparagraph (A)
19 that is not directly related to the operation of
20 a properly functioning ballast water treatment
21 technology under this title.

22 (4) BALLAST WATER PERFORMANCE STAND-
23 ARD.—The term “ballast water performance stand-
24 ard” means the numerical ballast water discharge
25 standard set forth in section 151.2030 of title 33,

1 Code of Federal Regulations, or section 151.1511 of
2 title 33, Code of Federal Regulations, as applicable,
3 or a revised numerical ballast water performance
4 standard established under subsection (a)(1)(B), (b),
5 or (c) of section 3604 of this title.

6 (5) BALLAST WATER TREATMENT TECHNOLOGY
7 OR TREATMENT TECHNOLOGY.—The term “ballast
8 water treatment technology” or “treatment tech-
9 nology” means any mechanical, physical, chemical,
10 or biological process used, alone or in combination,
11 to remove, render harmless, or avoid the uptake or
12 discharge of, aquatic nuisance species within ballast
13 water.

14 (6) BIOCIDES.—The term “biocides” means a
15 substance or organism, including a virus or fungus,
16 that is introduced into or produced by a ballast
17 water treatment technology to reduce or eliminate
18 aquatic nuisance species as part of the process used
19 to comply with a ballast water performance standard
20 under this title.

21 (7) DISCHARGE INCIDENTAL TO THE NORMAL
22 OPERATION OF A VESSEL.—

23 (A) IN GENERAL.—The term “discharge
24 incidental to the normal operation of a vessel”
25 means—

1 (i) a discharge into navigable waters
2 from a vessel of—

3 (I)(aa) ballast water, graywater,
4 bilge water, cooling water, oil water
5 separator effluent, anti-fouling hull
6 coating leachate, boiler or economizer
7 blowdown, byproducts from cathodic
8 protection, controllable pitch propeller
9 and thruster hydraulic fluid, distilla-
10 tion and reverse osmosis brine, eleva-
11 tor pit effluent, firemain system efflu-
12 ent, freshwater layup effluent, gas
13 turbine wash water, motor gasoline
14 and compensating effluent, refrigera-
15 tion and air condensate effluent, sea-
16 water pumping biofouling prevention
17 substances, boat engine wet exhaust,
18 sonar dome effluent, exhaust gas
19 scrubber washwater, or stern tube
20 packing gland effluent; or

21 (bb) any other pollutant associ-
22 ated with the operation of a marine
23 propulsion system, shipboard maneu-
24 vering system, habitability system, or
25 installed major equipment, or from a

1 protective, preservative, or absorptive
2 application to the hull of a vessel;

3 (II) weather deck runoff, deck
4 wash, aqueous film forming foam ef-
5 fluent, chain locker effluent, non-oily
6 machinery wastewater, underwater
7 ship husbandry effluent, welldeck ef-
8 fluent, or fish hold and fish hold
9 cleaning effluent; or

10 (III) any effluent from a properly
11 functioning marine engine; or

12 (ii) a discharge of a pollutant into
13 navigable waters in connection with the
14 testing, maintenance, or repair of a sys-
15 tem, equipment, or engine described in
16 subclause (I)(bb) or (III) of clause (i)
17 whenever the vessel is waterborne.

18 (B) EXCLUSIONS.—The term “discharge
19 incidental to the normal operation of a vessel”
20 does not include—

21 (i) a discharge into navigable waters
22 from a vessel of—

23 (I) rubbish, trash, garbage, incin-
24 erator ash, or other such material dis-
25 charged overboard;

1 (II) oil or a hazardous substance,
2 as those terms are defined in section
3 311 of the Federal Water Pollution
4 Control Act (33 U.S.C. 1321);

5 (III) sewage, as defined in sec-
6 tion 312(a)(6) of the Federal Water
7 Pollution Control Act (33 U.S.C.
8 1322(a)(6)); or

9 (IV) graywater referred to in sec-
10 tion 312(a)(6) of the Federal Water
11 Pollution Control Act (33 U.S.C.
12 1322(a)(6));

13 (ii) an emission of an air pollutant re-
14 sulting from the operation onboard a vessel
15 of a vessel propulsion system, motor driven
16 equipment, or incinerator; or

17 (iii) a discharge into navigable waters
18 from a vessel when the vessel is operating
19 in a capacity other than as a means of
20 transportation on water.

21 (8) GEOGRAPHICALLY LIMITED AREA.—The
22 term “geographically limited area” means an area—

23 (A) with a physical limitation, including
24 limitation by physical size and limitation by au-
25 thorized route, that prevents a vessel from oper-

1 ating outside the area, as determined by the
2 Secretary; or

3 (B) that is ecologically homogeneous, as
4 determined by the Secretary, in consultation
5 with the heads of other Federal departments or
6 agencies as the Secretary considers appropriate.

7 (9) MANUFACTURER.—The term “manufac-
8 turer” means a person engaged in the manufacture,
9 assemblage, or importation of ballast water treat-
10 ment technology.

11 (10) SECRETARY.—The term “Secretary”
12 means the Secretary of the department in which the
13 Coast Guard is operating.

14 (11) VESSEL.—The term “vessel” means every
15 description of watercraft or other artificial contriv-
16 ance used, or practically or otherwise capable of
17 being used, as a means of transportation on water.

18 **SEC. 3603. REGULATION AND ENFORCEMENT.**

19 (a) IN GENERAL.—The Secretary, in consultation
20 with the Administrator, shall establish and implement en-
21 forceable uniform national standards and requirements for
22 the regulation of discharges incidental to the normal oper-
23 ation of a vessel. The standards and requirements shall—

24 (1) be based upon the best available technology
25 economically achievable; and

1 (2) supersede any permitting requirement or
2 prohibition on discharges incidental to the normal
3 operation of a vessel under any other provision of
4 law.

5 (b) ADMINISTRATION AND ENFORCEMENT.—The
6 Secretary shall administer and enforce the uniform na-
7 tional standards and requirements under this title. Each
8 State may enforce the uniform national standards and re-
9 quirements under this title.

10 **SEC. 3604. UNIFORM NATIONAL STANDARDS AND REQUIRE-**
11 **MENTS FOR THE REGULATION OF DIS-**
12 **CHARGES INCIDENTAL TO THE NORMAL OP-**
13 **ERATION OF A VESSEL.**

14 (a) REQUIREMENTS.—

15 (1) BALLAST WATER MANAGEMENT REQUIRE-
16 MENTS.—

17 (A) IN GENERAL.—Notwithstanding any
18 other provision of law, the requirements set
19 forth in the final rule, Standards for Living Or-
20 ganisms in Ships' Ballast Water Discharged in
21 U.S. Waters (77 Fed. Reg. 17254 (March 23,
22 2012)), as corrected at 77 Fed. Reg. 33969
23 (June 8, 2012)), shall be the management re-
24 quirements for a ballast water discharge inci-
25 dental to the normal operation of a vessel until

1 the Secretary revises the ballast water perform-
2 ance standard under subsection (b) or adopts a
3 more stringent State standard under subpara-
4 graph (B) of this paragraph.

5 (B) ADOPTION OF MORE STRINGENT
6 STATE STANDARD.—If the Secretary makes a
7 determination in favor of a State petition under
8 section 3609, the Secretary shall adopt the
9 more stringent ballast water performance
10 standard specified in the statute or regulation
11 that is the subject of that State petition in lieu
12 of the ballast water performance standard in
13 the final rule described under subparagraph
14 (A).

15 (2) INITIAL MANAGEMENT REQUIREMENTS FOR
16 DISCHARGES OTHER THAN BALLAST WATER.—Not
17 later than 2 years after the date of enactment of
18 this Act, the Secretary, in consultation with the Ad-
19 ministrator, shall issue a final rule establishing best
20 management practices for discharges incidental to
21 the normal operation of a vessel other than ballast
22 water.

23 (b) REVISED BALLAST WATER PERFORMANCE
24 STANDARD; 7-YEAR REVIEW.—

1 (1) IN GENERAL.—Subject to the feasibility re-
2 view under paragraph (2), not later than January 1,
3 2022, the Secretary, in consultation with the Admin-
4 istrator, shall issue a final rule revising the ballast
5 water performance standard under subsection (a)(1)
6 so that a ballast water discharge incidental to the
7 normal operation of a vessel will contain—

8 (A) less than 1 living organism per 10
9 cubic meters that is 50 or more micrometers in
10 minimum dimension;

11 (B) less than 1 living organism per 10 mil-
12 liters that is less than 50 micrometers in min-
13 imum dimension and more than 10 micrometers
14 in minimum dimension;

15 (C) concentrations of indicator microbes
16 that are less than—

17 (i) 1 colony-forming unit of
18 toxicogenic *Vibrio cholera* (serotypes O1
19 and O139) per 100 milliliters or less than
20 1 colony-forming unit of that microbe per
21 gram of wet weight of zoological samples;

22 (ii) 126 colony-forming units of *esch-*
23 *erichia coli* per 100 milliliters; and

24 (iii) 33 colony-forming units of intes-
25 tinal enterococci per 100 milliliters; and

1 (D) concentrations of such additional indi-
2 cator microbes and of viruses as may be speci-
3 fied in regulations issued by the Secretary, in
4 consultation with the Administrator and such
5 other Federal agencies as the Secretary and the
6 Administrator consider appropriate.

7 (2) FEASIBILITY REVIEW.—

8 (A) IN GENERAL.—Not later than January
9 1, 2020, the Secretary, in consultation with the
10 Administrator, shall complete a review to deter-
11 mine the feasibility of achieving the revised bal-
12 last water performance standard under para-
13 graph (1).

14 (B) CRITERIA FOR REVIEW OF BALLAST
15 WATER PERFORMANCE STANDARD.—In con-
16 ducting a review under subparagraph (A), the
17 Secretary shall consider whether revising the
18 ballast water performance standard will result
19 in a scientifically demonstrable and substantial
20 reduction in the risk of introduction or estab-
21 lishment of aquatic nuisance species, taking
22 into account—

23 (i) improvements in the scientific un-
24 derstanding of biological and ecological

1 processes that lead to the introduction or
2 establishment of aquatic nuisance species;

3 (ii) improvements in ballast water
4 treatment technology, including—

5 (I) the capability of such treat-
6 ment technology to achieve a revised
7 ballast water performance standard;

8 (II) the effectiveness and reli-
9 ability of such treatment technology in
10 the shipboard environment;

11 (III) the compatibility of such
12 treatment technology with the design
13 and operation of a vessel by class,
14 type, and size;

15 (IV) the commercial availability
16 of such treatment technology; and

17 (V) the safety of such treatment
18 technology;

19 (iii) improvements in the capabilities
20 to detect, quantify, and assess the viability
21 of aquatic nuisance species at the con-
22 centrations under consideration;

23 (iv) the impact of ballast water treat-
24 ment technology on water quality; and

1 (v) the costs, cost-effectiveness, and
2 impacts of—

3 (I) a revised ballast water per-
4 formance standard, including the po-
5 tential impacts on shipping, trade,
6 and other uses of the aquatic environ-
7 ment; and

8 (II) maintaining the existing bal-
9 last water performance standard, in-
10 cluding the potential impacts on
11 water-related infrastructure, recre-
12 ation, propagation of native fish,
13 shellfish, and wildlife, and other uses
14 of navigable waters.

15 (C) LOWER REVISED PERFORMANCE
16 STANDARD.—

17 (i) IN GENERAL.—If the Secretary, in
18 consultation with the Administrator, deter-
19 mines, on the basis of the feasibility review
20 and after an opportunity for a public hear-
21 ing, that no ballast water treatment tech-
22 nology can be certified under section 3605
23 to comply with the revised ballast water
24 performance standard under paragraph
25 (1), the Secretary shall require the use of

1 the treatment technology that achieves the
2 performance levels of the best treatment
3 technology available.

4 (ii) IMPLEMENTATION DEADLINE.—If
5 the Secretary, in consultation with the Ad-
6 ministrator, determines that the treatment
7 technology under clause (i) cannot be im-
8 plemented before the implementation dead-
9 line under paragraph (3) with respect to a
10 class of vessels, the Secretary shall extend
11 the implementation deadline for that class
12 of vessels for not more than 36 months.

13 (iii) COMPLIANCE.—If the implemen-
14 tation deadline under paragraph (3) is ex-
15 tended, the Secretary shall recommend ac-
16 tion to ensure compliance with the ex-
17 tended implementation deadline under
18 clause (ii).

19 (D) HIGHER REVISED PERFORMANCE
20 STANDARD.—

21 (i) IN GENERAL.—If the Secretary, in
22 consultation with the Administrator, deter-
23 mines that ballast water treatment tech-
24 nology exists that exceeds the revised bal-
25 last water performance standard under

1 paragraph (1) with respect to a class of
2 vessels, the Secretary shall revise the bal-
3 last water performance standard for that
4 class of vessels to incorporate the higher
5 performance standard.

6 (ii) IMPLEMENTATION DEADLINE.—If
7 the Secretary, in consultation with the Ad-
8 ministrator, determines that the treatment
9 technology under clause (i) can be imple-
10 mented before the implementation deadline
11 under paragraph (3) with respect to a
12 class of vessels, the Secretary shall accel-
13 erate the implementation deadline for that
14 class of vessels. If the implementation
15 deadline under paragraph (3) is acceler-
16 ated, the Secretary shall provide not less
17 than 24 months notice before the acceler-
18 ated deadline takes effect.

19 (3) IMPLEMENTATION DEADLINE.—The revised
20 ballast water performance standard under paragraph
21 (1) shall apply to a vessel beginning on the date of
22 the first drydocking of the vessel on or after Janu-
23 ary 1, 2022, but not later than December 31, 2024.

24 (4) REVISED PERFORMANCE STANDARD COM-
25 PLIANCE DEADLINES.—

1 (A) IN GENERAL.—The Secretary may es-
2 tablish a compliance deadline for compliance by
3 a vessel (or a class, type, or size of vessel) with
4 a revised ballast water performance standard
5 under this subsection.

6 (B) PROCESS FOR GRANTING EXTEN-
7 SIONS.—In issuing regulations under this sub-
8 section, the Secretary shall establish a process
9 for an owner or operator to submit a petition
10 to the Secretary for an extension of a compli-
11 ance deadline with respect to the vessel of the
12 owner or operator.

13 (C) PERIOD OF EXTENSIONS.—An exten-
14 sion issued under subparagraph (B) may—

15 (i) apply for a period of not to exceed
16 18 months from the date of the applicable
17 deadline under subparagraph (A); and

18 (ii) be renewable for an additional pe-
19 riod of not to exceed 18 months.

20 (D) FACTORS.—In issuing a compliance
21 deadline or reviewing a petition under this
22 paragraph, the Secretary shall consider, with
23 respect to the ability of an owner or operator to
24 meet a compliance deadline, the following fac-
25 tors:

1 (i) Whether the treatment technology
2 to be installed is available in sufficient
3 quantities to meet the compliance deadline.

4 (ii) Whether there is sufficient ship-
5 yard or other installation facility capacity.

6 (iii) Whether there is sufficient avail-
7 ability of engineering and design resources.

8 (iv) Vessel characteristics, such as en-
9 gine room size, layout, or a lack of in-
10 stalled piping.

11 (v) Electric power generating capacity
12 aboard the vessel.

13 (vi) Safety of the vessel and crew.

14 (E) CONSIDERATION OF PETITIONS.—

15 (i) DETERMINATIONS.—The Secretary
16 shall approve or deny a petition for an ex-
17 tension of a compliance deadline submitted
18 by an owner or operator under this para-
19 graph.

20 (ii) DEADLINE.—If the Secretary does
21 not approve or deny a petition referred to
22 in clause (i) on or before the last day of
23 the 90-day period beginning on the date of
24 submission of the petition, the petition
25 shall be deemed approved.

1 (c) FUTURE REVISIONS OF VESSEL INCIDENTAL
2 DISCHARGE STANDARDS; DECENNIAL REVIEWS.—

3 (1) REVISED BALLAST WATER PERFORMANCE
4 STANDARDS.—The Secretary, in consultation with
5 the Administrator, shall complete a review, 10 years
6 after the issuance of a final rule under subsection
7 (b) and every 10 years thereafter, to determine
8 whether further revision of the ballast water per-
9 formance standard would result in a scientifically de-
10 monstrable and substantial reduction in the risk of
11 the introduction or establishment of aquatic nui-
12 sance species.

13 (2) REVISED STANDARDS FOR DISCHARGES
14 OTHER THAN BALLAST WATER.—The Secretary, in
15 consultation with the Administrator, may include in
16 a decennial review under this subsection best man-
17 agement practices for discharges covered by sub-
18 section (a)(2). The Secretary shall initiate a rule-
19 making to revise 1 or more best management prac-
20 tices for such discharges after a decennial review if
21 the Secretary, in consultation with the Adminis-
22 trator, determines that revising 1 or more of such
23 practices would substantially reduce the impacts on
24 navigable waters of discharges incidental to the nor-
25 mal operation of a vessel other than ballast water.

1 (3) CONSIDERATIONS.—In conducting a review
2 under paragraph (1), the Secretary, the Adminis-
3 trator, and the heads of other appropriate Federal
4 agencies as determined by the Secretary, shall con-
5 sider the criteria under subsection (b)(2)(B).

6 (4) REVISION AFTER DECENNIAL REVIEW.—
7 The Secretary shall initiate a rulemaking to revise
8 the current ballast water performance standard after
9 a decennial review if the Secretary, in consultation
10 with the Administrator, determines that revising the
11 current ballast water performance standard would
12 result in a scientifically demonstrable and substan-
13 tial reduction in the risk of the introduction or es-
14 tablishment of aquatic nuisance species.

15 **SEC. 3605. TREATMENT TECHNOLOGY CERTIFICATION.**

16 (a) CERTIFICATION REQUIRED.—Beginning 60 days
17 after the date that the requirements for testing protocols
18 are issued under subsection (i), no manufacturer of a bal-
19 last water treatment technology shall sell, offer for sale,
20 or introduce or deliver for introduction into interstate
21 commerce, or import into the United States for sale or
22 resale, a ballast water treatment technology for a vessel
23 unless the treatment technology has been certified under
24 this section.

25 (b) CERTIFICATION PROCESS.—

1 (1) EVALUATION.—Upon application of a man-
2 ufacturer, the Secretary shall evaluate a ballast
3 water treatment technology with respect to—

4 (A) the effectiveness of the treatment tech-
5 nology in achieving the current ballast water
6 performance standard when installed on a ves-
7 sel (or a class, type, or size of vessel);

8 (B) the compatibility with vessel design
9 and operations;

10 (C) the effect of the treatment technology
11 on vessel safety;

12 (D) the impact on the environment;

13 (E) the cost effectiveness; and

14 (F) any other criteria the Secretary con-
15 siders appropriate.

16 (2) APPROVAL.—If after an evaluation under
17 paragraph (1) the Secretary determines that the
18 treatment technology meets the criteria, the Sec-
19 retary may certify the treatment technology for use
20 on a vessel (or a class, type, or size of vessel).

21 (3) SUSPENSION AND REVOCATION.—The Sec-
22 retary shall establish, by regulation, a process to
23 suspend or revoke a certification issued under this
24 section.

25 (c) CERTIFICATION CONDITIONS.—

1 (1) IMPOSITION OF CONDITIONS.—In certifying
2 a ballast water treatment technology under this sec-
3 tion, the Secretary, in consultation with the Admin-
4 istrator, may impose any condition on the subse-
5 quent installation, use, or maintenance of the treat-
6 ment technology onboard a vessel as is necessary
7 for—

8 (A) the safety of the vessel, the crew of the
9 vessel, and any passengers aboard the vessel;

10 (B) the protection of the environment; or

11 (C) the effective operation of the treatment
12 technology.

13 (2) FAILURE TO COMPLY.—The failure of an
14 owner or operator to comply with a condition im-
15 posed under paragraph (1) shall be considered a vio-
16 lation of this section.

17 (d) PERIOD FOR USE OF INSTALLED TREATMENT
18 EQUIPMENT.—Notwithstanding anything to the contrary
19 in this title or any other provision of law, the Secretary
20 shall allow a vessel on which a system is installed and op-
21 erated to meet a ballast water performance standard
22 under this title to continue to use that system, notwith-
23 standing any revision of a ballast water performance
24 standard occurring after the system is ordered or installed

1 until the expiration of the service life of the system, as
2 determined by the Secretary, so long as the system—

3 (1) is maintained in proper working condition;

4 and

5 (2) is maintained and used in accordance with
6 the manufacturer's specifications and any treatment
7 technology certification conditions imposed by the
8 Secretary under this section.

9 (e) CERTIFICATES OF TYPE APPROVAL FOR THE
10 TREATMENT TECHNOLOGY.—

11 (1) ISSUANCE.—If the Secretary approves a
12 ballast water treatment technology for certification
13 under subsection (b), the Secretary shall issue a cer-
14 tificate of type approval for the treatment technology
15 to the manufacturer in such form and manner as the
16 Secretary determines appropriate.

17 (2) CERTIFICATION CONDITIONS.—A certificate
18 of type approval issued under paragraph (1) shall
19 specify each condition imposed by the Secretary
20 under subsection (c).

21 (3) OWNERS AND OPERATORS.—A manufac-
22 turer that receives a certificate of type approval for
23 the treatment technology under this subsection shall
24 provide a copy of the certificate to each owner and

1 operator of a vessel on which the treatment tech-
2 nology is installed.

3 (f) INSPECTIONS.—An owner or operator who re-
4 ceives a copy of a certificate under subsection (e)(3) shall
5 retain a copy of the certificate onboard the vessel and
6 make the copy of the certificate available for inspection
7 at all times while the owner or operator is utilizing the
8 treatment technology.

9 (g) BIOCIDES.—The Secretary may not approve a
10 ballast water treatment technology under subsection (b)
11 if—

12 (1) it uses a biocide or generates a biocide that
13 is a pesticide, as defined in section 2 of the Federal
14 Insecticide, Fungicide, and Rodenticide Act (7
15 U.S.C. 136), unless the biocide is registered under
16 that Act or the Secretary, in consultation with Ad-
17 ministrators, has approved the use of the biocide in
18 such treatment technology; or

19 (2) it uses or generates a biocide the discharge
20 of which causes or contributes to a violation of a
21 water quality standard under section 303 of the
22 Federal Water Pollution Control Act (33 U.S.C.
23 1313).

24 (h) PROHIBITION.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), the use of a ballast water treatment tech-
3 nology by an owner or operator of a vessel shall not
4 satisfy the requirements of this title unless it has
5 been approved by the Secretary under subsection
6 (b).

7 (2) EXCEPTIONS.—

8 (A) COAST GUARD SHIPBOARD TECH-
9 NOLOGY EVALUATION PROGRAM.—An owner or
10 operator may use a ballast water treatment
11 technology that has not been certified by the
12 Secretary to comply with the requirements of
13 this section if the technology is being evaluated
14 under the Coast Guard Shipboard Technology
15 Evaluation Program.

16 (B) BALLAST WATER TREATMENT TECH-
17 NOLOGIES CERTIFIED BY FOREIGN ENTITIES.—
18 An owner or operator may use a ballast water
19 treatment technology that has not been certified
20 by the Secretary to comply with the require-
21 ments of this section if the technology has been
22 certified by a foreign entity and the certification
23 demonstrates performance and safety of the
24 treatment technology equivalent to the require-

1 ments of this section, as determined by the Sec-
2 retary.

3 (i) TESTING PROTOCOLS.—Not later than 180 days
4 after the date of enactment of this Act, the Administrator,
5 in consultation with the Secretary, shall issue require-
6 ments for land-based and shipboard testing protocols or
7 criteria for—

8 (1) certifying the performance of each ballast
9 water treatment technology under this section; and

10 (2) certifying laboratories to evaluate such
11 treatment technologies.

12 **SEC. 3606. EXEMPTIONS.**

13 (a) IN GENERAL.—No permit shall be required or
14 prohibition enforced under any other provision of law for,
15 nor shall any standards regarding a discharge incidental
16 to the normal operation of a vessel under this title apply
17 to—

18 (1) a discharge incidental to the normal oper-
19 ation of a vessel if the vessel is less than 79 feet in
20 length and engaged in commercial service (as de-
21 fined in section 2101(5) of title 46, United States
22 Code);

23 (2) a discharge incidental to the normal oper-
24 ation of a vessel if the vessel is a fishing vessel, in-
25 cluding a fish processing vessel and a fish tender

1 vessel (as defined in section 2101 of title 46, United
2 States Code);

3 (3) a discharge incidental to the normal oper-
4 ation of a vessel if the vessel is a recreational vessel
5 (as defined in section 2101(25) of title 46, United
6 States Code);

7 (4) the placement, release, or discharge of
8 equipment, devices, or other material from a vessel
9 for the sole purpose of conducting research on the
10 aquatic environment or its natural resources in ac-
11 cordance with generally recognized scientific meth-
12 ods, principles, or techniques;

13 (5) any discharge into navigable waters from a
14 vessel authorized by an on-scene coordinator in ac-
15 cordance with part 300 of title 40, Code of Federal
16 Regulations, or part 153 of title 33, Code of Federal
17 Regulations;

18 (6) any discharge into navigable waters from a
19 vessel that is necessary to secure the safety of the
20 vessel or human life, or to suppress a fire onboard
21 the vessel or at a shoreside facility; or

22 (7) a vessel of the armed forces of a foreign na-
23 tion when engaged in noncommercial service.

24 (b) BALLAST WATER DISCHARGES.—No permit shall
25 be required or prohibition enforced under any other provi-

1 sion of law for, nor shall any ballast water performance
2 standards under this title apply to—

3 (1) a ballast water discharge incidental to the
4 normal operation of a vessel determined by the Sec-
5 retary to—

6 (A) operate exclusively within a geographi-
7 cally limited area;

8 (B) take up and discharge ballast water
9 exclusively within 1 Captain of the Port Zone
10 established by the Coast Guard, unless the Sec-
11 retary determines such discharge poses a sub-
12 stantial risk of introduction or establishment of
13 an aquatic nuisance species;

14 (C) operate pursuant to a geographic re-
15 striction issued as a condition under section
16 3309 of title 46, United States Code, or an
17 equivalent restriction issued by the country of
18 registration of the vessel; or

19 (D) continuously take on and discharge
20 ballast water in a flow-through system that
21 does not introduce aquatic nuisance species into
22 navigable waters;

23 (2) a ballast water discharge incidental to the
24 normal operation of a vessel consisting entirely of
25 water suitable for human consumption; or

1 (3) a ballast water discharge incidental to the
2 normal operation of a vessel in an alternative com-
3 pliance program established pursuant to section
4 3607.

5 (c) VESSELS WITH PERMANENT BALLAST WATER.—
6 No permit shall be required or prohibition enforced under
7 any other provision of law for, nor shall any ballast water
8 performance standard under this title apply to, a vessel
9 that carries all of its permanent ballast water in sealed
10 tanks that are not subject to discharge.

11 (d) VESSELS OF THE ARMED FORCES.—Nothing in
12 this title shall be construed to apply to the following ves-
13 sels:

14 (1) A vessel owned or operated by the Depart-
15 ment of Defense (other than a time-chartered or
16 voyage-chartered vessel).

17 (2) A vessel of the Coast Guard, as designated
18 by the Secretary of the department in which the
19 Coast Guard is operating.

20 **SEC. 3607. ALTERNATIVE COMPLIANCE PROGRAM.**

21 (a) IN GENERAL.—The Secretary, in consultation
22 with the Administrator, may promulgate regulations es-
23 tablishing 1 or more compliance programs as an alter-
24 native to ballast water management regulations issued
25 under section 3604 for a vessel that—

1 (1) has a maximum ballast water capacity of
2 less than 8 cubic meters;

3 (2) is less than 3 years from the end of the use-
4 ful life of the vessel, as determined by the Secretary;
5 or

6 (3) discharges ballast water into a facility for
7 the reception of ballast water that meets standards
8 promulgated by the Administrator, in consultation
9 with the Secretary.

10 (b) PROMULGATION OF FACILITY STANDARDS.—Not
11 later than 1 year after the date of enactment of this Act,
12 the Administrator, in consultation with the Secretary,
13 shall promulgate standards for—

14 (1) the reception of ballast water from a vessel
15 into a reception facility; and

16 (2) the disposal or treatment of the ballast
17 water under paragraph (1).

18 **SEC. 3608. JUDICIAL REVIEW.**

19 (a) IN GENERAL.—An interested person may file a
20 petition for review of a final regulation promulgated under
21 this title in the United States Court of Appeals for the
22 District of Columbia Circuit.

23 (b) DEADLINE.—A petition shall be filed not later
24 than 120 days after the date that notice of the promulga-
25 tion appears in the Federal Register.

1 (c) EXCEPTION.—Notwithstanding subsection (b), a
2 petition that is based solely on grounds that arise after
3 the deadline to file a petition under subsection (b) has
4 passed may be filed not later than 120 days after the date
5 that the grounds first arise.

6 **SEC. 3609. EFFECT ON STATE AUTHORITY.**

7 (a) IN GENERAL.—No State or political subdivision
8 thereof may adopt or enforce any statute or regulation of
9 the State or political subdivision with respect to a dis-
10 charge incidental to the normal operation of a vessel after
11 the date of enactment of this Act.

12 (b) SAVINGS CLAUSE.—Notwithstanding subsection
13 (a), a State or political subdivision thereof may enforce
14 a statute or regulation of the State or political subdivision
15 with respect to ballast water discharges incidental to the
16 normal operation of a vessel that specifies a ballast water
17 performance standard that is more stringent than the bal-
18 last water performance standard under section
19 3604(a)(1)(A) and is in effect on the date of enactment
20 of this Act if the Secretary, after consultation with the
21 Administrator and any other Federal department or agen-
22 cy the Secretary considers appropriate, makes a deter-
23 mination that—

1 (1) compliance with any performance standard
2 specified in the statute or regulation can in fact be
3 achieved and detected;

4 (2) the technology and systems necessary to
5 comply with the statute or regulation are commer-
6 cially available; and

7 (3) the statute or regulation is consistent with
8 obligations under relevant international treaties or
9 agreements to which the United States is a party.

10 (c) PETITION PROCESS.—

11 (1) SUBMISSION.—The Governor of a State
12 seeking to enforce a statute or regulation under sub-
13 section (b) shall submit a petition requesting the
14 Secretary to review the statute or regulation.

15 (2) CONTENTS; DEADLINE.—A petition shall—

16 (A) be accompanied by the scientific and
17 technical information on which the petition is
18 based; and

19 (B) be submitted to the Secretary not later
20 than 90 days after the date of enactment of
21 this Act.

22 (3) DETERMINATIONS.—The Secretary shall
23 make a determination on a petition under this sub-
24 section not later than 90 days after the date that
25 the petition is received.

1 **SEC. 3610. APPLICATION WITH OTHER STATUTES.**

2 Notwithstanding any other provision of law, this title
3 shall be the exclusive statutory authority for regulation by
4 the Federal Government of discharges incidental to the
5 normal operation of a vessel to which this title applies.
6 Except as provided under section 3604(a)(1)(A), any reg-
7 ulation in effect on the date immediately preceding the ef-
8 fective date of this Act relating to any permitting require-
9 ment for or prohibition on discharges incidental to the
10 normal operation of a vessel to which this title applies
11 shall be deemed to be a regulation issued pursuant to the
12 authority of this title and shall remain in full force and
13 effect unless or until superseded by new regulations issued
14 hereunder.

15 **DIVISION D—FUNDING TABLES**

16 **SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TA-**
17 **BLES.**

18 (a) **IN GENERAL.**—Whenever a funding table in this
19 division specifies a dollar amount authorized for a project,
20 program, or activity, the obligation and expenditure of the
21 specified dollar amount for the project, program, or activ-
22 ity is hereby authorized, subject to the availability of ap-
23 propriations.

24 (b) **MERIT-BASED DECISIONS.**—A decision to com-
25 mit, obligate, or expend funds with or to a specific entity

1 on the basis of a dollar amount authorized pursuant to
2 subsection (a) shall—

3 (1) be based on merit-based selection proce-
4 dures in accordance with the requirements of sec-
5 tions 2304(k) and 2374 of title 10, United States
6 Code, or on competitive procedures; and

7 (2) comply with other applicable provisions of
8 law.

9 (c) **RELATIONSHIP TO TRANSFER AND PROGRAM-**
10 **MING AUTHORITY.**—An amount specified in the funding
11 tables in this division may be transferred or repro-
12 grammed under a transfer or reprogramming authority
13 provided by another provision of this Act or by other law.
14 The transfer or reprogramming of an amount specified in
15 such funding tables shall not count against a ceiling on
16 such transfers or reprogrammings under section 1001 or
17 section 1522 of this Act or any other provision of law,
18 unless such transfer or reprogramming would move funds
19 between appropriation accounts.

20 (d) **APPLICABILITY TO CLASSIFIED ANNEX.**—This
21 section applies to any classified annex that accompanies
22 this Act.

23 (e) **ORAL AND WRITTEN COMMUNICATIONS.**—No
24 oral or written communication concerning any amount

1 specified in the funding tables in this division shall super-
 2 sede the requirements of this section.

3 **TITLE XLI—PROCUREMENT**

4 **SEC. 4101. PROCUREMENT.**

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2017 Request	House Authorized
AIRCRAFT PROCUREMENT, ARMY			
FIXED WING			
001	UTILITY F/W AIRCRAFT	57,529	57,529
003	MQ-1 UAV	55,388	84,988
	Ground Mounted Airspace Deconfliction Radar		[29,600]
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	26,224
	Realign APS Unit Set Requirements from OCO		[4,420]
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	3,648,807
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	89,075
	Realign APS Unit Set Requirements from OCO		[15,567]
008	TOW 2 SYSTEM SUMMARY	64,922	145,574
	Realign APS Unit Set Requirements from OCO		[80,652]
009	ADVANCE PROCUREMENT (CY)	19,949	19,949
010	GUIDED MLRS ROCKET (GMLRS)	172,088	248,079
	Realign APS Unit Set Requirements from OCO		[75,991]
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

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
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	1,692,176
	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	444,561
005	BRADLEY PROGRAM (MOD)	276,433	276,433
006	HOWITZER, MED SP FT 155MM M109A6 (MOD)	63,138	63,138
007	PALADIN INTEGRATED MANAGEMENT (PIM)	469,305	594,489
	Realign APS Unit Set Requirements from OCO		[125,184]
008	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	91,963	91,963
009	ASSAULT BRIDGE (MOD)	3,465	9,415
	Realign APS Unit Set Requirements from OCO		[5,950]
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		172,200
	Realign APS Unit Set Requirements from OCO		[172,200]
	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
036	BRADLEY PROGRAM		72,800
	Realign APS Unit Set Requirements from OCO		[72,800]
	TOTAL PROCUREMENT OF W&TCV, ARMY	2,265,177	2,641,311
	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	48,879
	Realign APS Unit Set Requirements from OCO		[9,642]
003	CTG, HANDGUN, ALL TYPES	5,193	5,193
004	CTG, .50 CAL, ALL TYPES	46,693	52,691
	Realign APS Unit Set Requirements from OCO		[5,998]
005	CTG, 20MM, ALL TYPES	7,000	8,077
	Realign APS Unit Set Requirements from OCO		[1,077]
006	CTG, 25MM, ALL TYPES	7,753	34,987
	Program reduction		[-1,300]
	Realign APS Unit Set Requirements from OCO		[28,534]
007	CTG, 30MM, ALL TYPES	47,000	47,000
008	CTG, 40MM, ALL TYPES	118,178	115,501
	Realign APS Unit Set Requirements from OCO		[7,423]
	Unobligated balances		[-10,100]
	MORTAR AMMUNITION		
009	60MM MORTAR, ALL TYPES	69,784	69,784
010	81MM MORTAR, ALL TYPES	36,125	38,802
	Realign APS Unit Set Requirements from OCO		[2,677]
011	120MM MORTAR, ALL TYPES	69,133	69,133
	TANK AMMUNITION		
012	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	120,668	129,667
	Realign APS Unit Set Requirements from OCO		[8,999]

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
ARTILLERY AMMUNITION			
013	ARTILLERY CARTRIDGES, 75MM & 105MM, ALL TYPES	64,800	64,800
014	ARTILLERY PROJECTILE, 155MM, ALL TYPES	109,515	129,863
	Realign APS Unit Set Requirements from OCO		[20,348]
015	PROJ 155MM EXTENDED RANGE M982	39,200	39,340
	Realign APS Unit Set Requirements from OCO		[140]
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	70,881	95,536
	Realign APS Unit Set Requirements from OCO		[24,655]
MINES			
017	MINES & CLEARING CHARGES, ALL TYPES		16,866
	Realign APS Unit Set Requirements from OCO		[16,866]
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
	Realign APS Unit Set Requirements from OCO		[63,210]
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	12,753
	Realign APS Unit Set Requirements from OCO		[6,373]
023	GRENADES, ALL TYPES	22,760	26,903
	Realign APS Unit Set Requirements from OCO		[4,143]
024	SIGNALS, ALL TYPES	10,666	12,518
	Realign APS Unit Set Requirements from OCO		[1,852]
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	6,873
	Realign APS Unit Set Requirements from OCO		[773]
028	ITEMS LESS THAN \$5 MILLION (AMMO)	10,006	10,006
029	AMMUNITION PECULIAR EQUIPMENT	17,275	13,575
	Program reduction- excess carryover		[-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	1,731,120
OTHER PROCUREMENT, ARMY			
TACTICAL VEHICLES			
001	TACTICAL TRAILERS/DOLLY SETS	3,733	3,733
002	SEMITRAILERS, FLATBED:	3,716	7,896
	Realign APS Unit Set Requirements from OCO		[4,180]
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	200,769
	Realign APS Unit Set Requirements from OCO		[147,476]
009	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP	7,460	7,460
010	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	39,564	45,686
	Realign APS Unit Set Requirements from OCO		[6,122]
011	PLS ESP	11,856	118,214
	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
	Realign APS Unit Set Requirements from OCO		[27,119]
014	MODIFICATION OF IN SVC EQUIP	64,000	57,456
	Program reduction		[-10,000]
	Realign APS Unit Set Requirements from OCO		[3,456]
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	434,170
	Realign APS Unit Set Requirements from OCO		[6,572]
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

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
024	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS	36,580	36,580
025	SHF TERM	1,985	25,985
	Realign APS Unit Set Requirements from OCO		[24,000]
027	SMART-T (SPACE)	9,165	9,165
	COMM—C3 SYSTEM		
031	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)	2,530	2,530
	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 CA/MISO GPF EQUIPMENT	5,494	5,494
	INFORMATION SECURITY		
049	FAMILY OF BIOMETRICS	2,978	2,978
051	COMMUNICATIONS SECURITY (COMSEC)	131,356	133,284
	Realign APS Unit Set Requirements from OCO		[1,928]
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	242,514
063	JOINT TACTICAL GROUND STATION (JTAGS)	4,417	4,417
064	TROJAN (MIP)	17,455	17,615
	Realign APS Unit Set Requirements from OCO		[160]
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	99,930
	Realign APS Unit Set Requirements from OCO		[25,892]
071	EW PLANNING & MANAGEMENT TOOLS (EWPMIT)	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	52,697
	Realign APS Unit Set Requirements from OCO		[4,270]
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	22,621
	Realign APS Unit Set Requirements from OCO		[290]
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	124,334
	Realign APS Unit Set Requirements from OCO		[69,958]
093	IAMD BATTLE COMMAND SYSTEM	204,969	204,969
094	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	4,718	4,718
095	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	11,063	11,063
096	MANEUVER CONTROL SYSTEM (MCS)	151,318	151,318
097	GLOBAL COMBAT SUPPORT SYSTEM-ARMY (GCSS-A)	155,660	155,660
098	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPP)	4,214	4,214
099	RECONNAISSANCE AND SURVEYING INSTRUMENT SET	16,185	16,185
100	MOD OF IN-SVC EQUIPMENT (ENFIRE)	1,565	1,565
	ELECT EQUIP—AUTOMATION		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
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	2,091
	Realign APS Unit Set Requirements from OCO		[96]
	ELECT EQUIP—SUPPORT		
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	19,763
	Realign APS Unit Set Requirements from OCO		[1,841]
	BRIDGING EQUIPMENT		
115	TACTICAL BRIDGING	13,553	39,553
	Realign APS Unit Set Requirements from OCO		[26,000]
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	5,471
	Realign APS Unit Set Requirements from OCO		[268]
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	3,451
	Realign APS Unit Set Requirements from OCO		[280]
	COMBAT SERVICE SUPPORT EQUIPMENT		
129	HEATERS AND ECU'S	18,707	19,601
	Realign APS Unit Set Requirements from OCO		[894]
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	15,209
	Realign APS Unit Set Requirements from OCO		[2,665]
136	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	18,509	18,509
137	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	29,384	39,173
	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
	Realign APS Unit Set Requirements from OCO		[4,800]
140	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	42,656	63,476
	Realign APS Unit Set Requirements from OCO		[20,820]
	MEDICAL EQUIPMENT		
141	COMBAT SUPPORT MEDICAL	59,761	65,524
	Realign APS Unit Set Requirements from OCO		[5,763]
	MAINTENANCE EQUIPMENT		
142	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	35,694	33,803
	Program reduction		[-3,500]
	Realign APS Unit Set Requirements from OCO		[1,609]
143	ITEMS LESS THAN \$5.0M (MAINT EQ)	2,716	2,861
	Realign APS Unit Set Requirements from OCO		[145]
	CONSTRUCTION EQUIPMENT		
144	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	1,742	4,789
	Realign APS Unit Set Requirements from OCO		[3,047]
145	SCRAPERS, EARTHMOVING	26,233	26,233
147	HYDRAULIC EXCAVATOR	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
151	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)	1,743	4,643
	Realign APS Unit Set Requirements from OCO		[2,900]
152	ENHANCED RAPID AIRFIELD CONSTRUCTION CAPAP	2,779	2,779
154	CONST EQUIP ESP	26,712	23,212

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Line	Item	FY 2017 Request	House Authorized
	Program reduction		[-3,500]
155	ITEMS LESS THAN \$5.0M (CONST EQUIP)	6,649	6,745
	Realign APS Unit Set Requirements from OCO		[96]
	RAIL FLOAT CONTAINERIZATION EQUIPMENT		
156	ARMY WATERCRAFT ESP	21,860	16,860
	Program reduction		[-5,000]
157	ITEMS LESS THAN \$5.0M (FLOAT/RAIL)	1,967	1,967
	GENERATORS		
158	GENERATORS AND ASSOCIATED EQUIP	113,266	125,727
	Program decrease		[-7,500]
	Realign APS Unit Set Requirements from OCO		[19,961]
159	TACTICAL ELECTRIC POWER RECAPITALIZATION	7,867	7,867
	MATERIAL HANDLING EQUIPMENT		
160	FAMILY OF FORKLIFTS	2,307	3,153
	Realign APS Unit Set Requirements from OCO		[846]
	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	7,482
	Realign APS Unit Set Requirements from OCO		[1,140]
	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
177	TRACTOR YARD	6,888	6,888
	OPA2		
179	INITIAL SPARES—C&E	27,243	27,243
	TOTAL OTHER PROCUREMENT, ARMY	5,873,949	6,473,477
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
003	JOINT STRIKE FIGHTER CV	890,650	890,650
004	ADVANCE PROCUREMENT (CY)	80,908	80,908
005	J5F STOVL	2,037,768	2,037,768
006	ADVANCE PROCUREMENT (CY)	233,648	233,648
007	CH-53K (HEAVY LIFT)	348,615	348,615
008	ADVANCE PROCUREMENT (CY)	88,365	88,365
009	V-22 (MEDIUM LIFT)	1,264,134	1,264,134
010	ADVANCE PROCUREMENT (CY)	19,674	19,674
011	H-1 UPGRADES (UH-1Y/AH-1Z)	759,778	759,778
012	ADVANCE PROCUREMENT (CY)	57,232	57,232
014	MH-60R (MYP)	61,177	26,177
	Line shutdown costs—early to need		[-35,000]
016	P-8A POSEIDON	1,940,238	1,940,238
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	409,005
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

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Line	Item	FY 2017 Request	House Authorized
041	C-2A	19,066	19,066
042	C-130 SERIES	61,788	61,788
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	16,893
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
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	14,036,848
	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	186,905
	TACTICAL MISSILES		
004	AMRAAM	204,697	204,697
005	SIDEWINDER	70,912	70,912
006	JSOW	2,232	2,232
007	STANDARD MISSILE	501,212	501,212
008	RAM	71,557	71,557
009	JOINT AIR GROUND MISSILE (JAGM)	26,200	26,200
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

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Line	Item	FY 2017 Request	House Authorized
035	GUN MOUNT MODS	77,003	77,003
036	LCS MODULE WEAPONS	2,776	2,776
038	AIRBORNE MINE NEUTRALIZATION SYSTEMS	15,753	15,753
	SPARES AND REPAIR PARTS		
040	SPARES AND REPAIR PARTS	62,383	62,383
	TOTAL WEAPONS PROCUREMENT, NAVY	3,209,262	3,209,262
	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
017	40 MM, ALL TYPES	14,758	14,758
018	60MM, ALL TYPES	992	992
020	120MM, ALL TYPES	16,757	16,757
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	8,569
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	664,368	664,368
	SHIPBUILDING AND CONVERSION, NAVY		
	FLEET BALLISTIC MISSILE SHIPS		
001	OHIO REPLACEMENT SUBMARINE ADVANCE PROCUREMENT	773,138	0
	Transfer to Title XIV National Sea-Based Deterrence Fund		[-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	1,767,234
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	3,211,292
011	LITTORAL COMBAT SHIP	1,125,625	1,125,625
	AMPHIBIOUS SHIPS		
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	666,158
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	17,581,736
	OTHER PROCUREMENT, NAVY		
	SHIP PROPULSION EQUIPMENT		
003	SURFACE POWER EQUIPMENT	15,514	15,514
004	HYBRID ELECTRIC DRIVE (HED)	40,132	40,132
	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	20,191

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Line	Item	FY 2017 Request	House Authorized
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	88,719
027	CHEMICAL WARFARE DETECTORS	2,873	2,873
028	SUBMARINE LIFE SUPPORT SYSTEM	6,043	6,043
	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	20,746
	RMMV program restructure		[-36,400]
038	LCS ASW MISSION MODULES	31,952	21,952
	Early to need		[-10,000]
039	LCS SUW MISSION MODULES	22,466	22,466
	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	274,892
	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	56,675
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 C4I SYSTEMS	27,927	27,927
081	DCGS-N	12,676	12,676
082	CANES	212,030	212,030
083	RADIAC	8,092	8,092
084	CANES-INTELL	36,013	36,013
085	GPETE	6,428	6,428
087	INTEG COMBAT SYSTEM TEST FACILITY	8,376	8,376
088	EMI CONTROL INSTRUMENTATION	3,971	3,971
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

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Line	Item	FY 2017 Request	House Authorized
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
	CRYPTOLOGIC EQUIPMENT		
101	CRYPTOLOGIC COMMUNICATIONS EQUIP	21,098	21,098
	OTHER ELECTRONIC SUPPORT		
102	COAST GUARD EQUIPMENT	32,291	32,291
	SONOBUOYS		
103	SONOBUOYS—ALL TYPES	162,588	162,588
	AIRCRAFT SUPPORT EQUIPMENT		
104	WEAPONS RANGE SUPPORT EQUIPMENT	58,116	58,116
105	AIRCRAFT SUPPORT EQUIPMENT	120,324	120,324
106	METEOROLOGICAL EQUIPMENT	29,253	29,253
107	DCRS/DPL	632	632
108	AIRBORNE MINE COUNTERMEASURES	29,097	29,097
109	AVIATION SUPPORT EQUIPMENT	39,099	39,099
	SHIP GUN SYSTEM EQUIPMENT		
110	SHIP GUN SYSTEMS EQUIPMENT	6,191	6,191
	SHIP MISSILE SYSTEMS EQUIPMENT		
111	SHIP MISSILE SUPPORT EQUIPMENT	320,446	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	97,514
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
121	PASSENGER CARRYING VEHICLES	8,853	8,853
122	GENERAL PURPOSE TRUCKS	4,928	4,928
123	CONSTRUCTION & MAINTENANCE EQUIP	18,527	18,527
124	FIRE FIGHTING EQUIPMENT	13,569	13,569
125	TACTICAL VEHICLES	14,917	14,917
126	AMPHIBIOUS EQUIPMENT	7,676	7,676
127	POLLUTION CONTROL EQUIPMENT	2,321	2,321
128	ITEMS UNDER \$5 MILLION	12,459	12,459
129	PHYSICAL SECURITY VEHICLES	1,095	1,095
	SUPPLY SUPPORT EQUIPMENT		
131	SUPPLY EQUIPMENT	16,023	16,023
133	FIRST DESTINATION TRANSPORTATION	5,115	5,115
134	SPECIAL PURPOSE SUPPLY SYSTEMS	295,471	295,471
	TRAINING DEVICES		
136	TRAINING AND EDUCATION EQUIPMENT	9,504	9,504
	COMMAND SUPPORT EQUIPMENT		
137	COMMAND SUPPORT EQUIPMENT	37,180	37,180
139	MEDICAL SUPPORT EQUIPMENT	4,128	4,128
141	NAVAL MIP SUPPORT EQUIPMENT	1,925	1,925
142	OPERATING FORCES SUPPORT EQUIPMENT	4,777	4,777
143	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	6,272,961
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
001	AAV7A1 PIP	73,785	73,785
002	LAV PIP	53,423	53,423
	ARTILLERY AND OTHER WEAPONS		
003	EXPEDITIONARY FIRE SUPPORT SYSTEM	3,360	3,360

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Line	Item	FY 2017 Request	House Authorized
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
	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	41,802
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	1,362,769
	AIRCRAFT PROCUREMENT, AIR FORCE		
	TACTICAL FORCES		
001	F-35	4,401,894	4,401,894
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		

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Line	Item	FY 2017 Request	House Authorized
013	TARGET DRONES	114,656	114,656
014	RQ-4	12,966	12,966
015	MQ-9	122,522	122,522
	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	97,331
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	25,073
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
	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	16,952
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	13,922,917	13,936,617

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Line	Item	FY 2017 Request	House Authorized
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	LRASMO	59,511	59,511
004	SIDEWINDER (AIM-9X)	127,438	127,438
005	AMRAAM	350,144	350,144
006	PREDATOR HELLFIRE MISSILE	33,955	33,955
007	SMALL DIAMETER BOMB	92,361	92,361
INDUSTRIAL FACILITIES			
008	INDUSTRL PREPAREDNS/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	2,426,621
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	116,272
	Pilot Program		[30,000]
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	768,586
012	EVOLVED EXPENDABLE LAUNCH VEH(SPACE)	737,853	737,853
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	3,082,843
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	303,988
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	1,677,719
OTHER PROCUREMENT, AIR FORCE			
PASSENGER CARRYING VEHICLES			
001	PASSENGER CARRYING VEHICLES	14,437	14,437

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Line	Item	FY 2017 Request	House Authorized
	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	7,451
	Program reduction		[-5,000]
	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	30,623
	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	11,852
	Program increase		[5,000]
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	17,438,056
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, WHS		
037	MAJOR EQUIPMENT, OSD	29,211	29,211
	MAJOR EQUIPMENT, NSA		

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Line	Item	FY 2017 Request	House Authorized
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	82,493
	Classified adjustment		[25,000]
029	IRON DOME	42,000	62,000
	Increase for Coproduction of Iron Dome Tamir Intercceptors 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	168,996
	Program increase		[18,600]
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	213,122
054	AC/MC-130J	73,548	85,648
	A-kits for 105mm integration		[12,100]
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
067	OPERATIONAL ENHANCEMENTS INTELLIGENCE	17,299	17,299
069	OPERATIONAL ENHANCEMENTS	219,945	219,945

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Line	Item	FY 2017 Request	House Authorized
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	4,935,618
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	103,062,309

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	House 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	0
	Realign APS Unit Set Requirements to Base		[-4,420]
GROUND SUPPORT AVIONICS			
030	CMWS	56,115	56,115
031	CIRCM	108,721	108,721
	TOTAL AIRCRAFT PROCUREMENT, ARMY	235,131	230,711
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	0
	Realign APS Unit Set Requirements to Base		[-15,567]
008	TOW 2 SYSTEM SUMMARY	80,652	0
	Realign APS Unit Set Requirements to Base		[-80,652]
010	GUIDED MLRS ROCKET (GMLRS)	75,991	0
	Realign APS Unit Set Requirements to Base		[-75,991]
012	LETHAL MINIATURE AERIAL MISSILE SYSTEM (LMAMS)	4,777	4,777
	TOTAL MISSILE PROCUREMENT, ARMY	482,817	310,607
PROCUREMENT OF W&TCV, ARMY			
MODIFICATION OF TRACKED COMBAT VEHICLES			
007	PALADIN INTEGRATED MANAGEMENT (PIM)	125,184	0
	Realign APS Unit Set Requirements to Base		[-125,184]
009	ASSAULT BRIDGE (MOD)	5,950	0
	Realign APS Unit Set Requirements to Base		[-5,950]
014	ABRAMS UPGRADE PROGRAM		0
	Army requested realignment (ERI)		[172,200]
	Realign APS Unit Set Requirements to Base		[-172,200]
WEAPONS & OTHER COMBAT VEHICLES			
017	MORTAR SYSTEMS	22,410	22,410
SUPPORT EQUIPMENT & FACILITIES			
036	BRADLEY PROGRAM		0
	Army requested realignment (ERI)		[72,800]
	Realign APS Unit Set Requirements to Base		[-72,800]
	TOTAL PROCUREMENT OF W&TCV, ARMY	153,544	22,410
PROCUREMENT OF AMMUNITION, ARMY			
SMALL/MEDIUM CAL AMMUNITION			
002	CTG, 7.62MM, ALL TYPES	9,642	0
	Realign APS Unit Set Requirements to Base		[-9,642]
004	CTG, .50 CAL, ALL TYPES	6,607	609

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
	Realign APS Unit Set Requirements to Base		[-5,998]
005	CTG, 20MM, ALL TYPES	1,077	0
	Realign APS Unit Set Requirements to Base		[-1,077]
006	CTG, 25MM, ALL TYPES	28,534	0
	Realign APS Unit Set Requirements to Base		[-28,534]
007	CTG, 30MM, ALL TYPES	20,000	20,000
008	CTG, 40MM, ALL TYPES	7,423	0
	Realign APS Unit Set Requirements to Base		[-7,423]
	MORTAR AMMUNITION		
009	60MM MORTAR, ALL TYPES	10,000	10,000
010	81MM MORTAR, ALL TYPES	2,677	0
	Realign APS Unit Set Requirements to Base		[-2,677]
	TANK AMMUNITION		
012	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	8,999	0
	Realign APS Unit Set Requirements to Base		[-8,999]
	ARTILLERY AMMUNITION		
014	ARTILLERY PROJECTILE, 155MM, ALL TYPES	30,348	10,000
	Realign APS Unit Set Requirements to Base		[-20,348]
015	PROJ 155MM EXTENDED RANGE M982	140	0
	Realign APS Unit Set Requirements to Base		[-140]
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	29,655	5,000
	Realign APS Unit Set Requirements to Base		[-24,655]
	MINES		
017	MINES & CLEARING CHARGES, ALL TYPES	16,866	0
	Realign APS Unit Set Requirements to Base		[-16,866]
	NETWORKED MUNITIONS		
018	SPIDER NETWORK MUNITIONS, ALL TYPES	10,353	0
	Realign APS Unit Set Requirements to Base		[-10,353]
	ROCKETS		
019	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	63,210	0
	Realign APS Unit Set Requirements to Base		[-63,210]
020	ROCKET, HYDRA 70, ALL TYPES	42,851	42,851
	OTHER AMMUNITION		
022	DEMOLITION MUNITIONS, ALL TYPES	6,373	0
	Realign APS Unit Set Requirements to Base		[-6,373]
023	GRENADES, ALL TYPES	4,143	0
	Realign APS Unit Set Requirements to Base		[-4,143]
024	SIGNALS, ALL TYPES	1,852	0
	Realign APS Unit Set Requirements to Base		[-1,852]
	MISCELLANEOUS		
027	NON-LETHAL AMMUNITION, ALL TYPES	773	0
	Realign APS Unit Set Requirements to Base		[-773]
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	301,523	88,460
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
002	SEMITRAILERS, FLATBED:	4,180	0
	Realign APS Unit Set Requirements to Base		[-4,180]
008	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	147,476	0
	Realign APS Unit Set Requirements to Base		[-147,476]
010	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	6,122	0
	Realign APS Unit Set Requirements to Base		[-6,122]
011	PLS ESP	106,358	0
	Realign APS Unit Set Requirements to Base		[-106,358]
012	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	203,766	127,205
	Realign APS Unit Set Requirements to Base		[-76,561]
013	TACTICAL WHEELED VEHICLE PROTECTION KITS	101,154	74,035
	Realign APS Unit Set Requirements to Base		[-27,119]
014	MODIFICATION OF IN SVC EQUIP	155,456	152,000
	Realign APS Unit Set Requirements to Base		[-3,456]
	COMM—JOINT COMMUNICATIONS		
019	WIN-T—GROUND FORCES TACTICAL NETWORK	9,572	3,000
	Realign APS Unit Set Requirements to Base		[-6,572]
	COMM—SATELLITE COMMUNICATIONS		
025	SHF TERM	24,000	0
	Realign APS Unit Set Requirements to Base		[-24,000]
	COMM—INTELLIGENCE COMM		
047	CI AUTOMATION ARCHITECTURE	1,550	1,550
	INFORMATION SECURITY		
051	COMMUNICATIONS SECURITY (COMSEC)	1,928	0
	Realign APS Unit Set Requirements to Base		[-1,928]
	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	3,145
	Realign APS Unit Set Requirements to Base		[-160]
066	CI HUMINT AUTO REPRTING AND COLL(CHARCS)	7,233	7,233

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
069	BIOMETRIC TACTICAL COLLECTION DEVICES (MIP)	5,670	5,670
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
070	LIGHTWEIGHT COUNTER MORTAR RADAR	25,892	0
	Realign APS Unit Set Requirements to Base		[-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	4,270	0
	Realign APS Unit Set Requirements to Base		[-4,270]
089	MORTAR FIRE CONTROL SYSTEM	2,572	2,282
	Realign APS Unit Set Requirements to Base		[-290]
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
092	AIR & MSL DEFENSE PLANNING & CONTROL SYS	69,958	0
	Realign APS Unit Set Requirements to Base		[-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	0
	Realign APS Unit Set Requirements to Base		[-96]
	CHEMICAL DEFENSIVE EQUIPMENT		
114	CBRN DEFENSE	1,841	0
	Realign APS Unit Set Requirements to Base		[-1,841]
	BRIDGING EQUIPMENT		
115	TACTICAL BRIDGING	26,000	0
	Realign APS Unit Set Requirements to Base		[-26,000]
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
124	ROBOTICS AND APPLIQUE SYSTEMS	268	0
	Realign APS Unit Set Requirements to Base		[-268]
128	FAMILY OF BOATS AND MOTORS	280	0
	Realign APS Unit Set Requirements to Base		[-280]
	COMBAT SERVICE SUPPORT EQUIPMENT		
129	HEATERS AND ECUS	894	0
	Realign APS Unit Set Requirements to Base		[-894]
134	FORCE PROVIDER	53,800	53,800
135	FIELD FEEDING EQUIPMENT	2,665	0
	Realign APS Unit Set Requirements to Base		[-2,665]
136	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	2,400	2,400
137	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	9,789	0
	Realign APS Unit Set Requirements to Base		[-9,789]
138	ITEMS LESS THAN \$5M (ENG SPT)	300	0
	Realign APS Unit Set Requirements to Base		[-300]
	PETROLEUM EQUIPMENT		
139	QUALITY SURVEILLANCE EQUIPMENT	4,800	0
	Realign APS Unit Set Requirements to Base		[-4,800]
140	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	78,240	57,420
	Realign APS Unit Set Requirements to Base		[-20,820]
	MEDICAL EQUIPMENT		
141	COMBAT SUPPORT MEDICAL	5,763	0
	Realign APS Unit Set Requirements to Base		[-5,763]
	MAINTENANCE EQUIPMENT		
142	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	1,609	0
	Realign APS Unit Set Requirements to Base		[-1,609]
143	ITEMS LESS THAN \$5.0M (MAINT EQ)	145	0
	Realign APS Unit Set Requirements to Base		[-145]
	CONSTRUCTION EQUIPMENT		
144	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	3,047	0
	Realign APS Unit Set Requirements to Base		[-3,047]
148	TRACTOR, FULL TRACKED	4,426	0
	Realign APS Unit Set Requirements to Base		[-4,426]
151	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)	2,900	0
	Realign APS Unit Set Requirements to Base		[-2,900]
155	ITEMS LESS THAN \$5.0M (CONST EQUIP)	96	0
	Realign APS Unit Set Requirements to Base		[-96]
	GENERATORS		
158	GENERATORS AND ASSOCIATED EQUIP	21,861	1,900
	Realign APS Unit Set Requirements to Base		[-19,961]
	MATERIAL HANDLING EQUIPMENT		
160	FAMILY OF FORKLIFTS	846	0
	Realign APS Unit Set Requirements to Base		[-846]
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
168	TEST EQUIPMENT MODERNIZATION (TEMOD)	1,140	0
	Realign APS Unit Set Requirements to Base		[-1,140]
	OTHER SUPPORT EQUIPMENT		
170	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	8,500	8,500
	TOTAL OTHER PROCUREMENT, ARMY	1,211,110	599,082
	JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND		
	NETWORK ATTACK		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
001	RAPID ACQUISITION AND THREAT RESPONSE	232,200	207,200
	Program decrease		[-25,000]
	STAFF AND INFRASTRUCTURE		
002	MISSION ENABLERS	62,800	62,800
	TOTAL JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.	295,000	270,000
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
002	F/A-18E/F (FIGHTER) HORNET	184,912	184,912
	OTHER AIRCRAFT		
026	STUASL0 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
	CLASSIFIED PROGRAMS		
150A	CLASSIFIED PROGRAMS	1,660	1,660
	TOTAL OTHER PROCUREMENT, NAVY	64,877	64,877
	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

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
	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	273,600
	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	0
	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	140,126
	FLARES		
012	FLARES	6,531	6,531
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	164,408	164,408
	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
	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
070A	CLASSIFIED PROGRAMS	3,472,094	3,472,094
	TOTAL OTHER PROCUREMENT, AIR FORCE	3,696,281	3,696,281
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, DISA		
007	TELEPORT PROGRAM	1,900	1,900
	CLASSIFIED PROGRAMS		
040A	CLASSIFIED PROGRAMS	32,482	32,482
	AVIATION PROGRAMS		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2017 Request	House Authorized
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	42,056
	TOTAL PROCUREMENT, DEFENSE-WIDE	234,434	234,434
	TOTAL PROCUREMENT	8,226,537	7,043,082

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	House Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	FIXED WING		
003	MQ-1 UAV		95,100
	Army unfunded requirement		[95,100]
	ROTARY		
005	HELICOPTER, LIGHT UTILITY (LUH)		110,000
	Army unfunded requirement (ARI)		[110,000]
006	AH-64 APACHE BLOCK IIIA REMAN	78,040	268,040
	Army unfunded requirement (ARI)		[190,000]
007	ADVANCE PROCUREMENT (CY)		72,900
	Army unfunded requirement (ARI)		[72,900]
008	UH-60 BLACKHAWK M MODEL (MYP)		440,200
	Army unfunded requirement (ARI)		[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	78,040	1,138,240
	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 W&TCV, ARMY		
	MODIFICATION OF TRACKED COMBAT VEHICLES		
008	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)		72,000
	Army unfunded requirement		[72,000]
013	M1 ABRAMS TANK (MOD)		140,000
	Army unfunded requirement—Industrial base risk mitigation		[60,000]
	Army unfunded requirement—Vehicle APS		[80,000]
	UNDISTRIBUTED		
036A	UNDISTRIBUTED		55,100
	Additional funding to support increase in Army end strength		[55,100]
	TOTAL PROCUREMENT OF W&TCV, ARMY		267,100
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		

SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
001	CTG, 5.56MM, ALL TYPES		4,000
	Army unfunded requirement		[4,000]
002	CTG, 7.62MM, ALL TYPES		14,000
	Army unfunded requirement		[14,000]
003	CTG, HANDGUN, ALL TYPES		9,000
	Army unfunded requirement		[9,000]
004	CTG, .50 CAL, ALL TYPES		21,000
	Army unfunded requirement		[21,000]
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]
	UNDISTRIBUTED		
034A	UNDISTRIBUTED		46,500
	Additional funding to support increase in Army end strength		[46,500]
	TOTAL PROCUREMENT OF AMMUNITION, ARMY		287,700
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
008	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	152,000	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
	UNDISTRIBUTED		
180	UNDISTRIBUTED		18,400
	Additional funding to support increase in Army end strength		[18,400]
	TOTAL OTHER PROCUREMENT, ARMY	161,900	268,700
	JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND		
	NETWORK ATTACK		
001	RAPID ACQUISITION AND THREAT RESPONSE	113,272	113,272
	TOTAL JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.	113,272	113,272
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
002	F/A-18E/F (FIGHTER) HORNET		1,400,000
	Navy unfunded requirement		[1,400,000]
003	JOINT STRIKE FIGHTER CV		540,000
	Marine Corps unfunded requirement		[270,000]
	Navy unfunded requirement		[270,000]
005	JSP STOVL		254,200
	Marine Corps unfunded requirement		[254,200]
009	V-22 (MEDIUM LIFT)		150,000
	Marine Corps unfunded requirement		[150,000]
011	H-1 UPGRADES (UH-1Y/AH-1Z)		57,000
	Marine Corps unfunded requirement- AH-1Zs		[57,000]
	AIRLIFT AIRCRAFT		
019A	C-40A		415,000
	Marine Corps unfunded requirement		[207,500]
	Navy unfunded requirement		[207,500]
	OTHER AIRCRAFT		
023	MQ-4 TRITON		95,000
	Additional system—ISR shortfalls		[95,000]
025	MQ-8 UAV		47,500
	Scope Increase		[47,500]

SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
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
036	H-1 SERIES	3,740	27,140
	Accelerate readiness improvement		[23,400]
051	COMMON ECM EQUIPMENT	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]
	Marine Corps unfunded requirement- F35 B spares		[91,000]
	Marine Corps unfunded requirement- F35 C spares		[13,300]
	TOTAL AIRCRAFT PROCUREMENT, NAVY	34,200	3,212,000
WEAPONS PROCUREMENT, NAVY			
STRATEGIC MISSILES			
003	TOMAHAWK		76,000
	Scope Increase		[76,000]
TACTICAL MISSILES			
005	SIDEWINDER		33,000
	Navy unfunded requirement		[33,000]
015A	LCS OVER-THE-HORIZON MISSILE		18,100
	Navy unfunded requirement		[18,100]
	TOTAL WEAPONS PROCUREMENT, NAVY		127,100
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
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		433,000
	Scope Increase		[433,000]
011	LITTORAL COMBAT SHIP		384,700
	Scope Increase		[384,700]
AMPHIBIOUS SHIPS			
012A	AMPHIBIOUS SHIP REPLACEMENT LX(R)		856,000
	Procurement of LX (R)		[856,000]
AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST			
026	SHIP TO SHORE CONNECTOR		165,000
	Scope Increase		[165,000]
028	LCAC SLEP		80,300
	Scope Increase		[80,300]
	TOTAL SHIPBUILDING AND CONVERSION, NAVY		2,267,000
OTHER PROCUREMENT, NAVY			
OTHER SHIPBOARD EQUIPMENT			
009	DDG MOD		65,000
	Scope Increase		[65,000]
SMALL BOATS			
032	STANDARD BOATS		20,000
	Program Acceleration		[20,000]
OTHER SHIP SUPPORT			
039A	LCS LAUNCHER		24,900
	Navy unfunded requirement		[24,900]
AIRCRAFT SUPPORT EQUIPMENT			
104	WEAPONS RANGE SUPPORT EQUIPMENT		9,000
	Navy unfunded requirement—Barking Sands Tactical Underwater Range		[9,000]
OTHER ORDNANCE SUPPORT EQUIPMENT			
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	59,329	59,329
	TOTAL OTHER PROCUREMENT, NAVY	59,329	178,229
PROCUREMENT, MARINE CORPS			
ARTILLERY AND OTHER WEAPONS			
004	155MM LIGHTWEIGHT TOWED HOWITZER		14,000
	Marine Corps unfunded requirement- chrome tubes		[14,000]

SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
OTHER SUPPORT (NON-TEL)			
036	COMMAND POST SYSTEMS		40,800
	Marine Corps unfunded requirement- SPMAGTF—C4 UUNS		[40,800]
	TOTAL PROCUREMENT, MARINE CORPS		54,800
AIRCRAFT PROCUREMENT, AIR FORCE			
TACTICAL FORCES			
001	F-35		690,500
	Air Force unfunded requirement		[690,500]
OTHER AIRLIFT			
004	C-130J		271,500
	Scope Increase		[271,500]
HELICOPTERS			
010	UUH-1N REPLACEMENT		80,000
	Program increase to address urgent need		[80,000]
OTHER AIRCRAFT			
	MQ-9	179,430	179,430
015A	EC-130H		103,000
	Scope increase		[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		17,500
	Additional 2 PME-DMS kits		[17,500]
054	H-60		70,700
	Air Force unfunded requirement- ASE radar warning receivers		[70,700]
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	179,430	1,879,030
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
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	10,728,171

1 **TITLE XLII—RESEARCH, DEVELOPMENT,**
 2 **OPERMENT, TEST, AND EVALUA-**
 3 **TION**

4 **SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
 5 **TION.**

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2017 Request	House 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	31,533
006	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY	36,109	36,109
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	912,574
ADVANCED TECHNOLOGY DEVELOPMENT				
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.	122,132	122,132
034	0603006A	SPACE APPLICATION ADVANCED TECHNOLOGY	3,904	3,904
035	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY.	14,417	14,417
037	0603009A	TRACTOR HIKE	8,074	21,374
		See classified annex		[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.	177,190	179,190
		Program increase		[2,000]
047	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY.	17,451	17,451

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	House Authorized
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.	44,239	44,239
053	0603794A	C3 ADVANCED TECHNOLOGY	35,775	35,775
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	930,065	945,365
		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	41,003
		Program increase		[7,500]
067	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	31,120	31,120
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	70,047
071	0604120A	ASSURED POSITIONING, NAVIGATION AND TIMING (PNT) ...	83,279	83,279
073	0305251A	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT ..	40,510	40,510
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	550,635	558,135
		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
091	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV.	53,332	61,332
		Program increase- all digital radar technology for CRAM		[8,000]
092	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	17,887	17,887
093	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	8,813	8,813
094	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV.	10,487	10,487
095	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	15,068	15,068
096	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION	89,716	89,716
097	0604802A	WEAPONS AND MUNITIONS—ENG DEV	80,365	80,365
098	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV	75,098	86,198
		Program Increase- next generation signature management		[11,100]
099	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV.	4,245	4,245
100	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV.	41,124	41,124
101	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV	39,630	39,630
102	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE.	205,590	205,590
103	0604820A	RADAR DEVELOPMENT	15,983	15,983
104	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS)	6,805	6,805
105	0604823A	FIREFINDER	9,235	9,235
106	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	12,393	12,393
107	0604854A	ARTILLERY SYSTEMS—EMD	1,756	1,756
108	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	74,236	74,236

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	House Authorized
109	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A)	155,584	155,584
110	0605028A	ARMORED MULTI-PURPOSE VEHICLE (AMPV)	184,221	184,221
111	0605029A	INTEGRATED GROUND SECURITY SURVEILLANCE RESPONSE CAPABILITY (IGSSR-C)	4,980	4,980
112	0605030A	JOINT TACTICAL NETWORK CENTER (JTNC)	15,041	15,041
113	0605031A	JOINT TACTICAL NETWORK (JTN)	16,014	16,014
114	0605032A	TRACTOR TIRE	27,254	27,254
115	0605033A	GROUND-BASED OPERATIONAL SURVEILLANCE SYSTEM—EXPEDITIONARY (GBOSS-E)	5,032	5,032
116	0605034A	TACTICAL SECURITY SYSTEM (TSS)	2,904	2,904
117	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCUM)	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	2,284,194
		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
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

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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	7,519,299
		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	74,618
		Service Life Extension Program—AGOR		[32,000]
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
		SUBTOTAL APPLIED RESEARCH	861,151	893,151
		ADVANCED TECHNOLOGY DEVELOPMENT		
016	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY	96,406	106,406
		Program increase for common mount		[10,000]
017	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	48,438	48,438
018	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY	26,421	26,421
019	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	140,416	140,416
020	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT.	13,117	13,117
021	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT.	249,092	249,092
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	65,550
		Program Increase		[5,000]
026	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY.	15,167	15,167
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	736,988	751,988

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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	57,034	72,034
		Program Increase		[15,000]
034	0603502N	SURFACE AND SHALLOW WATER MINE COUNTER-MEASURES.	165,775	165,775
035	0603506N	SURFACE SHIP TORPEDO DEFENSE	87,066	87,066
036	0603512N	CARRIER SYSTEMS DEVELOPMENT	7,605	7,605
037	0603525N	PILOT FISH	132,068	132,068
038	0603527N	RETRACT LARCH	14,546	14,546
039	0603536N	RETRACT JUNIPER	115,435	115,435
040	0603542N	RADIOLOGICAL CONTROL	702	702
041	0603553N	SURFACE ASW	1,081	1,081
042	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	100,565	100,565
043	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	8,782	8,782
044	0603563N	SHIP CONCEPT ADVANCED DESIGN	14,590	14,590
045	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	15,805	15,805
046	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	453,313	453,313
047	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	36,655	36,655
048	0603576N	CHALK EAGLE	367,016	367,016
049	0603581N	LITTORAL COMBAT SHIP (LCS)	51,630	51,630
050	0603582N	COMBAT SYSTEM INTEGRATION	23,530	23,530
051	0603595N	OHIO REPLACEMENT	700,811	700,811
052	0603596N	LCS MISSION MODULES	160,058	129,158
		Program Restructure		[-30,900]
053	0603597N	AUTOMATED TEST AND ANALYSIS		8,000
		Program increase		[8,000]
054	0603599N	FRIGATE DEVELOPMENT	84,900	84,900
055	0603609N	CONVENTIONAL MUNITIONS	8,342	8,342
056	0603611M	MARINE CORPS ASSAULT VEHICLES	158,682	158,682
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—DEM/VAL.	104,144	104,144
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 COUNTER-MEASURES (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	78,589
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	252,409
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	4,654,967
SYSTEM DEVELOPMENT & DEMONSTRATION				
090	0603208N	TRAINING SYSTEM AIRCRAFT	19,938	19,938
091	0604212N	OTHER HELO DEVELOPMENT	6,268	6,268
092	0604214N	AV-SB AIRCRAFT—ENG DEV	33,664	33,664

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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	174,423
103	0604264N	AIR CREW SYSTEMS DEVELOPMENT	13,577	13,577
104	0604269N	EA-18	116,761	116,761
105	0604270N	ELECTRONIC WARFARE DEVELOPMENT	48,766	48,766
106	0604273N	EXECUTIVE HELO DEVELOPMENT	338,357	338,357
107	0604274N	NEXT GENERATION JAMMER (NGJ)	577,822	577,822
108	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY)	2,365	2,365
109	0604282N	NEXT GENERATION JAMMER (NGJ) INCREMENT II	52,065	52,065
110	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	282,764	282,764
111	0604311N	LPD-17 CLASS SYSTEMS INTEGRATION	580	580
112	0604329N	SMALL DIAMETER BOMB (SDB)	97,622	97,622
113	0604366N	STANDARD MISSILE IMPROVEMENTS	120,561	120,561
114	0604373N	AIRBORNE MCM	45,622	45,622
116	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING	25,750	25,750
118	0604501N	ADVANCED ABOVE WATER SENSORS	85,868	85,868
119	0604503N	SSN-688 AND TRIDENT MODERNIZATION	117,476	117,476
120	0604504N	AIR CONTROL	47,404	47,404
121	0604512N	SHIPBOARD AVIATION SYSTEMS	112,158	112,158
122	0604518N	COMBAT INFORMATION CENTER CONVERSION	6,283	6,283
123	0604522N	AIR AND MISSILE DEFENSE RADAR (AMDR) SYSTEM	144,395	144,395
124	0604558N	NEW DESIGN SSN	113,013	113,013
125	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	43,160	43,160
126	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	65,002	85,002
		CVN Design		[20,000]
127	0604574N	NAVY TACTICAL COMPUTER RESOURCES	3,098	3,098
128	0604580N	VIRGINIA PAYLOAD MODULE (VPM)	97,920	97,920
129	0604601N	MINE DEVELOPMENT	10,490	10,490
130	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	20,178	20,178
131	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	7,369	7,369
132	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	4,995	4,995
133	0604727N	JOINT STANDOFF WEAPON SYSTEMS	412	412
134	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	134,619	134,619
135	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	114,475	105,475
		Program Execution		[-9,000]
136	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	114,211	114,211
137	0604761N	INTELLIGENCE ENGINEERING	11,029	11,029
138	0604771N	MEDICAL DEVELOPMENT	9,220	9,220
139	0604777N	NAVIGATION/ID SYSTEM	42,723	42,723
140	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	531,426	531,426
141	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD	528,716	528,716
142	0604810M	JOINT STRIKE FIGHTER FOLLOW ON DEVELOPMENT—MARINE CORPS	74,227	74,227
143	0604810N	JOINT STRIKE FIGHTER FOLLOW ON DEVELOPMENT—NAVY	63,387	63,387
144	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	4,856	4,856
145	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	97,066	97,066
146	0605024N	ANTI-TAMPER TECHNOLOGY SUPPORT	2,500	2,500
147	0605212N	CH-53K RDTE	404,810	404,810
148	0605215N	MISSION PLANNING	33,570	33,570
149	0605217N	COMMON AVIONICS	51,599	51,599
150	0605220N	SHIP TO SHORE CONNECTOR (SSC)	11,088	11,088
151	0605327N	T-AO (X)	1,095	1,095
152	0605414N	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	182,220
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	6,024,655
		MANAGEMENT SUPPORT		
163	0604256N	THREAT SIMULATOR DEVELOPMENT	16,633	16,633

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164	0604258N	TARGET SYSTEMS DEVELOPMENT	36,662	36,662
165	0604759N	MAJOR T&E INVESTMENT	42,109	42,109
166	0605126N	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION.	2,998	2,998
167	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	3,931	3,931
168	0605154N	CENTER FOR NAVAL ANALYSES	46,634	46,634
169	0605285N	NEXT GENERATION FIGHTER	1,200	1,200
171	0605804N	TECHNICAL INFORMATION SERVICES	903	903
172	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	87,077	87,077
173	0605856N	STRATEGIC TECHNICAL SUPPORT	3,597	3,597
174	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	62,811	62,811
175	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	106,093	106,093
176	0605864N	TEST AND EVALUATION SUPPORT	349,146	349,146
177	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY	18,160	18,160
178	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	9,658	9,658
179	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	6,500	6,500
180	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	22,247	22,247
181	0605898N	MANAGEMENT HQ—R&D	16,254	16,254
182	0606355N	WARFARE INNOVATION MANAGEMENT	21,123	21,123
		SUBTOTAL MANAGEMENT SUPPORT	853,736	853,736
		OPERATIONAL SYSTEMS DEVELOPMENT		
188	0607658N	COOPERATIVE ENGAGEMENT CAPABILITY (CEC)	84,501	84,501
189	0607700N	DEPLOYABLE JOINT COMMAND AND CONTROL	2,970	2,970
190	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	136,556	136,556
191	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	33,845	33,845
192	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	9,329	9,329
193	0101402N	NAVY STRATEGIC COMMUNICATIONS	17,218	17,218
195	0204136N	F/A—18 SQUADRONS	189,125	189,125
196	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL)	48,225	48,225
197	0204228N	SURFACE SUPPORT	21,156	21,156
198	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC).	71,355	71,355
199	0204311N	INTEGRATED SURVEILLANCE SYSTEM	58,542	58,542
200	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT).	13,929	13,929
201	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	83,538	83,538
202	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	38,593	38,593
203	0204574N	CRYPTOLOGIC DIRECT SUPPORT	1,122	1,122
204	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT	99,998	99,998
205	0205601N	HARM IMPROVEMENT	48,635	48,635
206	0205604N	TACTICAL DATA LINKS	124,785	124,785
207	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	24,583	24,583
208	0205632N	MK—48 ADCAP	39,134	39,134
209	0205633N	AVIATION IMPROVEMENTS	120,861	120,861
210	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	101,786	101,786
211	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	82,159	82,159
212	0206335M	COMMON AVIATION COMMAND AND CONTROL SYSTEM (CAC2S).	11,850	11,850
213	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS.	47,877	47,877
214	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	13,194	13,194
215	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP).	17,171	17,171
216	0206629M	AMPHIBIOUS ASSAULT VEHICLE	38,020	38,020
217	0207161N	TACTICAL AIM MISSILES	56,285	56,285
218	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	40,350	40,350
219	0219902M	GLOBAL COMBAT SUPPORT SYSTEM—MARINE CORPS (GCSS-MC).	9,128	9,128
223	0303109N	SATELLITE COMMUNICATIONS (SPACE)	37,372	37,372
224	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES).	23,541	23,541
225	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	38,510	38,510
228	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES	6,019	6,019
229	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	8,436	8,436
230	0305205N	UAS INTEGRATION AND INTEROPERABILITY	36,509	36,509
231	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	2,100	2,100
232	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	44,571	44,571
233	0305220N	MQ—4C TRITON	111,729	111,729
234	0305231N	MQ—8 UAV	26,518	26,518
235	0305232M	RQ—11 UAV	418	418
236	0305233N	RQ—7 UAV	716	716
237	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	5,071	5,071
238	0305239M	RQ—21A	9,497	9,497
239	0305241N	MULTI-INTELLIGENCE SENSOR DEVELOPMENT	77,965	77,965
240	0305242M	UNMANNED AERIAL SYSTEMS (UAS) PAYLOADS (MIP)	11,181	11,181
241	0305421N	RQ—4 MODERNIZATION	181,266	181,266
242	0308601N	MODELING AND SIMULATION SUPPORT	4,709	4,709

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Line	Program Element	Item	FY 2017 Request	House Authorized
243	0702207N	DEPOT MAINTENANCE (NON-IF)	49,322	54,322
		MH-60 Fleet Mid-Life Upgrades		[5,000]
245	0708730N	MARITIME TECHNOLOGY (MARITECH)	3,204	3,204
245A	999999999	CLASSIFIED PROGRAMS	1,228,460	1,228,460
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	3,597,934	3,597,934
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	17,276,301	17,339,401
		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	116,647
		Human-Machine Teaming		[5,000]
007	0602203F	AEROSPACE PROPULSION	185,671	185,671
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
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	27,921
		Responsive Launch and Reconstitution		[20,000]
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	15,595
		Program reduction		[-5,000]

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Line	Program Element	Item	FY 2017 Request	House Authorized
047	0207455F	THREE DIMENSIONAL LONG-RANGE RADAR (3DELRR)	49,491	39,491
		Excess funding to need		[-10,000]
048	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIP- MENT) (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 DEVELOP- MENT & PROTOTYPES.	2,847,833	2,847,833
		SYSTEM DEVELOPMENT & DEMONSTRATION		
054	0604270F	ELECTRONIC WARFARE DEVELOPMENT	12,476	12,476
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	54,838
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	100,000
		Launch System Investment (launch vehicle, upper stage, strap-on motor, or related infrastructure).		[100,000]
		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	12,377
078	0605229F	CSAR HH-60 RECAPITALIZATION	319,331	319,331
080	0605431F	ADVANCED EHF MILSATCOM (SPACE)	259,131	259,131
081	0605432F	POLAR MILSATCOM (SPACE)	50,815	50,815
082	0605433F	WIDEBAND GLOBAL SATCOM (SPACE)	41,632	41,632
083	0605458F	AIR & SPACE OPS CENTER 10.2 RDT&E	28,911	28,911
084	0605931F	B-2 DEFENSIVE MANAGEMENT SYSTEM	315,615	288,957
		Scope Reduction		[-26,658]
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 & DEM- ONSTRATION.	4,075,804	3,932,574
		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 SUP- PORT.	28,091	28,091
102	0606017F	REQUIREMENTS ANALYSIS AND MATURATION	29,100	29,100
103	0606116F	SPACE TEST AND TRAINING RANGE DEVELOPMENT	18,528	18,528
104	0606392F	SPACE AND MISSILE CENTER (SMC) CIVILIAN WORKFORCE	176,666	176,666
105	0308602F	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

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Line	Program Element	Item	FY 2017 Request	House Authorized
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	200,373
		Auto take-off and landing capability		[35,000]
		Tactical Datalink Integration		[14,000]
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	387,564
138	0207142F	F-35 SQUADRONS	153,045	153,045
139	0207161F	TACTICAL AIM MISSILES	52,898	52,898
140	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	62,470	62,470
143	0207227F	COMBAT RESCUE—PARARESCUE	362	362
144	0207247F	AF TENCAP	28,413	31,613
		Restore FY16 level		[3,200]
145	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	649	649
146	0207253F	COMPASS CALL	13,723	50,823
		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	37,621
150	0207412F	CONTROL AND REPORTING CENTER (CRC)	13,292	13,292
151	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	86,644	86,644
152	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS	2,442	2,442
154	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	10,911	15,911
		Geospatial software development		[5,000]
155	0207444F	TACTICAL AIR CONTROL PARTY-MOD	11,843	11,843
156	0207448F	C2ISR TACTICAL DATA LINK	1,515	1,515
157	0207452F	DCAPES	14,979	14,979
158	0207590F	SEEK EAGLE	25,308	25,308
159	0207601F	USAF MODELING AND SIMULATION	16,666	16,666
160	0207605F	WARGAMING AND SIMULATION CENTERS	4,245	4,245
161	0207697F	DISTRIBUTED TRAINING AND EXERCISES	3,886	3,886
162	0208006F	MISSION PLANNING SYSTEMS	71,785	71,785
164	0208087F	AF OFFENSIVE CYBERSPACE OPERATIONS	25,025	25,025
165	0208088F	AF DEFENSIVE CYBERSPACE OPERATIONS	29,439	29,439
168	0301017F	GLOBAL SENSOR INTEGRATED ON NETWORK (GSIN)	3,470	3,470
169	0301112F	NUCLEAR PLANNING AND EXECUTION SYSTEM (NPES)	4,060	4,060
175	0301400F	SPACE SUPERIORITY INTELLIGENCE	13,880	13,880
176	0302015F	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC) ...	30,948	30,948
177	0303001F	FAMILY OF ADVANCED BLOS TERMINALS (FAB-T)	42,378	42,378
178	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	47,471	47,471
179	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	46,388	46,388
180	0303141F	GLOBAL COMBAT SUPPORT SYSTEM	52	52
181	0303142F	GLOBAL FORCE MANAGEMENT—DATA INITIATIVE	2,099	2,099
184	0304260F	AIRBORNE SIGINT ENTERPRISE	90,762	90,762
187	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,354	4,354
188	0305110F	SATELLITE CONTROL NETWORK (SPACE)	15,624	15,624
189	0305111F	WEATHER SERVICE	19,974	22,974
		Commercial Weather Pilot Program		[3,000]
190	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (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

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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	16,310
		Program reduction		[-6,300]
211	0305238F	NATO AGS	38,904	38,904
212	0305240F	SUPPORT TO DCGS ENTERPRISE	23,084	23,084
213	0305258F	ADVANCED EVALUATION PROGRAM	116,143	116,143
214	0305265F	GPS III SPACE SEGMENT	141,888	141,888
215	0305600F	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES.	2,360	2,360
216	0305614F	JSPOC MISSION SYSTEM	72,889	72,889
217	0305881F	RAPID CYBER ACQUISITION	4,280	4,280
218	0305906F	NCMC—TW/AA SYSTEM	4,951	4,951
219	0305913F	NUDET DETECTION SYSTEM (SPACE)	21,093	21,093
220	0305940F	SPACE SITUATION AWARENESS OPERATIONS	35,002	35,002
222	0308699F	SHARED EARLY WARNING (SEW)	6,366	6,366
223	0401115F	C-130 AIRLIFT SQUADRON	15,599	15,599
224	0401119F	C-5 AIRLIFT SQUADRONS (IF)	66,146	66,146
225	0401130F	C-17 AIRCRAFT (IF)	12,430	12,430
226	0401132F	C-130J PROGRAM	16,776	16,776
227	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	5,166	5,166
229	0401314F	OPERATIONAL SUPPORT AIRLIFT	13,817	13,817
230	0401318F	CV-22	16,702	16,702
231	0408011F	SPECIAL TACTICS / COMBAT CONTROL	7,164	7,164
232	0702207F	DEPOT MAINTENANCE (NON-IF)	1,518	1,518
233	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	61,676	61,676
234	0708611F	SUPPORT SYSTEMS DEVELOPMENT	9,128	9,128
235	0804743F	OTHER FLIGHT TRAINING	1,653	1,653
236	0808716F	OTHER PERSONNEL ACTIVITIES	57	57
237	0901202F	JOINT PERSONNEL RECOVERY AGENCY	3,663	3,663
238	0901218F	CIVILIAN COMPENSATION PROGRAM	3,735	3,735
239	0901220F	PERSONNEL ADMINISTRATION	5,157	5,157
240	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY	1,523	1,523
242	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT.	10,581	10,581
242A	9999999999	CLASSIFIED PROGRAMS	13,091,557	13,091,557
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	17,457,056	17,563,056
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF.	28,112,251	28,105,021
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		BASIC RESEARCH		
001	0601000BR	DTRA BASIC RESEARCH INITIATIVE	35,436	35,436
002	0601101E	DEFENSE RESEARCH SCIENCES	362,297	352,297
		Program reduction		[-10,000]
003	0601110D8Z	BASIC RESEARCH INITIATIVES	36,654	36,654
004	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE	57,791	57,791
005	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	69,345	79,345
		K-12 STEM program increase		[10,000]
006	0601228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES/MINORITY INSTITUTIONS.	23,572	33,572
		Program increase		[10,000]
007	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	44,800	44,800
		SUBTOTAL BASIC RESEARCH	629,895	639,895
		APPLIED RESEARCH		
008	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	17,745	17,745
009	0602115E	BIOMEDICAL TECHNOLOGY	115,213	105,213
		Program reduction		[-10,000]
010	0602230D8Z	DEFENSE TECHNOLOGY INNOVATION	30,000	0
		Program decrease		[-30,000]
011	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	48,269	48,269
012	0602251D8Z	APPLIED RESEARCH FOR THE ADVANCEMENT OF S&T PRIORITIES.	42,206	42,206
013	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY	353,635	348,635
		Program reduction		[-5,000]

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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	210,456
		Program reduction		[-10,000]
019	0602716E	ELECTRONICS TECHNOLOGY	221,911	221,911
020	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES.	154,857	154,857
021	0602751D8Z	SOFTWARE ENGINEERING INSTITUTE (SEI) APPLIED RESEARCH.	8,420	8,420
022	1160401BB	SOF TECHNOLOGY DEVELOPMENT	37,820	37,820
		SUBTOTAL APPLIED RESEARCH	1,786,523	1,731,523
		ADVANCED TECHNOLOGY DEVELOPMENT		
023	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	23,902	23,902
025	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	73,002	100,002
		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
		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	108,745
		Classified Annex		[25,000]
036	0603286E	ADVANCED AEROSPACE SYSTEMS	182,327	177,327
		Program reduction		[-5,000]
037	0603287E	SPACE PROGRAMS AND TECHNOLOGY	175,240	165,240
		Program reduction		[-10,000]
038	0603288D8Z	ANALYTIC ASSESSMENTS	12,048	12,048
039	0603289D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS	57,020	57,020
041	0603375D8Z	TECHNOLOGY INNOVATION	39,923	19,923
		Program decrease		[-20,000]
042	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT.	127,941	127,941
043	0603527D8Z	RETRACT LARCH	181,977	181,977
044	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	22,030	22,030
045	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	148,184	158,184
		Social Media Analysis Cell		[10,000]
046	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	9,331	9,331
047	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.	158,398	148,398
		Program decrease		[-10,000]
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
053	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT.	97,826	97,826
054	0603727D8Z	JOINT WARFIGHTING PROGRAM	7,848	7,848
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
		QRSF		[-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	37,329
066	0303310D8Z	CWMD SYSTEMS	44,836	21,236
		Constellation program reduction		[-23,600]
067	1160402BB	SOF TECHNOLOGY DEVELOPMENT	61,620	61,620
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	3,190,666	3,192,066
		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

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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Line	Program Element	Item	FY 2017 Request	House Authorized
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—DEMOVAL.	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	321,607
079	0603892C	AEGIS BMD	959,066	959,066
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	439,617
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	293,835
		Directed Energy Cooperation through MDA		[25,000]
		Increase for Cooperative Development Programs subject to Title XVI.		[165,000]
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	3,893
093	0604115C	TECHNOLOGY MATURATION INITIATIVES	90,266	105,266
		Directed Energy Acceleration—Low Power Laser Demonstrator - to reclaim schedule slippage.		[15,000]
094	0604132D8Z	MISSILE DEFEAT PROJECT	45,000	45,000
095	0604250D8Z	ADVANCED INNOVATIVE TECHNOLOGIES	844,870	804,870
		SCO		[-40,000]
097	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED SYSTEM COMMON DEVELOPMENT.	3,320	3,320
099	0604682D8Z	WARGAMING AND SUPPORT FOR STRATEGIC ANALYSIS (SSA).	4,000	4,000
102	0604826J	JOINT C5 CAPABILITY DEVELOPMENT, INTEGRATION AND INTEROPERABILITY ASSESSMENTS.	23,642	23,642
104	0604873C	LONG RANGE DISCRIMINATION RADAR (LRDR)	162,012	162,012
105	0604874C	IMPROVED HOMELAND DEFENSE INTERCEPTORS	274,148	274,148
106	0604876C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT TEST.	63,444	63,444
107	0604878C	AEGIS BMD TEST	95,012	95,012
108	0604879C	BALLISTIC MISSILE DEFENSE SENSOR TEST	83,250	83,250
109	0604880C	LAND-BASED SM-3 (LBSM3)	43,293	43,293
110	0604881C	AEGIS SM-3 BLOCK IIA CO-DEVELOPMENT	106,038	106,038
111	0604887C	BALLISTIC MISSILE DEFENSE MIDCOURSE SEGMENT TEST	56,481	56,481
112	0604894C	MULTI-OBJECT KILL VEHICLE	71,513	71,513
114	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	2,636	2,636
115	0305103C	CYBER SECURITY INITIATIVE	969	969
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES.	6,919,519	7,089,519
115A	0604XXXD	WEATHER SYSTEM FOLLOW-ON		5,000
		Transfer Cloud Characterization and Theater Weather Imagery from USAF.		[5,000]
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.		170,000
		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	186,303
		Examination of Army land-attack and anti-ship capability		[5,000]
118	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD	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
121	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES	4,568	4,568
122	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	11,505	11,505

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Line	Program Element	Item	FY 2017 Request	House Authorized
123	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	1,658	1,658
124	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	2,920	2,920
126	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION.	12,631	12,631
128	0605080S	DEFENSE AGENCY INITIATIVES (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	648,218
		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	87,080
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
		DASD(DT&E)		[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	18,523
175	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)—MHA.	34,384	34,384
176	0901598C	MANAGEMENT HQ—MDA	31,160	56,160
		Cyber Improvements Acceleration		[25,000]
179	0903235D8W	JOINT SERVICE PROVIDER (JSP)	827	827
180A	9999999999	CLASSIFIED PROGRAMS	56,799	56,799
		SUBTOTAL MANAGEMENT SUPPORT	897,599	926,599
		OPERATIONAL SYSTEM DEVELOPMENT		
181	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	4,241	4,241
182	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MANA.	1,424	1,424
183	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (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

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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Line	Program Element	Item	FY 2017 Request	House Authorized
198	0303126K	LONG-HAUL COMMUNICATIONS—DCS	13,994	18,994
		Secure cellular communications for senior leaders		[5,000]
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	147,043
		AC-130 Precision Strike		[-12,100]
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	4,249,306
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.	18,308,826	18,477,126
		OPERATIONAL TEST & EVAL, DEFENSE MANAGEMENT SUPPORT		
001	0605118OTE	OPERATIONAL TEST AND EVALUATION	78,047	88,047
		DOT&E Cybersecurity Exercises		[10,000]
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	188,994
		TOTAL OPERATIONAL TEST & EVAL, DEFENSE	178,994	188,994
		TOTAL RDT&E	71,391,771	71,629,841

1 SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-
2 TION FOR OVERSEAS CONTINGENCY OPER-
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SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	House Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
055	0603308A	ARMY SPACE SYSTEMS INTEGRATION	9,375	9,375
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	9,375	9,375

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	House Authorized
SYSTEM DEVELOPMENT & DEMONSTRATION				
117	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM)	10,900	10,900
122	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	73,110	73,110
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	84,010	84,010
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.			100,489	100,489
RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY				
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
RESEARCH, DEVELOPMENT, TEST & EVAL, AF				
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
RESEARCH, DEVELOPMENT, TEST & EVAL, DW				
OPERATIONAL SYSTEM DEVELOPMENT				
253A	9999999999	CLASSIFIED PROGRAMS	162,419	162,419
		SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT ...	162,419	162,419
TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.			162,419	162,419
TOTAL RDT&E			336,146	336,146

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 REQUIREMENTS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	House Authorized
RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY				
SYSTEM DEVELOPMENT & DEMONSTRATION				
090	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	33	33
122	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT		10,000
		Army unfunded requirement- modernized warning system		[10,000]
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	33	10,033

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
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
RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY				
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES				
078	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM).	37,990	37,990
081	0604454N	LX (R)		19,000
		LX (R) Design		[19,000]
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	37,990	56,990
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
RESEARCH, DEVELOPMENT, TEST & EVAL, DW				
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES				
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]
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES.		300,000
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.		300,000
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.		300,000
		TOTAL RDT&E	38,023	452,123

1 **TITLE XLIII—OPERATION AND**
 2 **MAINTENANCE**

3 **SEC. 4301. OPERATION AND MAINTENANCE.**

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2017 Request	House Authorized
OPERATION & MAINTENANCE, ARMY			
OPERATING FORCES			
010	MANEUVER UNITS	791,450	791,450
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	1,198,828
	Realign APS Unit Set Requirements from OCO		[334,900]
060	AVIATION ASSETS	1,360,597	1,360,597
070	FORCE READINESS OPERATIONS SUPPORT	3,086,443	3,094,443
	Additional cyber protection teams		[3,000]
	Public-private cyber training partnership		[5,000]
080	LAND FORCES SYSTEMS READINESS	439,488	439,488
090	LAND FORCES DEPOT MAINTENANCE	1,013,452	1,026,052
	Realign APS Unit Set Requirements from OCO		[12,600]
100	BASE OPERATIONS SUPPORT	7,816,343	7,831,343
	Realign APS Unit Set Requirements from OCO		[15,000]
110	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	2,234,546	2,234,546
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	20,193,107
MOBILIZATION			
180	STRATEGIC MOBILITY	336,329	336,329
190	ARMY PREPOSITIONED STOCKS	390,848	574,848
	Realign APS Unit Set Requirements from OCO		[184,000]
200	INDUSTRIAL PREPAREDNESS	7,401	7,401
	SUBTOTAL MOBILIZATION	734,578	918,578
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	902,845
270	PROFESSIONAL DEVELOPMENT EDUCATION	216,583	216,583
280	TRAINING SUPPORT	607,534	607,534
290	RECRUITING AND ADVERTISING	550,599	550,599
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	4,643,861
ADMIN & SRVWIDE ACTIVITIES			
350	SERVICEWIDE TRANSPORTATION	230,739	350,739
	Realign APS Unit Set Requirements from OCO		[120,000]
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

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
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	8,734,494
	UNDISTRIBUTED		
540	UNDISTRIBUTED		-654,600
	Excessive standard price for fuel		[-56,100]
	Foreign Currency adjustments		[-229,900]
	Historical unobligated balances		[-376,300]
	Prohibition on Per Diem Allowance Reduction		[7,700]
	SUBTOTAL UNDISTRIBUTED		-654,600
	TOTAL OPERATION & MAINTENANCE, ARMY	33,809,040	33,835,440
	OPERATION & MAINTENANCE, ARMY RES OPERATING FORCES		
010	MODULAR SUPPORT BRIGADES	11,435	11,435
020	ECHELONS ABOVE BRIGADE	491,772	491,772
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	214,955
110	MANAGEMENT AND OPERATIONAL HEADQUARTERS ...	37,620	37,620
	SUBTOTAL OPERATING FORCES	2,606,078	2,606,278
	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	2,705,731
	OPERATION & MAINTENANCE, ARNG OPERATING FORCES		
010	MANEUVER UNITS	708,251	708,251
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	887,625
070	FORCE READINESS OPERATIONS SUPPORT	696,267	696,467
	Defense Language Program		[200]
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	676,715
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS ...	1,021,144	1,021,144
	SUBTOTAL OPERATING FORCES	6,418,203	6,418,403
	ADMIN & SRVWD ACTIVITIES		
130	SERVICEWIDE TRANSPORTATION	6,396	6,396

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
140	ADMINISTRATION	68,528	71,052
	National Guard State Partnership Program		[2,524]
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	409,691
	UNDISTRIBUTED		
190	UNDISTRIBUTED		-29,000
	Excessive standard price for fuel		[-29,000]
	SUBTOTAL UNDISTRIBUTED		-29,000
	TOTAL OPERATION & MAINTENANCE, ARNG	6,825,370	6,799,094
	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 SERV- ICES	52,670	52,670
040	AIR OPERATIONS AND SAFETY SUPPORT	97,584	97,584
050	AIR SYSTEMS SUPPORT	446,733	446,733
060	AIRCRAFT DEPOT MAINTENANCE	1,007,681	1,007,681
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	38,248	38,248
080	AVIATION LOGISTICS	564,720	564,720
090	MISSION AND OTHER SHIP OPERATIONS	3,513,083	3,513,083
100	SHIP OPERATIONS SUPPORT & TRAINING	743,765	743,765
110	SHIP DEPOT MAINTENANCE	5,168,273	5,177,773
	Ship Repair Capability in the Western Pacific		[9,500]
120	SHIP DEPOT OPERATIONS SUPPORT	1,575,578	1,575,578
130	COMBAT COMMUNICATIONS	558,727	558,727
140	ELECTRONIC WARFARE	105,680	105,680
150	SPACE SYSTEMS AND SURVEILLANCE	180,406	180,406
160	WARFARE TACTICS	470,032	470,032
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	346,703	346,703
180	COMBAT SUPPORT FORCES	1,158,688	1,158,688
190	EQUIPMENT MAINTENANCE	113,692	113,692
200	DEPOT OPERATIONS SUPPORT	2,509	2,509
210	COMBATANT COMMANDERS CORE OPERATIONS	91,019	91,019
220	COMBATANT COMMANDERS DIRECT MISSION SUP- PORT	74,780	74,780
230	CRUISE MISSILE	106,030	106,030
240	FLEET BALLISTIC MISSILE	1,233,805	1,241,305
	Engineering and Technical Services, Project 934		[7,500]
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	163,025	163,025
260	WEAPONS MAINTENANCE	553,269	551,469
	Heavy Weight Torpedo Program Execution		[-1,500]
	Light Weight Torpedo Program Execution		[-300]
270	OTHER WEAPON SYSTEMS SUPPORT	350,010	350,010
280	ENTERPRISE INFORMATION	790,685	790,685
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	1,642,742	1,642,742
300	BASE OPERATING SUPPORT	4,206,136	4,206,136
	SUBTOTAL OPERATING FORCES	31,173,511	31,188,711
	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

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
410	SPECIALIZED SKILL TRAINING	699,214	699,214
420	FLIGHT TRAINING	5,310	5,310
430	PROFESSIONAL DEVELOPMENT EDUCATION	172,852	174,052
	Naval Sea Cadets		[1,200]
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	1,877,429
	ADMIN & SRVWD ACTIVITIES		
490	ADMINISTRATION	917,453	917,453
500	EXTERNAL RELATIONS	14,570	14,570
510	CIVILIAN MANPOWER AND PERSONNEL MANAGE- MENT	124,070	124,070
520	MILITARY MANPOWER AND PERSONNEL MANAGE- MENT	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		-585,600
	Excessive standard price for fuel		[-390,500]
	Foreign Currency adjustments		[-26,400]
	Historical unobligated balances		[-174,100]
	Prohibition on Per Diem Allowance Reduction		[5,400]
	SUBTOTAL UNDISTRIBUTED		-585,600
	TOTAL OPERATION & MAINTENANCE, NAVY	39,483,581	38,914,381
	OPERATION & MAINTENANCE, MARINE CORPS OPERATING FORCES		
010	OPERATIONAL FORCES	674,613	674,613
020	FIELD LOGISTICS	947,424	947,424
030	DEPOT MAINTENANCE	206,783	206,783
040	MARITIME PREPOSITIONING	85,276	85,276
050	SUSTAINMENT, RESTORATION & MODERNIZATION	632,673	632,673
060	BASE OPERATING SUPPORT	2,136,626	2,136,626
	SUBTOTAL OPERATING FORCES	4,683,395	4,683,395
	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	45,995
	MOS-to-Degree Program		[500]
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	756,481
	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

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
	UNDISTRIBUTED		
210	UNDISTRIBUTED		-37,700
	Excessive standard price for fuel		[-4,900]
	Foreign Currency adjustments		[-1,500]
	Historical unobligated balances		[-33,100]
	Prohibition on Per Diem Allowance Reduction		[1,800]
	SUBTOTAL UNDISTRIBUTED		-37,700
	TOTAL OPERATION & MAINTENANCE, MA- RINE CORPS	5,954,258	5,917,058
	OPERATION & MAINTENANCE, NAVY RES		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	526,190	526,190
020	INTERMEDIATE MAINTENANCE	6,714	6,714
030	AIRCRAFT DEPOT MAINTENANCE	86,209	86,209
040	AIRCRAFT DEPOT OPERATIONS SUPPORT	389	389
050	AVIATION LOGISTICS	10,189	10,189
070	SHIP OPERATIONS SUPPORT & TRAINING	560	560
090	COMBAT COMMUNICATIONS	13,173	13,173
100	COMBAT SUPPORT FORCES	109,053	109,053
120	ENTERPRISE INFORMATION	27,226	27,226
130	SUSTAINMENT, RESTORATION AND MODERNIZATION	27,571	27,571
140	BASE OPERATING SUPPORT	99,166	99,166
	SUBTOTAL OPERATING FORCES	906,440	906,440
	ADMIN & SRVWD ACTIVITIES		
150	ADMINISTRATION	1,351	1,351
160	MILITARY MANPOWER AND PERSONNEL MANAGE- MENT	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	901,056
	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	25,470
040	BASE OPERATING SUPPORT	111,550	111,550
	SUBTOTAL OPERATING FORCES	249,768	249,768
	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	269,833
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	3,294,124	3,294,124
020	COMBAT ENHANCEMENT FORCES	1,682,045	1,682,045
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,730,757	1,730,757

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
040	DEPOT MAINTENANCE	7,042,988	6,986,488
	Compass Call Program Restructure		[-56,500]
050	FACILITIES SUSTAINMENT, RESTORATION & MOD-ERNIZATION	1,657,019	1,657,019
060	BASE SUPPORT	2,787,216	2,787,216
070	GLOBAL C3I AND EARLY WARNING	887,831	887,831
080	OTHER COMBAT OPS SPT PROGRAMS	1,070,178	1,070,178
100	LAUNCH FACILITIES	208,582	208,582
110	SPACE CONTROL SYSTEMS	362,250	362,250
120	COMBATANT COMMANDERS DIRECT MISSION SUP-PORT	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	22,703,663
	MOBILIZATION		
140	AIRLIFT OPERATIONS	1,703,059	1,703,059
150	MOBILIZATION PREPAREDNESS	138,899	138,899
160	DEPOT MAINTENANCE	1,553,439	1,553,439
170	FACILITIES SUSTAINMENT, RESTORATION & MOD-ERNIZATION	258,328	258,328
180	BASE SUPPORT	722,756	722,756
	SUBTOTAL MOBILIZATION	4,376,481	4,376,481
	TRAINING AND RECRUITING		
190	OFFICER ACQUISITION	120,886	120,886
200	RECRUIT TRAINING	23,782	23,782
210	RESERVE OFFICERS TRAINING CORPS (ROTC)	77,692	77,692
220	FACILITIES SUSTAINMENT, RESTORATION & MOD-ERNIZATION	236,254	236,254
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	3,573,006
	ADMIN & SRVWD ACTIVITIES		
340	LOGISTICS OPERATIONS	1,107,846	1,107,846
350	TECHNICAL SUPPORT ACTIVITIES	924,185	924,185
360	DEPOT MAINTENANCE	48,778	48,778
370	FACILITIES SUSTAINMENT, RESTORATION & MOD-ERNIZATION	321,013	321,013
380	BASE SUPPORT	1,115,910	1,115,910
390	ADMINISTRATION	811,650	811,650
400	SERVICEWIDE COMMUNICATIONS	269,809	269,809
410	OTHER SERVICEWIDE ACTIVITIES	961,304	961,304
420	CIVIL AIR PATROL	25,735	30,500
	Civil Air Patrol O&M Support		[4,765]
450	INTERNATIONAL SUPPORT	90,573	90,573
460	CLASSIFIED PROGRAMS	1,131,603	1,131,603
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	6,808,406	6,813,171
	UNDISTRIBUTED		
470	UNDISTRIBUTED		-765,900
	Excessive standard price for fuel		[-368,000]
	Foreign Currency adjustments		[-116,700]
	Historical unobligated balances		[-288,000]
	Prohibition on Per Diem Allowance Reduction		[6,800]
	SUBTOTAL UNDISTRIBUTED		-765,900
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	37,518,056	36,700,421

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
OPERATION & MAINTENANCE, AF RESERVE			
OPERATING FORCES			
010	PRIMARY COMBAT FORCES	1,707,882	1,707,882
020	MISSION SUPPORT OPERATIONS	230,016	230,016
030	DEPOT MAINTENANCE	541,743	541,743
040	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	113,470	113,470
050	BASE SUPPORT	384,832	384,832
	SUBTOTAL OPERATING FORCES	2,977,943	2,977,943
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	3,008,229
OPERATION & MAINTENANCE, ANG			
OPERATING FORCES			
010	AIRCRAFT OPERATIONS	3,282,238	3,282,238
020	MISSION SUPPORT OPERATIONS	723,062	723,062
030	DEPOT MAINTENANCE	1,824,329	1,824,329
040	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	245,840	245,840
050	BASE SUPPORT	575,548	575,548
	SUBTOTAL OPERATING FORCES	6,651,017	6,651,017
ADMINISTRATION AND SERVICE-WIDE ACTIVITIES			
060	ADMINISTRATION	23,715	26,239
	National Guard State Partnership Program		[2,524]
070	RECRUITING AND ADVERTISING	28,846	28,846
	SUBTOTAL ADMINISTRATION AND SERVICE- WIDE ACTIVITIES	52,561	55,085
UNDISTRIBUTED			
080	UNDISTRIBUTED		-117,700
	Excessive standard price for fuel		[-117,700]
	SUBTOTAL UNDISTRIBUTED		-117,700
	TOTAL OPERATION & MAINTENANCE, ANG	6,703,578	6,588,402
OPERATION & MAINTENANCE, DEFENSE-WIDE			
OPERATING FORCES			
010	JOINT CHIEFS OF STAFF	506,113	506,113
020	OFFICE OF THE SECRETARY OF DEFENSE	524,439	519,439
	Program decrease		[-5,000]
030	SPECIAL OPERATIONS COMMAND/OPERATING FORCES	4,898,159	4,898,159
	SUBTOTAL OPERATING FORCES	5,928,711	5,923,711
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 RE- CRUITING	365,349	365,349
	SUBTOTAL TRAINING AND RECRUITING	589,708	589,708
ADMINISTRATION AND SERVICEWIDE ACTIVITIES			

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
080	CIVIL MILITARY PROGRAMS	160,480	180,480
	STARBASE		[20,000]
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	357,964
170	DEFENSE MEDIA ACTIVITY	223,422	213,422
	Program decrease		[-10,000]
180	DEFENSE PERSONNEL ACCOUNTING AGENCY	112,681	112,681
190	DEFENSE SECURITY COOPERATION AGENCY	496,754	496,754
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		[30,000]
270	MISSILE DEFENSE AGENCY	446,975	446,975
290	OFFICE OF ECONOMIC ADJUSTMENT	155,399	155,399
300	OFFICE OF THE SECRETARY OF DEFENSE	1,481,643	1,406,713
	Alcohol Abuse Prevention Program		[1,000]
	BRAC 2017 Round Planning and Analyses		[-3,530]
	CWMD Sustainment: Constellation program reduction		[-3,800]
	Program decrease		[-84,428]
	Readiness environmental protection initiative		[15,828]
310	SPECIAL OPERATIONS COMMAND/ADMIN & SVC-WIDE ACTIVITIES	89,429	70,829
	SOCOM MH-60 Block Upgrades / MH-60M Replacement		[-18,600]
320	WASHINGTON HEADQUARTERS SERVICES	629,874	619,874
	Program decrease		[-10,000]
330	CLASSIFIED PROGRAMS	14,069,333	14,071,333
	Classified adjustment		[2,000]
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	26,053,171	25,991,641
	UNDISTRIBUTED		
340	UNDISTRIBUTED		-293,900
	Excessive standard price for fuel		[-17,800]
	Foreign Currency adjustments		[-34,300]
	Historical unobligated balances		[-248,100]
	Prohibition on Per Diem Allowance Reduction		[6,300]
	SUBTOTAL UNDISTRIBUTED		-293,900
	TOTAL OPERATION & MAINTENANCE, DEFENSE-WIDE	32,571,590	32,211,160
	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	169,325,271

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	House Authorized
OPERATION & MAINTENANCE, ARMY			
OPERATING FORCES			
010	MANEUVER UNITS	406,852	396,052
	Army requested realignment (ERI)		[-10,800]
040	THEATER LEVEL ASSETS	1,643,456	1,713,556
	Operational support for deployed end strength of 9,800 in Afghani- stan		[70,100]
050	LAND FORCES OPERATIONS SUPPORT	556,066	156,366
	Army requested realignment (ERI)		[-132,000]
	Operational support for deployed end strength of 9,800 in Afghani- stan		[67,200]
	Realign APS Unit Set Requirements to Base		[-334,900]
060	AVIATION ASSETS	58,620	90,120
	Operational support for deployed end strength of 9,800 in Afghani- stan		[31,500]
070	FORCE READINESS OPERATIONS SUPPORT	1,502,845	1,676,345
	Army requested realignment (ERI)		[-2,000]
	Operational support for deployed end strength of 9,800 in Afghani- stan		[175,500]
080	LAND FORCES SYSTEMS READINESS	348,174	358,174
	Operational support for deployed end strength of 9,800 in Afghani- stan		[10,000]
100	BASE OPERATIONS SUPPORT	40,000	25,000
	Realign APS Unit Set Requirements to Base		[-15,000]
140	ADDITIONAL ACTIVITIES	5,979,678	7,060,278
	Operational support for deployed end strength of 9,800 in Afghani- stan		[1,093,200]
	Realign APS Unit Set Requirements to Base		[-12,600]
150	COMMANDERS EMERGENCY RESPONSE PROGRAM	5,000	5,000
160	RESET	1,092,542	1,092,542
170	COMBATANT COMMANDS DIRECT MISSION SUPPORT	79,568	79,568
	SUBTOTAL OPERATING FORCES	11,712,801	12,653,001
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	540,400	559,500
	Army requested realignment (ERI)		[120,000]
	Operational support for deployed end strength of 9,800 in Afghani- stan		[203,100]
	Realign APS Unit Set Requirements to Base		[-304,000]
380	AMMUNITION MANAGEMENT	13,974	49,074
	Operational support for deployed end strength of 9,800 in Afghani- stan		[35,100]
420	OTHER PERSONNEL SUPPORT	105,508	105,508
450	REAL ESTATE MANAGEMENT	165,678	263,178
	Operational support for deployed end strength of 9,800 in Afghani- stan		[97,500]
530	CLASSIFIED PROGRAMS	835,551	849,851
	Operational support for deployed end strength of 9,800 in Afghani- stan		[14,300]
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	1,661,111	1,827,111
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	13,724,112	8,526,782

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
OPERATION & MAINTENANCE, ARMY RES			
OPERATING FORCES			
020	ECHELONS ABOVE BRIGADE	6,252	9,252
	Operational support for deployed end strength of 9,800 in Afghanistan		[3,000]
040	LAND FORCES OPERATIONS SUPPORT	2,075	3,075
	Operational support for deployed end strength of 9,800 in Afghanistan		[1,000]
060	FORCE READINESS OPERATIONS SUPPORT	1,140	1,440
	Operational support for deployed end strength of 9,800 in Afghanistan		[300]
090	BASE OPERATIONS SUPPORT	14,653	15,153
	Operational support for deployed end strength of 9,800 in Afghanistan		[500]
	SUBTOTAL OPERATING FORCES	24,120	28,920
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
OPERATION & MAINTENANCE, ARNG			
OPERATING FORCES			
010	MANEUVER UNITS	10,564	16,564
	Operational support for deployed end strength of 9,800 in Afghanistan		[6,000]
020	MODULAR SUPPORT BRIGADES	748	748
030	ECHELONS ABOVE BRIGADE	5,751	7,451
	Operational support for deployed end strength of 9,800 in Afghanistan		[1,700]
040	THEATER LEVEL ASSETS	200	200
060	AVIATION ASSETS	27,183	30,983
	Operational support for deployed end strength of 9,800 in Afghanistan		[3,800]
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	78,407
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
AFGHANISTAN SECURITY FORCES FUND			
MINISTRY OF DEFENSE			
010	SUSTAINMENT	2,173,341	2,173,341
020	INFRASTRUCTURE	48,262	48,262
030	EQUIPMENT AND TRANSPORTATION	76,216	176,047
	Maintain security forces at fiscal year 2016 levels		[99,831]
040	TRAINING AND OPERATIONS	220,139	281,555
	Maintain security forces at fiscal year 2016 levels		[61,416]
	SUBTOTAL MINISTRY OF DEFENSE	2,517,958	2,679,205
MINISTRY OF INTERIOR			
050	SUSTAINMENT	860,441	880,300
	Maintain security forces at fiscal year 2016 levels		[19,859]
060	INFRASTRUCTURE	20,837	20,837
070	EQUIPMENT AND TRANSPORTATION	8,153	116,573
	Maintain security forces at fiscal year 2016 levels		[108,420]
080	TRAINING AND OPERATIONS	41,326	65,342
	Maintain security forces at fiscal year 2016 levels		[24,016]
	SUBTOTAL MINISTRY OF INTERIOR	930,757	1,083,052
UNDISTRIBUTED			

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
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	3,448,715	2,279,968
	IRAQ TRAIN AND EQUIP FUND		
010	IRAQ TRAIN AND EQUIP FUND	630,000	680,000
	Support to Kurdish and Sunni tribal security forces for operations in Mosul, Iraq		[50,000]
	SUBTOTAL IRAQ TRAIN AND EQUIP FUND	630,000	680,000
	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	630,000	412,087
	SYRIA TRAIN AND EQUIP FUND		
010	SYRIA TRAIN AND EQUIP FUND	250,000	250,000
	SUBTOTAL SYRIA TRAIN AND EQUIP FUND	250,000	250,000
	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
	OPERATION & MAINTENANCE, NAVY OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	360,621	360,621
040	AIR OPERATIONS AND SAFETY SUPPORT	4,603	4,603
050	AIR SYSTEMS SUPPORT	159,049	159,049
060	AIRCRAFT DEPOT MAINTENANCE	113,994	113,994
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	1,840	1,840
080	AVIATION LOGISTICS	35,529	35,529
090	MISSION AND OTHER SHIP OPERATIONS	1,073,080	1,073,080
100	SHIP OPERATIONS SUPPORT & TRAINING	17,306	17,306
110	SHIP DEPOT MAINTENANCE	2,128,431	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	568,511	568,511
190	EQUIPMENT MAINTENANCE	11,358	11,358
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	61,000	61,000
260	WEAPONS MAINTENANCE	289,045	289,045
270	OTHER WEAPON SYSTEMS SUPPORT	8,000	8,000
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	7,819	7,819
300	BASE OPERATING SUPPORT	61,493	61,493
	SUBTOTAL OPERATING FORCES	4,968,473	4,968,473
	MOBILIZATION		
330	AIRCRAFT ACTIVATIONS/INACTIVATIONS	1,530	1,530
350	EXPEDITIONARY HEALTH SERVICES SYSTEMS	5,307	5,307
370	COAST GUARD SUPPORT	162,692	162,692
	SUBTOTAL MOBILIZATION	169,529	169,529
	TRAINING AND RECRUITING		
410	SPECIALIZED SKILL TRAINING	43,365	43,365
	SUBTOTAL TRAINING AND RECRUITING	43,365	43,365
	ADMIN & SRVWD ACTIVITIES		
490	ADMINISTRATION	3,764	3,764
500	EXTERNAL RELATIONS	515	515
520	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	5,409	5,409
530	OTHER PERSONNEL SUPPORT	1,578	1,578

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS			
(In Thousands of Dollars)			
Line	Item	FY 2017 Request	House Authorized
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	15,780	15,780
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	164,508	164,508
	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	5,345,875	3,119,357
	OPERATION & MAINTENANCE, MARINE CORPS OPERATING FORCES		
010	OPERATIONAL FORCES	403,489	469,789
	Operational support for deployed end strength of 9,800 in Afghanistan		[66,300]
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	835,159	901,459
	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	89,800
	Operational support for deployed end strength of 9,800 in Afghanistan		[16,000]
200	CLASSIFIED PROGRAMS	3,650	3,650
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	77,450	93,450
	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	944,359	613,066
	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
	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
	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
	UNDISTRIBUTED		
090	UNDISTRIBUTED		-1,302
	Prorated OCO allocation in support of base readiness requirements		[-1,302]
	SUBTOTAL UNDISTRIBUTED		-1,302

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
TOTAL OPERATION & MAINTENANCE, MC RESERVE			
		3,304	2,002
OPERATION & MAINTENANCE, AIR FORCE OPERATING FORCES			
010	PRIMARY COMBAT FORCES	1,339,461	1,370,361
	Enhancing readiness levels of DCA aircraft		[10,000]
	Operational support for deployed end strength of 9,800 in Afghanistan		[20,900]
020	COMBAT ENHANCEMENT FORCES	1,096,021	1,116,921
	Operational support for deployed end strength of 9,800 in Afghanistan		[20,900]
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	207,696	217,696
	Promoting additional DCA burden sharing		[5,000]
	Supporting DCA dispersal CONOP development		[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	5,071,446	5,158,846
MOBILIZATION			
140	AIRLIFT OPERATIONS	2,774,729	2,872,429
	Operational support for deployed end strength of 9,800 in Afghanistan		[97,700]
150	MOBILIZATION PREPAREDNESS	108,163	108,163
160	DEPOT MAINTENANCE	891,102	891,102
180	BASE SUPPORT	3,686	3,686
	SUBTOTAL MOBILIZATION	3,777,680	3,875,380
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	141,883
450	INTERNATIONAL SUPPORT	61	61
460	CLASSIFIED PROGRAMS	15,323	15,323
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	468,464	468,464
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
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	9,374,830	5,691,819
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
UNDISTRIBUTED			
110	UNDISTRIBUTED		-22,788
	Excessive standard price for fuel		[-100]
	Prorated OCO allocation in support of base readiness requirements		[-22,688]

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2017 Request	House Authorized
	SUBTOTAL UNDISTRIBUTED		-22,788
	TOTAL OPERATION & MAINTENANCE, AF RE- SERVE	57,586	34,798
	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
	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
	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	2,636,307	2,805,907
	Operational support for deployed end strength of 9,800 in Afghani- stan		[169,600]
	SUBTOTAL OPERATING FORCES	2,636,307	2,815,907
	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	32,879	32,879
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	1,412,000
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	1,609,397	1,610,397
	Operational support for deployed end strength of 9,800 in Afghani- stan		[1,000]
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	3,307,822	3,308,822
	UNDISTRIBUTED		
340	UNDISTRIBUTED		-2,419,878
	Excessive standard price for fuel		[-6,800]
	Prorated OCO allocation in support of base readiness requirements		[-2,413,078]
	SUBTOTAL UNDISTRIBUTED		-2,419,878
	TOTAL OPERATION & MAINTENANCE, DE- FENSE-WIDE	5,944,129	3,704,851
	TOTAL OPERATION & MAINTENANCE	39,860,202	24,629,211

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	House Authorized
	OPERATION & MAINTENANCE, ARMY		

SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
OPERATING FORCES			
010	MANEUVER UNITS	317,093	367,093
	Army unfunded requirement—Improve training from BN+ to BCT-		[50,000]
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	206,924
	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
090	LAND FORCES DEPOT MAINTENANCE	350,000	350,000
100	BASE OPERATIONS SUPPORT		22,100
	Increase to support ARI—Eleventh CAB		[22,100]
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		922,000
	Increase Restoration & Modernization funding		[494,900]
	Restore Sustainment shortfalls		[427,100]
140	ADDITIONAL ACTIVITIES	11,200	11,200
	SUBTOTAL OPERATING FORCES	1,370,201	2,464,801
TRAINING AND RECRUITING			
250	SPECIALIZED SKILL TRAINING	3,565	3,565
260	FLIGHT TRAINING		42,934
	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
	Military Training and PME		[31,600]
280	TRAINING SUPPORT	2,434	2,434
290	RECRUITING AND ADVERTISING		356,500
	Recruiting and Advertising Add		[356,500]
320	CIVILIAN EDUCATION AND TRAINING	1,254	1,254
	SUBTOTAL TRAINING AND RECRUITING	16,274	447,308
ADMIN & SRVWIDE ACTIVITIES			
350	SERVICEWIDE TRANSPORTATION	200,000	265,000
	Army unfunded requirement—Restore critical shortfalls		[65,000]
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	200,000	265,000
UNDISTRIBUTED			
540	UNDISTRIBUTED		704,300
	Additional funding to support increase in Army end strength		[704,300]
	SUBTOTAL UNDISTRIBUTED		704,300
	TOTAL OPERATION & MAINTENANCE, ARMY	1,586,475	3,881,409
OPERATION & MAINTENANCE, ARMY RES			
OPERATING FORCES			
010	MODULAR SUPPORT BRIGADES	708	708
020	ECHELONS ABOVE BRIGADE	8,570	28,570
	Army unfunded requirement—Improve training from PLT to CO proficiency		[20,000]
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		97,500
	Increase Restoration & Modernization funding		[57,100]
	Restore Sustainment shortfalls		[40,400]
	SUBTOTAL OPERATING FORCES	14,559	132,059
UNDISTRIBUTED			
180	UNDISTRIBUTED		103,400

SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
	Additional funding to support increase in Army Reserve end strength		[103,400]
	SUBTOTAL UNDISTRIBUTED		103,400
	TOTAL OPERATION & MAINTENANCE, ARMY RES	14,559	235,459
	OPERATION & MAINTENANCE, ARNG OPERATING FORCES		
010	MANEUVER UNITS	5,585	5,585
030	ECHELONS ABOVE BRIGADE	28,956	28,956
040	THEATER LEVEL ASSETS	10,272	10,272
060	AVIATION ASSETS	5,621	51,621
	Increase to support ARI		[46,000]
070	FORCE READINESS OPERATIONS SUPPORT	9,694	9,694
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		121,000
	Increase Restoration & Modernization funding		[16,800]
	Restore Sustainment shortfalls		[104,200]
	SUBTOTAL OPERATING FORCES	60,128	227,128
	UNDISTRIBUTED		
190	UNDISTRIBUTED		159,100
	Additional funding to support increase in Army National Guard end strength		[159,100]
	SUBTOTAL UNDISTRIBUTED		159,100
	TOTAL OPERATION & MAINTENANCE, ARNG	60,128	386,228
	OPERATION & MAINTENANCE, NAVY OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	500,000	556,520
	Carrier Air Wing Restoration		[56,520]
020	FLEET AIR TRAINING		23,020
	Carrier Air Wing Restoration		[23,020]
050	AIR SYSTEMS SUPPORT		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		36,000
	Carrier Air Wing Restoration		[6,000]
	Navy unfunded requirement—Improve Afloat Readiness		[30,000]
080	AVIATION LOGISTICS		33,500
	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
	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
	Navy unfunded requirement—Restore Fleet Training		[19,700]
110	SHIP DEPOT MAINTENANCE	775,000	1,084,100
	Cruiser Modernization		[71,100]
	Navy unfunded requirement—Ship Depot Wholeness		[238,000]
120	SHIP DEPOT OPERATIONS SUPPORT		79,000
	Navy unfunded requirement—Increase Afloat Readiness		[79,000]
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	19,270	408,470
	Increase Restoration & Modernization funding		[113,600]
	Restore Sustainment shortfalls		[275,600]
300	BASE OPERATING SUPPORT	158,032	158,032
	SUBTOTAL OPERATING FORCES	1,452,302	2,753,042
	MOBILIZATION		
350	EXPEDITIONARY HEALTH SERVICES SYSTEMS	3,597	3,597

SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
	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	2,782,256
	OPERATION & MAINTENANCE, MARINE CORPS OPERATING FORCES		
010	OPERATIONAL FORCES	300,000	322,000
	Marine Corps unfunded requirement- enhanced combat helmets		[22,000]
020	FIELD LOGISTICS		21,450
	Marine Corps unfunded requirement- rifle combat optic modernization		[13,200]
	Marine Corps unfunded requirement- SPMAGTF—C4 UUNS		[8,250]
050	SUSTAINMENT, RESTORATION & MODERNIZATION		145,600
	Increase Restoration & Modernization funding		[31,400]
	Restore Sustainment shortfalls		[114,200]
	SUBTOTAL OPERATING FORCES	300,000	489,050
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	300,000	489,050
	OPERATION & MAINTENANCE, NAVY RES OPERATING FORCES		
030	AIRCRAFT DEPOT MAINTENANCE		4,000
	Navy unfunded requirement—Improve Afloat Readiness		[4,000]
070	SHIP OPERATIONS SUPPORT & TRAINING		300
	Navy unfunded requirement—Restore Fleet Training		[300]
130	SUSTAINMENT, RESTORATION AND MODERNIZATION		7,800
	Increase Restoration & Modernization funding		[2,100]
	Restore Sustainment shortfalls		[5,700]
	SUBTOTAL OPERATING FORCES		12,100
	TOTAL OPERATION & MAINTENANCE, NAVY RES		12,100
	OPERATION & MAINTENANCE, MC RESERVE OPERATING FORCES		
030	SUSTAINMENT, RESTORATION AND MODERNIZATION		7,700
	Increase Restoration & Modernization funding		[4,300]
	Restore Sustainment shortfalls		[3,400]
	SUBTOTAL OPERATING FORCES		7,700
	TOTAL OPERATION & MAINTENANCE, MC RESERVE		7,700
	OPERATION & MAINTENANCE, AIR FORCE OPERATING FORCES		
040	DEPOT MAINTENANCE	124,000	447,576
	Air Force unfunded requirement—Weapons System Sustainment		[323,576]
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		407,900
	Increase Restoration & Modernization funding		[142,900]
	Restore Sustainment shortfalls		[265,000]
070	GLOBAL C3I AND EARLY WARNING		40,000
	Air Force unfunded requirement—Ground Based Radars		[40,000]
	SUBTOTAL OPERATING FORCES	124,000	895,476
	MOBILIZATION		
160	DEPOT MAINTENANCE		66,424
	Air Force unfunded requirement—Weapons System Sustainment		[66,424]
170	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		63,600
	Increase Restoration & Modernization funding		[22,300]
	Restore Sustainment shortfalls		[41,300]
	SUBTOTAL MOBILIZATION		130,024
	TRAINING AND RECRUITING		

SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized
220	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		58,200
	Increase Restoration & Modernization funding		[20,400]
	Restore Sustainment shortfalls		[37,800]
	SUBTOTAL TRAINING AND RECRUITING		58,200
	ADMIN & SRVWD ACTIVITIES		
370	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		79,000
	Increase Restoration & Modernization funding		[27,700]
	Restore Sustainment shortfalls		[51,300]
	SUBTOTAL ADMIN & SRVWD ACTIVITIES		79,000
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	124,000	1,162,700
	OPERATION & MAINTENANCE, AF RESERVE OPERATING FORCES		
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		20,500
	Increase Restoration & Modernization funding		[7,100]
	Restore Sustainment shortfalls		[13,400]
	SUBTOTAL OPERATING FORCES		20,500
	TOTAL OPERATION & MAINTENANCE, AF RESERVE		20,500
	OPERATION & MAINTENANCE, ANG OPERATING FORCES		
030	DEPOT MAINTENANCE		40,000
	Air Force unfunded requirement—Weapons System Sustainment ..		[40,000]
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		64,500
	Increase Restoration & Modernization funding		[18,900]
	Restore Sustainment shortfalls		[45,600]
	SUBTOTAL OPERATING FORCES		104,500
	ADMINISTRATION AND SERVICE-WIDE ACTIVITIES		
070	RECRUITING AND ADVERTISING		67,000
	Air Force unfunded requirement		[67,000]
	SUBTOTAL ADMINISTRATION AND SERVICE-WIDE ACTIVITIES		67,000
	TOTAL OPERATION & MAINTENANCE, ANG		171,500
	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	9,186,946

1 **TITLE XLIV—MILITARY**
 2 **PERSONNEL**

3 **SEC. 4401. MILITARY PERSONNEL.**

SEC. 4401. MILITARY PERSONNEL (In Thousands of Dollars)		
Item	FY 2017 Request	House Authorized
Military Personnel Appropriations	128,902,332	128,482,914
Foreign Currency adjustments		[-200,400]
Historical unobligated balances		[-248,700]
National Guard State Partnership Program, Air Force, Special Training		[841]
National Guard State Partnership Program, Army, Special Training		[841]
Prohibition on Per Diem Allowance Reduction		[28,000]
Medicare-Eligible Retiree Health Fund Contributions	6,366,908	6,366,908

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	House Authorized
Military Personnel Appropriations	3,499,293	2,199,572
Maintain end strength of 9,800 in Afghanistan		[130,300]
Prorated OCO allocation in support of base readiness requirements		[-1,430,021]

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 REQUIREMENTS. (In Thousands of Dollars)		
Item	FY 2017 Request	House Authorized
Military Personnel Appropriations	62,965	2,572,715
Fund active Air Force end strength to 321k		[145,000]
Fund active Army end strength to 480k		[1,123,500]
Fund active Marine Corps end strength to 185k		[300,000]
Fund active Navy end strength		[65,300]
Fund Army National Guard end strength to 350k		[303,700]
Fund Army Reserves end strength to 205k		[166,650]
Marine Corps—Bonus Pay/PCS Resotral/Foreign Language Bonus		[75,600]
Military Personnel Pay Raise		[330,000]
Medicare-Eligible Retiree Health Fund Contributions		49,900

**SEC. 4403. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS FOR
BASE REQUIREMENTS.
(In Thousands of Dollars)**

Item	FY 2017 Request	House Authorized
Increase associated with additional end strength		[49,900]

1 **TITLE XLV—OTHER**
2 **AUTHORIZATIONS**

3 **SEC. 4501. OTHER AUTHORIZATIONS.**

**SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)**

Item	FY 2017 Request	House Authorized
WORKING CAPITAL FUND, ARMY		
INDUSTRIAL OPERATIONS		
SUPPLY MANAGEMENT—ARMY	56,469	56,469
TOTAL WORKING CAPITAL FUND, ARMY	56,469	56,469
WORKING CAPITAL FUND, AIR FORCE		
FUEL COSTS		
SUPPLIES AND MATERIALS	63,967	63,967
TOTAL WORKING CAPITAL FUND, AIR FORCE	63,967	63,967
WORKING CAPITAL FUND, DEFENSE-WIDE		
ENERGY MANAGEMENT—DEF		
SUPPLY CHAIN MANAGEMENT—DEF	37,132	37,132
TOTAL WORKING CAPITAL FUND, DEFENSE- WIDE	37,132	37,132
WORKING CAPITAL FUND, DECA		
WORKING CAPITAL FUND, DECA	1,214,045	1,214,045
TOTAL WORKING CAPITAL FUND, DECA	1,214,045	1,214,045
NATIONAL DEFENSE SEALIFT FUND		
POST DELIVERY AND OUTFITTING		
NATIONAL DEF SEALIFT VESSEL		85,000
National Security Multi-Mission Vehicle		[85,000]
TOTAL NATIONAL DEFENSE SEALIFT FUND		85,000
NATIONAL SEA-BASED DETERRENCE FUND		
DEVELOPMENT		773,138
Realignment of funds to the National Sea-Based De- terrence Fund		[773,138]
TOTAL NATIONAL SEA-BASED DETERRENCE FUND		773,138
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 DE- STRUCTION	551,023	551,023
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVI- TIES, DEFENSE	730,087	760,087
SOUTHCOM Operational Support		[30,000]

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)		
Item	FY 2017 Request	House Authorized
DRUG DEMAND REDUCTION PROGRAM	114,713	114,713
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	844,800	874,800
OFFICE OF THE INSPECTOR GENERAL		
OPERATION AND MAINTENANCE	318,882	318,882
RDT&E	3,153	3,153
TOTAL OFFICE OF THE INSPECTOR GEN- ERAL	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 SYS- TEM	2,413	2,413
DOD HEALTHCARE MANAGEMENT SYSTEM MOD- ERNIZATION	29,468	29,468
SUBTOTAL PROCUREMENT	413,219	413,219
UNDISTRIBUTED		-419,500
Foreign Currency adjustments		[-20,400]
Historical unobligated balances		[-399,100]
SUBTOTAL UNDISTRIBUTED		-419,500
TOTAL DEFENSE HEALTH PROGRAM	33,467,516	33,048,016
TOTAL OTHER AUTHORIZATIONS	36,556,987	37,025,625

1 **SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CON-**
2 **TINGENCY OPERATIONS.**

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)		
Item	FY 2017 Request	House Authorized
WORKING CAPITAL FUND, ARMY INDUSTRIAL OPERATIONS		
SUPPLY MANAGEMENT—ARMY	46,833	46,833

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Item	FY 2017 Request	House Authorized
UNDISTRIBUTED		-18,452
Reduction to sustain minimal readiness levels		[-18,452]
TOTAL WORKING CAPITAL FUND, ARMY	46,833	28,381
 WORKING CAPITAL FUND, DEFENSE-WIDE		
SUPPLY CHAIN MANAGEMENT—DEF		
DEFENSE LOGISTICS AGENCY (DLA)	93,800	93,800
UNDISTRIBUTED		-36,956
Prorated OCO allocation in support of base readiness re- quirements		[-36,956]
TOTAL WORKING CAPITAL FUND, DEFENSE- WIDE	93,800	56,844
 DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	191,533	191,533
TOTAL DRUG INTERDICTION & CTR-DRUG AC- TIVITIES, 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 & MAINTENANCE		
IN-HOUSE CARE	95,366	95,366
PRIVATE SECTOR CARE	233,073	233,073
CONSOLIDATED HEALTH SUPPORT	3,325	3,325
SUBTOTAL OPERATION & MAINTENANCE	331,764	331,764
 UNDISTRIBUTED		
UNDISTRIBUTED		-130,711
Prorated OCO allocation in support of base readiness re- quirements		[-130,711]
SUBTOTAL UNDISTRIBUTED		-130,711
TOTAL DEFENSE HEALTH PROGRAM	331,764	201,053
 UKRAINE SECURITY ASSISTANCE		
UKRAINE SECURITY ASSISTANCE		150,000
Program increase		[150,000]
TOTAL UKRAINE SECURITY ASSISTANCE		150,000
 COUNTERTERRORISM PARTNERSHIPS FUND		
COUNTERTERRORISM PARTNERSHIPS FUND	1,000,000	750,000
Program decrease		[-250,000]
TOTAL COUNTERTERRORISM PARTNERSHIPS FUND	1,000,000	750,000
 TOTAL OTHER AUTHORIZATIONS	 1,685,992	 1,399,873

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 REQUIREMENTS (In Thousands of Dollars)		
Item	FY 2017 Request	House Authorized
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	23,800	23,800
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, 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	House Agreement
Army	Alaska Fort Wainwright	Unmanned Aerial Vehicle Hangar	47,000	47,000
Army	California Concord	Access Control Point	12,600	12,600
Army	Colorado Fort Carson	Automated Infantry Platoon Battle Course	8,100	8,100
Army	Fort Carson	Unmanned Aerial Vehicle Hangar	5,000	5,000
Army	Georgia Fort Gordon	Access Control Point	0	29,000
Army	Fort Gordon	Company Operations Facility	0	10,600
Army	Fort Gordon	CYBER Protection Team Ops Facility	90,000	90,000
Army	Fort Stewart	Automated Qualification/Training Range	14,800	14,800
Army	Germany East Camp Grafenwoehr	Training Support Center	22,000	22,000
Army	Garmisch	Dining Facility	9,600	9,600
Army	Wiesbaden Army Airfield	Controlled Humidity Warehouse	16,500	16,500
Army	Wiesbaden Army Airfield	Hazardous Material Storage Building	2,700	2,700
Army	Guantanamo Bay, Cuba Guantanamo Bay	Guantanamo Bay Naval Station Migration Complex.	33,000	33,000
Army	Hawaii Fort Shafter	Command and Control Facility, Iner 2	40,000	40,000
Army	Missouri Fort Leonard Wood	Fire Station	0	6,900
Army	Texas Fort Hood	Automated Infantry Platoon Battle Course	7,600	7,600
Army	Utah Camp Williams	Live Fire Exercise Shoothouse	7,400	7,400
Army	Virginia Fort Belvoir	Secure Admin/Operations Facility, Iner 2	64,000	64,000
Army	Fort Belvoir	Vehicle Maintenance Shop	0	23,000
Army	Worldwide Unspecified Unspecified Worldwide Locations	Host Nation Support FY17	18,000	18,000
Army	Unspecified Worldwide Locations	Minor Construction FY17	25,000	25,000
Army	Unspecified Worldwide Locations	Planning and Design FY17	80,159	80,159

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Account	State/Country and Installation	Project Title	FY 2017 Request	House Agreement
Military Construction, Army Total			503,459	572,959
	Arizona			
Navy	Yuma	VMX-22 Maintenance Hangar	48,355	48,355
	California			
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	Advanced Wastewater Treatment Plant	0	66,000
Navy	Pensacola	A-School Dormitory	0	53,000
	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	1,394,679
	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	0
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

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Account	State/Country and Installation	Project Title	FY 2017 Request	House Agreement
AF	Darwin	APR—Expand Parking Apron	28,600	28,600
	California			
AF	Edwards AFB	Flightline Fire Station	24,000	24,000
	Colorado			
AF	Buckley AFB	Small Arms Range Complex	13,500	13,500
	Delaware			
AF	Dover AFB	Aircraft Maintenance Hangar	39,000	39,000
	Florida			
AF	Eglin AFB	Advanced Munitions Technology Complex	75,000	75,000
AF	Eglin AFB	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
	Japan			
AF	Kadena AB	APR—Replace Munitions Structures	19,815	19,815
AF	Yokota AB	C-130J Corrosion Control Hangar	23,777	23,777
AF	Yokota AB	Construct Combat Arms Training & Maint Fac	8,243	8,243
	Kansas			
AF	McConnell AFB	Air Traffic Control Tower	11,200	11,200
AF	McConnell AFB	KC-46A ADAL Taxiway Delta	5,600	5,600
AF	McConnell AFB	KC-46A Alter Flight Simulator Bldgs	3,000	3,000
	Louisiana			
AF	Barksdale AFB	Consolidated Communication Facility	21,000	21,000
	Mariana Islands			
AF	Unspecified Location	APR—Land Acquisition	9,000	9,000
	Maryland			
AF	Joint Base Andrews	21 Points Enclosed Firing Range	13,000	13,000
AF	Joint Base Andrews	Consolidated Communications Center	0	50,000
AF	Joint Base Andrews	PAR Relocate JADOC Satellite Site	3,500	3,500
	Massachusetts			
AF	Hanscom AFB	Construct Vandenberg Gate Complex	0	10,965
AF	Hanscom AFB	System Management Engineering Facility	20,000	20,000
	Montana			
AF	Malmstrom AFB	Missile Maintenance Facility	14,600	14,600
	Nevada			
AF	Nellis AFB	F-35A POL Fill Stand Addition	10,600	10,600
	New Mexico			
AF	Cannon AFB	North Fitness Center	21,000	21,000
AF	Holloman AFB	Hazardous Cargo Pad and Taxiway	10,600	10,600
AF	Kirtland AFB	Combat Rescue Helicopter (CRH) 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	0
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			

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AF	Fairechild AFB	Pipeline Dorm, USAF SERE School (150 RM)	27,000	27,000
	Worldwide Unspecified			
AF	Various Worldwide Locations	Planning & Design	143,582	163,582
AF	Various Worldwide Locations	Unspecified Minor Military Construction	30,000	63,082
	Wyoming			
AF	F. E. Warren AFB	Missile Transfer Facility Bldg 4331	5,550	5,550
Military Construction, Air Force Total			1,481,058	1,502,723
	Alaska			
Def-Wide	Clear AFS	Long Range Discrim Radar Sys Complex Ph1, Iner 1.	155,000	100,000
Def-Wide	Fort Greely	Missile Defense Complex Switchgear Facility	9,560	9,560
Def-Wide	Joint Base Elmendorf-Richardson	Construct Truck Offload Facility	4,900	4,900
	Arizona			
Def-Wide	Fort Huachuca	JITC Building 52110 Renovation	4,493	4,493
	California			
Def-Wide	Coronado	SOF Human Performance Training Center	15,578	15,578
Def-Wide	Coronado	SOF Seal Team Ops Facility	47,290	47,290
Def-Wide	Coronado	SOF Seal Team Ops Facility	47,290	47,290
Def-Wide	Coronado	SOF Special RECON Team ONE Operations Fac	20,949	20,949
Def-Wide	Coronado	SOF Training Detachment ONE Ops Facility	44,305	44,305
Def-Wide	Travis AFB	Replace Hydrant Fuel System	26,500	26,500
	Delaware			
Def-Wide	Dover AFB	Welch ES/Dover MS Replacement	44,115	44,115
	Diego Garcia			
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	Replaece 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	145,000
	Missouri			
Def-Wide	St. Louis	Land Acquisition-Next NGA West (N2W) Campus	801	0
	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 (PH3)	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 Elen/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

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	Wake Island			
Def-Wide	Wake Island	Test Support Facility	11,670	11,670
	Worldwide Unspecified			
Def-Wide	Unspecified Worldwide Locations	Contingency Construction	10,000	10,000
Def-Wide	Unspecified Worldwide Locations	ECIP 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, DHA	8,500	8,500
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction, DODEA	3,000	3,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction, Defense Wide	3,000	3,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction, SOCOM	5,994	5,994
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor MILCON, NSA	3,913	3,913
Def-Wide	Unspecified Worldwide Locations	Worldwide Unspecified Minor Construction, MDA	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
	Worldwide Unspecified Locations			
Def-Wide	Unspecified Worldwide Locations	Planning & Design, MDA	0	15,000
	Military Construction, Defense-Wide Total		2,056,091	1,929,643
	Worldwide Unspecified			
NATO	NATO Security Investment Program	NATO Security Investment Program	177,932	177,932
	NATO Security Investment Program Total		177,932	177,932
	Colorado			
Army NG	Fort Carson	National Guard Readiness Center	0	16,500
	Hawaii			
Army NG	Hilo	Combined Support Maintenance Shop	31,000	31,000
	Iowa			
Army NG	Davenport	National Guard Readiness Center	23,000	23,000
	Kansas			
Army NG	Fort Leavenworth	National Guard Readiness Center	29,000	29,000
	New Hampshire			
Army NG	Hooksett	National Guard Vehicle Maintenance Shop	11,000	11,000
Army NG	Rochester	National Guard Vehicle Maintenance Shop	8,900	8,900
	Oklahoma			
Army NG	Ardmore	National Guard Readiness Center	22,000	22,000
	Pennsylvania			
Army NG	Fort Indiantown Gap	Access Control Buildings	0	20,000
Army NG	York	National Guard Readiness Center	9,300	9,300
	Rhode Island			
Army NG	East Greenwich	National Guard/Reserve Center Building (JFHQ)	20,000	20,000
	Utah			
Army NG	Camp Williams	National Guard Readiness Center	37,000	37,000
	Worldwide Unspecified			
Army NG	Unspecified Worldwide Locations	Planning and Design	8,729	8,729
Army NG	Unspecified Worldwide Locations	Unspecified Minor Construction	12,001	12,001
	Wyoming			
Army NG	Camp Guernsey	General Instruction Building	0	31,000
Army NG	Laramie	National Guard Readiness Center	21,000	21,000

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Account	State/Country and Installation	Project Title	FY 2017 Request	House Agreement
Military Construction, Army National Guard Total			232,930	300,430
Army Res	Arizona Phoenix	Army Reserve Center	0	30,000
Army Res	California Camp Parks	Transient Training Barracks	19,000	19,000
Army Res	Fort Hunter Liggett	Emergency Services Center	21,500	21,500
Army Res	Barstow	Equipment Concentration Site	0	29,000
Army Res	Virginia Dublin	Organizational Maintenance Shop/AMSA	6,000	6,000
Army Res	Washington Joint Base Lewis-McChord	Army Reserve Center	0	27,500
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	154,730
N/MC Res	Louisiana New Orleans	Joint Reserve Intelligence Center	11,207	11,207
N/MC Res	New York Brooklyn	Electric Feeder Ductbank	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	29,495
Air NG	Various Worldwide Locations	Planning and Design	10,462	10,462
Military Construction, Air National Guard Total			143,957	166,957
AF Res	Guam Andersen AFB	Reserve Medical Training Facility	0	5,200
AF Res	Massachusetts Westover ARB	Indoor Small Arms Range	0	9,200
	North Carolina			

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AF Res	Seymour Johnson AFB	KC-46A ADAL Bldg for AGE/Fuselage Training	5,700	5,700
AF Res	Seymour Johnson AFB	KC-46A ADAL Squadron Operations Facilities	2,250	2,250
AF Res	Seymour Johnson AFB	KC-46A Two-Bay Corrosion/Fuel Cell Hangar	90,000	90,000
	Pennsylvania			
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	3,050
	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	206,400
	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			

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FH Con AF	Unspecified Worldwide Locations	Construction Improvements	56,984	56,984
FH Con AF	Unspecified Worldwide Locations	Planning & Design	4,368	4,368
Family Housing Construction, Air Force Total			61,352	61,352
Worldwide Unspecified				
FH Ops AF	Unspecified Worldwide Locations	Furnishings	31,690	31,690
FH Ops AF	Unspecified Worldwide Locations	Housing Privatization Support	41,809	41,809
FH Ops AF	Unspecified Worldwide Locations	Leasing	20,530	20,530
FH Ops AF	Unspecified Worldwide Locations	Maintenance	85,469	85,469
FH Ops AF	Unspecified Worldwide Locations	Management	42,919	42,919
FH Ops AF	Unspecified Worldwide Locations	Miscellaneous	1,745	1,745
FH Ops AF	Unspecified Worldwide Locations	Services	13,026	13,026
FH Ops AF	Unspecified Worldwide Locations	Utilities	37,241	37,241
Family Housing Operation And Maintenance, Air Force Total			274,429	274,429
Worldwide Unspecified				
FH Ops DW	Unspecified Worldwide Locations	Furnishings	399	399
FH Ops DW	Unspecified Worldwide Locations	Furnishings	20	20
FH Ops DW	Unspecified Worldwide Locations	Furnishings	500	500
FH Ops DW	Unspecified Worldwide Locations	Leasing	11,044	11,044
FH Ops DW	Unspecified Worldwide Locations	Leasing	40,984	40,984
FH Ops DW	Unspecified Worldwide Locations	Maintenance	800	800
FH Ops DW	Unspecified Worldwide Locations	Maintenance	349	349
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	174	174
FH Ops DW	Unspecified Worldwide Locations	Utilities	367	367
FH Ops DW	Unspecified Worldwide Locations	Utilities	4,100	4,100
Family Housing Operation And Maintenance, Defense-Wide Total			59,157	59,157
Worldwide Unspecified				
FHIF	Unspecified Worldwide Locations	Program Expenses	3,258	3,258
DoD Family Housing Improvement Fund Total			3,258	3,258
Worldwide Unspecified				
BRAC	Base Realignment & Closure, Army	Base Realignment and Closure	14,499	24,499
Base Realignment and Closure—Army Total			14,499	24,499
Worldwide Unspecified				
BRAC	Base Realignment & Closure, Navy	Base Realignment & Closure	110,606	125,606
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

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2017 Request	House Agreement
BRAC	Unspecified Worldwide Locations	DON-172: NWS Seal Beach, Concord, CA	4,648	4,648
BRAC	Unspecified Worldwide Locations	DON-84: JRB Willow Grove & Cambria Reg AP ..	3,397	3,397
Base Realignment and Closure—Navy Total			134,373	149,373
Worldwide Unspecified				
BRAC	Unspecified Worldwide Locations	DoD BRAC Activities—Air Force	56,365	56,365
Base Realignment and Closure—Air Force Total			56,365	56,365
Worldwide Unspecified				
PYS	Worldwide	Air Force	0	-29,300
PYS	Worldwide	Army	0	-25,000
PYS	Worldwide	Defense-Wide	0	-60,577
PYS	Worldwide	Navy	0	-87,699
PYS	Worldwide	HAP	0	-25,000
PYS	Worldwide	NSIP	0	-30,000
Prior Year Savings Total			0	-257,576
Total, Military Construction			7,444,056	7,694,000

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	House Agreement
Worldwide Unspecified				
Army	Unspecified Worldwide Locations	ERI: Planning and Design	18,900	18,900
Military Construction, Army Total			18,900	18,900
Iceland				
Navy	Keflavik	ERI: P-8A Aircraft Rinse Rack	5,000	5,000
Navy	Keflavik	ERI: P-8A Hangar Upgrade	14,600	14,600
Worldwide Unspecified				
Navy	Unspecified Worldwide Locations	ERI: Planning and Design	1,800	1,800
Military Construction, Navy Total			21,400	21,400
Bulgaria				
AF	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
Djibouti				
AF	Chabelley Airfield	OCO: Construct Chabelley Access Road	3,600	3,600
AF	Chabelley Airfield	OCO: Construct Parking Apron and Taxiway	6,900	6,900
Estonia				
AF	Amari AB	ERI: Construct Bulk Fuel Storage	6,500	6,500
Germany				
AF	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
Lithuania				
AF	Siauliai	ERI: Munitions Storage	3,000	3,000
Poland				
AF	Lask AB	ERI: Construct Squadron Operations Facility	4,100	4,100
AF	Powidz AB	ERI: Construct Squadron Operations Facility	4,100	4,100
Romania				
AF	Campia Turzii	ERI: Construct Munitions Storage Area	3,000	3,000
AF	Campia Turzii	ERI: Construct Squadron Operations Facility	3,400	3,400
AF	Campia Turzii	ERI: Construct Two-Bay Hangar	6,100	6,100
AF	Campia Turzii	ERI: Extend Parking Aprons	6,000	6,000
Worldwide Unspecified				

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Request	House Agreement
AF	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)

Account	State/Country and Installation	Project Title	FY 2017 Request	House Agreement
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	House 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	9,559,147
Defense nuclear nonproliferation	1,807,916	1,901,916
Naval reactors	1,420,120	1,420,120
Federal salaries and expenses	412,817	372,817
Total, National nuclear security administration	12,884,000	13,254,000

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2017 Request	House Authorized
Environmental and other defense activities:		
Defense environmental cleanup	5,382,050	5,289,950
Other defense activities	791,552	800,552
Total, Environmental & other defense activities	6,173,602	6,090,502
Total, Atomic Energy Defense Activities	19,057,602	19,344,502
Total, Discretionary Funding	19,209,478	19,481,118
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	241,253
Mitigation of schedule risk		[21,000]
Total, Life extension programs	1,340,341	1,361,341
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	54,984
Denial of dismantlement acceleration		[-14,000]
Stockpile services		
Production support	457,043	457,043
Research and development support	34,187	34,187
R&D certification and safety	156,481	202,481
Stockpile Responsiveness Program and technology maturation efforts		[46,000]
Management, technology, and production	251,978	251,978
Total, Stockpile services	899,689	945,689
Nuclear material commodities		
Uranium sustainment	20,988	20,988
Plutonium sustainment	184,970	190,970
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	583,837
Total, Directed stockpile work	3,330,527	3,389,527
Research, development, test and evaluation (RDT&E)		
Science		
Advanced certification	58,000	58,000
Primary assessment technologies	99,000	111,000
Support to Prototype Nuclear Weapons for Intelligence Esti- mates program		[12,000]
Dynamic materials properties	106,000	106,000
Advanced radiography	50,500	50,500
Secondary assessment technologies	76,000	76,000
Academic alliances and partnerships	52,484	52,484
Total, Science	441,984	453,984

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2017 Request	House Authorized
Engineering		
Enhanced surety	37,196	53,196
Stockpile Responsiveness Program and technology maturation efforts		[16,000]
Weapon systems engineering assessment technology	16,958	16,958
Nuclear survivability	43,105	47,105
Improve planning and coordination on strategic radiation-hard- ened microsystems		[4,000]
Enhanced surveillance	42,228	42,228
Total, Engineering	139,487	159,487
Inertial confinement fusion ignition and high yield		
Ignition	75,432	70,432
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	336,360
Program decrease		[-4,000]
Total, Inertial confinement fusion and high yield	522,959	513,959
Advanced simulation and computing	663,184	656,184
Program decrease		[-7,000]
Advanced manufacturing		
Additive manufacturing	12,000	12,000
Component manufacturing development	46,583	77,583
Stockpile Responsiveness Program and technology maturation efforts		[31,000]
Processing technology development	28,522	28,522
Total, Advanced manufacturing	87,105	118,105
Total, RDT&E	1,854,719	1,901,719
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	674,643
Address high-priority deferred maintenance		[120,000]
Capability based investment	112,639	112,639
Total, Recapitalization	667,282	787,282
Construction:		
17-D-640, U1a Complex Enhancements Project, NNSS	11,500	11,500
17-D-630 Electrical Infrastructure Upgrades, LLNL	25,000	25,000
16-D-515 Albuquerque complex upgrades project	15,047	15,047
15-D-613 Emergency Operations Center, Y-12	2,000	2,000
15-D-302, TA-55 Reinvestment project, Phase 3, LANL	21,455	21,455
07-D-220-04 Transuranic liquid waste facility, LANL	17,053	17,053
06-D-141 PED/Construction, UPF Y-12, Oak Ridge, TN	575,000	575,000
04-D-125-04 RLUOB equipment installation	159,615	159,615
Total, Construction	826,670	826,670
Total, Infrastructure and operations	2,721,952	2,871,952

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2017 Request	House Authorized
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	717,133
Support to physical security infrastructure recapitalization and CSTART		[60,000]
Construction:		
14-D-710 Device assembly facility argus installation project, NV ...	13,000	13,000
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	9,559,147
Defense Nuclear Nonproliferation		
Defense Nuclear Nonproliferation Programs		
Defense Nuclear Nonproliferation R&D		
Global material security	337,108	332,108
Program decrease		[-5,000]
Material management and minimization	341,094	341,094
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	1,560,827
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	1,901,916
Naval Reactors		
Naval reactors operations and infrastructure	449,682	449,682
Naval reactors development	437,338	437,338
Ohio replacement reactor systems development	213,700	213,700
S8G Prototype refueling	124,000	124,000
Program direction	47,100	47,100
Construction:		
17-D-911, BL Fire System Upgrade	1,400	1,400
15-D-904 NRF Overpack Storage Expansion 3	700	700
15-D-902 KS 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	1,420,120
Federal Salaries And Expenses		
Program direction	412,817	372,817
Program decrease		[-40,000]
Total, Office Of The Administrator	412,817	372,817
Defense Environmental Cleanup		
Closure sites:		

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2017 Request	House Authorized
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	628,869
Acceleration of priority programs		[8,000]
Riechland 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	769,811
Idaho National Laboratory:		
Idaho cleanup and waste disposition	359,088	359,088
Idaho community and regulatory support	3,000	3,000
Total, Idaho National Laboratory	362,088	362,088
Los Alamos National Laboratory		
EMLA cleanup activities	185,606	185,606
EMLA community and regulatory support	3,394	3,394
Total, Los Alamos National Laboratory	189,000	189,000
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		

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2017 Request	House Authorized
Operations and maintenance	257,188	257,188
Construction:		
15-D-411 Safety significant confinement ventilation system, WIPP	2,532	2,532
15-D-412 Exhaust shaft, WIPP	2,533	2,533
Total, Construction	5,065	5,065
Total, Waste Isolation Pilot Plant	262,253	262,253
Program direction	290,050	290,050
Program support	14,979	14,979
Safeguards and Security	255,973	255,973
Technology development	30,000	40,000
NAS study on technology development, acceleration of priority efforts		[10,000]
Infrastructure recapitalization	41,892	41,892
Defense Uranium enrichment D&D	155,100	0
Ahead of need		[-155,100]
Subtotal, Defense environmental cleanup	5,382,050	5,289,950
Total, Defense Environmental Cleanup	5,382,050	5,289,950
Other Defense Activities		
Environment, health, safety and security		
Environment, health, safety and security	130,693	130,693
Program direction	66,519	66,519
Total, Environment, Health, safety and security	197,212	197,212
Independent enterprise assessments		
Independent enterprise assessments	24,580	24,580
Program direction	51,893	51,893
Total, Independent enterprise assessments	76,473	76,473
Specialized security activities	237,912	246,912
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	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	119,716
Office of hearings and appeals	5,919	5,919
Subtotal, Other defense activities	791,552	800,552
Total, Other Defense Activities	791,552	800,552

1 **DIVISION E—MILITARY JUSTICE**

2 **SEC. 6000. SHORT TITLE.**

3 This division may be cited as the “Military Justice
4 Act of 2016”.

1 **TITLE LX—GENERAL**
2 **PROVISIONS**

3 **SEC. 6001. DEFINITIONS.**

4 (a) **DEFINITION OF MILITARY JUDGE.**—Paragraph
5 (10) of section 801 of title 10, United States Code (article
6 1 of the Uniform Code of Military Justice), is amended
7 to read as follows:

8 “(10) The term ‘military judge’ means a judge
9 advocate designated under section 826(c) of this title
10 (article 26(c)) who is detailed under section 826(a)
11 of this title (article 26(a)).”.

12 (b) **DEFINITION OF JUDGE ADVOCATE.**—Paragraph
13 (13) of such section (article) is amended—

14 (1) in subparagraph (A), by striking “the Army
15 or the Navy” and inserting “the Army, the Navy, or
16 the Air Force”; and

17 (2) in subparagraph (B), by striking “the Air
18 Force or”.

19 **SEC. 6002. CLARIFICATION OF PERSONS SUBJECT TO UCMJ**
20 **WHILE ON INACTIVE-DUTY TRAINING.**

21 Paragraph (3) of section 802(a) of title 10, United
22 States Code (article 2(a) of the Uniform Code of Military
23 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. 6003. 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. 6004. 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. 6005. 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) by striking “or” at the end of paragraph
12 (1);

13 (2) by striking the period at the end of para-
14 graph (2) 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 Victim’s 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 LXI—APPREHENSION AND** 14 **RESTRAINT**

15 **SEC. 6101. 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 person 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.

24 “(2) When a person subject to this chapter is charged
25 only with an offense that is normally tried by summary

1 court-martial, the person ordinarily shall not be ordered
2 into confinement.

3 “(b) NOTIFICATION TO ACCUSED AND RELATED
4 PROCEDURES.—(1) When a person subject to this chapter
5 is ordered into arrest or confinement before trial, imme-
6 diate steps shall be taken—

7 “(A) to inform the person of the specific offense
8 of which the person is accused; and

9 “(B) to try the person or to dismiss the charges
10 and release the person.

11 “(2) To facilitate compliance with paragraph (1), the
12 President shall prescribe regulations setting forth proce-
13 dures relating to referral for trial, including procedures
14 for prompt forwarding of the charges and specifications
15 and, if applicable, the preliminary hearing report sub-
16 mitted under section 832 of this title (article 32).”.

17 **SEC. 6102. MODIFICATION OF PROHIBITION OF CONFINE-**
18 **MENT OF ARMED FORCES MEMBERS WITH**
19 **ENEMY PRISONERS AND CERTAIN OTHERS.**

20 Section 812 of title 10, United States Code (article
21 12 of the Uniform Code of Military Justice), is amended
22 to read as follows:

1 **“§ 812. Art. 12. Prohibition of confinement of armed**
2 **forces members with enemy prisoners**
3 **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 LXII—NON-JUDICIAL**
13 **PUNISHMENT**

14 **SEC. 6201. 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 LXIII—COURT-MARTIAL**
5 **JURISDICTION**

6 **SEC. 6301. 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-
23 tions 825(d)(3) and 829 of this title (articles
24 25(d)(3) and 29).

1 “(2) In a capital case, a general court-martial
2 consisting of a military judge and the number of
3 members determined under section 825a of this title
4 (article 25a), subject to sections 825(d)(3) and 829
5 of this title (articles 25(d)(3) and 29).

6 “(3) A general court-martial consisting of a
7 military judge alone, if, before the court is assem-
8 bled, the accused, knowing the identity of the mili-
9 tary judge and after consultation with defense coun-
10 sel, requests, orally on the record or in writing, a
11 court composed of a military judge alone and the
12 military judge approves the request.

13 “(c) SPECIAL COURTS-MARTIAL.—Special courts-
14 martial are of the following two types:

15 “(1) A special court-martial, consisting of a
16 military judge and four members, subject to sections
17 825(d)(3) and 829 of this title (articles 25(d)(3) and
18 29).

19 “(2) A special court-martial consisting of a
20 military judge alone—

21 “(A) if the case is so referred by the con-
22 vening authority, subject to section 819 of this
23 title (article 19) and such limitations as the
24 President may prescribe by regulation; or

1 “(B) if the case is referred under para-
2 graph (1) and, before the court is assembled,
3 the accused, knowing the identity of the mili-
4 tary judge and after consultation with defense
5 counsel, requests, orally on the record or in
6 writing, a court composed of a military judge
7 alone and the military judge approves the re-
8 quest.

9 “(d) SUMMARY COURT-MARTIAL.—A summary court-
10 martial consists of one commissioned officer.”.

11 **SEC. 6302. JURISDICTION OF GENERAL COURTS-MARTIAL.**

12 Section 818 of title 10, United States Code (article
13 18 of the Uniform Code of Military Justice), is amended—

14 (1) in subsection (b), by striking “section
15 816(1)(B) of this title (article 16(1)(B))” and in-
16 serting “section 816(b)(3) of this title (article
17 16(b)(3))”; and

18 (2) by striking subsection (c) and inserting the
19 following:

20 “(c) Consistent with sections 819 and 820 of this title
21 (articles 19 and 20), only general courts-martial have ju-
22 risdiction over the following offenses:

23 “(1) A violation of subsection (a) or (b) of sec-
24 tion 920 of this title (article 120).

1 “(2) A violation of subsection (a) or (b) of sec-
2 tion 920b of this title (article 120b).

3 “(3) An attempt to commit an offense specified
4 in paragraph (1) or (2) that is punishable under sec-
5 tion 880 of this title (article 80).”.

6 **SEC. 6303. JURISDICTION OF SPECIAL COURTS-MARTIAL.**

7 Section 819 of title 10, United States Code (article
8 19 of the Uniform Code of Military Justice), is amended—

9 (1) by striking “Subject to” in the first sen-
10 tence and inserting the following:

11 “(a) IN GENERAL.—Subject to”;

12 (2) by striking “A bad-conduct discharge” and
13 all that follows through the end; and

14 (3) by adding after subsection (a), as des-
15 ignated by paragraph (1), the following new sub-
16 sections:

17 “(b) ADDITIONAL LIMITATION.—Neither a bad-con-
18 duct discharge, nor confinement for more than six months,
19 nor forfeiture of pay for more than six months may be
20 adjudged if charges and specifications are referred to a
21 special court-martial consisting of a military judge alone
22 under section 816(c)(2)(A) of this title (article
23 16(c)(2)(A)).

24 “(c) MILITARY MAGISTRATE.—If charges and speci-
25 fications are referred to a special court-martial consisting

1 of a military judge alone under section 816(c)(2)(A) of
2 this title (article 16(c)(2)(A)), the military judge, with the
3 consent of the parties, may designate a military mag-
4 istrate to preside over the special court-martial.”.

5 **SEC. 6304. SUMMARY COURT-MARTIAL AS NON-CRIMINAL**
6 **FORUM.**

7 Section 820 of title 10, United States Code (article
8 20 of the Uniform Code of Military Justice), is amended—

9 (1) by inserting “(a) **IN GENERAL.**—” before
10 “Subject to”; and

11 (2) by adding at the end the following new sub-
12 section:

13 “(b) **NON-CRIMINAL FORUM.**—A summary court-
14 martial is a non-criminal forum. A finding of guilty at a
15 summary court-martial does not constitute a criminal con-
16 viction.”.

17 **TITLE LXIV—COMPOSITION OF**
18 **COURTS-MARTIAL**

19 **SEC. 6401. TECHNICAL AMENDMENT RELATING TO PER-**
20 **SONS AUTHORIZED TO CONVENE GENERAL**
21 **COURTS-MARTIAL.**

22 Section 822(a)(6) of title 10, United States Code (ar-
23 ticle 22(a)(6) of the Uniform Code of Military Justice),
24 is amended by striking “in chief”.

1 **SEC. 6402. WHO MAY SERVE ON COURTS-MARTIAL; DETAIL**
2 **OF MEMBERS.**

3 (a) WHO MAY SERVE ON COURTS-MARTIAL.—Sub-
4 section (c) of section 825 of title 10, United States Code
5 (article 25 of the Uniform Code of Military Justice), is
6 amended to read as follows:

7 “(c)(1) Any enlisted member on active duty is eligible
8 to serve on a general or special court-martial for the trial
9 of any other enlisted member.

10 “(2) Before a court-martial with a military judge and
11 members is assembled for trial, an enlisted member who
12 is an accused may personally request, orally on the record
13 or in writing, that—

14 “(A) the membership of the court-martial be
15 comprised entirely of officers; or

16 “(B) enlisted members comprise at least one-
17 third of the membership of the court-martial, re-
18 gardless of whether enlisted members have been de-
19 tailed to the court-martial.

20 “(3) Except as provided in paragraph (4), after such
21 a request, the accused may not be tried by a general or
22 special court-martial if the membership of the court-mar-
23 tial is inconsistent with the request.

24 “(4) If, because of physical conditions or military ex-
25 igencies, a sufficient number of eligible officers or enlisted
26 members, as the case may be, are not available to carry

1 out paragraph (2), the trial may nevertheless be held. In
2 that event, the convening authority shall make a detailed
3 written statement of the reasons for nonavailability. The
4 statement shall be appended to the record.”.

5 (b) **DETAIL OF MEMBERS.**—Subsection (d) of such
6 section (article) is amended by adding at the end the fol-
7 lowing new paragraph:

8 “(3) The convening authority shall detail not
9 less than the number of members necessary to im-
10 panel the court-martial under section 829 of this
11 title (article 29).”.

12 **SEC. 6403. NUMBER OF COURT-MARTIAL MEMBERS IN CAP-**
13 **ITAL CASES.**

14 Section 825a of title 10, United States Code (article
15 25a of the Uniform Code of Military Justice), is amended
16 to read as follows:

17 **“§ 825a. Art. 25a. Number of court-martial members**
18 **in capital cases**

19 “(a) **IN GENERAL.**—In a case in which the accused
20 may be sentenced to death, the number of members shall
21 be 12.

22 “(b) **CASE NO LONGER CAPITAL.**—Subject to section
23 829 of this title (article 29)—

24 “(1) if a case is referred for trial as a capital
25 case and, before the members are impaneled, the ac-

1 cused may no longer be sentenced to death, the
2 number of members shall be eight; and

3 “(2) if a case is referred for trial as a capital
4 case and, after the members are impaneled, the ac-
5 cused may no longer be sentenced to death, the
6 number of members shall remain 12.”.

7 **SEC. 6404. DETAILING, QUALIFICATIONS, ETC. OF MILITARY**
8 **JUDGES.**

9 (a) SPECIAL COURTS-MARTIAL.—Subsection (a) of
10 section 826 of title 10, United States Code (article 26 of
11 the Uniform Code of Military Justice), is amended—

12 (1) in the first sentence, by inserting after
13 “each general” the following: “and special”; and

14 (2) by striking the second sentence.

15 (b) QUALIFICATIONS.—Subsection (b) of such section
16 (article) is amended by striking “qualified for duty” and
17 inserting “qualified, by reason of education, training, ex-
18 perience, and judicial temperament, for duty”.

19 (c) DETAIL AND ASSIGNMENT.—Subsection (c) of
20 such section (article) is amended to read as follows:

21 “(c)(1) In accordance with regulations prescribed
22 under subsection (a), a military judge of a general or spe-
23 cial court-martial shall be designated for detail by the
24 Judge Advocate General of the armed force of which the
25 military judge is a member.

1 “(2) Neither the convening authority nor any member
2 of the staff of the convening authority shall prepare or
3 review any report concerning the effectiveness, fitness, or
4 efficiency of the military judge so detailed, which relates
5 to the military judge’s performance of duty as a military
6 judge.

7 “(3) A commissioned officer who is certified to be
8 qualified for duty as a military judge of a general court-
9 martial—

10 “(A) may perform such duties only when the of-
11 ficer is assigned and directly responsible to the
12 Judge Advocate General of the armed force of which
13 the military judge is a member; and

14 “(B) may perform duties of a judicial or non-
15 judicial nature other than those relating to the offi-
16 cer’s primary duty as a military judge of a general
17 court-martial when such duties are assigned to the
18 officer by or with the approval of that Judge Advo-
19 cate General.

20 “(4) In accordance with regulations prescribed by the
21 President, assignments of military judges under this sec-
22 tion (article) shall be for appropriate minimum periods,
23 subject to such exceptions as may be authorized in the
24 regulations.”.

1 (d) DETAIL TO A DIFFERENT ARMED FORCE.—Such
2 section (article) is further amended by adding at the end
3 the following new subsection:

4 “(f) A military judge may be detailed under sub-
5 section (a) to a court-martial that is convened in a dif-
6 ferent armed force, when so permitted by the Judge Advo-
7 cate General of the armed force of which the military
8 judge is a member.”.

9 (e) CHIEF TRIAL JUDGES.—Such section (article), as
10 amended by subsection (d), is further amended by adding
11 at the end the following new subsection:

12 “(g) In accordance with regulations prescribed by the
13 President, each Judge Advocate General shall designate
14 a chief trial judge from among the members of the applica-
15 ble trial judiciary.”.

16 **SEC. 6405. QUALIFICATIONS OF TRIAL COUNSEL AND DE-**
17 **FENSE COUNSEL.**

18 Section 827 of title 10, United States Code (article
19 27 of the Uniform Code of Military Justice), is amended—

20 (1) in the first sentence of paragraph (2) of
21 subsection (a), by striking “No person” and all that
22 follows through “trial counsel,” the first place it ap-
23 pears and inserting the following: “No person who,
24 with respect to a case, has served as a preliminary
25 hearing officer, court member, military judge, mili-

1 tary magistrate, or appellate judge, may later serve
2 as trial counsel,”;

3 (2) in the first sentence of subsection (b), by
4 striking “Trial counsel or defense counsel” and in-
5 serting “Trial counsel, defense counsel, or assistant
6 defense counsel”; and

7 (3) by striking subsection (c) and inserting the
8 following new subsections:

9 “(c)(1) Defense counsel and assistant defense counsel
10 detailed for a special court-martial shall have the quali-
11 fications set forth in subsection (b).

12 “(2) Trial counsel and assistant trial counsel detailed
13 for a special court-martial and assistant trial counsel de-
14 tailed for a general court-martial must be determined to
15 be competent to perform such duties by the Judge Advo-
16 cate General, under such rules as the President may pre-
17 scribe.

18 “(d) To the greatest extent practicable, in any capital
19 case, at least one defense counsel shall, as determined by
20 the Judge Advocate General, be learned in the law applica-
21 ble to such cases. If necessary, this counsel may be a civil-
22 ian and, if so, may be compensated in accordance with
23 regulations prescribed by the Secretary of Defense.”.

1 **SEC. 6406. ASSEMBLY AND IMPANELING OF MEMBERS; DE-**
2 **TAIL OF NEW MEMBERS AND MILITARY**
3 **JUDGES.**

4 Section 829 of title 10, United States Code (article
5 29 of the Uniform Code of Military Justice), is amended
6 to read as follows:

7 **“§ 829. Art. 29. Assembly and impaneling of members;**
8 **detail of new members and military**
9 **judges**

10 “(a) ASSEMBLY.—The military judge shall announce
11 the assembly of a general or special court-martial with
12 members. After such a court-martial is assembled, no
13 member may be absent, unless the member is excused—

14 “(1) as a result of a challenge;

15 “(2) under subsection (b)(1)(B); or

16 “(3) by order of the military judge or the con-
17 vening authority for disability or other good cause.

18 “(b) IMPANELING.—(1) Under rules prescribed by
19 the President, the military judge of a general or special
20 court-martial with members shall—

21 “(A) after determination of challenges, impanel
22 the court-martial; and

23 “(B) excuse the members who, having been as-
24 sembled, are not impaneled.

25 “(2) In a general court-martial, the military judge
26 shall impanel—

1 “(A) 12 members in a capital case; and

2 “(B) eight members in a noncapital case.

3 “(3) In a special court-martial, the military judge
4 shall impanel four members.

5 “(c) ALTERNATE MEMBERS.—In addition to mem-
6 bers under subsection (b), the military judge shall impanel
7 alternate members, if the convening authority authorizes
8 alternate members.

9 “(d) DETAIL OF NEW MEMBERS.—(1) If, after mem-
10 bers are impaneled, the membership of the court-martial
11 is reduced to—

12 “(A) fewer than 12 members with respect to a
13 general court-martial in a capital case;

14 “(B) fewer than six members with respect to a
15 general court-martial in a noncapital case; or

16 “(C) fewer than four members with respect to
17 a special court-martial;

18 the trial may not proceed unless the convening au-
19 thority details new members and, from among the
20 members so detailed, the military judge impanels
21 new members sufficient in number to provide the
22 membership specified in paragraph (2).

23 “(2) The membership referred to in paragraph
24 (1) is as follows:

1 “(A) 12 members with respect to a general
2 court-martial in a capital case.

3 “(B) At least six but not more than eight
4 members with respect to a general court-martial
5 in a noncapital case.

6 “(C) Four members with respect to a spe-
7 cial court-martial.

8 “(e) **DETAIL OF NEW MILITARY JUDGE.**—If the mili-
9 tary judge is unable to proceed with the trial because of
10 disability or otherwise, a new military judge shall be de-
11 tailed to the court-martial.

12 “(f) **EVIDENCE.**—(1) In the case of new members
13 under subsection (d), the trial may proceed with the new
14 members present after the evidence previously introduced
15 is read or, in the case of audiotape, videotape, or similar
16 recording, is played, in the presence of the new members,
17 the military judge, the accused, and counsel for both sides.

18 “(2) In the case of a new military judge under sub-
19 section (e), the trial shall proceed as if no evidence had
20 been introduced, unless the evidence previously introduced
21 is read or, in the case of audiotape, videotape, or similar
22 recording, is played, in the presence of the new military
23 judge, the accused, and counsel for both sides.”.

1 **SEC. 6407. MILITARY MAGISTRATES.**

2 Subchapter V of chapter 47 of title 10, United States
3 Code, is amended by inserting after section 826 (article
4 26 of the Uniform Code of Military Justice) the following
5 new section (article):

6 **“§ 826a. Art. 26a. Military magistrates**

7 “(a) QUALIFICATIONS.—A military magistrate shall
8 be a commissioned officer of the armed forces who—

9 “(1) is a member of the bar of a Federal court
10 or a member of the bar of the highest court of a
11 State; and

12 “(2) is certified to be qualified, by reason of
13 education, training, experience, and judicial tem-
14 perament, for duty as a military magistrate by the
15 Judge Advocate General of the armed force of which
16 the officer is a member.

17 “(b) DUTIES.—In accordance with regulations pre-
18 scribed by the Secretary concerned, in addition to duties
19 when designated under section 819 of this title (article
20 19), a military magistrate may be assigned to perform
21 other duties of a nonjudicial nature.”.

1 **TITLE LXV—PRE-TRIAL**
2 **PROCEDURE**

3 **SEC. 6501. CHARGES AND SPECIFICATIONS.**

4 Section 830 of title 10, United States Code (article
5 30 of the Uniform Code of Military Justice), is amended
6 to read as follows:

7 **“§ 830. Art. 30. Charges and specifications**

8 “(a) IN GENERAL.—Charges and specifications—

9 “(1) may be preferred only by a person subject
10 to this chapter; and

11 “(2) shall be preferred by presentment in writ-
12 ing, signed under oath before a commissioned officer
13 of the armed forces who is authorized to administer
14 oaths.

15 “(b) REQUIRED CONTENT.—The writing under sub-
16 section (a) shall state that—

17 “(1) the signer has personal knowledge of, or
18 has investigated, the matters set forth in the charges
19 and specifications; and

20 “(2) the charges and specifications are true, to
21 the best of the knowledge and belief of the signer.

22 “(c) DUTY OF PROPER AUTHORITY.—When charges
23 and specifications are preferred under subsection (a), the
24 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. 6502. PRELIMINARY HEARING REQUIRED BEFORE RE-**
7 **FERRAL TO GENERAL COURT-MARTIAL.**

8 (a) IN GENERAL.—Section 832 of title 10, United
9 States Code (article 32 of the Uniform Code of Military
10 Justice), is amended by striking the section heading and
11 subsections (a), (b), and (c), and inserting the following:

12 **“§ 832. Art. 32. Preliminary hearing required before**
13 **referral to general court-martial**

14 “(a) IN GENERAL.—(1)(A) Except as provided in
15 subparagraph (B), a preliminary hearing shall be held be-
16 fore referral of charges and specifications for trial by gen-
17 eral court-martial. The preliminary hearing shall be con-
18 ducted by an impartial hearing officer, detailed by the con-
19 vening authority in accordance with subsection (b).

20 “(B) Under regulations prescribed by the President,
21 a preliminary hearing need not be held if the accused sub-
22 mits a written waiver to the convening authority and the
23 convening authority determines that a hearing is not re-
24 quired.

1 “(2) The issues for determination at a preliminary
2 hearing are limited to the following:

3 “(A) Whether or not the specification alleges an
4 offense under this chapter.

5 “(B) Whether or not there is probable cause to
6 believe that the accused committed the offense
7 charged.

8 “(C) Whether or not the convening authority
9 has court-martial jurisdiction over the accused and
10 over the offense.

11 “(D) A recommendation as to the disposition
12 that should be made of the case.

13 “(b) HEARING OFFICER.—(1) A preliminary hearing
14 under this section shall be conducted by an impartial hear-
15 ing officer, who—

16 “(A) whenever practicable, shall be a judge ad-
17 vocate who is certified under section 827(b)(2) of
18 this title (article 27(b)(2)); or

19 “(B) in exceptional circumstances, shall be an
20 impartial hearing officer, who is not a judge advo-
21 cate so certified.

22 “(2) In the case of a hearing officer under paragraph
23 (1)(B), a judge advocate who is certified under section
24 827(b)(2) of this title (article 27(b)(2)) shall be available
25 to provide legal advice to the hearing officer.

1 “(3) Whenever practicable, the hearing officer shall
2 be equal in grade or senior in grade to military counsel
3 who are detailed to represent the accused or the Govern-
4 ment at the preliminary hearing.

5 “(c) REPORT TO CONVENING AUTHORITY.—After a
6 preliminary hearing under this section, the hearing officer
7 shall submit to the convening authority a written report
8 (accompanied by a recording of the preliminary hearing
9 under subsection (e)) that includes the following:

10 “(1) For each specification, a statement of the
11 reasoning and conclusions of the hearing officer with
12 respect to determinations under subsection (a)(2),
13 including a summary of relevant witness testimony
14 and documentary evidence presented at the hearing
15 and any observations of the hearing officer con-
16 cerning the testimony of witnesses and the avail-
17 ability and admissibility of evidence at trial.

18 “(2) Recommendations for any necessary modi-
19 fications to the form of the charges or specifications.

20 “(3) An analysis of any additional information
21 submitted after the hearing by the parties or by a
22 victim of an offense, that, under such rules as the
23 President may prescribe, is relevant to disposition
24 under sections 830 and 834 of this title (articles 30
25 and 34).

1 “(4) A statement of action taken on evidence
2 adduced with respect to uncharged offenses, as de-
3 scribed in subsection (f).”.

4 (b) SUNDRY AMENDMENTS.—Subsection (d) of such
5 section (article) is amended—

6 (1) in paragraph (1), by striking “subsection
7 (a)” in the first sentence and inserting “this sec-
8 tion”;

9 (2) in paragraph (2), by striking “in defense”
10 and all that follows through the end and inserting
11 “that is relevant to the issues for determination
12 under subsection (a)(2).”;

13 (3) in paragraph (3), by adding at the end the
14 following new sentence: “A declination under this
15 paragraph shall not serve as the sole basis for order-
16 ing a deposition under section 849 of this title (arti-
17 cle 49).”; and

18 (4) in paragraph (4), by striking “the limited
19 purposes of the hearing, as provided in subsection
20 (a)(2).” and inserting the following: “determinations
21 under subsection (a)(2).”.

22 (c) REFERENCE TO MCM.—Subsection (e) of such
23 section (article) is amended by striking “as prescribed by
24 the Manual for Courts-Martial” in the second sentence

1 and inserting “under such rules as the President may pre-
2 scribe”.

3 (d) EFFECT OF VIOLATION.—Subsection (g) of such
4 section (article) is amended by adding at the end the fol-
5 lowing new sentence: “A defect in a report under sub-
6 section (c) is not a basis for relief if the report is in sub-
7 stantial compliance with that subsection.”.

8 **SEC. 6503. DISPOSITION GUIDANCE.**

9 Section 833 of title 10, United States Code (article
10 33 of the Uniform Code of Military Justice), is amended
11 to read as follows:

12 **“§ 833. Art 33. Disposition guidance**

13 “The President shall direct the Secretary of Defense
14 to issue, in consultation with the Secretary of the depart-
15 ment in which the Coast Guard is operating when it is
16 not operating as a service in the Navy, non-binding guid-
17 ance regarding factors that commanders, convening au-
18 thorities, staff judge advocates, and judge advocates
19 should take into account when exercising their duties with
20 respect to disposition of charges and specifications in the
21 interest of justice and discipline under sections 830 and
22 834 of this title (articles 30 and 34). Such guidance shall
23 take into account, with appropriate consideration of mili-
24 tary requirements, the principles contained in official
25 guidance of the Attorney General to attorneys for the Gov-

1 ernment with respect to disposition of Federal criminal
2 cases in accordance with the principle of fair and even-
3 handed administration of Federal criminal law.”.

4 **SEC. 6504. ADVICE TO CONVENING AUTHORITY BEFORE RE-**
5 **FERRAL FOR TRIAL.**

6 Section 834 of title 10, United States Code (article
7 34 of the Uniform Code of Military Justice), is amended
8 to read as follows:

9 **“§ 834. Art. 34. Advice to convening authority before**
10 **referral for trial**

11 **“(a) GENERAL COURT-MARTIAL.—**

12 **“(1) STAFF JUDGE ADVOCATE ADVICE RE-**
13 **QUIRED BEFORE REFERRAL.—**Before referral of
14 charges and specifications to a general court-martial
15 for trial, the convening authority shall submit the
16 matter to the staff judge advocate for advice, which
17 the staff judge advocate shall provide to the con-
18 vening authority in writing. The convening authority
19 may not refer a specification under a charge to a
20 general court-martial unless the staff judge advocate
21 advises the convening authority in writing that—

22 **“(A) the specification alleges an offense**
23 **under this chapter;**

24 **“(B) there is probable cause to believe that**
25 **the accused committed the offense charged; and**

1 “(C) a court-martial would have jurisdic-
2 tion over the accused and the offense.

3 “(2) STAFF JUDGE ADVOCATE RECOMMENDA-
4 TION AS TO DISPOSITION.—Together with the writ-
5 ten advice provided under paragraph (1), the staff
6 judge advocate shall provide a written recommenda-
7 tion to the convening authority as to the disposition
8 that should be made of the specification in the inter-
9 est of justice and discipline.

10 “(3) STAFF JUDGE ADVOCATE ADVICE AND
11 RECOMMENDATION TO ACCOMPANY REFERRAL.—
12 When a convening authority makes a referral for
13 trial by general court-martial, the written advice of
14 the staff judge advocate under paragraph (1) and
15 the written recommendation of the staff judge advo-
16 cate under paragraph (2) with respect to each speci-
17 fication shall accompany the referral.

18 “(b) SPECIAL COURT-MARTIAL; CONVENING AU-
19 THORITY CONSULTATION WITH JUDGE ADVOCATE.—Be-
20 fore referral of charges and specifications to a special
21 court-martial for trial, the convening authority shall con-
22 sult a judge advocate on relevant legal issues.

23 “(c) GENERAL AND SPECIAL COURTS-MARTIAL; COR-
24 RECTION OF CHARGES AND SPECIFICATIONS BEFORE RE-
25 FERRAL.—Before referral for trial by general court-mar-

1 tial or special court-martial, changes may be made to
2 charges and specifications—

3 “(1) to correct errors in form; and

4 “(2) when applicable, to conform to the sub-
5 stance of the evidence contained in a report under
6 section 832(c) of this title (article 32(c)).

7 “(d) DEFINITION.—In this section, the term ‘refer-
8 ral’ means the order of a convening authority that charges
9 and specifications against an accused be tried by a speci-
10 fied court-martial.”.

11 **SEC. 6505. SERVICE OF CHARGES AND COMMENCEMENT OF**
12 **TRIAL.**

13 Section 835 of title 10, United States Code (article
14 35 of the Uniform Code of Military Justice), is amended
15 to read as follows:

16 **“§ 835. Art. 35. Service of charges; commencement of**
17 **trial**

18 “(a) IN GENERAL.—Trial counsel detailed for a
19 court-martial under section 827 of this title (article 27)
20 shall cause to be served upon the accused a copy of the
21 charges and specifications referred for trial.

22 “(b) COMMENCEMENT OF TRIAL.—(1) Subject to
23 paragraphs (2) and (3), no trial or other proceeding of
24 a general court-martial or a special court-martial (includ-

1 ing any session under section 839(a) of this title (article
2 39(a)) may be held over the objection of the accused—

3 “(A) with respect to a general court-martial,
4 from the time of service through the fifth day after
5 the date of service; or

6 “(B) with respect to a special court-martial,
7 from the time of service through the third day after
8 the date of service.

9 “(2) An objection under paragraph (1) may be raised
10 only at the first session of the trial or other proceeding
11 and only if the first session occurs before the end of the
12 applicable period under paragraph (1)(A) or (1)(B). If the
13 first session occurs before the end of the applicable period,
14 the military judge shall, at that session, inquire as to
15 whether the defense objects under this subsection.

16 “(3) This subsection shall not apply in time of war.”.

17 **TITLE LXVI—TRIAL PROCEDURE**

18 **SEC. 6601. DUTIES OF ASSISTANT DEFENSE COUNSEL.**

19 Subsection (e) of section 838 of title 10, United
20 States Code (article 38 of the Uniform Code of Military
21 Justice), is amended by striking “, under the direction”
22 and all that follows through “(article 27),”.

23 **SEC. 6602. SESSIONS.**

24 Section 839 of title 10, United States Code (article
25 39 of the Uniform Code of Military Justice), is amended—

1 (1) in subsection (a)—

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

4 (B) by striking paragraph (3) and insert-
5 ing the following new paragraphs:

6 “(3) holding the arraignment and receiving the
7 pleas of the accused;

8 “(4) conducting a sentencing proceeding and
9 sentencing the accused; and”; and

10 (2) in the second sentence of subsection (c), by
11 striking “, in cases in which a military judge has
12 been detailed to the court,”.

13 **SEC. 6603. TECHNICAL AMENDMENT RELATING TO CON-**
14 **TINUANCES.**

15 Section 840 of title 10, United States Code (article
16 40 of the Uniform Code of Military Justice), is amended
17 by striking “court-martial without a military judge” and
18 inserting “summary court-martial”.

19 **SEC. 6604. CONFORMING AMENDMENTS RELATING TO**
20 **CHALLENGES.**

21 Section 841 of title 10, United States Code (article
22 41 of the Uniform Code of Military Justice), is amended—

23 (1) in subsection (a)(1), by striking “, or, if
24 none, the court,” in the second sentence;

1 (2) in subsection (a)(2) by striking “minimum”
2 in the first sentence; and
3 (3) in subsection (b)(2), by striking “min-
4 imum”.

5 **SEC. 6605. STATUTE OF LIMITATIONS.**

6 (a) INCREASE IN PERIOD FOR CHILD ABUSE OF-
7 FENSES.—Subsection (b)(2)(A) of section 843 of title 10,
8 United States Code (article 43 of the Uniform Code of
9 Military Justice), is amended by striking “five years” and
10 inserting “ten years”.

11 (b) INCREASE IN PERIOD FOR FRAUDULENT ENLIST-
12 MENT OR APPOINTMENT OFFENSES.—Such section (arti-
13 cle) is further amended by adding at the end the following
14 new subsection:

15 “(h) FRAUDULENT ENLISTMENT OR APPOINT-
16 MENT.—A person charged with fraudulent enlistment or
17 fraudulent appointment under section 904a(1) of this title
18 (article 104a(1)) may be tried by court-martial if the
19 sworn charges and specifications are received by an officer
20 exercising summary court-martial jurisdiction with respect
21 to that person, as follows:

22 “(1) In the case of an enlisted member, during
23 the period of the enlistment or five years, whichever
24 provides a longer period.

1 “(2) In the case of an officer, during the period
2 of the appointment or five years, whichever provides
3 a longer period.”.

4 (c) DNA EVIDENCE.—Such section (article), as
5 amended by subsection (b), is further amended by adding
6 at the end the following new subsection:

7 “(i) DNA EVIDENCE.—If DNA testing implicates an
8 identified person in the commission of an offense punish-
9 able by confinement for more than one year, no statute
10 of limitations that would otherwise preclude prosecution
11 of the offense shall preclude such prosecution until a pe-
12 riod of time following the implication of the person by
13 DNA testing has elapsed that is equal to the otherwise
14 applicable limitation period.”.

15 (d) CONFORMING AMENDMENTS.—Such section (ar-
16 ticle) is further amended in subsection (b)(2)(B) by strik-
17 ing clauses (i) through (v) and inserting the following:

18 “(i) Any offense in violation of section
19 920, 920a, 920b, 920c, or 930 of this title
20 (article 120, 120a, 120b, 120c, or 130),
21 unless the offense is covered by subsection
22 (a).

23 “(ii) Maiming in violation of section
24 928a of this title (article 128a).

1 “(iii) Aggravated assault, assault con-
2 summed by a battery, or assault with in-
3 tent to commit specified offenses in viola-
4 tion of section 928 of this title (article
5 128).

6 “(iv) Kidnapping in violation of sec-
7 tion 925 of this title (article 125).”.

8 (e) APPLICATION.—The amendments made by sub-
9 sections (a), (b), (c), and (d) shall apply to the prosecution
10 of any offense committed before, on, or after the date of
11 the enactment of this subsection if the applicable limita-
12 tion period has not yet expired.

13 **SEC. 6606. FORMER JEOPARDY.**

14 Subsection (c) of section 844 of title 10, United
15 States Code (article 44 of the Uniform Code of Military
16 Justice), is amended to read as follows:

17 “(c)(1) A court-martial with a military judge alone
18 is a trial in the sense of this section (article) if, without
19 fault of the accused—

20 “(A) after introduction of evidence; 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
24 authority or on motion of the prosecution for failure
25 of available evidence or witnesses.

1 “(2) A court-martial with a military judge and
2 members is a trial in the sense of this section (arti-
3 cle) if, without fault of the accused—

4 “(A) after the members, having taken an
5 oath as members under section 842 of this title
6 (article 42) and after completion of challenges
7 under section 841 of this title (article 41), are
8 impaneled; and

9 “(B) before announcement of findings
10 under section 853 of this title (article 53);

11 the case is dismissed or terminated by the convening
12 authority or on motion of the prosecution for failure
13 of available evidence or witnesses.”.

14 **SEC. 6607. PLEAS OF THE ACCUSED.**

15 (a) PLEAS OF GUILTY.—Subsection (b) of section
16 845 of title 10, United States Code (article 45 of the Uni-
17 form Code of Military Justice), is amended—

18 (1) in the first sentence, by striking “may be
19 adjudged” and inserting “is mandatory”; and

20 (2) in the second sentence—

21 (A) by striking “or by a court-martial
22 without a military judge”; and

23 (B) by striking “, if permitted by regula-
24 tions of the Secretary concerned,”.

1 (b) HARMLESS ERROR.—Such section (article) is fur-
2 ther amended by adding at the end the following new sub-
3 section:

4 “(c) HARMLESS ERROR.—A variance from the re-
5 quirements of this article is harmless error if the variance
6 does not materially prejudice the substantial rights of the
7 accused.”.

8 **SEC. 6608. CONTEMPT.**

9 (a) AUTHORITY TO PUNISH.—Subsection (a) of sec-
10 tion 848 of title 10, United States Code (article 48 of the
11 Uniform Code of Military Justice), is amended to read as
12 follows:

13 “(a) AUTHORITY TO PUNISH.—(1) With respect to
14 any proceeding under this chapter, a judicial officer speci-
15 fied in paragraph (2) may punish for contempt any person
16 who—

17 “(A) uses any menacing word, sign, or gesture
18 in the presence of the judicial officer during the pro-
19 ceeding;

20 “(B) disturbs the proceeding by any riot or dis-
21 order; or

22 “(C) willfully disobeys a lawful writ, process,
23 order, rule, decree, or command issued with respect
24 to the proceeding.

1 “(2) A judicial officer referred to in paragraph (1)
2 is any of the following:

3 “(A) Any judge of the Court of Appeals for the
4 Armed Forces and any judge of a Court of Criminal
5 Appeals under section 866 of this title (article 66).

6 “(B) Any military judge detailed to a court-
7 martial, a provost court, a military commission, or
8 any other proceeding under this chapter.

9 “(C) Any military magistrate designated to pre-
10 side under section 819 of this title (article 19).”.

11 (b) REVIEW.—Such section (article) is further
12 amended—

13 (1) by redesignating subsection (c) as sub-
14 section (d); and

15 (2) by inserting after subsection (b) the fol-
16 lowing new subsection (c):

17 “(c) REVIEW.—A punishment under this section—

18 “(1) if imposed by a military judge or military
19 magistrate, may be reviewed by the Court of Crimi-
20 nal Appeals in accordance with the uniform rules of
21 procedure for the Courts of Criminal Appeals under
22 section 866(g) of this title (article 66(g)); and

23 “(2) if imposed by a judge of the Court of Ap-
24 peals for the Armed Forces or a judge of a Court
25 of Criminal Appeals, shall constitute a judgment of

1 the court, subject to review under the applicable pro-
2 visions of section 867 or 867a of this title (article
3 67 or 67a).”.

4 (c) SECTION HEADING.—The heading for such sec-
5 tion (article) is amended to read as follows:

6 **“§ 848. Art. 48. Contempt”.**

7 **SEC. 6609. DEPOSITIONS.**

8 Section 849 of title 10, United States Code (article
9 49 of the Uniform Code of Military Justice), is amended
10 to read as follows:

11 **“§ 849. Art. 49. Depositions**

12 “(a) IN GENERAL.—(1) Subject to paragraph (2), a
13 convening authority or a military judge may order deposi-
14 tions at the request of any party.

15 “(2) A deposition may be ordered under paragraph
16 (1) only if the requesting party demonstrates that, due
17 to exceptional circumstances, it is in the interest of justice
18 that the testimony of a prospective witness be preserved
19 for use at a court-martial, military commission, court of
20 inquiry, or other military court or board.

21 “(3) A party who requests a deposition under this
22 section shall give to every other party reasonable written
23 notice of the time and place for the deposition.

1 “(4) A deposition under this section shall be taken
2 before, and authenticated by, an impartial officer, as fol-
3 lows:

4 “(A) Whenever practicable, by an impartial
5 judge advocate certified under section 827(b) of this
6 title (article 27(b)).

7 “(B) In exceptional circumstances, by an im-
8 partial military or civil officer authorized to admin-
9 ister oaths by (i) the laws of the United States or
10 (ii) the laws of the place where the deposition is
11 taken.

12 “(b) REPRESENTATION BY COUNSEL.—Representa-
13 tion of the parties with respect to a deposition shall be
14 by counsel detailed in the same manner as trial counsel
15 and defense counsel are detailed under section 827 of this
16 title (article 27). In addition, the accused shall have the
17 right to be represented by civilian or military counsel in
18 the same manner as such counsel are provided for in sec-
19 tion 838(b) of this title (article 38(b)).

20 “(c) ADMISSIBILITY AND USE AS EVIDENCE.—A dep-
21 osition order under subsection (a) does not control the ad-
22 missibility of the deposition in a court-martial or other
23 proceeding under this chapter. Except as provided by sub-
24 section (d), a party may use all or part of a deposition
25 as provided by the rules of evidence.

1 “(d) CAPITAL CASES.—Testimony by deposition may
2 be presented in capital cases only by the defense.”.

3 **SEC. 6610. ADMISSIBILITY OF SWORN TESTIMONY BY**
4 **AUDIOTAPE OR VIDEOTAPE FROM RECORDS**
5 **OF COURTS OF INQUIRY.**

6 (a) IN GENERAL.—Section 850 of title 10, United
7 States Code (article 50 of the Uniform Code of Military
8 Justice), is amended by adding at the end the following
9 new subsection:

10 “(d) AUDIOTAPE OR VIDEOTAPE.—Sworn testimony
11 that—

12 “(1) is recorded by audiotape, videotape, or
13 similar method; and

14 “(2) is contained in the duly authenticated
15 record of proceedings of a court of inquiry;

16 is admissible before a court-martial, military commission,
17 court of inquiry, or military board, to the same extent as
18 sworn testimony may be read in evidence before any such
19 body under subsection (a), (b), or (c).”.

20 (b) SECTION HEADING.—The heading for such sec-
21 tion (article) is amended to read as follows:

1 **“§ 850. Art. 50. Admissibility of sworn testimony from**
2 **records of courts of inquiry”.**

3 **SEC. 6611. CONFORMING AMENDMENT RELATING TO DE-**
4 **FENSE OF LACK OF MENTAL RESPONSI-**
5 **BILITY.**

6 Section 850a(c) of title 10, United States Code (arti-
7 cle 50a(c) of the Uniform Code of Military Justice), is
8 amended by striking “, or the president of a court-martial
9 without a military judge,”.

10 **SEC. 6612. VOTING AND RULINGS.**

11 Section 851 of title 10, United States Code (article
12 51 of the Uniform Code of Military Justice), is amended—

13 (1) in subsection (a), by striking “, and by
14 members of a court-martial without a military judge
15 upon questions of challenge,” in the first sentence;

16 (2) in subsection (b)—

17 (A) by striking “and, except for questions
18 of challenge, the president of a court-martial
19 without a military judge” in the first sentence;
20 and

21 (B) by striking “, or by the president” in
22 the second sentence and all that follows through
23 the end of the subsection and inserting “is final
24 and constitutes the ruling of the court, except
25 that the military judge may change a ruling at
26 any time during trial.”; and

1 (3) in subsection (c), by striking “or the presi-
2 dent of a court-martial without a military judge” in
3 the matter before paragraph (1).

4 **SEC. 6613. VOTES REQUIRED FOR CONVICTION, SEN-**
5 **TENCING, AND OTHER MATTERS.**

6 Section 852 of title 10, United States Code (article
7 52 of the Uniform Code of Military Justice), is amended
8 to read as follows:

9 **“§ 852. Art. 52. Votes required for conviction, sen-**
10 **tencing, and other matters**

11 “(a) IN GENERAL.—No person may be convicted of
12 an offense in a general or special court-martial, other
13 than—

14 “(1) after a plea of guilty under section 845(b)
15 of this title (article 45(b));

16 “(2) by a military judge in a court-martial with
17 a military judge alone, under section 816 of this title
18 (article 16); or

19 “(3) in a court-martial with members under
20 section 816 of this title (article 16), by the concur-
21 rence of at least three-fourths of the members
22 present when the vote is taken.

23 “(b) LEVEL OF CONCURRENCE REQUIRED.—

24 “(1) IN GENERAL.—Except as provided in sub-
25 section (a) and in paragraph (2), all matters to be

1 decided by members of a general or special court-
2 martial shall be determined by a majority vote, but
3 a reconsideration of a finding of guilty or reconsider-
4 ation of a sentence, with a view toward decreasing
5 the sentence, may be made by any lesser vote which
6 indicates that the reconsideration is not opposed by
7 the number of votes required for that finding or sen-
8 tence.

9 “(2) SENTENCING.—A sentence of death re-
10 quires (A) a unanimous finding of guilty of an of-
11 fense in this chapter expressly made punishable by
12 death and (B) a unanimous determination by the
13 members that the sentence for that offense shall in-
14 clude death. All other sentences imposed by mem-
15 bers shall be determined by the concurrence of at
16 least three-fourths of the members present when the
17 vote is taken.”.

18 **SEC. 6614. PLEA AGREEMENTS.**

19 Subchapter VII of chapter 47 of title 10, United
20 States Code, is amended by inserting after section 853
21 (article 53 of the Uniform Code of Military Justice) the
22 following:

23 **“§ 853a. Art. 53a. Plea agreements**

24 “(a) IN GENERAL.—(1) At any time before the an-
25 nouncement of findings under section 853 of this title (ar-

1 ticle 53), the convening authority and the accused may
2 enter into a plea agreement with respect to such matters
3 as—

4 “(A) the manner in which the convening au-
5 thority will dispose of one or more charges and spec-
6 ifications; and

7 “(B) limitations on the sentence that may be
8 adjudged for one or more charges and specifications.

9 “(2) The military judge of a general or special court-
10 martial may not participate in discussions between the
11 parties concerning prospective terms and conditions of a
12 plea agreement.

13 “(b) ACCEPTANCE OF PLEA AGREEMENT.—Subject
14 to subsection (c), the military judge of a general or special
15 court-martial shall accept a plea agreement submitted by
16 the parties, except that the military judge may reject a
17 plea agreement that proposes a sentence if the military
18 judge determines that the proposed sentence is plainly un-
19 reasonable.

20 “(c) LIMITATION ON ACCEPTANCE OF PLEA AGREE-
21 MENTS.—The military judge of a general or special court-
22 martial shall reject a plea agreement that—

23 “(1) contains a provision that has not been ac-
24 cepted by both parties;

1 “(2) contains a provision that is not understood
2 by the accused; or

3 “(3) except as provided in subsection (d), con-
4 tains a provision for a sentence that is less than the
5 mandatory minimum sentence applicable to an of-
6 fense referred to in section 856(b)(2) of this title
7 (article 56(b)(2)).

8 “(d) LIMITED CONDITIONS FOR ACCEPTANCE OF
9 PLEA AGREEMENT FOR SENTENCE BELOW MANDATORY
10 MINIMUM FOR CERTAIN OFFENSES.—With respect to an
11 offense referred to in section 856(b)(2) of this title (article
12 56(b)(2))—

13 “(1) the military judge may accept a plea
14 agreement that provides for a sentence of bad con-
15 duct discharge; and

16 “(2) upon recommendation of the trial counsel,
17 in exchange for substantial assistance by the accused
18 in the investigation or prosecution of another person
19 who has committed an offense, the military judge
20 may accept a plea agreement that provides for a
21 sentence that is less than the mandatory minimum
22 sentence for the offense charged.

23 “(e) BINDING EFFECT OF PLEA AGREEMENT.—
24 Upon acceptance by the military judge of a general or spe-

1 cial court-martial, a plea agreement shall bind the parties
2 and the military judge.”.

3 **SEC. 6615. RECORD OF TRIAL.**

4 Section 854 of title 10, United States Code (article
5 54 of the Uniform Code of Military Justice), is amended—

6 (1) by striking subsection (a) and inserting the
7 following:

8 “(a) GENERAL AND SPECIAL COURTS-MARTIAL.—

9 Each general or special court-martial shall keep a separate
10 record of the proceedings in each case brought before it.

11 The record shall be certified by a court-reporter, except
12 that in the case of death, disability, or absence of a court
13 reporter, the record shall be certified by an official selected
14 as the President may prescribe by regulation.”;

15 (2) in subsection (b)—

16 (A) by striking “(b) Each special and sum-
17 mary court-martial” and inserting “(b) SUM-
18 MARY COURT-MARTIAL.—Each summary
19 court-martial”; and

20 (B) by striking “authenticated” and insert-
21 ing “certified”;

22 (3) by striking subsection (c) and inserting the
23 following:

1 “(c) CONTENTS OF RECORD.—(1) Except as pro-
2 vided in paragraph (2), the record shall contain such mat-
3 ters as the President may prescribe by regulation.

4 “(2) In accordance with regulations prescribed by the
5 President, a complete record of proceedings and testimony
6 shall be prepared in any case of a sentence of death, dis-
7 missal, discharge, confinement for more than six months,
8 or forfeiture of pay for more than six months.”.

9 (4) in subsection (d)—

10 (A) by striking “(d) A copy” and inserting

11 “(d) EVIDENCE.—A copy”; and

12 (B) by striking “authenticated” and insert-
13 ing “certified”; and

14 (5) in subsection (e)—

15 (A) by striking “involving a sexual assault
16 or other offense covered by section 920 of this
17 title (article 120)” in the first sentence and in-
18 serting “upon request,”; and

19 (B) by striking “authenticated” in the sec-
20 ond sentence and inserting “certified”.

21 **TITLE LXVII—SENTENCES**

22 **SEC. 6701. SENTENCING.**

23 (a) IN GENERAL.—Section 856 of title 10, United
24 States Code (article 56 of the Uniform Code of Military
25 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) OFFENSE BASED SENTENCING IN GEN-
11 ERAL AND SPECIAL COURTS-MARTIAL.—In announc-
12 ing the sentence under section 853 of this title (arti-
13 cle 53) in a general or special court-martial, the
14 court-martial shall, with respect to each offense of
15 which the accused is found guilty, specify the term
16 of confinement, if any, and the amount of the fine,
17 if any. If the accused is sentenced to confinement
18 for more than one offense, the court-martial shall
19 specify whether the terms of confinement are to run
20 consecutively or concurrently.

21 “(3) SENTENCE OF CONFINEMENT FOR LIFE
22 WITHOUT ELIGIBILITY FOR PAROLE.—(A) If an of-
23 fense is subject to a sentence of confinement for life,
24 a court-martial may impose a sentence of confine-
25 ment for life without eligibility for parole.

1 “(B) An accused who is sentenced to confine-
2 ment for life without eligibility for parole shall be
3 confined for the remainder of the accused’s life un-
4 less—

5 “(i) the sentence is set aside or otherwise
6 modified as a result of—

7 “(I) action taken by the convening au-
8 thority or the Secretary concerned; or

9 “(II) any other action taken during
10 post-trial procedure and review under any
11 other provision of subchapter IX of this
12 chapter;

13 “(ii) the sentence is set aside or otherwise
14 modified as a result of action taken by a Court
15 of Criminal Appeals, the Court of Appeals for
16 the Armed Forces, or the Supreme Court; or

17 “(iii) the accused is pardoned.

18 “(d) APPEAL OF SENTENCE BY THE UNITED
19 STATES.—(1) With the approval of the Judge Advocate
20 General concerned, the Government may appeal a sentence
21 to the Court of Criminal Appeals, on the grounds that—

22 “(A) the sentence violates the law; or

23 “(B) the sentence is plainly unreasonable.

24 “(2) An appeal under this subsection must be filed
25 within 60 days after the date on which the judgment of

1 a court-martial is entered into the record under section
2 860c of this title (article 60c).”.

3 (b) CONFORMING AMENDMENT.—Section 856a of
4 title 10, United States Code (article 56a of the Uniform
5 Code of Military Justice), is repealed.

6 **SEC. 6701A. MINIMUM CONFINEMENT PERIOD REQUIRED**
7 **FOR CONVICTION OF CERTAIN SEX-RELATED**
8 **OFFENSES COMMITTED BY MEMBERS OF THE**
9 **ARMED FORCES.**

10 (a) MANDATORY PUNISHMENTS.—Subsection (b)(1)
11 of section 856 of title 10, United States Code (article 56
12 of the Uniform Code of Military Justice), as amended by
13 section 6701, is further amended by striking “shall include
14 dismissal or dishonorable discharge, as applicable.” and
15 inserting the following: “shall include, at a minimum—

16 “(A) dismissal or dishonorable discharge, as ap-
17 plicable; and

18 “(B) confinement for two years.”.

19 (b) APPLICATION OF AMENDMENT.—Subparagraph
20 (B) of paragraph (1) of section 856(b) of title 10, United
21 States Code (article 56(b) of the Uniform Code of Military
22 Justice), as added by subsection (a), shall apply to of-
23 fenses specified in paragraph (2) of such section com-
24 mitted on or after the date that is 180 days after the date
25 of the enactment of this Act.

1 **SEC. 6702. EFFECTIVE DATE OF SENTENCES.**

2 (a) IN GENERAL.—Section 857 of title 10, United
3 States Code (article 57 of the Uniform Code of Military
4 Justice), is amended to read as follows:

5 **“§ 857. Art. 57. Effective date of sentences**

6 “(a) EXECUTION OF SENTENCES.—A court-martial
7 sentence shall be executed and take effect as follows:

8 “(1) FORFEITURE AND REDUCTION.—A for-
9 feiture of pay or allowances shall be applicable to
10 pay and allowances accruing on and after the date
11 on which the sentence takes effect. Any forfeiture of
12 pay or allowances or reduction in grade that is in-
13 cluded in a sentence of a court-martial takes effect
14 on the earlier of—

15 “(A) the date that is 14 days after the
16 date on which the sentence is adjudged; or

17 “(B) in the case of a summary court-mar-
18 tial, the date on which the sentence is approved
19 by the convening authority.

20 “(2) CONFINEMENT.—Any period of confine-
21 ment included in a sentence of a court-martial be-
22 gins to run from the date the sentence is adjudged
23 by the court-martial, but periods during which the
24 sentence to confinement is suspended or deferred
25 shall be excluded in computing the service of the
26 term of confinement.

1 “(3) APPROVAL OF SENTENCE OF DEATH.—If
2 the sentence of the court-martial extends to death,
3 that part of the sentence providing for death may
4 not be executed until approved by the President. In
5 such a case, the President may commute, remit, or
6 suspend the sentence, or any part thereof, as the
7 President sees fit. That part of the sentence pro-
8 viding for death may not be suspended.

9 “(4) APPROVAL OF DISMISSAL.—If in the case
10 of a commissioned officer, cadet, or midshipman, the
11 sentence of a court-martial extends to dismissal, that
12 part of the sentence providing for dismissal may not
13 be executed until approved by the Secretary con-
14 cerned or such Under Secretary or Assistant Sec-
15 retary as may be designated by the Secretary con-
16 cerned. In such a case, the Secretary, Under Sec-
17 retary, or Assistant Secretary, as the case may be,
18 may commute, remit, or suspend the sentence, or
19 any part of the sentence, as the Secretary sees fit.
20 In time of war or national emergency he may com-
21 mute a sentence of dismissal to reduction to any en-
22 listed grade. A person so reduced may be required
23 to serve for the duration of the war or emergency
24 and six months thereafter.

1 “(5) COMPLETION OF APPELLATE REVIEW.—If
2 a sentence extends to death, dismissal, or a dishon-
3 orable or bad-conduct discharge, that part of the
4 sentence extending to death, dismissal, or a dishon-
5 orable or bad-conduct discharge may be executed, in
6 accordance with service regulations, after completion
7 of appellate review (and, with respect to death or
8 dismissal, approval under paragraph (3) or (4), as
9 appropriate).

10 “(6) OTHER SENTENCES.—Except as otherwise
11 provided in this subsection, a general or special
12 court-martial sentence is effective upon entry of
13 judgment and a summary court-martial sentence is
14 effective when the convening authority acts on the
15 sentence.

16 “(b) DEFERRAL OF SENTENCES.—(1) On application
17 by an accused, the convening authority or, if the accused
18 is no longer under his jurisdiction, the officer exercising
19 general court-martial jurisdiction over the command to
20 which the accused is currently assigned, may, in his or
21 her sole discretion, defer the effective date of a sentence
22 of confinement, reduction, or forfeiture. The deferment
23 shall terminate upon entry of judgment or, in the case of
24 a summary court-martial, when the convening authority
25 acts on the sentence. The deferment may be rescinded at

1 any time by the officer who granted it or, if the accused
2 is no longer under his jurisdiction, by the officer exercising
3 general court-martial jurisdiction over the command to
4 which the accused is currently assigned.

5 “(2) In any case in which a court-martial sentences
6 a person referred to in paragraph (3) to confinement, the
7 convening authority may defer the service of the sentence
8 to confinement, without the consent of that person, until
9 after the person has been permanently released to the
10 armed forces by a State or foreign country referred to in
11 that paragraph.

12 “(3) Paragraph (2) applies to a person subject to this
13 chapter who—

14 “(A) while in the custody of a State or foreign
15 country is temporarily returned by that State or for-
16 eign country to the armed forces for trial by court-
17 martial; and

18 “(B) after the court-martial, is returned to that
19 State or foreign country under the authority of a
20 mutual agreement or treaty, as the case may be.

21 “(4) In this subsection, the term ‘State’ includes the
22 District of Columbia and any Commonwealth, territory, or
23 possession of the United States.

24 “(5) In any case in which a court-martial sentences
25 a person to confinement, but in which review of the case

1 under section 867(a)(2) of this title (article 67(a)(2)) is
2 pending, the Secretary concerned may defer further serv-
3 ice of the sentence to confinement while that review is
4 pending.

5 “(c) APPELLATE REVIEW.—(1) Appellate review is
6 complete under this section when—

7 “(A) a review under section 865 of this title
8 (article 65) is completed; or

9 “(B) a review under section 866 of this title
10 (article 66) is completed by a Court of Criminal Ap-
11 peals and—

12 “(i) the time for the accused to file a peti-
13 tion for review by the Court of Appeals for the
14 Armed Forces has expired and the accused has
15 not filed a timely petition for such review and
16 the case is not otherwise under review by that
17 Court;

18 “(ii) such a petition is rejected by the
19 Court of Appeals for the Armed Forces; or

20 “(iii) review is completed in accordance
21 with the judgment of the Court of Appeals for
22 the Armed Forces and—

23 “(I) a petition for a writ of certiorari
24 is not filed within the time limits pre-
25 scribed by the Supreme Court;

1 “(II) such a petition is rejected by the
2 Supreme Court; or

3 “(III) review is otherwise completed in
4 accordance with the judgment of the Su-
5 preme Court.

6 “(2) The completion of appellate review shall con-
7 stitute a final judgment as to the legality of the pro-
8 ceedings.”.

9 (b) CONFORMING AMENDMENTS.—(1) Subchapter
10 VIII of chapter 47 of title 10, United States Code, is
11 amended by striking section 857a (article 57a of the Uni-
12 form Code of Military Justice).

13 (2) Subchapter IX of chapter 47 of title 10, United
14 States Code, is amended by striking section 871 (article
15 71 of the Uniform Code of Military Justice).

16 (3) The second sentence of subsection (a)(1) of sec-
17 tion 858b of title 10, United States Code (article 58b of
18 the Uniform Code of Military Justice), is amended by
19 striking “section 857(a) of this title (article 57(a))” and
20 inserting “section 857 of this title (article 57)”.

21 **SEC. 6703. SENTENCE OF REDUCTION IN ENLISTED GRADE.**

22 Section 858a of title 10, United States Code (article
23 58a of the Uniform Code of Military Justice), is amend-
24 ed—

25 (1) in subsection (a)—

1 (A) by striking “Unless otherwise provided
2 in regulations to be prescribed by the Secretary
3 concerned, a” and inserting “A”;

4 (B) by striking “as approved by the con-
5 vening authority” and inserting “as set forth in
6 the judgment of the court-martial entered into
7 the record under section 860c of this title (arti-
8 cle 60c)”;

9 (C) in the matter after paragraph (3), by
10 striking “of that approval” and inserting “on
11 which the judgment is so entered”;

12 (2) in subsection (b), by striking “disapproved,
13 or, as finally approved” and inserting “reduced, or,
14 as finally affirmed”.

15 **TITLE LXVIII—POST-TRIAL PRO-**
16 **CEDURE AND REVIEW OF**
17 **COURTS-MARTIAL**

18 **SEC. 6801. POST-TRIAL PROCESSING IN GENERAL AND SPE-**
19 **CIAL COURTS-MARTIAL.**

20 Section 860 of title 10, United States Code (article
21 60 of the Uniform Code of Military Justice), is amended
22 to read as follows:

1 **“§ 860. Art. 60. Post-trial processing in general and**
2 **special courts-martial**

3 “(a) STATEMENT OF TRIAL RESULTS.—(1) The mili-
4 tary judge of a general or special court-martial shall enter
5 into the record of trial a document entitled ‘Statement of
6 Trial Results’, which shall set forth—

7 “(A) each plea and finding;

8 “(B) the sentence, if any; and

9 “(C) such other information as the President
10 may prescribe by regulation.

11 “(2) Copies of the Statement of Trial Results shall
12 be provided promptly to the convening authority, the ac-
13 cused, and any victim of the offense.

14 “(b) POST-TRIAL MOTIONS.—In accordance with reg-
15 ulations prescribed by the President, the military judge
16 in a general or special court-martial shall address all post-
17 trial motions and other post-trial matters that—

18 “(1) may affect a plea, a finding, the sentence,
19 the Statement of Trial Results, the record of trial,
20 or any post-trial action by the convening authority;
21 and

22 “(2) are subject to resolution by the military
23 judge before entry of judgment.”.

1 **SEC. 6802. LIMITED AUTHORITY TO ACT ON SENTENCE IN**
2 **SPECIFIED POST-TRIAL CIRCUMSTANCES.**

3 Subchapter IX of chapter 47 of title 10, United
4 States Code, is amended by inserting after section 860
5 (article 60 of the Uniform Code of Military Justice), as
6 amended by section 6801, the following new section (arti-
7 cle):

8 **“§ 860a. Art. 60a. Limited authority to act on sentence**
9 **in specified post-trial circumstances**

10 “(a) IN GENERAL.—(1) The convening authority of
11 a general or special court-martial described in paragraph
12 (2)—

13 “(A) may act on the sentence of the court-mar-
14 tial only as provided in subsection (b), (c), or (d);
15 and

16 “(B) may not act on the findings of the court-
17 martial.

18 “(2) The courts-martial referred to in paragraph (1)
19 are the following:

20 “(A) A general or special court-martial in which
21 the maximum sentence of confinement established
22 under subsection (a) of section 856 of this title (arti-
23 cle 56) for any offense of which the accused is found
24 guilty is more than two years.

1 “(B) A general or special court-martial in which
2 the total of the sentences of confinement imposed,
3 running consecutively, is more than six months.

4 “(C) A general or special court-martial in which
5 the sentence imposed includes a dismissal, dishonor-
6 able discharge, or bad-conduct discharge.

7 “(D) A general or special court-martial in
8 which the accused is found guilty of a violation of
9 subsection (a) or (b) of section 920 of this title (ar-
10 ticle 120), section 920b of this title (article 120b),
11 or such other offense as the Secretary of Defense
12 may specify by regulation.

13 “(3) Except as provided in subsection (d), the con-
14 vening authority may act under this section only before
15 entry of judgment.

16 “(4) Under regulations prescribed by the Secretary
17 concerned, a commissioned officer commanding for the
18 time being, a successor in command, or any person exer-
19 cising general court-martial jurisdiction may act under
20 this section in place of the convening authority.

21 “(b) REDUCTION, COMMUTATION, AND SUSPENSION
22 OF SENTENCES GENERALLY.—(1) Except as provided in
23 subsection (c) or (d), the convening authority may not re-
24 duce, commute, or suspend any of the following sentences:

1 “(A) A sentence of confinement, if the total pe-
2 riod of confinement imposed for all offenses involved,
3 running consecutively, is greater than six months.

4 “(B) A sentence of dismissal, dishonorable dis-
5 charge, or bad-conduct discharge.

6 “(C) A sentence of death.

7 “(2) The convening authority may reduce, commute,
8 or suspend any sentence not specified in paragraph (1).

9 “(c) SUSPENSION OF CERTAIN SENTENCES UPON
10 RECOMMENDATION OF MILITARY JUDGE.—(1) Upon rec-
11 ommendation of the military judge, as included in the
12 Statement of Trial Results, together with an explanation
13 of the facts supporting the recommendation, the convening
14 authority may suspend—

15 “(A) a sentence of confinement, in whole or in
16 part; or

17 “(B) a sentence of dismissal, dishonorable dis-
18 charge, or bad-conduct discharge.

19 “(2) The convening authority may not, under para-
20 graph (1)—

21 “(A) suspend a mandatory minimum sentence;
22 or

23 “(B) suspend a sentence to an extent in excess
24 of the suspension recommended by the military
25 judge.

1 “(d) REDUCTION OF SENTENCE FOR SUBSTANTIAL
2 ASSISTANCE BY ACCUSED.—(1) Upon a recommendation
3 by the trial counsel, if the accused, after sentencing and
4 before entry of judgment, provides substantial assistance
5 in the investigation or prosecution of another person, the
6 convening authority may reduce, commute, or suspend a
7 sentence, in whole or in part, including any mandatory
8 minimum sentence.

9 “(2) Upon a recommendation by a trial counsel, des-
10 igned in accordance with rules prescribed by the Presi-
11 dent, if the accused, after entry of judgment, provides sub-
12 stantial assistance in the investigation or prosecution of
13 another person, a convening authority, designated under
14 such regulations, may reduce, commute, or suspend a sen-
15 tence, in whole or in part, including any mandatory min-
16 imum sentence.

17 “(3) In evaluating whether the accused has provided
18 substantial assistance under this subsection, the convening
19 authority may consider the presentence assistance of the
20 accused.

21 “(e) SUBMISSIONS BY ACCUSED AND VICTIM.—(1) In
22 accordance with rules prescribed by the President, in de-
23 termining whether to act under this section, the convening
24 authority shall consider matters submitted in writing by

1 the accused or any victim of an offense. Such rules shall
2 include—

3 “(A) procedures for notice of the opportunity to
4 make such submissions;

5 “(B) the deadlines for such submissions; and

6 “(C) procedures for providing the accused and
7 any victim of an offense with a copy of the recording
8 of any open sessions of the court-martial and copies
9 of, or access to, any admitted, unsealed exhibits.

10 “(2) The convening authority shall not consider
11 under this section any submitted matters that relate to
12 the character of a victim unless such matters were pre-
13 sented as evidence at trial and not excluded at trial.

14 “(f) DECISION OF CONVENING AUTHORITY.—(1) The
15 decision of the convening authority under this section shall
16 be forwarded to the military judge, with copies provided
17 to the accused and to any victim of the offense.

18 “(2) If, under this section, the convening authority
19 reduces, commutes, or suspends the sentence, the decision
20 of the convening authority shall include a written expla-
21 nation of the reasons for such action.

22 “(3) If, under subsection (d)(2), the convening au-
23 thority reduces, commutes, or suspends the sentence, the
24 decision of the convening authority shall be forwarded to
25 the chief trial judge for appropriate modification of the

1 entry of judgment, which shall be transmitted to the
2 Judge Advocate General for appropriate action.”.

3 **SEC. 6803. POST-TRIAL ACTIONS IN SUMMARY COURTS-**
4 **MARTIAL AND CERTAIN GENERAL AND SPE-**
5 **CIAL COURTS-MARTIAL.**

6 Subchapter IX of chapter 47 of title 10, United
7 States Code, is amended by inserting after section 860a
8 (article 60a of the Uniform Code of Military Justice), as
9 amended by section 6802, the following new section (arti-
10 cle):

11 **“§ 860b. Art. 60b. Post-trial actions in summary**
12 **courts-martial and certain general and**
13 **special courts-martial**

14 “(a) IN GENERAL.—(1) In a court-martial not speci-
15 fied in subsection (a)(2) of section 860a of this title (arti-
16 cle 60a), the convening authority may—

17 “(A) dismiss any charge or specification by set-
18 ting aside the finding of guilty;

19 “(B) change a finding of guilty to a charge or
20 specification to a finding of guilty to a lesser in-
21 cluded offense;

22 “(C) disapprove the findings and the sentence
23 and dismiss the charges and specifications;

1 “(D) disapprove the findings and the sentence
2 and order a rehearing as to the findings and the
3 sentence;

4 “(E) disapprove, commute, or suspend the sen-
5 tence, in whole or in part; or

6 “(F) disapprove the sentence and order a re-
7 hearing as to the sentence.

8 “(2) In a summary court-martial, the convening au-
9 thority shall approve the sentence or take other action on
10 the sentence under paragraph (1).

11 “(3) Except as provided in paragraph (4), the con-
12 vening authority may act under this section only before
13 entry of judgment.

14 “(4) The convening authority may act under this sec-
15 tion after entry of judgment in a general or special court-
16 martial in the same manner as the convening authority
17 may act under subsection (d)(2) of section 860a of this
18 title (article 60a). Such action shall be forwarded to the
19 chief trial judge, who shall ensure appropriate modifica-
20 tion to the entry of judgment and shall transmit the entry
21 of judgment to the Judge Advocate General for appro-
22 priate action.

23 “(5) Under regulations prescribed by the Secretary
24 concerned, a commissioned officer commanding for the
25 time being, a successor in command, or any person exer-

1 cising general court-martial jurisdiction may act under
2 this section in place of the convening authority.

3 “(b) LIMITATIONS ON REHEARINGS.—The convening
4 authority may not order a rehearing under this section—

5 “(1) as to the findings, if there is insufficient
6 evidence in the record to support the findings;

7 “(2) to reconsider a finding of not guilty of any
8 specification or a ruling which amounts to a finding
9 of not guilty; or

10 “(3) to reconsider a finding of not guilty of any
11 charge, unless there has been a finding of guilty
12 under a specification laid under that charge, which
13 sufficiently alleges a violation of some article of this
14 chapter.

15 “(c) SUBMISSIONS BY ACCUSED AND VICTIM.—In ac-
16 cordance with rules prescribed by the President, in deter-
17 mining whether to act under this section, the convening
18 authority shall consider matters submitted in writing by
19 the accused or any victim of the offense. Such rules shall
20 include the matter required by subsection (e) of section
21 860a of this title (article 60a).

22 “(d) DECISION OF CONVENING AUTHORITY.—(1) In
23 a general or special court-martial, the decision of the con-
24 vening authority under this section shall be forwarded to

1 the military judge, with copies provided to the accused and
2 to any victim of the offense.

3 “(2) If the convening authority acts on the findings
4 or the sentence under subsection (a)(1), the decision of
5 the convening authority shall include a written explanation
6 of the reasons for such action.”.

7 **SEC. 6804. ENTRY OF JUDGMENT.**

8 Subchapter IX of chapter 47 of title 10, United
9 States Code, is amended by inserting after section 860b
10 (article 60b of the Uniform Code of Military Justice), as
11 added by section 903, the following new section (article):

12 **“§ 860c. Art. 60c. Entry of judgment**

13 “(a) ENTRY OF JUDGMENT OF GENERAL OR SPE-
14 CIAL COURT-MARTIAL.—(1) In accordance with rules pre-
15 scribed by the President, in a general or special court-mar-
16 tial, the military judge shall enter into the record of trial
17 the judgment of the court. The judgment of the court shall
18 consist of the following:

19 “(A) The Statement of Trial Results under sec-
20 tion 860 of this title (article 60).

21 “(B) Any modifications of, or supplements to,
22 the Statement of Trial Results by reason of—

23 “(i) any post-trial action by the convening
24 authority; or

1 “(ii) any ruling, order, or other determina-
2 tion of the military judge that affects a plea, a
3 finding, or the sentence.

4 “(2) Under rules prescribed by the President, the
5 judgment under paragraph (1) shall be—

6 “(A) provided to the accused and to any victim
7 of the offense; and

8 “(B) made available to the public.

9 “(b) SUMMARY COURT-MARTIAL JUDGMENT.—The
10 findings and sentence of a summary court-martial, as
11 modified by any post-trial action by the convening author-
12 ity under section 860b of this title (article 60b), con-
13 stitutes the judgment of the court-martial and shall be re-
14 corded and distributed under rules prescribed by the
15 President.”.

16 **SEC. 6805. WAIVER OF RIGHT TO APPEAL AND WITH-**
17 **DRAWAL OF APPEAL.**

18 Section 861 of title 10, United States Code (article
19 61 of the Uniform Code of Military Justice), is amended
20 to read as follows:

21 **“§ 861. Art. 61. Waiver of right to appeal; withdrawal**
22 **of appeal**

23 “(a) WAIVER OF RIGHT TO APPEAL.—After entry of
24 judgment in a general or special court-martial, under pro-
25 cedures prescribed by the Secretary concerned, the ac-

1 cused may waive the right to appellate review in each case
2 subject to such review under section 866 (article 66). Such
3 a waiver shall be—

4 “(1) signed by the accused and by defense
5 counsel; and

6 “(2) attached to the record of trial.

7 “(b) WITHDRAWAL OF APPEAL.—In a general or spe-
8 cial court-martial, the accused may withdraw an appeal
9 at any time.

10 “(c) DEATH PENALTY CASE EXCEPTION.—Notwith-
11 standing subsections (a) and (b), an accused may not
12 waive the right to appeal or withdraw an appeal with re-
13 spect to a judgment that includes a sentence of death.

14 “(d) WAIVER OR WITHDRAWAL AS BAR.—A waiver
15 or withdrawal under this section bars review under section
16 866 of this title (article 66).”.

17 **SEC. 6806. APPEAL BY THE UNITED STATES.**

18 Section 862 of title 10, United States Code (article
19 62 of the Uniform Code of Military Justice), is amended—

20 (1) in paragraph (1) of subsection (a)—

21 (A) in the matter before subparagraph (A),
22 by striking “court-martial” and all that follows
23 through the colon at the end and inserting
24 “general or special court-martial, the United
25 States may appeal the following:”; and

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

3 “(G) An order or ruling of the military
4 judge entering a finding of not guilty with re-
5 spect to a charge or specification following the
6 return of a finding of guilty by the members.”;

7 (2) in paragraph (2) of subsection (a)—

8 (A) by striking “(2)” and inserting
9 “(2)(A)”; and

10 (B) by adding at the end the following new
11 subparagraph:

12 “(B) An appeal of an order or ruling may
13 not be taken when prohibited by section 844 of
14 this title (article 44).”; and

15 (3) by adding at the end the following:

16 “(d) The United States may appeal a ruling or order
17 of a military magistrate in the same manner as had the
18 ruling or order been made by a military judge, except that
19 the issue shall first be presented to the military judge who
20 designated the military magistrate or to a military judge
21 detailed to hear the issue.

22 “(e) The provisions of this article shall be liberally
23 construed to effect its purposes.”.

1 **SEC. 6807. REHEARINGS.**

2 Section 863 of title 10, United States Code (article
3 63 of the Uniform Code of Military Justice), is amended—

4 (1) by inserting “(a)” before “Each rehearing”;

5 (2) in the second sentence, by striking “may be
6 approved” and inserting “may be adjudged”;

7 (3) by striking the third sentence; and

8 (4) by adding at the end the following new sub-
9 sections:

10 “(b) If the sentence adjudged by the first court-mar-
11 tial was in accordance with a plea agreement under section
12 853a of this title (article 53a) and the accused at the re-
13 hearing does not comply with the agreement, or if a plea
14 of guilty was entered for an offense at the first court-mar-
15 tial and a plea of not guilty was entered at the rehearing,
16 the sentence as to those charges or specifications may in-
17 clude any punishment not in excess of that which could
18 have been adjudged at the first court-martial.

19 “(c) If, after appeal by the Government under section
20 856(d) of this title (article 56(d)), the sentence adjudged
21 is set aside and a rehearing on sentence is ordered by the
22 Court of Criminal Appeals or Court of Appeals for the
23 Armed Forces, the court-martial may impose any sentence
24 that is in accordance with the order or ruling setting aside
25 the adjudged sentence.”.

1 **SEC. 6808. JUDGE ADVOCATE REVIEW OF FINDING OF**
2 **GUILTY IN SUMMARY COURT-MARTIAL.**

3 (a) IN GENERAL.—Subsection (a) of section 864 of
4 title 10, United States Code (article 64 of the Uniform
5 Code of Military Justice), is amended by striking the first
6 two sentences and inserting the following:

7 “(a) IN GENERAL.—Under regulations prescribed by
8 the Secretary concerned, each summary court-martial in
9 which there is a finding of guilty shall be reviewed by a
10 judge advocate. A judge advocate may not review a case
11 under this subsection if the judge advocate has acted in
12 the same case as an accuser, preliminary hearing officer,
13 member of the court, military judge, or counsel or has oth-
14 erwise acted on behalf of the prosecution or defense.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
16 (1) The heading for such section (article) is amended to
17 read as follows:

18 “§ 864. Art. 64. Judge advocate review of finding of
19 **guilty in summary court-martial”.**

20 (2) Subsection (b) of such section is amended—

21 (A) by striking “(b) The record” and inserting
22 “RECORD.—The record”;

23 (B) by inserting “or” at the end of paragraph
24 (1);

25 (C) by striking paragraph (2); and

1 (D) by redesignating paragraph (3) as para-
2 graph (2).

3 (3) Subsection (c)(3) of such section (article) is
4 amended by striking “section 869(b) of this title (article
5 69(b)).” and inserting “section 869 of this title (article
6 69).”.

7 **SEC. 6809. TRANSMITTAL AND REVIEW OF RECORDS.**

8 Section 865 of title 10, United States Code (article
9 65 of the Uniform Code of Military Justice), is amended
10 to read as follows:

11 **“§ 865. Art. 65. Transmittal and review of records**

12 “(a) TRANSMITTAL OF RECORDS.—(1) If the judg-
13 ment of a general or special court-martial entered under
14 section 860c of this title (article 60c) includes a finding
15 of guilty, the record shall be transmitted to the Judge Ad-
16 vocate General.

17 “(2) In all other cases, records of trial by court-mar-
18 tial and related documents shall be transmitted and dis-
19 posed of as the Secretary concerned may prescribe by reg-
20 ulation.

21 “(b) REVIEW BY JUDGE ADVOCATE GENERAL.—

22 “(1) BY WHOM.—A review conducted under this
23 subsection may be conducted by an attorney within
24 the Office of the Judge Advocate General or another

1 attorney designated under regulations prescribed by
2 the Secretary concerned.

3 “(2) REVIEW OF CASES NOT ELIGIBLE FOR AP-
4 PELLATE REVIEW BY A COURT OF CRIMINAL AP-
5 PEALS.—

6 “(A) A review under subparagraph (B)
7 shall be completed in each general and special
8 court-martial that is not eligible for appellate
9 review under paragraph (1) or (2) of section
10 866(b) of this title (article 66(b)).

11 “(B) A review referred to in subparagraph
12 (A) shall include a written decision providing
13 each of the following:

14 “(i) A conclusion as to whether the
15 court had jurisdiction over the accused and
16 the offense.

17 “(ii) A conclusion as to whether the
18 charge and specification stated an offense.

19 “(iii) A conclusion as to whether the
20 sentence was within the limits prescribed
21 as a matter of law.

22 “(iv) A response to each allegation of
23 error made in writing by the accused.

1 “(3) REVIEW WHEN APPELLATE REVIEW BY A
2 COURT OF CRIMINAL APPEALS IS WAIVED OR WITH-
3 DRAWN.—

4 “(A) A review under subparagraph (B)
5 shall be completed in each general and special
6 court-martial if the accused waives the right to
7 appellate review or withdraws appeal under sec-
8 tion 861 of this title (article 61).

9 “(B) A review referred to in subparagraph
10 (A) shall include a written decision limited to
11 providing conclusions on the matters specified
12 in clauses (i), (ii), and (iii) of paragraph (2)(B).

13 “(c) REMEDY.—(1) If after a review of a record
14 under subsection (b), the attorney conducting the review
15 believes corrective action may be required, the record shall
16 be forwarded to the Judge Advocate General, who may
17 set aside the findings or sentence, in whole or in part.

18 “(2) In setting aside findings or sentence, the Judge
19 Advocate General may order a rehearing, except that a
20 rehearing may not be ordered in violation of section 844
21 of this title (article 44).

22 “(3)(A) If the Judge Advocate General sets aside
23 findings and sentence and does not order a rehearing, the
24 Judge Advocate General shall dismiss the charges.

1 “(B) If the Judge Advocate General sets aside find-
2 ings and orders a rehearing and the convening authority
3 determines that a rehearing would be impractical, the con-
4 vening authority shall dismiss the charges.”.

5 **SEC. 6810. COURTS OF CRIMINAL APPEALS.**

6 (a) APPELLATE MILITARY JUDGES.—Subsection (a)
7 of section 866 of chapter 47 of title 10, United States
8 Code (article 66 of the Uniform Code of Military Justice),
9 is amended—

10 (1) in the second sentence, by striking “sub-
11 section (f)” and inserting “subsection (g)”;

12 (2) in the fourth sentence, by inserting after
13 “highest court of a State” the following: “and must
14 be certified by the Judge Advocate General as quali-
15 fied, by reason of education, training, experience,
16 and judicial temperament, for duty as an appellate
17 military judge”; and

18 (3) by adding at the end the following new sen-
19 tence: “In accordance with regulations prescribed by
20 the President, assignments of appellate military
21 judges under this section (article) shall be for appro-
22 priate minimum periods, subject to such exceptions
23 as may be authorized in the regulations.”.

24 (b) REVISION OF APPELLATE PROCEDURES.—Such
25 section (article) is further amended—

1 (1) by redesignating subsections (e), (f), (g),
2 and (h) as subsections (f), (g), (h), and (i), respec-
3 tively; and

4 (2) by striking subsections (b), (c), and (d) and
5 inserting the following new subsections:

6 “(b) REVIEW.—(1) The Judge Advocate General
7 shall refer to a Court of Criminal Appeals the record in
8 any of the following cases of trial by court-martial:

9 “(A) A case in which the judgment entered into
10 the record under section 860e of this title (article
11 60e) includes a sentence of death, dismissal of a
12 commissioned officer, cadet, or midshipman, dishon-
13 orable or bad-conduct discharge, or confinement for
14 more than six months.

15 “(B) A case in which the Government pre-
16 viously filed an appeal under sections 856(d) or 862
17 of this title (articles 56(d) or 62).

18 “(C) A case in which the right to appellate re-
19 view has not been waived or an appeal has not been
20 withdrawn under section 861 of this title (article
21 61), except in the case of a sentence extending to
22 death.

23 “(2) A Court of Criminal Appeals shall have jurisdic-
24 tion to review the judgment of a court-martial, entered
25 into the record under section 860e of this title (article

1 60c), in a case in which the accused filed an application
2 for review with the Court under section 869(d)(1)(B) of
3 this title (article 69(d)(1)(B)) and the application has
4 been granted by the Court.

5 “(c) DUTIES.—(1) In a case referred to it, the Court
6 of Criminal Appeals may act only with respect to the find-
7 ings and sentence as entered into the record under section
8 860c of this title (article 60c). It may affirm only such
9 findings of guilty, and the sentence or such part or
10 amount of the sentence, as it finds correct in law and fact
11 and determines, on the basis of the entire record, should
12 be approved. In considering the record, it may weigh the
13 evidence, judge the credibility of witnesses, and determine
14 controverted questions of fact, recognizing that the trial
15 court saw and heard the witnesses.

16 “(2) In any case before the Court of Criminal Ap-
17 peals under paragraph (1) or (2) of subsection (b), the
18 Court may provide appropriate relief if the accused dem-
19 onstrates error or excessive delay in the processing of the
20 court-martial after the judgment was entered into the
21 record under section 860c of this title (article 60c).

22 “(3) In review of a sentence to death or to life in
23 prison without eligibility for parole determined by the
24 members in a capital case under section 853 of this title
25 (article 53), the Court of Criminal Appeals must consider

1 whether the sentence is otherwise appropriate, under rules
2 prescribed by the President.

3 “(4) If the Court of Criminal Appeals sets aside the
4 findings and sentence, it may, except where the setting
5 aside is based on lack of sufficient evidence in the record
6 to support the findings, order a rehearing. If it sets aside
7 the findings and sentence and does not order a rehearing,
8 it shall order that the charges be dismissed.

9 “(d) CONSIDERATION OF APPEAL OF SENTENCE BY
10 THE UNITED STATES.—(1) In considering a sentence on
11 appeal, other than as provided in section 856(d) of this
12 title (article 56(d)), the Court of Criminal Appeals may
13 consider—

14 “(A) whether the sentence violates the law; and

15 “(B) whether the sentence is plainly unreason-
16 able.

17 “(2) In an appeal under section 856(d) of this title
18 (article 56(d)), the record on appeal shall consist of—

19 “(A) any portion of the record in the case that
20 is designated as pertinent by either of the parties;

21 “(B) the information submitted during the sen-
22 tencing proceeding; and

23 “(C) any information required by rule or order
24 of the Court of Criminal Appeals.

1 “(e) LIMITS OF AUTHORITY.—(1)(A) If the Court of
2 Criminal Appeals sets aside the findings, the Court—

3 “(i) may affirm any lesser included of-
4 fense; and

5 “(ii) may, except when prohibited by sec-
6 tion 844 of this title (article 44), order a re-
7 hearing.

8 “(B) If the Court of Criminal Appeals orders a re-
9 hearing on a charge and the convening authority finds a
10 rehearing impracticable, the convening authority may dis-
11 miss the charge.

12 “(C) If the Court of Criminal Appeals sets aside the
13 findings and does not order a rehearing, the Court shall
14 order that the charges be dismissed.

15 “(2) If the Court of Criminal Appeals sets aside the
16 sentence, the Court may—

17 “(A) modify the sentence to a lesser sentence;
18 or

19 “(B) order a rehearing.

20 “(3) If the Court determines that additional pro-
21 ceedings are warranted, the Court may order a hearing
22 as may be necessary to address a substantial issue, subject
23 to such limitations as the Court may direct and under
24 such regulations as the President may prescribe.”.

1 (c) ACTION WHEN REHEARING IMPRACTICABLE
2 AFTER REHEARING ORDER.—Subsection (f) of such sec-
3 tion (article), as redesignated by subsection (b)(1), is
4 amended—

5 (1) in the first sentence, by striking “convening
6 authority” and inserting “appropriate authority”;
7 and

8 (2) by striking the last sentence.

9 (d) ELIGIBILITY TO REVIEW THE RECORD.—Sub-
10 section (i) of such section (article), as redesignated by sub-
11 section (b)(1), is amended by striking “an investigating
12 officer” and inserting “an investigating or a preliminary
13 hearing officer”.

14 (e) SECTION HEADING.—The heading for such sec-
15 tion (article) is amended to read as follows:

16 **“§ 866. Art. 66. Courts of Criminal Appeals”.**

17 **SEC. 6811. REVIEW BY COURT OF APPEALS FOR THE**
18 **ARMED FORCES.**

19 (a) JAG NOTIFICATION.—Subsection (a)(2) of section
20 867 of title 10, United States Code (article 67 of the Uni-
21 form Code of Military Justice), is amended by inserting
22 after “the Judge Advocate General” the following: “, after
23 appropriate notification to the other Judge Advocates
24 General and to the Staff Judge Advocate to the Com-
25 mandant of the Marine Corps,”.

1 (b) BASIS FOR REVIEW.—Subsection (c) of such sec-
2 tion (article) is amended—

3 (1) by inserting “(1)” after “(c)”;

4 (2) by designating the second sentence as para-
5 graph (2);

6 (3) by designating the third sentence as para-
7 graph (3);

8 (4) by designating the fourth sentence as para-
9 graph (4); and

10 (5) in paragraph (1), as designated by para-
11 graph (1) of this subsection, by striking “only with
12 respect to” and all that follows through the end of
13 the sentence and inserting the following:

14 “(1) “only with respect to—

15 “(A) the findings and sentence set forth in
16 the entry of judgment, as affirmed or set aside
17 as incorrect in law by the Court of Criminal
18 Appeals; or

19 “(B) a decision, judgment, or order by a
20 military judge, as affirmed or set aside as in-
21 correct in law by the Court of Criminal Ap-
22 peals.”.

23 **SEC. 6812. SUPREME COURT REVIEW.**

24 The second sentence of subsection (a) of section 867a
25 of title 10, United States Code (article 67a of the Uniform

1 Code of Military Justice), is amended by inserting before
2 “Court of Appeals” the following: “United States”.

3 **SEC. 6813. 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 section 865(b) of this title (article 64 or 65(b)),
24 the Judge Advocate General may set aside the findings
25 or sentence, in whole or in part on the grounds of newly

1 discovered evidence, fraud on the court, lack of jurisdiction
2 over the accused or the offense, error prejudicial to the
3 substantial rights of the accused, or the appropriateness
4 of the sentence.

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) Notwithstanding section 866 of this title (article
8 66), in any case reviewed by a Court of Criminal Appeals
9 under subsection (d), the Court may take action only with
10 respect to matters of law.”.

11 **SEC. 6814. APPELLATE DEFENSE COUNSEL IN DEATH PEN-**
12 **ALTY CASES.**

13 Section 870 of title 10, United States Code (article
14 70 of the Uniform Code of Military Justice), is amended
15 by adding at the end the following new subsection:

16 “(f) To the greatest extent practicable, in any capital
17 case, at least one defense counsel under subsection (e)
18 shall, as determined by the Judge Advocate General, be
19 learned in the law applicable to such cases. If necessary,
20 this counsel may be a civilian and, if so, may be com-
21 pensated in accordance with regulations prescribed by the
22 Secretary of Defense.”.

1 **SEC. 6815. 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. 6816. 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. 6817. 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. 6818. 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 LXIX—PUNITIVE** 4 **ARTICLES**

5 **SEC. 6901. REORGANIZATION OF PUNITIVE ARTICLES.**

6 Sections of subchapter X of chapter 47 of title 10,
7 United States Code (articles of the Uniform Code of Mili-
8 tary Justice), are transferred within subchapter X and re-
9 designated as follows:

10 (1) **ENLISTMENT AND SEPARATION.**—Sections
11 883 and 884 (articles 83 and 84) are transferred so
12 as to appear (in that order) after section 904 (arti-
13 cle 104) and are redesignated as sections 904a and
14 904b (articles 104a and 104b), respectively.

15 (2) **RESISTANCE, FLIGHT, BREACH OF ARREST,**
16 **AND ESCAPE.**—Section 895 (article 95) is trans-
17 ferred so as to appear after section 887 (article 87)
18 and is redesignated as section 887a (article 87a).

19 (3) **NONCOMPLIANCE WITH PROCEDURAL**
20 **RULES.**—Section 898 (article 98) is transferred so
21 as to appear after section 931 (article 131) and is
22 redesignated as section 931f (article 131f).

23 (4) **CAPTURED OR ABANDONED PROPERTY.**—
24 Section 903 (article 103) is transferred so as to ap-

1 appear 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.—Section 924 (article 124) is
11 transferred so as to appear after section 928 (article
12 128) and is redesignated as section 928a (article
13 128a).

14 (14) FRAUDS AGAINST THE UNITED STATES.—
15 Section 932 of (article 132) is transferred so as to
16 appear after section 923a (article 123a) and is re-
17 designatd as section 924 (article 124).

18 **SEC. 6902. CONVICTION OF OFFENSE CHARGED, LESSER IN-**

19 **CLUDED OFFENSES, AND ATTEMPTS.**

20 Section 879 of title 10, United States Code (article
21 79 of the Uniform Code of Military Justice), is amended
22 to read as follows:

1 **“§ 879. Art. 79. Conviction of offense charged, lesser**
2 **included offenses, and attempts**

3 “(a) IN GENERAL.—An accused may be found guilty
4 of any of the following:

5 “(1) The offense charged.

6 “(2) A lesser included offense.

7 “(3) An attempt to commit the offense charged.

8 “(4) An attempt to commit a lesser included of-
9 fense, if the attempt is an offense in its own right.

10 “(b) DEFINITION.—In this section (article), the term
11 ‘lesser included offense’ means—

12 “(1) an offense that is necessarily included in
13 the offense charged; and

14 “(2) any lesser included offense so designated
15 by regulation prescribed by the President.

16 “(c) REGULATORY AUTHORITY.—Any designation of
17 a lesser included offense in a regulation referred to in sub-
18 section (b) shall be reasonably included in the greater of-
19 fense.”.

20 **SEC. 6903. SOLICITING COMMISSION OF OFFENSES.**

21 Section 882 of title 10, United States Code (article
22 82 of the Uniform Code of Military Justice), is amended
23 to read as follows:

24 **“§ 882. Art. 82. Soliciting commission of offenses**

25 “(a) SOLICITING COMMISSION OF OFFENSES GEN-
26 ERALLY.—Any person subject to this chapter who solicits

1 or advises another to commit an offense under this chapter
2 (other than an offense specified in subsection (b)) shall
3 be punished as a court-martial may direct.

4 “(b) SOLICITING DESERTION, MUTINY, SEDITION,
5 OR MISBEHAVIOR BEFORE THE ENEMY.—Any person
6 subject to this chapter who solicits or advises another to
7 violate section 885 of this title (article 85), section 894
8 of this title (article 94), or section 899 of this title (article
9 99)—

10 “(1) if the offense solicited or advised is at-
11 tempted or is committed, shall be punished with the
12 punishment provided for the commission of the of-
13 fense; and

14 “(2) if the offense solicited or advised is not at-
15 tempted or committed, shall be punished as a court-
16 martial may direct.”.

17 **SEC. 6904. MALINGERING.**

18 Subchapter X of chapter 47 of title 10, United States
19 Code, is amended by inserting after section 882 (article
20 82 of the Uniform Code of Military Justice), as amended
21 by section 6903, the following new section (article):

22 **“§ 883. Art. 83. Malingering**

23 “Any person subject to this chapter who, with the in-
24 tent to avoid work, duty, or service—

1 “(1) feigns illness, physical disablement, mental
2 lapse, or mental derangement; or
3 “(2) intentionally inflicts self-injury;
4 shall be punished as a court-martial may direct.”.

5 **SEC. 6905. BREACH OF MEDICAL QUARANTINE.**

6 Subchapter X of chapter 47 of title 10, United States
7 Code, is amended by inserting after section 883 (article
8 83 of the Uniform Code of Military Justice), as added by
9 section 6904, the following new section (article):

10 **“§ 884. Art. 84. Breach of medical quarantine**

11 “Any person subject to this chapter—

12 “(1) who is ordered into medical quarantine by
13 a person authorized to issue such order; and

14 “(2) who, with knowledge of the quarantine and
15 the limits of the quarantine, goes beyond those lim-
16 its before being released from the quarantine by
17 proper authority;

18 shall be punished as a court-martial may direct.”.

19 **SEC. 6906. MISSING MOVEMENT; JUMPING FROM VESSEL.**

20 Section 887 of title 10, United States Code (article
21 87 of the Uniform Code of Military Justice), is amended
22 to read as follows:

1 **“§ 887. Art. 87. Missing movement; jumping from ves-**
 2 **sel**

3 “(a) MISSING MOVEMENT.—Any person subject to
 4 this chapter who, through neglect or design, misses the
 5 movement of a ship, aircraft, or unit with which the per-
 6 son is required in the course of duty to move shall be pun-
 7 ished as a court-martial may direct.

8 “(b) JUMPING FROM VESSEL INTO THE WATER.—
 9 Any person subject to this chapter who wrongfully and in-
 10 tentiously jumps into the water from a vessel in use by
 11 the armed forces shall be punished as a court-martial may
 12 direct.”.

13 **SEC. 6907. OFFENSES AGAINST CORRECTIONAL CUSTODY**
 14 **AND RESTRICTION.**

15 Subchapter X of chapter 47 of title 10, United States
 16 Code, is amended by inserting after section 887a (article
 17 87a of the Uniform Code of Military Justice), as trans-
 18 ferred and redesignated by section 6901(2), the following
 19 new section (article):

20 **“§ 887b. Art. 87b. Offenses against correctional cus-**
 21 **tody and restriction**

22 “(a) ESCAPE FROM CORRECTIONAL CUSTODY.—Any
 23 person subject to this chapter—

24 “(1) who is placed in correctional custody by a
 25 person authorized to do so;

1 “(2) who, while in correctional custody, is under
2 physical restraint; and

3 “(3) who escapes from the physical restraint be-
4 fore being released from the physical restraint by
5 proper authority;

6 shall be punished as a court-martial may direct.

7 “(b) BREACH OF CORRECTIONAL CUSTODY.—Any
8 person subject to this chapter—

9 “(1) who is placed in correctional custody by a
10 person authorized to do so;

11 “(2) who, while in correctional custody, is under
12 restraint other than physical restraint; and

13 “(3) who goes beyond the limits of the restraint
14 before being released from the correctional custody
15 or relieved of the restraint by proper authority;

16 shall be punished as a court-martial may direct.

17 “(c) BREACH OF RESTRICTION.—Any person subject
18 to this chapter—

19 “(1) who is ordered to be restricted to certain
20 limits by a person authorized to do so; and

21 “(2) who, with knowledge of the limits of the
22 restriction, goes beyond those limits before being re-
23 leased by proper authority;

24 shall be punished as a court-martial may direct.”.

1 **SEC. 6908. DISRESPECT TOWARD SUPERIOR COMMIS-**
2 **SIONED OFFICER; ASSAULT OF SUPERIOR**
3 **COMMISSIONED OFFICER.**

4 Section 889 of title 10, United States Code (article
5 89 of the Uniform Code of Military Justice), is amended
6 to read as follows:

7 **“§ 889. Art. 89. Disrespect toward superior commis-**
8 **sioned officer; assault of superior com-**
9 **missioned officer**

10 “(a) DISRESPECT.—Any person subject to this chap-
11 ter who behaves with disrespect toward that person’s supe-
12 rior commissioned officer shall be punished as a court-
13 martial may direct.

14 “(b) ASSAULT.—Any person subject to this chapter
15 who strikes that person’s superior commissioned officer or
16 draws or lifts up any weapon or offers any violence against
17 that officer while the officer is in the execution of the offi-
18 cer’s office shall be punished—

19 “(1) if the offense is committed in time of war,
20 by death or such other punishment as a court-mar-
21 tial may direct; and

22 “(2) if the offense is committed at any other
23 time, by such punishment, other than death, as a
24 court-martial may direct.”.

1 **SEC. 6909. WILLFULLY DISOBEYING SUPERIOR COMMIS-**
2 **SIONED OFFICER.**

3 Section 890 of title 10, United States Code (article
4 90 of the Uniform Code of Military Justice), is amended
5 to read as follows:

6 **“§ 890. Art. 90. Willfully disobeying superior commis-**
7 **sioned officer**

8 “Any person subject to this chapter who willfully dis-
9 obeys a lawful command of that person’s superior commis-
10 sioned officer shall be punished—

11 “(1) if the offense is committed in time of war,
12 by death or such other punishment as a court-mar-
13 tial may direct; and

14 “(2) if the offense is committed at any other
15 time, by such punishment, other than death, as a
16 court-martial may direct.”.

17 **SEC. 6910. PROHIBITED ACTIVITIES WITH MILITARY RE-**
18 **CRUIT OR TRAINEE BY PERSON IN POSITION**
19 **OF SPECIAL TRUST.**

20 Subchapter X of chapter 47 of title 10, United States
21 Code, is amended by inserting after section 893 (article
22 93 of the Uniform Code of Military Justice), the following
23 new section (article):

1 **“§ 893a. Art. 93a. Prohibited activities with military**
2 **recruit or trainee by person in position of**
3 **special trust**

4 “(a) ABUSE OF TRAINING LEADERSHIP POSITION.—
5 Any person subject to this chapter—

6 “(1) who is an officer, a noncommissioned offi-
7 cer, or a petty officer;

8 “(2) who is in a training leadership position
9 with respect to a specially protected junior member
10 of the armed forces; and

11 “(3) who engages in prohibited sexual activity
12 with such specially protected junior member of the
13 armed forces;

14 shall be punished as a court-martial may direct.

15 “(b) ABUSE OF POSITION AS MILITARY RE-
16 CRUITER.—Any person subject to this chapter—

17 “(1) who is a military recruiter and engages in
18 prohibited sexual activity with an applicant for mili-
19 tary service; or

20 “(2) who is a military recruiter and engages in
21 prohibited sexual activity with a specially protected
22 junior member of the armed forces who is enlisted
23 under a delayed entry program;

24 shall be punished as a court-martial may direct.

1 “(c) CONSENT.—Consent is not a defense for any
2 conduct at issue in a prosecution under this section (arti-
3 cle).

4 “(d) DEFINITIONS.—In this section (article):

5 “(1) SPECIALLY PROTECTED JUNIOR MEMBER
6 OF THE ARMED FORCES.—The term ‘specially pro-
7 tected junior member of the armed forces’ means—

8 “(A) a member of the armed forces who is
9 assigned to, or is awaiting assignment to, basic
10 training or other initial active duty for training,
11 including a member who is enlisted under a de-
12 layed entry program;

13 “(B) a member of the armed forces who is
14 a cadet, a midshipman, an officer candidate, or
15 a student in any other officer qualification pro-
16 gram; and

17 “(C) a member of the armed forces in any
18 program that, by regulation prescribed by the
19 Secretary concerned, is identified as a training
20 program for initial career qualification.

21 “(2) TRAINING LEADERSHIP POSITION.—The
22 term ‘training leadership position’ means, with re-
23 spect to a specially protected junior member of the
24 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. 6911. 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 6901(8), is amended
7 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. 6912. 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 6911, the following new section (article):

6 **“§ 895a. Art. 95a. Disrespect toward sentinel or look-**
7 **out**

8 “(a) DISRESPECTFUL LANGUAGE TOWARD SEN-
9 TINEL OR LOOKOUT.—Any person subject to this chapter
10 who, knowing that another person is a sentinel or lookout,
11 uses wrongful and disrespectful language that is directed
12 toward and within the hearing of the sentinel or lookout,
13 who is in the execution of duties as a sentinel or lookout,
14 shall be punished as a court-martial may direct.

15 “(b) DISRESPECTFUL BEHAVIOR TOWARD SENTINEL
16 OR LOOKOUT.—Any person subject to this chapter who,
17 knowing that another person is a sentinel or lookout, be-
18 haves in a wrongful and disrespectful manner that is di-
19 rected toward and within the sight of the sentinel or look-
20 out, who is in the execution of duties as a sentinel or look-
21 out, shall be punished as a court-martial may direct.”.

22 **SEC. 6913. RELEASE OF PRISONER WITHOUT AUTHORITY;**
23 **DRINKING WITH PRISONER.**

24 Section 896 of title 10, United States Code (article
25 96 of the Uniform Code of Military Justice), is amended
26 to read as follows:

1 **“§ 896. Art. 96. Release of prisoner without authority;**
2 **drinking with prisoner**

3 “(a) RELEASE OF PRISONER WITHOUT AUTHOR-
4 ITY.—Any person subject to this chapter—

5 “(1) who, without authority to do so, releases
6 a prisoner; or

7 “(2) who, through neglect or design, allows a
8 prisoner to escape;

9 shall be punished as a court-martial may direct, whether
10 or not the prisoner was committed in strict compliance
11 with the law.

12 “(b) DRINKING WITH PRISONER.—Any person sub-
13 ject to this chapter who unlawfully drinks any alcoholic
14 beverage with a prisoner shall be punished as a court-mar-
15 tial may direct.”.

16 **SEC. 6914. PENALTY FOR ACTING AS A SPY.**

17 Section 903 of title 10, United States Code (article
18 103 of the Uniform Code of Military Justice), as trans-
19 ferred and redesignated by section 6901(7), is amended
20 by inserting before the period at the end of the first sen-
21 tence the following: “or such other punishment as a court-
22 martial or a military commission may direct”.

23 **SEC. 6915. PUBLIC RECORDS OFFENSES.**

24 Subchapter X of chapter 47 of title 10, United States
25 Code, is amended by inserting after section 903b (article
26 103b of the Uniform Code of Military Justice), as redesign-

1 nated by section 6901(5), the following new section (arti-
2 cle):

3 **“§ 904. Art. 104. Public records offenses**

4 “Any person subject to this chapter who, willfully and
5 unlawfully—

6 “(1) alters, conceals, removes, mutilates, oblit-
7 erates, or destroys a public record; or

8 “(2) takes a public record with the intent to
9 alter, conceal, remove, mutilate, obliterate, or de-
10 stroy the public record;

11 shall be punished as a court-martial may direct.”.

12 **SEC. 6916. FALSE OR UNAUTHORIZED PASS OFFENSES.**

13 Subchapter X of chapter 47 of title 10, United States
14 Code, is amended by inserting after section 905 (article
15 105 of the Uniform Code of Military Justice), as trans-
16 ferred and redesignated by section 6901(12), the following
17 new section (article):

18 **“§ 905a. Art. 105a. False or unauthorized pass of-
19 fenses**

20 “(a) WRONGFUL MAKING, ALTERING, ETC.—Any
21 person subject to this chapter who, wrongfully and falsely,
22 makes, alters, counterfeits, or tampers with a military or
23 official pass, permit, discharge certificate, or identification
24 card shall be punished as a court-martial may direct.

1 “(b) WRONGFUL SALE, ETC.—Any person subject to
2 this chapter who wrongfully sells, gives, lends, or disposes
3 of a false or unauthorized military or official pass, permit,
4 discharge certificate, or identification card, knowing that
5 the pass, permit, discharge certificate, or identification
6 card is false or unauthorized, shall be punished as a court-
7 martial may direct.

8 “(c) WRONGFUL USE OR POSSESSION.—Any person
9 subject to this chapter who wrongfully uses or possesses
10 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 **SEC. 6917. IMPERSONATION OFFENSES.**

16 Subchapter X of chapter 47 of title 10, United States
17 Code, is amended by inserting after section 905a (article
18 105a of the Uniform Code of Military Justice), as added
19 by section 6916, the following new section (article):

20 **“§ 906. Art. 106. Impersonation of officer, noncommis-**
21 **sioned or petty officer, or agent or offi-**
22 **cial**

23 “(a) IN GENERAL.—Any person subject to this chap-
24 ter who, wrongfully and willfully, impersonates—

1 “(1) an officer, a noncommissioned officer, or a
2 petty officer;

3 “(2) an agent of superior authority of one of
4 the armed forces; or

5 “(3) an official of a government;

6 shall be punished as a court-martial may direct.

7 “(b) IMPERSONATION WITH INTENT TO DEFRAUD.—
8 Any person subject to this chapter who, wrongfully, will-
9 fully, and with intent to defraud, impersonates any person
10 referred to in paragraph (1), (2), or (3) of subsection (a)
11 shall be punished as a court-martial may direct.

12 “(c) IMPERSONATION OF GOVERNMENT OFFICIAL
13 WITHOUT INTENT TO DEFRAUD.—Any person subject to
14 this chapter who, wrongfully, willfully, and without intent
15 to defraud, impersonates an official of a government by
16 committing an act that exercises or asserts the authority
17 of the office that the person claims to have shall be pun-
18 ished as a court-martial may direct.”.

19 **SEC. 6918. INSIGNIA OFFENSES.**

20 Subchapter X of chapter 47 of title 10, United States
21 Code, is amended by inserting after section 906 (article
22 106 of the Uniform Code of Military Justice), as added
23 by section 6917, the following new section (article):

1 **“§ 906a. Art. 106a. Wearing unauthorized insignia,**
2 **decoration, badge, ribbon, device, or**
3 **lapel button**

4 “Any person subject to this chapter—

5 “(1) who is not authorized to wear an insignia,
6 decoration, badge, ribbon, device, or lapel button;
7 and

8 “(2) who wrongfully wears such insignia, deco-
9 ration, badge, ribbon, device, or lapel button upon
10 the person’s uniform or civilian clothing;
11 shall be punished as a court-martial may direct.”.

12 **SEC. 6919. FALSE OFFICIAL STATEMENTS; FALSE SWEAR-**
13 **ING.**

14 Section 907 of title 10, United States Code (article
15 107 of the Uniform Code of Military Justice), is amended
16 to read as follows:

17 **“§ 907. Art. 107. False official statements; false swear-**
18 **ing**

19 “(a) FALSE OFFICIAL STATEMENTS.—Any person
20 subject to this chapter who, with intent to deceive—

21 “(1) signs any false record, return, regulation,
22 order, or other official document, knowing it to be
23 false; or

24 “(2) makes any other false official statement
25 knowing it to be false;

26 shall be punished as a court-martial may direct.

1 “(b) FALSE SWEARING.—Any person subject to this
2 chapter—

3 “(1) who takes an oath that—

4 “(A) is administered in a matter in which
5 such oath is required or authorized by law; and

6 “(B) is administered by a person with au-
7 thority to do so; and

8 “(2) who, upon such oath, makes or subscribes
9 to a statement;

10 if the statement is false and at the time of taking the oath,
11 the person does not believe the statement to be true, shall
12 be punished as a court-martial may direct.”.

13 **SEC. 6920. PAROLE VIOLATION.**

14 Subchapter X of chapter 47 of title 10, United States
15 Code, is amended by inserting after section 907 (article
16 107 of the Uniform Code of Military Justice), as amended
17 by section 6919, the following new section (article):

18 **“§ 907a. Art. 107a. Parole violation**

19 “Any person subject to this chapter—

20 “(1) who, having been a prisoner as the result
21 of a court-martial conviction or other criminal pro-
22 ceeding, is on parole with conditions; and

23 “(2) who violates the conditions of parole;
24 shall be punished as a court-martial may direct.”.

1 **SEC. 6921. WRONGFUL TAKING, OPENING, ETC. OF MAIL**
2 **MATTER.**

3 Subchapter X of chapter 47 of title 10, United States
4 Code, is amended by inserting after section 909 (article
5 109 of the Uniform Code of Military Justice), the fol-
6 lowing new section (article):

7 **“§ 909a. Art. 109a. Mail matter: wrongful taking,**
8 **opening, etc.**

9 “(a) TAKING.—Any person subject to this chapter
10 who, with the intent to obstruct the correspondence of,
11 or to pry into the business or secrets of, any person or
12 organization, wrongfully takes mail matter before the mail
13 matter is delivered to or received by the addressee shall
14 be punished as a court-martial may direct.

15 “(b) OPENING, SECRETING, DESTROYING, STEAL-
16 ING.—Any person subject to this chapter who wrongfully
17 opens, secretes, destroys, or steals mail matter before the
18 mail matter is delivered to or received by the addressee
19 shall be punished as a court-martial may direct.”.

20 **SEC. 6922. IMPROPER HAZARDING OF VESSEL OR AIR-**
21 **CRAFT.**

22 Section 910 of title 10, United States Code (article
23 110 of the Uniform Code of Military Justice), is amended
24 to read as follows:

1 **“§ 910. Art. 110. Improper hazarding of vessel or air-**
2 **craft**

3 “(a) WILLFUL AND WRONGFUL HAZARDING.—Any
4 person subject to this chapter who, willfully and wrong-
5 fully, hazards or suffers to be hazarded any vessel or air-
6 craft of the armed forces shall be punished by death or
7 such other punishment as a court-martial may direct.

8 “(b) NEGLIGENT HAZARDING.—Any person subject
9 to this chapter who negligently hazards or suffers to be
10 hazarded any vessel or aircraft of the armed forces shall
11 be punished as a court-martial may direct.”

12 **SEC. 6923. LEAVING SCENE OF VEHICLE ACCIDENT.**

13 Subchapter X of chapter 47 of title 10, United States
14 Code, is amended by inserting after section 910 (article
15 110 of the Uniform Code of Military Justice), as amended
16 by section 6922, the following new section (article):

17 **“§ 911. Art. 111. Leaving scene of vehicle accident**

18 “(a) DRIVER.—Any person subject to this chapter—

19 “(1) who is the driver of a vehicle that is in-
20 volved in an accident that results in personal injury
21 or property damage; and

22 “(2) who wrongfully leaves the scene of the ac-
23 cident—

24 “(A) without providing assistance to an in-
25 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 “(b) SENIOR PASSENGER.—Any person subject to
6 this chapter—

7 “(1) who is a passenger in a vehicle that is in-
8 volved in an accident that results in personal injury
9 or property damage;

10 “(2) who is the superior commissioned or non-
11 commissioned officer of the driver of the vehicle or
12 is the commander of the vehicle; and

13 “(3) who wrongfully and unlawfully orders,
14 causes, or permits the driver to leave the scene of
15 the accident—

16 “(A) without providing assistance to an in-
17 jured person; or

18 “(B) without providing personal identifica-
19 tion to others involved in the accident or to ap-
20 propriate authorities;
21 shall be punished as a court-martial may direct.”.

1 **SEC. 6924. DRUNKENNESS AND OTHER INCAPACITATION**
2 **OFFENSES.**

3 Section 912 of title 10, United States Code (article
4 112 of the Uniform Code of Military Justice), is amended
5 to read as follows:

6 **“§ 912. Art. 112. Drunkenness and other incapacita-**
7 **tion offenses**

8 “(a) DRUNK ON DUTY.—Any person subject to this
9 chapter who is drunk on duty shall be punished as a court-
10 martial may direct.

11 “(b) INCAPACITATION FOR DUTY FROM DRUNKEN-
12 NESS OR DRUG USE.—Any person subject to this chapter
13 who, as a result of indulgence in any alcoholic beverage
14 or any drug, is incapacitated for the proper performance
15 of duty shall be punished as a court-martial may direct.

16 “(c) DRUNK PRISONER.—Any person subject to this
17 chapter who is a prisoner and, while in such status, is
18 drunk shall be punished as a court-martial may direct.”.

19 **SEC. 6925. LOWER BLOOD ALCOHOL CONTENT LIMITS FOR**
20 **CONVICTION OF DRUNKEN OR RECKLESS OP-**
21 **ERATION OF VEHICLE, AIRCRAFT, OR VES-**
22 **SEL.**

23 Subsection (b)(3) of section 913 of title 10, United
24 States Code (article 113 of the Uniform Code of Military
25 Justice), as transferred and redesignated by section
26 6901(9), is amended—

1 (1) by striking “0.10 grams” both places it ap-
2 pears and inserting “0.08 grams”; and

3 (2) by adding at the end the following new sen-
4 tence: “The Secretary may by regulation prescribe
5 limits that are lower than the limits specified in the
6 preceding sentence, if such lower limits are based on
7 scientific developments, as reflected in Federal law
8 of general applicability.”.

9 **SEC. 6926. ENDANGERMENT OFFENSES.**

10 Section 914 of title 10, United States Code (article
11 114 of the Uniform Code of Military Justice), is amended
12 to read as follows:

13 **“§ 914. Art. 114. Endangerment offenses**

14 “(a) RECKLESS ENDANGERMENT.—Any person sub-
15 ject to this chapter who engages in conduct that—

16 “(1) is wrongful and reckless or is wanton; and

17 “(2) is likely to produce death or grievous bod-
18 ily harm to another person;

19 shall be punished as a court-martial may direct.

20 “(b) DUELING.—Any person subject to this chap-
21 ter—

22 “(1) who fights or promotes, or is concerned in
23 or connives at fighting a duel; or

1 “(2) who, having knowledge of a challenge sent
2 or about to be sent, fails to report the facts promptly
3 to the proper authority;
4 shall be punished as a court-martial may direct.

5 “(c) FIREARM DISCHARGE, ENDANGERING HUMAN
6 LIFE.—Any person subject to this chapter who, willfully
7 and wrongly, discharges a firearm, under circumstances
8 such as to endanger human life shall be punished as a
9 court-martial may direct.

10 “(d) CARRYING CONCEALED WEAPON.—Any person
11 subject to this chapter who unlawfully carries a dangerous
12 weapon concealed on or about his person shall be punished
13 as a court-martial may direct.”.

14 **SEC. 6927. COMMUNICATING THREATS.**

15 Section 915 of title 10, United States Code (article
16 115 of the Uniform Code of Military Justice), is amended
17 to read as follows:

18 **“§ 915. Art. 115. Communicating threats**

19 “(a) COMMUNICATING THREATS GENERALLY.—Any
20 person subject to this chapter who wrongfully commu-
21 nicates a threat to injure the person, property, or reputa-
22 tion of another shall be punished as a court-martial may
23 direct.

24 “(b) COMMUNICATING THREAT TO USE EXPLOSIVE,
25 ETC.—Any person subject to this chapter who wrongfully

1 communicates a threat to injure the person or property
2 of another by use of (1) an explosive, (2) a weapon of
3 mass destruction, (3) a biological or chemical agent, sub-
4 stance, or weapon, or (4) a hazardous material, shall be
5 punished as a court-martial may direct.

6 “(c) **COMMUNICATING FALSE THREAT CONCERNING**
7 **USE OF EXPLOSIVE, ETC.**—Any person subject to this
8 chapter who maliciously communicates a false threat con-
9 cerning injury to the person or property of another by use
10 of (1) an explosive, (2) a weapon of mass destruction, (3)
11 a biological or chemical agent, substance, or weapon, or
12 (4) a hazardous material, shall be punished as a court-
13 martial may direct. As used in the preceding sentence, the
14 term ‘false threat’ means a threat that, at the time the
15 threat is communicated, is known to be false by the person
16 communicating the threat.”.

17 **SEC. 6928. TECHNICAL AMENDMENT RELATING TO MUR-**
18 **DER.**

19 Section 918(4) of title 10, United States Code (article
20 118(4) of the Uniform Code of Military Justice), is
21 amended by striking “forcible sodomy,”.

22 **SEC. 6929. CHILD ENDANGERMENT.**

23 Subchapter X of chapter 47 of title 10, United States
24 Code, is amended by inserting after section 919a (article

1 119a of the Uniform Code of Military Justice), the fol-
2 lowing new section (article):

3 **“§ 919b. Art. 119b. Child endangerment**

4 “Any person subject to this chapter—

5 “(1) who has a duty for the care of a child
6 under the age of 16 years; and

7 “(2) who, through design or culpable neg-
8 ligence, endangers the child’s mental or physical
9 health, safety, or welfare;

10 shall be punished as a court-martial may direct.”.

11 **SEC. 6930. DEPOSIT OF OBSCENE MATTER IN THE MAIL.**

12 Subchapter X of chapter 47 of title 10, United States
13 Code, is amended by inserting after section 920 (article
14 120 of the Uniform Code of Military Justice), the fol-
15 lowing new section (article):

16 **“§ 920a. Art. 120a. Mails: deposit of obscene matter**

17 “Any person subject to this chapter who, wrongfully
18 and knowingly, deposits obscene matter for mailing and
19 delivery shall be punished as a court-martial may direct.”.

20 **SEC. 6931. FRAUDULENT USE OF CREDIT CARDS, DEBIT**
21 **CARDS, AND OTHER ACCESS DEVICES.**

22 Subchapter X of chapter 47 of title 10, United States
23 Code, is amended by inserting after section 921 (article
24 121 of the Uniform Code of Military Justice), the fol-
25 lowing new section (article):

1 **“§ 921a. Art. 121a. Fraudulent use of credit cards,**
2 **debit cards, and other access devices**

3 “(a) IN GENERAL.—Any person subject to this chap-
4 ter who, with intent to defraud, uses—

5 “(1) a stolen credit card, debit card, or other
6 access device;

7 “(2) a revoked, cancelled, or otherwise invalid
8 credit card, debit card, or other access device; or

9 “(3) a credit card, debit card, or other access
10 device without the authorization of a person whose
11 authorization is required for such use;

12 to obtain money, property, services, or anything else of
13 value shall be punished as a court-martial may direct.

14 “(b) DEFINITION.—In this section (article), the term
15 ‘access device’ has the meaning given that term in section
16 1029 of title 18.”

17 **SEC. 6932. FALSE PRETENSES TO OBTAIN SERVICES.**

18 Subchapter X of chapter 47 of title 10, United States
19 Code, is amended by inserting after section 921a (article
20 121a of the Uniform Code of Military Justice), as added
21 by section 6931, the following new section (article):

22 **“§ 921b. Art. 121b. False pretenses to obtain services**

23 “Any person subject to this chapter who, with intent
24 to defraud, knowingly uses false pretenses to obtain serv-
25 ices shall be punished as a court-martial may direct.”

1 **SEC. 6933. ROBBERY.**

2 Section 922 of title 10, United States Code (article
3 122 of the Uniform Code of Military Justice), is amended
4 to read as follows:

5 **“§ 922. Art. 122. Robbery**

6 “Any person subject to this chapter who takes any-
7 thing of value from the person or in the presence of an-
8 other, against his will, by means of force or violence or
9 fear of immediate or future injury to his person or prop-
10 erty or to the person or property of a relative or member
11 of his family or of anyone in his company at the time of
12 the robbery, is guilty of robbery and shall be punished as
13 a court-martial may direct.”.

14 **SEC. 6934. RECEIVING STOLEN PROPERTY.**

15 Subchapter X of chapter 47 of title 10, United States
16 Code, is amended by inserting after section 922 (article
17 122 of the Uniform Code of Military Justice), as amended
18 by section 6933, the following new section (article):

19 **“§ 922a. Art. 122a. Receiving stolen property**

20 “Any person subject to this chapter who wrongfully
21 receives, buys, or conceals stolen property, knowing the
22 property to be stolen property, shall be punished as a
23 court-martial may direct.”.

1 **SEC. 6935. OFFENSES CONCERNING GOVERNMENT COM-**
2 **PUTERS.**

3 Subchapter X of chapter 47 of title 10, United States
4 Code, is amended by inserting after section 922a (article
5 122a of the Uniform Code of Military Justice), as added
6 by section 6934, the following new section (article):

7 **“§ 923. Art. 123. Offenses concerning government**
8 **computers**

9 “(a) IN GENERAL.—Any person subject to this chap-
10 ter who—

11 “(1) knowingly accesses a Government com-
12 puter, with an unauthorized purpose, and by doing
13 so obtains classified information, with reason to be-
14 lieve such information could be used to the injury of
15 the United States, or to the advantage of any for-
16 eign nation, and intentionally communicates, deliv-
17 ers, transmits, or causes to be communicated, deliv-
18 ered, or transmitted such information to any person
19 not entitled to receive it;

20 “(2) intentionally accesses a Government com-
21 puter, with an unauthorized purpose, and thereby
22 obtains classified or other protected information
23 from any such Government computer; or

24 “(3) knowingly causes the transmission of a
25 program, information, code, or command, and as a

1 result of such conduct, intentionally causes damage
2 without authorization, to a Government computer;
3 shall be punished as a court-martial may direct.

4 “(b) DEFINITIONS.—In this section:

5 “(1) The term ‘computer’ has the meaning
6 given that term in section 1030 of title 18.

7 “(2) The term ‘Government computer’ means a
8 computer owned or operated by or on behalf of the
9 United States Government.

10 “(3) The term ‘damage’ has the meaning given
11 that term in section 1030 of title 18.”

12 **SEC. 6936. BRIBERY.**

13 Subchapter X of chapter 47 of title 10, United States
14 Code, is amended by inserting after section 924 (article
15 124 of the Uniform Code of Military Justice), as trans-
16 ferred and redesignated by section 6901(14), the following
17 new section (article):

18 **“§ 924a. Art. 124a. Bribery**

19 “(a) ASKING, ACCEPTING, OR RECEIVING THING OF
20 VALUE.—Any person subject to this chapter—

21 “(1) who occupies an official position or who
22 has official duties; and

23 “(2) who wrongfully asks, accepts, or receives a
24 thing of value with the intent to have the person’s

1 decision or action influenced with respect to an offi-
2 cial matter in which the United States is interested;
3 shall be punished as a court-martial may direct.

4 “(b) PROMISING, OFFERING, OR GIVING THING OF
5 VALUE.—Any person subject to this chapter who wrong-
6 fully promises, offers, or gives a thing of value to another
7 person, who occupies an official position or who has offi-
8 cial duties, with the intent to influence the decision or ac-
9 tion of the other person with respect to an official matter
10 in which the United States is interested, shall be punished
11 as a court-martial may direct.”.

12 **SEC. 6937. GRAFT.**

13 Subchapter X of chapter 47 of title 10, United States
14 Code, is amended by inserting after section 924a (article
15 124a of the Uniform Code of Military Justice), as added
16 by section 6936, the following new section (article):

17 **“§ 924b. Art. 124b. Graft**

18 “(a) ASKING, ACCEPTING, OR RECEIVING THING OF
19 VALUE.—Any person subject to this chapter—

20 “(1) who occupies an official position or who
21 has official duties; and

22 “(2) who wrongfully asks, accepts, or receives a
23 thing of value as compensation for or in recognition
24 of services rendered or to be rendered by the person

1 with respect to an official matter in which the
2 United States is interested;
3 shall be punished as a court-martial may direct.

4 “(b) PROMISING, OFFERING, OR GIVING THING OF
5 VALUE.—Any person subject to this chapter who wrong-
6 fully promises, offers, or gives a thing of value to another
7 person, who occupies an official position or who has offi-
8 cial duties, as compensation for or in recognition of serv-
9 ices rendered or to be rendered by the other person with
10 respect to an official matter in which the United States
11 is interested, shall be punished as a court-martial may di-
12 rect.”.

13 **SEC. 6938. KIDNAPPING.**

14 Section 925 of title 10, United States Code (article
15 125 of the Uniform Code of Military Justice), is amended
16 to read as follows:

17 **“§ 925. Art. 125. Kidnapping**

18 “Any person subject to this chapter who wrongfully—

19 “(1) seizes, confines, inveigles, decoys, or car-
20 ries away another person; and

21 “(2) holds the other person against that per-
22 son’s will;

23 shall be punished as a court-martial may direct.”.

1 **SEC. 6939. ARSON; BURNING PROPERTY WITH INTENT TO**
2 **DEFRAUD.**

3 Section 926 of title 10, United States Code (article
4 126 of the Uniform Code of Military Justice), is amended
5 to read as follows:

6 **“§ 926. Art. 126. Arson; burning property with intent**
7 **to defraud**

8 “(a) AGGRAVATED ARSON.—Any person subject to
9 this chapter who, willfully and maliciously, burns or sets
10 on fire an inhabited dwelling, or any other structure, mov-
11 able or immovable, wherein, to the knowledge of that per-
12 son, there is at the time a human being, is guilty of aggra-
13 vated arson and shall be punished as a court-martial may
14 direct.

15 “(b) SIMPLE ARSON.—Any person subject to this
16 chapter who, willfully and maliciously, burns or sets fire
17 to the property of another is guilty of simple arson and
18 shall be punished as a court-martial may direct.

19 “(c) BURNING PROPERTY WITH INTENT TO DE-
20 FRAUD.—Any person subject to this chapter who, willfully,
21 maliciously, and with intent to defraud, burns or sets fire
22 to any property shall be punished as a court-martial may
23 direct.”.

1 **SEC. 6940. ASSAULT.**

2 Section 928 of title 10, United States Code (article
3 128 of the Uniform Code of Military Justice), is amended
4 to read as follows:

5 **“§ 928. Art. 128. Assault**

6 “(a) ASSAULT.—Any person subject to this chapter
7 who, unlawfully and with force or violence—

8 “(1) attempts to do bodily harm to another per-
9 son;

10 “(2) offers to do bodily harm to another person;

11 or

12 “(3) does bodily harm to another person;

13 is guilty of assault and shall be punished as a court-mar-
14 tial may direct.

15 “(b) AGGRAVATED ASSAULT.—Any person subject to
16 this chapter—

17 “(1) who, with the intent to do bodily harm, of-
18 fers to do bodily harm with a dangerous weapon; or

19 “(2) who, in committing an assault, inflicts sub-
20 stantial bodily harm, or grievous bodily harm on an-
21 other person;

22 is guilty of aggravated assault and shall be punished as
23 a court-martial may direct.

24 “(c) ASSAULT WITH INTENT TO COMMIT SPECIFIED
25 OFFENSES.—

1 “(1) IN GENERAL.—Any person subject to this
2 chapter who commits assault with intent to commit
3 an offense specified in paragraph (2) shall be pun-
4 ished as a court-martial may direct.

5 “(2) OFFENSES SPECIFIED.—The offenses re-
6 ferred to in paragraph (1) are murder, voluntary
7 manslaughter, rape, sexual assault, rape of a child,
8 sexual assault of a child, robbery, arson, burglary,
9 and kidnapping.”.

10 **SEC. 6941. BURGLARY AND UNLAWFUL ENTRY.**

11 Section 929 of title 10, United States Code (article
12 129 of the Uniform Code of Military Justice), and section
13 929a of such title (article 129a), as redesignated by sec-
14 tion 6901(10), are amended to read as follows:

15 **“§ 929. Art. 129. Burglary; unlawful entry**

16 “(a) BURGLARY.—Any person subject to this chapter
17 who, with intent to commit an offense under this chapter,
18 breaks and enters the building or structure of another
19 shall be punished as a court-martial may direct.

20 “(b) UNLAWFUL ENTRY.—Any person subject to this
21 chapter who unlawfully enters—

22 “(1) the real property of another; or

23 “(2) the personal property of another which
24 amounts to a structure usually used for habitation
25 or storage;

1 shall be punished as a court-martial may direct.”.

2 **SEC. 6942. STALKING.**

3 Section 930 of title 10, United States Code (article
4 130 of the Uniform Code of Military Justice), as trans-
5 ferred and redesignated by section 6901(11), is amended
6 to read as follows:

7 **“§ 930. Art. 130. Stalking**

8 “(a) IN GENERAL.—Any person subject to this chap-
9 ter—

10 “(1) who wrongfully engages in a course of con-
11 duct directed at a specific person that would cause
12 a reasonable person to fear death or bodily harm, in-
13 cluding sexual assault, to himself or herself, to a
14 member of his or her immediate family, or to his or
15 her intimate partner;

16 “(2) who has knowledge, or should have knowl-
17 edge, that the specific person will be placed in rea-
18 sonable fear of death or bodily harm, including sex-
19 ual assault, to himself or herself, to a member of his
20 or her immediate family, or to his or her intimate
21 partner; and

22 “(3) whose conduct induces reasonable fear in
23 the specific person of death or bodily harm, includ-
24 ing sexual assault, to himself or herself, to a mem-

1 ber of his or her immediate family, or to his or her
2 intimate partner;
3 is guilty of stalking and shall be punished as a court-mar-
4 tial may direct.

5 “(b) DEFINITIONS.—In this section:

6 “(1) The term ‘conduct’ means conduct of any
7 kind, including use of surveillance, the mails, an
8 interactive computer service, an electronic commu-
9 nication service, or an electronic communication sys-
10 tem.

11 “(2) The term ‘course of conduct’ means—

12 “(A) a repeated maintenance of visual or
13 physical proximity to a specific person;

14 “(B) a repeated conveyance of verbal
15 threat, written threats, or threats implied by
16 conduct, or a combination of such threats, di-
17 rected at or toward a specific person; or

18 “(C) a pattern of conduct composed of re-
19 peated acts evidencing a continuity of purpose.

20 “(3) The term ‘repeated’, with respect to con-
21 duct, means two or more occasions of such conduct.

22 “(4) The term ‘immediate family’, in the case
23 of a specific person, means—

1 “(A) that person’s spouse, parent, brother
2 or sister, child, or other person to whom he or
3 she stands in loco parentis; or

4 “(B) any other person living in his or her
5 household and related to him or her by blood or
6 marriage.

7 “(5) The term ‘intimate partner’ in the case of
8 a specific person, means—

9 “(A) a former spouse of the specific per-
10 son, a person who shares a child in common
11 with the specific person, or a person who cohab-
12 its with or has cohabited as a spouse with the
13 specific person; or

14 “(B) a person who has been in a social re-
15 lationship of a romantic or intimate nature with
16 the specific person, as determined by the length
17 of the relationship, the type of relationship, and
18 the frequency of interaction between the per-
19 sons involved in the relationship.”.

20 **SEC. 6943. SUBORNATION OF PERJURY.**

21 Subchapter X of chapter 47 of title 10, United States
22 Code, is amended by inserting after section 931 (article
23 131 of the Uniform Code of Military Justice), the fol-
24 lowing new section (article):

1 **“§ 931a. Art. 131a. Subornation of perjury**

2 “(a) IN GENERAL.—Any person subject to this chap-
3 ter who induces and procures another person—

4 “(1) to take an oath; and

5 “(2) to falsely testify, depose, or state upon
6 such oath;

7 shall, if the conditions specified in subsection (b) are satis-
8 fied, be punished as a court-martial may direct.

9 “(b) CONDITIONS.—The conditions referred to in
10 subsection (a) are the following:

11 “(1) The oath is administered with respect to
12 a matter for which such oath is required or author-
13 ized by law.

14 “(2) The oath is administered by a person hav-
15 ing authority to do so.

16 “(3) Upon the oath, the other person willfully
17 makes or subscribes a statement.

18 “(4) The statement is material.

19 “(5) The statement is false.

20 “(6) When the statement is made or subscribed,
21 the person subject to this chapter and the other per-
22 son do not believe that the statement is true.”.

23 **SEC. 6944. OBSTRUCTING JUSTICE.**

24 Subchapter X of chapter 47 of title 10, United States
25 Code, is amended by inserting after section 931a (article

1 131a of the Uniform Code of Military Justice), as added
2 by section 6943, the following new section (article):

3 **“§ 931b. Art. 131b. Obstructing justice**

4 “Any person subject to this chapter who engages in
5 conduct in the case of a certain person against whom the
6 accused had reason to believe there were or would be
7 criminal or disciplinary proceedings pending, with intent
8 to influence, impede, or otherwise obstruct the due admin-
9 istration of justice shall be punished as a court-martial
10 may direct.”.

11 **SEC. 6945. MISPRISION OF SERIOUS OFFENSE.**

12 Subchapter X of chapter 47 of title 10, United States
13 Code, is amended by inserting after section 931b (article
14 131b of the Uniform Code of Military Justice), as added
15 by section 6944, the following new section (article):

16 **“§ 931c. Art. 131c. Misprision of serious offense**

17 “Any person subject to this chapter—

18 “(1) who knows that another person has com-
19 mitted a serious offense; and

20 “(2) wrongfully conceals the commission of the
21 offense and fails to make the commission of the of-
22 fense known to civilian or military authorities as
23 soon as possible;

24 shall be punished as a court-martial may direct.”.

1 **SEC. 6946. WRONGFUL REFUSAL TO TESTIFY.**

2 Subchapter X of chapter 47 of title 10, United States
3 Code, is amended by inserting after section 931c (article
4 131c of the Uniform Code of Military Justice), as added
5 by section 6945, the following new section (article):

6 **“§ 931d. Art. 131d. Wrongful refusal to testify**

7 “Any person subject to this chapter who, in the pres-
8 ence of a court-martial, a board of officers, a military com-
9 mission, a court of inquiry, preliminary hearing, or an offi-
10 cer taking a deposition, of or for the United States, wrong-
11 fully refuses to qualify as a witness or to answer a ques-
12 tion after having been directed to do so by the person pre-
13 siding shall be punished as a court-martial may direct.”.

14 **SEC. 6947. PREVENTION OF AUTHORIZED SEIZURE OF**
15 **PROPERTY.**

16 Subchapter X of chapter 47 of title 10, United States
17 Code, is amended by inserting after section 931d (article
18 131d of the Uniform Code of Military Justice), as added
19 by section 6946, the following new section (article):

20 **“§ 931e. Art. 131e. Prevention of authorized seizure of**
21 **property**

22 “Any person subject to this chapter who, knowing
23 that one or more persons authorized to make searches and
24 seizures are seizing, are about to seize, or are endeavoring
25 to seize property, destroys, removes, or otherwise disposes

1 of the property with intent to prevent the seizure thereof
2 shall be punished as a court-martial may direct.”.

3 **SEC. 6948. WRONGFUL INTERFERENCE WITH ADVERSE AD-**
4 **MINISTRATIVE PROCEEDING.**

5 Subchapter X of chapter 47 of title 10, United States
6 Code, is amended by inserting after section 931f (article
7 131f of the Uniform Code of Military Justice), as trans-
8 ferred and redesignated by section 6901(3), the following
9 new section (article):

10 **“§ 931g. Art. 131g. Wrongful interference with ad-**
11 **verse administrative proceeding**

12 “Any person subject to this chapter who, having rea-
13 son to believe that an adverse administrative proceeding
14 is pending against any person subject to this chapter,
15 wrongfully acts with the intent—

16 “(1) to influence, impede, or obstruct the con-
17 duct of the proceeding; or

18 “(2) otherwise to obstruct the due administra-
19 tion of justice;

20 shall be punished as a court-martial may direct.”.

21 **SEC. 6949. RETALIATION.**

22 Subchapter X of chapter 47 of title 10, United States
23 Code, is amended by inserting after section 931g (article
24 131g of the Uniform Code of Military Justice), as added
25 by section 6948, the following new section (article):

1 **“§ 932. Art. 132. Retaliation**

2 “Any person subject to this chapter who, with the in-
3 tent to retaliate against any person for reporting or plan-
4 ning to report a criminal offense, or with the intent to
5 discourage any person from reporting a criminal offense—

6 “(1) wrongfully takes or threatens to take an
7 adverse personnel action against any person; or

8 “(2) wrongfully withholds or threatens to with-
9 hold a favorable personnel action with respect to any
10 person;

11 shall be punished as a court-martial may direct.”.

12 **SEC. 6950. EXTRATERRITORIAL APPLICATION OF CERTAIN**
13 **OFFENSES.**

14 Section 934 of title 10, United States Code (article
15 134 of the Uniform Code of Military Justice), is amended
16 by adding at the end the following new sentence: “As used
17 in the preceding sentence, the term ‘crimes and offenses
18 not capital’ includes any conduct engaged in outside the
19 United States, as defined in section 5 of title 18, that
20 would constitute a crime or offense not capital if the con-
21 duct had been engaged in within the special maritime and
22 territorial jurisdiction of the United States, as defined in
23 section 7 of title 18.”.

1 **SEC. 6951. TABLE OF SECTIONS.**

2 The table of sections at the beginning of subchapter
3 X of chapter 47 of title 10, United States Code, is amend-
4 ed to read as follows:

“Sec. Art.

“877. 77. Principals.

“878. 78. Accessory after the fact.

“879. 79. Conviction of offense charged, lesser included offenses, and attempts.

“880. 80. Attempts.

“881. 81. Conspiracy.

“882. 82. Soliciting commission of offenses.

“883. 83. Malingering.

“884. 84. Breach of medical quarantine.

“885. 85. Desertion.

“886. 86. Absence without leave.

“887. 87. Missing movement; jumping from vessel.

“887a. 87a. Resistance, flight, breach of arrest, and escape.

“887b. 87b. Offenses against correctional custody and restriction.

“888. 88. Contempt toward officials.

“889. 89. Disrespect toward superior commissioned officer; assault of superior
commissioned officer.

“890. 90. Willfully disobeying superior commissioned officer.

“891. 91. Insubordinate conduct toward warrant officer, noncommissioned offi-
cer, or petty officer.

“892. 92. Failure to obey order or regulation.

“893. 93. Cruelty and maltreatment.

“893a. 93a. Prohibited activities with military recruit or trainee by person in
position of special trust.

“894. 94. Mutiny or sedition.

“895. 95. Offenses by sentinel or lookout.

“895a. 95a. Disrespect toward sentinel or lookout.

“896. 96. Release of prisoner without authority; drinking with prisoner.

“897. 97. Unlawful detention.

“898. 98. Misconduct as prisoner.

“899. 99. Misbehavior before the enemy.

“900. 100. Subordinate compelling surrender.

“901. 101. Improper use of countersign.

“902. 102. Forcing a safeguard.

“903. 103. Spies.

“903a. 103a. Espionage.

“903b. 103b. Aiding the enemy.

“904. 104. Public records offenses.

“904a. 104a. Fraudulent enlistment, appointment, or separation.

“904b. 104b. Unlawful enlistment, appointment, or separation.

“905. 105. Forgery.

“905a. 105a. False or unauthorized pass offenses.

“906. 106. Impersonation of officer, noncommissioned or petty officer, or agent
of official.

“906a. 106a. Wearing unauthorized insignia, decoration, badge, ribbon, device,
or lapel button.

“907. 107. False official statements; false swearing.

- “907a. 107a. Parole violation.
- “908. 108. Military property of United States—Loss, damage, destruction, or wrongful, disposition.
- “908a. 108a. Captured or abandoned property.
- “909. 109. Property other than military property of United States—Waste, spoilage, or destruction.
- “909a. 109a. Mail matter: wrongful taking, opening, etc.
- “910. 110. Improper hazarding of vessel or aircraft.
- “911. 111. Leaving scene of vehicle accident.
- “912. 112. Drunkenness and other incapacitation offenses.
- “912a. 112a. Wrongful use, possession, etc., of controlled substances.
- “913. 113. Drunken or reckless operation of vehicle, aircraft, or vessel.
- “914. 114. Endangerment offenses.
- “915. 115. Communicating threats.
- “916. 116. Riot or breach of peace.
- “917. 117. Provoking speeches or gestures.
- “918. 118. Murder.
- “919. 119. Manslaughter.
- “919a. 119a. Death or injury of an unborn child.
- “919b. 119b. Child endangerment.
- “920. 120. Rape and sexual assault generally.
- “920a. 120a. Mails: deposit of obscene matter.
- “920b. 120b. Rape and sexual assault of a child.
- “920c. 120c. Other sexual misconduct.
- “921. 121. Larceny and wrong appropriation.
- “921a. 121a. Fraudulent use of credit cards, debit cards, and other access devices.
- “921b. 121b. False pretenses to obtain services.
- “922. 122. Robbery.
- “922a. 122a. Receiving stolen property.
- “923. 213. Offenses concerning Government computers.
- “923a. 123a. Making, drawing, or uttering check, draft, or order without sufficient funds.
- “924. 124. Frauds against the United States.
- “924a. 124. Bribery.
- “924b. 124b. Graft.
- “925. 125. Kidnapping.
- “926. 126. Arson; burning property with intent to defraud.
- “927. 127. Extortion.
- “928. 128. Assault.
- “928a. 128a. Maiming.
- “929. 129. Burglary; unlawful entry.
- “930. 130. Stalking.
- “931. 131. Perjury.
- “931a. 131a. Subornation of perjury.
- “931b. 131b. Obstruction justice.
- “931c. 131c. Misprision of serious offense.
- “931d. 131d. Wrongful refusal to testify.
- “931e. 131e. Prevention of authorized seizure of property.
- “931f. 131f. Noncompliance with procedural rules.
- “931g. 131g. Wrongful interference with adverse administrative proceeding.
- “932. 132. Retaliation.
- “933. 133. Conduct unbecoming an officer and a gentleman.
- “934. 134. General article.”.

1 **TITLE LXX—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 7001. TECHNICAL AMENDMENT RELATING TO COURTS**
4 **OF INQUIRY.**

5 Section 935(c) of title 10, United States Code (article
6 135(c) of the Uniform Code of Military Justice), is amend-
7 ed—

8 (1) by striking “(c) Any person” and inserting
9 “(c)(1) Any person”;

10 (2) by designating the second and third sen-
11 tences as paragraphs (2) and (3), respectively; and

12 (3) in paragraph (2), as so designated, by strik-
13 ing “subject to this chapter or employed by the De-
14 partment of Defense” and inserting “who is (A) sub-
15 ject to this chapter, (B) employed by the Depart-
16 ment of Defense, or (C) with respect to the Coast
17 Guard, employed by the department in which the
18 Coast Guard is operating when it is not operating as
19 a service in the Navy, and”.

20 **SEC. 7002. TECHNICAL AMENDMENT TO ARTICLE 136.**

21 Section 936 of title 10, United States Code (article
22 136 of the Uniform Code of Military Justice), is amended
23 by striking the last five words in the section heading.

1 **SEC. 7003. 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 inserting after subsection (a) the fol-
14 lowing 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 combatant command, who
8 have such authority, shall receive additional specialized
9 training regarding the purposes and administration of this
10 chapter.

11 “(d) AVAILABILITY AND MAINTENANCE OF TEXT.—
12 The text of this chapter (the Uniform Code of Military
13 Justice) and the text of the regulations prescribed by the
14 President under this chapter shall be—

15 “(1) made available to a member on active duty
16 or to a member of a reserve component, upon re-
17 quest by the member, for the member’s personal ex-
18 amination; and

19 “(2) maintained by the Secretary of Defense in
20 electronic formats that are updated periodically and
21 made available on the Internet.”.

22 **SEC. 7004. MILITARY JUSTICE CASE MANAGEMENT; DATA**
23 **COLLECTION AND ACCESSIBILITY.**

24 (a) IN GENERAL.—Subchapter XI of chapter 47 of
25 title 10, United States Code (the Uniform Code of Military

1 Justice), is amended by adding at the end the following
2 new section (article):

3 **“§ 940a. Art. 140a. Case management; data collection**
4 **and accessibility**

5 “The Secretary of Defense shall prescribe uniform
6 standards and criteria for conduct of each of the following
7 functions at all stages of the military justice system, in-
8 cluding pretrial, trial, post-trial, and appellate processes,
9 using, insofar as practicable, the best practices of Federal
10 and State courts:

11 “(1) Collection and analysis of data concerning
12 substantive offenses and procedural matters in a
13 manner that facilitates case management and deci-
14 sion making within the military justice system, and
15 that enhances the quality of periodic reviews under
16 section 946 of this title (article 146).

17 “(2) Case processing and management.

18 “(3) Timely, efficient, and accurate production
19 and distribution of records of trial within the mili-
20 tary justice system.

21 “(4) Facilitation of access to docket informa-
22 tion, filings, and records, taking into consideration
23 restrictions appropriate to judicial proceedings and
24 military records.”.

1 (b) EFFECTIVE DATES.—(1) Not later than 2 years
2 after the date of the enactment of this Act, the Secretary
3 of Defense shall carry out section 940a of title 10, United
4 States Code (article 140a of the Uniform Code of Military
5 Justice), as added by subsection (a).

6 (2) Not later than 4 years after the date of the enact-
7 ment of this Act, the standards and criteria under section
8 940a of title 10, United States Code (article 140a of the
9 Uniform Code of Military Justice), as added by subsection
10 (a), shall take effect.

11 **SEC. 7005. RETURN OF CERTAIN LANDS AT FORT WINGATE**
12 **TO THE ORIGINAL INHABITANTS ACT.**

13 (a) SHORT TITLE.—This section may be cited as the
14 “Return of Certain Lands At Fort Wingate to The Original
15 Inhabitants Act”.

16 (b) DIVISION AND TREATMENT OF LANDS OF
17 FORMER FORT WINGATE DEPOT ACTIVITY, NEW MEX-
18 ICO, TO BENEFIT THE ZUNI TRIBE AND NAVAJO NA-
19 TION.—

20 (1) IMMEDIATE TRUST ON BEHALF OF ZUNI
21 TRIBE; EXCEPTION.—Subject to valid existing rights
22 and to easements reserved pursuant to subsection
23 (c), all right, title, and interest of the United States
24 in and to the lands of Former Fort Wingate Depot
25 Activity depicted in dark blue on the map titled

1 “The Fort Wingate Depot Activity Negotiated Prop-
2 erty Division April 2016” (in this section referred to
3 as the “Map”) and transferred to the Secretary of
4 the Interior are to be held in trust by the Secretary
5 of the Interior for the Zuni Tribe as part of the
6 Zuni Reservation, unless the Zuni Tribe otherwise
7 elects under clause (ii) of paragraph (3)(C) to have
8 the parcel conveyed to it in Restricted Fee Status.

9 (2) IMMEDIATE TRUST ON BEHALF OF THE
10 NAVAJO NATION; EXCEPTION.—Subject to valid ex-
11 isting rights and to easements reserved pursuant to
12 subsection (c), all right, title, and interest of the
13 United States in and to the lands of Former Fort
14 Wingate Depot Activity depicted in dark green on
15 the Map and transferred to the Secretary of the In-
16 terior are to be held in trust by the Secretary of the
17 Interior for the Navajo Nation as part of the Navajo
18 Reservation, unless the Navajo Nation otherwise
19 elects under clause (ii) of paragraph (3)(C) to have
20 the parcel conveyed to it in Restricted Fee Status.

21 (3) SUBSEQUENT TRANSFER AND TRUST; RE-
22 STRICTED FEE STATUS ALTERNATIVE.—

23 (A) TRANSFER UPON COMPLETION OF RE-
24 MEDIATION.—Not later than 60 days after the
25 date on which the Secretary of the Army, with

1 the concurrence of the New Mexico Environ-
2 ment Department, notifies the Secretary of the
3 Interior that remediation of a parcel of land of
4 Former Fort Wingate Depot Activity has been
5 completed consistent with subsection (d), the
6 Secretary of the Army shall transfer adminis-
7 trative jurisdiction over the parcel to the Sec-
8 retary of the Interior.

9 (B) NOTIFICATION OF TRANSFER.—Not
10 later than 30 days after the date on which the
11 Secretary of the Army transfers administrative
12 jurisdiction over a parcel of land of Former
13 Fort Wingate Depot Activity under subpara-
14 graph (A), the Secretary of the Interior shall
15 notify the Zuni Tribe and Navajo Nation of the
16 transfer of administrative jurisdiction over the
17 parcel.

18 (C) TRUST OR RESTRICTED FEE STA-
19 TUS.—

20 (i) TRUST.—Except as provided in
21 clause (ii), the Secretary of the Interior
22 shall hold each parcel of land of Former
23 Fort Wingate Depot Activity transferred
24 under subparagraph (A) in trust—

1 (I) for the Zuni Tribe, in the
2 case of land depicted in blue on the
3 Map; or

4 (II) for the Navajo Nation, in the
5 case of land depicted in green on the
6 Map.

7 (ii) RESTRICTED FEE STATUS.—In
8 lieu of having a parcel of land held in trust
9 under clause (i), the Zuni Tribe, with re-
10 spect to land depicted in blue on the Map,
11 and the Navajo Nation, with respect to
12 land depicted in green on the Map, may
13 elect to have the Secretary of the Interior
14 convey the parcel or any portion of the
15 parcel to it in restricted fee status.

16 (iii) NOTIFICATION OF ELECTION.—
17 Not later than 45 days after the date on
18 which the Zuni Tribe or the Navajo Nation
19 receives notice under subparagraph (B) of
20 the transfer of administrative jurisdiction
21 over a parcel of land of Former Fort
22 Wingate Depot Activity, the Zuni Tribe or
23 the Navajo Nation shall notify the Sec-
24 retary of the Interior of an election under
25 clause (ii) for conveyance of the parcel or

1 any portion of the parcel in restricted fee
2 status.

3 (iv) CONVEYANCE.—As soon as prac-
4 ticable after receipt of a notice from the
5 Zuni Tribe or the Navajo Nation under
6 clause (iii), but in no case later than 6
7 months after receipt of the notice, the Sec-
8 retary of the Interior shall convey, in re-
9 stricted fee status, the parcel of land of
10 Former Fort Wingate Depot Activity cov-
11 ered by the notice to the Zuni Tribe or the
12 Navajo Nation, as the case may be.

13 (v) RESTRICTED FEE STATUS DE-
14 FINED.—For purposes of this section only,
15 the term “restricted fee status”, with re-
16 spect to land conveyed under clause (iv),
17 means that the land so conveyed—

18 (I) shall be owned in fee by the
19 Indian tribe to whom the land is con-
20 veyed;

21 (II) shall be part of the Indian
22 tribe’s Reservation and expressly
23 made subject to the jurisdiction of the
24 Indian Tribe;

1 (III) shall not be sold by the In-
2 dian tribe without the consent of Con-
3 gress;

4 (IV) shall not be subject to tax-
5 ation by a State or local government
6 other than the government of the In-
7 dian tribe; and

8 (V) shall not be subject to any
9 provision of law providing for the re-
10 view or approval by the Secretary of
11 the Interior before an Indian tribe
12 may use the land for any purpose, di-
13 rectly or through agreement with an-
14 other party.

15 (4) SURVEY AND BOUNDARY REQUIREMENTS.—

16 (A) IN GENERAL.—The Secretary of the
17 Interior shall—

18 (i) provide for the survey of lands of
19 Former Fort Wingate Depot Activity taken
20 into trust for the Zuni Tribe or the Navajo
21 Nation or conveyed in restricted fee status
22 for the Zuni Tribe or the Navajo Nation
23 under paragraph (1), (2), or (3); and

1 (ii) establish legal boundaries based
2 on the Map as parcels are taken into trust
3 or conveyed in restricted fee status.

4 (B) CONSULTATION.—Not later than 90
5 days after the date of the enactment of this sec-
6 tion, the Secretary of the Interior shall consult
7 with the Zuni Tribe and the Navajo Nation to
8 determine their priorities regarding the order in
9 which parcels should be surveyed and, to the
10 greatest extent feasible, the Secretary shall fol-
11 low these priorities.

12 (5) RELATION TO CERTAIN REGULATIONS.—
13 Part 151 of title 25, Code of Federal Regulations,
14 shall not apply to taking lands of Former Fort
15 Wingate Depot Activity into trust under paragraph
16 (1), (2), or (3).

17 (6) FORT WINGATE LAUNCH COMPLEX LAND
18 STATUS.—Upon certification by the Secretary of De-
19 fense that the area generally depicted as “Fort
20 Wingate Launch Complex” on the Map is no longer
21 required for military purposes and can be trans-
22 ferred to the Secretary of the Interior—

23 (A) the areas generally depicted as
24 “FWLC A” and “FWLC B” on the Map shall
25 be held in trust by the Secretary of the Interior

1 for the Zuni Tribe in accordance with this sub-
2 section; and

3 (B) the areas generally depicted as
4 “FWLC C” and “FWLC D” on the Map shall
5 be held in trust by the Secretary of the Interior
6 for the Navajo Nation in accordance with this
7 subsection.

8 (c) RETENTION OF NECESSARY EASEMENTS AND AC-
9 CESS.—

10 (1) TREATMENT OF EXISTING EASEMENTS,
11 PERMIT RIGHTS, AND RIGHTS-OF-WAY.—

12 (A) IN GENERAL.—The lands of Former
13 Fort Wingate Depot Activity held in trust or
14 conveyed in restricted fee status pursuant to
15 subsection (b) shall be held in trust with ease-
16 ments, permit rights, and rights-of-way, and ac-
17 cess associated with such easements, permit
18 rights, and rights-of-way, of any applicable util-
19 ity service provider in existence or for which an
20 application is pending for existing facilities at
21 the time of the conveyance or change to trust
22 status, including the right to upgrade applicable
23 utility services recognized and preserved, in per-
24 petuity and without the right of revocation (ex-
25 cept as provided in subparagraph (B)).

1 (B) TERMINATION.—An easement, permit
2 right, or right-of-way recognized and preserved
3 under subparagraph (A) shall terminate only—

4 (i) on the relocation of an applicable
5 utility service referred to in subparagraph
6 (A), but only with respect to that portion
7 of the utility facilities that are relocated; or

8 (ii) with the consent of the holder of
9 the easement, permit right, or right-of-
10 way.

11 (C) ADDITIONAL EASEMENTS.—The Sec-
12 retary of the Interior shall grant to a utility
13 service provider, without consideration, such ad-
14 ditional easements across lands held in trust or
15 conveyed in restricted fee status pursuant to
16 subsection (b) as the Secretary considers nec-
17 essary to accommodate the relocation or re-
18 connection of a utility service existing on the
19 date of enactment of this section.

20 (2) ACCESS FOR ENVIRONMENTAL RESPONSE
21 ACTIONS.—The lands of Former Fort Wingate
22 Depot Activity held in trust or conveyed in restricted
23 fee status pursuant to subsection (b) shall be subject
24 to reserved access by the United States as the Sec-
25 retary of the Army and the Secretary of the Interior

1 determine are reasonably required to permit access
2 to lands of Former Fort Wingate Depot Activity for
3 administrative and environmental response purposes.
4 The Secretary of the Army shall provide to the gov-
5 ernments of the Zuni Tribe and the Navajo Nation
6 written copies of all access reservations under this
7 subsection.

8 (3) SHARED ACCESS.—

9 (A) PARCEL 1 SHARED CULTURAL AND RE-
10 LIGIOUS ACCESS.—In the case of the lands of
11 Former Fort Wingate Depot Activity depicted
12 as Parcel 1 on the Map, the lands shall be held
13 in trust subject to a shared easement for cul-
14 tural and religious purposes only. Both the
15 Zuni Tribe and the Navajo Nation shall have
16 unhindered access to their respective cultural
17 and religious sites within Parcel 1. Within 1
18 year after the date of the enactment of this sec-
19 tion, the Zuni Tribe and the Navajo Nation
20 shall exchange detailed information to docu-
21 ment the existence of cultural and religious
22 sites within Parcel 1 for the purpose of carrying
23 out this subparagraph. The information shall
24 also be provided to the Secretary of the Inte-
25 rior.

1 (B) OTHER SHARED ACCESS.—Subject to
2 the written consent of both the Zuni Tribe and
3 the Navajo Nation, the Secretary of the Interior
4 may facilitate shared access to other lands held
5 in trust or restricted fee status pursuant to
6 subsection (b), including, but not limited to, re-
7 ligious and cultural sites.

8 (4) I-40 FRONTAGE ROAD ENTRANCE.—The ac-
9 cess road for the Former Fort Wingate Depot Activ-
10 ity, which originates at the frontage road for Inter-
11 state 40 and leads to the parcel of the Former Fort
12 Wingate Depot Activity depicted as “administration
13 area” on the Map, shall be held in common by the
14 Zuni Tribe and Navajo Nation to provide for equal
15 access to Former Fort Wingate Depot Activity.

16 (5) COMPATIBILITY WITH DEFENSE ACTIVI-
17 TIES.—The lands of Former Fort Wingate Depot
18 Activity held in trust or conveyed in restricted fee
19 status pursuant to subsection (b) shall be subject to
20 reservations by the United States as the Secretary
21 of Defense determines are reasonably required to
22 permit access to lands of the Fort Wingate launch
23 complex for administrative, test operations, and
24 launch operations purposes. The Secretary of De-
25 fense shall provide the governments of the Zuni

1 Tribe and the Navajo Nation written copies of all
2 reservations under this paragraph.

3 (d) ENVIRONMENTAL REMEDIATION.—Nothing in
4 this section shall be construed as alleviating, altering, or
5 affecting the responsibility of the United States for clean-
6 up and remediation of Former Fort Wingate Depot Activ-
7 ity in accordance with the Comprehensive Environmental
8 Response, Compensation, and Liability Act of 1980.

9 (e) PROHIBITION ON GAMING.—Any real property of
10 the Former Fort Wingate Depot Activity and all other real
11 property subject to this section shall not be eligible, or
12 used, for any gaming activity carried out under the Indian
13 Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

14 **TITLE LXXI—MILITARY JUSTICE**
15 **REVIEW PANEL AND ANNUAL**
16 **REPORTS**

17 **SEC. 7101. MILITARY JUSTICE REVIEW PANEL.**

18 Section 946 of title 10, United States Code (article
19 146 of the Uniform Code of Military Justice), is amended
20 to read as follows:

21 **“§ 946. Art. 146. Military Justice Review Panel**

22 “(a) ESTABLISHMENT.—The Secretary of Defense
23 shall establish a panel to conduct independent periodic re-
24 views and assessments of the operation of this chapter.

1 The panel shall be known as the ‘Military Justice Review
2 Panel’, in this section referred to as the ‘Panel’.

3 “(b) MEMBERS.—(1) The Panel shall be composed
4 of thirteen members.

5 “(2) Each of the following shall select one member
6 of the Panel:

7 “(A) The Secretary of Defense (in consultation
8 with the Secretary of the department in which the
9 Coast Guard is operating when it is not operating as
10 a service in the Navy).

11 “(B) The Attorney General.

12 “(C) The Judge Advocates General of the
13 Army, Navy, Air Force, and Coast Guard, and the
14 Staff Judge Advocate to the Commandant of the
15 Marine Corps.

16 “(3) The Secretary of Defense shall select the re-
17 maining members of the Panel, taking into consideration
18 recommendations made by each of the following:

19 “(A) The chairman and ranking minority mem-
20 ber of the Committee on Armed Services of the Sen-
21 ate and the Committee on Armed Services of the
22 House of Representatives.

23 “(B) The Chief Justice of the United States.

24 “(C) The Chief Judge of the United States
25 Court of Appeals for the Armed Forces.

1 “(c) QUALIFICATIONS OF MEMBERS.—The members
2 of the Panel shall be appointed from among private United
3 States citizens with expertise in criminal law, as well as
4 appropriate and diverse experience in investigation, pros-
5 ecution, defense, victim representation, or adjudication
6 with respect to courts-martial, Federal civilian courts, or
7 State courts.

8 “(d) CHAIR.—The Secretary of Defense shall select
9 the chair of the Panel from among the members.

10 “(e) TERM; VACANCIES.—Each member shall be ap-
11 pointed for a term of eight years, and no member may
12 serve more than one term. Any vacancy shall be filled in
13 the same manner as the original appointment.

14 “(f) REVIEWS AND REPORTS.—

15 “(1) INITIAL REVIEW OF RECENT AMENDMENTS
16 TO UCMJ.—During fiscal year 2020, the Panel shall
17 conduct an initial review and assessment of the im-
18 plementation of the amendments made to this chap-
19 ter during the preceding five years. In conducting
20 the initial review and assessment, the Panel may re-
21 view such other aspects of the operation of this
22 chapter as the Panel considers appropriate.

23 “(2) PERIODIC COMPREHENSIVE REVIEWS.—
24 During fiscal year 2024 and every eight years there-

1 after, the Panel shall conduct a comprehensive re-
2 view and assessment of the operation of this chapter.

3 “(3) PERIODIC INTERIM REVIEWS.—During fis-
4 cal year 2028 and every eight years thereafter, the
5 Panel shall conduct an interim review and assess-
6 ment of such other aspects of the operation of this
7 chapter as the Panel considers appropriate. In addi-
8 tion, at the request of the Secretary of Defense, the
9 Panel may, at any time, review and assess other spe-
10 cific matters relating to the operation of this chap-
11 ter.

12 “(4) REPORTS.—Not later than December 31
13 of each year during which the Panel conducts a re-
14 view and assessment under this subsection, the
15 Panel shall submit a report on the results, including
16 the Panel’s findings and recommendations, through
17 the Secretary of Defense to the Committees on
18 Armed Services of the Senate and the House of Rep-
19 resentatives.

20 “(g) HEARINGS.—The Panel may hold such hearings,
21 sit and act at such times and places, take such testimony,
22 and receive such evidence as the Panel considers appro-
23 priate to carry out its duties under this section.

24 “(h) INFORMATION FROM FEDERAL AGENCIES.—
25 Upon request of the chair of the Panel, a department or

1 agency of the Federal Government shall provide informa-
2 tion that the Panel considers necessary to carry out its
3 duties under this section.

4 “(i) ADMINISTRATIVE MATTERS.—

5 “(1) MEMBERS TO SERVE WITHOUT PAY.—

6 Members of the Panel shall serve without pay, but
7 shall be allowed travel expenses, including per diem
8 in lieu of subsistence, at rates authorized for em-
9 ployees of agencies under subchapter I of chapter 57
10 of title 5, while away from their homes or regular
11 places of business in the performance of services for
12 the Panel.

13 “(2) STAFFING AND RESOURCES.—The Sec-
14 retary of Defense shall provide staffing and re-
15 sources to support the Panel.

16 “(j) NO TERMINATION.—The authority of the Panel
17 under this section does not terminate.”.

18 **SEC. 7102. ANNUAL REPORTS.**

19 Subchapter XII of chapter 47 of title 10, United
20 States Code (the Uniform Code of Military Justice), is
21 amended by adding at the end the following new section
22 (article):

23 **“§ 946a. Art. 146a. Annual reports**

24 “(a) COURT OF APPEALS FOR THE ARMED
25 FORCES.—Not later than December 31 of each year, the

1 Court of Appeals for the Armed Forces shall submit a re-
2 port that, with respect to the previous fiscal year, provides
3 information on the number and status of pending cases
4 and such other matters as the Court considers appropriate
5 regarding the operation of this chapter.

6 “(b) SERVICE REPORTS.—Not later than December
7 31 of each year, the Judge Advocates General and the
8 Staff Judge Advocate to the Commandant of the Marine
9 Corps shall each submit a report, with respect to the pre-
10 ceding fiscal year, containing the following:

11 “(1) Data on the number and status of pending
12 cases.

13 “(2) Information on the appellate review proc-
14 ess, including—

15 “(A) information on compliance with proc-
16 essing time goals;

17 “(B) descriptions of the circumstances sur-
18 rounding cases in which general or special
19 court-martial convictions were (i) reversed be-
20 cause of command influence or denial of the
21 right to speedy review or (ii) otherwise remitted
22 because of loss of records of trial or other ad-
23 ministrative deficiencies; and

1 “(C) an analysis of each case in which a
2 provision of this chapter was held unconstitu-
3 tional.

4 “(3)(A) An explanation of measures imple-
5 mented by the armed force involved to ensure the
6 ability of judge advocates—

7 “(i) to participate competently as trial
8 counsel and defense counsel in cases under
9 this chapter;

10 “(ii) to preside as military judges in
11 cases under this chapter; and

12 “(iii) to perform the duties of Special
13 Victims’ Counsel, when so designated
14 under section 1044e of this title.

15 “(B) The explanation under subparagraph
16 (A) shall specifically identify the measures that
17 focus on capital cases, national security cases,
18 sexual assault cases, and proceedings of mili-
19 tary commissions.

20 “(4) The independent views of each Judge Ad-
21 vocate General and of the Staff Judge Advocate to
22 the Commandant of the Marine Corps as to the suf-
23 ficiency of resources available within the respective
24 armed forces, including total workforce, funding,

1 training, and officer and enlisted grade structure, to
 2 capably perform military justice functions.

3 “(5) Such other matters regarding the oper-
 4 ation of this chapter as may be appropriate.

5 “(c) SUBMISSION.—Each report under this section
 6 shall be submitted—

7 “(1) to the Committee on Armed Services of
 8 the Senate and the Committee on Armed Services of
 9 the House of Representatives; and

10 “(2) to the Secretary of Defense, the Secre-
 11 taries of the military departments, and the Secretary
 12 of the department in which the Coast Guard is oper-
 13 ating when it is not operating as a service in the
 14 Navy.”.

15 **TITLE LXXII—CONFORMING**
 16 **AMENDMENTS AND EFFEC-**
 17 **TIVE DATES**

18 **SEC. 7201. AMENDMENTS TO UCMJ SUBCHAPTER TABLES**
 19 **OF SECTIONS.**

20 The tables of sections for the specified subchapters
 21 of chapter 47 of title 10, United States Code (the Uniform
 22 Code of Military Justice), are amended as follows:

23 (1) The table of sections at the beginning of
 24 subchapter II is amended by striking the item relat-

1 ing to section 810 and inserting the following new
2 item:

“810. 10. Restraint of persons charged.”.

3 (2) The table of sections at the beginning of
4 subchapter II, as amended by paragraph (1), is
5 amended by striking the item relating to section 812
6 and inserting the following new item:

“812. 12. Prohibition of confinement of armed forces members with enemy pris-
oners and certain others.”.

7 (3) The table of sections at the beginning of
8 subchapter V is amended by striking the item relat-
9 ing to section 825a and inserting the following new
10 item:

“825. 25a. Number of court-martial members in capital cases.”.

11 (4) The table of sections at the beginning of
12 subchapter V, as amended by paragraph (3), is
13 amended by inserting after the item relating to sec-
14 tion 826 the following new item:

“826a. 26a. Military magistrates.”.

15 (5) The table of sections at the beginning of
16 subchapter V, as amended by paragraphs (3) and
17 (4), is amended by striking the item relating to sec-
18 tion 829 and inserting the following new item:

“829. 29. Assembly and impaneling of members; detail of new members and
military judges.”.

1 (6) The table of sections at the beginning of
2 subchapter VI is amended by inserting after the
3 item relating to section 830 the following new item:

“830. 30a. Proceedings conducted before referral.”.

4 (7) The table of sections at the beginning of
5 subchapter VI, as amended by paragraph (6), is
6 amended by striking the item relating to section 832
7 and inserting the following new item:

“832. 32. Preliminary hearing required before referral to general court-mar-tial.”.

8 (8) The table of sections at the beginning of
9 subchapter VI, as amended by paragraphs (6) and
10 (7), is amended by striking the item relating to sec-
11 tion 833 and inserting the following new item:

“833. 33. Disposition guidance.”.

12 (9) The table of sections at the beginning of
13 subchapter VI, as amended by paragraphs (6), (7),
14 and (8), is amended by striking the item relating to
15 section 834 and inserting the following new item:

“834. 34. Advice to convening authority before referral for trial.”.

16 (10) The table of sections at the beginning of
17 subchapter VI, as amended by paragraphs (6), (7),
18 (8), and (9), is amended by striking the item relat-
19 ing to section 835 and inserting the following new
20 item:

“835. 35. Service of charges; commencement of trial.”.

1 (11) The table of sections at the beginning of
2 subchapter VII is amended by striking the item re-
3 lating to section 847 and inserting the following new
4 item:

“8470. 47. Refusal of person not subject to chapter to appear, testify, or
produce evidence.”.

5 (12) The table of sections at the beginning of
6 subchapter VII, as amended by paragraph (11), is
7 amended by striking the item relating to section 848
8 and inserting the following new item:

“848. 48. Contempt.”.

9 (13) The table of sections at the beginning of
10 subchapter VII, as amended by paragraphs (11) and
11 (12), is amended by striking the item relating to sec-
12 tion 850 and inserting the following new item:

“850. 50. Admissibility of sworn testimony from records of courts of inquiry.”.

13 (14) The table of sections at the beginning of
14 subchapter VII, as amended by paragraphs (11),
15 (12), and (13), is amended by striking the item re-
16 lating to section 852 and inserting the following new
17 item:

“852. 52. Votes required for conviction, sentencing, and other matters.”.

18 (15) The table of sections at the beginning of
19 subchapter VII, as amended by paragraphs (11),
20 (12), (13), and (14), is amended by striking the

1 item relating to section 853 and inserting the fol-
2 lowing new item:

“853. 53. Findings and sentencing.”.

3 (16) The table of sections at the beginning of
4 subchapter VIII is amended by striking the item re-
5 lating to section 856 and inserting the following new
6 item:

“856. 56. Sentencing.”.

7 (17) The table of sections at the beginning of
8 subchapter VIII, as amended by paragraph (16), is
9 amended by striking the items relating to section
10 856a and 857a.

11 (18) The table of sections at the beginning of
12 subchapter IX is amended by striking the item relat-
13 ing to section 860 and inserting the following new
14 item:

“860. 60. Post-trial processing in general and special courts-martial.”.

15 (19) The table of sections at the beginning of
16 subchapter IX is amended by inserting after the
17 item relating to section 860, as amended by para-
18 graph (18), the following new items:

“860a. 60a. Limited authority to act on sentence in specified post-trial cir-
cumstances.

“860b. 60b. Post-trial actions in summary courts-martial and certain general
and special courts-martial.

“860c. 60c. Entry of judgment.”.

19 (20) The table of sections at the beginning of
20 subchapter IX, as amended by paragraphs (18) and

1 (19), is amended by striking the item relating to sec-
2 tion 861 and inserting the following new item:

“861. 61. Waiver of right to appeal; withdrawal of appeal.”.

3 (21) The table of sections at the beginning of
4 subchapter IX, as amended by paragraphs (18),
5 (19), and (20), is amended by striking the item re-
6 lating to section 864 and inserting the following new
7 item:

“864. 64. Judge advocate review of finding of guilty in summary court-mar-
tial.”.

8 (22) The table of sections at the beginning of
9 subchapter IX, as amended by paragraphs (18),
10 (19), (20), and (21), is amended by striking the
11 item relating to section 865 and inserting the fol-
12 lowing new item:

“865. 65. Transmittal and review of records.”.

13 (23) The table of sections at the beginning of
14 subchapter IX, as amended by paragraphs (18),
15 (19), (20), (21), and (22), is amended by striking
16 the item relating to section 866 and inserting the
17 following new item:

“866. 66. Courts of Criminal Appeals.”.

18 (24) The table of sections at the beginning of
19 subchapter IX, as amended by paragraphs (18),
20 (19), (20), and (21), (22), and (23), is amended by

1 striking the item relating to section 869 and insert-
2 ing the following new item:

“869. 69. Review by Judge Advocate General.”.

3 (25) The table of sections at the beginning of
4 subchapter IX, as amended by paragraphs (18),
5 (19), (20), (21), (22), (23), and (24), is amended by
6 striking the item relating to section 871 and insert-
7 ing the following new item:

“871. 71. [Repealed.]”.

8 (26) The table of sections at the beginning of
9 subchapter XI is amended by striking the item relat-
10 ing to section 936 and inserting the following new
11 item:

“936. 136. Authority to administer oaths.”.

12 (27) The table of sections at the beginning of
13 subchapter XI, as amended by paragraph (26), is
14 amended by inserting after the item relating to sec-
15 tion 940 the following new item:

“940a. 140a. Case management; data collection and accessibility.”.

16 (28) The table of sections at the beginning of
17 subchapter XII is amended by striking the item re-
18 lating to section 946 and inserting the following new
19 items:

“946. 146. Military Justice Review Panel.

“946a. 146a. Annual reports.”.

1 **SEC. 7202. EFFECTIVE DATES.**

2 (a) Except as otherwise provided in this division, the
3 amendments made by this division shall take effect on the
4 first day of the first calendar month that begins two years
5 after the date of the enactment of this Act.

6 (b) The amendments made by this division shall not
7 apply to any case in which charges are referred to trial
8 by court-martial before the effective date of such amend-
9 ments. Proceedings in any such case shall be held in the
10 same manner and with the same effect as if such amend-
11 ments had not been enacted.

12 (c)(1)(A) The amendments made by title LX shall
13 not apply to any offense committed before the effective
14 date of such amendments.

15 (B) Nothing in subparagraph (A) shall be construed
16 to invalidate the prosecution of any offense committed be-
17 fore the effective date of such amendments.

18 (2) The regulations prescribing the authorized pun-
19 ishments for any offense committed before the effective
20 date of the amendments made by title LVIII shall apply
21 the authorized punishments for the offense, as in effect
22 at the time the offense is committed.

1 **TITLE LXXIII—GUAM WORLD**
2 **WAR II LOYALTY RECOGNI-**
3 **TION ACT**

4 **SEC. 7301. SHORT TITLE.**

5 This title may be cited as the “Guam World War II
6 Loyalty Recognition Act”.

7 **SEC. 7302. RECOGNITION OF THE SUFFERING AND LOY-**
8 **ALTY OF THE RESIDENTS OF GUAM.**

9 (a) RECOGNITION OF THE SUFFERING OF THE RESI-
10 DENTS OF GUAM.—The United States recognizes that, as
11 described by the Guam War Claims Review Commission,
12 the residents of Guam, on account of their United States
13 nationality, suffered unspeakable harm as a result of the
14 occupation of Guam by Imperial Japanese military forces
15 during World War II, by being subjected to death, rape,
16 severe personal injury, personal injury, forced labor,
17 forced march, or internment.

18 (b) RECOGNITION OF THE LOYALTY OF THE RESI-
19 DENTS OF GUAM.—The United States forever will be
20 grateful to the residents of Guam for their steadfast loy-
21 alty to the United States, as demonstrated by the count-
22 less acts of courage they performed despite the threat of
23 death or great bodily harm they faced at the hands of the
24 Imperial Japanese military forces that occupied Guam
25 during World War II.

1 **SEC. 7303. GUAM WORLD WAR II CLAIMS FUND.**

2 (a) ESTABLISHMENT OF FUND.—The Secretary of
3 the Treasury shall establish in the Treasury of the United
4 States a special fund (in this title referred to as the
5 “Claims Fund”) for the payment of claims submitted by
6 compensable Guam victims and survivors of compensable
7 Guam decedents in accordance with sections 7304 and
8 7305.

9 (b) COMPOSITION OF FUND.—The Claims Fund es-
10 tablished under subsection (a) shall be composed of
11 amounts deposited into the Claims Fund under subsection
12 (c) and any other payments made available for the pay-
13 ment of claims under this title.

14 (c) PAYMENT OF CERTAIN DUTIES, TAXES, AND
15 FEES COLLECTED FROM GUAM DEPOSITED INTO
16 FUND.—

17 (1) IN GENERAL.—Notwithstanding section 30
18 of the Organic Act of Guam (48 U.S.C. 1421h), the
19 excess of—

20 (A) any amount of duties, taxes, and fees
21 collected under such section after fiscal year
22 2014, over

23 (B) the amount of duties, taxes, and fees
24 collected under such section during fiscal year
25 2014,

26 shall be deposited into the Claims Fund.

1 (2) APPLICATION.—Paragraph (1) shall not
2 apply after the date for which the Secretary of the
3 Treasury determines that all payments required to
4 be made under section 7304 have been made.

5 (d) LIMITATION ON PAYMENTS MADE FROM
6 FUND.—

7 (1) IN GENERAL.—No payment may be made in
8 a fiscal year under section 7304 until funds are de-
9 posited into the Claims Fund in such fiscal year
10 under subsection (c).

11 (2) AMOUNTS.—For each fiscal year in which
12 funds are deposited into the Claims Fund under
13 subsection (c), the total amount of payments made
14 in a fiscal year under section 7304 may not exceed
15 the amount of funds available in the Claims Fund
16 for such fiscal year.

17 (e) DEDUCTIONS FROM FUND FOR ADMINISTRATIVE
18 EXPENSES.—The Secretary of the Treasury shall deduct
19 from any amounts deposited into the Claims Fund an
20 amount equal to 5 percent of such amounts as reimburse-
21 ment to the Federal Government for expenses incurred by
22 the Foreign Claims Settlement Commission and by the
23 Department of the Treasury in the administration of this
24 title. The amounts so deducted shall be covered into the
25 Treasury as miscellaneous receipts.

1 **SEC. 7304. PAYMENTS FOR GUAM WORLD WAR II CLAIMS.**

2 (a) PAYMENTS FOR DEATH, PERSONAL INJURY,
3 FORCED LABOR, FORCED MARCH, AND INTERNMENT.—

4 After the Secretary of the Treasury receives the certifi-
5 cation from the Chairman of the Foreign Claims Settle-
6 ment Commission as required under section 7305(b)(8),
7 the Secretary of the Treasury shall make payments, sub-
8 ject to the availability of appropriations, to compensable
9 Guam victims and survivors of a compensable Guam dece-
10 dents as follows:

11 (1) COMPENSABLE GUAM VICTIM.—Before mak-
12 ing any payments under paragraph (2), the Sec-
13 retary shall make payments to compensable Guam
14 victims as follows:

15 (A) In the case of a victim who has suf-
16 fered an injury described in subsection
17 (c)(2)(A), \$15,000.

18 (B) In the case of a victim who is not de-
19 scribed in subparagraph (A), but who has suf-
20 fered an injury described in subsection
21 (c)(2)(B), \$12,000.

22 (C) In the case of a victim who is not de-
23 scribed in subparagraph (A) or (B), but who
24 has suffered an injury described in subsection
25 (c)(2)(C), \$10,000.

1 (2) SURVIVORS OF COMPENSABLE GUAM DECE-
2 DENTS.—In the case of a compensable Guam dece-
3 dent, the Secretary shall pay \$25,000 for distribu-
4 tion to survivors of the decedent in accordance with
5 subsection (b). The Secretary shall make payments
6 under this paragraph only after all payments are
7 made under paragraph (1).

8 (b) DISTRIBUTION OF SURVIVOR PAYMENTS.—A
9 payment made under subsection (a)(2) to the survivors of
10 a compensable Guam decedent shall be distributed as fol-
11 lows:

12 (1) In the case of a decedent whose spouse is
13 living as of the date of the enactment of this Act,
14 but who had no living children as of such date, the
15 payment shall be made to such spouse.

16 (2) In the case of a decedent whose spouse is
17 living as of the date of the enactment of this Act
18 and who had one or more living children as of such
19 date, 50 percent of the payment shall be made to the
20 spouse and 50 percent shall be made to such chil-
21 dren, to be divided among such children to the
22 greatest extent possible into equal shares.

23 (3) In the case of a decedent whose spouse is
24 not living as of the date of the enactment of this Act
25 and who had one or more living children as of such

1 date, the payment shall be made to such children, to
2 be divided among such children to the greatest ex-
3 tent possible into equal shares.

4 (4) In the case of a decedent whose spouse is
5 not living as of the date of the enactment of this Act
6 and who had no living children as of such date, but
7 who—

8 (A) had a parent who is living as of such
9 date, the payment shall be made to the parent;
10 or

11 (B) had two parents who are living as of
12 such date, the payment shall be divided equally
13 between the parents.

14 (5) In the case of a decedent whose spouse is
15 not living as of the date of the enactment of this
16 Act, who had no living children as of such date, and
17 who had no parents who are living as of such date,
18 no payment shall be made.

19 (c) DEFINITIONS.—For purposes of this title:

20 (1) COMPENSABLE GUAM DECEDENT.—The
21 term “compensable Guam decedent” means an indi-
22 vidual determined under section 7305 to have been
23 a resident of Guam who died as a result of the at-
24 tack and occupation of Guam by Imperial Japanese
25 military forces during World War II, or incident to

1 the liberation of Guam by United States military
2 forces, and whose death would have been compen-
3 sable under the Guam Meritorious Claims Act of
4 1945 (Public Law 79–224) if a timely claim had
5 been filed under the terms of such Act.

6 (2) COMPENSABLE GUAM VICTIM.—The term
7 “compensable Guam victim” means an individual
8 who is not deceased as of the date of the enactment
9 of this Act and who is determined under section
10 7305 to have suffered, as a result of the attack and
11 occupation of Guam by Imperial Japanese military
12 forces during World War II, or incident to the lib-
13 eration of Guam by United States military forces,
14 any of the following:

15 (A) Rape or severe personal injury (such
16 as loss of a limb, dismemberment, or paralysis).

17 (B) Forced labor or a personal injury not
18 under subparagraph (A) (such as disfigure-
19 ment, scarring, or burns).

20 (C) Forced march, internment, or hiding
21 to evade internment.

22 (3) DEFINITIONS OF SEVERE PERSONAL INJU-
23 RIES AND PERSONAL INJURIES.—Not later than 180
24 days after the date of the enactment of this Act, the
25 Foreign Claims Settlement Commission shall pro-

1 mulgate regulations to specify the injuries that con-
2 stitute a severe personal injury or a personal injury
3 for purposes of subparagraphs (A) and (B), respec-
4 tively, of paragraph (2).

5 **SEC. 7305. ADJUDICATION.**

6 (a) **AUTHORITY OF FOREIGN CLAIMS SETTLEMENT**
7 **COMMISSION.—**

8 (1) **IN GENERAL.—**The Foreign Claims Settle-
9 ment Commission shall adjudicate claims and deter-
10 mine the eligibility of individuals for payments under
11 section 7304.

12 (2) **RULES AND REGULATIONS.—**Not later than
13 180 days after the date of the enactment of this Act,
14 the Chairman of the Foreign Claims Settlement
15 Commission shall publish in the Federal Register
16 such rules and regulations as may be necessary to
17 enable the Commission to carry out the functions of
18 the Commission under this title.

19 (b) **CLAIMS SUBMITTED FOR PAYMENTS.—**

20 (1) **SUBMITTAL OF CLAIM.—**For purposes of
21 subsection (a)(1) and subject to paragraph (2), the
22 Foreign Claims Settlement Commission may not de-
23 termine an individual is eligible for a payment under
24 section 7304 unless the individual submits to the
25 Commission a claim in such manner and form and

1 containing such information as the Commission
2 specifies.

3 (2) FILING PERIOD FOR CLAIMS AND NOTICE.—

4 (A) FILING PERIOD.—An individual filing
5 a claim for a payment under section 7304 shall
6 file such claim not later than one year after the
7 date on which the Foreign Claims Settlement
8 Commission publishes the notice described in
9 subparagraph (B).

10 (B) NOTICE OF FILING PERIOD.—Not later
11 than 180 days after the date of the enactment
12 of this Act, the Foreign Claims Settlement
13 Commission shall publish a notice of the dead-
14 line for filing a claim described in subparagraph

15 (A)—

16 (i) in the Federal Register; and

17 (ii) in newspaper, radio, and television
18 media in Guam.

19 (3) ADJUDICATORY DECISIONS.—The decision
20 of the Foreign Claims Settlement Commission on
21 each claim filed under this title shall—

22 (A) be by majority vote;

23 (B) be in writing;

24 (C) state the reasons for the approval or
25 denial of the claim; and

1 (D) if approved, state the amount of the
2 payment awarded and the distribution, if any,
3 to be made of the payment.

4 (4) DEDUCTIONS IN PAYMENT.—The Foreign
5 Claims Settlement Commission shall deduct, from a
6 payment made to a compensable Guam victim or
7 survivors of a compensable Guam decedent under
8 this section, amounts paid to such victim or sur-
9 vivors under the Guam Meritorious Claims Act of
10 1945 (Public Law 79–224) before the date of the
11 enactment of this Act.

12 (5) INTEREST.—No interest shall be paid on
13 payments made by the Foreign Claims Settlement
14 Commission under section 7304.

15 (6) LIMITED COMPENSATION FOR PROVISION
16 OF REPRESENTATIONAL SERVICES.—

17 (A) LIMIT ON COMPENSATION.—Any
18 agreement under which an individual who pro-
19 vided representational services to an individual
20 who filed a claim for a payment under this title
21 that provides for compensation to the individual
22 who provided such services in an amount that
23 is more than one percent of the total amount of
24 such payment shall be unlawful and void.

1 (B) PENALTIES.—Whoever demands or re-
2 ceives any compensation in excess of the
3 amount allowed under subparagraph (A) shall
4 be fined not more than \$5,000 or imprisoned
5 not more than one year, or both.

6 (7) APPEALS AND FINALITY.—Objections and
7 appeals of decisions of the Foreign Claims Settle-
8 ment Commission shall be to the Commission, and
9 upon rehearing, the decision in each claim shall be
10 final, and not subject to further review by any court
11 or agency.

12 (8) CERTIFICATIONS FOR PAYMENT.—After a
13 decision approving a claim becomes final, the Chair-
14 man of the Foreign Claims Settlement Commission
15 shall certify such decision to the Secretary of the
16 Treasury for authorization of a payment under sec-
17 tion 7304.

18 (9) TREATMENT OF AFFIDAVITS.—For pur-
19 poses of section 7304 and subject to paragraph (2),
20 the Foreign Claims Settlement Commission shall
21 treat a claim that is accompanied by an affidavit of
22 an individual that attests to all of the material facts
23 required for establishing the eligibility of such indi-
24 vidual for payment under such section as estab-
25 lishing a prima facie case of the eligibility of the in-

1 dividual for such payment without the need for fur-
2 ther documentation, except as the Commission may
3 otherwise require. Such material facts shall include,
4 with respect to a claim for a payment made under
5 section 7304(a), a detailed description of the injury
6 or other circumstance supporting the claim involved,
7 including the level of payment sought.

8 (10) **RELEASE OF RELATED CLAIMS.**—Accept-
9 ance of a payment under section 7304 by an indi-
10 vidual for a claim related to a compensable Guam
11 decendent or a compensable Guam victim shall be in
12 full satisfaction of all claims related to such dece-
13 dent or victim, respectively, arising under the Guam
14 Meritorious Claims Act of 1945 (Public Law 79–
15 224), the implementing regulations issued by the
16 United States Navy pursuant to such Act (Public
17 Law 79–224), or this title.

18 **SEC. 7306. GRANTS PROGRAM TO MEMORIALIZE THE OCCU-**
19 **PATION OF GUAM DURING WORLD WAR II.**

20 (a) **ESTABLISHMENT.**—Subject to subsection (b), the
21 Secretary of the Interior shall establish a grant program
22 under which the Secretary shall award grants for research,
23 educational, and media activities for purposes of appro-
24 priately illuminating and interpreting the causes and cir-

1 cumstances of the occupation of Guam during World War
2 II and other similar occupations during the war that—

3 (1) memorialize the events surrounding such oc-
4 cupation; or

5 (2) honor the loyalty of the people of Guam
6 during such occupation.

7 (b) ELIGIBILITY.—The Secretary of the Interior may
8 not award a grant under subsection (a) unless the person
9 seeking the grant submits an application to the Secretary
10 for such grant, in such time, manner, and form and con-
11 taining such information as the Secretary specifies.

12 **SEC. 7307. AUTHORIZATION OF APPROPRIATIONS.**

13 (a) GUAM WORLD WAR II CLAIMS PAYMENTS AND
14 ADJUDICATION.—For the purposes of carrying out sec-
15 tions 7304 and 7305, there is authorized to be appro-
16 priated for any fiscal year beginning after the date of en-
17 actment of this act, an amount equal to the amount depos-
18 ited into the Claims Fund in a fiscal year under section
19 7303. Not more than 5 percent of funds made available
20 under this subsection shall be used for administrative
21 costs. Amounts appropriated under this section may re-
22 main available until expended.

23 (b) GUAM WORLD WAR II GRANTS PROGRAM.—For
24 purposes of carrying out section 7306, there are author-

- 1 ized to be appropriated \$5,000,000 for each fiscal year
- 2 beginning after the date of the enactment of this Act.

Passed the House of Representatives May 18, 2016.

Attest:

Clerk.

114TH CONGRESS
2^D SESSION

H. R. 4909

AN ACT

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